

Suffolk County Probation Department



General Department Policies

Section Title: Suffolk County Probation Department Language Access Plan

Effective Date: 11/14/2013

I. AGENCY MISSION STATEMENT AND BACKGROUND

Mission Statement

The mission of the Department is to promote public safety by implementing evidence based practices designed to promote positive change in our clients, their families, and our communities.

Background

Probation is an alternative to incarceration that permits offenders to live and work in the community, support their families, receive rehabilitative services and make restitution to the victims of their crimes. Probation also addresses juvenile crime through early intervention for at risk youth. Probation is a judicial function governed by the courts that sentence defendants; it is the most frequently utilized criminal punishment in the US today. When carefully administered, and when applied only to those offenders who can safely be monitored in the community, Probation can provide rehabilitation and reintegration of the offender into society, ultimately helping to reduce crime.

Since 1908 the Suffolk County Department of Probation has maintained a high standard of public safety by providing solutions to crime, delinquency, and families in crisis. Each year, thousands of residents come to the Department seeking assistance in preparing court petitions involving family offenses, custody and visitation, support, and persons in need of supervision (PINS). The Department provides public safety through treatment, planning, and prevention.

II. AGENCY LANGUAGE ACCESS GOALS

Meaningful Access

The Suffolk County Probation Department is subject to the civil rights requirements set forth in Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) and their implementing regulations, which prohibit discrimination in programs and activities based on national origin. The Department is further subject to Suffolk County Executive Order #10-2012, which requires agencies, departments, and divisions of Suffolk County government to take all reasonable steps to ensure that persons having limited English proficiency have access to county programs and services. The Department is therefore obligated to take reasonable steps to ensure that limited English proficient (LEP) persons can access services and benefits. An LEP person is someone whose primary language is other than English, and whose ability to either read, write, speak, or comprehend English is limited.

The Probation Department is required by NYS statute to conduct presentence/pre-dispositional investigations and to supervise those persons placed on Probation by the courts. To perform these tasks effectively and efficiently, Department personnel must be able to communicate with the offender, and with those most directly impacted by the offender's actions.

To that end, the Probation Department has developed a language access plan. The purpose of the plan is to identify those measures the Department will be taking to ensure that LEP persons have ready access to all of our services and benefits.

Current Policy

Currently, the Department communicates with LEP persons in their primary language, using either bilingual employees or Propio Language Services, a telephonic interpretation and translation service. These services are provided at no cost whenever the Department services an LEP person, or whenever an LEP person requests language assistance services. As a matter of policy, the Department does not allow the child of an LEP person to interpret for the client, nor should we engage another adult who is also involved with the justice system to interpret for the client. At present, written documents deemed 'vital' to the presentence/pre-dispositional function are available in Spanish. However, as evidence of the Department's ongoing commitment to providing written language assistance to the broader LEP population, documents considered vital to other functional areas within the Department have also been earmarked for translation.

Existing Language Assistance Services

For some time now, the Department has provided language assistance services to both offenders, and to others who voluntarily utilize the services offered by the Department. Language assistance includes both interpretation (orally converting one language, the source language, to the target language, while retaining the same meaning) and translation (converting written text from the source language to the target language). As previously noted, language assistance services are provided by bilingual staff (both civilian and peace officers), as well as a private contractor.

Within our Criminal and Family Court divisions, we have identified 24 full time, bilingual employees available to provide in-language, interpretation and sight translation services for Spanish speakers. These employees provide immediate support to all Probation clients. The Department has established a list of these employees, to include their office location and telephone number, and will post that list internally. Although all 24 employees were deemed 'proficient' by the Suffolk County Civil Service Department in terms of their ability to read and to converse in Spanish, LEP persons will also be able to access a professional interpreter should they choose to do so.

The Department has also contracted with Propio Language Services, which provides telephonic interpretation and translation services in the most commonly used languages including Spanish, Italian, Mandarin, Polish, French Creole, and Portuguese. The Department maintains contact information for Propio Language Services, and that information has been circulated agency wide.

The task of translating vital documents typically associated with court-ordered presentence/pre-dispositional investigations has generally been assigned to the Department's bilingual (Spanish speaking) staff. Going forward, however, it will likely prove necessary to look to outside sources (i.e. private contractors) if we are to meet the increasing demand for written language assistance.

III. LEP POPULATION ASSESSMENT

Methodology for Language Assessment

Based on US Census data, more specifically, the 2007-2011 American Community Survey, the Suffolk County Probation Department has determined that within the LEP population, the most frequently spoken languages county wide are Spanish/Spanish Creole, Italian, Chinese, Polish, French Creole, and Portuguese speakers (Table, page 4).

Therefore, signage will be posted in the lobby of all Department offices in the aforementioned languages, to advise clients that interpreters are available at no charge to LEP individuals. Additionally, the Department will maintain translated

forms and documents for LEP individuals, and notification of the availability of translated forms and documents will also be posted in lobby of each building.

