

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** New York State Office of Victim Services

**Effective Date of Plan:** October 1, 2022

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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 New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. 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 mission of the Office of Victim Services (OVS) is to provide compensation to victims of crime, their family members, and other eligible individuals in a timely, efficient, and compassionate manner; to fund direct services to victims of crime and their families through a network of programs across New York State; and to advocate for the rights and benefits of all victims of crime.

OVS is headed by a Director and is divided into 5 units. These units are the Administrative Services Unit, Grants Unit, Training and Outreach Unit, Legal Unit, and the Compensation Unit.

The Administrative Services Unit manages the financial and operational needs of the agency.

The Grants Unit is responsible for distributing and monitoring grants to community-based providers for direct services to victims of crime and their families. The Grants Unit ensures these Victim Assistance Programs (VAPs) are in compliance with the Victim of Crimes Act (VOCA) Program Guidelines and assists these not-for-profit and municipal programs with processing their contracts and completing required reports.

The Training and Outreach Unit oversees all training for agency-funded VAPs, plans and implements the agency’s biennial Statewide conference, and facilitates public awareness initiatives.

The Legal Unit reviews legislation and new laws impacting victims of crime, develops proposals for statutory changes and necessary regulations, and assists in enforcing the State’s “Son of Sam” law. The Legal Unit is responsible for collecting restitution and subrogated repayments to OVS and reviewing claim decisions and making final determinations on appeals submitted by victims of crimes or their family members.

The Compensation Unit is responsible for processing victim compensation claims and overseeing the Forensic Rape Examination Direct Reimbursement Program. The Compensation

Unit gathers and evaluates required documentation about the crime, and any related expenses, to determine eligibility for compensation.

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



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128
9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

OVS's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. OVS, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. OVS will continue to reassess the need for additional languages of translation on an ongoing basis.

Our agency tracks encounters with LEP individuals in the following ways:

If OVS staff learns a claimant’s primary or preferred language is other than English, that information is recorded in our claims processing system, Claims Assistant. In addition, staff members send an email to our Language Access mailbox to record encounters with LEP individuals and the preferred language regardless of claim status. Call center data is also used to track encounters.



### **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 12 languages shown in Part 2 of this Plan:**

- LEP individuals are directly informed by our staff
  - In which ways?** Staff members inform the public verbally either by using bilingual staff members where available or through the contracted language assistance service provider. For in-person interactions, staff use the “I Speak” identification tool to assist the public in identifying their preferred language for communication with agency staff.
- 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 12 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, Chinese, Yiddish, Russian, Haitian Creole, and Bengali.
- Other (describe)
  - An insert entitled “New York State Office of Victim Services Notice of Important Document” goes out in the respective languages with the initial correspondence to an LEP claimant. This notice alerts claimants to the fact that the correspondence is an

important document and that if they require assistance to understand it, they may call OVS and an interpreter will be provided for free.



## 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)

**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:** Staff may observe that a person needs assistance with language services. Staff may also become aware that a person needs language assistance through self-identification by the LEP individual, or by the written documentation submitted by an LEP individual. The “I Speak” poster is also used to identify the language needed.

**At initial contact in the field:**

**When speaking on the telephone:** Staff may observe that a person needs assistance with language services. Staff may also become aware that a person needs language assistance if that is self-identified by the LEP individual.

**For pre-planned appointments with LEP individuals:** Staff may observe that a person needs assistance with language services. Staff may also become aware that a person needs language assistance through self-identification by the LEP individual, or by the written documentation submitted by an LEP individual. The “I Speak” poster is also used to identify the language needed.

**Other (describe):** Often the only initial contact OVS staff has with a claimant is through the submission of their claim application; the claimant may complete the application in their preferred language. In addition, many applications are submitted via the network of Victim Assistance Programs (VAPs), which OVS funds. VAPs oftentimes support languages other than English and can convey the claimant’s language needs to OVS staff.

