



Language Access Implementation Plan

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I. Agency and Language Access Coordinator

New York City Department of Probation
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II. 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. DOP has offices in every borough across NYC and provides 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

In 2020, over 711 probation officers supervised more than 13,313 adults and 530 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, 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 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.

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.

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 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. DOP 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. DOP utilizes 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 to court are required to follow probation instructions until successfully resolved.

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 with consideration to both the best interest of the child and the safety of the community. In some cases, placement of the child is recommended.

DOP 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 with the court and the youth is returned to the judicial system.

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.

III. Agency Language Access Policy and Goals

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 critically important as most discussions with our clients address issues that could impact one's freedom. It is DOP's goal to ensure that a client's primary language is never an obstacle for them to achieve 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 interpreter services. All language access services are provided to our clients free of charge.

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

It is DOP's policy to always provide all LEP clients with telephonic or in person language access services from contracted certified interpreters. During field visits, Probation Officers are equipped with cell phones for the provision of telephonic language access services to clients during home/field visits. 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 that was held during the field visit is verified through a qualified interpreter.

The Department's kiosk reporting system is used by clients deemed to be low risk of offending. The kiosk has easy to follow instructions offered in 4 languages: English, Spanish, Chinese and Russian. The closing of our offices due to COVID, created a special circumstance for kiosk usage in CY 2020. For the period of January through March 2020, the kiosk was used by LEP clients as follows:

Spanish speaking	691
Chinese speaking	118
Russian speaking	42

For a client who speaks a primary language other than the 4 languages 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, should DOP hold an event that is public facing, documents and interpreter services are made available via contracted vendors in the top 10 languages.

DOP also strives to effectively determine the language access needs of the LEP population attending an event through the provision of the LAC's phone number on advertising materials which allows LEP individuals to request language access services.

Every DOP client is assigned to one specific Probation Officer. The officer works diligently to engage with the client and develop a strong rapport. For LEP clients, the officers utilize telephonic and in-person contracted interpreter services to achieve the relational connection needed to successfully supervise clients in the achievement of the goals set during supervision.

IV. Agency Language Access Accomplishments and Progress on Goals from Previous LAIP

DOP has been providing language access services to our clients for over 24 years through contracted vendors. These services include telephonic translation and in-person interpreter services in more than 100 languages (including American Sign Language). DOP continues to use citywide contracts to ensure reliable and accurate interpretation services for all languages spoken by our clients. In 2020, DOP provided 75,554 minutes of telephonic language access services in 34 languages to LEP clients.

Since the last 2018 LAIP:

DOP's adult client population has decreased from 27,000 to 13,000 individuals and the juvenile client population has decreased from 2,200 to 500. In 2017, DOP spent \$47,000 on contracted language access services and in 2020, \$61,000 was spent for the provision of language access services. Despite a significant decrease in the number of clients being supervised, DOP spent an additional \$14,000 for contracted language access services. Although rising costs may be attributable to a portion of the higher costs, the increase in spending reflects DOP's ongoing commitment to support the provision of language access services to our clients.

The Director of Press and Communications, who receives all requests for flyers to advertise DOP events, works collaboratively with the LAC to ensure that all Local Law 30 requirements are met in the development of the flyers. All flyers are created in the primary languages most spoken by the clients who are attending the DOP event.

The Director of Press and Communications, (as well as the General Counsel), attended training on writing with plain language and, when applicable, apply plain language principles to written materials distributed to clients and the public.

All advertising material for agency events include the phone number of the LAC who responds to any questions from LEP individuals through contracted telephonic services.

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

DOP's LAC attends all meetings and trainings offered by MOIA and other agency partners to obtain updated guidance and resources on how to provide meaningful language access to DOP's LEP clients.

Since 2017, DOP has provided Probation Officers with 35 documents translated into the primary languages of LEP clients.

MOIA's celebration of International Mother Language Day 2020 was shared with all staff via the agency's intranet to educate staff about important city programs, to honor the languages of our communities and to celebrate the linguistic diversity of our city.

Due to the pandemic, DOP did not hire Probation Officers in 2020.

During the pandemic, to ensure continuity in the provision of language access services to all LEP clients, DOP provided cell phones and/or laptops to most officers. Some officers, deemed essential, went into the office to contact clients via their office computers. Through different funding sources, many of our clients were provided with a cell phone or laptop to ensure ongoing communication with their assigned Probation Officer.

V. LEP Population Assessment

U.S. Department of Justice “Four Factor Analysis”

Factor 1

DOP serves a defined population of individuals sentenced by a judge to serve court ordered supervision by Probation Officers. DOP captures in the primary language of each client in our case management system. Currently, 3,802 of DOP’s clients speak with limited English proficiency. This is 44% of our total client population compared to the approximately 18% of New York City residents (1.6 million adults) who do not speak English proficiently.

