

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Office of Victim Services

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

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

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






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

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

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

Our agency’s services to the public include:

The Office of Victim Services (OVS) is headed by a Director and is divided into three divisions. These divisions are Claims, Legal, and Administration and Operations.

The Claims division investigates each claim application sent to the OVS to determine whether an individual is eligible for assistance.

The Legal Unit provides legal advice and assistance to the agency, oversees the appeals process, processes Forensic Rape Examination reimbursement claims and collects restitution and subrogated repayments to OVS.

The Administration and Operations division distributes grants funded by the federal Victims of Crime Act to community-based providers, so they can serve victims and their families. The Office of Victim Services provides compensation to innocent victims of crime, for example, paying unreimbursed crime-related expenses, such as medical and funeral expenses, loss of earnings or support, crime scene clean-up, the cost to repair or replace items of essential personal property, reasonable court transportation expenses, counseling expenses, moving expenses and the cost of residing at, or using the services of, a domestic violence shelter. The OVS also funds a network of Victim Service providers, awarding grants to community-based programs so those providers can serve crime victims and witnesses. In addition, the OVS advocates for the rights and benefits of innocent crime victims and in this capacity, the agency informs or develops legislation which, if subsequently enacted, would protect or extend the rights of crime victims and expands services and assistance available to those individuals.

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>



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

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

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

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

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

If we learn that the claimant’s primary language is other than English, we record that information in our claims processing system, Claims Assistant.



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

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

LEP individuals are directly informed by our staff

In which ways? Staff members inform the public verbally either by using bilingual staff members where available or through the contracted language assistance service provider.

For in-person interactions, staff use the “I Speak” or identification tool to assist the public in identifying to staff their preferred language for communication.

- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)
- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted?

- Local, non-English language media directed at LEP individuals in their languages
- What are the LEP populations targeted?**

- Social media posts directed at LEP individuals in their languages
- What are the LEP populations targeted?**

- Telephonic voice menu providing information in non-English languages
- In which languages?** Spanish, Chinese, Yiddish, Russian, Haitian Creole and Bengali

- Other (describe)

An insert entitled “New York State Office of Victim Services Notice of Important Document” goes out in the respective languages with the initial correspondence to an LEP claimant. This notice alerts claimants to the fact that the correspondence is an important document and that if they require assistance to understand it, they may call OVS and an interpreter will be provided for free.



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

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

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language

Other (describe)

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

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual's language
- Telephonic interpreting service
- Other (describe)

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

During office in-person encounters: Assume limited English proficiency if communication seems impaired, or by self-identification by the LEP individual, or by the written documentation they submit. The "I Speak" poster is also used to identify the language needed.

At initial contact in the field:

When speaking on the telephone: Assume limited English proficiency if communication seems impaired or if self-identified by the non-English speaker or LEP individual.

For pre-planned appointments with LEP individuals: Assume limited English proficiency if communication seems impaired, by self-identification by the LEP individual, or the written documentation they submit. The "I Speak" poster is also used to identify the language needed.

Other (describe): Often the only initial contact we have with a claimant is through the submission of their claim application; the claimant may complete the application in their primary language. In addition, many applications are submitted via the network of Victim Assistance Programs (VAPs), which the Office of Victim Services funds. VAPs oftentimes support languages other than English and can convey the claimant's language needs to OVS staff.

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

We collect and record primary language data from intake information gathered through the claim application and record that information on our automated claims processing system, Claims Assistant. In addition, OVS tracks all translations and interpreting services provided by OVS staff in Spanish parenthetical positions. This information is recorded in Claims Assistant and reports are run to calculate the number of services provided by in-house staff. Where language

assistance services are utilized via the vendor, records are maintained and provided by that vendor.

B. Oral Interpreting Services

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

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: 4 (Spanish) staff members

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

Number of staff and languages spoken: 1 (Spanish) and 1 (Italian) staff members

- Telephonic interpreting service

Name of Vendors: Any vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- Other (Describe)

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

During office in-person encounters: For the languages for which we do not have staff in language parenthetic positions (staff who are certified to provide interpretation services), OVS provides interpreter services to claimants via the language assistance vendors under the Office of General Services (OGS) contract. The “I Speak” poster is used to identify the language needed and to inform LEP individuals that interpreting services are available for free. The OVS staff member calls the number to connect to the interpreter services so that OVS and the claimant can communicate effectively. Staff that have face-to-face contact with claimants have all been provided with the pocket-sized “I Speak” card.

- At initial contact in the field:**

When speaking on the telephone: The claimant may call the OVS 1-800 number, at which point the staff member receiving the call can connect to contracted interpreter services so that OVS and the claimant can communicate effectively.

For pre-planned appointments with LEP individuals: For the languages for which we do not have staff in language parenthetic positions, OVS provides language assistance services to claimants via the vendors under the OGS contract.

Other (describe):

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

OVS accesses these services via the vendors under the OGS contract established for these purposes. LEP claimants that call the OVS 1-800 number are connected to interpreting services in a timely manner.

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

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. 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/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. For in-person interactions, staff use the I speak or identification tool to assist the public in identifying to staff their preferred language for communication. 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 agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

Procedures are documented and provided to OVS staff; staff are trained annually; and procedures are included in our procedure manual posted on the agency’s intranet.

