



# **Boston City Council**

## **Committee on Government Operations**

Maureen Feeney, *Chair*

February 23, 2010

Dear Councillors:

The Committee on Government Operations held a working session to discuss an ordinance requiring licensure of armed security guards (Docket #0258). This matter was sponsored by Councillor Consalvo, referred to the Committee on Wednesday, February 10, 2010, and discussed at a working session on Monday, February 22, 2010.

The ordinance requires any person employed as an armed security guard in a public place within Boston to be licensed by the Boston Police Department (BPD) as a special officer. Currently, not all armed security guards are designated special police officers. Special officers must undergo training requirements approved by the Boston Police Department and carry special police authorities, including arrest authority.

At the working session, several individuals participated, including representatives from the Boston Police Department, Boston Police Patrolmen's Association, the Greater Boston Real Estate Board and private security guard companies. At the working session, it was agreed upon that the fourth WHEREAS regarding policies in place in other states would be removed from the preamble to the Ordinance to avoid confusion on the scope of the ordinance.

At the working session, it was determined that an additional term be added to the language in 17-17.1 to clarify Armed Security Guard or Watchmen Registration. The language "where applicable" will be added, stating: "where applicable, b) to demonstrate that such person is an employee of a licensee authorized to engage in such business pursuant to M.G.L. c. 147 § 122-30." This change assists in defining the registration procedure for those working as individuals for a business and those employed by a security company to guard a business.

At the working session, it was agreed upon that language be added that takes into consideration the commitment to current contracts related to private security guards. The new language provides for the Commissioner to establish rules and regulations under his powers to specify registration requirements and timelines. In drafting the rules and regulations implementing this ordinance, the Police Commissioner will work with security companies to address the contract timing requirements. It is understood that some existing contracts will not end until after the schedule for implementation; therefore, security guards who are under contract are exempt until the contract expires and is renewed.

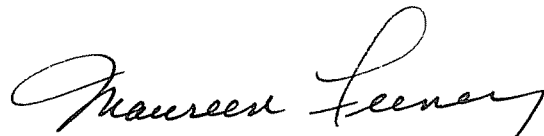
It also exempts armed guards that are State-licensed Special Police Officers, and those licensed under other statutory or regulatory provisions. This new draft addresses the legal and procedural concerns raised, while ensuring the public safety of the citizens of Boston. BPD will have approximately six months to promulgate new rules and regulations specifically tailored to meet the goal of licensing armed security guards. This new licensing system will ensure that armed security guards are properly and consistently trained and qualified to act with such authority. The ordinance also will provide the Boston Police Department with information on those individuals

throughout the City who are licensed and trained to assist with law enforcement duties as needed. This piece of legislation brings Boston up to date with many other municipalities and states that already require similar licensure.

As the Chair of the Committee on Government Operations, to which the following was referred:

**Docket #0258, An ordinance requiring licensure of certain armed security guards and licensure as special police officers**

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass in a new draft.**

A handwritten signature in black ink, reading "Maureen Feeney". The signature is fluid and cursive, with a large loop at the end of the last name.

Maureen Feeney, *Chair*  
Committee on Government Operations

Offered by Councilors **ROB CONSALVO** and **MAUREEN FEENEY**

## CITY OF BOSTON



IN THE YEAR TWO THOUSAND TEN

### AN ORDINANCE REQUIRING REGISTRATION OF CERTAIN ARMED SECURITY GUARDS AND LICENSURE AS SPECIAL POLICE OFFICERS

- WHEREAS*, Armed security guards operate in public places and patrol inside businesses that solicit the general public and on public ways; and,
- WHEREAS*, The only permitting requirement for such guards is firearm licensure; and,
- WHEREAS*, Often times these individual security guards are dressed in army fatigues or other official looking uniforms and this appearance coupled with a gun presents an air of authority and responsibility; yet many of them do not register or notify public authorities of their presence; and,
- WHEREAS*, Several other states require individual security guard licensing. Connecticut, New York, Rhode Island and Vermont require some form of individual security guard registration and company licensing structure; and,
- WHEREAS*, Requiring any armed security guard operating openly among the general public in the City of Boston to be licensed by the Boston Police Department would ensure that said armed individuals' presence preserves the peace and good order in public places. The City of Boston has a strong interest in its prudential affairs and internal police to protect and preserve the peace and good order by requiring individuals who are hired to carry weapons in public places, including those businesses that solicit the general public, to be properly licensed by, and registered with, the Boston Police Department; and,
- WHEREAS*, Licensure and registration of armed security guards operating openly in public places, where the risk of error and harm to the public is high, is a reasonable mechanism to ensure the security of our community; and,
- WHEREAS*, It is in the best interests of the City, the public, and businesses and employees that hire armed security guards to ensure that those with the armed appearance of authority are properly licensed and registered. *NOW, THEREFORE*

