

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Justice Center

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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 Justice Center is committed to supporting and protecting the health, safety and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

The Justice Center's responsibilities include:

- Operating a 24/7 toll-free hotline which receives reports of allegations of abuse, neglect and significant incidents. Reports are made by service providers and others who are "mandated reporters," as well as by any individual who witnesses or suspects the abuse or neglect of a person with special needs;
- Ensuring that all reports of abuse and neglect are fully investigated, collaborating with law enforcement agencies and District Attorney's offices and prosecuting allegations that rise to the level of a criminal offense;
- Maintaining a register of individuals found responsible for the serious or repeated abuse or neglect of a person with special needs. Anyone placed on the list is prohibited from ever working again with people with special needs in New York State;
- Maintaining a comprehensive statewide database that tracks cases until they are resolved and allows the Justice Center to monitor trends and develop abuse prevention initiatives;

- Providing support and assistance to victims and their families including case status information, court-related assistance and referrals;
- Monitoring the quality of mental health care in New York State correctional facilities; and,
- Helping people with disabilities and their families find information and services, which includes operation of an information and Referral Service to respond to general disability- related inquiries.

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 NYS 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
Bengali	63,615
Haitian Creole	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:

Contact with the Justice Center most frequently occurs through calls made to the agency's toll-free, 24/7 Vulnerable Persons' Central Register (VPCR) hotline. Call center personnel receive reports of allegations of abuse, neglect and significant incidents that occur at facilities or provider agencies operated, licensed or certified by six state agencies.

Calls requiring language assistance are also received by the agency's Information Line, which links callers with the Justice Center's information and Referral Service, Individual and Family Support advocates and other business units. Justice Center investigators and special prosecutors may also interact with LEP victims, witnesses or suspects through face-to-face encounters or over-the-phone during their investigations. Spanish is the predominant language other than English spoken by our service population.

Additional points of contact include webmaster email, USPS mail, and in-person visits to our Delmar, NY headquarters or regional offices.

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? All front-line staff, which includes the call center, Information Line, Information and Referral Service and Individual and Family Support Unit who are likely to encounter LEP persons have been provided with NYS Language Identification Tool signs, "I Speak" cards which include a statement that informs LEP individuals about their right to free language assistance. Front-line employees receive training on how to route telephone calls to the approved vendor, which provides telephonic interpretation in all languages. While the Justice Center's central office has infrequent contact with members of the public, the agency has designated the Executive Conference Room, which is near the reception area as a place

where a confidential conversation with staff can be conducted should the need arise. The conference room is equipped with a speaker telephone, which enables employees to access telephonic interpreting assistance through the vendor.

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? Spanish, Chinese, Korean, Haitian Creole, Russian and Bengali.

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, Chinese, Korean, Haitian Creole, Russian and Bengali.

Other (describe) The home page of the Justice Center's public website features a Language Access portal which houses all language access information and documents that are translated into the top six languages spoken by LEP individuals plus Italian.

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 use a telephonic interpreting service to identify their primary language

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 [Click here to enter text.](#)

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

LEP individuals preferred languages needs are recorded in Justice Center's database.

A. Oral Interpreting Services

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

For in-person encounters: All front-line staff who are likely to encounter LEP persons receive training on how to communicate with LEP individuals and the procedures for doing so. The Language Identification Tool is used to assess the needs of LEP individuals. Security guards are also trained to alert front-line staff when encountering LEP individuals. Staff then contact the state-approved vendor, which provides telephonic interpreting services.

By telephone: The Justice Center's Information Line features a multilingual greeting and voice prompts during business hours, an after-hours message and a hold message which advises callers that language services are offered free of charge. All front-line staff receive training on how to communicate with individuals with limited English proficiency and the procedures for doing so by phone. Staff contact the state approved vendor, which provides interpreting services.

At initial contact in the field: If it is apparent that there may be a language need, staff will determine the individual's language need and the services of a qualified interpreter will be secured.

For pre-planned appointments with LEP individuals: Staff submit a request for oral interpreting services to their supervisor which is processed by the agency's administrative office.

