



**Michigan State Police,  
Emergency Management and Homeland Security Division  
Limited English Proficiency Plan  
January 2022**

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## Preface

The state of Michigan is home to people of different cultures, ethnicities, races, and backgrounds. Language differences should not be a barrier to engagement and participation. Every Michigan resident deserves meaningful access and equitable opportunity to participate in and provide input on the Michigan State Police, Emergency Management Homeland Security Division (MSP/EMHSD) programs, activities, and services. The MSP/EMHSD’s Limited English Proficiency (LEP) Plan was developed to ensure access for all.

The MSP/EMHSD shall provide, at no cost, accurate and timely language assistance, and effective communication to persons with limited English proficiency. To ensure that staff understand the LEP policy, they will be provided training by designated staff or section and unit managers. Monitoring will be completed through yearly compliance reviews and through the investigation of discrimination complaints. Our Equal Opportunity and non-discrimination complaint policies are on the MSP and MSP/EMHSD websites.

## Language Assistance Services

<b>Michigan State Police Emergency Management &amp; Homeland Security</b> Please note if needed, free language assistance services are available. Call 517-284-3745.	
Spanish	ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 517-284-3745.
Arabic	ملاحظة: إذا كنت قادراً على الكلام، اذكر اللغة التي تتحدث بها لأن خدمات المساعدة اللغوية متوفرة لك مجاناً. اتصل على رقم هاتف الصم والبكم 517-284-3745.
Chinese (Traditional)	請注意，如需要，您可以使用免費的語言援助服務。請致電517-284-3745。

The MSP/EMHSD LEP Plan (Plan) establishes division-wide guidance to provide LEP individuals with meaningful access to MSP/EMHSD programs, projects, services, or activities in a timely and effective manner. The Plan was developed to be consistent with:

1. The MSP/EMHSD’s commitment to provide meaningful access to LEP individuals;
2. The MSP/EMHSD’s mission to provide the highest quality law enforcement and public safety services;
3. Title VI of the Civil Rights Act of 1964<sup>1</sup>;
4. Executive Order 13166 (EO 13166)<sup>2</sup>, Improving Access to Services for Persons with Limited English Proficiency;
5. The MSP/EMHSD policies 01 Notice of Non-Discrimination, and 26 Accommodating Individuals with Limited English Proficiency.

<sup>1</sup> <https://www.justice.gov/crt/fcs/TitleVI-Overview>

<sup>2</sup> See <https://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

## Introduction

On August 11, 2000, President Bill Clinton signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (EO 13166). Executive Order (EO) 13166 requires federal agencies to develop and implement a plan to provide services to LEP individuals to ensure meaningful access to programs and activities conducted by federal agencies. It also requires that federal agencies work to ensure recipients of federal financial assistance provide meaningful access to LEP individuals.

There are two major categories of federally conducted programs or activities covered by EO 13166: (1) activities involving general public contact as part of ongoing agency operations and (2) programs directly administered by an agency for program beneficiaries and participants.

Recipients of federal financial assistance are required to comply with the applicable provisions of Title VI of the Civil Rights Act of 1964, as well as implementing regulations developed by the relevant federal agency. The federal agencies from which funds are provided also have LEP Guidance that provides a framework to help guide recipients' actions related to LEP individuals. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. By federal regulation, Title VI covers the recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of the recipient's organization receives the federal assistance.

To facilitate understanding of EO 13166 and entities' obligations under federal law, the Department of Justice in coordination with other federal agencies developed [LEP.gov](http://LEP.gov), which is a resource designed to help federal agencies and recipients of federal financial assistance provide meaningful access to LEP individuals.

To ensure recipients of Department of Homeland Security (DHS) financial assistance comply with EO 13166, DHS published the *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons in the Federal Register in April 2011*<sup>3</sup>. The Guidance provides a general framework that DHS recipients may use to provide meaningful access to LEP individuals.

The MSP/EMHSD is dedicated to providing equitable services for all Michigan residents. The development, application, and maintenance of this plan will aid with ensuring MSP/EMHSD takes the necessary steps to accommodate the needs of the public and communities served by the division. The purpose of this plan is to help promote equity and inclusion by providing meaningful access to programs and services for people with LEP by:

6. Reducing the language barrier.
7. Improving customer service.
8. Providing guidance for division staff.
9. Providing higher-quality communications for linguistically diverse audiences.

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<sup>3</sup> [2011-9336.pdf](http://2011-9336.pdf) ([govinfo.gov](http://govinfo.gov))

## Definitions

*Bilingual Staff Member* - A department staff member who has demonstrated proficiency in both English and at least one other language. A bilingual staff member may speak or write directly to an LEP individual in a language other than English.