The top 10 languages spoken by DOP’s LEP clients in 2020 were Spanish, Mandarin/Cantonese, Russian, Arabic, Korean, Bengali, Haitian Creole, Bengali, Punjabi, French, and Urdu. The primary languages of DOP’s LEP individuals differ slightly from the top 10 languages under Local Law 30: Spanish, Chinese, Russian, Bengali, Haitian Creole, Korean, Arabic, Urdu, French and Polish.

Factor 2

Through DOP’s case management system, the agency maintains data on the frequency with which each client meets with their assigned Probation Officer as well as the services provided to the client. The frequency of contact is determined by the level of supervision deemed necessary to ensure the client’s success in reaching targeted goals. The goal of Probation supervision is to reduce recidivism through a balanced between risk management and risk reduction. Probation Supervision is the foundation of this balance as Probation Officers use accountability measures and support to generate behavioral change. For clients with the highest risk of recidivism, the minimum required frequency of contact is 6 collateral contacts and 1 home contact per month. For clients with high risk of recidivism, the minimum required frequency of contact with their assigned Probation Officer is one in-person contact per week, six collateral contacts per quarter, and one positive home contact per month. For clients with medium risk, the minimum required frequency of contact is two Probation Client contacts and two collateral contacts per month. For clients with low risk, the minimum frequency of contact is one contact per month.

Factor 3

DOP provides critical services to clients sentenced to Probation by the courts. DOP ensures that its clients are supervised according to their risk level and that they receive the full support and services needed to abide by the law and to become an asset to their communities. Language access services are critical to the

success of our LEP clients. A lack of clear communication between a Probation Officer and client could result in a failure to meet critical milestones that may lead to the client losing their freedom. Therefore, DOP staff are trained and reminded annually, via a memorandum from the Commissioner, that all staff is accountable for ensuring that a client's primary language is never an obstacle to a successful life outside the criminal justice system. DOP is fully committed to providing all clients with clear communication through contracted language access services which are provided free of charge.

Factor 4

DOP's case management system captures the language of every client so every staff person that contacts the client knows when there is a need for language access services. DOP uses the data captured through the case management system to determine the languages spoken by clients in each borough office so television ads and flyers can be targeted to the languages most spoken by the clients in each individual waiting room. DOP has also used data on the primary languages of our clients to assign Probation Officers based on their ability to speak the language most spoken by our clients in a particular office. DOP also reviews invoices from language access services to ensure that appropriate funding is available to meet the ongoing needs of its LEP clients. In 2020, DOP spent \$61,000 on Language Line Telephonic Services, in-person interpretation and sign language services. Approximately \$100 was spent on document translation. This reflects DOP's commitment to equity in the provision of supervision and services, so all clients, despite their primary language, are afforded the same opportunity to lead successful lives outside the criminal justice system.

DOP works to close the gaps in the provision of language access through all the above plus implementation of customer service surveys and prompt response to any complaints related to the provision of language access services.

Based on the above analysis, the plan outlines the language needs of the agency and assesses whether some, or all, of its direct public services should be provided in a language or languages supplemental to the designated citywide languages.

VI. Provision of Language Access Services

Translation Services

All Probation Officers are trained to provide LEP clients with documents in **their** primary language. The officers know where to find the agency's repository of translated forms/documents stored on the agency's intranet under the Language Access link. If a document is not available in a new client's primary language, the Probation Officer will request that the document is provided in the primary language of the new client. The LAC will ensure that the document is translated to meet the

client's need and is stored in the repository for any other LEP client who also speaks this language.

Currently, the agency uses Accurate Communications or a WMBE vendor for the translation of forms/documents/information. To date, DOP has provided Probation Officers with 35 documents translated into various primary languages of LEP clients.

Interpretation Services

When an individual is sentenced to probation by the court, they are sent directly to a DOP office to begin their supervision. Upon arrival, the individual is met by a greeter, trained to assist all clients. The greeter uses an I SPEAK card to discern the primary language of the client. The greeter, then brings the client to an Intake Officer, who interviews the client via telephonic interpreter service and captures the client's primary language. The primary language of the client is captured in DOP's case management system. The LEP client is then assigned to their Supervision Probation Officer, who engages directly with the client on a regular basis, ensuring that the client's primary language needs are continuously met through contracted language access services and that the client receives relevant documents in their primary language. This is done to ensure clear understanding of expectations, increasing the likelihood of client compliance with court orders and success in finishing their probation term.

