

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: State Commission of Correction

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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 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. 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 having limited proficiency in English. 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



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:

SCOC's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. SCOC, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. SCOC 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:

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, the individual’s family, or an advocate. The Commission received approximately 2,850 complaint letters regarding incarcerated individuals in 2021. Of those, only 1 required translation (from Spanish). Commission staff reported receiving 7 phone calls in 2021 from individuals who would meet the definition of being LEP (all Spanish). 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 12 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.

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

- Other



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

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

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.
- For pre-planned appointments with LEP individuals:**
- Other:**

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

Vendors: Any vendor under the NYS Office of General Services (OGS) Administrative Services Contract.

Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

Other

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:

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 that free interpreting are to be provided.

For pre-planned appointments with LEP individuals

Other: Our agency's website informs of the availability of free interpreting services.

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

Staff are 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 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. An LEP individual will not be permitted to use an independent interpreter of their 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 are trained annually on how to use the selected interpreting vendor when encountering LEP individuals, by taking the mandatory Language Access for Frontline Staff training from the Office of Employee Relations.

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 competent¹ 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.

¹ 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 documents² 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 ensures 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

Vendors: Potentially any vendor under the OGS Statewide Administrative Services Contract

Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

Translation of documents by bilingual staff members

Other

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.

² 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.

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>

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated.

Currently, there are no documents identified as vital. 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:

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 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 New York State Executive Law Section 202-a. The staff training includes and addresses all components listed in the previous question. The Commission utilizes the Language Access for Frontline Staff 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:

The LAC shall verify that all appropriate staff receive language access training on an annual basis, and immediately upon hire. The LAC shall also be responsible for ensuring necessary language access updates are made to the agency webpage, and will periodically monitor the webpage to verify language access resources remain available. Finally, the LAC will periodically monitor the agency’s log of interpretation/translation service utilizations to ensure language access in public interactions.

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 procedure to file a complaint and the standardized complaint form is available to the public upon request in all top 12 languages and through our website.

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 Office of Language Access.

PART 7 – Signatures



Allen Rily

Chairman

September 22, 2022

Head of Agency

Title

Date

Tom Allen

General Counsel

September 22, 2022

Agency LAC

Title

Date

J. J. J. J.

September 26, 2022

Executive Director, NYS Office of Language Access

Date