

Nebraska Crime Commission Limited English Proficiency (LEP) Plan



May, 2015

Summary

Executive Order 13166, and subsequent guidance from the Department of Justice (DOJ), requires all agencies that provide federal financial assistance to issue guidance on how Title VI of the Civil Rights Act of 1964 applies to recipients of that assistance in their contact with persons with Limited English Proficiency (LEP).

The Governor's Crime Control Commission was created in 1967 by Executive Order. The name was later changed to the Nebraska Commission on Law Enforcement and Criminal Justice with legislation enacted in 1969 to establish the Crime Commission as an agency of state government. The Crime Commission was established to develop comprehensive plans and coordinate activities related to the improvement of criminal justice administration among state and local agencies. Since its inception, additional statutory responsibilities have been assigned to the Crime Commission, which now serves as an umbrella agency for many criminal and juvenile justice programs. The majority of the Crime Commission's responsibilities are set forth in Nebraska Revised Statutes 81-1415 to 81-1429.02.

Introduction

Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," dated August 11, 2000 (65 Fed. Reg. 50121, Aug. 16, 2000) requires federal Agencies to research and manage the needs of otherwise eligible persons seeking access to federally assisted programs and activities, who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. The EOP and DOJ LEP Guidance in turn advises each federal agency to "take reasonable steps to ensure meaningful access to the information and services they provide." DOJ LEP Guidance, 65 FR at 50124 goes on to provide that what constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors:

1. The number or proportion of LEP persons in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program.
3. The importance of the service provided by the program.
4. The resources available to the agency.

The DOJ LEP Guidance explains that the identification of reasonable steps' to provide oral and written services in languages other than English is to be determined on a case-by-case basis through "a balancing of all four factors."

Analysis of Factors

Factor 1: Number or Proportion of LEP Individuals in the Eligible Population

The Nebraska Crime Commission covers the State of Nebraska. Nebraska is primarily an agricultural state with the largest portion of its population residing in the metropolitan areas located in the eastern part of the state. Nebraska consists of 76,824 square miles, 93 counties varying in size from 247 square miles to 6,009 square

miles and has a population of 1.8 million. Many of the 93 are large geographically and sparsely populated. Agriculture and ranching are the primary industries, but in recent years there has been a significant increase in various types of industries located across the state, such as manufacturing. There has also been a significant increase in minority populations who reside in the state as Nebraska continues to become more diverse.

2013 Estimated Population

US Census QuickFacts	Nebraska	United States
Population, 2013 estimate	1,868,969	316,497,531
Caucasian Persons, percent, 2013	89.7%	77.7%
African American, percent, 2013	4.8%	13.2%
American Indian and Alaska Native persons, percent 2013	1.3%	1.2%
Asian persons, percent, 2013	2.1%	5.3%
Native Hawaiian and Other Pacific Islander, percent, 2013	0.1%	0.2%
Persons reporting two or more races, percent, 2013	2.0%	2.4%
Persons of Hispanic or Latino origin, percent, 2013	9.9%	17.1%
White persons not Hispanic, percent, 2013	21.0%	62.6%

<http://quickfacts.census.gov/qfd/states/31000.html>

Factor 2: Frequency of Contact with the Program

According to the DOJ Policy Guidance, "... if LEP individuals must access the [agency's] program or activity on a daily basis ... [an agency] has greater duties than if such contact is unpredictable or infrequent. [Agencies] ... should have the flexibility to tailor their services to those needs."

Beneficiaries may come into contact with the Nebraska Crime Commission as subrecipients, clients and or customers.

May 2015, a survey was conducted and sent to **all employees** of the Nebraska Commission on Law Enforcement and Criminal Justice; including the Law Enforcement Training Center. The survey was set up through Survey Monkey. Currently, there are a total of 51 employees. 51 respondents completed the survey. There was a 100% completion rate of the survey (51/51). The survey set out to answer the following questions:

1. On a monthly basis how many non-English speaking clients, customers, and/or individuals do you encounter/serve on a monthly basis, in your current position? *98.04% responded 0-5, and 1.96% reported 20 and greater.*
2. On a monthly basis how many non-English speaking individuals do you have contact with, via the telephone, in your current position? *100% responded 0-5*
3. On a monthly basis, how many non-English speaking individuals do you encounter on a face to face basis, in your current position? *100% responded 0-5*

The responses indicated that Nebraska Commission on Law Enforcement and Criminal Justice staff has very limited contact with non-English speaking clients/individuals.

Factor 3: Nature and Importance of the Program

According to the DOJ Policy Guidance, "More affirmative steps must be taken in programs where the denial or delay of access may have serious or even life or death implications than in programs that are not crucial to one's day-to-day existence, economic livelihood, safety, or education."

The Crime Commission administers a variety of federal and state grant programs. Each program has a different purpose and different requirements, and the amount available for each program varies from year to year. Each year, the Crime Commission makes sub-awards to approximately 325 agencies.

One of the “services” the Crime Commission provides is administering and monitoring grants from the Department of Justice (DOJ). Part of this monitoring process is to ensure that all subrecipients have a Languages Assistance Plan in place.

As DOJ guidance states on LEP states “A decision by a federal, state or local entity to make an activity compulsory...serves as strong evidence of the program’s importance” the Crime Commission is dedicated to making sure our agency, and the sub-recipients of grants, practice this approach towards LEP procedures.

Factor 4: Resources Available

According to DOJ Policy Guidance, “[A] small [agency] with limited resources may not have to take the same steps as a larger [agency] to provide LEP assistance in programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual’s day-to-day existence.” Instances which require the use of our LEP procedures are treated as “crucial to an individual’s day-to-day existence” as the Nebraska Crime Commission wants to remove the barriers caused by language.

Resources available to the Nebraska Crime Commission consist of:

1. I Speak Cards
2. Language Line

Plan for Persons with Limited English Proficiency Who Contact the Nebraska Crime Commission

If a staff member encounters a non-English speaking client/individual they will utilize the following:

1. I Speak Cards
2. Language Line

The language identification guide is a tool for law enforcement and other criminal justice agencies to identify the language of individuals they encounter who do not speak English. The I Speak Cards are located with the Staff Assistant I. Once a staff member has identified the language spoken with the “I Speak” chart, they will utilize the Language Assistance Line as necessary.

Instructions for Language Line are posted with the Staff Assistant I and made available to all current employees. Language Line provides you with an interpreter over the phone on demand by calling 800-874-9426 without any advance planning. Instructions for 3- way calling are posted with the Staff Assistant I. The Nebraska Crime

Commission has many phones available throughout the office with a speakerphone to allow for good communication.

In addition, staff will monitor and/or record each time they assist a LEP individual.

If the above two options do not suffice, the employee will reach out to their immediate supervisor for assistance and direction.

We will notify LEP persons that language assistance is available by posting that specific information on our website.

The Nebraska Crime Commission will monitor and update this LEP Plan every three years or as deemed necessary.

The Nebraska Crime Commission will train staff by making the LEP Plan available on the portal and will be reviewed at occasional staff meetings.