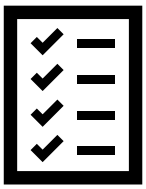
LANGUAGE ACCESS PLAN FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

State Agency: NYS Department of Corrections and Community Supervision

Effective Date of Plan: October 1, 2024

Language Access Coordinator (LAC): Gem Stone

LAC Phone / E-mail: (518) 402-1339 / Gem.Stone@DOCCS.NY.GOV



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 Department of Corrections and Community Supervision ("DOCCS") provides services and programs to incarcerated individuals under custody and parolees under community supervision who were found guilty of various crimes and sentenced to serve a term in a New York State correctional facility with post-release supervision. The mission of the Department is to enhance public safety by providing programs, therapeutic treatments, and services that will prepare the individual to return to the community and remain free of criminal activities. These programs are provided in a safe and secure environment that facilitates success for the incarcerated individuals. The Department also provides services and outreach to family members and friends of incarcerated individuals to ensure a positive reintegration with family and the community. Pursuant to the New York State Language Access Law, this Plan has been prepared to ensure all incarcerated individuals and parolees, family members and friends with limited English proficiency have reasonable access to and are able to fully participate in all programs and services provided. Education programs also provide English as a Second Language (ESL) instruction, Adult Basic Education (ABE), and testing in Spanish, including the GED® exam. Additionally, oral interpreting services are provided for all due process, health related, and Parole Board interviews and hearings.

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:

#	Language	Estimated Number of Speakers with LEP (ACS 2018-2022)
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, request and relevant information to reassess if needed.

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

The Department's computerized incarcerated individual/parolee tracking system indicates that there are currently 33,444 incarcerated individuals under custody and parolees under community supervision. Of that number, approximately 1,931 have been determined to be limited English proficient. Contacts with these individuals are ongoing and daily and include contacts with family members and friends as well.

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? Through direct contact with Offender Rehabilitation Coordinators, and security, academic and vocational, other program services, health services, mental health services, and community supervision 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 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? Spanish, Central Office CLAS Main Line: (518) 402-1339

☒ Other (describe)

Incarcerated individuals' orientation programs at reception and general confinement facilities. Our website also 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) Staff determines language ability through an oral interview process in reception centers. A language dominance questionnaire is used to determine primary language spoken. Once primary language spoken is determined, those who speak languages other than English are evaluated for English oral proficiency. Departmental Directive #4804, entitled "Academic Education Policies" outlines the policies and procedures for identifying language dominance, English proficiency, and tracking progress. Additional information is also collected, such as country of origin.

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) Academic assessment as described in the previous section. Calls to Central Office are handled by the Coordinator of Cultural and Language Access Services (CLAS) and staff.

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 intake (or other initial contact), a staff member evaluates for language dominance, which includes filling out a questionnaire and identifying the country of origin.

☒ **At initial contact in the field:** At intake (or other initial contact), a staff member evaluates for language dominance, which includes filling out a questionnaire and identifying the country of origin.

☒ **When speaking on the telephone:** Whenever an individual with LEP calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services.

☒ **For pre-planned appointments of individuals with LEP:** Generally, at this point, staff has already determined the language dominance of an individual with LEP, and arrangements are made to provide an interpreter utilizing one of the selected contractors or qualified in-house staff.

☒ **Other (describe):** Video conferencing technology is utilized for various needs, such as medical services and Parole Board interviews.

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

Once primary / dominant language has been identified, the information is kept in the electronic incarcerated individuals' records and in the incarcerated individuals' identification cards.

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: DOCCS employs Spanish speaking staff certified by the NYS Department of Civil Service in the following positions: ASAT Program Aide – 3, Correction Officer – 334, Correction Officer Trainee – 2, Correction Sergeant – 93, Correction Classification Analyst – 2, Offender Rehabilitation Coordinator ASAT – 4, Offender Rehabilitation Coordinator Trainee 1 and 2 – 62, Offender Rehabilitation Aide – 1, Parole Officer, Parole Officer Trainee 1 and 2 – 281, Senior Parole Officer – 1, and Teacher 2 – 5.

☐ 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: Two contractors under the NYS Office of General Services (OGS) Statewide Language Services Contract, with approximately hundreds of languages covered.

☐ Contracts or other arrangements with school and community organizations

Number of contracts or other arrangements and languages spoken:

☐ 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:** Through the use of signs posted in public areas or after a staff member has determines need and an interpreter is contacted, the staff member, through the interpreter informs the individual with LEP that the interpreting services are free of charge.

☒ **At initial contact in the field:** At intake and after an interpreter has been contacted, the staff member informs the individual with LEP that the interpreting services are free of charge.

☒ **When speaking on the telephone:** Whenever an individual with LEP calls any Central Office unit, Cultural and Language Access Services staff is contacted and secures interpreting services. The staff member, through the interpreter, informs the individual with LEP that the interpreting services are free of charge.

☐ **For pre-planned appointments of individuals with LEP:** Staff has already informed the individual with LEP that the interpreting services are free of charge when the appointment was made. In the event that this was not done, the staff member, through an interpreter, will inform the individual with LEP that interpreting services are free of charge.

