



NEW YORK CITY DEPARTMENT OF PROBATION

Creative Solutions for a safer city: protecting lives, changing lives, saving lives.

Language Access Plan

January 2009

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I. Agency Mission and Background

Mission

The Department of Probation (the Department) promotes public safety by supervising adult and juvenile offenders who have been sentenced by the courts to probation in lieu of incarceration.

Direct Services

Overview

- Annually over 650 probation officers supervise more than 52,000 adults and juveniles placed on probation by judges in the Supreme, Criminal and Family Courts.
- Supervision includes face-to-face meetings between Probation Officers and offenders at Agency locations in the five boroughs, at offender 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's the Probation Department interviews victims to assess the extent of physical, psychological, or financial injury. After a thorough investigation of the offender, including the individual's criminal, social, scholastic and employment histories, as well as an examination of alcohol and substance abuse, the department makes a sentencing recommendation to the judge.

QUICK Fact:

Investigations give the court important information about the crime, victim and defendant. It helps to identify the risk of the defendant doing another crime and the needs of the defendant such as drug treatment. The court uses the report to help decide what sentence to give.



In addition to helping judges decide on an appropriate sentence, the reports afford officers the opportunity to recommend appropriate conditions for offenders placed on probation. We prepare approximately 30,000 reports on incarceration-bound defendants annually, and another 25,000 for defendants expected to be placed under community-based supervision.

Supervision

After a conviction at trial or a plea of guilty, eligible defendants 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 offender meets any conditions set by the judge including restitution to victims, community service, and drug treatment. The goal is to encourage the probationer to become a law-abiding member of the community, with emphasis placed on the deterrence of future violent behavior. The Department is utilizing technological enhancements to augment supervision and to improve data collection and retention. Included in this initiative is the introduction of multimedia, highly interactive reporting stations that rely on hand geometry to verify identification.

QUICK Fact:

Probation is instead of going to jail or prison. Probationers 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

The Department of Probation 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 behavior while supporting positive attempts to achieve rehabilitation. In conjunction with schools, community-based organizations, and others within the justice system, we work with children and their families to advance law-abiding behavior in an atmosphere that encourages responsibility.

QUICK Fact:

The purpose of Juvenile intake is to decide 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 and the complainant, and the parents or guardians of the juvenile, as well as, the juvenile to determine whether the case is to be referred for formal court proceedings or help open for 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. Family Court Investigation and 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; in some instances, home visits and visits to the child's school as well as an evaluation of his/her physical and mental health as well as reports from service providers involved with the youth and/or family. 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 offense 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. Monitors adjustment at home, in school and the community.



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. Basic to our business is the ability of our officers and representatives to communicate clearly with probationers. This is particularly important when discussing issues that may affect a person's freedom. The plan demonstrates Probation's commitment to ensuring that clear communication occurs. The purpose of the plan is to help make sure that the services of a qualified interpreter are used when the interviewing Probation Officer is not able to communicate in the language that the probationer uses the most or what is called their "primary language".

Our goal is that our officers communicate clearly with probationers so they understand what is expected of them. Our language assistance services therefore help Limited English Proficiency (LEP) individuals – a person who speaks no English or whose English is limited to such an extent as to impair communication and understanding with an English speaking person.

Language Services Already Provided

Probation has been providing language assistance services for over 10 years. These services include interpretation by telephone and in-person including American Sign Language (ASL). In addition, the agency has full-time interpreters on staff primarily for Spanish interpretation. Our language assistance services are given free of charge with absolutely no cost to the probationer.

Current Policy

Probation is a public safety agency and therefore does not provide services to the general public as other agencies may. Our customers are individuals who have come into contact with the law and who have been sentenced by the court to probation. Our job is to help the court in making its decision about how to handle a case and to make sure that people placed on probation follow all of the court's orders.



Our policy is to make certain that important information that affects the lives of our probationers and their families is communicated in the language they use the most. All of our important interviews are then required to be done in the offender's primary language, including our court investigations, intake, and first supervision interview and any other where a violation of the court order will be discussed.

In routine meetings, for example, probation officers often need to find out what language an individual speaks and to let that person know when an interpreter will be available. Or, with our younger population, probation officers may need to communicate with parents who do not speak English. Finally, probation officers commonly carry out bench warrants on LEP individuals.