***Be it ordained by the City Council of Boston, as follows:***

*Section 1.*

CBC Chapter XVII is hereby amended by appending the following new section:-

**17-17 PRUDENTIAL AFFAIRS AND INTERNAL POLICE; REGISTRATION OF CERTAIN ARMED SECURITY GUARDS AND LICENSURE AS SPECIAL POLICE OFFICERS OPERATING IN A PUBLIC PLACE**

Pursuant to c. 40, §21 and in order to preserve the peace and good order in the city of Boston in public places so as to protect the public safety and maintain the discipline of the internal police, the Police Commissioner is hereby authorized to require private armed security guards or watchmen who operate openly in the presence of the general public in a public place to register as herein provided and to obtain licensure as a special police officer; the Police Commissioner is further authorized to require businesses employing such armed guards or watchmen operating openly in the presence of the general public in public places to register as provided in this section.

**17-17.1 Armed Security Guard or Watchmen Registration.**

Any person employed in the city of Boston as a private security guard or watchman armed with a firearm whose services are performed openly in the presence of the general public in a public place as defined in §§17-17.2 below, shall register with the Police Commissioner of the Boston Police Department by submitting supporting documentation: a) to demonstrate that such person holds a license to carry a firearm pursuant to M.G.L. c. 140, §131; and b) to demonstrate that such person is an employee of a licensee authorized to engage in such business pursuant to M.G.L. c. 147, §§122-30; and c) to identify the location of the public place(s) where such person is or will be assigned or employed as an armed security guard or watchman in Boston. For purposes of this section only, the term “armed” shall have the meaning as defined in M.G.L. c. 140, s. 121.

**17-17.2 Definition of Public Place**

For the purposes of this section, a public place shall be substantially the same as that defined in M.G.L. c. 272, §92A and shall be deemed to include any place which is open to and accepts or solicits the patronage of the general public such as a retail store or establishment, including those dispensing personal services. For the purposes of this section only, public place shall not include places of entertainment or recreation, restaurants or bars or any public entity whether federal, state, municipal or any political subdivision of the Commonwealth of Massachusetts; nor shall public place include any entity or institution whose armed security guards or watchmen are employed in the capacity of State licensed special police officers pursuant to M.G.L. c. 22C, §51-68.

**17-17.3 Business Registration**

Any private entity in the City of Boston conducting business within a public place that hires a private armed security guard whose assignment for any duration is to guard persons or property in such a public place openly in the presence of the general public as described in 17-17.6 of this

section shall register with the Police Commissioner of the Boston Police Department by submitting the following information:

- a.) The name(s) of each armed security guard or watchman employed directly or indirectly by such business and who is assigned guard duty in the manner described in this section; and
- b.) The name of the licensee, if any, (pursuant to M.G.L. c. 147, §22-30) offering the services of the armed security guard or watchmen; and
- c.) An annual report listing all such armed security guards or watchmen hired or employed by the business during the calendar year; in addition, such report shall specify the location and duration of their assignment(s) for that calendar year.

#### 17-17.4 Employment

“Employ” or “hire” shall mean assigned or employed directly or indirectly by such business whether part-time, temporary or on a permanent basis regardless of whether the guard is an employee of such business or is employed by a contractor engaged in offering armed security guard services as permitted in M.G.L. c. 147, §22-30.

#### 17-17.5 Armed Security Guards or Watchmen as Special Police Officers

Pursuant to c. 40, §21 and in order to preserve the peace and good order in such public places so as to protect the public safety and maintain the discipline of the internal police, the Police Commissioner is hereby authorized to require private armed security guards or watchmen employed or assigned in Boston openly and in the presence of the general public as described in §17-17.6, to be licensed by the Police Commissioner as a special police officer. This requirement for licensure as a Special Police Officer by the Police Commissioner shall not apply to armed security guards who are employed in the capacity of a State licensed Special Police Officers pursuant to M.G.L. c. 22C, §51-68

#### 17-17.6 Covered Armed Security Guard or Watchman

This section shall apply only to private armed security guards or watchmen whose assignment is to guard persons or property openly in the presence of the general public in a public place and who are not otherwise exempt under this section.

