

# NOPD CONSENT DECREE MONITOR NEW ORLEANS, LOUISIANA



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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 as of November 30, 2106, the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the revised 55.4 – Limited English Proficiency Services. The OCDM has no objection to the policy as revised.

We believe that the revised 55.4 – Limited English Proficiency Services, 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: 55.4

### TITLE: LIMITED ENGLISH PROFICIENCY SERVICES

EFFECTIVE:

REVISED:

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#### PURPOSE

The New Orleans Police Department (NOPD) recognizes the importance of effective and accurate communication between its personnel and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers sometimes can inhibit or even prohibit individuals with **limited English proficiency** (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the NOPD with safety, evidentiary, and ethical challenges. Seeking to ensure maximum communication between law enforcement and all segments of the community serves the interests of both groups.

The purpose of this policy is to establish effective guidelines for Departmental personnel to follow when providing services to, or interacting with, individuals who are LEP.

#### POLICY STATEMENT

1. The New Orleans Police Department's will take prompt and reasonable steps to provide LEP individuals timely, meaningful access to services and benefits the Department provides in all sponsored programs or activities. All NOPD personnel shall provide free language assistance services, including oral interpreter services and translated communications, to LEP individuals whom they encounter or whenever an LEP individual needs or requests language assistance services. Department personnel whom interact with LEP individuals will inform those individuals that language assistance services are available free of charge to LEP persons and that NOPD personnel will provide these services to them.
2. NOPD personnel are not permitted to tell any LEP individual that he or she must learn English to use police services or bring or provide their own interpreter. NOPD personnel are prohibited from using racially or culturally insensitive or hostile comments toward LEP persons.

**DEFINITIONS:**

Definitions relevant to this Chapter include:

**Bilingual**— A demonstrated competence and ability to speak in English and a second language including all necessary vocabulary, terms, and phrases.

**ELSA**—A hands-free, mobile interpretation device that provides 24-hour access to interpreters able to communicate in 180 different languages.

**Exigent circumstance**—with respect to LEP situations means a compelling or true emergency in which prompt action is necessary to prevent injury to a person such that the usual procedure for obtaining the services of an interpreter or interpretation services cannot be followed, such as when a description of a perpetrator must be obtained from a victim.

**Interpretation**—The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficiency (LEP)**—Refers to a person who does not speak English as his/her primary language and has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

**NOPD authorized interpreter (NOPDAI)**—A bilingual NOPD employee who has been assessed, tested, and demonstrated their competency in English and a second language using the terminology, phrases, vocabulary, and phrases needed. Once an interpreter establishes competence and received training on ethical and professional conduct as interpreters, the officer will be certified and NOPD may authorize him or her to interpret for others in certain situations, such as interviews, interrogations, or talking and responding to citizen complaints.

**NOPDAI list**—A list of New Orleans Police Department members who are bilingual and are authorized to perform interpreter services. The NOPDAI list shall be published on the Department's intranet and available to all members.

**Primary language**—An individual's native tongue or the language in which an individual most effectively communicates. Members of the Department should make every effort to ascertain an individual's primary spoken and written language to ensure effective communication.

**Translation**—The conversion of text from one language (source language) into an equivalent text in another language (target language) while retaining the same meaning.

**LEP (LANGUAGE ACCESS) COORDINATOR**

3. The Superintendent of Police shall appoint a member who has achieved the rank of lieutenant or higher as the Department's LEP coordinator, who shall be responsible for coordinating, implementing, and monitoring compliance with all aspects of the NOPD's services to LEP individuals with the assistance of the Policy Standards Section. This includes ensuring free language access services to all LEP individuals encountered by members of the Department, consistent with this Chapter and the Department's Language Access Plan.
4. The LEP coordinator shall be responsible for having documents and communications translated and distributed to LEP communities. The Policy Standards Section will serve

as the central repository of all translated documents and make them available to NOPD personnel and members of the public via NOPD's intranet website, [www.nopd.org](http://www.nopd.org). Documents and communications that must be translated into Spanish and Vietnamese include, but are not limited to:

