

Language Access Plan

August 2016

I. Agency Mission and Background

Mission

The New York City Department of Probation (DOP) helps build stronger and safer communities by supervising individuals on probation and fostering opportunities for them to move out of the criminal justice system through meaningful education, employment, health services, family engagement and community participation.

Direct Services

Overview

- Annually over 700 probation officers supervise more than 23,367 adults and 1,381 juvenile clients placed on probation by judges in the Supreme, Criminal and Family Courts.
- Supervision includes face-to-face and telephonic meetings between Probation Officers and clients at agency locations in the five boroughs, at client residences and at kiosk reporting centers.
- Additionally, Probation Officers prepare tens of thousands of detailed background reports to assist judges in determining appropriate sentences for offenders.
- Operations include intelligence gathering, warrant enforcement and special drug and alcohol and employment and education programming.

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 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

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.

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 encourages responsibility and accountability.

QUICK Fact:

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

Intake

Probation Intake is the first step in the juvenile delinquency post-arrest process. Juveniles are persons between 7 and 16 years of age. The Intake

officer interviews all concerned parties including the arresting officer, the complainant, the parents/guardians and the juvenile to determine whether the case is to be referred for formal court proceedings or to adjustment services. If the decision is made to refer to court, the matter proceeds to the office of the Corporation Counsel, the city’s presentment agency. If the case is diverted from court, it is held open for adjustment services and monitored by Probation for up to four months.

Investigations

After a finding of criminal responsibility has been made, 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 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 we supervise. This is particularly important as most discussions are around issues that may affect a client's freedom. It is DOP's goal to ensure that a client's primary language never becomes an obstacle to achieving successful lives outside the criminal justice system. DOP is fully committed to providing all clients with clear communication, in plain language, and in their primary language through contracted services with qualified language interpreters. 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 do not speak English. Language access services are provided during these interactions as well.

Our policy is to use qualified interpreters, wherever possible. When a situation arises where this is not possible, such as a field visit, a Probation Officer, family member, or friend who speaks the primary language of the client may assist with the discussion. The conversation is then confirmed by a qualified contracted interpreter during the next office visit. We do not allow the parent of a child or another person who is involved with the law to be used as an interpreter.

Our kiosk reporting has easy to follow instructions that are now offered in two languages with our new case management system: English and Spanish. In 2015, almost 18,000 probationers use our kiosks. In 2015, 8745 Spanish speaking, 1071 Chinese speaking and 301 Russian speaking clients chose their primary language at the kiosk

Language Services Already Provided

DOP has been providing language access services to our clients for over 19 years through contracted services. These services include telephonic translation and face to face translation (including American Sign Language).

In addition, through the NY Certified Program 8 DOP employees are NY Certified employees in 5 languages.

An electronic fill-in form is available to Probation Officers to streamline the process for requesting face to face interpreter services.

Probation has "Language Identification Card" posters clearly placed in all of our waiting areas where clients report to their Probation Officers.

A "Language Identification Card" is available on our agency intranet at all times for Officers to easily view and show to clients from the computer monitor in their office.

Our agency's website can be viewed in one's primary language enabling all LEP clients to access internet resources.

The borough leaders are canvassed on a quarterly basis to assess any need for essential documents and forms to be translated into the primary languages of our clients. Over 30 documents have been translated into different languages and are available on DOP's intranet. DOP uses NY Certified employees from the City's Language Bank and DOP's own NY Certified employees to have documents translated.

An assessment of equipment needs is conducted two times per year to ensure that officers have all the equipment needed to provide language access services to clients: dual handsets, I Speak cards etc.

The Commissioner's Executive Assistant has been tasked with handling 311 complaints regarding language access services so they are resolved promptly and completely.

III. LEP Population Assessment

Methodology for Language Assessment

DOP has been able to determine the languages most spoken by our population by analyzing annual data from language assistance service providers and our own case management system which captures the primary language of every DOP client at Intake and at our kiosks further breaking the data down by borough office. Assessing the most spoken primary languages at each DOP location through these data sources enables us to tailor documents, informational materials, subtitles in video clips in waiting room tele prompters in the languages of those clients actually visiting that particular office.

Data from Contracted Services

- The top six languages spoken by our LEP clients in 2015 were Spanish, Mandarin, Cantonese, Russian and Korean. The data is further broken by branch office.
- 2015 data from contracted interpreter services indicates that telephonic services were highest for Mandarin, Cantonese, Haitian Creole, Russian and Korean. Face to face interpretation services were most requested in Spanish, Sign Language, Chinese, Russian and French.

The data collected from our contracted services shows that the top languages requested may change based on type of interpretation service and from year to year.

- In addition to the languages described above, our contracted language assistance services also include American Sign Language (ASL). In 2015, 51 clients were provided with interpreter services at interview appointments. Sign language interpretation made up over 50% of our face to face interpretation services for calendar year 2014.
- During calendar year 2015, there were 3253 telephonic language service requests in 38 different languages: 104 more service requests than filled in 2014 and 14 additional languages.

IV. Implementation Plan Logistics

Probation’s language assistance services have been successfully implemented for over 19 years. Benchmarks to date consist of interpretation by telephone and in-person including American Sign Language (ASL). In addition, the agency has 8 NYC Certified employees who assist with language access needs and the translation of documents. Our language assistance services are given at no cost to the client.

Major Milestones

In 2015, DOP provided 3253 clients with telephonic interpretation services and 51 face to face interpreter guided interactions with Officers.

DOP kicked off a new caseload management system, called Caseload Explorer. The kiosk which services 15000 clients provides instructions in English and in Spanish.