*Effective Communication* - Communication sufficient to provide the LEP individual with the same level of access to services and information received by individuals who are not LEP. For example, if MSP/EMHSD creates a frequently asked questions document in English to help the general public understand its actions, then such information should be translated into the relevant languages to allow LEP individuals access to the same information.

*Interpretation* - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

*Interpreter* - An individual who conveys meaning orally from one language (the source language) into another (the target language).

*Limited English Proficient (LEP) Individuals* - Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Limited English Proficient (LEP) individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing).

*Meaningful Access* - Language assistance that results in accurate, timely, and effective communication to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to MSP/EMHSD programs and activities.

*Primary Language* - An individual's primary language is the language in which an individual most effectively communicates.

*Translation* - The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

*Translator* - An individual who conveys written text from one language (source language) into the equivalent in written text in another language (target language).

*Vital Document* - Paper or electronic material that is critical for access to the division's programs, activities, and services, or contains information about procedures or processes required by law. Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

## Four Factor Analysis

The MSP/EMHSD uses a four-factor analysis to determine the extent of obligations to provide LEP services. The four-factor analysis outlines the procedures undertaken and consequently the division’s compliance and adherence to the EO 13166 directives.

### **Factor 1: Number or proportion of LEP individuals in Michigan eligible to be served or likely to encounter MSP/EMHSD services.**

The greater the number or proportion of LEP individuals, the more likely language services will be needed. The MSP/EMHSD should consider minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Records of the number or proportion of people with LEP who seek services from the program shall be maintained.

The U.S. Census Bureau has four classifications for how well people speak English (1) “very well”, (2) “well”, (3) “not well”, and (4) “not at all”. The MSP/EMHSD will consider individuals who speak English less than “very well” as LEP. According to the 2019 U.S. Census 5-year estimates, 913,795 (9.73 percent) of Michigan residents speak a language other than English at home. Among Spanish Speakers in Michigan, 96,676 of 280,327 report speaking English less than “very well” and 59,250 of 145,135 Arabic speakers reported speaking English less than “very well”. The below table identifies the top five non-English languages in Michigan.

#### Census - Data Results

<b>Language Spoken at Home: Population 5 years and over</b>	<b># of individuals</b>
Total Population	9,394,171
Speak only English	8,480,376
<b>Spanish</b>	280,327
Speak English “very well”	183,651
<b>Speak English less than “very well”</b>	<b>96,676</b>
<b>Arabic</b>	145,135
Speak English “very well”	85,885
<b>Speak English less than “very well”</b>	<b>59,250</b>
<b>Chinese (incl. Mandarin &amp; Cantonese)</b>	50,313
Speak English “very well”	26,096
<b>Speak English less than “very well”</b>	<b>24,217</b>
<b>German</b>	32,441
Speak English “very well”	27,366
<b>Speak English less than “very well”</b>	<b>5,075</b>
<b>Amharic, Somali, other Afro-Asiatic languages</b>	32,239
Speak English “very well”	18,589
<b>Speak English less than “very well”</b>	<b>13,650</b>

The Map App on [Data and Language Maps | LEP.gov](https://www.lep.gov/Data-and-Language-Maps) provides an interactive tool to help users find the number of and languages spoken by LEP individuals. The table below shows

Michigan counties with the highest total number of LEP individuals<sup>4</sup> and the primary non-English languages used in each county.

County	Total LEP
Wayne	78,928
	33% Arabic as primary language
	30% Spanish as primary language
Oakland	52,022
	14% Arabic as primary language
	18% Spanish as primary language
Macomb	47,235
	17% Arabic as primary language
	8% Spanish as primary language
Kent	28,321
	65% Spanish as primary language
Washtenaw	14,312
	24% Chinese as primary language
	18% Spanish as primary language
	12% Korean as primary language

All MSP/EMHSD staff interacting with the public must consider the number and percent of individuals with LEP for inclusion in public involvement. For each event, an assessment will be conducted to determine the number of LEP, minority, and low-income populations to ensure meaningful public involvement.

**Factor 2: The frequency with which LEP individuals encounter an MSP/EMHSD program, activity, or service.**

The MSP/EMHSD will assess, as accurately as possible, the frequency they have or should have contact with LEP individuals seeking assistance. The information will be gathered by MSP/EMHSD staff who interact with community members on a regular basis. The need for enhanced language services will be based on:

- the frequency of staff contact with a language group;
- how often people with limited English proficiency seek services from a program; and
- what type of language services are needed.

Given the varied activities and services of MSP/EMHSD, the type and frequency of contact and interaction with the public and LEP individuals fluctuates. As such, each MSP/EMHSD section will take reasonable steps to ensure LEP individuals have meaningful access to all programs and activities.