- (a) consent to search forms;
  - (b) witness and victim statement forms;
  - (c) citation forms;
  - (d) victim rights notification forms;
  - (e) citizen complaint forms; and
  - (f) notices advising LEP persons of free language assistance in connection with NOPD activities.
5. The LEP coordinator will be responsible for annually reviewing all new documents, forms, or communications issued by the NOPD to assess whether they should be considered vital materials requiring translation.
6. In cooperation with the Policy Standards Section, the LEP coordinator shall annually assess demographic data, review language access services utilization data, and consult with representatives of the LEP community and District commanders to ensure that the Department is providing the services and benefits the department provides in all NOPD-conducted programs or activities to LEP persons. The LEP coordinator shall use this review to determine whether vital documents or communications should be translated into additional languages and whether other related changes to the Department's LEP program are necessary.
7. The LEP coordinator shall prepare an annual report to the Superintendent of Police assessing the language assistance services they provide to LEP individuals, the effectiveness of those services, language assistance service complaints that have been received and the complaints' resolution, and any recommendations to improve language access policies and procedures.
8. Information to be tracked and analyzed for the report includes but is not limited to:
  - (a) The number of LEP individuals NOPD staff has encountered in person, by telephone, in written or electronic communications, and on the NOPD website;
  - (b) For each encounter in (a), the number of LEP persons that requested services and the number who were provided services;
  - (c) The primary spoken and written language of the LEP persons provided services;
  - (d) For each encounter described in (a), whether an in-person, remote, or other interpreter services was provided;
  - (e) Number of bilingual staff who have been evaluated for language proficiency including their level of proficiency;
  - (f) Use of document translators by number of documents or communications translated and non-English language.
9. The LEP coordinator shall be responsible for creating and maintaining the NOPDAI list that will include each interpreter's language(s) of proficiency, when language skills were assessed for each language, and if any complaints have been filed against them regarding their language skills. The LEP coordinator shall provide this listing to the executive director of the Orleans Parish Communications District (OPCD) for the use of dispatchers. This list will also be available on the NOPD's intranet, and it shall be reviewed for accuracy every six (6) months with updates provided as appropriate.
10. The LEP coordinator shall assess the effectiveness and efficiency of the Department's Language Access Plan on an ongoing basis and shall report to the Superintendent or

his/her designee regarding needed improvements and any accountability concerns. The Superintendent or his/her designee shall consider the information provided by the LEP coordinator and respond as necessary to ensure that NOPD's Language Assistance Plan is effective.

11. The LEP coordinator shall be responsible for collecting and tracking calls for service data in reference to LEP contacts with NOPD. The LEP coordinator may collect these data through the review of OPCD CAD records on NOPDAI calls for service and/or independent telephonic and in-person interpreter services provide to NOPD members through OPCD protocol. The LEP coordinator shall prepare monthly reports to his/her respective Deputy Superintendent outlining LEP services coordinated through OPCD. The LEP coordinator shall incorporate this information into the annual report to the Superintendent of Police.

## **CRIMINAL INTERROGATIONS AND CRIME WITNESS INTERVIEWS**

12. Criminal interrogations and crime witness interviews potentially involve statements with evidentiary value upon which a witness may be impeached in court. As such, accuracy is a priority. Moreover, a failure to protect the rights of LEP individuals during arrests and interrogations presents risks to the integrity of the investigation. NOPD personnel must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. An authorized interpreter shall be used for any interrogation or taking of a formal statement when the suspect's or witness's legal rights could be adversely impacted. When possible, consideration should be given to using an independent in-person interpretation service during an interrogation. Because of the dual role a NOPDAI may have when conducting interrogations and acting as an interpreter, all NOPDAI interrogations shall be video and/or audio recorded.

**NOTE:** *Miranda* warnings, and all other vital written materials, shall be provided to the suspect or witness in his or her primary language. In the case of a language for which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using either an independent interpretation service or NOPDAI. When a form is read to the suspect or witness in his or her primary language, that oral communication will be recorded.

## **ELSA USE**

13. Officers are encouraged to use an approved interpretation service, such as an ELSA device, when a NOPDAI who speaks an LEP individual's primary language is not available. ELSA devices are available at every District station and may be obtained by requesting one from a supervisor. Before responding to a call for serving involving a known LEP individual, an officer shall request an ELSA device if a NOPDAI is not available.
14. In addition to training provided by the Training Academy, guidance on the use of ELSA devices shall be provided regularly through training bulletins and instructional materials provided on the Department intranet.

