

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Division of Criminal Justice Services

Effective Date of Plan: October 5, 2012

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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 Division of Criminal Justice Services (DCJS) is a multi-functional criminal justice support agency with a variety of responsibilities including collection and analysis of statewide crime data, operation of the DNA Databank and criminal fingerprint files, administration of federal and state criminal justice funds, and support of criminal justice-related agencies across the state. While DCJS provides numerous services to criminal justice agencies across New York State, there are three program areas where DCJS interacts with the public: the Office of Sex Offender Management (OSOM) the Office of Criminal Justice Operations (OCJO) and the Customer Contact Center (CCC).

The Office of Sex Offender Management oversees the New York State Sex Offender Registry, which is the state’s centralized database containing information about sex offenders, including their last reported address and level of risk. There are currently more than 33,000 offenders on the Registry and this number increases by approximately 1,800 new offenders annually. The Registry is accessible to the general public through the DCJS website and is intended to provide the general public with current information about the location and offenses of individuals based on the focus of their search. There is also an 800 number that allows the public to call and receive assistance in conducting a search of an offender. Additionally, OSOM is responsible for the creation and dissemination of forms that aid in maintaining accurate and current information on sex offenders. The target audience for the forms is to register sex offenders pursuant to the Sex Offender Registration Act (SORA), and the dissemination may be from DCJS directly to the offender, or through another agency such as the Department of Corrections and Community Supervision (DOCCS). DCJS continues to focus on a number of initiatives to improve the Registry, including: 1) the Address Verification Initiative – a collaboration with law enforcement to verify the addresses of offenders and prosecute those who have failed to notify the Registry of their current addresses; 2) implementing a redesigned Sex Offender Management System (SOMS) to transition the Sex Offender Registry from a data repository to an integrated, effective sex offender management tool; and 3) updating offender photos – a collaboration with law enforcement to obtain updated photographs of offenders. OSOM recently implemented an initiative to monitor daily statewide arrest notices against the Offender Registry’s compliance requirements.

The Office of Criminal Justice Operations processes fingerprint transactions for both criminal and civil purposes. The Identification Unit processes fingerprints associated with misdemeanor and felony arrests, incarcerations and other criminal justice-related inquiries, as well as civil fingerprints associated with applications for certain occupations or licenses that require a criminal history background check pursuant to state statute or local law. The main interface with the public by OCJO is for an individual's request for a copy of his or her own Criminal History Record Information. These requests primarily come through the vendor, L-1 Identity Solutions, which can be reached at 1-877-472-6915. Information can be found on the DCJS website, or by contacting the DCJS Record Review Unit through electronic mail, written correspondence and telephone calls to the Record Review number through the DCJS 1-800 number.

The Customer Contact Center (CCC) main interface with the public is through telephone calls, primarily from contributor agencies that are required or authorized by statute to conduct fingerprint based background checks in connection with employment and licensing purposes. Occasionally, the public will contact DCJS through DCJS' CCC regarding submission of a fingerprint pertaining to a job or license application. The CCC is the main point of contact for external customers and the public regarding the sex offender registry, criminal history review and other inquiries. The CCC uses an auto attendant phone system providing the users with the ability to direct a call to the appropriate group. The auto attendant is currently in English only. However, CCC is in the process of updating the auto attendant message in the six most populous languages. Additionally, another message option will be added conveying that if there is a need for assistance in any another language, to press a specified number.

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: 19,378,102

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	1,238,710
Chinese	330,318
Italian	67,424
Russian	131,47
French (Haitian) Creole	69,522
Korean	62,143

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:

- Other (describe)

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

Frequency of visits by LEP individuals to the OSOM Registry is not currently tracked by an official process. However, there is a link on the Registry homepage offering instructions in Spanish for how to conduct a search. The IT Bureau can track the number of people who visit this page for any given period, providing DCJS with a snapshot on the number of visitors who utilized the Spanish version of documents. According to the IT Bureau, in 2011 the OSOM Spanish pages were visited 2,757 times.

Frequency of OSOM forms sent to LEP offenders is unknown, as it is not currently information shared between DOCCS and DCJS. It should be noted that the forms completed by the offender while under the supervision of DOCCS do not require the offender to identify if they are limited English proficient. Therefore, once the forms are received by OSOM there is no mechanism to identify the offender's language of preference.

