

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Division of Criminal Justice Services

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

Statement of Agency Services to the Public:

The New York State Division of Criminal Justice Services (www.criminaljustice.ny.gov) is a multi-function criminal justice support agency with a variety of responsibilities including law enforcement training; collection and analysis of statewide crime data; maintenance of criminal history information and fingerprint files; administrative oversight of the states DNA databank, in partnership with the New York State Police; funding and oversight of probation and community correction programs; administration of federal and state criminal justice funds; support of criminal justice-related agencies across the state; and administration of the state’s Sex Offender Registry.

DCJS primarily supports criminal justice and law enforcement agencies across the state, but there are two program areas where DCJS interacts with the public: the New York State Sex Offender Registry and the Office of Criminal Justice Records. The agency provides information to the public by telephone, email and surface mail. It does not conduct in-person business with members of the public.

New York State Sex Offender Registry

DCJS is the agency responsible for administering the state’s Sex Offender Registry, which is the centralized database containing information about sex offenders, including, but not limited, to residence address, risk level, and crime of conviction, that is available to the public. As of January 1, 2017, there were 39,504 offenders on the Registry; on average, approximately 155 offenders are added to the Registry each month.

Members of the public access the Registry in two ways: online (www.criminaljustice.ny.gov) and by calling a toll-free number (800-262-3257). The law that created the Registry, details the type of information the public can learn about a registered offender and whether that information is available online or via telephone.

The following Sex Offender Registry information is available to LEP individuals through the use of “Google Translate”: Sex Offender Registry search information about individual sex offenders, Registry disclaimer and definitions of specific Registry terms, and Frequently Asked Questions about the Registry. LEP individuals who call the toll-free number for information about an offender(s) are connected by Registry staff to interpretation services provided by contracted vendors so they can receive the information they seek in their primary language.

DCJS redesigned the online directory to be compatible with mobile devices and integrated a mapping functionality so all reported addresses, including residence, employment and place of higher education can be displayed. The Registry’s technology infrastructure also has been upgraded to allow for the following additional information to be available to the public:

- If an offender has multiple convictions that required him or her to register as a sex offender, the Registry lists all of those convictions. This change means that the public will know if an offender has a history of sex offense convictions. Prior to this change, only an offender’s current conviction requiring registration was listed on the Registry.
- The Registry notes when an offender’s reported address cannot be verified with the U.S. Postal Service and has been referred to law enforcement for further investigation. It also includes a list of multiple residence and work addresses, if reported by offenders; and multiple photos of offenders, when available.

The Registry also includes the “New York State Notice of Important Document” in every correspondence that is mailed to sex offenders. DCJS also uses a contracted vendor to translate documents as needed.

In addition, the following documents used by the New York State Board of Examiners of Sex Offenders, an independent entity that makes recommendations about sex offender risk level and determines whether certain offenders are required to register, have been translated: Risk Assessment Guidelines and Commentary; Risk Assessment Instrument; Department of Corrections and Community Supervision Registration Review Notification; Local Registration Review Notification; Out-of-State Registration Review Notification; Designation Form; and Out-of-State No Registration Requirement.

Office of Criminal Justice Records Personal Record Review Program

The Office of Criminal Justice Records is responsible for overseeing criminal history information and other criminal justice records maintained by DCJS. The Office of Criminal Justice Records has contact with the public because individuals are permitted to request copies of their own criminal history records directly from DCJS. This is accomplished through the Personal Record Review Program.

DCJS has translated its Criminal History Record Challenge Form (Form 3284) and Criminal History Record Challenge Form for Inmates (Form 535) in each of the six languages used by individuals that our agency serves: Spanish, Chinese, Russian, Haitian Creole, Bengali, and Korean. LEP individuals who call the Personal Record Review Program are connected by office staff to interpretation services through our contracted vendor so they can receive the information they seek in their native language.

