

# Nebraska Crime Commission Limited English Proficiency (LEP) Plan



April, 2011

## 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 assess and address 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 advises each federal agency to "take reasonable steps to ensure meaningful access to the information and services they provide." The DOJ guidance document instructs recipients to consider four factors in determining what language services it may provide for LEP beneficiaries (the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs; the frequency with which LEP individuals come into contact with the program; the importance of the service or information provided by the program; and the resources available to the recipient of the federal funds).

## 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 77,355 square miles, 93 counties varying in size from 247 square miles to 6,009 square miles and has a population of 1.7 million. Many of the 93 counties are sparsely populated but large geographically. 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 meat packing plants.

#### 2009 Estimated Population

People QuickFacts	Nebraska	United States
Population, 2009 estimate	1,796,619	307,006,550
Caucasian Persons, percent, 2009	91.1%	79.6%
American Indian and Alaska Native persons, percent 2009	1.1%	1.0%
Asian persons, percent, 2009	1.7%	4.6%
Native Hawaiian and Other Pacific Islander, percent, 2009	0.1%	0.2%
Persons reporting two or more races, percent, 2009	1.3%	1.7%
Persons of Hispanic or Latino origin, percent, 2009	8.4%	15.8%
White persons not Hispanic, percent, 2009	83.5%	65.1%

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

## 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.

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 43 employees. 32 respondents completed the survey. There was a 100% completion rate of the survey (32/32). 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? *96.9% responded 0-5*
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 (0-5) 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 life or death implications than in programs that are not as crucial to one's day-to-day existence. ... A decision by a Federal, state, or local entity to make an activity compulsory ... serves as strong evidence of the program's importance."

The Training Center, located in Grand Island, is administered by the Nebraska Crime Commission with oversight provided by the Police Standards Advisory Council. The Center provides basic training for new law enforcement officers,

supervision/management courses, reserve officer training, highway safety courses, initial and in-service training for jail facility employees, in-service training for sheriffs, and various specialized schools.

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 to administer and monitor grants from DOJ. Part of this monitoring process is to ensure that all subrecipients have a Languages Assistance Plan in place.

The Jail Standards Board, appointed by the Governor, is responsible for the enforcement of minimum standards for the operation and construction of 78 local jails. Jail Standards staff conducts annual inspections of local jails and juvenile detention facilities. Technical assistance is also provided to include new facility planning and training for local correctional officers. Staff also collects data on the characteristics and numbers of inmates held in local jails.

The Criminal Justice Information System (CJIS) Advisory Committee has developed a statewide strategic plan for improving the exchange of information among criminal justice agencies. There is a proven need for data sharing as well as automating several key components of the criminal justice system. Funds appropriated to this program are used to implement those projects identified in the CJIS strategic plan.

The Commission provides budgetary and administrative support to the Community Corrections Council, which has its own Executive Director and staff. The Council, established in 2003, has a mandate to develop standards for community corrections programs and facilities, propose sentencing guidelines to be considered by the Supreme Court, and develop a uniform crime data analysis system.

The Council oversees funding for substance abuse treatment for offenders released into the community, day and evening reporting centers, and specialized courts. The Council also has coordinated funding for a methamphetamine treatment study and a recidivism treatment center study.

#### **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.”

Resources available to the Nebraska Crime Commission consist of:

1. I Speak Cards
2. Language Assistance Line (LanguageLinc)

### **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 Assistance Line(LanguageLinc)

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 Accountant I. Once a staff member has identified the language spoken with the "I Speak" cards, they will utilize the Language Assistance Line as necessary.

Instructions for LanguageLinc are posted with the Accountant I, out in the front office area of the Nebraska Crime Commission. LanguageLinc provides you with an interpreter over the phone on demand by calling 402-473-2940 or toll free 1-888-469-6555 without any advance planning. The Nebraska Crime Commission has many phones available throughout the office with a speakerphone to allow for good communication. LanguageLinc also offers on-site interpretation and scheduling of interpreter appointments, if needed.

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.