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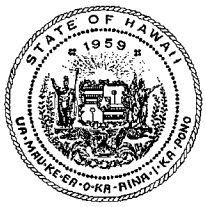

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DEPARTMENT OF PUBLIC SAFETY
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No. _____

LIMITED ENGLISH PROFICIENCY PLAN
(July 1, 2011 to June 30, 2013)

INTRODUCTION

Presidential Executive Order 13166, "Improving Access to Services for Persons with Limited English proficiency" was created to " . . . improve access to . . . federally assisted programs and activities for persons, who as a result of national origin, are limited in their English proficiency . . .. " Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI") serves as the basis for Executive Order 13166. Title VI provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Accordingly, the Department of Public Safety (PSD) seeks to implement the initiatives set forth in this Limited English Proficiency ("LEP") Plan to meet its obligation under Title VI. The purpose of this LEP Plan is to take reasonable steps to ensure persons with limited English proficiency gain meaningful access to PSD's services and programs.

DEFINITION OF LIMITED ENGLISH PROFICIENT PERSONS/CUSTOMERS

For purposes of this Plan, LEP persons or LEP customers mean individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter that PSD provides.

RELEVANT FACTORS

In determining how to provide effective and meaningful access to LEP customers, the U.S. Department of Labor has established the following four guidelines (68 FR 32290, 32294, May 29, 2003):

1. The number, or proportion, of LEP persons eligible to be served or likely to be encountered by the program;

2. The frequency with which LEP persons come into contact with the program;

3. The nature and importance of the program, activity, or service provided by the program to LEP persons; and,

4. The resources available to the program and the costs of providing interpretation/translation services.

The touchstone of this four-factor analysis is reasonableness—reasonableness as measured by (1) the size, needs, and nature of assistance to the LEP population served and (2) PSD's capacity and available resources.

In the event that PSD requires additional personnel to provide language access to our LEP population, as determined by the "Relevant Factors" described above, all efforts will be made to hire qualified, bilingual personnel to fill existing, budgeted vacant positions.

SUMMARY

PSD's LEP Plan is comprised of six (6) components, which are explained on the following pages:

1. Departmental reporting tool designed to obtain key information about the LEP population serviced by PSD;
2. Compilation of multi-lingual listing of PSD staff volunteers;
3. Notice of interpretation/translation services for qualified LEP persons;
4. Provision of interpretation/translation services for qualified LEP persons;
5. The role of the LEP Plan Coordinator; and,
6. Training of PSD staff on the LEP plan.

LEP PLAN

I. DEPARTMENTAL REPORTING TOOL DESIGNED TO OBTAIN KEY INFORMATION ABOUT THE LEP POPULATION SERVICED BY PSD

In order to provide meaningful access to the LEP population, PSD utilizes a standard form to collect information on the type and frequency of LEP services requested on a semi-annual basis. The information on this form includes the following:

- PSD office servicing the LEP person;
- The status of the requestor (public, custody of the law enforcement, custody of corrections);
- The kind of service requested (oral interpretation, written translation, sight translation);
- The language requested by the LEP person;
- The means used to provide the service (staff volunteer, community volunteer, PSD subsidized service);
- Frequency of service.

II. COMPILATION OF MULTI-LINGUAL LISTING OF PSD STAFF VOLUNTEERS

To effectively service the LEP population, PSD has compiled a departmental multi-lingual listing of employees who have volunteered to provide interpretation/translation services at each respective site. PSD's LEP Coordinator will be responsible for maintaining the master list of the

departmental volunteers, statewide. Once the master list is finalized, PSD intends to post the master on the departmental intranet site for review and information.

III. NOTIFICATION OF INTERPRETATION/TRANSLATION SERVICES TO LEP PERSONS

A. Office Notice for Interpretation/Translation Services

Departmental service providers have been surveyed to determine the most common services requested and have identified the types of information deemed as important for written translation (vital documents). Based on the survey results, PSD is reviewing various means (video, voice recording, and written format) to inform the LEP individuals of vital information at our central points of entry. The Office of Language Access notice for free interpretation is prominently posted at all major points of entry.

PSD will update the LEP Plan on the PSD website for the employees' review and information.

IV. PROVIDING INTERPRETATION/TRANSLATION SERVICES FOR LEP PERSONS

A. ORAL INTERPRETATION

In servicing the public, situations may arise where LEP persons are unable to participate in PSD programs without the assistance of interpreters in their preferred language. To ensure that their inability to communicate in English does not deprive the individual of their rights and privileges, PSD will provide oral interpretation services pursuant to the following procedures:

I. In Person
If an LEP individual approaches staff and appears to be seeking assistance, but has difficulty communicating, PSD employee shall attempt to determine the person's native language through direct inquiry. If direct inquiry is unsuccessful, the employee shall refer the LEP person to the "Office Notice" posted in the worksite area in an attempt to identify a recognizable language.

As a general rule, PSD will request for a competent multi-lingual, in-person staff volunteer to interpret as the initial means of providing the service. Should an in-person staff volunteer be unavailable, an over-the-phone interpreter will be requested to provide the service.

B. WRITTEN TRANSLATION

Written translation of important departmental information will be based on the use of the four "Relevant Factors." Should the vital document not be available in the requested language, all efforts will be made to provide oral translation of the document in a timely manner.

V. THE ROLE OF THE LEP PLAN COORDINATOR

PSD's Civil Rights Compliance Officer shall serve as the LEP Plan Coordinator to ensure

department-wide compliance with Presidential Executive Order 13166, which is based on Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d. The role of the LEP Plan Coordinator includes:

1. The coordination and overall implementation of the LEP Plan and evaluate and revise PSD's language access plan and submit to OLA every two years;
2. The development and implementation of a departmental policy and procedure concerning the LEP Plan;
3. Identify PSD's target population and assess language access needs;
4. Determine how to affirmatively address language access needs – through interpretation, translation, and oral translation;
5. Determine process for providing interpretation services;
6. Determine process of identifying and translating vital documents;
7. Determine how to develop a pool of in-house bilingual staff and provide training on how to deal with LEP individuals and interpreters;
8. Determine how to collect data on the number, type and frequency of language access requests and services provided;
9. Determine the process by which PSD's language access plan will be reviewed and revised on a biennial basis;
10. Resolve questions and complaints about the implementation of PSD's language access plan from LEP individuals and OLA;
11. Submit reporting requirements to OLA on a semi-annual basis;
12. Attend all state language access coordinators' meetings.

VI. TRAINING PSD STAFF ON THE LEP PLAN

The LEP Coordinator will continue to provide regularly scheduled training for the PSD staff. The primary purpose of the training is to impart the necessary background and understanding to implement the objectives of the LEP Plan. The training will include the LEP Plan, the department's policy and procedure, the application of the developed information and statistical forms, the reporting requirements of the staff to the LEP Coordinator.

CONCLUSION

All PSD divisions and administratively attached agencies are required to comply with the department's LEP Plan in accordance with Presidential Executive Order 13166, Title VI of the Civil Rights Act of 1964, U.S.C. § 2000d, and Act 290 (2006 Legislative Session, State of Hawaii).

The LEP Plan Coordinator is required to review this Plan every two years for appropriateness; recommended revisions will be forwarded to the Director of Public Safety for approval. The LEP Plan Coordinator shall ensure that the revised LEP Plan is appropriately disseminated throughout the department.

Jodie Maesaka-Hirata, Director
Department of Public Safety

6/15/11
Date