

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of Victim 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 Office of Victim Services provides compensation to innocent victims of crime, funds a network of Victim Service providers and advocates for the rights and benefits of innocent crime victims.

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 (Mandarin and Cantonese)	330,318
Italian	67,424
Russian	131,471
French 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:

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

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? Currently, we have Spanish-speaking staff who can assist Spanish-speaking claimants.

- Brochures or flyers about language assistance services
 - In public areas of the agency
 - Elsewhere in agency's service area(s)
- Signs posted about language assistance services
 - In public areas of the agency
 - Elsewhere in agency's service area(s)

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

What are the LEP populations targeted? _____

- Local, non-English-language media directed toward LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages

In which languages: Currently, in Spanish only. However, the Division of Criminal Justice Services (DCJS) will enter into a contract with a vendor for both interpreter and translation services on behalf of Public Safety agencies. OVS will provide these services to claimants via the DCJS contract. Callers who speak any of the identified languages may call the DCJS Call Center to access these services or the OVS staff member may transfer the caller to the vendor for translation services.

- Other (describe): Portions of our public website are translated into Spanish.

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): _____

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): The claimant may access the services via the DCJS Call center or be transferred by an OVS staff member to the vendor providing the translation services.

We record and maintain 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.

A. Oral Interpreting Services

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

For in-person encounters: Our staff assumes limited English proficiency if communication seems impaired or by self-identification by the non-English speaker or LEP individual or the written documentation they submit.

By telephone: Our staff assumes limited English proficiency if communication seems impaired or if self-identified by the non-English speaker or LEP individual.

At initial contact in the field:

For pre-planned appointments with LEP individuals: Our staff assumes limited English proficiency if communication seems impaired or by self-identification by the non-English speaker or LEP individual or the written documentation they submit.

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) 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 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: For the languages for which we do not have staff in language parenthetic positions, OVS will provide interpreter services to claimants via the DCJS contract. The "I Speak" poster will be used to identify the language needed and the OVS staff member will call the number to connect to the interpreter services so that OVS and the claimant can communicate effectively.

By telephone: For the languages for which we do not have on-site interpreters, the claimant may call the DCJS Call Center to be connected

to the interpreter services. If a claimant calls OVS directly, the OVS staff member will call the interpreter to allow for effective communication with the claimant.

At initial contact in the field:

For pre-planned appointments with LEP individuals: For the languages for which we do not have staff with a language parenthesis, OVS will provide these services to claimants via the DCJS contract. The OVS staff member will call the interpreter to allow for effective communication with the claimant.

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 his 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 choosing, he 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 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:

OVS will access these services via the contract established by DCJS for these purposes. Claimants may call the DCJS' Call Center to obtain these interpreter services or may call OVS directly. OVS staff will then connect OVS and the claimant to the interpreter services via the phone to facilitate effective communication with the claimant.

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

All conversations will be documented through case notes in our claims processing system, Claims Assistant.

Competency and confidentiality

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

Where an agency 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 issue of confidentiality is of primary concern to OVS. DCJS will ensure that any vendor who provides interpreter or translation services adheres to strict confidentiality provisions contained within the contract. The vendor's signature on any contract for these services will obligate all of its employees to this confidentiality provision. The documents that need to be translated contain private and confidential information. In addition, the documents often contain personally identifying information that would constitute a security breach should the data be compromised by the vendor. Our claimants submit this highly personal information under the reasonable assumption of complete confidentiality. For OVS to transmit these documents to a third party for translation puts the agency and the claimant at serious risk of an information security breach. The risks would be present at numerous points in the process: transmission to the vendor, while with the vendor whose employees would have access to significant personal information about claimants, and in transmission back to the agency. The risks of security breaches and loss of confidentiality are significant. Parameters to ensure confidentiality and minimize risk to the agency and claimant alike must be an integral component of any contract with a vendor.

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: 7 - Spanish

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: 7 - Spanish

- Telephonic interpreting service

Names of vendors: DCJS will enter into a contract for this service on behalf of all Public Safety agencies, including OVS, via the OGS backdrop contract.

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

Names of individuals/organizations and languages: We have a list of VAPs and the other than English languages that they support. (See attached.)

- 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:

Procedures will be documented; staff will be trained; and procedures will be included in our procedure manual posted on the agency's intranet.

