



## LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

**State Agency:** Division of Criminal Justice Services

**Effective Date of Plan:** October 1, 2024

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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 population with Limited English Proficiency (“LEP”) 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 people with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs and activities.

In this Plan, individuals with LEP 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 Division of Criminal Justice Services (DCJS) ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) is a multi-function criminal justice support agency with a variety of responsibilities including law enforcement training; collection and analysis of statewide crime data; maintenance of criminal history information and fingerprint files; administrative oversight of the state’s DNA databank, in partnership with the New York State Police; funding and oversight of probation and community correction programs; administration of federal and state criminal justice funds; support of criminal justice-related agencies across the state; and administration of the state’s Sex Offender Registry.

DCJS primarily supports criminal justice and law enforcement agencies across the state, but there are two program areas where DCJS interacts with the public: the New York State Sex Offender Registry and the Office of Criminal Justice Records. The agency provides information to the public by telephone, email, and surface mail. It does not conduct in-person business with members of the public.

#### *New York State Sex Offender Registry*

DCJS is the agency responsible for administering the state’s Sex Offender Registry, which is the centralized database containing information about individuals required to register as sex offenders, including but not limited to residence address, risk level, and crime of conviction, that is available to the public. As of June 30, 2023, there were 42,851 individuals on the Registry; on average, approximately 130 individuals are added to the Registry each month.

Members of the public access the Registry in two ways: online ([www.criminaljustice.ny.gov](http://www.criminaljustice.ny.gov)) and by calling a toll-free number (800-262-3257). The law that created the Registry details the type of information the public can learn about a registered individual and whether that information is available online or via telephone.



Individuals with LEP who call the toll-free number for information about a registered individual are connected by Registry staff to interpretation services provided by selected contractors so they can receive the information they seek in their primary language.

The Registry is compatible with mobile devices and includes an integrated mapping functionality so all reported addresses, including residence, employment and place of higher education can be displayed. If an individual has multiple convictions that required them to register as a sex offender, the Registry lists all those convictions. This change means that the public will know if an offender has a history of sex offense convictions. In addition, the Registry notes when an individual’s reported address cannot be verified with the U.S. Postal Service and has been referred to law enforcement for further investigation. It also includes a list of multiple residences and work addresses, if reported by offenders. It also includes multiple photos of individuals required to register, when available.

*Office of Criminal Justice Records Personal Record Review Program*

The Office of Criminal Justice Records is responsible for overseeing criminal history information and other criminal justice records maintained by DCJS. The Office of Criminal Justice Records has contact with the public because individuals are permitted to request copies of their own criminal history records directly from DCJS. This is accomplished through the Personal Record Review Program.

Individuals with LEP who call the toll-free number for information regarding their criminal history record are connected by Personal Record Review staff to interpretation services provided by selected contractors so they can receive the information they seek in their primary language. The website is also machine translated to the top 12 languages when individuals with LEP access their respective pages using the language switcher at the bottom of all website pages.

**PART 2 – The Population with Limited English Proficiency 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 New Yorkers with limited English proficiency. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by individuals with LEP in New York State.**



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

<b>#</b>	<b>Language</b>	<b>Estimated Number of Speakers with LEP (ACS 2018-2022)</b>
1	Spanish	1,198,032
2	Chinese	377,524
3	Russian	124,422
4	Yiddish	90,199
5	Bangla	74,342
6	Haitian Creole	51,947
7	Korean	48,581
8	Arabic	42,907
9	Italian	41,155
10	French	34,304
11	Polish	33,122
12	Urdu	29,983

**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:**

At this time the agency hasn't identified the need to add languages but will continue to monitor services, requests and relevant information to to reassess if needed.

**Our agency tracks encounters of individuals with LEP in the follow**

All program areas that have direct contact with the public have access to our selected contractor, which provides DCJS employees with the ability to assist callers with limited English proficiency. Calls are tracked by our selected OGS approved contractor through monthly reports.

