

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



November 30, 2016

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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 Language Assistance Plan. The OCDM has no objection to the policy as revised.

We believe that the revised Language Assistance Plan, 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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WASHINGTON, DC 20006

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

NEW ORLEANS POLICE DEPARTMENT

LANGUAGE ASSISTANCE PLAN

Providing Police Services to Limited English Proficiency (LEP) Individuals

November 2016



Michael S. Harrison
Superintendent

New Orleans Police Department
715 S. Broad Street
New Orleans, LA 70119

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I. Introduction

The New Orleans Police Department (NOPD) has primary responsibility for law enforcement in New Orleans, Louisiana. The Department has jurisdiction throughout Orleans Parish, whose boundaries are co-extensive with the city, which stretches across approximately 170 square miles of land. New Orleans has a population of approximately 384,320 residents, according to a recent U.S. Census Bureau estimate.¹ Of those residents, approximately 9 percent speak a language other than English. To effectively communicate with all members of the New Orleans community, including Limited English Proficiency (LEP) individuals, and to provide them with timely and meaningful access to police services—regardless of their ability to speak, read, write, or understand the English language—the NOPD has developed a language assistance plan.

On July 24, 2012, the City of New Orleans, the NOPD, and the Department of Justice entered into an agreement, known as a Consent Decree, which contains a broad array of requirements, tasks, and goals described in 490 paragraphs and 110 pages. The Consent Decree comprises a series of comprehensive reforms intended to improve the Department and incorporate best policing practices from other agencies across the nation. One section of the Consent Decree (paragraphs 189 through 194) details improvements related to language assistance.

Pursuant to Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d *et seq.*), as well as other applicable laws, this plan comports with best practices and current professional standards. The plan is also based on Executive Order 13166 and the Department of Justice’s LEP regulations issued pursuant to that Order, its Guidance “Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.”

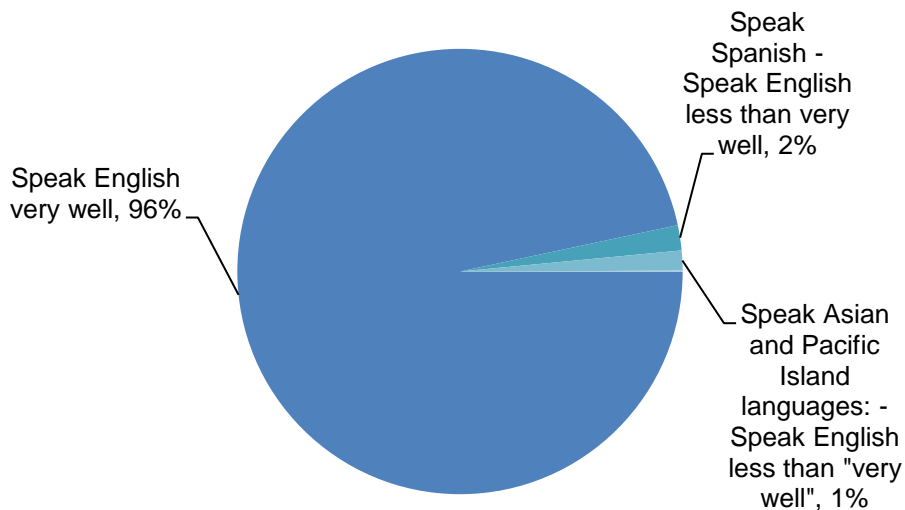
¹ The 2014 population estimate for New Orleans is available at quickfacts.census.gov/qfd/states/22/2255000.html.

II. Needs and Capacity Assessment

According to Title VI, NOPD is required to take “reasonable steps” to ensure “meaningful access” to police services by persons with limited English proficiency (LEP). The application of this flexible standard depends on four factors delineated by the Department of Justice: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) The frequency with which LEP individuals come in contact with the program; (3) The nature and importance of the program, activity, or service provided by the program to people’s lives; and (4) The resources available to the NOPD and costs. NOPD applied these factors using the following data and analysis.

The United States Census Bureau’s American Community Survey (ACS) provides demographic and population estimates that includes data on language usage and proficiency. For example, the ACS lists the estimated number of residents who speak English only, the estimated number of residents who speak other (non-English) languages and speak English less than “very well.” For purposes of this plan, persons who speak English less than “very well” are considered to be Limited English Proficient (LEP).

