

**NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA**



March 27, 2015

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File Number: 37PA-191555

VIA ELECTRONIC MAIL (jaginsberg@nola.gov)

Deputy Superintendent Jay Ginsberg
Compliance Bureau, New Orleans Police Department
714 South Broad Street
New Orleans, LA 70119

RE: Policy Approval

Dear Superintendent Ginsberg:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on revised policy Chapter 1.4.1, Authorized Ammunition. The OCDM has no objection to the policy as revised.

We believe that revised Operating Guidelines Chapter 1.4.1 incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 18.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.

Sincerely,

David Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)

Office of the Consent Decree Monitor



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.4.1

TITLE: AUTHORIZED AMMUNITION

EFFECTIVE:

REVISED:

PURPOSE

The purpose of this policy is to establish standards for Department members in the use of authorized ammunition in all-duty, secondary, and off-duty firearms.

Employees shall recognize that safety is paramount when handling firearms.

DEFINITIONS:

Capacity—The maximum number of rounds that a magazine or a cylinder can store prior to being inserted into a firearm. Loading a round into the chamber of a firearm and topping off the magazine would exceed the capacity number of rounds authorized while on duty.

POLICY STATEMENT

1. Officers shall carry and use only ammunition that is issued or authorized by the Department.
2. Officers shall be issued new duty ammunition in the specified quantity for all Department-issued firearms during the officer's scheduled requalification each year, or as required under this Chapter.
3. Officers carrying a personally owned Glock Model 22, 23, or 27 as their duty handgun shall be issued new duty ammunition during the officer's scheduled qualification each year.
4. Officers carrying personally owned and authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining new duty ammunition in accordance with this Chapter, at their own expense.
5. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Education and Training Division Range staff when needed, in accordance with established procedure.
6. Only the Superintendent of Police, or his/her designee, can authorize the issuance of ammunition from the Department's armory in addition to that authorized by this Chapter.

7. All officers' firearms shall be filled with the capacity number of rounds while on-duty.
8. When policy requires the wearing of a uniform duty belt, commissioned members shall carry at least one magazine in addition to the magazine loaded in the pistol. Regardless of the number of magazines carried while on duty, all magazines shall be filled to capacity.

AUTHORIZED AMMUNITION

9. Only the types and caliber ammunition listed in Appendix A to this Chapter is approved for use in Departmentally issued or authorized firearms.
10. **Appendix "A"** to this Chapter may be amended at any time without changing the main body of the Chapter. The **Appendix "A"** revision or effective date will be reflected at the conclusion of the Appendix.

EDUCATION AND TRAINING DIVISION RESPONSIBILITIES

11. The Commander of the Education and Training Division or his/her designated representative has the following responsibilities:
 - (a) Issuing approved ammunition to all commissioned employees for authorized on-duty firearms;
 - (b) Replacing ammunition used in the performance of a commissioned member's duties; and
 - (c) Assigning a firearms instructor or range safety officer to respond to discharge incidents.

OFFICER'S RESPONSIBILITIES

12. Officers are responsible for obtaining their own ammunition for their approved off-duty weapon which ammunition must comply with this Chapter.
13. Officers needing replacement of lost, stolen or damaged ammunition due to circumstances or events occurring within the course of their duties will obtain replacement ammunition from the Range staff after presenting a copy of the related incident report to the Education and Training Division.

APPENDIX “A” –

Only .38 Special ammunition for both the .38 Special and .357 magnum revolvers as listed below:

- Remington Peters: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Remington Peters: factory loaded, 125 grain, jacketed hollow point Golden Saber
- Winchester Western: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Federal: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Zero: Plus P, factory loaded, 125 grain, semi-jacketed hollow point
- Winchester: Silver Tip, factory loaded, 110 grain, hollow point (recommended in aluminum frame and J frame revolvers)
- Precision Delta: Plus P, factory loaded, 125 grain, jacketed hollow point
- Speer: factory loaded, 125 grain, Gold Dot hollow point +P

The below is authorized for 9MM semi-automatic pistols (9MM Luger, 9MM Parabellum, 9MM Para):

