

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Police

Effective Date of Plan: 5/30/2017

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The Division of State Police is New York's full-service police force, ready to provide essential police services statewide. State Troopers and Investigators provide highway and traffic safety, respond to all types of emergencies, prevent and investigate crimes, and provide support and technical services for the other police agencies.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: Approximately 19,795,791- the NYS population in 2015

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509

Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 American Community Survey

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations: [Click here to enter text.](#)

- Information from other government agencies

Names of agencies: [Click here to enter text.](#)

- Other (describe) [Click here to enter text.](#)

We have determined the frequency of our contacts with LEP individuals as follows:

Communications Specialists (dispatchers), Troopers and Investigators come into contact with LEP individuals during the course of answering calls, responding to and investigating crimes, arresting criminals and assisting members of the public, in face-to-face encounters or over the phone. These contacts are documented through computer aided dispatch entries, incident reports, depositions and statements, and other forms and reports required by agency protocol and by law.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? Field personnel and dispatchers receive training in how to communicate with LEP individuals and the procedures for doing so. Language identification posters are available at each station that informs of free language assistance services. The Division also has a number of bilingual members to assist with interpretation if available.

- Brochures or flyers about language assistance services
 - In public areas of the agency
 - Elsewhere in the agency's service areas
- Signs posted about language assistance services
 - In public areas of the agency
 - Elsewhere in the agency's service areas
- Outreach and presentations at schools, faith-based groups, and other community organizations
 - What are the LEP populations targeted?** [Click here to enter text.](#)
- Local, non-English language media directed at LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages
 - In which languages:** [Click here to enter text.](#)
- Other (describe) Our website has information about the availability of free language assistance services including the Language Access complaint form in the top six languages.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe) interpreting services vendor approved under the Office of General Services (OGS) Statewide Contract.

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other (describe)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

Contacts with LEP individuals are documented through the use of computer aided dispatch entries, incident reports, depositions and statements, and other forms and reports required by agency protocol and by law.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: Field personnel and dispatchers receive training in how to communicate with LEP individuals and the procedures for doing so. Members can call the OGS approved vendor for an interpreter. Language identification posters are available at each station and the Division has a number of bilingual members to assist with interpretation if available.

By telephone: Field personnel and dispatchers receive training in how to communicate with LEP individuals and the procedures for doing so. Members can call the OGS approved vendor for an interpreter. Language identification posters are available at each station and the Division has a number of bilingual members to assist with interpretation if available.

At initial contact in the field: Field personnel and dispatchers receive training in how to communicate with LEP individuals and the procedures for doing so. Members can call the OGS approved vendor for an interpreter. Language identification posters are available at each station and the Division has a number of bilingual members to assist with interpretation if available.

For pre-planned appointments with LEP individuals: Division members will make arrangements to have the appropriate interpretation service available for the interview.

Other (describe): [Click here to enter text.](#)

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. When outside of our stations, an individual may be permitted to use an interpreter of his or her choosing. The person must fill out a written consent/waiver form.

By telephone: Members call the OGS approved vendor for an interpreter. Depending on the nature of the call, simple inquiries could be handled with the assistance of an interpreter provided by the individual.

At initial contact in the field: Members call the OGS approved vendor for an interpreter.

For pre-planned appointments with LEP individuals: Members call the OGS approved vendor for an interpreter. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Other (describe): [Click here to enter text.](#)

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

The State Police is a public and emergency service agency. Our members are required by Division policy to render necessary public safety services to everyone and effectively resolve emergency situations regardless of a person's language proficiency. Each encounter is different. However, our members are trained in how to communicate with all types of LEP individuals to accomplish our mission of serving, protecting and defending the people while preserving the rights and dignity of all.