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:

OVS' 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. In addition, we will use the Statewide "I Speak" posters and the Statewide "complaint form."

OVS' claim application and information brochure will be translated into the six identified languages. We will access these services via the contract DCJS enters into for these services. These documents will be translated and posted on our public website. Spanish language application forms are already posted on our public website and available in hard copy. We occasionally revise our forms to reflect changes in laws, procedures, or move to a new location.

We are concerned that by having the application and brochure available in these languages, we are raising the expectations of our claimants that the entire investigative process will be in their primary language. The investigation of claims is just that, an investigation that largely takes place through written communication between OVS and the claimant, law enforcement, medical providers, insurance companies and employers. The investigation process is through an automated system that has all documents embedded within it. It would be prohibitively expensive to modify our system to accommodate all of these languages and as many exchanges of information are with third party entities (e.g., hospitals, police departments, physicians) many of the documents (i.e., police report requests, HIPPA forms) have to be produced in English. Moreover, as we provide ongoing medical benefits for many of our claimants through our additional medical unit, staff assessing whether or not it is appropriate to pay these medical bills must refer to records on Claims Assistant to make their determination; these records need to be understandable to staff. In addition, the documents on Claims Assistant make up the

official record. An English language version of critical documentation is necessary for record keeping, the investigation process, and the rendering of final decisions. Where requested, these decisions will be interpreted for the claimant.

However, as a vital document, the claimant must have the ability to understand the final decision on their claim. It is essential that the non-English speaking person have the opportunity to receive a thorough and complete translation of their final decision and any subsequent amended decisions related to their claim. As noted in the "best practices" described by the Language Access Coalition, for each decision for a person speaking other than English, OVS will insert a "stuffer" in the claimant's language into the envelope containing the decision. This "stuffer" will note in the primary 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.

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

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

OVS will access these services via the DCJS contract. To date, the OVS has worked efficiently and cost-effectively with its network of funded VAPs to serve the needs of claimants who speak languages other than English. As noted, our network of VAPs supports the six identified languages as well as many others. We often direct claimants to the VAPs that can meet their language needs and a key contractual obligation of our VAPs is to assist claimants in submitting claim applications. Neither OVS nor the claimants incur any additional cost for this service. This has worked very well and may be adequate to meet the needs of our LEP claimants.

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

OVS has already addressed this issue for our documents. Our Guide to Compensation brochure was written at a fifth grade reading level, as was our claim application.

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

A Guide to Crime Victim Compensation in New York State - Spanish
Claim Application - Spanish
Restitution brochure - 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.)

OVS will use the DCJS contract for these services. Prior to submitting any documents for translation OVS will review the documents to make sure they are easily comprehensible. OVS will also use its network of VAPs to assist LEP claimants with their submissions.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: OVS will access these services via the DCJS contract.

- Contracts or other arrangements with community organizations or individuals for written translation services

Names of individuals/organizations and languages: Some Victim Assistance Programs funded by OVS can support certain languages other than English. We have a list of the VAPs and the languages they support.

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

Names of individuals/organizations and languages:

- 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:

For purposes of training on language access, the Language Access Coordinator or designee will be responsible for coordinating training by subject matter experts. The Language Access Coordinator has already designated a staff member as the LEP trainer. This person has already attended the initial train-the-trainer one-day workshop.

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: Training will take place at least once per year and at other times as necessary. Newly hired staff will be provided with handouts explaining our Language Access Plan. Training will include procedures for contacting interpreting services, confidentiality and cultural sensitivity.

PART 6 – ADMINISTRATION

Monitoring

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

The LAC will develop a project tracking tool and use this tool to monitor implementation. The LEP will use the agency's standard project tracking tool; a copy of this tool is attached.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in our 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.

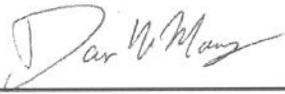
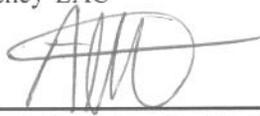
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

A document describing this right and the procedures to file a complaint will be posted on our website and available in each OVS office. We will use the statewide complaint form which will be available in all top 6 languages.

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

We will handle complaints in accordance with statewide policy and practice once developed.

PART 7 – SIGNATURES

	Director	9/6/2012
Head of Agency	Title	Date
	Deputy Director of Administration	9/6/2012
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date