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

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

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

All conversations are documented through case notes in our claims processing system, Claims Assistant. In addition, staff members send an email to our Language Access special mailbox to record the interactions with an LEP individual. Where language assistance services are utilized via the vendor, records are maintained and provided by that vendor.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

On a case-by-case basis, OVS uses multilingual staff volunteers who are self-assessed in their own language competency. Where OVS utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

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

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

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

Every two years, the Executive Staff, led by the Language Access Coordinator, will assess our publications to ensure that all appropriate documents are translated.

OVS's vital documents include the Claim Application, our information brochure "A Guide to Crime Victim Compensation in New York State," and our decision letters either awarding or denying benefits. OVS's claim application and information brochure have been translated into Spanish, Chinese, Korean, Haitian Creole, Russian, Italian, Bengali, Yiddish, Arabic, and Polish. These documents are available through the OVS's public website and language access services are figured prominently on our homepage.

For each decision made for an LEP individual, OVS will insert a "stuffer" into the envelope containing the decision. This "stuffer" will note in the individual's primary

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

language that this is an important legal document and direct them to a toll-free number to obtain translation services at the expense of OVS. As a vital document, the claimant must have the ability to understand the final decision on their claim. It is essential that the LEP individual has the opportunity to receive a thorough and complete translation of their final decision and any subsequent amended decisions related to their claim.

The OVS Forensic Rape Exam (FRE) direct reimbursement program directly reimburses medical providers for forensic evidence gathering. In order for the providers to get reimbursed we provide an FRE form that is filled out by medical providers in order to be directly reimbursed by our office for medical exams.

Section 3 of the form requires the signature of the victim/claimant, which they sign at the medical facility. Our vendor has translated Section 3 into Spanish, Chinese, Yiddish, Haitian Creole, Russian, Bengali, Korean, Arabic, Italian and Polish. These translations are currently being inserted into the instruction form that comes with the FRE application form which is also available on our agency website. In that way, the claimants can be shown a translation of section 3 to understand what they are signing if there are no interpreters available at the healthcare facility.

Our agency's process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Our Guide to Compensation brochure was written at a fifth-grade reading level, as was our claim application. OVS will ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

In addition, our Rights' of Crime Victims Booklet is currently being prepared at a fifth-grade reading level. This is also to ensure that plain language is used in our materials before the translation into the top ten languages to ensure the information is accessible to all literary levels.

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

Contracts with vendors for translation services

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

Contracts or other arrangements with schools and community organizations

Names of schools/organizations and languages: Some Victim Assistance Programs (which are funded by our agency) can support certain languages other than English.

Translation of documents by bilingual staff members

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

Other (describe)

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

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

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

When one of our claim investigators receives a document from a claimant that needs to be translated, our claim investigator will send the document to our Administrative Services Unit (ASU) via email. The ASU will then immediately send it to our language access vendor to be translated. The translation usually takes about a week, depending on the number of documents. Once the translated document is received back from the vendor, the ASU will send the translation to the original requesting investigator by email and a copy of the translated document is saved on the ASU shared drive.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

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

Name	Top Ten Languages									
	AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
Application Form and Instructions	X	X	X	X	X	X	X	X	X	X
Guide to Crime Victim Compensation in NYS	X	X	X	X	X	X	X	X	X	X
Section 3 of Forensic Rape Exam Form	X	X	X	X	X	X	X	X	X	X

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

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

The OVS, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation services provided by any vendor under contract as part of the publication process. The OVS will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels. OVS will also use its network of VAPs to assist LEP claimants with their submissions.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:

For purposes of training on language access, the Language Access Coordinator or designee is responsible for coordinating training. The Language Access Coordinator has designated Hector Perez, Crime Victim Specialist II as the language access trainer.

The staff training includes the following components:

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

The methods and frequency of training are as follows:

Required staff training on language access via the Statewide Learning Management System will take place annually and at other times as necessary. Newly hired staff will be provided with handouts explaining our Language Access Plan. Training includes procedures for contacting interpreting services, maintaining confidentiality and cultural sensitivity.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

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

The LAC works with the executive staff, the Language Access trainer and other managers to ensure that staff members are complying with the Language Access Plan. Communications with managers of frontline staff are ongoing regarding reminding staff of language access procedures and processes. As OVS is an agency with only 81 full-time employees, communications with managers facilitates compliance. In addition, records are compiled from our automated claims processing system to keep track of contacts with LEP claimants, and additional records are maintained by the Finance Unit to track translations and interpreting services utilized. The Statewide Learning Management System (SLMS) reports are used to ensure that staff have completed the required annual language access training.

B. Complaints

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

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

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

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

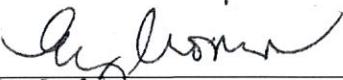
Upon receipt of a Complaint Form, the agency LAC will record and keep a copy of the complaint. The LAC will contact the person submitting the form to note the specific language access issue. The LAC will contact the appropriate division director and seek to remedy the problem. This may involve re-training of front-line staff. A report of the complaint will also be sent to the Director of the agency.


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

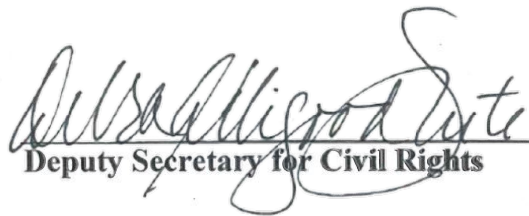


PART 7 – Signatures



	Director	7/29/21
Head of Agency	Title	Date

	Sr. Attorney	07/29/21
Agency LAC	Title	Date

		7/30/2021
Deputy Secretary for Civil Rights		Date