Our policy is to use a qualified interpreter wherever possible. When that is not possible a Probation Officer who speaks the same language may help if one is available. The probationer's family member, or friend, or other Probation staff who are not officers can also be used but only for gathering information. We do not allow the child of a probationer or another person who is involved with the law to be used as an interpreter.

Ongoing Initiatives to Improve Language Assistance Services

- Probation has been providing language assistance services to its probationers for over 10 years.
- These services include interpretation by telephone and in-person including American Sign Language (ASL).
- We also have several full-time translators on staff primarily for our Spanish speaking population. We hired our first Interpreter back in 1999, and since then we have had as many as 5 at any one time. Due to budget cuts we now only have 2 full-time interpreters.
- Probation has the following contracts for language services:
 - Telephone Interpretation
 - Face-to-face Interpretation
 - Sign language Interpretation
- Many of our low-risk offenders, those who we think are less likely to do new crimes and most likely to follow the court and our orders, report to computer kiosks instead of an officer.




- The kiosks have easy to follow instructions that are offered in 4 languages: English, Spanish, Chinese and Russian. Almost 18,000 probationers use our kiosks.

Figure 1. Reporting Kiosk Start Screen




- Probation has a new case management system (RCMS) that allows us to track the primary language of our probationers and all requests made for language interpretation services. (See below figures 2 and 3)

Figure 2. New case management system (RCMS) Face Sheet


THE CITY OF NEW YORK • DEPARTMENT OF PROBATION
 33 Beaver St.
 New York, NY 10004

IDENTIFICATION INFORMATION					
Last Name	First Name	M.I.	Name Type	DOB (Age)	9/1/1977(31)
			True Name	Race:	Black
			Case Name	Gender:	Male
			Alias	Height:	6 Ft 3 Inch
Reg. Sex Off.:	No	SORA Regd:		Weight:	230
NYSID/RIN/ITA:		IPRS Client#		Hair Color:	Black
Ethnicity:	Non-Hispanic	Alien Sta:	Perms. Resid.	Eye Color:	Brown
Language:	English	Speak Eng:	Yes	Birth City:	Manhattan
Source of Income:		OMS:		Birth Country:	United States
Address				Prectric:	042


**Face sheet
Photo
Unavailable**

CURRENT ASSIGNMENT



Figure 3. RCMS Language Interpreter Data Sheet

- Probation has “Language Identification Card” posters clearly placed in all of our waiting areas where probationers report to their Probation Officers.
- The “Language Identification Card” can also be found on our agency computer system. Probation Officers can easily view and show it to probationers from the computer monitor in their office.
- The following electronic forms are also available to staff on the agency’s Intranet:
 - Sign-Language Interpreter - Sign-in Sheet - Form 7004
 - Request For Language Interpreter - Form 7002
 - DOP Telephonic Language Line Log
 - Interpreter Services - Telephonic Language Services

Roles and Responsibilities

- Our Assistant Commissioners, branch chiefs and directors in each borough are responsible for making sure that staff complies with our policy to communicate with probationers in their primary language.



- Assistant Commissioners, branch chiefs and directors also monitor the use of our language assistance contracts in their borough and make sure that language identification cards are posted and available.
- Our Language Services Coordinator keeps records of our language assistance services and along with other senior staff annually reviews and updates our policy.



III. LEP Population Assessment

Methodology for Language Assessment

Probation has been able to determine the languages most spoken by our population by using data from the many years of providing language assistance services. The top three languages spoken are the same as those identified by the Department of City Planning. These are Spanish, Chinese and Russian. (See below, Table 1)

This information was used to decide what languages to make available on our reporting kiosks that displays instructions in English, Spanish, Chinese and Russian.

Table 1. Limited English Proficient Population by Nativity and Language New York City, 2006*

	<u>Number</u>	<u>Percent</u>
Total LEP	1,791,664	100.0
Native-born	294,603	16.4
Foreign-born	1,497,061	83.6
Top LEP Languages		
1 Spanish	910,264	50.8
2 Chinese/Cant./Mand.	256,613	14.3
3 Russian	121,104	6.8
4 Korean	53,281	3.0
5 Italian	41,132	2.3
6 French Creole	38,115	2.1
7 Bengali	30,500	1.7
8 Polish	27,261	1.5
9 French	26,130	1.5
10 Yiddish	24,875	1.4

* Figures from the Department of City Planning, December 2008

Data from Contracted Services

- In addition to the languages described above, our contracted language assistance services also include American Sign Language (ASL). Sign



language interpretation made up over 45% of our in-person interpretation services for calendar years 2007-2008.

