



Language Access Implementation Plan

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I. Agency Mission and Background

The New York City Department of Probation (DOP) helps build stronger and safer communities by working with and supervising individuals on probation, fostering positive change in their decision-making and behavior, and expanding opportunities for them to move out of the criminal and juvenile justice systems through meaningful education, employment, health services, family engagement and civic participation. We are located in every borough across the City and provide four core services –pre-sentence investigations, intake, diversion and probation supervision. In summary, DOP ensures that people who enter our system are supervised according to their risk level and receive the support and services they need to abide by the law and be an asset to their communities.

Direct Services

Overview

Annually, over 742 probation officers supervise more than 27,060 adults and 2,282 juvenile clients placed on probation by judges in the Supreme, Criminal and Family Courts.

The supervision of those clients who have limited English Proficiency (LEP clients) by Probation Officers is supported through language access contracted vendor services (face-to-face and telephonic interpreter services) at borough-wide agency locations, client residences, at service providers and at kiosk reporting centers.

Probation Officers prepare tens of thousands of detailed background reports to assist judges in determining appropriate sentences for offenders.

Adult Services

Investigations

State law mandates that a pre-sentence investigation (PSI) be prepared and submitted to the court prior to sentencing on most felony convictions and on certain misdemeanors. In preparing the PSI, DOP interviews the victim to

QUICK Fact:

DOP Investigations Units provide the courts with important information about the crime, victim and defendant. The units help the court to identify the risk of recidivism and the needs of the defendant such as drug treatment or help with securing employment. The court uses the report to help decide the best sentence to give to the defendant.

assess the extent of physical, psychological, or financial injury. After a thorough investigation of the client, including the individual's criminal, social, scholastic and employment history, as well as an examination of alcohol and substance abuse, DOP makes a sentencing recommendation to the judge. In addition to helping judges decide on an appropriate sentence, the PSI affords officers the opportunity to recommend appropriate conditions for clients placed on probation.

Supervision

After a conviction at trial or a plea of guilty, an eligible defendant may be placed on probation by a judge for a specific period of time in lieu of incarceration. Probation sentences range from one or three years for a misdemeanor and up to ten years for a felony. Our newly restructured system uses a collaborative team approach to supervision that includes counseling and referrals to community resources for specific treatment needs. The supervision curriculum includes cognitive-based group instruction for those at highest risk of recidivism among our population. The Department makes sure that the client meets any conditions set by the judge including: restitution to victims, community service, and drug treatment. The goal is to encourage the client to become a law-abiding citizen with a successful life out of the criminal justice system. The Department is utilizing technological enhancements to augment supervision and to improve data collection and retention. Included in this initiative is the use of kiosk reporting for our low risk offenders.

QUICK Fact:

Probation is a sentence given by a judge in lieu of jail or prison. Clients on probation must regularly report to their officers and obey all court orders. Adult supervision can last from one to ten years.

Juvenile Services

Juvenile Services Summary

DOP is committed to promoting public safety by reducing anti-social activity among juveniles. We do this through problem identification, assessment, and by addressing the individual needs that contribute to criminality. Interventions consist of interrupting cycles of dysfunctional (anti-social) behavior while supporting positive attempts to achieve better outcomes. In conjunction with schools, community-based organizations, and others within the juvenile justice system, we work with children and their families to advance law-abiding behavior in an atmosphere that

QUICK Fact:

The purpose of Juvenile Intake is to determine whether the case should be sent to court or not. Cases not sent to court are required to follow probation instructions until successfully resolved.

encourages responsibility and accountability.

Investigations

After a finding of criminal responsibility, and, if ordered by the court, the department will conduct investigations to assist the court in making the best decision for the youth. Family Court Investigation Reports (I&Rs) generally focus on the needs, strengths and behavior of the juvenile and the functioning of the family. This is accomplished through interviews with all parties involved in the case and in some instances, home visits and visits to the child's school. Additionally, an evaluation of the youth's physical and mental health as well as reports from service providers involved with the youth and/or family are obtained to include in the I&R. A recommendation is then made balancing the best interest of the child and the safety of the community. In some cases, placement of the child is recommended.

The Department also completes investigations relating to custody, visitation, family offenses and adoption issues to assist the Family Court in making appropriate determinations in these complex and sensitive matters.