## **COMMUNICATIONS RESPONSIBILITIES**

15. Orleans Parish Communications District personnel shall consult the NOPDAI list to determine if a Department authorized interpreter is available to respond to a request for interpretive services. If no NOPDAI is available, the OPCD shall follow established protocol to provide an appropriate service, such as ELSA, to assist with either telephonic

interpretation services or on-scene response.

## OFFICER RESPONSIBILITIES

16. Officers and investigators in the field who need interpretation services will attempt to identify a LEP individual's primary language through the use of "I Speak" language identification flashcards (attached) and request a NOPDAI, the use of an ELSA device, or other LEP resource that may be available through the OPCD/NOPD dispatcher. OPCD/NOPD dispatchers should make every effort to dispatch a bilingual officer to the assignment, if available.
17. NOPD personnel shall **not** use minor children to provide interpretation services to LEP individuals unless there are exigent circumstance.
18. In domestic violence incidents, officers shall not use the alleged perpetrator (or victim), or their companions or associates, or material witnesses to provide interpretation in person or remotely.
19. Using family members and friends of LEP individuals or bystanders at the scene of an incident to assist in translation is generally prohibited because it may result in a breach of confidentiality, a conflict of interest, or inadequate interpretation. However, at an LEP individual's request, Department personnel may obtain **only** basic information from the LEP individual using family members, friends, or bystanders, and only in non-confrontational, non-emergency situations.
20. Departmental personnel will follow the general procedures outlined in this Chapter. However, some deviation may be required under exigent circumstances. In such situations, personnel shall use the most reliable, temporary interpreter available, such as bilingual NOPD personnel. Examples include the need to obtain descriptive information about a fleeing suspect, or the need to obtain information about an injured person. Once the exigency has passed, Departmental personnel shall resume the general procedures in this Chapter.
21. If during the course of handling an assignment an officer or investigator is required to utilize either his/her bilingual skills, the services of a NOPDAI, an independent in-person interpreter, or a telephonic interpreter service, the letter designation, the officer or investigator shall enter "LEP" in the "Other" block under the 'ADM' section of the Electronic Police Report (EPR) or non-EPR generated incident report, along with the interpreter's name, arrival time, and departure time.

## CONFLICTS OF INTEREST

22. If an officer/investigator believes that an assigned interpreter has any perceived or actual conflict of interest with or bias toward a LEP individual, such as a personal relationship, or any other reason why the interpreter should be recused, the officer/investigator shall request a supervisor respond to the scene for assistance. If the supervisor determines that a conflict of interest exists, he or she shall document it in a written report of the incident.
23. Upon completion of an on-scene assessment, the supervisor shall determine if justification exists to warrant the response or replacement interpreter. If this should occur, the supervisor will forward a NOPD form 105 correspondence documenting the reasons for this decision via his/her chain of command to the LEP coordinator for further review/action.

**SUPERVISOR RESPONSIBILITIES**

24. A supervisor approving a non-EPR-generated incident reports carrying a “LEP” designation shall forward that report within 72 hours to the LEP coordinator. The Information System Section Commander shall submit a monthly listing of EPR reports with “LEP” designations to the LEP coordinator for review and tracking.

**ENSURING COMMUNITY ACCESS AND INFORMATION**

25. At each NOPD building entry point or lobby open to general public access, the LEP coordinator’s designee shall post signage in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals. The LEP coordinator’s designee also shall display a notification listing the available translated forms and documents in the lobby of NOPD Police Headquarters, the Public Integrity Bureau and each District station. NOPD shall also maintain translated written forms and documents, including a copy of this policy, for the most common LEP populations residing within the New Orleans area. The LEP coordinator shall ensure that these documents and forms, along with the available languages, are posted on the [www.NOPD.org](http://www.NOPD.org) website and available to all personnel under the “Resources” tab in either the Spanish or Vietnamese forms folder. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages using interpreter assistance procedures previously described in this policy.
26. The Deputy Superintendent of the Management Services Bureau shall coordinate with the LEP coordinator reproduction of LEP signage developed through the Policy Standards Section for display at NOPD Police Headquarters, the Public Integrity Bureau, and each District station. All contacts with LEP individuals at these facilities shall be recorded on a log sheet by the desk supervisor to be used in determining future assessment needs. The log sheets shall be forwarded by the desk supervisor on the first of every month to the LEP coordinator.
27. The Performance Standards Section shall conduct periodic checks to ensure signage is properly displayed and logs are correctly maintained at these locations consistent with policy requirements. The Performance Standards Section shall report any noted deficiencies to the Superintendent’s Chief of Staff.