Frequency of telephone and written contacts with LEP individuals in OCJO is not currently captured by an official process. Approximately 1% of the inquiries received on our public record review website are made on the Spanish language version. When inquiring for the purpose of this plan, staff advised the Language Plan Coordinator that they receive five or less letters or telephone calls per year from an individual who does not speak English. Requests for assistance in Spanish are currently met by the bilingual Director of Workforce Diversity and Equity.

The Criminal History Records Review site offers visitors a Spanish link with guidance on how to request a review. The IT Bureau can track how many people visited this page for any given period, providing DCJS with a snapshot of the number of visitors to this page who utilized Spanish translation. According to DCJS' IT Bureau, the Spanish language-Criminal History Review page was visited 3,285 times in 2011.

The CCC determined that in 2011 there were only two (2) contacts from limited English proficient individuals.

As of January 2012, all program areas that have direct contact with the public now have access to the Language Services Associates, Inc. providing DCJS with ability to service callers with limited English proficiency. Language Line Services, Inc. can provide translation and interpretation in one hundred and seventy-two (172) languages. Through Language Services Associates, Inc., DCJS will have the ability to provide data on the number of callers who require language assistance and the languages requested.

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? The Sex Offender Registry (SOR) has a link on its homepage offering instructions in Spanish on how to conduct a search. The website consolidation project is in the process of being completed where instructions on free language line assistance will be available to the public. Limited English proficient callers to the CCC will also be looped in with an interpreter for assistance in the desired language. When utilizing the Criminal Records review webpage, visitors are provided a link for accessing the information and instructions translated into Spanish. The information will also be available in the six most populous languages. For all forms mailed to sex offenders, an insert in the six different languages will be included advising them that language assistance is available free of charge by calling the CCC number. Also, if a client calls but has not been made aware of the interpretation line, staff will advise them of the free telephone interpreter 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 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) Information on the availability of free interpretation will be provided on the DCJS's website.

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

Other (describe) The work performed by OSOM, OCJO and CCC does not lend itself to in-person contacts. All the contact that occurs 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 make those determinations based on experience, with the assistance of bilingual staff members where available

- Telephonic interpreting service

Other (describe) Currently, it is at the point of telephone contact with DCJS's staff that the LEP individual's language needs are determined using experience and personal assessment skills. Agency representatives will use their personal assessment skills to assess the needs of the LEP caller. At this point they will connect to Language Services Associates, Inc. for assistance and use the professionally trained interpreter to complete the call as per usual protocol. Language Services Associates, Inc. will provide DCJS with an ongoing summary of frequency of use, type of interpreter services provided and costs.

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

DCJS has not maintained concrete documentation on the number of limited English individuals who have called or corresponded with the agency. As mentioned previously, IT can track the number of visitors who access the webpages in Spanish, providing a snapshot of frequency of utilization. In response to Executive Order No. 26, if pages are translated into other languages, the same tracking process to determine number of visitors to the pages can be employed. However, now that the telephone interpreting services account is in place, DCJS will have a mechanism in place to track the frequency, language, and cost associated with this service.

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 limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

By telephone: At point of contact with a DCJS's staff person. Selected vendor will be utilized if language of caller is unknown or if the caller requires an interpreter.

At initial contact in the field: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

For pre-planned appointments with LEP individuals: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

Other (describe):

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 limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

By telephone: At point of contact with a CCC's staff person, caller will be verbally informed of free interpreting services.

At initial contact in the field: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS.

For pre-planned appointments with LEP individuals: Agency staff does not have contact with limited English proficiency clients or the public at large due to the nature of the work done at DCJS. Materials mailed by the agency to the public will include a cover page informing them that DCJS provides telephone interpretation for limited English speaking individuals.

Other (describe)

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. **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 or hours of operation. Please note that all public contact with our agency is done by telephone or written correspondence.

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 Language Services Associates, Inc. ensures that DCJS has access to interpreters in a timely manner. Staff is trained on how to access the selected interpreting vendor when needed.

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

The services provided by Language Services Associates, Inc. include thorough records on frequency of use, languages spoken, and costs associated with service.

