



# POLICY AND PROCEDURE

NO.400.7

## Firearms Guidelines

Date Issued December 2, 2015	Date Effective December 2, 2015	Revision No. 4	No. of pages 5
---------------------------------	------------------------------------	-------------------	-------------------

Police Officers are issued firearms and trained in their use for self-protection, for the protection of the public and to be utilized in accordance with the **WPD Use of Force Policy**.

An officer is authorized to use deadly force to:

- A. Protect the officer and/or another person(s) from an unlawful attack, which the officer reasonably perceives as an immediate threat of death or serious physical injury.  
Under no circumstances may deadly force be used for the sole purpose of protecting or preserving property.
- B. **Fleeing Felon:** Can only use deadly force if the officers are presented with a deadly threat to themselves or another. Whenever it is both practical and reasonable, a clear warning to the fleeing felon is required prior to the use of deadly force. Deadly force may never be used to stop or apprehend a fleeing misdemeanor.
- C. Render harmless an animal which presents a clear and immediate danger of death or serious injury to a human being, or an animal which is so severely injured that humanity requires its removal from further suffering.
  - Officers who find it necessary to discharge firearms in this situation shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.
  - Where feasible, children should not be present.

A police officer may also discharge a weapon under the following circumstances:

1. For authorized target practice, competition, or demonstration (testing) with weapons authorized by the department.
2. Annual or required department qualification or proficiency testing.

### WARNING SHOTS:

Because of the danger of unintentional death or injury, warning shots are prohibited

### SIGNALING DEVICES:

Firearms shall not be used as signaling devices or to summon assistance.

### MOVING VEHICLES:

1. *Officers shall not discharge a firearm from within a moving vehicle.*
2. Discharging a firearm at a moving vehicle by an officer is prohibited, except to defend himself or

another when the police officer reasonably believes there is immediate threat of great bodily harm to the police officer or others, and the officer reasonably believes that he will not endanger innocent persons.

3. Firing strictly to disable a vehicle is prohibited.
4. In every incident, the officer shall make an effort, if circumstances allow, to note the approximate location of vehicular and pedestrian traffic and the potential hazard to innocent persons.
5. Firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target, or when there is substantial risk to the safety of other persons, including risks associated with vehicle accidents.
6. Every precaution shall be taken to ensure the safety of the general public in the vicinity.

### **DRAWING OR DISPLAYING:**

An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress, etc.) the officer should carry his firearm in a position that will facilitate its speedy, effective, and safe use.

### **PERMISSIBLE WEAPONS AND AMMUNITION:**

1. Officers shall only carry firearms and ammunition issued or authorized by the department while on duty. Officers shall carry their issued service weapon while on duty unless authorized by the Chief of Police to carry a different weapon.
2. An officer shall not alter or modify his firearms, ammunition, or firearm related equipment in any way without the express permission of the Chief of Police or after review and testing by department authorized firearm or defensive tactic instructors. Under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts, unless prohibited by a court order.

Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft.

Officers are responsible for keeping their issued weapons clean and in good working order. A weapon, which malfunctions, shall be returned to the department's Armorer forthwith.

### **TRAINING AND QUALIFICATIONS:**

1. All officers shall qualify with their issued service weapon(s) and any other weapon they are authorized to carry while on duty at least annually.
2. Qualifications shall be under the direction of the department's Firearms Instructor.
3. Following a reasonable period of practice and training, all officers will be expected to qualify in accordance with the standards established by the WPD, MPTC and any other current applicable law enforcement procedures.
4. Officers who fail to qualify with their service weapon(s) shall be denied permission to carry such

weapon. The officers will receive additional instruction and will be given a reasonable amount of time to qualify while assigned to administrative duty.

5. Qualification shall include an inspection of any firearm used by the officer to ensure that it is in good working condition.
6. No member of this department will be authorized to carry a firearm until he has:
  - a. Been issued a copy of the Department's **Use of Force** policy and **Use of Firearms** guidelines, received instruction and successfully passed a written examination on same;
  - b. Qualified at the range and demonstrated all applicable weapon handling safety procedures.

