

# **LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS**

**State Agency:** NYS Justice Center for the Protection of People with Special Needs (Justice Center)

**Effective Date of Plan:** April 1, 2015

**Language Access Coordinator (LAC):** Diane Ward,  
Director, Office of Communications

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## **PART 1 – INTRODUCTION**

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

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

The Justice Center is committed to supporting and protecting the health, safety and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

The Justice Center’s responsibilities include:

- Advocating on behalf of people with special needs and overseeing the quality of care they receive;
- Ensuring that all allegations of abuse and neglect are fully investigated. The Justice Center has legal authority to investigate all significant incidents involving people with special needs. Its Special Prosecutor/Inspector General has the authority to prosecute allegations that rise to the level of criminal offenses;
- Operating a 24/7 Hotline which receives reports of allegations of abuse, neglect and significant incidents. Reports are made by service providers and others who are “mandated reporters,” as well as by any individual who witnesses or suspects the abuse or neglect of a person with special needs;
- Maintaining a comprehensive statewide database that tracks cases until they are resolved and allows the Justice Center to monitor trends and develop abuse prevention initiatives;
- Maintaining a “Staff Exclusion List” of individuals found responsible for the serious abuse or neglect of a person with special needs. Anyone entered into this statewide register is prohibited from ever working again with people with special needs in New York;

- Operating an Information and Referral Line to respond to general disability-related inquiries;
- Continuing existing advocacy programs including the Developmental Center Ombudsman Program, Surrogate Decision Making, Technology Related Assistance for Individuals with Disabilities (TRAID), and Adult Homes Advocacy;
- Administering the Inter-agency Coordinating Council for Services to Persons Who are Deaf, Deaf-Blind or Hard of Hearing;
- Monitoring the quality of mental health care in New York State correctional facilities; and
- Promoting the inclusion of people with special needs in all aspects of community life.

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

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

**The estimated total number of individuals in our service area is:** The Justice Center serves over 1 million New Yorkers with special needs and their families. In addition, hundreds of thousands of mandated reporters are required to report suspected abuse or neglect or other potentially harmful situations to the Justice Center.

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

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243
Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 American Community Survey

**We used the following resources to determine the top six languages spoken by LEP individuals:**

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data

- Information from community organizations that serve LEP individuals

**Names of organizations:**

- Information from other government agencies

**Names of agencies:**

- Other (describe)

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

Initial contact with the Justice Center most frequently occurs through calls made to the agency's toll-free, 24/7 Vulnerable Persons Central Register (VPCR) Hotline. Call center personnel receive reports of allegations of abuse, neglect and significant incidents that occur at facilities or providers operated, licensed or certified by six state agencies.

Calls requiring language assistance are also received by the agency's toll-free telephone Information and Referral Service. Other points of contact occur through the agency's general phone number, webmaster email, USPS mail, and in-person visits to our Delmar, NY headquarters or regional offices for conferences, hearings, meetings, trainings or presentations.

Justice Center investigators and special prosecutors also come into contact with LEP victims or suspects during the course of their investigations and the prosecution of cases through face-to-face encounters or over-the-phone.

To determine the frequency of our contacts with LEP individuals, the Justice Center uses data from the approved telephonic interpreting and translation service vendor, as a proxy.

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

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

- LEP individuals are informed directly by our staff

**In what ways?** All front-line staff, which include call center and Information and Referral service personnel, the Individual and Family Support Coordinator and secretarial staff have been provided with NYS Language Identification Tool signs, "I Speak" cards and information that inform LEP individuals about their right to free language assistance.

Front-line employees receive training on how to route telephone calls to the approved vendor, which provides telephonic interpretation in all languages. While the Justice Center's central office has infrequent contact with members of the public, the agency has designated the Executive Conference Room, which is in close proximity to the reception area as a place where a confidential conversation with staff can be conducted should the need arise. The conference room is equipped with a speaker telephone, which enables employees to access telephonic interpreting assistance through the vendor.

Brochures or flyers about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other community organizations

**What are the LEP populations targeted?** Spanish, Korean, Chinese, Italian, Russian, and French (Haitian) Creole.

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

**In which languages:** The Justice Center's primary phone number is answered by a receptionist during normal business hours. An after-hours voicemail message has been recorded in both English and Spanish. The agency's toll-free hotline for reporting abuse and neglect includes a message for Spanish speaking callers.

Other (describe) The Justice Center's website makes the public aware of available and free language assistance services. The agency's vital public documents have been translated into the top six languages spoken by LEP individuals and posted on the website.

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

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

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe) Language Line Solutions is accessed to determine the language needs of LEP callers.

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

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

**We record and maintain documentation of each LEP individual's language assistance needs as follows:**

LEP individuals' language access needs are documented in the databases of the vendors we contract with to provide interpreting and translation services.