- The data collected from our contracted services shows that the top 6 languages requested may change based on type of interpretation service and from year to year.
- For example, the top 6 languages for in-person interpretation were American Sign Language, Spanish, Chinese, Korean, Albanian and French. The top 6 languages for phone interpretation were Spanish, Mandarin, Russian, Cantonese, Korean and Polish.
- Probation provided in-person interpretation services for 469 requests in 21 different languages from January 2007 thru December 2008 as shown below:

Table 2. In-person Interpretation by Language, Requests and Hours January 2007 - December 2008*

Language	Requests	% Total Requests	Hours	% Total Hours
1 ASL	212.00	45.2%	326.00	42.4%
2 Spanish	182.00	38.8%	309.00	40.2%
3 Chinese	29.00	6.2%	51.00	6.6%
4 Korean	11.00	2.3%	18.00	2.3%
5 Albanian	6.00	1.3%	11.00	1.4%
6 French	5.00	1.1%	8.00	1.0%
7 Russian	4.00	0.9%	8.00	1.0%
8 Urdu	4.00	0.9%	7.00	0.9%
9 Creole	2.00	0.4%	4.00	0.5%
10 Polish	2.00	0.4%	4.00	0.5%
11 Sinhalese	2.00	0.4%	2.00	0.3%
12 Arabic	1.00	0.2%	2.00	0.3%
13 Bangladesh	1.00	0.2%	1.00	0.1%
14 Chinese-Mandarin	1.00	0.2%	2.00	0.3%
15 Croatian	1.00	0.2%	4.00	0.5%
16 Fulani	1.00	0.2%	2.00	0.3%
17 Italian	1.00	0.2%	1.00	0.1%
18 Punjabi	1.00	0.2%	2.00	0.3%
19 Singhali	1.00	0.2%	2.00	0.3%
20 Tagalon-Filipino	1.00	0.2%	2.00	0.3%
21 Tai	1.00	0.2%	2.00	0.3%
Totals	469.00	100.0%	768.00	100.0%

* Excludes in-house interpreter staff



- During calendar year 2007, Probation provided phone interpretation for 1,879 requests in 24 different languages for a total of 33,050 minutes or 551 hours!

**Table 3. Language Line Services Telephonic Interpretation by Language
01/01/2007 thru 12/31/2007**

Language	Minutes	Total Calls	Avg Length of Call	Pct of Total Minutes
1 SPANISH	24355	1331	18.3	74%
2 MANDARIN	3275	257	12.7	10%
3 RUSSIAN	1211	77	15.7	4%
4 CANTONESE	1097	67	16.4	3%
5 KOREAN	690	30	23	2%
6 POLISH	656	29	22.6	2%
7 HAITIAN CREOLE	401	16	25.1	1%
8 ARABIC	329	22	15	1%
9 BENGALI	228	10	22.8	1%
10 VIETNAMESE	197	8	24.6	1%
11 FRENCH	139	7	19.8	0%
12 URDU	120	5	24	0%
13 PUNJABI	120	3	39.9	0%
14 THAI	61	1	60.8	0%
15 ITALIAN	58	3	19.2	0%
16 PORTUGUESE	24	1	23.7	0%
17 FUZHOU	20	1	20.3	0%
18 SERBIAN	19	2	9.3	0%
19 HINDI	17	2	8.3	0%
20 FULANI	14	2	6.8	0%
21 HAUSA	7	1	7.3	0%
22 JAPANESE	7	1	7.2	0%
23 TURKISH	5	2	2.7	0%
24 LAOTIAN	2	1	2.2	0%
Totals	33050	1879	18.7	100%

Roles and Responsibilities

- Our Language Services Coordinator keeps records of our language assistance services and receives regular usage reports from our vendors.
- Our new case management system (RCMS) maintains the primary language of our probationers and all requests made for language interpretation services.



