

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Police

**Effective Date of Plan:** October 1, 2022

**Language Access Coordinator:** Mr. Peter J. Komarnicki






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This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:

	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

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## PART 1 – Our Agency’s Services



We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

### Our agency’s services to the public include:

The Division of State Police (NYSP) is New York's full-service police agency, 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 other police agencies.

## PART 2 – The Limited English Proficient Population in Our Service Area



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

### The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

**New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:**

NYSP's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. NYSP, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. NYSP will continue to reassess the need for additional languages of translation on an ongoing basis.

**Our agency tracks encounters with LEP individuals in the following ways:**

When a contact with an individual is otherwise required to be reported by law, NYSP rule, county policy, or other policy, any Language Assistance used as part of such report should be noted in such report. In systems such as Spectrum Justice Services (SJS) and Computer Aided Dispatch (CAD) where no separate field for Language Assistance is provided, such information may be included in the narrative or comments portion of the record. When electronic record keeping or record management systems are updated, consideration will be made to the addition of means of tracking Language Assistance information.



### **PART 3 – Public Outreach About the Availability of Language Access Services**

**Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:**

LEP individuals are directly informed by our staff

**In which 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 provide information about the availability of free language assistance services. The Division also has a number of bilingual members to assist with interpretation if available.

Signs posted about language assistance services

In areas operated by the agency and open to the public

Other (describe)

Information is published on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State

Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?**

Local, non-English language media directed at LEP individuals in their languages

**What are the LEP populations targeted?**

Social media posts directed at LEP individuals in their languages

**What are the LEP populations targeted?**

Telephonic voice menu providing information in non-English languages

**In which languages?**

Other (describe)

Our website has information about the availability of free language assistance services including a both a “Call Us” message and Language Access complaint form in the top twelve languages.



## **PART 4 – Provision of Language Access Services**

### **A. Determining the Need for Services**

**During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:**

“I Speak” posters or visual aids that provide information about free interpreting services in multiple languages

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying LEP individual’s language

Other (describe)

**On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:**

Reception staff make those determinations based on training and experience

Bilingual staff members, where available, assist in identifying an LEP individual’s language

Telephonic interpreting service

Other (describe)

**Our agency’s protocols for assessing whether an individual needs *oral interpreting services* in different service situations is as follows:**

**During office in-person encounters:** NYSP maintains a commitment “*To Serve, Protect and Defend the People While Preserving the Rights and Dignity of All.*” Effectively communicating with individuals is critical to NYSP fulfilling every part of its vital public safety mission. Division personnel receive training in identifying and aiding individuals who communicate in languages other than English and are instructed to make use of all available resources, including but not limited to telephonic translation, bilingual members and employees, as well as community volunteers. “I Speak” tools are maintained at NYSP facilities. Articles 12 and 30 of the State Police Member’s Manual provide specific guidance on Language Assistance.

**At initial contact in the field:** Effectively communicating with individuals is critical to NYSP fulfilling every part of its vital public safety mission. Division personnel receive training in identifying and aiding individuals who communicate in languages other than English and are instructed to make use of all available resources, including but not limited to telephonic interpretation, bilingual members and employees, as well as community volunteers. “I Speak” tools are maintained at NYSP facilities. Articles 12 and 30 of the State Police Member’s Manual provide specific guidance on Language Assistance.

**When speaking on the telephone:** Effectively communicating with individuals is critical to NYSP fulfilling every part of its vital public safety mission. Division personnel receive training in identifying and aiding individuals who communicate in languages other than English and are instructed to make use of all available resources, including but not limited to telephonic interpretation, bilingual members and employees, as well as community volunteers. “I Speak” tools are maintained at NYSP facilities. Articles 12 and 30 of the State Police Member’s Manual provide specific guidance on Language Assistance.

**For pre-planned appointments with LEP individuals:** NYSP makes use of telephonic translation services via applicable Office of General Services (OGS) Contracts. All personnel receive periodic training on Language Assistance. Sworn members and civilian communications specialists answering public facing telephone numbers receive additional training and instruction on the use of telephone interpretation services for both non-emergency calls and emergency calls for assistance.