Competency and confidentiality

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

Language Services Associates, Inc. is a reputable national provider of services currently under OGS contract for the State. 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. On a case-by-case basis, DCJS uses multilingual staff volunteers who are self-assessed in their own language competency.

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

Appropriate confidentiality clauses are included in the contract with Language Services Associates, Inc. Language Services Associates, Inc. has a grievance procedure we can engage in if staff determines that any interpreter was not performing in a satisfactory way. The independent interpreters will enforce standards of confidentiality in accordance with NYS Law. All employees who interact directly with the public will be trained on the appropriate procedure to ensure that

interpretation services are provided in a timely manner. The training will also address 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

Number of staff and languages spoken: Three staff members who speak Spanish.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: Three staff members who speak Spanish.

- Telephonic interpreting service

Names of vendors: Language Services Associates, Inc.

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

Names of individuals/organizations and languages:

- Other (describe)

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:

Language Services Associates, Inc. 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's staff members who utilize the language interpreting services on April 19, 2012. DCJS's staff has been informed of the mandates of Executive Order No. 26 and the obligations to provide meaningful access of information and services to limited English proficient persons and be familiar with the

agency plan, policy and procedure for working with LEP. Selected segments of the GOER LAC training were utilized at the session. The training will be conducted at least once every year, specifically to staff that interface with the public. 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 will work with Public Information Officers (PIO) from both the agency and the clustered public safety agencies to determine any new or existing vital documents in need of translation. The group will convene at least every six months, but constant communication will occur in the interim to assure agency compliance.

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 the selected OGS 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 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 already 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 Language Services Associates, Inc. in order to make sure that documents are translated in plain language and are appropriate for the intended audience.

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

DCJS will work on translating the following vital documents into the other five designated languages upon selecting the translation vendor:

- Personal Criminal History Record Review - Spanish
- Guidelines to Expedite Your Records Review Request - Spanish

- Access to Criminal History Record Information - Spanish
- Sex Offender Search - Spanish
- Sex Offender Registry Frequently Asked Questions - Spanish
- Crime Victim Assistance - Spanish
- Human Trafficking Task Force Report - Spanish

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

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: Language Services Associates, Inc.

- 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 responsible for the provision of training to staff in language access issues: Wanda Troche, Language Access Coordinator; Donna Call; Michelle Mulligan and William O'Connor.

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 interacts with the public will be required to attend training to advise them of the legal mandate of Executive Order No. 26, the procedure and training on utilizing the language line, cultural competence in their interaction with limited English individuals and other resources available to them. Training will not only emphasize existing resources, but clearly outline procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training will also focus on the prohibition of utilizing family members, children, and the potential for ethical implications. The training will be conducted at least once every year, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

PART 6 – ADMINISTRATION

Monitoring

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

The Deputy Commissioners for the Office of Sex Offender Management, the Office of Criminal Justice Operations, and the Office of Justice Information Services report directly to DCJS' Executive Deputy Commissioner and they will work with the Language Access Coordinator to ensure compliance and monitoring within their bureaus. The three Deputies are responsible for monitoring and implementing the language access plan in their respective bureaus and to ensure compliance with the Executive Order. DCJS's 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.

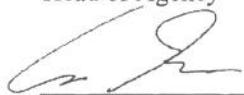
We display information on the right to file a complaint, and the procedures to file a complaint, the following manner:

On the DCJS's website, we will post the standardized complaint form in the top six languages and inform the public of their right to file a complaint if they feel that they have experienced discrimination on accessing information in their preferred language (national origin). 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.

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

A link within the complaint policy and procedure will lead complainants to the standardized complaint form translated in the top six languages, which will allow complainants to submit the form online or via postal mail. The Director of Workforce Diversity and Equity Programs, in consultation with the Office of Legal Services, will review all complaints within 15 business days and acknowledge receipt and inform the complainant that appropriate action will be taken.

PART 7 – SIGNATURES

	<i>Executive Deputy Commissioner</i>	9-4-12
Head of Agency	Title	Date
	Director of Workforce Diversity and Equity Programs	9-4-12
Agency LAC	Title	Date
	Deputy Secretary for Civil Rights	9/17/12
		Date