Supervision

Juvenile delinquents can be placed under the supervision of Probation for up to two years. The youth is assigned to a Probation Officer who sets up a reporting schedule and a treatment plan based on the needs of the youth and his or her family. Probation Officers can refer a youngster to a community-based treatment provider and are also responsible for monitoring the probationer's adjustment at home, at school and in the community to ensure compliance with the conditions of probation. Home visits are a staple component of juvenile supervision. When necessary, a violation of probation is filed and the youth is returned to the courts.

QUICK Fact:

Supervision includes a treatment plan, regular reporting, and referrals to community-based support programs. Adjustment in the home, in school and the community is monitored.

II. Agency Language Access Policy and Goals

Meaningful Access

The Department is required by law to conduct Pre-Sentence/Dispositional Investigations and to supervise individuals sentenced to probation by the court. For our agency's mission to be realized it is essential that our officers communicate clearly and effectively with the clients they supervise. This is particularly important as most discussions are regarding issues that could impact a client's freedom. It is DOP's goal to ensure that a client's primary language is never an obstacle to achieving a successful life outside the criminal justice system. DOP is fully committed to providing all clients with clear communication, in their primary language through contracted services. All language access services are provided to our clients free of charge.

With our younger population, Probation Officers may need to communicate with parents who may not speak English. Language access services are provided during these interactions as well.

It is the Department's policy to always provide our LEP clients with telephonic or in person language access services from contracted qualified interpreters. During field visits, Probation Officers are equipped with cell phones for the provision of telephonic language access services. Should this not be an option due to poor cell phone reception, a Probation Officer, family member, or friend who speaks the primary language of the client may assist with communication during the field visit. Following this visit and during the very next office visit, the conversation held during the field visit is verified through contracted language services.

The Department's kiosk reporting system, used by clients deemed to be low risk of offending has easy to follow instructions offered in 4 languages: English, Spanish, Chinese and Russian. In 2017, approximately 9,000 clients used our kiosks. Of the 9,000, 5846 Spanish speaking, 733 Chinese speaking and 289 Russian speaking clients chose their primary language at the kiosk. For a client who speaks a primary language other than the 4 cited above, the reporting requirement is met through scheduled meetings with the assigned Probation Officer and contracted language access services.

In compliance with Local Law 30, DOP provides written translation and oral interpretation at DOP public events via contracted vendor services. DOP determines the needs of the LEP population attending these events through

the provision of a phone number to request language access services on advertising materials.

Every client is assigned to a specific Probation Officer who fosters a strong connection with the client during in office supervision visits. During an emergency at the office, the Probation Officer communicates directly with an LEP clients through the use of contracted telephonic interpreter services. Should a verifiable emergency occur on a client's reporting day that prevents the client from attending the appointment, the client is excused for not reporting and rescheduled for another appointment.

III. LEP Population Assessment

Methodology for Language Assessment

U.S. Department of Justice "Four Factor Analysis"

Factors 1 and 2

DOP serves a defined population sentenced by a judge to court ordered supervision by Probation Officers.

Through DOP's case management system the agency maintains data on the primary language of each client, the frequency with which each client meets with his/her assigned Probation Officer as well as the services provided to the client. The frequency with which each client is required to meet with his/her Probation Officer is determined by the level of supervision deemed necessary to ensure the client's success in reaching targeted goals.

In 2017, the top 10 languages spoken by DOP's LEP clients were Spanish, Mandarin, Cantonese, Russian, Polish, Haitian Creole, Punjabi, Urdu, Romanian, and Albanian. This targeted population of LEP individuals differs slightly from the top 10 languages under Local Law 30: Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Arabic, Urdu, French and Polish.

Factor 3

DOP provides critical services to individuals sentenced to Probation by the courts. DOP ensures that individuals who enter our system are supervised according to their risk level and receive the support and services they need to abide by the law and be an asset to their communities. Language access services are critical for our clients who speak limited English as a lack of clear

communication between a Probation Officer and his/her client may impact a client's freedom. Therefore, it is DOP's goal to ensure that a client's primary language is never an obstacle to achieving a successful life outside the criminal justice system. DOP is fully committed to providing all clients with clear communication, in their primary language through contracted services that are provided free of charge.