Other (describe): Click here to enter text.

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

For in-person encounters: LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

By telephone: LEP individuals are advised using state approved vendors that interpreting services are provided free of charge at the same time the assessment of need is conducted.

At initial contact in the field: LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

For pre-planned appointments with LEP individuals: LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

Other (describe): Click here to enter text.

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

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

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter always. 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:

Agency front-line staff (e.g., administrative assistants, call center, Information Line, Information and Referral Service and Individual and Family Support Unit) immediately contact the state-approved vendor to arrange telephonic interpreting services.

When interpreting, services are needed for in-person contact, staff notify their supervisor of the need and the supervisor then files a request with the Language Access Coordinator (LAC) to make necessary arrangements.

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

All contacts with LEP individuals and the language assistance provided are documented by the vendors which provide services. The data is collected and maintained by the Administrative Office and provided upon request to the LAC.

Competency and confidentiality

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

The Justice Center only utilizes state-approved vendors for interpreting services which under their contracts are required to implement quality assurance standards to guarantee that their interpreters are trained and are linguistically and culturally competent.

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

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

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

- Bilingual staff members who work directly with LEP individuals

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

- Bilingual staff members who provide oral interpreting when necessary

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

- Telephonic interpreting service

Names of vendors: Over the phone interpreting service vendors approved under the NYS Office of General Services (OGS) contract.

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

Names of individuals/organizations and languages: Video Interpreting service vendors approved under the OGS contract.

- 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:

All front-line staff who are likely to have contact with LEP persons receive Language Access training, which includes the process for obtaining interpreting services and are issued a quick desk reference guide. Additionally, The New York State Justice Center established a guidance document, providing a step by step process on how to obtain oral interpreting services.

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, in consultation with an internal working group review the list of vital documents on an on-going basis to ensure that documents are translated and remain up-to-date.

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

Documents are submitted electronically to the OGS approved vendor.

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

All vital documents are reviewed by the agency's Office of Communications for assuring that such document is written in plain language prior to translation.

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	
	Code of Conduct	✓	✓	✓	✓	✓	✓	Italian
	Definitions of Abuse & Neglect	✓	✓	✓	✓	✓	✓	Italian
	Applicant Consent Form for Fingerprinting	✓	✓	✓	✓	✓	✓	Italian
	VPCR – FAQ	✓	✓	✓	✓	✓	✓	Italian
	Criminal Background Check FAQ	✓	✓	✓	✓	✓	✓	Italian
	Instructions for completing a death form report	✓	✓	✓	✓	✓	✓	Italian

	SDMC Introductory Letter	✓	✓	✓	✓	✓	✓	Italian
	JC Investigation Guidance for Staff & Volunteers	✓	✓	✓	✓	✓	✓	Italian
	Justice Center Resource Card	✓	✓	✓	✓	✓	✓	Italian
	Justice Center Brochure Binder	✓	✓	✓	✓	✓	✓	Italian
	Justice Center Reporting Process Explained	✓	✓	✓	✓	✓	✓	Italian
	Request for Amendment of Substantiated Report	✓	✓	✓	✓	✓	✓	Italian
	Workforce Videos	✓						

Any documents determined to be vital during this plan will be timely translated.

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

The Justice Center through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The Justice Center 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: Potentially any approved 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 [Click here to enter text.](#)

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

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

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: William Reynolds– Language Access Coordinator and Jeremy Disare – Director of Finance .

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:

As part of the Justice Center's on-boarding process, all new employees are informed of Executive Order No. 26 and the procedures to follow for obtaining oral interpreting services through the state-approved vendor. The Office of Human Resources has identified the job titles of front-line staff who are required to complete the Governor's Office of Employee Relations' (GOER) annual Language Access online training module.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC monitors the agency's compliance with its plan and submits quarterly performance reports and vendor deficiency reports. Oversight includes ensuring that materials are up-to-date, staff participates in required training and any problems with vendors are reported and addressed in a timely manner.

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 and information on the right to file a complaint is available to the public in all six languages on the agency's public website.