Language Spoken at Home By Ability to Speak English, For the Population Ages 5 and Over, For the Period 2007 - 2011

	<i>Total Persons Age 5 or Older</i>	<i>Speaks English "Very Well"</i>	<i>Speaks English Less Than "Very Well"</i>
<i>Spanish or Spanish Creole</i>	166,141	79,112	87,029
<i>Italian</i>	17,223	12,659	4,564
<i>Chinese</i>	10,552	5,512	5,040
<i>French Creole</i>	7,932	4,284	3,648
<i>Polish</i>	7,797	4,394	3,403
<i>Portuguese</i>	5,176	2,696	2,480

IV. Implementation

Organizational Commitment

The Suffolk County Probation Department’s language access plan will be fully implemented by 11/14/2013.

General Roles and Responsibilities

The Department’s senior and mid-level managers will ensure that all Probation employees comply with the agency’s language access policy to communicate with clients, their families, and other involved parties (i.e. victims) in their primary language.

The Department’s ‘Language Access Coordinator,’ Deputy Director Andrea Neubauer, will monitor the contractor providing telephonic translation and interpretation services and maintain records related to those services; ensure that language identification information is posted Department-wide; review and update as necessary, the Department’s list of bi-lingual employees; review the Department’s catalog of written materials to ensure that vital documents have been translated; in conjunction with senior managers, review and update as necessary the Department’s language access plan.

Action Items

➤ Data Collection

Review historical data on our contracted language assistance services so as to identify utilization access trends. (Completed)

On or by 11/14/2013, the Department will begin capturing data on when its bilingual employees provide interpretation or sight translation to LEP persons.

➤ Information Dissemination (Internal)

No later than 11/14/2013, Department employees will receive written notification on (1) how to obtain language assistance from its pool of bilingual staff and (2) how to access telephonic language interpretation and translation services from the contractor.

No later than 11/14/2013, the Department will make available to all employees a list of bilingual staff to include the employees' name, bilingual language, duty station, and telephone number.

➤ Notification to the Public

No later than 11/14/2013, the Department will display 'Language Identification Card' posters in all public waiting areas, informing clients about free language assistance resources.

No later than 11/14/2013, the Department will post its language access plan and other related information, including its process for handling language access complaints, on the Probation website.

➤ Document Translation

The Department will identify its vital documents and provide for the translation of those documents into a language or languages, as determined by the results our language assessment. (Completed)

➤ Training

No later than 11/14/2013, the Department will create a training program and/or training materials related to the agency's language assistance initiative. The program and/or materials will target all current and future employees regardless of title.

➤ Community Review

On an annual basis, the Language Access Coordinator will assess demographic data, review the language access services utilization rate and, as needed, consult with

community- based organizations to determine the need to translate vital documents into a language other than Spanish.

V. Service Provision Plan

Identifying and Documenting Primary Language

When interacting with an LEP person, their family, or another interested party, Department staff can identify the person’s primary language by using a “Language Identification Card.”

Securing Oral Language Assistance

Employees should inform the LEP person that the Department provides free language assistance services. If the person requests an interpreter, one should be provided.

When communicating with the LEP person by telephone, the following measures will be implemented:

1. If the LEP person’s primary language is Spanish, the employee should consult the Department’s list of bilingual staff to identify the appropriate source of language assistance.
2. If a bilingual employee is not available, or if the LEP person’s primary language is not Spanish, the employee should use the Department’s contractor, Propio Language Services, to enable that communication by following these steps:
 - Dial the interpreter 1-855-293-8133
 - Respond to the auto prompt by pressing ‘1’ for Spanish or ‘2’ for other languages
 - Enter the language code
 - Enter the 4 digit code access assigned to the account

Translation of Written Materials

The Department has identified those documents considered vital to the supervision, investigation, and intake functions (see Appendix ‘A’). A list of these vital documents will be maintained and updated, as necessary, by the Department’s Language Access Coordinator. Although a private contractor will provide document translation services, whenever possible, documents will be translated by the Department’s bilingual (Spanish speaking) employees.

Department staff should enlist the assistance of bilingual employees to provide sight translation of a non-vital document as may be requested by the LEP person.

VI. Complaint Process

The Probation Department will take all reasonable measures to ensure that LEP persons receive free language assistance services in their primary language. In the event a LEP person asserts they did not receive adequate language assistance, the LEP person will be directed to submit a written complaint to the Department's Language Access Coordinator. The Language Access Coordinator will promptly review, investigate, and respond in writing to that complaint.

VII. Training

The Department will disseminate information regarding its language assistance program to new workers (non-peace officer staff) during employee orientation. Information regarding the Department's language assistance program will also be incorporated into the Cultural Diversity module, which is delivered to newly hired probation officers as part of the Fundamentals of Probation curriculum. Current staff will receive this information during periodic section and/or unit meetings. Additionally, an 'all Department' memo will be issued no less than once each year, detailing the Department's language access plan.