Factor 4

In 2017, DOP spent \$33,219.00 on Language Line Telephonic Services and \$14,177 on in-person translation and sign language services. This reflects DOP's commitment to provide language access services and to ensure that all clients have equal access to the services they need to lead successful lives outside the criminal justice system.

In 2017: 31 clients were provided face to face interpreter services and 134 were provided services in American Sign Language. 4285 telephonic language access service calls were provided in 37 different languages.

IV. Implementation Plan Logistics

DOP has been providing language access services to our clients for over 21 years through contracted services. These services include telephonic translation and face to face translation in more than 100 languages (including American Sign Language). In addition, through NYC's Language Bank, 8 DOP employees are NY Certified in 5 languages to assist with unexpected interpreter needs at the boroughs and to review documents translated by contracted vendors in plain language.

Telephonic and in-person interpreter services are secured for the LEP client by his/her Probation Officer who engages directly with the individual during supervised meetings. For the in-person service, an electronic fill-in form is completed by the Probation Officer and forwarded to the agency's Help Desk for assignment of a ticket number to ensure full remedy. The fill-in form is reviewed for completeness and accuracy and is then e-mailed to the contracted vendor. The request is tracked until the vendor confirms that a face to face interpreter has been secured for the date and time requested. A confirmation is then sent to the Probation Officer who advises the client that an interpreter will be present to assist him/her as needed.

I SPEAK/Language Identification posters and cards are clearly placed throughout all client waiting areas and in the offices of Probation Officers who

meet with clients. These posters and cards are also available on the agency's intranet and can be shown to clients via the assigned Probation Officer's computer monitor. I SPEAK/Language Identification cards are also placed in visible areas at agency events for clients and the community.

All forms/documents/information needed by DOP's LEP clients are provided directly to them by their assigned Probation Officers in their primary language.

On a regular basis, Probation Officers meet with their respective borough leaders to determine which documents are essential for effective communication with their LEP clients. These essential forms/documents are forwarded to the LAA who secures the services of a contracted vendor for translation in required languages and plain language. To date, Probation Officers have 31 documents translated in the Languages most spoken by our targeted population available to them on DOP's intranet.

As the primary language of every client is captured in our case management system at the very first intake appointment, DOP can determine the primary language most spoken by clients at each DOP location to target the distribution of flyers in the language most spoken by the clients at that office/borough.

The Commissioner's Executive Assistant, who is also the LAA, has been tasked with handling 311 complaints regarding language access services so they are resolved promptly and completely. In 2017, no complaints were received with regard to language access services. An excel spreadsheet will be maintained to capture data on language access complaints filed, the timeliness of the agency's response and the remedy provided.

Roles and Responsibilities

Each year, the Commissioner re-establishes her commitment to the provision of language access services to DOP clients via a written memo to all staff. The General Counsel, Director of Communications and Press, Deputy Commissioner of Administration, Director of Training and borough leaders form the agency's team for ensuring the provision of language access services to all LEP clients in compliance with all Executive Orders and Local Laws.

Under the direction of the Deputy Commissioner for Administration, DOP's LAA is responsible for ensuring that all DOP staff who engage with clients have the tools and resources necessary to communicate effectively and in plain language with our LEP clients. The LAA looks for opportunities to provide videos, brochures and any other educational or informational materials in the languages most spoken by the clients at each DOP location.

Probation Officers and borough leaders determine which essential documents need to be translated to effectively communicate with LEP clients and make such request to DOP's LAA.

DOP's LAA collects data on the primary language needs of our clients based on the # of requests for telephonic and face to face interpreter services in each borough office to allocate sufficient funding. DOP determines the most commonly spoken language(s) at each borough office (based on the data collected) and places documents in these primary languages in client waiting rooms.

DOP's LAA works collaboratively with DOP's training division to ensure that all new employees interacting with clients are trained in how to effectively provide language access services along with cultural competence training. Refresher training on language access is provided to all staff every two years during Right to Know Training. DOP's LAA keeps DOP's Training Department abreast of any changes to Executive Orders and Local Laws that need to be incorporated in the language access curriculum.

Borough leaders work collaboratively with DOP's LAA to ensure that all staff: are aware of and have access to available resources for effective engagement with LEP clients, receive appropriate training, and comply with DOP's written language access policy.

