

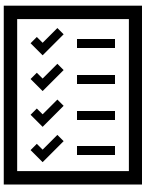
LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: State Commission of Correction

Effective Date of Plan: August 1, 2021

Language Access Coordinator: Brian Callahan

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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](#).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 New York State Commission of Correction (SCOC) has a mission to provide for a safe, stable and humane correctional system in New York State. To this end, the Commission: promulgates minimum standards for the management of correctional facilities; evaluates, investigates and oversees correctional facilities; assists in developing new correctional facilities; and provides technical assistance to correctional facilities. Due to the Commission’s services being regulatory in nature, SCOC has limited interaction with the public. Occasional contact would most likely occur through the receipt of written correspondence from either an incarcerated individual under NYS Department of Corrections and Community Supervision’s (DOCCS) custody or an incarcerated individual’s family. Nevertheless, the agency is preparing to execute its Language Access Plan that will be capable of responding to any interested party that is LEP. It is anticipated that LEP individuals will primarily contact SCOC by accessing the agency’s public website.



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.

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

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 selected interpreting vendor will provide SCOC with an ongoing summary of frequency of use, type of interpreter services provided and usage costs. Where written correspondence from either an incarcerated individual under DOCCS’s custody or an incarcerated individual’s family occurs in a language other than English, language assistance will be recorded by staff. All incoming correspondence is tracked by staff.

Due to the Commission’s services being regulatory in nature, SCOC has limited interaction with the public. Occasional contact would most likely occur through the receipt of written correspondence from either an incarcerated individual under NYS Department of Corrections and Community Supervision’s (DOCCS) custody or an incarcerated individual’s family. The Commission received approximately 1,800 complaint letters from DOCCS’s incarcerated individuals in 2020. Of those, none required translation. Commission staff reported receiving ten (10) phone calls in 2020 from individuals who would meet the definition of being LEP. It is anticipated that LEP individuals will primarily contact SCOC by accessing the agency’s public website.



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? SCOC will verbally inform LEP individuals of their right to free language assistance. Where written correspondence occurs from either an incarcerated

individual under DOCCS’s custody or an incarcerated individual’s family, SCOC will respond in writing, including a notice about the availability of free language access 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?**
- Other (describe)



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) Due to the Commission’s services being regulatory in nature, SCOC has no in-person encounters with the public

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:** Agency support staff utilize telephonic interpreting services to identify an LEP individual's preferred language.
- For pre-planned appointments with LEP individuals:**
- Other (describe):**

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

The selected interpreting vendor will provide SCOC with an ongoing summary of frequency of use, type of interpreter services provided and usage costs. Where written correspondence from either an incarcerated individual under DOCCS's custody or an incarcerated individual's family occurs in a language other than English, language assistance will be recorded by staff. All incoming correspondence is tracked by staff.

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: Any vendor under the NYS OGS 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: Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

At initial contact in the field: Due to the Commission's services being regulatory in nature, SCOC deals directly with correctional facilities' administrators in the field. However, in the event where there is a specific incident in need of further investigation and field staff encounters an individual with limited English proficiency, SCOC will inform the LEP individual, with the assistance of contracted telephonic interpreters, that free interpreting services are provided. SCOC will then coordinate with the correctional facility to arrange independent interpreters to be present and assist.

When speaking on the telephone: The selected interpreting vendor will be used by staff when speaking with an individual in a language other than English to inform the individual that free interpreting services are available.

For pre-planned appointments with LEP individuals: Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

Other (describe): Our agency's website provides information about the availability of free interpreting services.

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

Staff is trained to connect to the selected interpreting vendor for interpretation in a timely manner.

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. 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:

Staff take an annual mandatory Frontline Staff Language Access training from the Governor's Office of Employee Relations, which provides information on how to use the selected interpreting vendor when encountering LEP individuals.

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 selected interpreting vendor will provide SCOC with an ongoing summary of frequency of use, type of interpreter services provided and usage costs.

Cultural Competence and Confidentiality

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

Where SCOC 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:

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

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

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:

An internal working group is assigned to review documents and determine which are vital. The work group convenes at minimum semi-annually and/or as new documents are developed.

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

SCOC will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

Contracts with vendors for translation services

Names of vendors: Potentially 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:

SCOC, through its selected translation vendor, will ensure timely translation of documents.

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

³ 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>

Currently, there are no documents identified as vital. Any documents determined to be vital 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:

SCOC 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 as part of the publication process.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Brian M. Callahan, General Counsel.

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:

All staff that interact with the public are required to undergo training regarding Executive Order No. 26.1. The staff training includes and addresses all components listed in the previous question. The Commission utilizes the Language Access training offered via the Statewide Learning Management System (SLMS). Training is delivered at least annually. Refresher courses will be given periodically as needed and new employees will be given training upon entrance.



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:

All staff that interact with the public are required to undergo training regarding Executive Order No. 26, as amended by EO 26.1, and SCOC’s Language Access Plan. The staff training includes and addresses all components listed in the previous question. The Commission utilizes the

Language Access training offered via the Statewide Learning Management System (SLMS). Training is delivered at least annually. Refresher courses will be given periodically as needed and new employees will be given training upon entrance.

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:

The LAC will complete a full investigation of the complaint, which shall include an interview of the complainant. If the allegations of the complaint substantiated, or if any language barriers to public services and programs are identified, the LAC shall undertake all necessary remedial measures, including additional staff language training, where appropriate.

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

PART 7 – Signatures



Allen Rily

Chairman

7/30/2021

Head of Agency

Title

Date

Tom Allen

General Counsel

7/30/2021

Agency LAC

Title

Date

Debra Alligood Soto

Deputy Secretary for Civil Rights

7/30/2021

Date