From January 1, 2022, through January 1, 2023, our selected OGS approved contractor handled 78 calls requiring interpretation. 55 of those 78 calls (71%) were received by the Office of Public Safety (32 calls) and the Sex Offender Registry (23 calls). The other 23 calls (29%) were received by the Office of Legal Services, Office of Criminal Justice Records, and the Executive Office.

67 of those 78 calls (86.7%) were made by Spanish-speaking individuals; the remaining individuals spoke Chinese (Mandarin, 9%), Russian (3%) and Haitian Creole (1.3%).



### PART 3 – Public Outreach About the Availability of Language Access Services

**Our agency informs individuals with LEP 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:**

- Individuals with LEP are directly informed by our staff
  - In which ways?** DCJS employees use our selected OGS approved contractor to communicate with individuals with LEP both verbally over the phone and in writing about free language 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 12 languages spoken by individuals with LEP in New York State
- Outreach and presentations at schools, faith-based groups, and other community organizations
  - What are the populations with LEP targeted?**
- Local, non-English language media directed at individuals with LEP in their languages
  - What are the populations with LEP targeted?**
- Social media posts directed at individuals with LEP in their languages
  - What are the populations with LEP targeted?**
- Telephonic voice menu providing information in non-English languages
  - In which languages?** The agency’s toll-free number includes recorded messages that inform callers about free interpreting services in the following languages: Spanish, Chinese, Russian, Haitian Creole, Bangla and Korean. The overwhelming majority of our service population is served with these languages.
- Other (describe)
  - The agency’s [website](#) includes a link to Language Assistance in the universal “footer,” which provides information about free language assistance services.



## 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 has 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 the language of individuals with LEP
- Other (describe) The work done by DCJS and the two offices that interact with individuals with LEP does not lend itself to in-person contacts. All contact with the public is done either by telephone or through written correspondence.

**On *telephone calls*, our agency uses the following tools to find out if an individual has 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 the language of individuals with LEP
- 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:** DCJS employees who receive calls from individuals with LEP who need an interpreter will use the conference call feature to contact our selected OGS approved contractor so the employee can work with the interpreter to determine what the caller needs and how to assist.



**For pre-planned appointments of individuals with LEP:**

**Other (describe):** The work done by DCJS and the two offices that interact with individuals with LEP does not lend itself to in-person contacts. All contact with the public is done either by telephone or through written correspondence.

**Our agency records and maintains documentation of language assistance needs of individuals with LEP as follows:**

All documentation related to translation and interpretation, frequency of use, type of language assistance services provided, and cost is maintained and can be compiled upon request by our selected contractor. In addition, the Human Resources Management Office, which includes the agency’s Language Access Coordinator, maintains a list of translation requests it processes for the agency. Excluding the translation of vital documents (detailed list is included in Part 4, Section C), in 2022, the agency translated 13 documents upon request.

**B. Oral Interpreting Services**

**Our agency has made the following resources available for oral interpreting requests:**

Bilingual staff members who work directly with individuals with LEP

**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 contractors and languages spoken:** DCJS employees who receive calls from individuals with LEP who need an interpreter use the conference call feature to contact our primary telephonic interpreting contractor under the NYS Office of General Services (OGS) Statewide Language Services Contract, so the employees can work with the interpreter to determine what the caller needs and how to assist him or her. DCJS has chosen one primary contractor for telephonic interpretation services in approximately over 240 languages

Contracts or other arrangements with school and community organizations

**Number of contracts or other arrangements and languages**

Other (Describe)

**Our agency protocols for informing individuals with LEP 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:**

**When speaking on the telephone:** DCJS employees who receive calls from individuals with LEP who need an interpreter use the conference call feature to contact our selected OGS approved contractor so the employees can work with the interpreter to determine what the caller needs and how to assist him or her.

**For pre-planned appointments of individuals with LEP:**

**Other (describe):** The nature of the work done at DCJS does not lend itself to in-person contact with the public.

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

Our account with our selected OGS approved contractor ensures that DCJS has access to interpreters in a timely manner. Employees have been trained and know how to access the services when needed.