In emergency situations and situations involving imminent criminal apprehension where time is of the essence, members are trained to utilize whatever means necessary to communicate with LEP individuals to accomplish the arrest and provide for their safety and the safety of everyone at the scene. For criminal arrest situations or interviews where time is less critical and arrangements can be pre-planned members will ensure that the appropriate steps are taken to provide for legally accurate interpretation services.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

Arrest and investigative reports include information regarding communication with LEP individuals. Computer Aided Dispatch (CAD) entries completed by dispatchers document any difficulties or special communication needs of LEP individuals. Statements and depositions requiring interpreters will include information regarding their services during the interview. All calls utilizing vendor services are recorded in station records, listing a brief detail of the subject of the conversation, the case number of the investigation, the non-English language involved, and the interpreter number.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

For routine emergency and investigative purposes, members utilize the most expeditious and effective means of communicating with LEP individuals. For criminal matters involving sworn depositions or statements with significant impact on case outcomes members strive to use the most qualified interpreters as possible to ensure legally accurate interpretation. This is usually done in conjunction with District Attorneys, Division Counsel and other legal counsel.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The confidentiality of information pertaining to cases, investigations, and other public safety events handled by Division members is extremely important, and in some cases required by law. Members involved in emergency situations strive to ensure that interpreters maintain confidentiality of information obtained during the event.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: [Click here to enter text.](#)

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

Self-Reported Ability 80-- Spanish 2-- Haitian Creole 3-- Russian 6--Italian
4-- Korean 1--Chinese

- Telephonic interpreting service

Names of vendors: Any vendor under the New York State OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: [Click here to enter text.](#)

- Other (describe) [Click here to enter text.](#)

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

The procedures are detailed in Article 12 of the NY State Police Manual which includes information on how to access the OGS approved vendor.

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

The Language Access Coordinator annually reviews the list of vital documents to ensure that it is maintained and up to date. The LAC will also review any new document or website content for possible inclusion in the list of vital documents.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

Statements submitted by LEP individuals, including statements made by victims on the Domestic Incident Report Form, are translated as soon as possible to comply with investigative and criminal case requirements. It is done in conjunction with the District Attorney's office

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

The Division's Language Access Coordinator and staff will review all vital Division documents to ensure they are written in plain language before they are translated into other languages.

The following documents are currently translated by the agency in the languages indicated:

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian	
GENL 59	NYSP Crime Victims and Witness Assistance Program	✓	✓	✓	✓	✓	✓	
	Teenage Victims of Crime	✓						
	Teen Dating Violence	✓						

Any additional documents determined to be vital during the course of this plan will be timely translated.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

The New York State Police, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The New York State Police will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Any vendor on the OGS Statewide Administrative Services Contact.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: [Click here to enter text.](#)

- Oral translations of written documents by bilingual staff members

- Oral translations of written documents by other individuals or community organizations
- Other (describe) [Click here to enter text.](#)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: State Police Academy.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

All Division members receive instructions on how to provide Language Access services. Civilian employees who have contact with the public, such as Communications Specialists, or who work in a position that may require knowledge of the Language Access services provided by the Division to LEP individuals receive training as soon as possible after hiring.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

The Division Language Access Coordinator will work with the ITS and Planning and Research divisions to ensure that information regarding Language Access services are available online for review. The Internal Affairs Bureau, Audit units are made aware of the requirement of the Language Access Plan and incorporated those requirements into the on-going self-assessment and audit programs.

Complaints

We provide information to the public in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

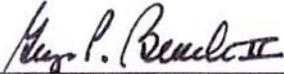
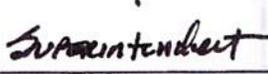
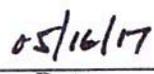
The standardized complaint forms are available to the public upon request in all six languages and through our website. Additionally, information on the right to file a complaint is posted in areas where it is easily seen by the public in the top six languages.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

All complaints against personnel are investigated by the Professional Standards Bureau and addressed within the existing process for resolving complaints against personnel. Complaints regarding the Division’s language access services are forwarded to the Division’s Language Access Coordinator for assessment and resolution.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES

		
Head of Agency	Title	Date

Scott Reichel

Agency LAC

Captain

Title

5/17/17

Date

Norma Ramos

Deputy Secretary for Civil Rights

5/25/17

Date