About 96 percent of New Orleans residents speak English “very well.”² About 2 percent of residents are Spanish speakers who are LEP. About 1 percent of residents who speak Asian and Pacific Island languages are LEP.



Based on the above-referenced percentages, Spanish and Asian/Pacific Island languages are the most frequently spoken in New Orleans (other than English). Further analysis of the Census data

² Estimated percentages of English speakers are derived from the U.S. Census Bureau’s 2013 American Community Survey 1-year estimates. The degree of uncertainty for these estimates is represented through the use of a margin of error. The margin of error for these estimates is less than 3 percent.

reveals that, among LEP residents who speak Asian/Pacific Island languages, the majority speak Vietnamese. For example, approximately 3 percent of the population are racially identified as Asian, according to the ACS estimates. Of those, 64 percent are identified as Vietnamese (the next largest segment of that population are identified as Chinese, who make up 11 percent of the Asian population). Consequently, demographic data demonstrate that the two languages most spoken among LEP residents in New Orleans are Spanish and Vietnamese. This finding is consistent with NOPD's assessment of the LEP community, as reflected in routine reporting, field interviews, anecdotal officer experiences involving LEP contacts, and other community resources.

Additionally, ACS data demonstrate that Spanish-speaking residents are distributed throughout the city in various neighborhoods, without a single area of predominance. By contrast, Vietnamese-speaking residents appear to reside predominantly in the Village de l'Est area of New Orleans East, clustered around the traditional focal point of that neighborhood, Mary Queen of Vietnam Church. Although the distribution of these two distinct LEP communities does not affect the NOPD's overall need for interpreters, it suggests that one or more Vietnamese-speaking New Orleans Police Department Authorized Interpreters (NOPDAI) should be assigned to the Seventh District, which comprises Village de l'Est. By contrast, the need for Spanish-speaking NOPDAI is not particularly localized within a Police District.

Available data on contact between LEP individuals and New Orleans police indicate that the frequency of such contact is infrequent. For example, the percentage of calls for service in 2014 that involved LEP individuals was .05 percent (93 calls were by LEP callers, and 205,269 calls were by non-LEP callers). In 2015, the percentage of LEP calls rose to .32 percent (687 LEP callers versus 210,790 non-LEP callers). These data do not include self-initiated calls, but they are indicative of the frequency with which officers encounter LEP individuals as a result of calls for service. As NOPD continues to track LEP contact through calls for service and other police-citizen interactions, a larger data sample will enable a more comprehensive study. Future analysis will inform revisions of the NOPD's language assistance plan and policy as it becomes available.

Presently, the frequency of contact between LEP individuals and New Orleans police officers is low. However, it is commonly understood that some LEP individuals may be reluctant to call on, or interact with, police, whether due to mistrust or other concerns rooted in cultural differences. NOPD anticipates that the frequency of contact between officers and LEP individuals will increase steadily, both through the growth of New Orleans' LEP communities and through continuing attempts to foster trust between those communities and NOPD. The Department aspires to encourage more contact through the implementation of its language assistance plan. For example, the increased availability of interpreters and visibility of translated police documents, posters and brochures in NOPD facilities should make those facilities more welcoming to LEP individuals.

Despite the relatively low frequency of contact between LEP individuals and the NOPD, the importance of those contacts cannot be overestimated. The provision of police services is a foundational aspect of public safety, and residents are often in crisis when they contact police. Whether they are finding a missing person, reporting a neighborhood nuisance, or reporting crimes by which they have been victimized, residents typically turn to police in emergencies. By contrast, residents may be contacted by police when they are suspected of criminal acts or may assist in investigations as witnesses or informants. In these situations, as with all policing services, mutual comprehension is absolutely vital. Moreover, the cooperation of residents is necessary for effective community policing. Language barriers can inhibit or even prohibit LEP individuals from accessing and/or understanding important rights, obligations, and services, or from communicating effectively in difficult situations. Consequently, NOPD's need for interpretation and translation during interactions with LEP individuals is acute.

