

# Annual Report on Language Access Implementation

## for Fiscal Year 2023

### New York City Department of Correction

June 30, 2023



This annual report provides an update on the agency's implementation of its Language Access Implementation Plan, as required by Local Law 30 (2017). The report covers activity during Fiscal Year 2023.

This report also addresses updates for agencies covered by Local Law 73 (2003).

## Section 1: Agency Information

<b>Agency name</b>	New York City Department of Correction (DOC)
<b>Name of the agency's Language Access Coordinator and all office titles held by this individual.</b>	Selwyn Fergus, Executive Director
<b>Link to the agency's Language Access Implementation Plan (LAIP) posted on the agency's website.</b>	<a href="https://www1.nyc.gov/site/doc/about/language-access.page">https://www1.nyc.gov/site/doc/about/language-access.page</a>
<b>Year the LAIP was last updated</b>	CY 2022

## Section 2: Agency Language Access Policy and Goals

Various DOC procedures contain several key features which ensure compliance with LL30 as well as enhancing service delivery and security efficiency:

- 1) During the intake process, newly incarcerated individuals are asked to disclose their preferred language. This information is used to provide comprehensible services interactions and prevent miscommunications. DOC has plans to extend this limited-English proficient (hereafter LEP) identification as an alert to both DOC housing area staff and contracted medical providers.
- 2) The presence of "I Speak Posters," which are posters that provide an opportunity for literate LEP incarcerated individuals to point to their preferred language, are posted in conspicuous areas and remain legible, being replaced as needed.
- 3) Auxiliary aids and services are made available to incarcerated individuals with special needs including hearing aids, qualified sign language interpreters, closed captioning, telephonic communication devices including text telephones (TTYs/TTDs) and Video Relay Services, to the extent available. DOC also provides audio books on tape, braille newspapers and/or magazines, large print materials, and magnifiers. Posters located in applicable area of all facilities notify persons in custody of the name, address, and phone number of the Disability Rights Coordinator for incarcerated individuals, the Social Services Counselor and/or Grievance Coordinator assigned to each facility, and an explanation of the rights of incarcerated individuals with special needs to request a reasonable accommodation or file complaints.
- 4) DOC procures ongoing contracted and budgeted coverage for translation and telephonic interpretation services.

DOC policy requires facilities to develop rosters identifying staff willing to volunteer their linguistic skills to foster LEP engagement. Current copies of these rosters are maintained in each facility. Additionally, each time the rosters are updated, a copy is forwarded to the DOC's Central Operations Desk (hereafter COD) and Language Access Coordinator (hereafter LAC).

The diversity of DOC's staff allows the Department to provide in-house language coverage for most language needs, inclusive of the ten languages identified in LL30. Multilingual staff volunteers are generally recruited via fraternal organizations or are recommended by DOC Academy instructors when they are newly hired. DOC's Human Resources Division also provides language recruitment information to new hires to encourage them to volunteer their skills in assisting with multilingual incarcerated individuals. In the rare instance that an identified language is not within our staff's skill set, the Department utilizes the City's volunteer language bank (VLB) to assist in communicating with LEP individuals. Additionally, multilingual phones are located and maintained throughout visit houses and incarcerated individual services areas.

DOC is also sensitive to the needs of incarcerated individuals who are deaf or hard of hearing. The Disability Rights Unit within DOC's Health Affairs Unit has secured Video Relay Systems (hereafter VRS) in areas where incarcerated individuals receive support services. VRS can provide American Sign Language (hereafter ASL) as needed for LEP persons in custody.

DOC always seeks to provide a safe, secure, and respectful correctional environment by ensuring that incarcerated individuals have the tools they need to effectively communicate with our staff. DOC also accounts for interactions with LEP individuals outside of our custody by providing comprehensible materials for public consumption on our multilingual agency website.

### **Section 3: Language Access Complaints**

The DOC website provides information in multiple languages regarding how to file a language access complaint through 311. Incarcerated individuals may also contact the DOC's Office of Constituent and Grievance Services (hereafter OCGS), which records and routes 311 complaints accordingly.

### **Section 4: Language Access Complaint Data & Resolutions**

OCGS records indicate that there were (5) five language access complaints received during CY 2022.

Of the five complaints, three were addressed and two were unsubstantiated.

**Addressed:** Upon receiving and processing a complaint/inquiry that can be answered by the technician utilizing current rules and regulation along with policy and procedures. These matters do not require a formal investigation.

**Unsubstantiated:** Unsubstantiated complaints are when the initial investigation conducted lacks evidence to support the complainant's issue.

Below is a description of how such complaints and requests are addressed.

**Q. Does the agency have a process or procedure for resolving language access complaints made via 311? [Required by LL30]\***

If a grievance is submitted that is written in a language other than English or appears to show the person in custody has limited use or understanding of English, OCGS staff shall immediately contact and ensure an appropriate interpreter is secured to assist in resolving the grievance for that person in custody. If an appropriate interpreter/advisor cannot be immediately located, OCGS staff shall use the services of the DOC's Language Service Team. All interpreters shall be instructed by OCGS staff to maintain the confidentiality of grievance submissions. OCGS staff shall also enter all occurrences when the person in custody uses an interpreter who is also a person in custody, staff, or member of the DOC's Language Service Team into Service Desk.

## **Section 5: List of Designated Citywide Languages and Data**

According to the Mayor's Office of Immigrant Affairs (MOIA) 2019 Annual Report, 23% of New Yorkers are LEP. Of that population, MOIA provides information on the percentage of LEP foreign-born New Yorkers who speak different languages, which is included below:

- Spanish
- Chinese
- Russian
- Bengali
- Haitian Creole
- Korean
- Arabic
- French
- Polish
- Urdu

## **Section 6: Outreach and Public Awareness of Language Access Services**

DOC's website provides information in over one hundred languages and its Public Information Office periodically shares a PSA via the intranet reminding staff of the LAC's ongoing recruitment efforts. The "I Speak Posters" appear throughout DOC Visit Houses and commonly trafficked (e.g., Counseling Services, main corridors, etc.) areas.

## **Section 7: Language Access During COVID**

Throughout the COVID pandemic, DOC developed and distributed self-guided materials based on the interests and needs of its clients. Additionally, the agency worked closely with a contracted vendor to upload content to tablets given to persons in custody.