

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Division of Criminal Justice Services

Effective Date of Plan: April 15, 2016

Language Access Coordinator (LAC): Janine Kava

LAC Phone / E-mail: (518) 457-8828 – janine.kava@dcjs.ny.gov

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 persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The Division of Criminal Justice Services (DCJS) is a multi-functional criminal justice support agency with a variety of responsibilities including collection and analysis of statewide crime data, operation of the DNA Databank and criminal fingerprint files, administration of federal and state criminal justice funds, and support of criminal justice-related agencies across the State. While DCJS provides numerous services to criminal justice agencies across New York State, there are three program areas where DCJS interacts with the public: Sex Offender Registry (SOR, the Office of Criminal Justice Operations (OCJO), and the Customer Contact Center (CCC).

The Office of Sex Offender Management oversees the New York State Sex Offender Registry, which is the State’s centralized database containing information about sex offenders, including their last reported address and level of risk. There are currently more than 37,348 offenders on the Registry and this number increases by approximately 1,950 new offenders annually. The Registry is accessible to the general public through the DCJS’s website and is intended to provide the general public with current information about the location and offenses of individuals based on the focus of their search. There is also an 800 number that allows the public to call and receive assistance in conducting a search of an offender. Additionally, SOR is responsible for the creation and dissemination of forms that aid in maintaining accurate and current information on sex offenders. The target audience for the forms is to register sex offenders pursuant to the Sex Offender Registration Act (SORA), and the dissemination may be from DCJS directly to the offender, or through another agency such as the Department of Corrections and Community Supervision (DOCCS). The Office of Criminal Justice Operations processes fingerprint transactions for both criminal and civil purposes. The Identification

Unit processes fingerprints associated with misdemeanor and felony arrests, incarcerations and other criminal justice-related inquiries, as well as civil fingerprints associated with applications for certain occupations or licenses that require a criminal history background check pursuant to State statute or local law. The main interface with the public by OCJO is for an individual's request for a copy of his or her own Criminal History Record Information. Information can be found on the DCJS's website, or by contacting the DCJS Record Review Unit through electronic mail, written correspondence and telephone calls to the Record Review number through the DCJS 800 number.

The Public Safety Contact Center (PSCC), formerly known as the Customer Contact Center, main interface with the public is through telephone calls, primarily from contributor agencies that are required or authorized by statute to conduct fingerprint based background checks in connection with employment and licensing purposes. Occasionally, the public will contact DCJS through PSCC regarding submission of a fingerprint pertaining to a job or license application. The PSCC is the main point of contact for external customers and the public regarding the sex offender registry, criminal history review and other inquiries. The PSCC uses an auto attendant phone system providing the users with the ability to direct a call to the appropriate group. The auto attendant is currently in the six mandated languages.

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: 19,651,127.

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	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 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:

- Information from other government agencies

Names of agencies:

- Other (describe)

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

Since 2013, DCJS has been tracking the frequency of LEP calls through Language Line Solutions. The data from Language Line Solutions, our primary language assistance service provider, shows that for 2013 DCJS provided interpreting services to approximately 252 LEP callers. Of the 252 calls, 61 were received by the Sex Offender Registry and 191 by the Office of Criminal Justice Operations. The majority of requests made for telephonic interpreting are by Spanish-speaking clients.

All program areas that have direct contact with the public have access to the Language Line Solutions, which provides DCJS with ability to service callers with limited English proficiency. Language Line Solutions can provide translation and interpreting services in one hundred and eighty (180) languages. Through Language Line Solutions, DCJS has the ability to provide data on the number of callers who required language assistance and the languages requested.

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? DCJS's staff members inform the client verbally or through written correspondence using the vendors or bilingual staff members for assistance, where applicable.

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?

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

Telephonic voice menu providing information in non-English languages

In which languages:

Other (describe) Information on the availability of free language assistance is provided on the DCJS's website.

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) The work performed by OSOM and OCJO does not lend itself to in-person contacts. All contact that occurs with the public is done either by telephone or through written correspondence.

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:

All documentation related to translation and interpretation, frequency of use, type of language assistance services provided and costs is maintained and available at a moment's notice by Language Line Solutions.

A. Oral Interpreting Services

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

For in-person encounters: Agency staff does not have in-person contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

By telephone: At point of contact with a DCJS's staff person. Language Line Solutions is utilized if language of caller is unknown or if the caller requires an interpreter.

At initial contact in the field: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

For pre-planned appointments with LEP individuals: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

Other (describe):

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: Agency staff does not have in-person contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

By telephone: At point of contact with a PSCC staff person, caller will be verbally informed of free interpreting services.

At initial contact in the field: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

For pre-planned appointments with LEP individuals: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS. Materials mailed by the agency to the public will include a cover page informing them that DCJS provides telephonic interpreting services for limited English speaking individuals.

Other (describe)

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 are 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. 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 or hours of operation. Please note that all public contact with our agency is done by telephone or written correspondence.

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:

Our account with Language Line Solutions ensures that DCJS has access to interpreters in a timely manner. Staff is trained on how to access the selected interpreting vendor when needed.

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

The services provided by Language Line Solutions include thorough records on frequency of use, languages spoken, and costs associated with service.