IV. Implementation Plan Logistics

Organizational Commitment

Probation's language assistance services are up and running and have been implemented for over 10 years. Benchmarks to date consist of interpretation by telephone and in-person including American Sign Language (ASL). In addition, the agency has full-time interpreters on staff primarily for Spanish interpretation. Our language assistance services are given at no cost to the probationer.

Major Milestones

Probation provides on average about 175 phone interpretation services per month to its probation population. This is equal to about 3,000 minutes or 50 hours per month of language interpretation.

Probation also provides on average about 40 in-person interpretation services per month that equates to about 2200 minutes. (Excludes on-staff interpreters)

Roles and Responsibilities

- Our Assistant Commissioners, branch chiefs and directors in each borough are responsible for making sure that staff complies with our policy to communicate with probationers in their primary language.
- Assistant Commissioners, branch chiefs and directors also monitor the use of our language assistance contracts in their borough and make sure that language identification cards are posted and available.
- Our Language Services Coordinator keeps records of our language assistance services and along with other senior staff annually reviews and updates our policy.



V. Service Provision Plan

Interpretation Services

Probation is a public safety agency and therefore does not provide services to the general public as other agencies may. Our customers are individuals who have come into contact with the law and who have been sentenced by the court to probation.

DOITT Citywide Contract for Language Line and Other Vendors

Probation uses the DOITT Citywide contract for Language Line Services that provides the phone interpretation for our probationers. We also have contracts for Face-to-face Interpretation with Geneva Worldwide and Sign language Interpretation with Accurate Communication Incorporated.

Probation also has several full-time interpreters on staff, primarily for Spanish interpretation. Resources permitting we will maintain our current level of services.

Identifying Primary Language

Part of probation's mission, vision and goal is to assess risk, need and responsivity factors of its probationers. Language is a risk if there is a communication barrier. The need for language assistance services is therefore based on a needs assessment done upfront at court by our staff.

Once a case is assigned to a probation officer he/she links the probationer up with the appropriate language service. This deals with the responsivity factor of matching the probationer with the appropriate language provider e.g. a Haitian probationer with a French Creole speaking interpreter. Probationers can better understand what is expecting of them when it is presented in their primary language and the likelihood of compliance is increased.

Probation officers then track the provision of interpretation services through our case management system.

Translation of written material

Our essential documents come from the court and are legal in nature. We do not translate these. We do however emphasize use of interpretation services and



make sure that important information that affects the lives of our probationers and their families is communicated in the language they use the most.

All of our important interviews are done in the offender’s primary language, including our court investigations, intake, and first supervision interview and any other where a violation of the language of the court order will be discussed.

Where English is not the primary language of the probationer an interpreter is provided to both translate and explain the conditions of the court and probation and to convey other vital information such as disciplinary action, violation hearings, and referrals to programs.

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 probationers from the computer monitor in their office. (See below figure)

Figure 4. Language Identification Card

Language	Do you speak ...?	Please be seated. I will call an interpreter for you.
Hindi	आप आंग्ल हिन्दी बोलते हैं?	कृपया बैठ जाइए। मैं आपके लिए मुफ्त में व्याख्याकार लाऊंगा/लगाऊंगी।
Italian	Parla Italiano?	Prego, si accomodi e attenda mentre Le chiamo un interprete.
Khmer	តើអ្នកនិយាយភាសាអង់គ្លេស?	សូមអង្គុយរង់ចាំ ខ្ញុំនឹងទូរស័ព្ទអ្នកបកប្រែ។
Korean	한국어를 사용하십니까?	앉으십시오. 통역사를 불러드리겠습니다.
Nigerian (Ibo)	Ine asu Igbo?	Biko nodi ani. Agam akpotaraigi onye itapriita.
Polish	Czy mówisz po polsku?	Proszę usiąść. Poproszę o tłumacza dla Ciebie.
Punjabi	ਤੁਸੀਂ ਆਂਗਲੋ ਬੋਲਦੇ ਹੋ ?	ਤੁਸੀਂ ਬੈਠੋ ਜੋ ਟਰਾਂਸਲੇਟਰ ਆਉਣਗੇ।
Romanian	Vorbiiți românește?	Vă rog. Luați loc. O să vă obțin traducător.
Russian	Вы говорите по-русски?	Просьба сесть, пожалуйста. Я сейчас позову переводчика, который вам поможет.
Spanish	¿Habla español?	Tome asiento, por favor. Llamaré a un intérprete para que lo ayude.
Tagalog	Nagsasalita ka ba ng Tagalog?	Mauupo ka. Tatawag ako ng tagapagpapalwanag para sa iyo.
Urdu	کیا آپ اردو بولتے ہیں؟	کریجئے جالیں۔ میں آپ کے لیے موبائل پر کسی ترجمان کو بلاؤں گا/لگاؤں گی۔
Vietnamese	Anh/chị nói tiếng Việt phải không?	Xin mời ngồi chễm. Tôi sẽ gọi người thông dịch cho anh/chị.
Yiddish	וועסטו שפּאַן?	ביטע זעצן און אַרבעטן אַן דער וואַרטערשטעלער פאַר אונדז.
Hearing impaired	If you need an interpreter in Sign Language, please point here.	