**Other (describe):**

**Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:**

NYSP does not maintain such individual records. Criminal justice information is protected by various State and federal laws. Records are maintained in accordance with such standards.

**B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting services on a volunteer basis

**Number of staff and languages spoken:** Self-reported language skills rated “Non-Technical Translation” or higher.

Akan	1
Albanian	8
Arabic	2
Armenian	1
Belarusian	1
Bengali	1
Bosnian	5
Cantonese	2
Chinese	6
Creole	1
Creole / French	3
Croatian	2
Dutch	1
French	13
Ga	1
German	6
Greek	8
Haitian Creole	2
Hebrew	1
Hindustani	
(Hindi)	3
Italian	11
Italian/Creole	1
Jamaican Dialect	6
Japanese	2
Korean	6
Macedonian	1
MANDARIN	2
Mexican	2
Norwegian	1
Pakistani	1

Polish	13
Portuguese	2
Romanian	1
Russian	14
Serbian	1
Spanish	172
Tagalog	1
Taki Taki	1
Turkish	3
Ukrainian	4
Urdu	1
Vietnamese	2
Western Indian	1
Yiddish	1
Yugoslav	1
(blank)	
<b>Grand Total</b>	<b>319</b>

Telephonic interpreting service

**Vendors:** Via Corporate Translation Services, Inc. d/b/a Language Link under the New York State OGS Statewide Administrative Services Contract.

Contracts or other arrangements with school and community organizations

**Number of staff and languages spoken:**

Other (Describe)

**Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:**

**During office in-person encounters:** Field personnel and dispatchers receive training on how to communicate with LEP individuals and the procedures for doing so. Language identification posters are available at each station that provide information about the availability of free language assistance services. The Division also has a number of bilingual members to assist with interpretation if available.

**At initial contact in the field:** NYSP field personnel are trained to assist LEP individuals and should secure the appropriate resource to interpret based on the nature of the contact. LEP individuals are assured that interpreting services will be free of charge.

**When speaking on the telephone:** NYSP personnel are to engage the contract telephonic interpretation services vendor in accordance with Division guidelines. LEP individuals may be notified through the contract interpreter that the services are at no cost to the LEP.



**For pre-planned appointments with LEP individuals:** When appropriate or required, LEP individuals should be informed that any interpreting services provided by or through NYSP are at no cost to them.

**Other (describe):**

**Our agency's protocols for obtaining interpreting services in a timely manner is as follows:**

The Division of State Police is a police and emergency service agency. Our members are required by Division policy to render necessary public safety services to everyone and to 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.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding 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. Telephonic interpretation services are made available to all personnel in the field. Due to the nature of the NYSP's mission, which frequently involves intervention in life-threatening emergencies, criminal investigations, and other dynamic and serious matters, a LEP individual generally will not be permitted to use a family member, friend, or a minor as an interpreter. However, all State Troopers receive training in the use of third-party intermediaries during crisis interventions, and based on the totality of the circumstances, during an emergency, an LEP individual may be permitted to use a minor, a family member or friend as an interpreter, when doing so is deemed to be necessary.

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 their choosing when filling out applications or when involved in other legal matters.

**Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:**

Annual Language Access training is mandated for all NYSP employees and provided through the Office of Employee Relations. Sworn members receive additional training in communicating

with individuals during emergency events and crises, which includes communicating with LEP individuals. Dispatch Locations and Troop Control Points maintain information about how to contact language assistance resources. All personnel have access to Language Assistance resources, including contact information for commercial Language Assistance available to NYSP personnel.

**The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

**Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:**

Where applicable, documentation is maintained in incident-based reporting.

### **Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

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.

Commercial interpretation services are provided via contracts awarded by OGS. All State Troopers receive cultural diversity training, which enables them to ensure services are provided in a culturally competent manner.

**Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:**

Commercial interpretation services are provided via Contracts awarded by OGS, which include confidentiality requirements. State Troopers, including members assisting LEP individuals, are bound by strict confidentiality requirements set by law, by NYSP Policy and federal guidelines

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<sup>1</sup> Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from:  
[https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring\\_Cultural\\_Competence\\_in\\_Health\\_Care-1999.pdf](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

on the dissemination of Criminal Justice Information. All employees receive periodic training on the protection of such information.

### **C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> that must be translated. This process is accomplished in the following ways:**

Division Communications and Technology Support coordinates vital document reviews with various program areas, as well as Counsel, Planning and Research and Public Information Office.

**Our agency’s process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

The Planning and Research Section is responsible for the creation of documents for the New York State Police. Planning and Research staff work in close consultation with Executive Staff to ensure that all documents are written in plain language and can be easily understood. The primary objective of document creation is to accurately capture required information while mitigating errors due to unnecessary document complexity.

**Our agency has the following resources available for translation of documents:**

Contracts with vendors for translation services

**Vendors:** Language Today

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations:**

Translation of documents by bilingual staff members

Other (describe)

**The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:**

Names and contact information for all resources

Names and locations of staff members who are available to provide translations of documents

Languages in which each translation service is qualified

Procedures for accessing each translation service

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<sup>2</sup> Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

**Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:**

Review of documents or correspondence should not be delayed due to their being submitted in a language other than English. Written translation services are available through commercial vendors listed on the Division Intranet. Internet-based translation tools and applications are available, but cannot be guaranteed to provide accurate translations, and should not be relied upon as the sole-means of translating a document. Troop Communications, COMSEC (Troop G HQ), and New York State Intelligence Center (NYSIC) may be able to provide additional assistance in case of emergencies. In the event routine correspondence is received, Division Communications and Technology Support can provide additional assistance where required.

**The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (\*) are determined by the agency to be vital documents.**

- AR: Arabic
- BE: Bengali
- CH: Chinese
- FR: French
- HA: Haitian-Creole
- IT: Italian
- KO: Korean
- PO: Polish
- RU: Russian
- SP: Spanish
- UR: Urdu
- YI: Yiddish

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
CB-21*	Language Access Complaint Form	X	X	X	X	X	X	X	X	X	X	X	X	
GENL-59	NYSP Crime Victim's and Witness Assistance Program	X	X	X	X	X	X	X	X	X	X	X	X	
CB-22*	Waiver of Rights to Free interpretation Services	X	X	X	X	X	X	X	X	X	X	X	X	

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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

New York State Police, through its language service vendors, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services.



## **PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**  
Director of Training, State Police Academy

**The staff training includes the following components:**

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

**The methods and frequency of training are as follows:**

Annual language access training is required for all personnel using the training program provided by the Office of Employee Relations. In addition, State Troopers and Civilian Communications Specials who answer public facing telephone lines at State Police dispatch locations are provided additional training, as part of their specialized training programs.



## **PART 6 – Monitoring the Plan and Responding to Complaints**

### **A. Monitoring**

**Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:**

Vendor deficiencies are reported to the LAC, Division Communications and Technology Support. The LAC will monitor compliance prior to the submission of periodic monitoring

reports. Verification of the posting of required notices and availability of required translation tools will be confirmed during routine station inspections.

## **B. Complaints**

**We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.**

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

The standardized complaint forms, along with the procedures for filing a complaint, are available in all 12 languages at our Stations, upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posed in the top 12 languages on our website and in our Stations where it can be easily seen by the public.

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

Any complaint regarding the conduct of State Police personnel is referred to the Professional Standards Bureau. Complaints regarding Division's Language Access services are forwarded to Communications and Technology Support, Attn: Language Access Coordinator. Complaints regarding the Language Access services are forwarded to the Office of Language Access promptly.



**PART 7 – Signatures**



<i>Kevin B. Men</i>	Superintendent	9/19/22
Head of Agency	Title	Date

<i>Peter J. Komarnicki</i>	Sr. Admin Assistant	9/17/2022
Agency LAC	Title	Date

<i>J. J. [Signature]</i>		09/23/2022
Executive Director, NYS Office of Language Access		Date