



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

February 27, 2013

Re: Middletown Police Department's Language Access for
Persons of Limited English Proficiency

The purpose of this letter is to memorialize the Middletown Police Department (MPD)'s cooperation with the New York State Attorney General's Office (OAG) and commitment to implement and maintain policies, procedures and training protocols to help ensure that individuals of Limited English Proficiency (LEP) are provided meaningful access to MPD services regardless of the individual's LEP status.

The MPD and OAG recognize that the City of Middletown has a population of approximately 28,086, and as identified by the latest Census, 39.7 percent of that population identifies itself as Hispanic. Moreover, an estimated 18.2 percent of Middletown residents five (5) years of age or older speak English less than "very well" or have a limited ability to read, speak or understand English. The MPD and OAG recognize that language for LEP individuals can be a barrier to accessing important police services, and the MPD recognizes the importance of timely, effective and accurate communication between MPD employees and the communities they serve. The MPD has already implemented some components of a language access plan, including recruitment and hiring of bi-lingual officers and translation of certain written materials and public notices. Under the leadership and direction of Middletown's Police Chief, Board of Police Commissioners and Mayor, the MPD is committed to expand and strengthen its language access services to better serve Middletown's LEP population and, in turn, the community at large.

Accordingly, the MPD and OAG together have developed the following steps to expand and strengthen the MPD's language access services:

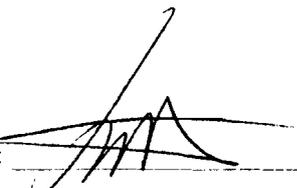
1. The MPD will continue to take reasonable steps to ensure that its officers (which include all uniformed employees or volunteers of the MPD, both full-time and part-time), and its civilian employees who have regular contact with the public, effectively communicate with LEP persons and provide them with timely and meaningful access to all of the services and benefits the MPD provides including, without limitation, when responding to calls for assistance; making traffic stops; taking complaints; interviewing victims, witnesses or subjects of criminal investigations; making public service announcements; and issuing safety alerts.
2. The MPD will take reasonable steps to ensure that its officers, and its civilian employees who have regular contact with the public, are annually trained on how to communicate effectively with LEP persons and provide them with timely and meaningful access to all MPD services and benefits. The MPD will also distribute within one week of the date of this letter, the Limited English Proficiency Policy, General Order #~~060-054-13~~ (LEP Policy), a copy of which is attached to this letter, to all officers and civilian employees who have regular contact with the public. The MPD may revise the LEP Policy from time to time to serve the needs of the public and the MPD will provide a copy of any revised policy to OAG. The MPD will distribute the LEP Policy in effect annually to its officers and civilian employees who have regular contact with the public.
3. The MPD will take the following steps within sixty (60) days of the date of this letter:

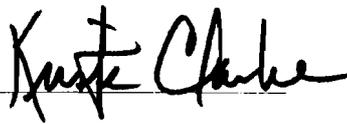
- a. Distribution of this letter to all MPD employees;
 - b. Translation of this letter into Spanish;
 - c. Posting of both the English and Spanish language versions of this letter in a visually conspicuous location in the public area of each MPD building and on the bulletin board of City Hall;
 - d. Creating a link on the homepage of the MPD's and/or the City's website to both the English and Spanish language versions of this letter;
 - e. Distribution of both the English and Spanish language versions of this letter to community organizations and service providers who serve LEP individuals residing in the City of Middletown; and
 - f. Conducting any additional publicity as may be reasonable or necessary to educate the public on the scope and contours of the MPD's language access program.
4. The MPD will continue to take reasonable steps to recruit, hire and retain sufficient numbers of bilingual officers and staff and maintain a mechanism for testing the proficiency level of its bilingual officers and staff, in accordance with any requirements contained in any applicable collective bargaining agreements.
 5. The MPD will continue to translate vital documents and rely upon translated materials, if need be, made available through other law enforcement entities, agencies and courts.
 6. The MPD will make Spanish-language Personnel Complaint Forms available at all MPD buildings, City Hall and on the MPD and/or City website to LEP individuals who wish to file a complaint regarding language access and provide written notice of the disposition to the LEP complainant in Spanish.
 7. The MPD will continue to implement the provisions contained in this letter for at least a three year period, although the MPD and OAG anticipate that such provisions will continue to be implemented indefinitely.
 8. Representatives of the MPD and OAG will confer every three (3) months over the next three (3) years, or longer if the parties desire, to summarize actions taken in accordance with the provisions contained in this letter and the actions taken consistent with the LEP policy. Such representatives will also confer regarding data on language access services captured on the IMPACT Standard Incident Report collected pursuant to the LEP Policy.
 9. Within three (3) months of the date of this letter, the MPD will provide OAG with documentation that all active duty officers, and civilian employees who have regular contact with the public, have been trained during in-service or other training sessions on the LEP Policy.
 10. Within three (3) months of the date of this letter, the MPD will provide OAG with copies of all forms and documents translated pursuant to the LEP Policy including, but not limited to, IMPACT Standard Incident Report (but only if the vendor provides translated documents, which it currently does not do), Page 2 of the NY State Domestic Incident Report: Statement of Allegations/Supporting Deposition form (which presently is provided to the MPD by New York State in bilingual form, although statements given in Spanish will continue to be translated into English, consistent with Section F of the LEP Policy), Miranda Warning, Miranda Waiver Form, Search and Seizure Form, No Permission and Authority Form, Locked Vehicle Consent Form, Chemical Test Warning, MPD Personnel Complaint Form, and Freedom of Information Records Request Form.
 11. This letter does not constitute any accusation or admission of wrongdoing on the part of the MPD, or any accusation or admission of violation of any laws, regulations or administrative pronouncements applicable to the MPD.

12. While the MPD is fully committed to implementing the provisions of this letter, should future budget, resource or personnel constraints make compliance with any part of this letter infeasible or cost prohibitive, the MPD will advise OAG of such. Both the MPD and OAG will then confer to determine if there are alternate means or ways available to implement such provisions.
13. No person or entity is intended to be a third-party beneficiary of the provisions of this letter for any purposes, including any purposes relating to any civil, criminal or administrative action. No person or entity shall be permitted to assert any claim or right as a beneficiary or protected class under this letter. Notwithstanding the foregoing, nothing contained in this letter shall be construed to deprive any person, corporation, association, agency or other entity of any right provided by law, regulation or administrative pronouncement.
14. This letter is a public document. Upon request, a copy of this letter or any information contained in it shall be made available to any person by the MPD or the OAG.
15. This letter sets forth the entire understanding between the MPD and the OAG with respect to the issues raised in it and may be modified only by the subsequent execution of a different letter between the parties.

BOARD OF POLICE COMMISSIONERS

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL OF THE
STATE OF NEW YORK

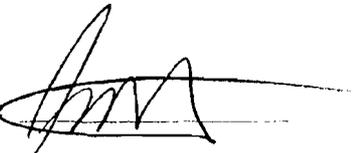
By: 
Joseph M. DeStefano, Chairman
16 James Street
Middletown, NY 10940

By: 
Kristen Clarke
Civil Rights Bureau Chief
120 Broadway, 23rd Floor
New York, NY 10271

Date: 2/27/13

Date: 2/13/13

CITY OF MIDDLETOWN

By: 
Joseph M. DeStefano, Mayor
16 James Street
Middletown, New York 10940

Date: 2/27/13