#### 17-17.7 Regulatory Authority; Enforcement and Fees

The Boston Police Department shall have the authority to promulgate rules and regulations necessary to implement and enforce this section pursuant to c. 40, §21D. Pursuant to St. 1949, c. 222, the Police Commissioner may charge an appropriate fee for such services attendant to the registration and licensure process.

17-17.8 Severability.

If any provision of this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

17-17.9 Implementation.

This ordinance shall become effective within one hundred-eighty (180) days after passage; however, the provisions of section 17-17.5 regarding licensure of armed security guards as special police officers shall become effective thirty (30) days after the Police Commissioner promulgates regulations consistent with this section but no sooner than one-hundred-eighty (180) days after passage of this ordinance.

17-17.10 Fines.

Any person serving as a private armed security guard or watchman within the City of Boston without the registration required in subsection 17.1 shall be fined in the amount of three hundred dollars (\$300) for each week the officer fails to obtain the proper registration. Any business which hires an armed security guard or watchman without registering such person in accordance with 17-17.3 herein described shall be fined in the amount of three hundred dollars (\$300) for each week the business fails to register.

00208

RECEIVED  
CITY CLERK'S OFFICE  
2010 FEB -9 A 9:35  
BOSTON, MA

*In City Council REFERRED TO  
COMMITTEE ON*

FEB 10 2010

Government Operations

CITY OF BOSTON  
IN CITY COUNCIL

February 23, 20 10

THE COMMITTEE/CHAIR Government Operations  
RESPECTFULLY REPORTS THAT THE MATTER  
WITHIN OUGHT TO PASS IN THE ACCOMPANYING  
NEW DRAFT.

Thomas Feeney  
CHAIR

CITY CLERK

ACCEPTED,

Offered by Councilor ROB CONSALVO

## CITY OF BOSTON



IN THE YEAR TWO THOUSAND TEN

### AN ORDINANCE REQUIRING REGISTRATION OF CERTAIN ARMED SECURITY GUARDS AND LICENSURE AS SPECIAL POLICE OFFICERS

*WHEREAS:* Armed security guards operate in public places and patrol inside businesses that solicit the general public and on public ways; and

*WHEREAS:* The only permitting requirement for such guards is firearm licensure; and

*WHEREAS:* Often times these individual security guards are dressed in army fatigues or other official looking uniforms and this appearance coupled with a gun presents an air of authority and responsibility; yet many of them do not register or notify public authorities of their presence; and

*WHEREAS:* Requiring any armed security guard operating openly among the general public in the City of Boston to be licensed by the Boston Police Department would ensure that said armed individuals' presence preserves the peace and good order in public places. The City of Boston has a strong interest in its prudential affairs and internal police to protect and preserve the peace and good order by requiring individuals who are hired to carry weapons in public places, including those businesses that solicit the general public, to be properly licensed by, and registered with, the Boston Police Department; and

*WHEREAS:* Licensure and registration of armed security guards operating openly in public places, where the risk of error and harm to the public is high, is a reasonable mechanism to ensure the security of our community; and

*WHEREAS:* It is in the best interests of the City, the public, and businesses and employees that hire armed security guards, to ensure that those with the armed appearance of authority are properly licensed and registered. *NOW, THEREFORE*

***Be it ordained by the City Council of Boston, as follows:***

#### ***Section 1.***

CBC Chapter XVII is hereby amended by appending the following new section:



**17-17 PRUDENTIAL AFFAIRS AND INTERNAL POLICE; REGISTRATION OF CERTAIN ARMED SECURITY GUARDS AND LICENSURE AS SPECIAL POLICE OFFICERS OPERATING IN A PUBLIC PLACE**

Pursuant to c. 40, §21 and in order to preserve the peace and good order in the city of Boston in public places so as to protect the public safety and maintain the discipline of the internal police, the Police Commissioner is hereby authorized to require private armed security guards or watchmen who operate openly in the presence of the general public in a public place to register as herein provided and to obtain licensure as a special police officer; the Police Commissioner is further authorized to require businesses employing such armed guards or watchmen operating openly in the presence of the general public in public places to register as provided in this section.

**17-17.1 Armed Security Guard or Watchmen Registration.**

Any person employed in the city of Boston as a private security guard or watchman armed with a firearm whose services are performed openly in the presence of the general public in a public place as defined in §§17-17.2 below, shall register with the Boston Police Commissioner by submitting supporting documentation: a) to demonstrate that such person holds a license to carry a firearm pursuant to M.G.L. c. 140, §131; and, where applicable, b) to demonstrate that such person is an employee of a licensee authorized to engage in such business pursuant to M.G.L. c. 147, §§122-30; and c) to identify the location of the public place(s) where such person is or will be assigned or employed as an armed security guard or watchman in Boston. For purposes of this section only, the term “armed” shall have the meaning as defined in M.G.L. c. 140, s. 121.