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

Training on Language Access

Probation officers are informed about language access services at the Fundamentals Training that takes place at the initial hire of incoming officer classes.

The Fundamentals Training covers assessing risk, need and responsivity factors that includes the ability to identify the need for language assistance services based on a needs assessment.

The Language Line Services provides online training and each PO is provided with a Palm Card explaining how the services are accessed.

Supervisory and managerial staffs are knowledgeable about our language assistance services as part of their task and standards and disseminate this information to staff on a month-to-month basis during supervisory staff meetings.

Electronic Forms

The following forms are available to probation staff on the agency's Intranet:

- Sign-Language Interpreter - Sign-in Sheet - Form 7004
- Request For Language Interpreter - Form 7002
- DOP Telephonic Language Line Log
- Interpreter Services - Telephonic Language Services
- Interpreter Services - Language Identification Card

Cultural Competency Training

Seven years ago the current administration instituted Cultural Competency Training for all probation staff. The state requires 21 hours of annual training that now includes the cultural competency curriculum developed by NYC Probation.

Rationale

The rationale of the training is that probation staff supervises people who come from diverse cultural backgrounds. The policy of the agency is that staff becomes culturally competent in their supervision of probationers and embraces an "acceptance" of the community in which the probationer resides.



Performance Objectives

The performance objectives are that as a result of the course, probation staff will be able to:

- Identify and develop a strength-based approach to diversity.
- Describe how to interact with probationers in a culturally competent manner including language needs.
- Being able to connect with the client efficiently and effectively – knowing what skills work and which skills do not.
- Discuss the meaning of ethics and the major factors of ethical behavior.

Target Audience

Probation officers, Supervising Probation Officers, Branch Chiefs, Court Liaison supervisors and officers, support staff and Field Interpreters.



VII. Record Keeping and Evaluation

Quality Assurance

Probation utilizes performance evaluations to gauge language access effectiveness. This includes supervisory reviews of language service provision, field interpreters, and record keeping.

Our Language Services Coordinator routinely reviews vendor voucher submissions and compares to internal documentation, and tracks agency usage of these services.

Record Maintenance

Our new case management system (RCMS) maintains the primary language of our probationers and all requests made for language interpretation services. (See figures 2 and 3 above, p. 6-7)

Our Language Services Coordinator keeps records of our language assistance services and receives regular usage reports from our vendors.

Compliance with Executive Order 120

The agency will continue to enforce and monitor its policy that requires that important information that affects the lives of our probationers and their families be communicated in the language they use the most.

Probation will annually review its language access policy and language services provision.



VIII. Resource Analysis and Planning

Current Agency Resources

Probation will continue to offer language assistance services to the best of its ability and as resources allow. Currently services include contracts to provide interpretation by telephone and in-person including American Sign Language (ASL). In addition, the agency has 2 full-time interpreters on staff primarily for Spanish interpretation. Our language assistance services are free to the probationer.

Existing Contracts for Services

Probation uses the DOITT Citywide contract for Language Line Services that provides the phone interpretation for our probationers. We also have contracts for Face-to-face Interpretation with Geneva Worldwide and Sign language Interpretation with Accurate Communication Incorporated.