III. Plan Implementation

Language Services Notification

Signage will be posted at the entryway or lobby of each publicly accessible NOPD building stating, in Spanish and Vietnamese, that interpreters are available, free of charge, to LEP individuals. A notification also will be posted that lists the availability of translated forms and documents in the lobby of NOPD headquarters, the Public Integrity Bureau, and each District station.

Oral Language Assistance and Communications

The NOPD is recruiting qualified bilingual personnel to meet its demonstrated service needs—presently, those needs include Vietnamese and Spanish speakers. The Department presently employs several Spanish-speaking officers and Vietnamese-speaking officers. Thirteen officers are presently authorized as Spanish interpreters, and the Department anticipates giving an examination to four Vietnamese-speaking officers this year so that they may become authorized interpreters. The NOPD is offering a 5 percent pay differential as an incentive for bilingual employees to become New Orleans Police Department Authorized Interpreters (NOPDAIs)

The NOPD, through the City of New Orleans, contracted with RTT Mobile Interpretation to employ the company's hands-free mobile interpretation device, ELSA™. The device provides instant, 24-hour access to the company's interpretation center and connects users to highly skilled interpreters who enable instant communication in 180 different languages. At least four ELSA devices are available at each of the eight New Orleans Police District stations. Dispatchers and operators at the Orleans Parish Communications District use Voiance Language Services and LanguageLine whenever an LEP individual makes an emergency call for service.

The NOPD's policy on Limited English Proficient Services, NOPD Chapter 55.4,³ provides that Department personnel will attempt to identify every LEP individual through the use of "I Speak" language identification flash cards. Department personnel may request (via Orleans Parish Communications Center dispatchers) a New Orleans Police Department Authorized Interpreter (NOPDAI) or other LEP resource, such as ELSA, whenever an officer encounters a LEP individual or whenever a LEP individual requests language assistance. In certain situations, such as those involving exigent circumstances when NOPDAIs are not available, officers may utilize voluntary interpreters, such as other bilingual NOPD personnel who are not approved interpreters. However, NOPD's policy is to use NOPDAIs whenever it is appropriate, recognizing that reliable, accurate interpretation is of paramount importance. The use of unapproved interpreters is only permitted under exigent circumstances. NOPD recognizes that

³ The NOPD Policy Manual is available on under the "Publications" tab of the Police Department's web site at <http://www.nola.gov/nopd/publications/>

using third parties who are not authorized interpreters may result in a breach of confidentiality or raise other conflicts.

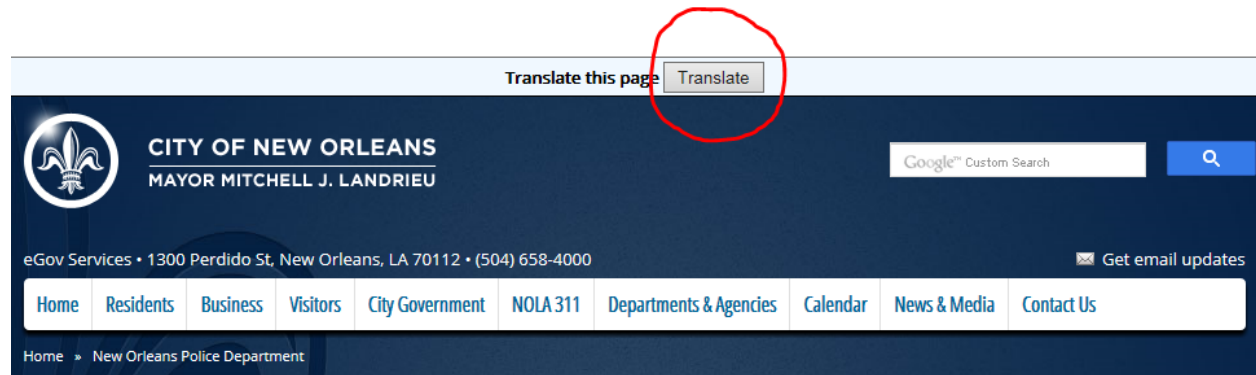
The NOPD’s policy on Limited English Proficient Services incorporates other best practices, including a prohibition on the use of minor children as interpreters, except to obtain basic information that may be necessary in an emergency, such as the description of a fleeing suspect. NOPD’s policy forbids the use of family, friends, or bystanders as interpreters unless the LEP individual waives his or her right to language assistance in writing, using a translated waiver form. NOPD personnel are not permitted to tell any LEP individual that he or she must learn English to use police services, and NOPD personnel are prohibited from using racially insensitive or hostile comments toward LEP persons.