- Remington Peters: factory loaded, 115 grain, jacketed hollow point
- Remington Peters: factory loaded, 147 grain, Golden Saber
- Winchester: factory loaded, 115 grain, jacketed hollow point
- Winchester: factory loaded, 115 grain, silver tip hollow point
- Winchester: factory loaded, 147 grain, Subsonic, controlled expansion, jacketed hollow point
- Federal: factory loaded, 115 grain, jacketed hollow point
- Federal: factory loaded, 147 grain, Hydra-Shok, hollow point
- Winchester: factory loaded, 147 grain, Black Talon, hollow point or Supreme Expansion Talon
- Winchester: factory loaded, 147 grain, bonded jacketed hollow point
- Speer: factory loaded, 147 grain, Gold Dot hollow point
- Remington Peters: factory loaded, 147 grain, jacketed hollow point, Golden Saber Bonded

The below is authorized for semi-automatic .380 pistols, (.380 Automatic, 380 ACP, 9MM Kurz):

- Winchester: factory loaded, 85 grain, silver tip hollow point
- Federal: factory loaded, 90 grain, jacketed hollow point, Load No. 380, Hi-Shok
- Federal: factory loaded, 90 grain, Hydra Shok, hollow point
- Federal: factory loaded, 90 grain, jacketed hollow point
- Remington: factory loaded, 88 grain, jacketed hollow point
- Remington: factory loaded, 102 grain, Golden Saber HPJ (High Performance Jacket)
- Speer: factory loaded, 90 grain, Gold Dot hollow point

The below is authorized for .40 caliber semi-automatic pistols:

- Winchester: factory loaded, 180 grain, jacketed hollow point
- Winchester: factory loaded, 180 grain, Black Talon or Supreme Expansion Talon, hollow point
- Winchester: factory loaded, 180 grain, bonded hollow point

- Speer: factory loaded, 180 grain, Gold Dot hollow point
- Remington Peters: factory loaded, 180 grain, jacketed hollow point, Golden Saber
- Federal: factory loaded, 180 grain, Hydra Shok, hollow point

The below is authorized for .32 caliber semi-automatic pistols:

- Winchester: factory loaded, 60 grain, silver tip hollow point
- Speer: factory loaded, 60 grain, Gold Dot hollow point
- Federal: factory loaded, 65 grain, Hydra Shok, hollow point

The below is authorized for .32 caliber revolvers:

- Federal: factory loaded, .32 Harrington and Richardson magnum, 85 grain, jacketed hollow point

The below is authorized for .25 caliber semi-automatic pistols:

- Winchester: factory loaded, 45 grain, expanding point
- Glaser Blue Safety Slugs, 35 grain, 25 ACP, Round Nose (RN)
- Speer: factory loaded, 35 grain, 25 ACP, Gold Dot hollow point
- Hornady: factory loaded, 35 grain, 25 ACP, XTP Jacketed Hollow Point (HP)

The below is authorized for .22 caliber handguns:

- CCI Stinger: factory loaded, .22 LR, 32 grain, hollow point
- CCI Maxi-Mag: factory loaded, .22 WMR, 40 grain, jacketed hollow point
- Remington: factory loaded, .22 LR, 33 grain, Truncated Cone hollow point (Yellow Jacket: Hyper Velocity)
- Federal: factory loaded, .22 Magnum, 25 grain, hollow point

The below is authorized for patrol rifles:

- Federal: Premium Law Enforcement.223, 55 or 59 grain Boat Tail Hollow Point.
- Winchester: .223 55 or 69 grain Boat Tail Hollow Point
- Hornady: .223 55 or 69 grain TAP Urban
- Remington: .223 55 or 69 grain Boat Tail Hollow Point

The below is authorized for shotguns:

- Federal: Classic or Tactical, 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Winchester: Super-X, 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Remington: 12 ga., 2 ¾" or 3" inch magnum, 9-pellet, OO (Double Ought) Buck Shot (no low recoil)
- Federal: Tactical, 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)
- Winchester: Super-X, 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)
- Remington: 12 ga., 2 ¾" or 3" inch magnum, 1 oz. Rifled Slug (no low recoil)

EFFECTIVE DATE FOR APPENDIX "A" IS:
REVISED DATE FOR APPENDIX "A" IS:

01/01/2015
None