Language Access in Agency Communications

On the rare occasion that the agency holds an event that includes members of the public and DOP clients, all documents advertising the event are provided in the primary languages of the clients supervised in the borough where the event will take place. Additionally, advertisements for the event include the LAC's telephone number for the public to call for assistance with languages other than English. All Probation officers are equipped with cellphones, so they have ongoing access to a telephonic service provider during the event to assist individuals in their primary language. If deemed necessary, an in-person interpreter is provided at the event.

DOP's LAC utilizes the billing records of language access service providers, DOP's case management language data, as well as data gathered from borough leadership to target the primary languages spoken at each particular DOP location to ensure inclusive community engagement for our LEP clients. This data informs the languages in which we distribute written materials to clients in each individual waiting room and, with regard to language provisions in digital communications.

Plain Language

The Director of Press and Communications, the LAC and the General Counsel attended training in plain language. They ensure that plain language principles

are applied to written materials distributed to DOP clients and the public. The Director of Press gives final approval to all flyers and documents advertising DOP events to ensure that plain language principles and LL30 requirements are adhered with.

Policies and Procedures

Policy and Procedure Notice 25-01-17, the agency's policy statement on the provision of language access to LEP clients, is distributed to all new hires and is available on the agency's intranet. This notice advises all employees that telephonic and in-person interpreter services must be secured by the Probation Officer assigned to the LEP client.

Currently, DOP uses DCAS's contract with Language Line for the provision of telephonic interpreter services. The Probation Officer decides, on a case by case basis, whether the communication with the individual client is best handled by telephonic services or in person interpreter services. In general, most situations with a LEP client are handled with telephonic interpreter services. If the client needs sign language or the client is incarcerated and on video call, the Officer generally uses in person interpreter services. During any supervision interview, where the Probation Officer has reason to anticipate that a violation of the conditions of probation will be specifically discussed with a LEP client, the officer is required to secure in person interpreter services, whenever possible.

To request in person translation 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, which creates a tracking system for all these requests and ensures full remedy. The fill-in form is reviewed for completeness and accuracy by the LAC who then ensures that the order is e-mailed to the certified vendor. The request is tracked until the vendor confirms that an in-person 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 physically present to provide translation services.

On a quarterly basis, the LAC surveys approximately 12 borough managers plus the respective Adult and Juvenile Operations Deputy Commissioners to inquire whether there are critical documents that need to be translated into other languages. The borough managers canvass Probation Officers to determine which documents are essential for effective communication with their LEP clients. These essential forms/documents are forwarded to the LAC, who reviews the requests with the both the Operations and Administrative Deputy Commissioners. With the approval of Executive Management, the LAC has the documents translated by a contracted vendor in the required languages and in plain language. Currently, DOP has a contract with Accurate Communications for the translation of written documents. Upon securing the translated document from the vendor, the LAC sends the document via e-mail to all officers and respective management staff

and adds the newly translated document to the repository of translated documents on the intranet.

Notification of Free Interpretation Signage

I SPEAK/Language Identification posters and cards are 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 by 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. Most client waiting areas display a "Welcome Sign" in the many languages spoken by our clients.

Languages Beyond the Top 10

Should a client's primary language not be available through the current telephonic or in person interpretation contracted services, the LAC contacts the agency's ACCO to secure a contracted vendor that does have an available interpreter who can assist the LEP client in their primary language. Languages beyond the top 10 are available to DOP's clients and members of the public.

Emergency Preparedness and Response

During emergency situations, each Probation Officer contacts their assigned clients and directly communicates with them, including those categorized with limited English proficiency, via cell phone and/or laptop to convey important and time sensitive information. For clients who have limited English proficiency, the Officer utilizes telephonic interpreter services.

VII. Training

Newly hired Probation officers and agency greeters are educated on the agency's commitment to provide LEP clients with communication in their primary language and on how to secure language translation services. During Academy training by professional trainers, Probation Officers are taught about the rights of LEP clients to receive oral and written communication in their primary language. The Academy curriculum covers the officers' personal responsibility to provide language assistance to LEP clients and their accountability to comply with policy/procedure notice 25-01-17. The officers receive a palm card with instruction on how to access telephonic services. Additionally, once the Officer graduates from the Academy and is assigned to a borough office, a supervisor re guides the newly hired officer on how to access both telephonic and in person interpreter services, how to best use the I SPEAK cards with LEP clients and how to access the repository of translated documents available on the intranet

Greeters, who welcome clients in the waiting room, 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.

DOP's LAC 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 LAC 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.

DOP offers classroom training on Diversity and Inclusion Best Practices and this curriculum includes a piece on language access services. This course is available to all employees to attend, as so desired.