#### **OFF-DUTY WEAPONS:**

1. Any weapon that an officer carries on his person while off duty for protection or to enable him to take action as a police officer (especially a weapon carried by an officer to and from an assigned tour of duty), excluding the officer's issued service weapon, will be considered an off-duty weapon.
2. All police officers must carry department issued/approved firearms while on duty. Any and all weapons, when carried "off-duty" must first be approved by the primary firearms instructor through the office of the Chief of Police. A record shall be made indicating weapon type, caliber, serial # and any other identifying information. This is necessary so that police officers will be indemnified by the City of Worcester when weapons are used as a result of a police action taken by an officer.
3. All approved off-duty weapons must be carried in a type of holster designed for such weapon.
4. All Police Officers shall demonstrate familiarization and proficiency with their off-duty weapon on at least an annual basis to the satisfaction of the primary firearms training officer. It is the responsibility of the individual officer to arrange such training and provide required documentation with the primary firearms training officer, other certified members of Training Division or officials assigned to this duty per the Chief of Police. These standards shall be in line with the official qualification procedures listed above.
5. Any officer who has not qualified with his approved off-duty weapon may not be indemnified by the City of Worcester for any use of such weapon until such time as the officer has qualified. The officer may, however, carry his service weapon while off duty (if he/she has qualified with it).
6. Officers are reminded that their license to carry applies only to Massachusetts. Carrying a firearm in or through any other state is subject to that state's laws and local ordinances.
7. Under a recent addition to M.G.L. regarding firearms; each weapon stored in a residence must minimally be secured by a trigger lock that prevents unauthorized use of the firearm.

#### **SPECIAL WEAPONS:**

Unless authorized to be carried in the police vehicle at all times by the Chief of Police, special weapons (shotguns, sniper rifles, etc., and ammunition for same) will be maintained in a secure area of the police department.

When not carried in the patrol vehicle on routine patrol, special weapons will only be issued, with the knowledge and permission of the officer in charge of the police station, to officers who have qualified with them or authorized members of special trained personnel (S.W.A.T.).

## **REPORTING PROCEDURES:**

When an officer discharges a firearm, is a reportable Use of Force. See policy # 400, Use of Force (section X, Reporting Use of Force Incidents).

In addition, the Commanding Officer will assign an officer of supervisory level to:

1. Conduct a preliminary investigation of the incident and file a complete report through channels to the Chief of Police, with copies of the report to be provided to the Detective Bureau and Internal Affairs.
2. Impound the weapon if bodily injury has occurred and issue a replacement weapon to the officer.
3. Impound related articles, secure the scene and have the photographs taken.
4. Turn over the impounded weapon and evidentiary items to the Detective Bureau, which will have the primary investigatory responsibility, with Internal Affairs and the officer's Commanding Officer working in conjunction with the Detective Bureau.
5. Notify the Crime Scene Unit and the Department Armorer to insure that the weapon is safely received, stored and transported for analysis.

At the completion of the investigation of the circumstances surrounding the discharge of a firearm, the Detective Bureau will submit a detailed report to the Chief of Police with copies to Professional Standards and the officer's Commanding Officer.

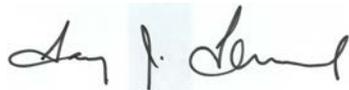
As stated, in addition to this report, the officer's Commanding Officer will submit a report to the Chief of Police.

In the event that an officer is involved in any shooting incident, either being shot at, or in the event that he/she fires their weapon at someone, his/her Unit Commander or designee will forthwith notify the Director of the Stress Unit. This officer will immediately be assigned to the Office of the Chief of Police, and will be directly supervised by the Stress Unit Director or his Designee. The Stress Unit Director or Designee will initiate supportive services for said officer and/or family members, and a recommendation will be made as to when the involved officer(s) can return to active service. A concurrent recommendation will also be made to the Chief of police by the Deputy Chief and Commanding Officer of the Investigative Divisions concerning the officer's return to duty.

A committee consisting of members of the Training Division, Bureau of Professional Standards, a representative from the involved officer's chain of command, as well as other relevant officials and officers as identified by the Chief of Police will be convened specifically to determine if the occurrence comports with policy guidelines and to determine what, if any, training needs exist as it relates to both the individual officer and department wide. Their findings and recommendations will be forwarded to the Chief of Police or his designee for review.

Before returning to service and after their firearm has been reissued, the officer(s) shall be required to discharge their firearm under the direction of a member of the Training Division.

Per:

A handwritten signature in black ink, appearing to read "Gary J. Gemme". The signature is written in a cursive style and is positioned above the printed name.

*Gary J. Gemme*

Chief of Police

(Policy #450 Use of Firearms September 3, 1993 was revised March 15, 2002.)

(Policy #450 changed to Firearms Guidelines 400.7 and revised April 13, 2007)

(Firearms Guidelines 400.7 revised October 13, 2011 Reporting Procedures updated)

(Firearms Guidelines 400.7 revised December 02, 2015 Review committee page 4 added)