☒ **Other (describe):** DOCCS posts multilingual signs in common and public areas informing incarcerated individuals, parolees, and members of the community that services are provided free of charge. Additionally, information about free language assistance services is posted on the DOCCS website.

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

DOCCS' staff responds immediately when encountering individuals with LEP in need of interpreting services by contacting an interpreting service provider in a timely manner. Facility Business Offices have been directed to establish accounts with the over-the-phone interpreting, in-person interpreting, ASL interpretation, and translation services contractors to provide these

services.

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 come into contact with our agency will be informed of the availability of free interpreting services. Generally, an individual with LEP may not have a family member, friend, or a minor interpreter. However, **during emergencies** an individual with LEP may be permitted to have a minor, a family member, or a 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 use 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 provide an independent interpreter at all times.

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:

DOCCS' orientation policy includes mandatory training in departmental policies and procedures, including how to access interpreting services. During the facilities' orientation process, each new employee will be familiarized with all departmental areas, including the Business Office which handles all transactions like those for interpreting services.

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:

DOCCS Coordinator of Cultural and Language Access Services tracks interpreting services provided through a system used by the independent interpreting services.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent[1] in the following ways:

Where DOCCS utilizes independent interpreting services, that 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:

DOCCS' employees receive annual mandatory training on the Health Information Portability and Accountability Act (HIPAA). All DOCCS' staff follows HIPAA and HITECH requirements when the matter refers to health issues. When DOCCS utilizes interpreter staff from the NYS OGS Statewide Language Services Contract, they too are bound by the same HIPAA and HITECH requirements. The Department also trains staff, contractors, and others regarding other non-HIPAA related confidential information. DOCCS will continue to ensure that existing confidentiality guidelines are strictly adhered to by staff, contractors, and others.

C. Translations of Documents

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

DOCCS established a methodology to determine which new documents and updates to existing documents are vital. The methodology includes criteria such as the nature of services to institutional needs and benefits to incarcerated individuals or the public. This is to be done every two years or more as necessary at the Deputy Commissioner's level.

[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

[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.

Our agency's process for making sure documents are written in plain language[3] before they are translated into other languages is as follows:

There are several units that provide materials at a fifth-grade reading level in consultation with the Division of Education. The Coordinator of Cultural and Language Access Services will review the additional documents that need to be translated into other languages and will ensure that they are also written in plain language at a fifth-grade reading level.

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

☒ Contractors for translation services

Number of contractors: One contractor under the NYS 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)

Two Spanish speaking translators are employed by DOCCS and in accordance with Directive #4490, "Cultural and Language Access Services," provide all official Spanish/English and English/Spanish translations. Additionally, staff can find resources in other languages by contacting CLAS staff.

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:

All documents in Spanish are submitted to the Coordinator of Cultural and Language Access Services and assigned to the two in-house translators for a timely translation. Similar provisions are made available to other languages submitted. Priority is given to time sensitive materials, such as appeals of disciplinary hearings. The Department institutes the necessary steps to follow the same procedure for

[3] 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

documents submitted in one of the other top 12 languages. All documents in need of translation that cannot be done in-house are sent to the selected contractor in a timely manner.

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	
	PREA Pamphlet Neutral*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	PREA Statewide Rape Crisis Hotline*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	ACA Audit Notice*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
	Visiting Brochure*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

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

DOCCS requires all staff to take the Office of Employee Relations mandatory language access training annually. New employee orientation, which includes language access training, will be provided for civilian and uniform staff as well as annual updates. The Program Services training sessions for recruit training and Sergeant's School include language access slides. DOCCS' Training Academy staff is responsible for all departmental 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 Coordinator of Cultural and Language Access Services/LAC will ensure that signs are prominently displayed in public areas advising individuals with LEP of the availability of free language access services. The Coordinator/LAC, along with other assigned staff, will review existing documents for updates and new documents to determine if they are vital and must be translated.

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 are available to the public upon request in all 12 languages, at facilities, area offices, and on the agency website. Information on the right to file a complaint is posted in areas where it is easily seen by the public in English and the top 12 languages. Furthermore, departmental directives govern the handling of complaints for incarcerated individuals, parolees, employees, and visitors: Directive 4040, "Incarcerated Grievance Program," Directive 9402, "Parolee Grievance Program," Directive 2602, "Diversity Management Complaints," and Directive 2611, "Discriminatory Treatment Complaints – Procedures for Visitors."

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

Complaints are sent to the Office of Diversity and Inclusion, Incarcerated Grievance Program, and the Coordinator of Cultural and Language Access Services/LAC for review and proper resolution. In addition, a language access complaint email was created and available for use in our website.

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

PART 7 – Signatures

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David F. Maccioscello III	Commissioner	11/21/24
Head of Agency	**Title**	**Date**

X X Gem Stone

Gem Stone	Coordinator	11/21/24
Agency LAC	**Title**	**Date**

X

Margarita Larios	11/25/2024
Executive Director, NYS Office of Language Access	**Date**