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

OVS collects and records primary or preferred language data from intake information gathered through the claim application and record that information in our claims processing system, Claims Assistant. In addition, OVS tracks all translations and interpreting services provided by OVS staff in Spanish parenthetical positions. This information is recorded in Claims Assistant and reports are run to calculate the number of services provided by in-house staff. Where language assistance services are utilized via the Office of General Services (OGS) Statewide Administrative Services Contract, records are maintained and provided by that vendor.

**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:** 4 (Spanish) staff members

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

**Number of staff and languages spoken:** 1 (Spanish) and 1 (Italian) staff members

Telephonic interpreting service

**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:** For the languages for which OVS does not have staff in language parenthetic positions (staff who are certified to provide interpretation services), OVS provides interpreter services to claimants via the language assistance vendors under the OGS contract. The “I Speak” poster is used to identify the language needed and to inform LEP individuals that interpreting services are available for free. The OVS staff member calls the number to connect to the interpreter services so that OVS and the claimant can communicate effectively. Staff that have face-to-face contact with claimants have all been provided with the pocket-sized “I Speak” card.

**At initial contact in the field:**

**When speaking on the telephone:** The claimant may call the OVS 1-800 number, at which point the staff member receiving the call can connect to contracted interpreter services so that OVS and the claimant can communicate effectively.

**For pre-planned appointments with LEP individuals:** For the languages for which OVS do not have staff in language parenthetic positions, OVS provides language assistance services to claimants via the vendors under the OGS contract.

**Other (describe):**

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

OVS accesses these services via the vendors under the OGS contract established for these purposes. LEP claimants that call the OVS 1-800 number are connected to interpreting services 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 their choosing, they 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. For in-person interactions, staff use the “I Speak” identification tool to assist the public in identifying to staff their preferred language for



communication. An LEP individual will not be permitted to use an independent interpreter of their own 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:**

Procedures are documented and provided to OVS staff; staff are trained annually; and procedures are included in our procedure manual posted on the agency's intranet.

**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 conversations are documented through case notes in our claims processing system, Claims Assistant. In addition, staff members send an email to our Language Access mailbox to record the interactions with an LEP individual. Where language assistance services are utilized via the vendor, records are maintained and provided by that vendor.

**Cultural Competence and Confidentiality**

**Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

On a case-by-case basis, OVS uses multilingual staff volunteers who are self-assessed in their own language competency. Where OVS 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:**

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

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<sup>1</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)

### **C. Translations of Documents**

**At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> that must be translated. This process is accomplished in the following ways:**

Every two years, the Executive Staff, led by the Language Access Coordinator, will assess our publications to ensure that all appropriate documents are translated.

OVS's vital documents include the Claim Application, our informational brochure "A Guide to Crime Victim Compensation in New York State," and our decision letters either awarding or denying benefits. OVS's claim application and information brochure have been translated into Spanish, Chinese, Korean, Haitian Creole, Russian, Italian, Bengali, Yiddish, Arabic, Polish, French, and Urdu. These documents are available through the OVS public website and language access services are figured prominently on our homepage.

For each decision made regarding an LEP individual's claim, OVS will include the "NYS Notice of Important Document" into the envelope containing the decision letter. This document directs the individual that this is an important document and directs them to a toll-free number to obtain translation services at the expense of OVS. It is essential that the LEP individual has the opportunity to receive a thorough and complete translation of their final decision and any subsequent amended decisions related to their claim in their preferred language.

The OVS Forensic Rape Examination (FRE) Direct Reimbursement Program directly reimburses medical providers for forensic evidence gathering. In order for the providers to be reimbursed, OVS provides an FRE form that is filled out by medical providers. Section 3 of the form requires the signature of the victim/claimant, which they sign at the medical facility. This section of the form has been translated into Spanish, Chinese, Yiddish, Haitian Creole, Russian, Bengali, Korean, Arabic, Italian, Polish, French, and Urdu. These translations are inserted into the instruction form that comes with the FRE application form which is also available on our agency's website. In that way, the victim/claimant can be shown a translation of Section 3 to understand what they are signing if there are no interpreters available at the healthcare facility.

