

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Department of Corrections and Community Supervision

Effective Date of Plan: 5/30/2019

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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 Department of Corrections and Community Supervision (“DOCCS”) provides services and programs to inmates under custody and parolees under community supervision who were found guilty of various crimes and sentenced to serve a term in a New York State correctional facility with post-release supervision. The mission of the Department is to enhance public safety by providing programs, therapeutic treatments and services that will prepare the individual to return to the community and remain free of criminal activities. These programs are provided in a safe and secure environment that facilitates success for the inmates. The Department also provides services and outreach to family members and friends of inmates to ensure a positive reintegration with family and the community. Pursuant to Executive Order No. 26, this Plan has been prepared to ensure all limited English proficient inmates and parolees, family members and friends have reasonable access to and are able to fully participate in all programs and services provided. Education programs also provide English as a Second Language (ESL) instruction, Adult Basic Education (ABE), and testing in Spanish, including the TASC™ exam. Additionally, oral interpreting services are provided for all due process, health related, and Parole Board interviews and hearings.

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, 2013-2017 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)
- 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 Click here to enter text.

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

The Department's computerized inmate/parolee tracking system indicates that there are currently 100,126 inmates under custody and parolees under community supervision. Of that number, approximately 2,775 have been determined to be limited English proficient. Contacts with these individuals are ongoing and daily and include contacts with family members and friends as well.

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? Through direct contact with Offender Rehabilitation Coordinators, and security, academic and vocational, other program services, health services, mental health services, and community supervision staff.

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? 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: Spanish, Central Office CLAS Main Line: (518) 402-1339

Other (describe) Inmate orientation programs at reception and general confinement facilities. Our website also provides information about free language assistance services.

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 Staff determines language ability through an oral interview process in reception centers. A language dominance questionnaire is used to determine primary language spoken. Once primary language spoken is determined, those who speak Spanish or other languages are evaluated for English oral proficiency. Departmental Directive #4804, entitled "Academic

Education Policies” outlines the policies and procedures for identifying language dominance, English proficiency, and tracking progress. Additional information is collected such as country of origin.

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 Academic assessment as described in the previous section. Calls to Central Office are handled by the Coordinator of Cultural and Language Access Services (CLAS) and staff.

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

Through DOCCS mainframe computer system, academic testing, and primary language recorded on the inmates’ identification cards.

A. Oral Interpreting Services

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

For in-person encounters: At intake (or other initial contact), a staff member evaluates for language dominance, which includes using Language Identification tools, filling out a questionnaire and identifying the country of origin.

By telephone: Whenever an LEP individual calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services.

At initial contact in the field: At intake (or other initial contact), a staff member evaluates for language dominance, which includes using Language Identification tools, filling out a questionnaire and identifying the country of origin.

For pre-planned appointments with LEP individuals: Generally, at this point, staff has already determined language dominance of an LEP individual and arrangements are made to provide an interpreter utilizing one of the contract vendors or qualified in-house staff.

Other (describe): Video conferencing technology is utilized for various needs, such as medical services and Parole Board interviews and hearings.

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: Through the use of Language Identification tools posted in public areas or after a staff member has made a determination of need and an interpreter is contacted, the staff member, through the interpreter informs the LEP individual that the interpreting services are free of charge.

By telephone: Whenever an LEP individual calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services. The staff member through the interpreter informs the LEP individual that the interpreting services are free of charge.

At initial contact in the field: At intake and after an interpreter has been contacted, the staff member informs the LEP individual that the interpreting services are free of charge.

For pre-planned appointments with LEP individuals: Staff has already informed the LEP individual that the interpreting services are free of charge when the appointment was made. In the event that this was not done, the staff member through an interpreter, will inform the LEP individual that interpreting services are free of charge.

Other (describe): DOCCS posts multilingual signs (Language Identification Tools) in common and public areas informing inmates, parolees, and members of the community that services are provided free of charge. Additionally, information about free language assistance services is posted on DOCCS website.

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 a 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:

DOCCS' staff responds immediately when encountering LEP individuals in need of interpreting services by contacting an interpreting service provider in a timely manner. Facility Business Offices have been directed to establish accounts with the over-the-phone interpreting, in-person interpreting, and translation services vendors to provide these services.

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

DOCCS Coordinator of Cultural and Language Access Services tracks interpreting services provided through a system used by the independent interpreting services.

Competency and confidentiality

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

Where DOCCS 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:

DOCCS' employees receive annual mandatory training on the Health Information Portability and Accountability Act (HIPAA). All DOCCS' staff follows HIPAA requirements when the matter refers to health issues. When DOCCS utilizes interpreter staff from the NYS Office of General Services (OGS) Statewide Administrative Services Contract, they too are bound by the same HIPAA requirements. The Department also trains staff, contractors, and others regarding other non-HIPAA related confidential information. DOCCS will continue to ensure that existing confidentiality guidelines are strictly adhered to by staff, contractors, and others.

The Governor's Office of Employee Relations (GOER) offers both, mandatory training for all employees regarding the High Tech Act that consists of updates to HIPAA and Statewide Language Access requirements.

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: DOCCS employs Spanish speaking staff certified by the NYS Department of Civil Service in the following positions: ASAT Program Aide – 1, Correction Officer – 143, Correction Officer Trainee – 18, Correction Sergeant – 33, Correction Classification Analyst – 2, Offender Rehabilitation Coordinator ASAT – 2, Offender Rehabilitation Coordinator – 33, Offender Rehabilitation Coordinator Trainee 2 – 3, Parole Officer – 70, Parole Officer Trainee 2 – 2, Secretary 1 – 1, Teacher 2 – 1, and Teacher 4 – 1.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Click here to enter text.