**17-17.2 Definition of Public Place**

For the purposes of this section, a public place shall be substantially the same as that defined in M.G.L. c. 272, §92A and shall be deemed to include any place which is open to and accepts or solicits the patronage of the general public such as a retail store or establishment, including those dispensing personal services. For the purposes of this section only, public place shall not include places of entertainment or recreation, restaurants or bars or any public entity whether federal, state, municipal or any political subdivision of the Commonwealth of Massachusetts; nor shall public place include any entity or institution whose armed security guards or watchmen are employed in the capacity of State licensed special police officers pursuant to M.G.L. c. 22C, §51-68.

**17-17.3 Business Registration**

Any private entity in the City of Boston conducting business within a public place that hires a private armed security guard whose assignment for any duration is to guard persons or property in such a public place openly in the presence of the general public as described in 17-17.7 shall register all required information as provided for by such rules or regulations promulgated from time to time by the Police Commissioner pursuant to this ordinance. However, such registration requirement may be delegated by contract to any person licensed under c. 147, §25. A copy of the delegation shall be submitted to the Police Commissioner.

#### 17-17.4 Employment

“Employ” or “hire” shall mean assigned or employed directly or indirectly by such business whether part-time, temporary or on a permanent basis regardless of whether the guard is an employee of such business or is employed by a contractor engaged in offering armed security guard services as permitted in M.G.L. c. 147, §22-30.

#### 17-17.5 Armed Security Guards or Watchmen Licensed as Special Police Officers

Pursuant to c. 40, §21 and in order to preserve the peace and good order in such public places so as to protect the public safety and maintain the discipline of the internal police, the Police Commissioner is hereby authorized to require private armed security guards or watchmen employed or assigned in Boston openly and in the presence of the general public as described in §17-17.6, to be licensed by the Police Commissioner as a special police officer. This requirement for licensure as a Special Police Officer by the Police Commissioner shall not apply to armed security guards who are employed in the capacity of a State licensed Special Police Officers pursuant to M.G.L. c. 22C, §51-68, or those otherwise exempted by 17-17.2 of this ordinance.

On the application of any individual that the Police Commissioner may deem suitable for licensure as a Special Police Officer, such individual shall serve without pay from the City of Boston, and the corporation or person employing such individual as a Special Police Officer under this section shall be liable for the official misconduct of the officer licensed on such application, as for the torts of any servant or agent in the employ of such corporation or person.

A Special Police Officer shall have the power of police officers to preserve order and to enforce the laws and ordinances of the city, in and about any public place as defined in sub-section 17-17.2, for which he or she is hired as an armed security guard or watchman to serve openly in the presence of the public as described in sub-section 17-17.7.

#### 17-17.6 Renewal and Revocation of Special Police Officer License

A special police officer licensed under the provisions of this ordinance shall seek renewal of such license annually. The Police Commissioner may annually renew and may at any time for cause, after notice and a hearing, revoke, any such license. An application for a renewal shall be on a form furnished by the Commissioner.

#### 17-17.7 Covered Armed Security Guard or Watchman

This section shall apply only to private armed security guards or watchmen whose assignment is to guard persons or property openly in the presence of the general public in a public place and who are not otherwise exempt under this section.

#### 17-17.8 Regulatory Authority; Enforcement and Fees

The Boston Police Department shall have the authority to promulgate rules and regulations necessary to implement and enforce this section pursuant to c. 40, §21D. Pursuant to St. 1949, c. 222, the Police Commissioner may charge an appropriate fee for such services attendant to the registration and licensure process.

#### 17-17.9 Severability.

If any provision of this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

#### 17-17.10 Implementation.

The provisions of this section regarding registration of businesses and armed security guards shall become effective within one hundred eighty (180) days after passage; however, the provisions of section 17-17.5 regarding licensure as special police officers for armed security guards shall become effective thirty (30) days after the Police Commissioner promulgates regulations consistent with this section.

#### 17-17.11 Fines

Any person serving as a private armed security guard or watchman within the City of Boston without the registration required in subsection 17.1 shall be fined in the amount of three hundred dollars (\$300) for each week the officer fails to obtain the proper registration. Any business which hires an armed security guard or watchman who has not registered as required in subsection 17.1, or if such business fails to register the required information in accordance with 17-17.3 herein described, shall be fined in the amount of three hundred dollars (\$300) for each week the business fails to register.