

NOPD CONSENT DECREE MONITOR  
NEW ORLEANS, LOUISIANA



May 23, 2017

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File Number: 37PA-191555

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 55.5 – Disability Services. The OCDM has no objection to the policy as revised.

We believe that the revised Chapter 55.5 – Disability 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: 55.5

### TITLE: DISABILITIES SERVICES

**EFFECTIVE:**

**REVISED:**

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#### PURPOSE

The purpose of this Chapter is to prohibit discrimination against persons with disabilities and to provide guidelines for members to assist persons with disabilities who require police services.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to comply fully with the Americans with Disabilities Act (ADA) and make reasonable modifications of policies, practices and procedures to accommodate individuals with disabilities.
2. Persons with disabilities cannot be denied the benefits of services, programs, communications, or activities provided by the NOPD. Therefore, if a person with a disability requests a police service, NOPD will make arrangements for that person to participate or receive the service in a way that is accessible to him or her.
3. To ensure that persons with disabilities are not discriminated against, members shall be sensitive to the special needs of persons with disabilities. This may include noticing when persons appear to need assistance, asking if they need special assistance, and providing the required assistance to ensure that they have an equal opportunity to receive service that is equivalent to those provided to persons without disabilities.
4. For specific guidance on interacting with persons who are deaf or hard of hearing, please refer to **Chapter 55.5.1 - Communicating with Persons Who Are Deaf or Hard of Hearing**.
5. For specific guidance on interacting with individuals in crisis, please refer to **Chapter 41.25 - Crisis Intervention**.

#### DEFINITIONS:

Definitions relevant to this Chapter include:

**Developmental disability**—Severe chronic disabilities that can be cognitive or physical or both. The disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition..

**Intellectual disability**—A disability characterized by significant limitations in both intellectual functioning and adaptive behavior that covers many everyday social and practical skills. Limitations in intellectual functioning involve the person’s difficulty processing information and making decisions. Limitations in adaptive behavior include problems communicating effectively and carrying out practical everyday living skills. Many people with intellectual disability are mildly affected, making the disability difficult to recognize. This disability generally originates before the age of 18.

**Person who is deaf**—A person who has a profound hearing loss and who may use sign language.

**Person who is hard of hearing**—A person who, because of an impairment, has a diminished or damaged sense of hearing and who may have difficulty understanding certain communications.

**Person with a disability**—As defined by the ADA, a person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is regarded by others as having such an impairment.

## GENERAL PROVISIONS

6. When interacting with a person that may have a disability, members shall not make assumptions about the perceived disability. Persons with disabilities make up a diverse community, and they experience their disabilities in different ways. Any decision about how to offer assistance to a person with a disability must be based on facts about that person and not on a generalization about what persons with that type of disability can or cannot do.
7. Unless immediate circumstances require otherwise, before rendering any assistance to a person with a disability, members must ask the person with a disability what assistance he or she needs.
8. Subject to the requirements of **Chapter 55.5.1 - Communicating with Persons Who Are Deaf or Hard of Hearing**, when speaking to a person with a developmental or intellectual disability, members shall speak clearly and slowly to ensure effective communication.
9. Members should be aware that some people with developmental or intellectual disabilities may have characteristics, such as slurred speech or a staggering gait, which can be mistakenly perceived as intoxication.

## PROVISIONS FOR SPECIFIC (VISUAL, MOBILITY) IMPAIRMENTS

10. In some situations, oral communication supplemented by gestures and visual aids or an exchange of written notes are some examples of methods that may be effective means of communicating with people with disabilities. Members may also use the Communications Cards (**Appendix A**) to help communicate when necessary.
11. Persons with visual impairments may request information in large print. When it is reasonable under the circumstances, such as when the request is made in a District station or police facility, members shall use a copier to enlarge a document or print the document using a larger font. If using a computer, members may use an increased font

size to enlarge the computer typeface or image.

12. Individuals with visual impairment may request that documents be read aloud. Upon request, members shall read aloud the information written on a Department form, notice, or other document provided to the person. When such individuals provide officers with substantive responses to forms or investigatory inquiries, officers shall accurately transcribe the responses onto the forms or in investigatory notes. Before asking such individuals to sign a completed form, officers shall read aloud the transcribed statements to ensure accuracy.
13. Members shall read aloud any documents that require the person's signature.
14. Members should be aware that some persons with disabilities may use a mobility device, such as a wheelchair, scooter, crutches, walker, or braces. When transporting a person with a mobility disability is necessary, members shall follow normal transportation practices when it is safe to transport the person with his or her mobility device. Members shall use caution not to damage the mobility device. When it is not possible to safely transport the person and the mobility device, members shall use a Department van or lift-equipped vehicle. Members shall ask the person with a disability what type of transportation he or she can use, and how to best assist him or her in transferring into and out of the vehicle. (For persons in custody, see **Chapter 71.1 – Prisoner Transportation and Guarding.**)

#### **SPECIAL COMMUNICATION NEEDS**

15. Persons with intellectual or developmental disabilities may have special communication needs, such as limited reading and comprehension skills or limited verbal skills. Members shall follow this Chapter's guidelines and offer appropriate assistance, such as completing a form, giving clear instructions, and providing information in a step-by-step format.

#### **MEETINGS OPEN TO THE PUBLIC**

16. Members who schedule or hold meetings open to the public shall ensure that the meetings are held in locations that are accessible to persons with physical and communication disabilities. All notices for meetings open to the public shall include statements that accommodations for persons with disabilities shall be made upon request.

#### **COMMUNITY OUTREACH**

17. Community outreach programs and activities offered by this Department shall include physical and communications accessibility. As such, this Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services to individuals and groups with disabilities.

#### **TRAINING**

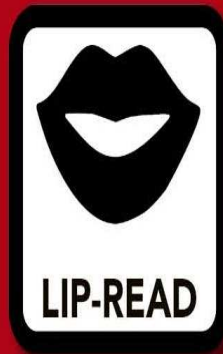
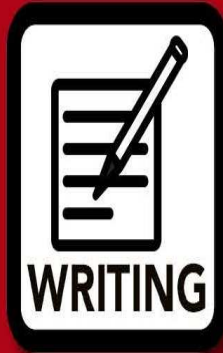
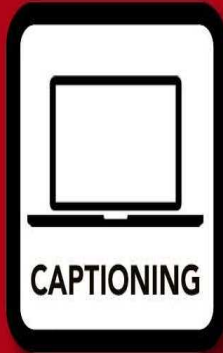
18. To ensure that the Department properly trains all members who have contact with the public or with those in police custody, this Department will provide periodic training on:
  - (a) The Department's obligation to provide services under the Americans with Disability Act, and any recent or relevant case law applicable to police services and agencies;
  - (b) This Chapter and related policies, procedures, forms, and available resources; and
  - (c) Working effectively with in-person and telephone interpreters and related equipment.

**APPENDIX A: COMMUNICATIONS CARDS**

Members may use the following pages as visual aids to assist communication with persons with disabilities.



The best way to communicate with me is:



# VIOLATIONS

