SUBJECT: RULE 303C – PATROL RIFLES

Rule 303C, Patrol Rifles, is hereby amended superseding all previous rules, special orders, memos and directives on this subject and is effective immediately.

Changes have been made to the first section - **Statement on Use of Force**.

Commanding Officers shall ensure that this order and the attached Rule are posted on Department bulletin boards.

Gregory P. Long
Superintendent In Chief
Statement on Use of Force:

The Boston Police Department is committed to de-escalating incidents to negate the need for the use of force. When force is necessary the Boston Police Department is committed to using only the amount of force that is reasonably necessary to overcome the resistance offered. The Boston Police Department is equally committed to preventing unnecessary force, ensuring accountability and transparency, and building trust with our community. The Boston Police Department respects the inherent life, liberty, dignity, and worth of all individuals by preserving human life, and minimizing physical harm and the reliance on use of force.

Pursuant to An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (Chapter 253 of the Acts of 2020 Section 30 (14) (a,b,c):

a. “A law enforcement officer shall not use physical force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to:

- Effect the lawful arrest or detention of a person;
- Prevent the escape from custody of a person; or
- Prevent imminent harm and the amount of force used is proportionate to the threat of imminent harm:
  - Provided, however, that a law enforcement officer may use necessary, proportionate and non-deadly force in accordance with the regulations promulgated jointly by the POST Commission and the municipal police training committee (and taught at the Boston Police Academy).

b. A law enforcement officer shall not use deadly force upon a person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm.

c. A law enforcement officer shall not use a chokehold. A law enforcement officer shall not be trained to use a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer’s body on or around a person’s neck in a manner that limits the person’s breathing or blood flow.”

The Boston Police Department is committed to de-escalation tactics pursuant to MGL Chapter 6E Section 1:
“De-escalation tactics”, proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person’s voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, creating distance between the officer and a threat and requesting additional resources to resolve the incident, including, but not limited to, calling in medical or licensed mental health professionals, as defined in subsection (a) of section 51½ of chapter 111, to address a potential medical or mental health crisis.

When tactically safe and feasible, officers should give verbal warnings or commands when force is going to be used. In some cases there may not be an opportunity to give verbal warnings or commands.

If the situation is not an arrestable offense, and the manner cannot be resolved safely, the officer may disengage.

Duty to Intervene:

1. Police officers are reminded of Rule 113 Public Integrity Policy, Sec. 5 Cannon of Ethics, Number Nine; and
2. An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (Chapter 253 of the Acts of 2020) Section 30 (15) (a,b)
   a. “An officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.
   b. An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer’s shift. The officer shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer’s written statement shall be included in the supervisor’s report.”

Patrol Rifles

This rule is issued to establish regulations and policies for the use of Patrol Rifles, including required training and qualification, authorized equipment, weapon security and deployment protocols. These provisions do not apply to deployment of rifles by the Special Operations Division (S.O.D.). The Commander of the Special Operations Division shall determine the appropriate use of rifles by S.O.D. members. This rule is not intended to cover every conceivable situation, and officers and supervisors are expected to use their best judgment.

Section 1. General Considerations
The Patrol Rifle may be authorized for use by sworn members of the Boston Police Department who have been trained and qualified in its use, and is deployed to provide support in certain
deadly force situations involving armed suspects. Officers authorized to utilize Patrol Rifles on duty will use these weapons along with their department issued service pistol.

Section 2. Training and Qualification
Officers who are authorized to use the Patrol Rifle must successfully complete the required training course as determined by the Commanding Officer of the Firearms Training Unit. Officers authorized to use the Patrol Rifle shall qualify on a course of fire approved by the Massachusetts Municipal Police Training Committee a minimum of two times each year; once during the period from January 1st – June 30th and once during the period from July 1st – December 31st.

In the event an officer fails to qualify, the officer will not be authorized to use the Patrol Rifle. The Commanding Officer of the Firearms Training Unit shall provide each District Commander with the current list of authorized officers. No officer shall utilize a Patrol Rifle unless he/she has been trained and qualified in its proper use. No Superior Officer shall permit utilization of a Patrol Rifle by an officer unless the officer is trained and qualified in its use. Officers trained in the use of the Patrol Rifle will be held accountable for proficiency as well as compliance with Department policy in the use of such weapons.

Section 3. Discharge of Firearms and Reporting of Firearms Discharge
Officers shall adhere to the Department’s established policies governing the use of deadly force and reporting of firearms discharge (see BPD Rule 303).

Section 4. Weapons, Ammunition, Magazines, and Accessories
Sec. 4.1. Authorized Patrol Rifles: Officers shall only utilize rifles, magazines, ammunition and accessories authorized by the Boston Police Commissioner.

Sec. 4.2. Authorized Ammunition, Magazines, and Accessories: Officers authorized to carry the Patrol Rifle shall carry the authorized weapon and accessories with a minimum of four 30 round magazines. All magazines shall be loaded with 28 rounds each.

