

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** NYS Justice Center for the Protection of People with Special Needs

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

**Language Access Coordinator:** William P. Reynolds

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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:

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

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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.**

The Justice Center for the Protection of People With Special Needs (Justice Center) was established in 2013 by the Protection of People with Special Needs Act. The agency was created to restore public trust in the institutions and individuals charged with caring for vulnerable populations by protecting the health, safety, and dignity of all people with special needs. The Justice Center has jurisdiction over more than 1,000,000 individuals receiving services across six State Oversight Agencies. Our agency’s services to the public include:

Operating a 24/7 toll-free hotline which receives reports of allegations of abuse, neglect, and significant incidents. Reports are made by service providers and others who are "mandated reporters," as well as by any individual who witnesses or suspects the abuse or neglect of a person with special needs;

Ensuring that all reports of abuse and neglect are fully investigated, collaborating with law enforcement agencies and district attorney's offices and prosecuting allegations that rise to the level of a criminal offense;

Maintaining a register of individuals found responsible for the serious or repeated abuse or neglect of a person with special needs. Anyone placed on the list is prohibited from ever working again with people with special needs in New York State;

Maintaining a comprehensive statewide database that tracks cases until they are resolved and allows the Justice Center to monitor trends and develop abuse prevention initiatives;

Providing support and assistance to victims and their families, including case status information, court-related assistance, and referrals;

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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>

Monitoring the quality of mental health care in New York State correctional facilities; and

Helping people with disabilities and their families find information and services, which includes operation of an information and referral service to respond to general disability-related inquiries.



## **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:**

<b>#</b>	<b>Language</b>	<b>Estimated Number of LEP Speakers</b>
<b>1</b>	Spanish	1,201,322
<b>2</b>	Chinese	379,745
<b>3</b>	Russian	119,380
<b>4</b>	Yiddish	64,070
<b>5</b>	Bengali	64,020
<b>6</b>	Korean	55,506
<b>7</b>	Haitian Creole	54,746
<b>8</b>	Italian	46,431
<b>9</b>	Arabic	40,781
<b>10</b>	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:**

Contact with the Justice Center most frequently occurs through calls made to the agency's toll-free, 24/7 Vulnerable Persons' Central Register (VPCR) hotline. Call center personnel receive reports of allegations of abuse, neglect and significant incidents that occur at facilities or provider agencies operated, licensed or certified by six state agencies. Language services requests are logged by the system.

Calls requiring language assistance are also received by the agency's Information Line, which links callers with the Justice Center's Information and Referral Service, Individual and Family Support advocates, the Special Prosecutor/Inspector General’s office and other business units.

Justice Center investigators and special prosecutors also interact with LEP victims, witnesses or subjects through face-to-face encounters or over-the-phone during their investigations.

Individual and Family Support advocates may also receive translation requests directly from LEP individuals in person at outreach events, or over of the phone, at which time over the phone language services are secured. At outreach events, Advocates utilize the Language Identification Tool which is prominently displayed at outreach events.

The Justice Center's Surrogate Decision-Making Committee occasionally receives interpreter services requests for hearings or for pre-hearing discussions, at which time services are provided on-site or via tele-service. Hearing documents are also translated when needed.

The Justice Center's Forensics Monitoring Unit will secure interpretation services when necessary during on-site correctional facility visits.

Spanish is the predominant language other than English spoken by our service population. Additional points of contact include webmaster email, USPS mail, and in-person visits to our Delmar, NY headquarters or regional offices. In addition, all services provided by language access vendors are tracked and logged by the Justice Center's Office of Administration.



### **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?** All front-line staff, which includes the call center, Information Line, Information and Referral Service and Individual and Family Support Unit, who are likely to encounter LEP persons have been provided with NYS Language Identification Tool signs and "I Speak" cards which include a statement that informs LEP individuals about their right to free language assistance. Front-line employees receive training on how to route telephone calls to the approved vendor, which provides telephonic interpretation in all languages. While the Justice Center's central office has infrequent contact with members of the public, the agency has designated the Executive Conference Room, which is near the reception area, as a place where a confidential conversation with staff can be conducted should the need arise. The conference room is equipped with a speaker telephone, which enables employees to access telephonic interpreting assistance through the vendor.

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?** Spanish, Chinese, Haitian Creole, Russian, Bengali, Yiddish, Korean, Italian, Polish and Arabic.

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, Chinese, Haitian Creole, Russian, Bengali, Yiddish, Korean, Italian, Polish and Arabic.

Other (describe)  
The home page of the Justice Center’s public website features a Language Access portal which includes a statement that informs LEP individuals about their right to free language assistance.



## 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 uses a telephonic interpreting service to identify their primary language.

**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:** All front-line staff members who are likely to encounter LEP persons receive training on how to communicate with LEP individuals and the procedures for doing so. The Language Identification Tool is used to assess the needs of LEP individuals. Security guards are also trained to alert front-line staff when encountering LEP individuals. Staff then contact the state-approved vendor, which provides telephonic interpreting services.

