

NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



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July 11, 2017

Deputy Superintendent Danny Murphy
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans, LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the revised Chapter 1.4.3 Scenario-Based Firearms Training. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 1.4.3 Scenario-Based Firearms Training, 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 ¶ 8.

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

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
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CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.4.3

TITLE: SCENARIO-BASED FIREARMS TRAINING

EFFECTIVE:

REVISED:

PURPOSE

1. The purpose of this Chapter is to establish a set of safety guidelines for all scenario-based (force-on-force) firearms and related training where firearms are used.
2. Employees shall recognize that safety is paramount when handling firearms.

POLICY STATEMENT

3. It is the policy of this Department to help the officers receive the most realistic training available through scenario-based firearms training. By utilizing simulated encounters where the officer's interpersonal skills, training, and tactics are evaluated under sometimes stressful and fast-paced conditions, specialized firearms instructors are able to better judge the officer's performance, decision making, and firearms skills based on current regulations and approved tactics. The use of simulations/scenarios may also help to determine whether there is a need to change NOPD policy, tactics, or training.

DEFINITIONS:

Definitions relevant to this Policy include:

Lead Instructor—The principal training officer or person in command of a particularized type of training. This person usually possesses specific qualifications, certifications, training, and demonstrated skills in the area of instruction above that of a mere participant.

Safety Officer—This person possesses specific qualifications, certifications, training and demonstrated skills in the area of instruction above that of a mere participant and is responsible for ensuring that all safety protocols are adhered during the training scenario. They may stop the training scenario at any time and suggest changes to the lesson plan to promote safe practices.

Simulated Training Ammunition—A type of manufactured ammunition for use in a specialized firearm that is designed to mimic or simulate live ammunition in scenario-based firearms training without the lethal risk exposure of "live" ammunition. Most simulated training ammunition cartridge manufacturers require specialized training certification for the instructor, as well as the installation of a drop-in conversion kit that does not permanently alter the weapon to be used for training and can be easily removed. These conversion kits ensure that normal service

ammunition **cannot** be fired during training and allow the use of the simulated training ammunition that work with reduced-pressure/reduced-velocity. This allows for a greater level of “reality based” firearms simulation training.

Training Manager—The Commander of the Education and Training Division or his/her designee who coordinates and tracks all Departmental training.

FIREARMS SIMULATION TRAINING AUTHORIZATION

4. Only certified scenario-based firearms instructors from the Education and Training Division and the Special Operations Division are authorized to conduct scenario-based firearms training. The Training Manager shall:
 - (a) Pre-approve, in writing, all scenario-based firearms simulation training.
 - (b) Designate, in writing, the Lead Instructor and all other instructors and assistants who will conduct the scenario-based training.
 - (c) Provide a lesson plan or detailed outline of the training, training objectives, safety measures, duties and responsibilities of all instructors and participants, and methods to evaluate achievement.
 - (d) Designate a Safety Officer for each training session.
5. The safety protocol in this Chapter shall be followed in every case where firearms are used during scenario-based training. Additional safeguards as outlined in this Chapter shall apply when simulated training ammunitions are used in scenario-based training.
6. The Lead Instructor is in command of the training exercise and the training area. The Lead Instructor will immediately remove from the training area anyone who jeopardizes the safety of instructors, participants, and/or observers.
7. While participating in simulated ammunition training, designated instructor(s) for that training, regardless of rank, shall be under the command of the Lead Instructor. All directions given by the instructor(s) shall be immediately and precisely executed.
8. Safety is the first priority and is everyone's responsibility. Any participant, instructor, or observer, shall call a **cease fire** for any perceived safety concern.

SCENARIO-BASED TRAINING

9. The Lead Instructor shall give a safety briefing before each training session.
10. The Lead Instructor shall ensure the training area is clearly defined and all participants are informed as to the specific location and limits of the training area.
11. Prior to the beginning of training, the Lead Instructor shall ensure the training area is clear of live ammunition or loaded firearms.
12. Each person who enters the training area is responsible for securing all loaded firearms, magazines, and ammunition **outside** of the training area. No person entering the training area shall bring live ammunition or loaded firearms into the training area. Violations of this requirement will result in the immediate removal of the person from the training area and disciplinary action.
13. The Lead Instructor shall ensure everyone who enters or re-enters the training area is confronted, checked for firearms and live ammunition, and instructed to secure any

firearms and ammunition outside of the training area. This includes checking all items or containers which could hold a firearm or ammunition.

14. The Lead Instructor, in conjunction with the Safety Officer, shall ensure **all items** carried into the training area are checked and cleared of firearms and ammunition.
15. Prior to the start of any scenario-based firearms training, two designated firearms instructors or assistants (not a participant) shall independently check each firearm to be used in the training to ensure no weapons are present which are capable of firing live ammunition.
16. Prior to the start of scenario-based firearms training, all persons present shall participate in a line inspection as follows:
 - (a) All persons present shall appropriately secure all firearms and ammunition prior to entering the training area.
 - (b) Once inside of the training area, all persons except the instructors will form a single file line, standing shoulder to shoulder. Two instructors shall independently check each person in line for any ammunition or weapons not designed to be used in the training area. The check shall include a pat down of each person in line.
 - (c) Two instructors shall check each blue, simulated training ammunition only weapon to be used in the training. The first instructor shall check the weapon; the second instructor shall also check the firearm. All training firearms shall be conspicuously identified by a training instructor, participant, or observer. The usage of blue-framed Glock pistols designed for simulated training ammunition training will be sufficient as being conspicuously identifiable.
 - (d) Once instructors have checked all persons and firearms, they will join the line. Each person in line will check the person to the right, to the left, to the rear, and in front of them for live ammunition and unauthorized weapons.
 - (e) All participants must wear approved full-face helmets.
17. All instructors shall be identified by a vest clearly marked "**Instructor**." This vest shall be worn as the outer most garment.
18. When returning to the training area after meal breaks, instructors shall check firearms, and perform a line inspection following the same procedures and steps outlined above.