<sup>4</sup> 2015 Language Map App Accessible Version: [2015 Language Map App Accessible Version | LEP](#)

**Factor 3: The nature and importance of MSP/EMHSD program, activity, or service to the LEP population.**

The MSP/EMHSD shall consider the importance and/or urgency of the activity undertaken. The more important or urgent the service, the greater the need to provide enhanced language services. The MSP/EMHSD should determine whether the denial or delay of access to services or information could have immediate and/or severe impacts on LEP individuals. For example, communicating information to LEP individuals who may be adversely impacted by an immediate release of airborne toxic chemicals will differ from the need to provide information on community preparedness efforts.

**Factor 4: The resources available to MSP/EMHSD and the overall cost to provide LEP assistance.**

The MSP/EMHSD shall explore cost-effective means of delivering adequate and accurate language services before limiting services due to resource constraints. Funds available for LEP services would be derived entirely from existing MSP/EMHSD operating funds.

## **Elements of an Effective LEP Policy**

Five components are typically included for implementation of an effective LEP plan:

1. Identifying LEP individuals who need language assistance;
2. Language assistance measures;
3. Distribution of plan and training for staff;
4. Providing notice to LEP persons; and
5. Monitoring and updating the LEP plan.

### **1. Identifying LEP individuals who need language assistance.**

The MSP/EMHSD sections and units provide the program and project-level basis for determining the need for public involvement and public engagement.

Many methods are used for identifying LEP individuals including:

- US Census data and GIS mapping;
- Use of U.S. Census Bureau I-Speak Language Identification Cards by field personnel and at scheduled events and public meetings. I-Speak Cards may be obtained at <http://www.lep.gov/ISpeakCards2004.pdf>;
- Communications with MSP/EMHSD District Coordinators;
- Communication with emergency manager(s) for impacted jurisdictions;
- Prior interaction with LEP individuals; and
- Outreach to stakeholders, local organizations, and nonprofit service agencies.

### **2. Selecting Language Assistance Services**

The MSP/EMHSD will take reasonable steps to ensure that vital documents are translated or interpreted into languages of LEP individual(s) affected. The MSP/EMHSD will also take

reasonable steps to ensure communication is conducted with the use of a qualified contract interpreter or translator, or a bilingual staff member.

There are two main ways of providing language services: oral interpretation (in person or via telephone interpretation service) and written translation. Quality and accuracy of the language service is critical. Upon completion of the four-factor analysis, MSP/EMHSD shall determine the necessary and reasonable balance between the two.

The MSP has identified a listing of bilingual staff available to help with written translation or oral translators. The MSP also has a contract for both written and oral language services.

The following methods of providing interpretation and translation services shall be considered and used based upon the assessment of need:

1. When necessary, to ensure effective communications with persons who are limited English proficient, members shall contact an interpreter who can interpret effectively, accurately, and impartially, both respectively and expressively, using any necessary specialized vocabulary, for assistance.
2. In non-emergency situations, members shall first utilize department-based resources for language and interpretation services to assist with effective communications. If department-based services are not readily available, members shall utilize the department's contracted language service provider. This service is accessed through assistance from the MSP Operations Desk.
3. Emergency situations, where no department-based or contractual services are available, are the only situation in which members are authorized to contact Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) for language interpretation services.
4. Using telephone (or video conferencing) interpreter services.
5. Using community volunteers (either individuals or community service agencies that provide services).

#### Oral Language Services (Interpreters)

Depending on the type of language assistance services needed, bilingual MSP staff can be used. When the services of bilingual MSP staff are not available or appropriate and there is a need for an outside interpreter, the MSP/EMHSD may seek interpretation assistance from a contracted interpreter through the department-wide contract.

Except in unusual circumstances, MSP/EMHSD should not rely on untrained family members, neighbors, friends, acquaintances, bystanders, or children of the LEP individual to provide interpreter services.

#### Written Language Services (Translation)

Vital Documents: Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP

individual if the information in question is not provided accurately or in a timely manner. The determination of what documents are considered “vital” is determined at the division level. The division must determine whether denial or delay of access to services or information could have serious or life-threatening implications for the LEP individual.

It may be difficult to determine vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, it is not feasible to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and EO 13166 does not require it of federal agencies.

In some circumstances lack of awareness of the existence of a program may deny LEP individuals meaningful access. It is important for MSP/EMHSD to regularly assess the needs of eligible service populations to determine whether critical outreach materials should be translated.

With respect to documents intended for public outreach or a broad audience, each program should translate “vital” documents for LEP individuals where a significant percentage of the population is served or affected, by the programs’ actions.