**At initial contact in the field:** If it is apparent that there may be a language need, staff will determine the individual's language need and the services of a qualified interpreter will be secured.

**When speaking on the telephone:** The Justice Center's Information Line features multilingual greeting and voice prompts during business hours, an after-hours message and a hold message which advises callers that language services are offered free of charge. All front-line staff receive training on how to communicate with individuals with limited English proficiency and the procedures for doing so by phone. Staff contact the state approved vendor, which provides interpreting services.

**For pre-planned appointments with LEP individuals:** Staff submits a request for oral interpreting services to their supervisor which is processed by the agency's administrative office.

**Other (describe):**

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

LEP individuals preferred languages needs are recorded in Justice Center's database.

**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

**Name of vendors/languages:** Over the phone and video interpreting service vendors approved under the NYS office of General Services (OGS) contract.

- Contracts or other arrangements with school and community organizations

**Name of vendors/languages:**

- 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:** LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**At initial contact in the field:** LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**When speaking on the telephone:** LEP individuals are advised using state approved vendors that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**For pre-planned appointments with LEP individuals:** LEP individuals are advised using state approved vendors and/or Language Identification tools that interpreting services are provided free of charge at the same time the assessment of need is conducted.

- Other (describe):**

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

Agency front-line staff members immediately contact the state-approved vendor to arrange telephonic interpreting services. When interpreting, services are needed for in-person contact, staff notify their supervisor of the need and the supervisor then files a request with the Language Access Coordinator (LAC) to make necessary arrangements.

**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 to our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an

interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter always. 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 front-line staff members who are likely to have contact with LEP persons receive Language Access training, which includes the process for obtaining interpreting services. These front-line staff are also issued a quick desk reference guide. Additionally, the New York State Justice Center has established a guidance document that provides a step by step process on how to obtain oral 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:**

All contacts with LEP individuals and the language assistance provided are documented by the vendors which provide services. The data is collected and maintained by the Administrative Office and provided upon request to the LAC.

**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 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)

The Justice Center only utilizes state-approved vendors for interpreting services which under their contracts are required to implement quality assurance standards to guarantee that their interpreters are trained and are linguistically and culturally competent.

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

The training provided to staff addresses the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

**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, in consultation with an internal working group, review the list of vital documents on an ongoing basis to ensure that documents are translated and remain up to date.

**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:**

All vital documents are reviewed by the agency’s Office of Communications to ensure the documents are written in plain language prior to translation.

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

- Contracts with vendors for translation services  
**Names of vendors:** Language Today and potentially 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)

**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

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<sup>3</sup> The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) 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>

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:**

Documents are submitted electronically to the OGS approved vendor, specifying which language is requested, whether the document is a brochure, guidance document, poster, correspondence or other written communication relating to the LEP individuals’ needs. The vendor reliably provides a translated version of the document in a timeline ranging from one day to one week, depending on the size and complexity of the document in question.

**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
Code of Conduct	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Guide for Reporting Abuse & Neglect	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Applicant Consent Form for Fingerprinting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Request for Amendment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Withdrawal of Request for Amendment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Instructions for Completing a Death Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Investigation Guidance for Staff & Volunteers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Justice Center Resource Card	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jonathan’s Law Brochure	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Guidance for Individuals & Families	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Request for Amendment of Substantiated Report	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Criminal History Review	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Make the Call Poster	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Access to Services Complaint Form	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Workforce Videos	✓	✓								

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:**

The Justice Center 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. The Justice Center 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:** William Reynolds, Language Access Coordinator and Matthew DeGennaro, Director of Finance.

**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:**

As part of the Justice Center's on-boarding process, all new employees are informed of Executive Order No. 26.1 and the procedures to follow for obtaining oral interpreting services through the state-approved vendor. The Office of Human Resources has identified the job titles of front-line staff who are required to complete the Governor's Office of Employee Relations' (GOER) annual Language Access online training module.



## **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 LAC monitors the agency's compliance with its plan and submits monthly performance reports and vendor deficiency reports. Oversight includes ensuring that materials are up-to-date, staff participates in required training and any problems with vendors are reported and addressed in a timely manner.

### **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, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

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

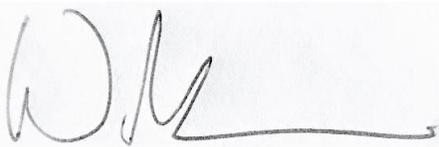
All complaints are forwarded to the agency's Language Access Coordinator who is responsible for reviewing, handling and tracking until resolution.

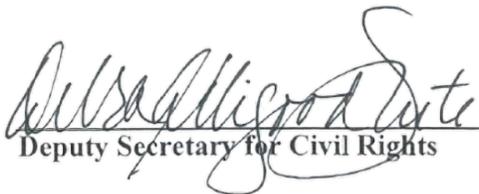
All complaints must be timely forwarded to the Statewide Language Access Coordinator.

## PART 7 – Signatures



	Executive Director	July 30, 2021
Head of Agency	Title	Date

	Media Services Director	July 30, 2021
Agency LAC	Title	Date

		7/30/2021
Deputy Secretary for Civil Rights		Date