Written Language Assistance

Vital NOPD documents have been translated, or are being translated, into Vietnamese and Spanish. These include consent to search forms, witness and victim statement forms, citation forms, victim rights notification forms, notices advising LEP persons of language assistance in connection with police services, and citizen complaint forms and related materials describing the misconduct complaint process. NOPD’s Policy Standards Section will annually conduct a review of newly created NOPD documents to determine whether translation is required. Other documents will be translated upon request.

Website Translation

The Web site for the New Orleans Police Department can be translated into more than 80 languages using Google Translate, which has been incorporated into the site, which is located at: www.nola.gov.nopd. The application is accessible by clicking the box labeled “Translate” at the center top of the main page:



The same translation tool is available on every related NOPD page and subsection of the site. For example, it can be used to translate the page on which users can report a misconduct complaint against a NOPD employee. Below is an introductory paragraph of that page, available at www.nola.gov/nopd/citizen-services/complaints/:

Complaints

In order for the NOPD to effectively function in ridding the city of crime and disorder, it is essential that the public has confidence in the integrity of law enforcement. To maintain this confidence, NOPD's Public Integrity Bureau provides a means to investigate and adjudicate complaints made against NOPD by community members. Grievances will be thoroughly and impartially handled.

[Submit a complaint online](#)

Once that page is translated into Spanish, the paragraph appears as follows:

Quejas

Para que la policía de Nueva Orleans para funcionar eficazmente en librar a la ciudad de la delincuencia y el desorden, es esencial que el público tenga confianza en la integridad de la aplicación de la ley. Para mantener esta confianza, la Oficina de Integridad Pública de NOPD proporciona un medio para investigar y juzgar las denuncias presentadas contra NOPD por miembros de la comunidad. Las quejas serán manejadas exhaustiva e imparcial.

[Presentar una queja en línea](#)

Once the page is translated into Vietnamese, the paragraph appears as follows:

Khiếu nại

Để cho NOPD để có hiệu quả hoạt động trong ridding thành phố tội phạm và rối loạn, nó là điều cần thiết mà công chúng có thể tin tưởng vào sự toàn vẹn của việc thực thi pháp luật. Để duy trì sự tự tin này, Cục Liêm Công NOPD cung cấp một phương tiện để điều tra và xét xử các khiếu nại chống lại NOPD bởi các thành viên cộng đồng. Bất bình sẽ được triệt để và không thiên vị xử lý.

[Gửi đơn khiếu nại trực tuyến](#)

Incorporation of the Google translation application ensures that all the information featured on the NOPD's Web site is accessible to LEP individuals and all non-English speaking members of the public in the community and beyond.

IV. Monitoring and Updating the Language Assistance Plan

The NOPD records and tracks contacts between police officers and LEP persons for ongoing assessment and evaluation of the Department's Language Assistance Plan. Whenever interpretation services are provided, either through NOPDAI or other resources, the officer documents the service through an Electronic Police Report. Additionally, the Orleans Parish Communications Division tracks the provision of interpretation via telephone whenever LEP persons request police services. All contacts with LEP persons at the NOPD's headquarters, the Public Integrity Bureau, and each District station are recorded on a log sheet. Finally, the Public Integrity Bureau records the number of LEP individuals who request interpretation services to file a complaint.

The NOPD's LEP coordinator will review the above-referenced data on an ongoing and annual basis, in addition to conducting a regular assessment and analysis of police interactions with LEP individuals. Additionally, as new data are made available on the demographics of New Orleans, this Language Assistance Plan will be reviewed and updated to respond to the needs of the city's changing population. The NOPD's LEP coordinator will assess demographic data, review contracted language access services utilization data, and consult with representatives of the LEP community, District commanders, and Community Coordinating Sergeants annually to determine whether any changes to the existing Language Access Plan are warranted. The annual review will include an analysis of whether the current plan and LEP assistance are adequately serving the LEP community, as well as what additional vital documents, services, and activities (if any) need to be made accessible to LEP persons. This assessment will also be based on consideration of the frequency of encounters with LEP persons representing different language groups, and the availability of resources.