**If an individual with LEP insists on having a family member, friend, or other person interpret, our protocols for deciding whether to accept or decline such an arrangement is as follows:**

Individuals with LEP that contact our agency are informed of the availability of free interpreting services. Generally, individuals with LEP may not have a family member, friend, or a minor interpret. However, **during emergencies** an individual with LEP may be permitted to have a minor, a family member or friend interpret. Upon request, an individual with LEP may also be permitted to have a minor, a family member or friend interpret for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the individual with LEP occurs at the agency’s office, and an individual is permitted to have an interpreter of their choosing, they must fill out a written consent/waiver form.

Where an individual with LEP is engaged in official business with the agency, the agency will always provide an independent interpreter.

**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 staff who interact with the public via telephone are required to take mandated web training annually on language access to ensure proficiency in obtaining interpreting services when needed. Through this training, DCJS employees have been informed of the mandates of *N.Y. Exec. Law § 202-a* and the obligations to provide meaningful access of information and services to individuals with LEP and to be familiar with the agency’s plan, policy and procedure for working with individuals with LEP. Refresher and new staff training will be given as needed.



**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 the primary language of an individual with LEP
- 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 individuals with LEP at each encounter. Our protocol in this regard is as follows:**

The services provided by our selected OGS approved contractor include reports detailing department and frequency of use, languages spoken, and costs associated with the service.

**Cultural Competence and Confidentiality**

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

When DCJS utilizes independent interpreting services, the contractor 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:**

Appropriate confidentiality clauses are included in the OGS contract with the contractor. Our selected OGS approved contractor has a grievance procedure we can engage in if staff determines that any interpreter was not performing in a satisfactory way. Furthermore, all independent interpreters will enforce standards of confidentiality in accordance with New York State Law.

All employees who interact directly with the public are trained on the appropriate procedure to ensure that interpreting services are provided in a timely manner. The training also addresses the importance of confidentiality.

**C. Translations of Documents**

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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)



**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:**

The LAC, who is the director of Diversity, Equity and Inclusion for the agency, works with any relevant staff to determine any new or existing vital documents in need of translation.

**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:**

The support from management is critical in ensuring that plain language is used, not only in translated documents, but in all communication intended for public information, services, and benefits. DCJS’s Commissioner is fully committed to ensuring successful implementation of all components of *N.Y. Exec. Law § 202-a*. All materials intended for dissemination to the public, specifically where services and benefits are concerned, shall meet the plain language requirement. The plain language requirement benefits all of us by ensuring that the public is familiar with DCJS’s mission.

Prior to translation of documents, the Language Access Coordinator will be consulted and advised of the intended audience. This will set forth the process of evaluating the level in which the translation shall be made; the first rule in translation is to know your intended audience. The audience’s level of understanding will be considered and communicated to the contractor in order to make sure that documents are translated in plain language and are appropriate for the intended audience.

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

Contractors for translation services

**Number of contractors:** One primary translation services contractor and any other contractor as needed under the NYS Office of General Services (OGS) Statewide Language Services Contract.

Contracts or other arrangements with schools and community organizations

**Names of schools/organizations:**

Translation of documents by bilingual staff members

Other (describe)

<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](#) 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 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 individuals with LEP submit in their primary languages in a timely manner. Our protocol in this regard is as follows:**

Any documents in need of translation will be sent directly to our selected OGS approved contractor for translation by the LAC. *Your Monthly Scoop* newsletter informs staff of the LAC.

DCJS uses a selected contractor to translate documents received by the state’s Sex Offender Registry as needed. All correspondence mailed to individuals required by law to register as sex offenders includes the “New York State Notice of Important Document.”

