

 Lexington Police Department	<u>Subject:</u> Firearms					<u>Policy Number:</u> 41C	
	<u>Accreditation Standards:</u> Reference: 1.2.2; 1.3.4; 1.3.9; 1.3.10; 1.3.11; 16.3.6					<u>Effective Date:</u> 3/11/13	
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<u>Revision</u> <u>Dates:</u>	5/31/20					
<u>By Order of:</u> Mark J. Corr, Chief of Police							

GENERAL CONSIDERATIONS AND GUIDELINES

Police officers are issued firearms and are trained in their use, for self-protection and for the protection of the public in the community in which they serve. The use of a firearm is the highest degree of force a police officer may apply and the decision to use a firearm is the most critical judgment a police officer is called upon to make.

The moment an officer discharges a firearm the action is irreversible. It is too late to ponder whether or not the action is legally and justifiably correct. On the other hand, an officer who hesitates and acts indecisively is potentially risking injury or death to themselves and/or another person. If a life-threatening situation should arise, then officers must be prepared to act decisively and correctly.

A thorough and continuing firearms training program will be provided to every officer of the Lexington Police Department. The training programs are designed to develop the necessary skills to effectively use firearms and to teach the safety precautions associated with firearms handling. Included in these training programs shall be instruction on when and how to use a firearm. This Department will follow training and qualification standards set by the Municipal Police Training Council (MPTC).

As permitted in **M.G.L. Ch. 41, sec 98** every Lexington Police Officer shall be issued, or authorized by the chief of police to carry specific firearms. Strict criteria shall be adhered to when determining the types of firearms and ammunition officers will be permitted to use while performing law enforcement activities. [1.2.2]

Officers shall ensure each and every firearm they are issued and/or authorized to carry are properly secured either at the Police Station, or at home when not being carried by the officer pursuant to M.G.L. Ch. 140, sec 131L (proper storage / securing of a firearm) [1.3.9(f)]
Less lethal weaponry and munitions are not a substitute for or interchangeable with the patrol rifle or Department issued firearm. Less lethal equipment should only be deployed under the special circumstances outlined in Department policy 41B - Use of Force and in training. [1.3.4]

1. **Service firearm:** a firearm issued by the department for regularly assigned duties. Officers may carry service firearms at any time.
2. **Authorized Personal firearm:** a personally owned firearm meeting department standards, inspected and approved by the Department Firearms Instructor/Armorer and meeting criteria set by the Chief of Police for use when service firearms are not required or as back-up weapon while on duty.
3. **Off duty firearm:** a personally owned firearm meeting department standards, inspected and approved by the Department Firearms Instructor/Armorer and meeting criteria set by the Chief of Police for off-duty use.
4. **Firearms Instructor:** the Firearms Instructor and Assistant Firearms Instructor shall be responsible for the department's training and qualification programs as they pertain to the use of deadly force, firearms and related equipment.
5. **Armorer:** the Armorer shall be responsible for the repair and maintenance of all department firearms and related equipment.

B. Service Firearms [1.3.9]

1. All Lexington Police Officers shall be assigned a Glock semi-automatic handgun, model 17, 19 and/or 26.
 - a. Once a year, officers must shoot the MPTC Handgun Qualification Course with said firearm. Officers must obtain a passing score while using department issued ammunition.
 - b. All sworn Lexington Police Officers will only be allowed to carry their assigned Glock handgun on details.
2. All Lexington Police Officers may also be assigned an AR15 style Patrol Rifle and/or a Remington 870 Less Lethal Shotgun.
 - a. Patrol Rifle: Once a year, officers must shoot the MPTC Qualification Course and obtain a passing score while using department issued ammunition.
 - b. Less Lethal Shotgun: Once a year, officers must shoot the MPTC Less Lethal Qualification Course or similar training and obtain a passing score while using department issued ammunition.

C. Authorized Personal Firearms for Use [1.3.9]

1. Officers may carry an authorized personal firearm as a backup weapon or as their sole firearm when performing non-patrol duties including, but not limited to, plain-clothes assignments, in-service training, etc.
 - a. Any personal firearm an officer uses shall meet the standards of the Department and the criteria set by the Chief of Police.
 - b. The personal firearm must be inspected and approved by an MPTC Certified Firearms Instructor/Armorer. An inspection form will be completed if an officer wishes to carry his authorized personal firearm as a backup weapon on duty.
 - c. Once a year, officers must shoot the MPTC Handgun Qualification Course with said firearm. Officers must obtain a passing score while using department issued ammunition.
 - d. Any personal firearm an officer uses must be chambered in the following calibers: 32, 357, 38, 380, 9 or 40.
 - e. A copy of the officer's passing score and the firearm inspection form will be forwarded to the Chief of Police for his approval, as it pertains to a backup weapon while on duty.
 - f. Completed forms will be placed in officer's personnel files after Chiefs approval.
 - g. Any officer who uses, for any reason, a firearm that is not issued or authorized for duty use, does so at their own risk and should not anticipate being indemnified by the Town of Lexington.

D. Off Duty Firearms [1.3.9]

1. Off duty officers who carry personal firearms for protection or to enable him/her to take unanticipated action as a Police Officer will be indemnified from civil actions (as they may pertain to the firearm and ammunition used) by the Town of Lexington if the following conditions are satisfied:
 - a. Any off duty firearm an officer carries shall meet the standards of the Department and the criteria set by the Chief of Police.
 - b. The off duty firearm must be inspected and approved by an MPTC Certified Firearms Instructor/Armorer.

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- c. Once a year, officers must shoot the MPTC Handgun Qualification Course with said firearm. Officers must obtain a passing score while using department issued ammunition.
- d. The off duty firearm must be chambered in the following calibers: 32, 357, 38, 380, 9 or 40.
- e. The off duty action involving the firearm arises out of the proper performance of law enforcement duties.

