

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** New York State Commission of Correction

**Effective Date of Plan:** 5/30/2017

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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 New York State Commission of Correction (SCOC) has a mission to provide for a safe, stable and humane correctional system in New York State. To this end, the Commission: Promulgates minimum standards for the management of correctional facilities; evaluates, investigates and oversees correctional facilities; assists in developing new correctional facilities; and provides technical assistance. Due to the Commission’s services being regulatory in nature, SCOC has limited interaction with the public. Occasional contact would most likely occur through the receipt of written correspondence from either an inmate under NYS Department of Corrections and Community Supervision’s (DOCCS) custody or an inmate’s family. Nevertheless, the agency is preparing to execute its Language Access Plan that will be capable of responding to any interested party having limited proficiency in English. It is anticipated that LEP individuals will primarily contact SCOC by accessing the agency’s public website.

**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 2,843 based on DOCCS’s records.

**The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:**

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	2,733
Chinese	66
Russian	25
Haitian Creole	10
Korean	8
Italian	1

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

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:**

- Information from other government agencies

**Names of agencies:** New York State Department of Corrections and Community Supervision (DOCCS).

- Other (describe)

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

Due to the Commission’s services being regulatory in nature, SCOC has limited interaction with the public. Occasional contact with the public would most likely occur through the receipt of written correspondence from either an inmate under DOCCS’s custody or an inmate’s family. The Commission received approximately 2,000 complaint letters from DOCCS’s inmates in 2015. Of those, three (3) required translation. Commission staff reported receiving eleven (11) phone calls in 2015 from individuals who would meet the definition of being LEP. It is anticipated that LEP individuals will primarily contact SCOC by accessing the agency’s public website.

Data acquired by DOCCS suggests there are approximately 87,429 individuals under their custody and control. Approximately 2,843 of those individuals have limited English proficiency. They serve as the estimated number of individuals in our service area.

**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?** SCOC will verbally inform LEP individuals of their right to free language assistance. Where written correspondence occurs from either an inmate under DOCCS’s custody or an inmate’s family, SCOC will respond in writing.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?**

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

- Telephonic voice menu providing information in non-English languages

**In which languages?**

- Other (describe) SCOC website informs the public 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 (describe) Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is by telephone:**

Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available

Telephonic interpreting service

Other (describe)

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

The selected interpreting vendor will provide SCOC with an ongoing summary of frequency of use, type of interpreter services utilized and usage costs. Where written correspondence from either an inmate under DOCCS's custody or an inmate's family occurs in a language other than English, language assistance will be recorded by staff. All incoming correspondence is tracked by staff.

### **A. Oral Interpreting Services**

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

**For in-person encounters:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**By telephone:** The selected interpreting vendor will be used by staff when speaking with an individual in a language other than English.

**At initial contact in the field:** Due to the Commission's services being regulatory in nature, SCOC deals directly with correctional facilities' administrators in the field. However, in the event where there is a specific incident in need of further investigation and field staff encounters an individual with limited English proficiency, SCOC will coordinate with the correctional facility to arrange independent interpreters to be present and assist.

**For pre-planned appointments with LEP individuals:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**Other (describe):** Where written correspondence from either an inmate under DOCCS's custody or an inmate's family occurs in a language other than English, staff will utilize available resources, such as the selected interpreting vendor.

**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:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**By telephone:** Staff will verbally inform individuals via the selected interpreting vendor of free interpreting services.

**At initial contact in the field:** Due to the Commission's services being regulatory in nature, SCOC deals directly with correctional facilities' administrators in the field. However, in the event where there is a specific incident in need of further investigation and field staff encounters an individual with limited English proficiency, SCOC will coordinate with the correctional facility to arrange independent interpreters to be present and assist. Staff will verbally inform LEP individuals via the certified interpreter of the free interpreting services.

**For pre-planned appointments with LEP individuals:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**Other (describe):** Where written correspondence from either an inmate under DOCCS's custody or an inmate's family occurs in a language other than English, the written response will contain information of SCOC's free language assistance services. Information will also be found on the SCOC's webpage.

**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. 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:**

Staff is trained to connect to the selected interpreting vendor for interpretation in a timely manner.

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

The selected interpreting vendor will provide SCOC with an ongoing summary of frequency of use, type of interpreter services provided and usage costs.

**Competency and confidentiality**

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

Where SCOC 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:**

The training provided to staff will address 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:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Any vendor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

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

**Names of individuals/organizations and languages:**

- Other (describe) SCOC will work collaboratively with the other six public safety agencies.

**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:**

Staff is trained to connect to the selected interpreting vendor for timely 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:**

An internal working group is assigned to review documents and determine which are vital. The work group convenes at minimum semi-annually and/or as new documents are developed.

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

SCOC, through its selected translation vendor, will ensure timely translation of documents.

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

SCOC will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

Currently, there are no translated documents. 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:**

SCOC 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. SCOC 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:**

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe)

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

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

**PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:** Brian M. Callahan, General Counsel.

**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:**

All staff that interact with the public are required to undergo training regarding Executive Order No. 26 and SCOC’s Language Access Plan. The staff training includes and addresses all components listed in the previous question. The Commission utilizes the Language Access training offered via the Statewide Learning Management System (SLMS). Training is delivered at least annually. Refresher courses will be given periodically as needed and new employees will be given training upon entrance.

**PART 6 – ADMINISTRATION**

**Monitoring**

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

The Commission recognizes and fully supports the importance of continually monitoring both its compliance with the Executive Order No. 26 and its implementation of its Language Access Plan. The LAC will monitor as follows:

- Ensure that all staff members are trained on the Language Access Plan;
- Require periodic reports from all program areas on language assistance provided; and
- Review and evaluate all the LAP-related complaints.

**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.**

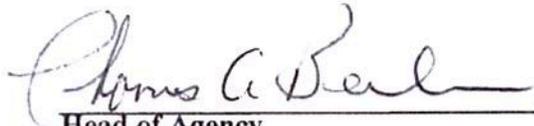
**We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:**

The standardized complaint form is available to the public upon request in all seven languages and through our website.

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

The LAC will complete a full investigation of the complaint, which shall include an interview of the complainant. If the allegations of the complaint are substantiated, or if any language barriers to public services and programs are identified, the LAC shall undertake all necessary remedial measures, including additional staff language training, where appropriate. All complaints must be forwarded to the Statewide Language Access Coordinator.

**PART 7 – SIGNATURES**

  
Chairman  
4/18/17  
Head of Agency Title Date

  
General Counsel  
4.24.17  
Agency LAC Title Date

  
Deputy Secretary for Civil Rights  
5/25/17  
Date