**A. Oral Interpreting Services**

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

**For in-person encounters:** All front-line staff receives training on how to communicate with LEP individuals and the procedures for doing so. The Language Identification Tool is used to assess the needs of LEP individuals. Through the use of phone lines located in one of several conference areas in close proximity to the reception area, the receptionist or other front-line staff contacts the state-approved vendor, which provides interpreting services.

**By telephone:** All front-line staff receives training in how to communicate with individuals with limited English proficiency and the procedures for doing so by phone. Staff contacts the state-approved vendor, which provides interpreting services.

**At initial contact in the field:** If it is apparent that there may be a language access issue, staff will determine the individual's language needs and the services of a qualified interpreter will be secured before the conversation/interview transpires.

**For pre-planned appointments with LEP individuals:** Staff submits a request for oral interpreting services to the supervisor, which is later processed by the Language Access Coordinator (LAC).

**Other (describe):**

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

**For in-person encounters:** LEP individuals are advised that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**By telephone:** LEP individuals are advised that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**At initial contact in the field:** LEP individuals are advised that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**For pre-planned appointments with LEP individuals:** LEP individuals are advised that interpreting services are provided free of charge at the same time the assessment of need is conducted.

**Other (describe):**

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

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend or a minor as an interpreter. However, during emergencies an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

**Our protocol(s) for obtaining interpreter services in a timely manner is as follows:**

Agency front-line staff (e.g., receptionists, secretaries, call center, information and referral and Individual and Family Support Coordinator) immediately contacts the state-approved vendor to arrange interpreting services.

When interpreting services are needed for in-person contact, staff notifies their supervisor of the need and the supervisor then files a request with the Language Access Coordinator (LAC) to make necessary arrangements.

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

All contacts with LEP individuals and the language assistance provided are documented by the vendors which provide services. The data is also collected and maintained by our Language Access Coordinator (LAC.)

**Competency and confidentiality**

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

The Justice Center only utilizes state-approved vendors for interpreting services which under their contracts are required to implement quality assurance standards to guarantee that their interpreters are trained and are linguistically and culturally competent.

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

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

**Maintaining a list of oral interpreting resources**

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

- Bilingual staff members who work directly with LEP individuals

**Number of staff and languages spoken:**

- Bilingual staff members who provide oral interpreting when necessary

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Names of vendors:** Language Line Solutions, Inc. and potentially any other vendor under the NYS OGS Statewide Administrative Services Contract.

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

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

- Other (describe)

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

- Names and contact information for all resources

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

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

All front-line staff receives Language Access training, which includes the process for obtaining interpreting services and are issued a quick desk reference guide. Additionally, information regarding how to access interpreting services is posted on the agency's intranet portal.

**B. Translations of Written Documents**

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

The Language Access Coordinator (LAC), in consultation with the Office of Communications reviews the list of vital documents on an on-going basis to ensure that documents are translated and remain up-to-date.

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

Documents received from LEP individuals in their primary language are submitted to the LAC who will forward to a state-approved vendor for translation in a timely manner.

**The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:**

All vital documents are reviewed by the agency's Office of Communications for the purpose of assuring that such document is written in plain language prior to translation.

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

Vital Documents

*Notice to Mandated Reporters* (top 6 languages)

*Code of Conduct Form* (top 6 languages)

*Justice Center Vision/Mission Values & Guiding Principles* (top 6 languages)

*Justice Center Hotline Poster (s)* (top 6 languages)

*Governor's Press Release Announcing the Justice Center* (top 6 languages)

*Reporting Abuse and Neglect to the Vulnerable Persons Central Register (VPCR) Hotline FAQ (top 6 languages)*

Non-Vital Documents

*Administrative Appeals Process for Substantiated Cases of Abuse and Neglect FAQ (Spanish)*

*Guide for Reporting Abuse and Neglect-brochure (Spanish)*

*Who We Are, What We Do, How We Do It – brochure (Spanish)*

*Jonathan’s Law FAQ (top 6 languages)*

*Jonathan’s Law brochure (Spanish)*

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

The Justice Center, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The Justice Center will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

The LAC, with assistance from volunteer Spanish-speaking staff, periodically reviews Spanish translated documents to ensure accuracy and the incorporation of commonly used words as well.

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

- Contracts with language service vendors

**Names of vendors:** Language Line Solutions, Inc. and potentially any other vendor under the NYS OGS Statewide Administrative Services Contract.

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

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

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations
- Other (describe)

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

- Names and contact information for all resources

- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

## **PART 5 – STAFF TRAINING**

**The person(s) in the agency who is responsible for the provision of training to staff in language access issues is:** Layna Maher, Training Coordinator

**The staff training includes the following components:**

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

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

As part of the Justice Center’s on-boarding process, all new employees are informed of Executive Order No. 26 and the procedures to follow for obtaining oral interpreting services through the state-approved vendor. The Office of Human Resources in conjunction with the Office of Program and Policy have identified the job titles of front-line staff who are required to complete the Governor’s Office of Employee Relations’ (GOER) annual Language Access online training module.

## **PART 6 – ADMINISTRATION**

### **Monitoring**

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