ADDITIONAL SAFETY PROTOCOL FOR TRAINING WITH SIMUNITIONS

19. The Lead Instructor will designate one qualified firearms instructor as a Safety Officer. The Safety Officer shall be identified to all participants visually and wear distinctive outer wear indicating his/her function.
20. The Safety Officer shall:
 - (a) Be certified by the manufacturer of the firearms used in the training to conduct scenario-based training using the particular equipment being used. He/she must maintain his/her certification according to the manufacturer's guidelines.
 - (b) Supervises the loading and unloading of all firearms and magazines and
 - (c) Supervise the conversion of all firearms.
 - (d) Advise the Lead Instructor on whether all safety protocols have been met and provide the "all clear" signal for the training scenario to begin.
21. Two instructors shall independently check each training firearm for proper conversion by use of a conversion kit that modifies the weapon and allows it to **ONLY** fire training

ammunition/cartridges and not live rounds.

22. While in the training area and awaiting training, all training weapons shall be holstered and secured with the magazines and any chambered training rounds or simulated training ammunition rounds removed from the firearm.
23. Two instructors shall participate in loading. One instructor shall load the firearm and the other instructor shall observe and confirm only simulated training ammunition training cartridges are loaded.
24. The Safety Officer shall brief all participants on the proper use and fit of the required safety equipment.
25. Prior to the start of each training scenario, the Safety Officer will check each participant's safety equipment.
26. **Body armor is mandatory.**
27. **Full face and neck protection is mandatory and provided.**
28. Athletic cups, long sleeve shirts, and long pants are recommended but not provided.
29. The Lead Instructor shall clearly signal the beginning and the end of each exercise by the use of audible and visual signals. The Lead Instructor shall end the scenario by a whistle or stating aloud, "**End Ex! End Ex!**" (short for End Exercise). They will confirm that each participant and instructor acknowledges the signals.
30. Anyone can freeze a scenario for safety reasons by shouting, "Cease Fire!" repeatedly until each participant and instructor acknowledges the signals.

MANDATORY SAFETY BRIEFING FOR TRAINING WITH SIMULATED TRAINING AMMUNITIONS

31. The mandatory safety briefing conducted for all instructors, assistants, participants, and observers for any scenario-based simulated-ammunition training shall be detailed in written form and must include, at a minimum:
 - (a) At all times, all training weapons or firearms shall be handled as if they were loaded.
 - (b) Control the training weapon's muzzle and your trigger finger. Keep your finger out of the trigger guard until you are ready to fire.
 - (c) One certified firearms instructor shall be designated and introduced as the Safety Officer.
 - (d) The Safety Officer shall direct the loading and unloading of all firearms, training weapons, magazines and inspect all safety equipment.
 - (e) Loading requires two instructors: one instructor loading and one instructor observing and confirming that only approved training cartridges are used and loaded.
 - (f) There will be instruction on the proper use and fit of safety equipment.
 - (g) **Body armor is mandatory.**
 - (h) **Full face and neck protection are mandatory** and provided. Athletic cups, long sleeve shirts, and long pants are recommended.
 - (i) Shots shall be aimed at center body mass or the front of the head and shall not be fired from closer than six (6) feet from the intended target.
 - (j) Shots shall not intentionally be aimed at the back of the head or at extremities.
 - (k) A minimum of six (6) feet is required for all shots taken in simulation training.
 - (l) Any participant, instructor, or observer, shall call a "**cease fire**" for any perceived

- safety concerns. Anyone can freeze a scenario for safety reasons by shouting, "**Cease Fire!**" repeatedly until each participant and instructor acknowledges the signal. Examples of safety concerns which would require a cease fire include, but are not limited to: a non-participant entering the training area or a piece of protective equipment shifting or failing. An air horn or whistle may be used to indicate an immediate cease fire situation.
- (m) Cease fire commands will be repeated until every officer and instructor has received and acknowledged the command by holstering all weapons and raising both hands in the air so it can be verified that it is now safe. If no holster is available the weapons will be placed on the ground and both hands shall be raised in the air so it can be verified that it is now safe.
 - (n) Only the Lead Instructor may re-start the scenario after a cease fire is called.
 - (o) The Lead Instructor will signal the start and end of each exercise by verbally stating, "**Begin Scenario!**" and "**End Scenario**" or "**End Ex! End Ex!**" (short for End Exercise." They will confirm that each participant and instructor acknowledges the signals.
 - (p) The Lead Instructor shall entertain participants' questions and provide answers on all issues pertaining to the simulated training or safety briefing.
32. The safety briefing shall be provided to participants in written form, if requested at any time.
33. The Lead Instructor shall maintain a log sheet signed by each participant, instructor, assistant or observer acknowledging they received the required safety briefing on that date and time for each individual training session. The Lead Instructor shall submit the log sheet to the Commander of the Education and Training Division, whom shall retain the log with other training records.

TRAINING DOCUMENTATION & RESPONSIBILITY

34. Participants shall receive training certificates upon completion of training. The certificates shall be issued by the Lead Instructor on a form provided by the Commander of the Education and Training Division.
35. A record of all participants' attendance and completion, the dates of training, type of training, instructors performing training, course syllabus, and the level of completion of all participants, and corrective actions, if any, shall be sent to the Commander of the Education and Training Division weekly for record keeping after each training session.