

## **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** New York State Commission of Correction

**Effective Date of Plan:** October 5, 2012

**Language Access Coordinator (LAC):** Mike Donegan

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### **PART 1 – INTRODUCTION**

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

#### **Statement of Agency Services to the Public:**

The 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.
- Provides technical assistance.

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 inmate under NYS Department of Corrections and Community Supervision’s (DOCCS) custody or an inmate’s family. Nevertheless, the agency is preparing to execute its Language Access Plan that will be capable of responding to any interested party having limited proficiency in English. It is anticipated that LEP individuals will primarily contact SCOC by accessing the agency’s public website.

**In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.**

### **PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS**

**The estimated total number of individuals in our service area is:** Approximately 3,505 based on DOCCS’s records.

The top seven languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	3,348
Chinese	82
Korean	12
Haitian Creole	8
Russian	8
Polish	6
Italian	1

We use the following resources to determine the top seven languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

**Names of organizations:**

- Information from other government agencies

**Names of agencies:** New York State Department of Corrections and Community Supervision.

- Other (describe)

We have determined the frequency of our contacts with LEP individuals as follows:

Due to the Commission's services being regulatory in nature, SCOC has limited interaction with the public. Occasional contact with the public would most likely occur through the receipt of written correspondence from either an inmate under DOCCS's custody or an inmate's family. The Commission received approximately 2,000 complaint letters from DOCCS's inmates in 2011. Of those, approximately four were written in Spanish and required translation. Commission's staff reported receiving no phone calls in 2011 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.

Data acquired by DOCCS suggests there are approximately 93,000 individuals under their custody and control. Approximately 3,505 of those individuals have limited English proficiency. They serve as the estimated number of individuals in our service area.

**PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES**

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

**In what ways?** SCOC will verbally inform LEP individuals of their right to free language assistance. Where written correspondence occurs from either an inmate under DOCCS's custody or an inmate's family, SCOC will respond in writing.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- 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

- Telephonic voice menu providing information in non-English languages

**In which languages:**

- Other (describe) SCOC, in a collaborate effort with New York's six other public safety agencies, is working to create a comprehensive, one-stop Public Safety website that will encompass information about all the agencies and the services each provides. This website will feature an option on the homepage for an individual to select a language, and then be brought to a page that details how to access each agency for further assistance. Notice of their right to free language assistance services will be posted on the website.

**PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES**

**We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:**

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

- "I Speak" posters or visual aids
- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe)

**We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:**

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe)

**We record and maintain 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 inmate under DOCCS's custody or an inmate's family occurs in a language other than English, language assistance will be recorded by staff. All incoming correspondence are tracked by staff.

**A. Oral Interpreting Services**

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

**For in-person encounters:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**By telephone:** The selected interpreting vendor will be used by staff when speaking with an individual in a language other than English. Bilingual staff will be asked to assist where available.

**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 coordinate with the correctional facility to arrange independent interpreters to be present and assist.

**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):** Where written correspondence from either an inmate under DOCCS's custody or an inmate's family occurs in a language other than English, staff will utilize available resources, such as the selected interpreting vendor and bilingual staff.

**Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:**

**For in-person encounters:** Due to the Commission's services being regulatory in nature, SCOC has no in-person encounters with the public.

**By telephone:** Staff will verbally inform individuals via the selected interpreting vendor of free interpreting services or through the assistance of bilingual staff where available.

**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 coordinate with the correctional facility to arrange independent interpreters to be present and assist. Staff will verbally inform LEP individuals via the certified interpreter of free interpreting services.

**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):** Where written correspondence from either an inmate under DOCCS's custody or an inmate's family occurs in a language other than English, the written response will contain information of SCOC's free language assistance services. Information will also be found on the SCOC's webpage.

**If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:**

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as 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 protocol(s) for obtaining interpreter services in a timely manner is as follows:**

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

**We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter 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.

**Competency and confidentiality**

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

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.

**The issue of confidentiality pertaining to the use of interpreters is addressed as follows:**

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

**Maintaining a list of oral interpreting resources**

**We use, or have available for oral interpreting, the following resources:**

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:** Three Spanish-speaking staff.

- Telephonic interpreting service

**Names of vendors:** To be determined.

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

**Names of individuals/organizations and languages:**

- Other (describe) SCOC will work collaboratively with the other six public safety agencies.

**The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:**

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

**We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:**

Staff will be trained to connect to the selected interpreting vendor for timely oral interpreting services.

#### **B. Translations of Written Documents**

**The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:**

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

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

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

**The process for ensuring that documents are written in plain language 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.

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

Currently, there are no translated documents. However, SCOC determined 9 NYCRR Part 7600-7695, Minimum Standards and Regulations for Management of State Correctional Facilities qualifies as the single "vital" document, and therefore subject to translation into the seven languages as per the Executive Order. A link to this document will also be posted on the agency's public website in the selected language.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

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 under contract as part of the publication process. 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.

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

Contracts with language service vendors

Names of vendors: To be determined.

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

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide oral translations of written documents

Languages in which each translation service is qualified

Procedure for accessing each translation service

## **PART 5 – STAFF TRAINING**

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Erin Purdy, Correctional Facility Specialist 1/ Trainer.

The staff training includes the following components:



- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

**The methods and frequency of training are as follows:**

All staff that interacts with the public will be required to attend training regarding Executive Order No. 26 and SCOC's Language Access Plan. The staff training will include and address all components listed in the previous question. The Commission will further utilize the four training modules proposed at the GOER Train-the-Trainer seminar attended by a member of the Commission's staff. Training will be delivered at least annually in a classroom setting with interactive large and small group discussions and activities. Refresher courses will be given periodically as needed and new employees will be given training upon entrance.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

The Commission recognizes and fully supports the importance of continually monitoring both its compliance with the Executive Order No. 26 and its implementation of its Language Access Plan. The LAC will monitor as follows:

- Ensure that all staff members are trained on the Language Access Plan;
- Require periodic reports from all program areas on language assistance provided;
- Review and evaluate all the LAP-related complaints;
- Review and evaluate data acquired from SCOC's webpages once the one-stop Public Safety website is fully implemented.

### **Complaints**

**We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that**

they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

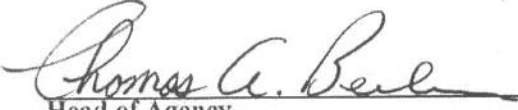

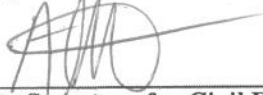
We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

The standardized complaint forms will be available to the public upon request in all six languages and through our website once it is fully implemented.

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

The Commission will provide a link to the standardized complaint forms in the top six languages through our website and information on how to file such a complaint will also be posted. All language access complaints will be routed to the Language Access Coordinator for action.

**PART 7 – SIGNATURES**

	Chairman	9/6/12
Head of Agency	Title	Date
	Counsel	9/6/12
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date