- Telephonic interpreting service

Names of vendors: Any vendor under the NYS 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 [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:

DOCCS' orientation policy includes mandatory training in departmental policies and procedures, including how to access interpreting services. During the facilities' orientation process, each new employee will be familiarized with all departmental areas, including the Business Office which handles all transactions like those for interpreting services.

The Deputy Commissioner for Program Services has issued memoranda regarding the procedure to be followed by staff for accessing interpreting services. The Program Services training section for recruit training and Sergeant's School include Language Access slides.

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:

DOCCS established a methodology to determine which new documents and updates to existing documents are vital. The methodology includes criteria such as the nature of services to institutional needs and benefits to inmates or the public. This is to be done every two years or more as necessary at the Deputy Commissioner's level.

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

All documents in Spanish are submitted to the Coordinator of Cultural and Language Access Services and assigned to the two in-house translators for a timely translation. Similar provisions are made available to other languages submitted. Priority is given to time sensitive materials, such as appeals of disciplinary hearings. The Department institutes the necessary steps to follow the same procedure for documents submitted in one of the other top six languages. All documents in need of translation that cannot be done in-house are sent to the selected vendor in a timely manner.

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

The Coordinator of Cultural and Language Access Services reviews the rules and regulations that are determined to be vital and reduces them to plain language to ensure information is available to a range of literacy levels.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	COMPAS	✓	✓	✓	✓	✓	✓	Italian, Polish
	Suicide Prevention	✓	✓	✓	✓	✓	✓	Italian, Polish
	Visiting Rules	✓	✓	✓	✓	✓	✓	Italian, Polish
	Complaint Forms	✓	✓	✓	✓	✓	✓	Italian, Polish
	PREA Brochures	✓	✓	✓	✓	✓	✓	Italian, Polish
	PREA Videos	✓	✓	✓	✓	✓		Italian
Directive 4932	Chapter V, Standards Behavior & Allowances	✓	✓	✓	✓	✓	✓	Italian
Directive 4933	Special Housing Units	✓	✓	✓	✓	✓	✓	Italian
2171A	Misbehavior Report	✓	✓	✓	✓	✓	✓	Italian
2171B	Misbehavior Report	✓	✓	✓	✓	✓	✓	Italian

2171C	Misbehavior Report Supplementary Sheet	✓	✓	✓	✓	✓	✓	Italian
3128	Authorization/Declination to Receive Immunizations	✓	✓	✓	✓	✓	✓	Italian
8360ACS	Notice of Appeal to Parole Hearings	✓	✓	✓	✓	✓	✓	Italian
8400A	Certificate of Relief from Disabilities	✓	✓	✓	✓	✓	✓	Italian
1079	Release of Drugs & alcohol Abuse Records (DOCCS Request)	✓	✓	✓	✓	✓	✓	Italian
1080	Release of Drugs & Alcohol Abuse Records (DOCCS Request)	✓	✓	✓	✓	✓	✓	Italian
1081	Notice to Recipient of Drugs and/or Alcohol Abuse Treatment Information	✓	✓	✓	✓	✓	✓	Italian
1574	Record of Training	✓	✓	✓	✓	✓	✓	Italian
8305A	Mandatory Condition of Release to Parole Supervision	✓	✓	✓	✓	✓	✓	Italian
	Reasonable Accommodation	✓	✓	✓	✓	✓	✓	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:

DOCCS, 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. DOCCS 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 NYS 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.

- Oral translations of written documents by bilingual staff members

- Oral translations of written documents by other individuals or community organizations

- Other

Two Spanish speaking translators are employed by DOCCS and in accordance with Directive #4490, "Cultural and Language Access Services," provide all official Spanish/English and English/Spanish translations. Additionally, staff can find resources in other languages by contacting CLAS staff.

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: The Director of the Training Academy along with the Coordinator of Cultural and Language Access Services/LAC.

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:

DOCCS requires all staff to take the GOER mandatory language access training annually. New employee orientation, which includes language access training, will be provided for civilian and uniform staff as well as annual updates. The Program Services training sessions for recruit training and Sergeant’s School include language access slides. DOCCS’ Training Academy staff is responsible for all departmental training.

PART 6 – ADMINISTRATION

Monitoring

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

The Coordinator of Cultural and Language Access Services/LAC will ensure that signs are prominently displayed in public areas advising LEP individuals of the availability of free language access services. The Coordinator/LAC, along with other assigned staff, will review existing documents for updates and new documents to determine if they are vital and must be translated.

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, at facilities, area offices, and on the website. Information on the right to file a complaint is posted in areas where it is easily seen by the public in English and the top six languages. Furthermore, departmental directives govern the handling of complaints for inmates, parolees, employees, and visitors: Directive 4040, “Inmate Grievance Program,” Directive 9402, “Parolee Grievance Program,” Directive 2602, “Diversity Management Complaints,” and Directive 2611, “Discriminatory Treatment Complaints – Procedures for Visitors.”

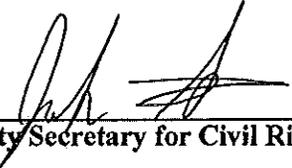
Program,” Directive 2602, “Diversity Management Complaints,” and Directive 2611, “Discriminatory Treatment Complaints – Procedures for Visitors.”

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

Complaints are sent to the Office of Diversity Management, Inmate Grievance Program, and the Coordinator of Cultural and Language Access Services/LAC for review and proper resolution.

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

PART 7 – SIGNATURES

 Head of Agency	Acting Commissioner Title	5/14/19 Date
 Agency LAC	Coordinator of CLAS Title	5/20/19 Date
 Deputy Secretary for Civil Rights		5/30/19 Date