As noted earlier, the DCJS website has the “Google Translate” option so information not readily available in those six languages—or any others—can be translated by the visitor. DCJS also uses a NYS Office of General Services (OGS) approved vendor to translate documents as needed.

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 19,798,228, the New York State population in 2017.

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	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219
Korean	60,405

Source: U.S. Census Bureau; American Community Survey 2013–2017.

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

- U.S. Census data (including American Community Survey)
- 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

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

All program areas that have direct contact with the public have access to our OGS approved vendor, which provides DCJS employees with the ability to assist callers with limited English proficiency.

From January 1, 2017, through January 1, 2019, the OGS approved vendor handled 617 calls requiring interpretation. 548 of those 617 calls (89%) were received by the Office of Criminal Justice Records (433 calls) and the Sex Offender Registry (115 calls). 566 of those 617 calls (92%) were

made by Spanish-speaking individuals. Individuals who spoke Chinese, Korean, Russian, and Haitian-Creole also placed calls.

The other 69 calls (11%) were received by the Offices of Juvenile Justice, Justice of Research & Performance, Program Development and Funding, Public Safety, Executive, and Legal Services. Spanish-speaking individuals made most of these calls, but individuals who spoke Chinese, Arabic, French, Georgian, Hindi, Italian, Korean, Haitian-Creole, Portuguese, Punjabi, and Vietnamese also placed calls.

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 employees use our OGS approved vendor to communicate with LEP individuals, both verbally over the phone, and in writing about free language services.

- 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

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? The agency's toll-free number includes recorded messages in each of the six top languages: Spanish, Chinese, Russian, Haitian Creole, Bengali, and Korean.

- Other

The agency's website (www.criminaljustice.ny.gov) also includes a link to Language Assistance in the universal "footer". The website also uses the "Google Translate" feature.

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

As noted earlier, the work done by DCJS and the two offices that interact with LEP individuals does not lend itself to in-person contacts. All contact 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

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 cost is maintained and can be compiled upon request by our OGS approved vendor. In addition, the Public Information Office, which includes the agency's Language Access Coordinator, maintains a list of translation requests it processes for the agency. Excluding the translation of vital documents (detailed list begins on Page 9), in 2017–2018, the agency translated 15 documents upon request, 14 of those requests from the Office of Criminal Justice Records, and one from the Office of Probation and Correctional Alternatives.

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 LEP individuals or the public due to the nature of the work done at DCJS.

By telephone: DCJS employees who receive calls from LEP individuals who need an interpreter use the conference call feature to contact our OGS approved vendor so the employees can work with the interpreter to determine what the caller needs and how to assist him or her.

At initial contact in the field: Agency staff does not have contact with LEP individuals in the field. As noted, the nature of work done at DCJS does not lend itself to in-person contact with the public.

For pre-planned appointments with LEP individuals: Agency staff does not have pre-planned appointments with LEP individuals due to the nature of the work done at DCJS.

Other (describe): N/A

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 LEP individuals or the public due to the nature of the work done at DCJS.

By telephone: Agency employees notify callers that interpretation or translation services are provided at no charge.

At initial contact in the field: Agency staff does not have contact with LEP individuals in the field. As noted, the nature of work done at DCJS does not lend itself to in-person contact with the public.

For pre-planned appointments with LEP individuals: Agency staff does not have pre-planned appointments with LEP individuals due to the nature of the work done at DCJS.

Other (describe): Materials mailed by the agency to the public detail that DCJS provides interpretation and translation services for LEP individuals at no charge. The DCJS website contains information detailing the availability of free language assistance services.

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.

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 the OGS approved vendor ensures that DCJS has access to interpreters in a timely manner. Employees have been trained and know how to access the services when needed.

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

The services provided by our contracted vendor include documents detailing frequency of use, languages spoken, and costs associated with service.

Competency and Confidentiality

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

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.

