

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Division of Criminal Justice Services

**Effective Date of Plan:** August 1, 2021

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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:

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

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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](#).<sup>1</sup> 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 New York State Division of Criminal Justice Services (DCJS) ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) is a multi-function criminal justice support agency with a variety of responsibilities including law enforcement training; collection and analysis of statewide crime data; maintenance of criminal history information and fingerprint files; administrative oversight of the states DNA databank, in partnership with the New York State Police; funding and oversight of probation and community correction programs; administration of federal and state criminal justice funds; support of criminal justice-related agencies across the state; and administration of the state’s Sex Offender Registry.

DCJS primarily supports criminal justice and law enforcement agencies across the state, but there are two program areas where DCJS interacts with the public: the New York State Sex Offender Registry and the Office of Criminal Justice Records. The agency provides information to the public by telephone, email and surface mail. It does not conduct in-person business with members of the public.

### New York State Sex Offender Registry

DCJS is the agency responsible for administering the state’s Sex Offender Registry, which is the centralized database containing information about sex offenders, including but not limited to residence address, risk level, and crime of conviction, that is available to the public. As of January 1, 2021, there were 42,320 offenders on the Registry; on average, approximately 155 offenders are added to the Registry each month.

Members of the public access the Registry in two ways: online ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) and by calling a toll-free number (800-262-3257). The law that created the Registry details the

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

type of information the public can learn about a registered offender and whether that information is available online or via telephone.

LEP individuals who call the toll-free number for information about an offender are connected by Registry staff to interpretation services provided by contracted vendors so they can receive the information they seek in their primary language.

The Registry is compatible with mobile devices and includes an integrated a mapping functionality so all reported addresses, including residence, employment and place of higher education can be displayed. If an offender has multiple convictions that required him or her to register as a sex offender, the Registry lists all those convictions. This change means that the public will know if an offender has a history of sex offense convictions. In addition, the Registry notes when an offender’s reported address cannot be verified with the U.S. Postal Service and has been referred to law enforcement for further investigation. It also includes a list of multiple residence and work addresses, if reported by offenders; it also includes multiple photos of offenders, when available.

Office of Criminal Justice Records Personal Record Review Program

The Office of Criminal Justice Records is responsible for overseeing criminal history information and other criminal justice records maintained by DCJS. The Office of Criminal Justice Records has contact with the public because individuals are permitted to request copies of their own criminal history records directly from DCJS. This is accomplished through the Personal Record Review Program.



**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:**

All program areas that have direct contact with the public have access to our OGS approved vendor, which provides DCJS employees with the ability to assist callers with limited English proficiency. Calls are tracked by the OGS approved vendor through monthly reports.

From January 1, 2019, through January 1, 2021, the OGS approved vendor handled 296 calls requiring interpretation. 260 of those 296 calls (88%) were received by the Office of Criminal Justice Records (213 calls) and the Sex Offender Registry (47 calls). 287 of those 296 calls (97%) were made by Spanish-speaking individuals; the remaining individuals spoke Chinese (Mandarin).

The other 36 calls (12%) were received by the Justice Research & Performance, Program Development and Funding, Public Safety, and Legal Services. Spanish-speaking individuals made most of these calls, but individuals who spoke Chinese also placed calls.



**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?** DCJS employees use our OGS approved vendor to communicate with LEP individuals, both verbally over the phone, and in writing about free language services.
- 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?** The agency’s toll-free number includes recorded messages that inform about free interpreting services in the following languages: Spanish, Chinese, Russian, Haitian Creole, Bengali and Korean. Recordings for Yiddish, Italian, Polish and Arabic will be added not later than August 1, 2022.

- Other (describe)

The agency’s website ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) includes a link to Language Assistance in the universal “footer,” which provides information about free language assistance services.



## **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) The work done by DCJS and the two offices that interact with LEP individuals does not lend itself to in-person contacts. All contact with the public is done either by telephone or through written correspondence.

**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**

**At initial contact in the field**

**When speaking on the telephone:** DCJS employees who receive calls from LEP individuals who need an interpreter use the conference call feature to contact our OGS approved vendor so the employees can work with the interpreter to determine what the caller needs and how to assist him or her.

**For pre-planned appointments with LEP individuals:**

**Other (describe):** The work done by DCJS and the two offices that interact with LEP individuals does not lend itself to in-person contacts. All contact with the public is done either by telephone or through written correspondence.

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

All documentation related to translation and interpretation, frequency of use, type of language assistance services provided, and cost is maintained and can be compiled upon request by our OGS approved vendor. In addition, the Public Information Office, which includes the agency's Language Access Coordinator, maintains a list of translation requests it processes for the agency. Excluding the translation of vital documents (detailed list is included in Part 4, Section C), in 2019–2021, the agency translated 12 documents upon request, 11 of those requests from the Office of Criminal Justice Records, and one from the Office of Probation and Correctional Alternatives.

## **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:**

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

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Number of staff and languages spoken:** DCJS employees who receive calls from LEP individuals who need an interpreter use the conference call feature to contact our OGS approved vendor so the employees can work with the interpreter to determine what the caller needs and how to assist him or her.

- 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**

- At initial contact in the field**

**When speaking on the telephone:** DCJS employees who receive calls from LEP individuals who need an interpreter use the conference call feature to contact our OGS approved vendor so the employees can work with the interpreter to determine what the caller needs and how to assist him or her.

- For pre-planned appointments with LEP individuals:**

**Other (describe):** The nature of work done at DCJS does not lend itself to in-person contact with the public.

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

Our account with the OGS approved vendor ensures that DCJS has access to interpreters in a timely manner. Employees have been trained and know how to access the services when needed.

**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.

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 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:**

All staff who interact with the public via telephone are required to take a mandated web training annually on language access to ensure proficiency in obtaining interpreting services when needed. Through this training, DCJS employees have been informed of the mandates of Executive Order No. 26 and the obligations to provide meaningful access of information and services to LEP individuals and to be familiar with the agency’s plan, policy and procedure for working with LEP individuals. Refresher and new staff training will be given as needed.

LEP individuals who call the DCJS Personal Record Review Program are connected by office staff to interpretation services through our contracted vendor so they can receive the information they seek in their native language.

Members of the public can access information about registered sex offenders on the agency’s website ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) and a toll-free number (800-262-3257). Website language translation instructions are provided in the top 10 languages for all website content, including information about registered sex offenders, and interpretation services for individuals who call the Registry is provided through our contracted vendor.

**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:**

The services provided by our contracted vendor include documents detailing frequency of use, languages spoken, and costs associated with service.

**Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>2</sup> in the following ways:**

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<sup>2</sup> 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

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.

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

Appropriate confidentiality clauses are included in the contract with the vendor. Our OGS approved vendor has a grievance procedure we can engage in if staff determines that any interpreter was not performing in a satisfactory way. Furthermore, all independent interpreters will enforce standards of confidentiality in accordance with New York State Law.

All employees who interact directly with the public are trained on the appropriate procedure to ensure that interpreting services are provided in a timely manner. The training also addresses the importance of confidentiality.

**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:**

The LAC, who is the assistant to the director of public information for the agency, works with any relevant staff to determine any new or existing vital documents in need of translation.

**Our agency's process for making sure documents are written in plain language<sup>3</sup> 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 been made aware that under the Executive Order, plain language is a requirement. 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 the vendor in

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Standards and an Outcomes-Focused Research Agenda. Extracted from:

[https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring\\_Cultural\\_Competence\\_in\\_Health\\_Care-1999.pdf](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

<sup>3</sup> 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>

order to make sure that documents are translated in plain language and are appropriate for the intended audience.

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

- Contracts with vendors for translation services  
**Names of vendors/languages:** Any vendor under the OGS Statewide Administrative Services Contract.
- Contracts or other arrangements with schools and community organizations  
**Names of schools/organizations and languages:**
- Translation of documents by bilingual staff members
- 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:**

Any documents in need of translation will be sent directly to our OGS approved vendor for translation by the LAC. *Your HR Connection* newsletter informs staff of the LAC.

DCJS uses a contracted vendor to translate documents received by the state’s Sex Offender Registry as needed. All correspondence mailed to individuals required by law to register as sex offenders includes the “New York State Notice of Important Document.”

**The following non-exhaustive list of documents are currently translated by our agency into Arabic, Bengali, Chinese, Haitian Creole, Italian, Korean, Polish, Spanish, Russian, and Yiddish:**

| Form #    | Name  |
|-----------|---|
| Form 3284 | 1. Criminal History Record Challenge Form             |
| Form 535  | 2. Criminal History Record Challenge Form for Inmates |

|   |   |
|---|---|
| Documents 3-9 pertain to the New York State Board of Examiners of Sex Offenders | 3. Risk Assessment Guidelines and Commentary  |
|   | 4. Risk Assessment Instrument   |
|   | 5. Department of Corrections and Community Supervision Registration Review Notification |
|   | 6. Local Registration Review Notification   |
|   | 7. Out-of-State Registration Review Notification  |
|   | 8. Designation Form   |
| 9. Out-of-State No Registration Requirement                                     |   |
| Document 10 pertains to the New York State Domestic Incident Report             | 10. Victim’s Rights Notice for the New York State Domestic Incident Report              |

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:**

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 OGS 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.



**PART 5 – Staff Training**

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

The agency’s training director, in partnership with the LAC as well as management of the Sex Offender Registry, Office of Criminal Justice Records, and every other office at DCJS.

**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:**

At minimum, all staff that interact with the public are required to take the Governor’s Office of Employee Relations mandatory language access training to advise them of the legal mandate of Executive Order No. 26, the procedure and training on utilizing the vendor, cultural competence in their interaction with LEP individuals and other resources available to them. Training clearly outlines procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training also focuses on the prohibition of utilizing family members, children, and the potential for ethical implications. The training is provided annually, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

The agency’s training director, who works in Human Resources Management, works with appropriate agency staff to identify individuals who are required to take the training.



## **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 Director of the Sex Offender Registry and Director of the Office of Criminal Justice Records report directly to the DCJS Executive Deputy Commissioner and they work with the Language Access Coordinator to ensure compliance and monitoring within their bureaus. These unit heads are responsible for monitoring and implementing the Language Access Plan in their respective bureaus and to ensure compliance with the Executive Order. The 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.

### **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:**

On the DCJS website, the standardized complaint form is posted in the top ten languages (Arabic, Bengali, Chinese, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, and

Yiddish) along with a statement that informs the public of their right to file a complaint. The complaint form is also available for online submission through our website.

Individuals have the right to fully participate in programs regardless of race, color, national origin, sex, religion or disability.

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

The agency will utilize the standard discrimination grievance policy and procedure to address complaints. The Language Access Coordinator, in consultation with the Office of Legal Services, reviews all complaints within 15 business days of receipt and acknowledges receipt and informs the complainant that appropriate action will be taken.

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

### PART 7 – Signatures



*Michael C. Shea* Executive Deputy Commissioner 7/28/2021  
Head of Agency Title Date

*Yina Hernandez* Language Access Coordinator 7/30/2021  
Agency LAC Title Date

*Debra Alligood Syte* 7/30/2021  
Deputy Secretary for Civil Rights Date