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

Form #	Name	Top 12 Languages												Additional Languages
		AR	BA	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
3284	Criminal History Record Challenge Form	X	X	X	X	X	X	X	X	X	X	X	X	
535	Criminal History Record Challenge Form for Inmates	X	X	X	X	X	X	X	X	X	X	X	X	
	Risk Assessme	X	X	X	X	X	X	X	X	X	X	X	X	



nt Guideline s and Comment ary														
Risk Assesse ment Instrumen t	X	X	X	X	X	X	X	X	X	X	X	X	X	
Departme nt of Correction s and Communit y Superviso n Registratio n Review Notificatio n	X	X	X	X	X	X	X	X	X	X	X	X	X	
Local Registrati on Review Notificati on	X	X	X	X	X	X	X	X	X	X	X	X	X	
Out-of- State Registratio n Review Notificatio n	X	X	X	X	X	X	X	X	X	X	X	X	X	
Designati on Form	X	X	X	X	X	X	X	X	X	X	X	X	X	
Out-of- State No Registratio n Requireme nt	X	X	X	X	X	X	X	X	X	X	X	X	X	
Victim's Rights Notice for the New York State	X	X	X	X	X	X	X	X	X	X	X	X	X	



Domestic Incident Report														
Drug Facilitated Sexual Assault Patient Consent Form	X	X	X	X	X	X	X	X	X	X	X	X	X	
Sexual Offense Evidence Collection Kit Patient Consent Form	X	X	X	X	X	X	X	X	X	X	X	X	X	
County Re-Entry Task Forces brochure	X	X	X	X	X	X	X	X	X	X	X	X	X	
SNUG Informed Consent Form for Treatment											X			



New documents identified for translation after signing of this Plan and before the two-year reassessment will be transferred in a timely manner.

**The process for ensuring that translations are accurate and incorporate commonly used words is as follows:**

DCJS, through its contractor (where applicable), will ensure that proofreading/editing for correctness and cultural sensitivity are a component of the translation services provided by any contractor under OGS contract as part of the publication process. DCJS 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:**

The agency’s training director, in partnership with the LAC as well as management of the Sex Offender Registry, Office of Criminal Justice Records, and every other office at DCJS.

**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 individuals with LEP

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

At minimum, all staff that interact with the public are required to take the Office of Employee Relations’ mandatory language access training to advise them of the legal mandate of *N.Y. Exec. Law § 202-a*, the procedure and training on utilizing the contractor, cultural competence in their interaction with individuals with LEP and other resources available to them. Training clearly outlines procedures for when and how to call upon an interpreter and the criteria to have documents translated. The training also focuses on the prohibition of utilizing family members, children, and the potential for ethical implications. The training is provided annually, specifically to staff that interface with the public. Refresher and new staff training will be given as needed.

The agency’s training director, who works in Human Resources Management, works with appropriate agency staff to identify individuals who are required to take the training.



## 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 Director of the Office of Criminal Justice Records, which also oversees the Sex Offender Registry, reports to the DCJS Executive Deputy Commissioner, and works with the Language Access Coordinator to ensure compliance and monitoring. The director is responsible for monitoring and implementing the Language Access Plan in the office to ensure compliance with the Executive Law. The DCJS Commissioner has clearly articulated the commitment to ensure that Limited English Proficient clients are served in the same manner as the English-speaking clients. The full assessment of costs will occur on an annual basis.

### 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:**

On the DCJS website, the standardized complaint form is posted in the top 12 languages (Arabic, Bangla, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish) along with a statement that informs the public of their right to file a complaint. The complaint form is also available for online submission through our website.

Individuals have the right to fully participate in programs regardless of race, color, national origin, sex, religion, or disability.

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

The Language Access Coordinator, in consultation with the Office of Legal Services, reviews all complaints within 15 business days of receipt, acknowledges receipt and informs the complainant that appropriate action will be taken.

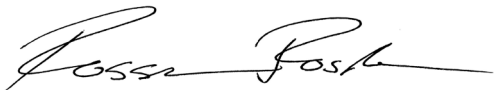
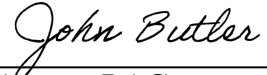

All complaints must be forwarded to the Office of Language Access.





**PART 7 – Signatures**



	<b>Commissioner</b>	10/18/24
<b>Head of Agency</b>	<b>Title</b>	<b>Date</b>
	<b>EOS 2</b>	10/24/24
<b>Agency LAC</b>	<b>Title</b>	<b>Date</b>
	<b>Margarita Larios</b>	10/28/2024
<b>Executive Director, NYS Office of Language Access</b>		<b>Date</b>