Human Resources included a selective certification to the Probation Officer civil service examination for oral proficiency in Spanish, Mandarin and Russian.

DOP supported its LEP clients by showing OEM emergency preparedness videos in all waiting rooms in Spanish, Russian and Mandarin. A Preparedness Hurricane Guide was made available in the same languages.

DOP provided staff with additional telephone headset devices to support telephonic language services.

Commissioner Bermudez sent a memorandum to all staff emphasizing that language access for LEP clients is a critical component of our agency’s commitment to excellence.

DOP teaches a class on domestic violence once per week in Spanish.

DOP taped and is showing a New Client Video in English and Spanish.

DOP translated the following documents into other languages: a court document to Spanish for one of our clients, a client reporting questionnaire in Chinese, a client “excuse note” in Spanish, an invitation to attend a Certificate of Relief from Disabilities opportunity in Spanish, and a Temporary Waiver of the Monthly DWI Administrative Fee in Spanish

DOP distributed, Talk to Your Baby, books in English and Spanish.

Voter registration forms and posters were made available and visible to clients in our waiting rooms. The forms and posters were available in Spanish, Korean, Chinese and Bengali.

Roles and Responsibilities

The Commissioner stresses her commitment to the provision of language access services to our clients in a written memo to all staff each May.

- Under the direction of the Deputy Commissioner for Administrative Services, DOP's Language Access Administrator (LAA) is responsible for ensuring that all DOP staff that engage with clients have the tools and resources necessary to communicate effectively and in plain language with our LEP clients. The DOP's LAA looks for opportunities to provide videos, brochures and any other educational or informational materials in the languages most spoken by the clients in each DOP location.
- DOP's LAA monitors the use of our language assistance contracts and collects data on the primary language needs in each borough office and to target resources in each location based on the findings.
- DOP's LAA reviews the most requested languages from interpretation vendors on an annual basis to determine the best resources to accommodate the specific LEP population being served by DOP.
- DOP's LAA reaches out on a quarterly basis to all unit heads to determine essential documents to be translated into primary languages of the specific LEP clients in each borough. The LAA also ensures that written translations are verified by a second translator.
- DOP's LAA works collaboratively with DOP's training division to ensure that all new employees dealing with client's are trained in how to effectively provide language access services to clients along with cultural competence training and to ensure that refresher training is provided to all staff every two years. LAA updates staff and DOP's Training Department of any changes required by Executive Order 120.
- Our Borough heads (Assistant Commissioners in each borough for Adult Operations and Branch Chiefs in each borough for Juvenile Operations) work collaboratively with DOP's LAA to ensure that all staff: are aware of available resources when dealing with LEP's, receive appropriate training, comply with DOP's language access policy effectively communicating with clients in their primary language.

V. Service Provision Plan

Interpretation Services

Probation is a public safety agency and therefore does not provide services to the general public. Our clients are individuals who have come into contact with the law and who have been sentenced by the court to probation. DOP has provided contracted language access services for 18 years and recently encouraged 13 staff to become NY Certified in 6 different languages.

Identifying Primary Language

When an individual is sentenced to probation by the court they are sent to one of our borough offices. During the individual’s very first interaction with DOP an Intake Officer, his/her primary language of the individual is captured in DOP’s case management system.

Once the client’s case is assigned to a Probation Officer, the appropriate language interpretations services are provided to ensure that the client understands what is expected of him/her, increasing the likelihood of compliance to court orders and success in finishing the term of probation.

Our Language Services Administrator 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.

Translation of written material

Our essential documents come from the court and are legal in nature. We cannot translate these documents. We do translate many internal forms used by Probation Officers interacting with clients and identified by Executive staff as critical communications.

Signage at Probation Offices

Probation has "Language Identification Card" posters clearly placed in all of our waiting areas where probationers report to their Probation Officers. These public notices tell the probationer about our free language assistance. The "Language Identification Card" can also be found on our agency computer system. Probation Officers can easily view and show it to clients from the computer monitor in their office.

Most client waiting areas have a welcome sign in the many languages spoken by our clients.

VI. Training (for front-line, supervisory, and managerial staff)

Training on Language Access

Newly hired Probation officers are taught about language access services and the rights of LEP clients at Fundamentals Training given to every new officer. Among many other topics, Fundamentals Training covers assessing risk, need and responsibility factors including the ability to identify the need for language assistance based on a needs assessment.

The telephonic interpretation service provider provides training at DOP's request and each PO is provided with a palm card explaining how to access telephonic services.

In-house training on how to access both telephonic and face to face interpreter services once the Officer is assigned to a borough office is also provided by on site supervisors.

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

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.

Our Language Services Administrator routinely reviews and compares vendor's voucher submissions with agency usage records.

All documents translated into the primary languages of DOP clients are translated by NY Certified employees through the Language Bank. The translated document undergoes a second review by another independent NY Certified employee to ensure correct translation in simple language.

Senior staff report 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 hold the master contract.

Record Maintenance

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

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

Compliance with Executive Order 120

NYC DOP will continue to enforce and monitor its language access plan to ensure compliance with Local Law 73 and Executive Order 120. DOP is fully committed to providing all LEP clients with the language access resources necessary to ensure that they fully understand the steps they must take to move out of the criminal justice system and into promising futures.

VIII. Resource Analysis and Planning

Current Agency Resources

DOP is satisfied with the current language service providers which have proved to be reliable, timely and competent in translation of the many languages our clients speak. DOP will continue to utilize the NYC Language Bank and vendor services for document translation.