**TRAINING**

28. The NOPD Academy will provide periodic training to all Department personnel on its Language Access Plan and LEP procedures, including how to access NOPD-authorized, telephonic and independent in-person interpreters. The NOPD Academy shall conduct such training for new recruits, during annual police officer and supervisor in-service training, and on-line training for officers at least every two years. The Academy shall track participation in LEP-related in-service programs and provide this information to the LEP coordinator.

**COMPETENCY OF INTERPRETERS**

29. Civil Service will assess language skills of NOPD personnel identified as bilingual who are willing to act as NOPDAs using a structured assessment procedure and/or other certified interpreter evaluation process.

30. Those NOPD personnel previously providing bilingual interpretation services to the Department prior to the effective date of this policy will be allowed conditional placement on the NOPDAI List pending final Civil Service assessment or successful completion of an approved certification process. All personnel conditionally placed on the NOPDAI List must successfully complete the required interpreter assessment/evaluation within one year. After successful completion of interpreter training and assessment, the LEP coordinator will place the individual on the NOPDAI List, subject to this policy.
31. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or concepts peculiar to NOPD and of any particularized vocabulary and phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
32. Those persons who have been placed on the NOPDAI List must receive continuing training annually through Civil Service and/or a certified interpreter service provider or they shall be removed from the NOPDAI List. The Education, Training and Recruitment Division shall be responsible for coordinating the annual training of active NOPDAIs and will maintain a record of training that the interpreters have received. Authorized NOPDAIs shall be reassessed at least once every three years.

#### **TRANSLATION OF ADDITIONAL DOCUMENTS**

33. If a Department member identifies a need to translate a specific NOPD form, document, or communication, he/she shall forward an NOPD Form 105 correspondence via chain of command to the Policy Standards Section explaining the reason for the translation request. The Policy Standards Section will review the request and confirm that no similar document or communication has already been translated. The request shall then be processed through the appropriate service provider. Once the request has been processed, the translated form, document, or communication will be catalogued by the Policy Standards Section for future use by NOPD staff.
34. If an investigator needs a note, letter, document, or other communication translated for investigative purposes, he/she shall forward an NOPD Form 105 correspondence via chain of command to Policy Standards Section, along with a clear **copy** of the original note, letter, or other communication to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date required. For those materials determined to be sensitive in nature, the investigating officer shall be responsible for hand-delivering his/her authorization request through the appropriate chain of command. In those investigations involving an arrest, the investigator is authorized to seek the assistance of the Orleans Parish District Attorney's Office for any translation services that the DA's Office may be able to provide.

#### **PUBLIC INTEGRITY BUREAU RESPONSIBILITIES**

35. Any LEP individual who wishes to file a complaint with NOPD regarding language access, or the discharge of an officer's duties, shall be informed that translated Public Integrity Bureau (PIB) complaint forms are available in Spanish and Vietnamese, and those forms shall be provided. Complaints shall be accepted in other languages.
36. All PIB investigators shall utilize only independent in-person interpretation services when conducting any interviews of LEP complainants or witnesses.



37. PIB shall provide written notice of the disposition of any LEP complaint in the complainant's primary language.
38. The PIB shall independently track the process of receiving, responding to, and tracking citizen complaints and resolution of complaints filed by LEP individuals.

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 1 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Խոսողու՞մ եմք նշում՞ կատարե՞ք այս քառակուսու՞մ, եթե խոսում՞ կամ կարդում՞ եք հայերեն:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 2 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/> Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/> Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

**N.O.P.D. - "I Speak..." Flashcard / (Appendix 'A' - Page 3 of 3)****Language Assistance Plan / Limited English Proficiency**

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратички уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish