

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Department of Corrections and Community Supervision

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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](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

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

Our agency’s services to the public include:

The Department of Corrections and Community Supervision (“DOCCS”) provides services and programs to incarcerated individuals under custody and parolees under community supervision who were found guilty of various crimes and sentenced to serve a term in a New York State correctional facility with post-release supervision. The mission of the Department is to enhance public safety by providing programs, therapeutic treatments and services that will prepare the person to return to the community and remain free of criminal activities. These programs are provided in a safe and secure environment that facilitates success for the incarcerated individuals. The Department also provides services and outreach to family members and friends of incarcerated individuals to ensure a positive reintegration with family and the community. Pursuant to Executive Order No. 26, as amended, this Plan has been prepared to ensure all limited English proficient incarcerated individuals and parolees, family members and friends have reasonable access to and are able to fully participate in all programs and services provided. Education programs also provide English as a Second Language (ESL) instruction, Adult Basic Education (ABE), and testing in Spanish, including the TASC™ exam. Additionally, oral interpreting services are provided for all due process, health related, and Parole Board interviews and hearings.



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

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

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:

The Department’s computerized incarcerated individual/parolee tracking system indicates that there are currently 68,525 incarcerated individuals under custody and parolees under community supervision. Of that number, approximately 2,295 have been determined to be limited English proficient. Contacts with these individuals are ongoing and daily and include contacts with family members and friends as well.



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? Through direct contact with Offender Rehabilitation Coordinators, and security, academic and vocational, other program services, health services, mental health services, and community supervision staff. Staff will review the LEP individual’s

identification card to determine primary language and/or review their record prior to engaging the LEP individual in meetings or interviews and will offer interpretation services free of charge through contracted vendors.

- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)

- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State

- Outreach and presentations at schools, faith-based groups, and other community organizations
 - What are the LEP populations targeted?**

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

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

- Telephonic voice menu providing information in non-English languages
 - In which languages?** Spanish, Central Office CLAS Main Line: (518) 402-1339

- Other (describe)
 - Incarcerated individuals’ orientation programs at reception and general confinement facilities.



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) Staff determines language ability through an oral interview process in reception centers. A language dominance questionnaire is used to determine primary language

spoken. Once primary language spoken is determined, those who speak Spanish or other languages are evaluated for English oral proficiency. Departmental Directive #4804, entitled “Academic Education Policies” outlines the policies and procedures for identifying language dominance, English proficiency, and tracking progress. Additional information, such as country of origin, is also collected.

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 intake (or other initial contact), a staff member evaluates for language dominance, which includes filling out a questionnaire and identifying the country of origin.

At initial contact in the field: At intake (or other initial contact), a staff member evaluates for language dominance, which includes filling out a questionnaire and identifying the country of origin.

When speaking on the telephone: Whenever an LEP individual calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services.

For pre-planned appointments with LEP individuals: Generally, at this point, staff has already determined language dominance of LEP individual and arrangements are made to provide an interpreter utilizing one of the contract vendors or qualified in-house staff.

Other (describe): Video conferencing technology is utilized for various needs, such as medical services and Parole Board interviews.

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

Once primary/dominant language has been identified, the information is kept in the electronic incarcerated individual’s records and in the incarcerated individuals’ identification cards.

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: DOCCS employs Spanish speaking staff certified by the NYS Department of Civil Service in the following positions: Administrative Assistant 1 – 1, ASAT Program Aide – 1, Correction Officer – 178, Correction Officer Trainee – 3, Correction Sergeant – 53, Correction Classification Analyst – 2, Offender Rehabilitation Coordinator ASAT – 2, Offender Rehabilitation Coordinator – 37, Offender Rehabilitation Coordinator Trainee 2 – 1, Offender Rehabilitation Aide – 1, Parole Officer – 64, Parole Officer Trainee 2 – 4, and Teacher 2 – 1.

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

Number of staff and languages spoken:

- Telephonic interpreting service

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

- Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- Other (Describe)

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

During office in-person encounters: Through the use of signs posted in public areas or after a staff member has made a determination of need and an interpreter is contacted, the staff member, through the interpreter, informs the LEP individual that the interpreting services are free of charge.

At initial contact in the field: At intake and after an interpreter has been contacted, the staff member informs the LEP individual that the interpreting services are free of charge.

When speaking on the telephone: Whenever an LEP individual calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services. The staff member through the interpreter informs the LEP individual that the interpreting services are free of charge.

For pre-planned appointments with LEP individuals: When an appointment is made for an LEP individual, staff will inform the individual that interpreting services are available free of charge.

Other (describe): DOCCS posts multilingual signs in common and public areas informing incarcerated individuals, parolees, and members of the community that language access services are provided free of charge. Additionally, information about free language assistance services is posted on the DOCCS website.