Some examples of documents intended for public outreach or a broad audience may include, but are not limited to the following:

- Information pertaining to emergency or disaster protective actions
- Press Releases
- Emergency or disaster informational Brochures
- Emergency or disaster Fact Sheets
- Information and/or applications for disaster assistance

### Safe Harbor

The DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Protection Against National Origin Discrimination Affecting Limited English Proficient Persons includes “safe harbor” provisions regarding requirements for translation of written materials. A safe harbor means that if providing written translations under specified circumstances, such action will be considered strong evidence of compliance with written translation obligations. Strong evidence of compliance under safe harbor includes: a) providing written translations of vital documents for each eligible LEP language group constituting five percent or 1,000 people, whichever is less, of the population of individuals eligible to be served or likely to be affected or encountered; and b) if fewer than 50 persons in a language group that reaches the five percent trigger, vital written materials are not translated, but written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost, is provided.

Failure to provide written translations under circumstances (a) and (b) above does not mean there is noncompliance. Rather those thresholds provide a common starting point to consider whether and at what point written translations will be provided. The safe harbor standard applies to the translation of written documents only. It does not affect the requirements to

provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable.

The MSP/EMHSD provides services through the entire state. The state of Michigan includes 25 language groups that meet the five percent or 1,000 individuals threshold described above. Because every vital document cannot be translated into 25 different languages, MSP/EMHSD's evaluation of the need for written translations will be activity or incident-specific and based on the four-factor analysis, in conjunction with the safe harbor standard, for the jurisdiction(s) being served.

### **3. Distribution of Plan and Staff Training**

Copies of the LEP plan shall be distributed to MSP/EMHSD Section and Unit managers and it is their responsibility to disseminate the LEP plan information to appropriate staff. Management must ensure staff understand Title VI responsibilities. It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP individuals. All staff members, including those who do not interact regularly with LEP persons, should be aware of and understand the LEP plan.

The MSP/EMHSD staff who interact with the public will be trained on language access policies and procedures, including how to access policies and procedures, how to access language assistance services and how to identify and work with LEP individuals, interpreters, and translators. The MSP/EMHSD staff who encounter and identify LEP individuals should maintain a record of contact and primary languages spoken.

### **4. Providing Notice to LEP Individuals**

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media. Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

The MSP/EMHSD will do the following to ensure LEP individuals are informed regarding services available:

- Publish the LEP Plan on MSP/EMHSD's website to ensure public accessibility.
- Work with community organizations, governmental entities, agencies working with individuals who are deaf, deafblind, or hard of hearing, and other interested stakeholders to inform LEP individuals of language services available.
- Provide notices on non-English-language radio and television stations, where available.
- Post signs at intake areas and initial points of contact to inform LEP individuals how to access language services.
- With advance notice of at least 14 calendar days, provide translation and interpreter services at any meeting. Interpreter services will include foreign language and signs for the hard of hearing.
- Providing the following statement on public notices and in publications used by individuals with LEP:  
"Individuals needing language assistance or accommodations for effective

participation at the meeting should contact [insert contact name and phone number] by [insert date two weeks in advance of the meeting date] to request language, mobility, visual, hearing, translation, and/or other assistance.”

- Provide training to MSP/EMHSD staff on the requirements for providing meaningful access to services for LEP individuals in languages other than English.
- Utilize the department's contact list of bilingual staff and interpretation and translation provider services.

## **5. Monitoring and Updating the MSP/EMHSD LEP Plan**

The Administrative Section and the Public Information Officer (PIO) in the MSP/EMHSD will be responsible for overseeing, monitoring, and updating this plan.

The MSP/EMHSD will update the LEP plan as needed, based on changes in demographics as reported in the U.S. Census Bureau or when higher numbers of LEP individuals may be affected by specific activities or events.

The MSP/EMHSD will examine and update its LEP Plan based on the following:

- The number of LEP individuals who are encountered annually.
- Ensuring the needs of LEP individuals can be addressed.
- The effectiveness of MSP/EMHSD's efforts to meet the needs of LEP individuals.
- The receipt of complaints concerning the division's failure to meet the needs of LEP individuals.
- Input from stakeholders and the community.

## **LEP Plan Access**

The MSP/EMHSD will post the LEP plan on its website at: [MSP - Emergency Management & Homeland Security \(michigan.gov\)](https://www.michigan.gov/msp-emh) in English, Arabic, and Spanish. Additional interpretation and/or written translation will be provided up request. For those without personal internet service, copies of the LEP Plan will be provided upon request by contacting:

Michigan State Police  
Emergency Management and  
Homeland Security Division  
P.O. Box 30634  
Lansing, Michigan 48909