**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:**

Our Guide to Compensation brochure was written at a fifth-grade reading level, as was our claim application and our Rights of Crime Victims Booklet. OVS will ensure that plain language is used

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<sup>2</sup> Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

<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>

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

**Vendors:** Language Line Solutions, LLC 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:** Some Victim Assistance Programs (which are funded by our agency) can support certain languages other than English.

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:**

When an OVS claim investigator receives a document from a claimant that needs to be translated, the claim investigator will send the document to the Administrative Services Unit (ASU) via email. The ASU will then immediately send it to the language access vendor to be translated. The translation usually takes about a week, depending on the number of documents. Once the translated document is received back from the vendor, the ASU will send the translation to the original requesting investigator by email and a copy of the translated document is saved on the ASU shared drive.

**The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (\*) are determined by the agency to be vital documents.**

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *FR: French*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *UR: Urdu*
- *YI: Yiddish*

Name	Top 12 Languages												Additional Languages
	AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
Application Form and Instructions*	X	X	X	X	X	X	X	X	X	X	X	X	
Guide to Crime Victim Compensation in NYS*	X	X	X	X	X	X	X	X	X	X	X	X	
Section 3 of Forensic Rape Exam Form	X	X	X	X	X	X	X	X	X	X	X	X	
Change of Address Form	X	X	X	X	X	X	X	X	X	X	X	X	

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:**

OVS, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation services provided by any vendor under contract as part of the publication process. OVS will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels. OVS will also use its network of VAPs to assist LEP claimants with their submissions.



**PART 5 – Staff Training**

**The person in the agency who is responsible for training staff in language access services is:**  
For purposes of training on language access, the Language Access Coordinator or designee is responsible for coordinating training. The Language Access Coordinator has designated Hector Perez, Crime Victim Specialist II as the language access trainer.

**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:**

Required staff training on language access via the Statewide Learning Management System will take place annually and at other times as necessary. Newly hired staff will be provided with handouts explaining our Language Access Plan. Training includes procedures for contacting interpreting services, maintaining confidentiality and cultural sensitivity.



## **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 works with the executive staff, the Language Access trainer and other managers to ensure that staff members are complying with the Language Access Plan. Communications with managers of frontline staff are ongoing regarding reminding staff of language access procedures and processes. As OVS is an agency with only 83 full-time employees, communications with managers facilitates compliance. In addition, records are compiled from our claims processing system to keep track of contacts with LEP claimants, and additional records are maintained by the ASU to track translations and interpreting services utilized. The Statewide Learning Management System reports are used to ensure that staff have completed the required annual language access training.

### **B. Complaints**

**We provide information to the public in at least the top 12 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 twelve 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 twelve languages on our website and in our offices in areas where it can be easily seen by the public.

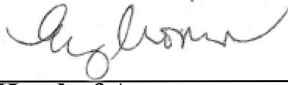


**We handle complaints made to the agency regarding the provision of language assistance services in the following manner:**

Upon receipt of a Complaint Form, the agency LAC will record and keep a copy of the complaint. The LAC will contact the person submitting the form to note the specific language access issue. The LAC will contact the appropriate division director and seek to remedy the problem. This may involve re-training of front-line staff. A report of the complaint will also be sent to the Director of the agency.

All complaints must be timely forwarded to the Office of Language Access.

**PART 7 – Signatures**



	<b>Director</b>	<b>9/19/22</b>
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>
	<b>Administrative Services Unit Chief</b>	<b>9/19/2022</b>
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>
	<b>Executive Director, NYS Office of Language Access</b>	<b>09/26/2022</b>
		<b>Date</b>