V. Service Provision Plan

Interpretation Services

DOP has a contract with an in-person interpretation contracted vendor utilized whenever DOP's LEP clients are in need of assistance with language access. This service is available during supervision visits, courtroom hearings, at treatment and service providers and at agency public events.

Identifying Primary Language

When an individual is sentenced to probation by the court they are sent to respective DOP office to begin supervision. Upon arrival, the individual is met by a greeter who is trained in assisting LEP clients. The greeter brings the client to an Intake Officer who captures the client's primary language in DOP's case management system. The LEP client is assigned to a Probation Officer, who engages directly with him/her/they on a regular basis, ensures that the client's primary language needs are continuously met through contracted language access services and the provision of documents written in the client's primary

language to ensure that the client clearly understands what is expected of him/her/they, increasing the likelihood of compliance to court orders and success in finishing the term of probation.

Our LAA reviews the records of our language assistance service contractors, our case management data and canvasses the opinions of senior staff and clients to ensure services are targeted to the population at each individual location and that the services being provided meet DOP's commitment of excellence.

All flyers advertising events open to clients and the public provide a telephone number for a LEP to call to request language interpretation services at the event.

Signage at Probation Offices

Each DOP office displays "I SPEAK" posters at the entrance to and in all of our waiting areas where clients report to their Probation Officers for supervision. The "I SPEAK" posters are also made available at the entrance to venues for public events.

Most client waiting areas display a "Welcome Sign" in the many languages spoken by our clients.

VI. Training

Training on Language Access

Newly hired Probation officers are taught about language access services and the rights of LEP clients during the Academy. Among many other topics, Academy Training covers the responsibility to provide language assistance to our LEP clients. Officers are made aware of the agency's written policy/procedure notice which guides the training curriculum. Each PO is provided with a palm card explaining how to access telephonic services. Additionally, once assigned in one of the agency's borough offices, supervisors are available to show new officers how to access both telephonic and face to face interpreter services for LEP clients.

Waiting Room greeters receive customer service training that covers appropriate steps to take when greeting a client whose primary language is not English. "I SPEAK" cards are provided to these greeters and they are instructed to use the card and personally walk the client over to the Intake Officer or the Supervisory Probation Officer for assistance.

A bi-annual review of Language Access Services and the rights of LEP clients is provided to all staff during mandated Right to Know Training.

The agency classroom training on diversity best practices also includes a piece on language access services.

VII. Record Keeping and Evaluation

Quality Assurance

DOP gauges language access effectiveness through supervisory reviews of language service provisions by our service providers, through client satisfaction surveys and review of data from language service providers.

All documents translated into the primary languages of DOP clients are translated by contracted vendors. The translated document undergoes a second review by a NY Certified employee to ensure correct translation in plain language.

Senior staff reports any dissatisfaction with language access service providers to the LAA who takes appropriate action to immediately remedy the problem. The Agency's ACCO also reports any problems with language access service providers to DOITT or DCAS who holds the master contract.

Record Maintenance

Our new case management system maintains the primary language of all DOP clients.

Our Language Services Administrator keeps records of our language assistance services via usage reports from our vendors.

VIII. Resource Analysis and Planning

Current Agency Resources

DOP is satisfied with the current language service providers which have proven time and time again to be reliable, timely and competent in translation and interpretation of the many languages our clients speak.

Implementation Logistics/Milestones

DOP's LAA will request that the Office Manager of each DOP office serve as a Language Access Ambassador to ensure that the agency's LAA is made aware of all upcoming agency events to provide translation and/or interpretation in the primary Languages spoken by the population at the event.

All advertising material for agency events will include a phone number for attendees to request language access services.

DOP will update its policy/procedure notice and training curriculum with the requirements of Local Law 30.

DOP will apply plain language principles to the development of all new materials distributed to clients and the public.

DOP's LAA will partner with MOIA and other agency partners to learn and share valuable information regarding new resources, new needs of LEP clients and best practices.

Given the increase in the use of all of our language services, DOP anticipates that the range of languages and volume of requests in the future will continue to grow. The agency will continue to adjust its language service contracts to meet the increase in demand and the requirement for developing materials in plain language.