VIII. Record Keeping

The Language Access Coordinator will monitor the Department's language assistance program. On a monthly basis, the Coordinator will collect data from its contractor (Propio Language Services) and from the Department's bilingual employees, and will record these findings in a monthly usage report to be kept on file for future review.

IX. Future Planning

The Suffolk County Probation Department is committed to providing effective and efficient language services to LEP persons. To that end, the Department will:

- (1) Examine population and language trends in the county on an annual basis
- (2) Examine demographic data vis-à-vis the Probation supervision, investigation, and intake caseloads annually
- (3) Review its catalog of vital documents, adding or removing documents from that catalog as necessary

Enhancements and/or modifications to the existing plan will be implemented as personnel or budgetary constraints allow.

APPENDIX A
VITAL DOCUMENTS

Criminal Court Supervision, Interstate and Intrastate Compact

1. Agreement to Correspond by US Mail pending case transfer
2. Cover letter, Agreement to Correspond by US Mail pending transfer
3. Interstate transfer form, utilized when the offender is sentenced in Suffolk County , but resides outside of NYS, and the case is to be transferred to the offender's home state
4. Form M30-40A for Intrastate transfer cases, directing offender to pay restitution in their home county
5. Form M30-40A for Intrastate transfer cases, to advise crime victim that restitution will be paid through the Probation Department in the offender's home county
6. DPCA802 Travel Permit, authorizing offender to travel outside the court's jurisdiction

Criminal Court Supervision, DWI Offender Specific Forms

1. MADD Victim Impact Panel reservation form
2. MADD Victim Impact Panel feedback form
3. Vehicle Owner/Operator Statement, for completion by vehicle owner residing with the DWI offender
4. Ignition Interlock Mandate Letter, for all Conditional Discharge DWI monitoring cases
5. Satisfaction of Sentencing Conditions Related to Ignition Interlock, interlock term expired/terminated, interlock condition satisfied
6. Certificate of Completion, Authorization to De-install Ignition Interlock

Criminal Court Supervision, General

1. Offender Statement, offender understands and will comply with Conditions of Probation
2. Form 30-108, Probation sentence reached maximum expiration
3. Form 30-39, early discharge from Probation granted by the court
4. Form 30-35, to schedule appointment with the probationer
5. Form 30-36, to schedule appointment with the probationer, with advisory that failure to report will result in a Violation of probation warrant

APPENDIX A (cont.)

Criminal Court Supervision, Sex Offender Specific

1. Safeguard Program, course outline and handouts
2. Safeguard Supervision Agreement
3. Safeguard/Chaperone Supervision Agreement
4. Safeguard Parental Permission form
5. Emergency Evacuation Procedures for Registered Sex Offenders
6. NYS Sex Offender Registry Responsibilities

Criminal Court, Conditions of Probation

1. Orders and Conditions of Adult Probation
2. Orders and Conditions of Interim Probation
3. Computer and Internet Monitoring Conditions
4. Dual Recovery Program Conditions
5. Electronic Monitoring Conditions
6. GPS Conditions
7. Ignition Interlock Conditions
8. SCRAM Conditions
9. Sex Offender Conditions
10. Additional Conditions for Persons with Developmental Disabilities

Criminal and Family Court-Drug/Alcohol Testing Advisements

1. Form 30-23 General Testing Notification
2. Form 30-24 Probationer's pre-test statement
3. Form 30-25 Probationer's post-test denial/acknowledgement

Family Court Appearance Tickets

1. Overview
2. Appearance Ticket Questionnaire
3. Release of Information (BOCES)
4. Release of Information (School/Generic)
5. Release of Client Information (DSS/CPS)
6. Adjustment Case Conditions
7. Parent letter regarding placement costs

APPENDIX A (cont.)
Family Court-Investigations and Reports

1. I-93 Appointment letter
2. Appointment letter, generic
3. Appointment letter, adoption
4. Pre-sentence investigation questionnaire
5. Home Study questionnaire
6. I-23 Victim Impact Statement
7. LI Advocacy Intake form
8. Confidential Information Sheet
9. Probation Intake Advisory
10. Probation Intake Worksheets (2)

Family Court Petitions*

1. Petition to establish Paternity
2. Petition for Support Modification
3. Support Petition
4. Petition for Enforcement of an Order of Support by Another Court
5. Violation of a Support Order
6. Custody and/or Visitation Petition
7. Petition to Modify Custody and/or Visitation
8. Violation Petition Custody and/or Visitation
9. Filing a Writ of Habeas Corpus

Probation Fees, Waivers, and Restitution

1. General Notice
2. Letter to offender outlining payment plan (full payment)
3. Letter to offender outlining payment plan (token payment)
4. Letter to offender, judgment filed

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