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

DOCCS’ staff responds immediately when encountering LEP individuals in need of interpreting services by contacting an interpreting service provider in a timely manner. Facility Business Offices have been directed to establish accounts with the over-the-phone interpreting, in-person interpreting, and translation services vendors to provide these services.

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 a 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 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:

DOCCS’ orientation policy includes mandatory training in departmental policies and procedures, including how to access interpreting services. During the facilities’ orientation process, each new employee will be familiarized with all departmental areas, including the Business Office which handles all transactions, including those for interpreting services.

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:

DOCCS Coordinator of Cultural and Language Access Services tracks interpreting services provided through a system used by the independent interpreting services.

Cultural Competence and Confidentiality

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

Where DOCCS 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:

DOCCS' employees receive annual mandatory training on the Health Information Portability and Accountability Act (HIPAA). All DOCCS' staff follows HIPAA requirements when the matter refers to health issues. When DOCCS utilizes interpreter staff from the NYS Office of General Services (OGS) Statewide Administrative Services Contract, they too are bound by the same HIPAA requirements. The Department also trains staff, contractors, and others regarding other non-HIPAA related confidential information. DOCCS will continue to ensure that existing confidentiality guidelines are strictly adhered to by staff, contractors, and others.

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:

DOCCS established a methodology to determine which new documents and updates to existing documents are vital. The methodology includes criteria such as the nature of services to institutional needs and benefits to incarcerated individuals or the public. The list of vital documents is to be reassessed at least every two years.

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

There are several units that already provide documents at a fifth-grade reading level in consultation with the Division of Education. The Coordinator of Cultural and Language Access

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

https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

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

Services will review the additional documents that need to be translated into other languages and will ensure that they are also written in plain language at a fifth-grade reading level.

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 NYS 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)

Two Spanish speaking translators are employed by DOCCS and in accordance with Directive #4490, “Cultural and Language Access Services,” provide all official Spanish/English and English/Spanish translations. Additionally, staff can find resources in other languages by contacting CLAS staff.

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:

All documents in Spanish are submitted to the Coordinator of Cultural and Language Access Services and assigned to the two in-house translators for a timely translation. Similar provisions are made available for other languages submitted. Priority is given to time sensitive materials, such as appeals of disciplinary hearings. The Department institutes the necessary steps to follow the same procedure for documents submitted in one of the other top ten languages. All documents in need of translation that cannot be done in-house are sent to the selected vendor in a timely manner.

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

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*

- PO: Polish
- RU: Russian
- SP: Spanish
- YI: Yiddish

Name	Top Ten Languages									
	AR	BE	CH	HA	IT	KO	PO	RU	SP	YI
PREA Pamphlet (Male)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PREA Pamphlet (Female)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
PREA Statewide Rape Crisis Hotline	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ACA Audit Notice	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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

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

DOCCS, 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. DOCCS 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: Melissa Miles, Director of DOCCS Training Academy.

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:

DOCCS requires all staff to take the GOER mandatory language access training annually. New employee orientation, which includes language access training, will be provided for civilian and uniform staff and will be included in annual updates. The Program Services training sessions for recruit training and Sergeant’s School include language access slides. DOCCS’ Training Academy staff is responsible for all departmental 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 Coordinator of Cultural and Language Access Services/LAC will ensure that signs are prominently displayed in public areas advising LEP individuals of the availability of free language access services. The Coordinator/LAC, along with other assigned staff, will review existing documents for updates and new documents to determine if they are vital and must be translated.

B. Complaints

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

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

The standardized complaint forms are available to the public upon request in all ten languages at facilities and area offices. The complaint forms are also available for download or online submission through our website. Complaint forms can be submitted by e-mail to LanguageAccessComplaint@doccs.ny.gov.

Information on the right to file a complaint is posted on the website and in areas where it is easily seen by the public in English and the top ten languages.

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

Complaints are sent to the Office of Diversity and Inclusion, Incarcerated Individual Grievance Program, and the Coordinator of Cultural and Language Access Services/LAC for review and proper resolution. Furthermore, departmental directives govern the handling of complaints for incarcerated individuals, parolees, employees, and visitors: Directive 4040, “Incarcerated Individual Grievance Program,” Directive 9402, “Parolee Grievance Program,” Directive 2602, “Diversity Management Complaints,” and Directive 2611, “Discriminatory Treatment Complaints – Procedures for Visitors.”

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



PART 7 – Signatures



Anthony J. ...
Handwritten signature of the Acting Commissioner

Head of Agency

Acting Commissioner

Title

7/29/2021

Date

Ky ...
Handwritten signature of the Agency LAC

Agency LAC

Coordinator of CLAS

Title

7/29/21

Date

Debra ...
Handwritten signature of the Deputy Secretary for Civil Rights

Deputy Secretary for Civil Rights

7/30/2021

Date