Sec. 4.3. Maintenance, Repairs, and Modifications: Officers assigned a Patrol Rifle are responsible for the care and cleaning of the firearm. If a Patrol Rifle malfunctions or becomes unserviceable, it shall not be deployed, and it shall be returned to the Boston Police Firearms Training Unit immediately. A Department armorer or a Department approved armorer, at the discretion of the Commanding Officer of the Boston Police Firearms Training Unit, are the only persons allowed to perform repairs or modifications to the Patrol Rifle and accessories. Officers shall not break down or “field strip” a Patrol Rifle except as required for cleaning purposes. Patrol Rifle modifications and accessories must be approved by the Commanding Officer of the Firearms Training Unit prior to modification or use. The Commanding Officer of the Firearms Training Unit shall also maintain a sufficient supply of batteries for Department issued weapon lights and optics for replacement.

Section 5. Securing the Patrol Rifle and Ammunition
Sec. 5.1. District Station Security: Patrol Rifles, magazines, ammunition and accessories not in use shall be stored in the District Station gun locker in a safe condition (safety on, magazine removed and empty chamber).
Every Tuesday the day tour Duty Supervisor shall perform a visual inspection to verify that the Patrol Rifles are stored or kept in a safe condition, as well as insure that a minimum of four 30 round magazines are available for use per rifle.

If issued, the Duty Supervisor shall make a notation on the duty roster of the unit(s) assigned a Patrol Rifle.

Sec. 5.2. Vehicle Security: While stored or transported in a Department motor vehicle, the Patrol Rifle shall be kept with the bolt closed on an empty chamber, safety on, and a loaded magazine inserted in the weapon. The Patrol Rifle shall be secured in a locked container or with an authorized security device unless deployed for an authorized purpose. Those authorized to carry a Patrol Rifle shall take all reasonable steps to ensure that no unauthorized person can gain control of it. The vehicle shall be locked with the ignition turned off at all times a Patrol Rifle is stored and is left unattended in that vehicle. Patrol Rifles shall not be removed from any vehicle except for training, equipment inspection, or when otherwise justified or otherwise consistent with this rule.

Section 6. Field Deployment

Sec.6.1. Inspection and Deployment: A Patrol Rifle Log shall be maintained at each district, and each time a Patrol Rifle is placed in or removed from storage an entry shall be made in the log. The officer receiving a Patrol Rifle shall inspect it for serviceability at the beginning of each shift. Any discrepancy shall be resolved prior to fielding the weapon.

When deploying the Patrol Rifle, the rifle shall be removed from the case or rack, a round chambered while pointed in a safe direction, and the manual safety engaged. The Patrol Rifle safety shall be engaged with the officer’s trigger finger off the trigger until the officer has made a decision that deadly force is required and a decision has been made to fire the weapon. At the end of each shift, the officer shall secure the Patrol Rifle in the District Station gun locker, unless the Patrol Rifle is being reassigned to another qualified officer at the direction of a superior officer.

Sec. 6.2. Plainclothes Considerations: A Patrol Rifle shall not be issued to or utilized by officers in plainclothes except in exigent circumstances. In these cases, officers shall be clearly identified as police officers by wearing an appropriate outer garment, body armor marked “Boston Police,” and/or Boston police badge. The plainclothes officer shall also notify the Operations Division dispatcher by radio that a plainclothes officer will be deploying a Patrol Rifle. In non-exigent circumstances the Patrol Rifle shall not be utilized by any officer in plainclothes unless authorized by the Incident Commander.

Sec. 6.3. Deployment Considerations: Unnecessarily or prematurely deploying the Patrol Rifle may limit the officer’s alternatives in controlling a situation and creates unnecessary anxiety on the part of citizens. An officer’s decision to deploy the Patrol Rifle should be based on the tactical situation and the officer’s belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified or an extended range/extra power weapon is needed. Deployment of the Patrol Rifle outside of the above parameters must be reasonable and justified. Officers may deploy the Patrol Rifle if the officer reasonably believes that he/she is confronting or may soon confront a threat that may require the use of deadly force and, consistent with the officer’s training, the Patrol Rifle is the appropriate firearm for the situation. When it is has been determined that the use of the Patrol Rifle is not necessary, the officer shall, as soon as practicable, unload and secure the Patrol Rifle.
Sec. 6.4. Authorized Deployment Conditions: While not an exhaustive list, the Patrol Rifle may be deployed based on an articulated need, if the officer reasonably believes that any of the following conditions may exist:

- The suspect is armed with a deadly weapon and is actively posing a lethal threat.
- The distance necessary to engage an armed suspect is beyond the effective range of the officer’s service pistol.
- The suspect is protected by materials that may not be penetrated by the officer’s service pistol, or the suspect may be wearing body armor.
- The officer is faced with one or more heavily armed suspects or suspects utilizing sophisticated weaponry (i.e. long guns, automatic weapons, or explosives).
- The officer is faced with a dangerous animal that needs to be neutralized to ensure the safety of bystanders and the officer.

The above list is not exhaustive.

Gregory P. Long
Superintendent In Chief