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. Our OGS approved vendor has a grievance procedure we can engage in if staff determines that any interpreter was not performing in a satisfactory way. Furthermore, all independent interpreters will enforce standards of confidentiality in accordance with New York State Law.

All employees who interact directly with the public are trained on the appropriate procedure to ensure that interpreting services are provided in a timely manner. The training also addresses 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
- Bilingual staff members who provide oral interpreting when necessary
- Telephonic interpreting service

Names of vendors: Any 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

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:

Our OGS approved vendor 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 employees who utilize the language interpreting services. Additionally, all staff who interact with the public via telephone are required to take a mandated web training annually on language access to ensure proficiency in obtaining interpreting services when needed. Through this training, DCJS employees have been informed of the mandates of Executive Order No. 26 and the obligations to provide meaningful access of information and services to LEP individuals and to be familiar with the agency's plan, policy and procedure for working with LEP individuals. 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, who is the agency's Public Information Office, will work with any relevant staff to determine any new or existing vital documents in need of translation.

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 our OGS approved vendor for translation by the LAC. *Your HR Connection* newsletter informs staff of the LAC.

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 table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

In the past year, DCJS has significantly expanded the number of documents identified as vital and in need of translation. Additional details are noted in Part 1 of this plan.

Form #	Name	TOP SIX LANGUAGES						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
Form 3284	1. Criminal History Record Challenge Form	✓	✓	✓	✓	✓	✓	Italian
Form 535	2. Criminal History Record Challenge Form for Inmates	✓	✓	✓	✓	✓	✓	Italian
N/A: Documents 3–9 pertain to the New York State Board of Examiners of Sex Offenders	3. Risk Assessment Guidelines and Commentary	✓	✓	✓	✓	✓	✓	Italian
	4. Risk Assessment Instrument	✓	✓	✓	✓	✓	✓	Italian
	5. Department of Corrections and Community Supervision Registration Review Notification	✓	✓	✓	✓	✓	✓	Italian
	6. Local Registration Review Notification	✓	✓	✓	✓	✓	✓	Italian
	7. Out-of-State Registration Review Notification	✓	✓	✓	✓	✓	✓	Italian
	8. Designation Form	✓	✓	✓	✓	✓	✓	Italian
	9. Out-of-State No Registration Requirement	✓	✓	✓	✓	✓	✓	Italian
N/A Document 10 pertains to the New York State Domestic Incident Report	10. Victim’s Rights Notice for the New York State Domestic Incident Report	✓	✓	✓	✓	✓	✓	Italian
N/A Documents 11 through 13 pertain to forms provided by DCJS to medical providers that treat sexual assault victims	11. Authorization for release of sexual assault screening kit to law enforcement	✓	✓	✓	✓	✓	✓	Italian
	12. Authorization for release of drug-facilitated sexual assault screening kit to law enforcement	✓	✓	✓	✓	✓	✓	Italian
	13. Discharge instructions for sexual assault victims	✓	✓	✓	✓	✓	✓	Italian

Any 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:

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: Any 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

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:

The agency's training director, in partnership with the LAC as well as management of the Sex Offender Registry, Office of Criminal Justice Records, and every other office at DCJS.

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 interact with the public are required to take the Governor's Office of Employee Relations mandatory 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 is provided annually, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

A total of 36 employees were trained in 2018. The agency's training director, who works in Human Resources Management, is working with appropriate agency staff to identify individuals who will be required to take the training in 2019.

PART 6—ADMINISTRATION

Monitoring

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

The Director of the Sex Offender Registry and Director of the Office of Criminal Justice Records report directly to the DCJS Executive Deputy Commissioner and they work with the Language Access Coordinator to ensure compliance and monitoring within their bureaus. These unit heads are responsible for monitoring and implementing the Language Access Plan in their respective bureaus and to ensure compliance with the Executive Order. The 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 website, the standardized complaint form is posted in the top six languages (Spanish, Chinese, Russian, Haitian Creole, Bengali and Korean) 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. 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.