E. Ammunition [1.3.9]

1. Lexington Police Officers shall ONLY use department approved ammunition in their Department Service Firearms (including Handgun, Patrol Rifle and Shotgun), Authorized Personal Firearm or Off Duty Firearm.
2. The following types of ammunition have been approved by the Chief of Police and will be issued to officers upon their request:
 - a. Revolver: 357 and 38 caliber jacketed hollow points.
 - b. Semi-Auto: 32, 380, 9mm and 40 caliber jacketed hollow points.
 - c. Remington 870 Shotgun: Super-sock or similar ammunitions.
 - d. AR15 Style Patrol Rifle: .223 or 5.56 caliber jacket hollow points.
 - e. Officers using unauthorized ammunition do so at their own risk and should not anticipate being indemnified by the Town of Lexington.

F. Firearms Qualification [1.3.10]

1. Qualification shall take place at an approved range under the direction of the Firearms Instructor(s). Each officer will be expected to achieve a skill level currently required by the Municipal Police Training Committee (MPTC). [1.3.11(a)]
 - a. This will be accomplished by officers completing a yearly daylight qualification that requires multiple “courses” to be run through with all weapons issued (Glock, Patrol Rifle and Less Lethal Shotgun).
 - b. Officers should complete a low light nighttime familiarization training to further their familiarity and confidence with the same firearms.

- c. All officers shooting at the Lexington Police Range, whether it's the indoor facility at the Police Station or the outdoor facility at 60 Hartwell Avenue must be accompanied by a certified firearms instructor or have permission from the Chief of Police or his/her designee.
 2. Failure to qualify will result in the following actions: [1.3.11(c)]
 - a. Officers failing to qualify with any department issued firearm will be temporarily assigned to administrative duties. The officer will be given additional instruction and practice. The officer will also be given a reasonable opportunity to qualify with the firearm(s). Officers failing to qualify will be required to practice weekly or as required by the Firearms Instructor. Qualifying with a department issued firearm is a required skill to be a Lexington Police Officer.
 - b. Officers failing to qualify with an authorized personal firearm will lose the authorization to carry the firearm until a passing qualification score(s) are achieved.
 - c. Officers failing to qualify with an approved off-duty firearm will result in the firearm being classified as unauthorized.
 3. During each qualification or familiarization at the range, Firearms Instructors will observe officers safe handling procedures with each firearm. Instructors will further discuss the proper handling and safety features of issued department firearms when necessary, as well as authorized on-duty and off-duty firearms when used for qualification.
 4. The Firearms Instructor/Armorer shall document and submit all scores & inspection reports to the Chief of Police upon completion of qualifications. [1.3.11(b)]

G. Inspection of Firearms and Equipment

1. The Firearms Instructor/Armorer shall document and inspect all department issued firearms for operational readiness, annually. [1.3.9(c)]
2. The Firearms Instructor/Armorer shall document and inspect all department issued less lethal equipment for operational readiness (i.e. Baton, Pepper spray, Handcuffs etc.), annually. [1.3.9(c)]
 - a. Any weapons or less lethal equipment which does not meet operational readiness standards shall be immediately removed from service and replacement equipment issued. [1.3.9(d)]
 - b. Armorers will inspect and clean all department Glock handguns annually.

- c. Armorers will inspect and clean patrol rifles and less lethal shotguns semi-annually.

H. Firearm Rules and Regulations

- 1. Officers shall not alter or modify any issued firearm, ammunition or department issued equipment in any way without the express written permission of the Chief of Police. In addition, officers shall not alter or modify any firearm **after** it has been inspected and tested by the Firearms Instructor/Armorer.
- 2. All officers must keep their firearms clean and in workable condition at all times. The Firearms Instructor, Patrol Supervisor, or Commanding Officer will make scheduled and unannounced inspections.
- 3. All officers will be responsible for the safe handling of their firearms at all times. Whenever a firearm is not under the officer's direct control, it must be properly secured to prevent accidents or unauthorized handling (M.G.L. Ch. 140, sec 131L).
- 4. A record of all firearms that are issued, authorized for duty use, or approved for off-duty use shall be kept on file with the Firearms Instructor; these files are accessible on the G: drive under Range. To maintain these records, a written report shall be submitted to the Firearms Instructor whenever an officer sells, trades, replaces or losses a firearm authorized for on- or off-duty use.
- 5. **Annually**, the Firearms Instructor/Armorer shall maintain and submit a summary report to the Captain of Administration with the following:
[1.3.9(e)]
 - a. Inventory of all department firearms
 - b. Issued department firearms
 - c. Officers authorized personal firearms
 - d. Officers approved off duty firearms

I. Patrol Rifle & Less Lethal Shotgun

- 1. All officers assigned to marked patrol cruisers will take custody of the patrol rifle and less lethal shotgun at the beginning of their duty shift.

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They will inspect the rifle & shotgun and insure it's secured in the assigned cruiser.

2. Whenever a patrol rifle or less lethal shotgun is left in a police cruiser during a duty shift, officers must insure that the mechanism or key release for the gunlock is kept secure.
3. The decision to use a patrol rifle rests with the assigned officer. It should **not** be routinely removed for calls where it may be inappropriate or where it may be a possible hindrance. The patrol rifle will not be displayed unnecessarily.
4. A spare ammunition container in the rear of the cruisers is to be inspected every shift. Any damaged or missing supplies are to be noted on the cruiser check list. If replacement supplies cannot be found in firearms locker in the guard room, an email to any of the Firearms Instructors/Armorers should be sent for immediate service.