VIII. Record Keeping and Evaluation

DOP's case management system captures the primary language of every client. The client's case record is reviewed at every meeting between the client and their assigned officer, which ensures that the language access needs of the client are always apparent. The client and officer also forge a strong rapport during supervision; the language access needs of each client quickly become known to the officer.

Through the case management system, DOP produces data on clients' primary languages in each borough office enabling the agency to provide flyers/documents in the languages most spoken by their clients in each individual borough office.

Senior staff across the agency's borough-wide offices, report any dissatisfaction with language access service providers to the LAC, who takes appropriate action to immediately remedy the problem. The Agency's ACCO is also notified of any problems with contracted language access service providers to report complaints to DCAS who holds the master contract.

The LAC reviews usage reports from language access providers, the clients' primary language selections from our kiosk reporting machines, as well as the primary languages captured through our case management system to make educated decisions on the language access needs of our clients and how best to meet these needs

DOP did conduct a satisfaction survey with our LEP clients, and clients reported that they were satisfied with the services provided. DOP will be conducting another survey in 2021- 2022.

IX. Resource and Analysis Planning

The agency's language access initiatives are supported by a community of DOP employees that include, but are not limited to: the Agency Head, the Senior Policy Advisor to the Commissioner, the Director of Training, the Director of Press and Communications, Senior managers borough-wide, the General Counsel, the LAC and one clerical staff person.

These individuals continually include goals for the provision of language access in all program planning and work collaboratively to evaluate how well efforts to provide language access worked at each event to continually improve language access services.

DOP works diligently and collaboratively with DOITT to ensure that the agency website has the most up to date technology available to ensure that all individuals can access our website in their primary language. However, all documents are given to LEP clients by hand, via their assigned Officers, and are not available on the agency's website.

DOP's LAC continues to partner with MOIA and other agency partners to learn and share valuable information regarding new resources, new needs of LEP clients and best practices for the provision of language access services.

Given the continual increasing need for language access services, DOP will continue to appropriately adjust its budget and ensure that language access contracts meet the increased demand.

X. Outreach and Public Awareness

The population that DOP serves is clients, sentenced to probation by a judge. DOP's clients are made aware of their rights to receive services in their primary language from the first moment that they step into our office and meet the agency's greeter who guides them right to an I SPEAK card.

On the rare occasion that the agency holds an event that includes members of the public, all documents advertising the event are provided in the primary languages of our clients in the borough where the event is taking place. Additionally, advertising for the event includes the telephone number of the LAC for the public to call if they need assistance in another language. This allows the individual to speak with the LAC via telephonic interpreter to request language access services at the event. All Probation officers are equipped with cellphones, to provide ongoing access to a telephonic interpreter during the event. If deemed necessary, an in-person interpreter is provided.

XI. Language Access Complaints

The Commissioner’s Executive Assistant, who is also the LAC, has been tasked with handling 311 complaints regarding language access services. An excel spreadsheet is maintained by the LAC capturing data on language access complaints, the timeliness of the agency’s response and the remedy provided. At this time, the agency has not received any complaints regarding the provision of language access.

The agency’s website has the link through 311 that directs individuals to the site where complaints regarding language access services can be reported.

XII. Implementation Plan Logistics

Each year, the Commissioner re-establishes the agency’s commitment to the provision of language access services to DOP’s LEP clients via a written memo to all staff that emphasizes ongoing support to the LAC in the agency’s efforts to implement the language access plan.

The General Counsel, Director of Communications and Press, Deputy Commissioner for Administration, Director of Training, LAC and borough leaders form the agency’s Language Access team. These individuals are held accountable, by the Commissioner, for ensuring that the provision of language access services to all LEP clients complies with all Executive Orders and Local Laws.

Under the direction of the Deputy Commissioner for Administration, DOP’s LAC 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 LAC 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, borough managers and Executive Management determine which essential documents need to be translated to effectively communication with LEP clients.

The agency has the following goals for how to advance language access at the agency:

Language Access Goal	Responsible Staff	Deadline
Conduct a customer service survey to analyze the effectiveness of the provision of language access. The survey is offered in the 10 languages of our clients.	LAC and Borough Managers	2021 - 2022
Review and update the current training curriculum and policy, if needed.	LAC and Director of Training	Sept 2021
Update the agency’s website so that google translate is not the venue for language translation of the website	OIT staff and DOITT	March 2022 (dependent on DOITT)

When feasible based on spacing, texts to clients sent through the case management system will include in a message that interpreter services are available through one's assigned Probation Officer	CE Administrator and Adult Operations staff	May 2021
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