Competency and confidentiality

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

Language Line Solutions is a reputable national provider of services currently under OGS contract for the State. When DCJS utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and

culturally competent. On a case-by-case basis, DCJS uses multilingual staff volunteers who are self-assessed in their own language competency.

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

Appropriate confidentiality clauses are included in the contract with the vendor. Language Line Solutions has a grievance procedure we can engage in if staff determines that any interpreter was not performing in a satisfactory way. The independent interpreters will enforce standards of confidentiality in accordance with NYS Law. All employees who interact directly with the public will be trained on the appropriate procedure to ensure that interpreting services are provided in a timely manner. The training will also address the importance of confidentiality.

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: Three staff members who speak Spanish.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Three staff members who speak Spanish.

- Telephonic interpreting service

Names of vendors: Language Line Solutions, Inc. and potentially any other vendor under the OGS Statewide Administrative Services Contract.

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

Names of individuals/organizations and languages:

- Other (describe)

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:

Language Line Solutions offers a comprehensive program of on-site training and cross-cultural support by their professional staff. This on-site training was provided to all DCJS's staff members who utilize the language interpreting services. Additionally, all staff who interface with the public are required to take a mandated web training on language access to ensure proficiency in obtaining interpreting services when needed. DCJS's staff were informed of the mandates of Executive Order No. 26 and the obligations to provide meaningful access of information and services to limited English proficient persons and be familiar with the agency's Plan, policy and procedure for working with persons with LEP. The mandated language access training will be conducted annually, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

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 LAC will work with Public Information Officers (PIO) from both the agency and the clustered public safety agencies to determine any new or existing vital documents in need of translation. The group will convene at least every six months, but constant communication will occur in the interim to assure agency compliance.

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

Any documents in need of translation will be sent directly to Language Line Solutions for translation.

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

The support from management is critical in ensuring that plain language is used, not only in translated documents, but in all communication intended for public information, services and benefits. DCJS's Executive Deputy Commissioner is fully committed to ensuring successful implementation of all components of Executive Order No. 26. Deputies, managers, supervisors and staff have been made aware that under the Executive Order, plain language is a requirement. Commencing immediately, all materials intended for dissemination to the public, specifically where

services and benefits are concerned, shall meet the plain language requirement. The plain language requirement benefits all of us by ensuring that the public is familiar with DCJS's mission.

Prior to translation of documents, the Language Access Coordinator will be consulted and advised of the intended audience. This will set forth the process of evaluating the level in which the translation shall be made; the first rule in translation is to know your intended audience. The audience's level of understanding will be taken into account and communicated to the vendor in order to make sure that documents are translated in plain language and are appropriate for the intended audience.

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

DCJS translated the following vital documents into the six designated languages:

- Personal Criminal History Record Review
- Guidelines to Expedite Your Records Review Request
- Access to Criminal History Record Information
- Sex Offender Search
- Sex Offender Registry Frequently Asked Questions
- Crime Victim Assistance

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

DCJS, 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. DCJS 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: Language Line Solutions and potentially any other vendor under the OGS Statewide Administrative Services Contract.

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

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

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 responsible for the provision of training to staff in language access issues: Wanda Troche, Language Access Coordinator; Donna Call; Michelle Mulligan and William O'Connor.

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:

At minimum, all staff that interacts with the public are required to take a language access training to advise them of the legal mandate of Executive Order No. 26, the procedure and training on utilizing the vendor, cultural competence in their interaction with LEP individuals and other resources available to them. Training clearly outlines procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training also focuses on the prohibition of utilizing family members, children, and the potential for ethical implications. The training will be provided annually, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

PART 6 – ADMINISTRATION

Monitoring

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

The Deputy Commissioners for the Office of Sex Offender Management and the Office of Criminal Justice Operations report directly to DCJS's Executive Deputy Commissioner and they work with the Language Access Coordinator to ensure compliance and monitoring within their bureaus. The two Deputies are responsible for monitoring and implementing the Language Access Plan in their respective bureaus and to ensure compliance with the Executive Order. DCJS's Executive Deputy Commissioner has clearly articulated the commitment to ensure that limited English proficient clients are served in the same manner as the English-speaking clients. The full assessment of costs will occur on an annual basis.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, 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:

On the DCJS's website, the standardized complaint form is posted in the top six languages, which informs the public of their right to file a complaint if they feel that they have experienced discrimination on accessing information in their preferred language (national origin). Individuals have the right to fully participate in programs regardless of race, color, national origin, sex, religion or disability. The agency will utilize the standard discrimination grievance policy and procedure to address complaints.

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

A link within the complaint policy and procedure leads complainants to the standardized complaint form translated into the top six languages, which will allow complainants to submit the form online or via postal mail. The Director of Workforce Diversity and Equity Programs, in consultation with the Office of Legal Services, reviews all complaints within 15 business days of receipt and acknowledges receipt and informs the complainant that appropriate action will be taken.

PART 7 – SIGNATURES


Head of Agency Executive Deputy Commissioner Date 3-22-16


Agency LAC Title Director of Public Information Date 3-22-16


Deputy Secretary for Civil Rights Date 4/15/16