



# City of New York

## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## AUDITS & SPECIAL REPORTS

**Marjorie Landa**

Deputy Comptroller for Audit

Audit Report on the Compliance of the  
New York City Office of Chief Medical  
Examiner with Executive Order 120  
Regarding Limited English Proficiency

SZ15-108A

June 26, 2015

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
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SCOTT M. STRINGER  
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June 26, 2015

To the Residents of the City of New York:

My office has audited the Office of Chief Medical Examiner (OCME) to determine whether OCME is in compliance with Executive Order 120 (EO 120), which requires that City agencies that provide direct services to the public create a language access implementation plan for City residents with limited English proficiency ("LEP") in order to ensure meaningful language access to their services. With almost 46 percent of the City's population limited in English language proficiency, interacting with City government can be a challenge for many New Yorkers. We audit City agencies such as this as a means of ensuring they are complying with applicable laws and regulations and providing residents access to important City services.

OCME is responsible for, among other things, investigating cases of persons who die in New York City from criminal violence, by accident, suddenly when in apparent health, when unattended by a physician, in a correctional facility, or in any suspicious or unusual manner. OCME also approves all applications made by a funeral director or other appropriate person pursuant to law for a permit for a cremation.

This audit found that OCME generally complied with EO 120 and that it has made substantial progress in providing meaningful language access to the agency's services for LEP customers. However, OCME's Language Access Policy and Implementation Plan has not been updated since 2008.

The report recommends that OCME update its Language Access Policy and Implementation Plan to ensure that it adequately meets the language needs of the communities it serves by taking advantage of the studies available since the plan was implemented in 2008. In addition, OCME should post its updated Language Access Policy and Implementation Plan and all subsequent updated plans on its website.

The results of the audit have been discussed with OCME officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

Scott M. Stringer

# TABLE OF CONTENTS

<b>AUDIT REPORT.....</b>	<b>1</b>
Background .....	1
Objective.....	3
Scope and Methodology Statement.....	3
Discussion of Audit Results .....	3
<b>FINDING AND RECOMMENDATION.....</b>	<b>4</b>
OCME Did Not Update Its Language Access and Implementation Plan.....	4
Recommendation .....	4
<b>DETAILED SCOPE AND METHODOLOGY.....</b>	<b>5</b>
<b>APPENDIX I</b>	
<b>APPENDIX II</b>	
<b>ADDENDUM</b>	

# **THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS & SPECIAL REPORTS**

## **Audit Report on the Compliance of the New York City Office of Chief Medical Examiner with Executive Order 120 Regarding Limited English Proficiency**

**SZ15-108A**

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### **AUDIT REPORT**

#### **Background**

With more than four million foreign-born residents from more than 200 different countries, New York is home to one of the most diverse populations in the world. New Yorkers come from every corner of the globe and speak over 200 different languages. Over 75 percent of all New Yorkers speak a language other than English at home, and almost 46 percent, or 1.8 million people, are limited in English proficiency. For these New Yorkers, interacting with City government can often be a challenge.

Local Law 73 was enacted in 2003 for the purpose of enhancing the ability of City residents with Limited English Proficiency (“LEP”) to interact with City government and, more specifically, to obtain needed social services. The law applies to four social service agencies: the Human Resources Administration; the Department of Homeless Services; the Administration for Children’s Services; and the Department of Health and Mental Hygiene. It requires that free language assistance services be provided for clients at job centers and food stamp offices, and when they seek to obtain other services from any of those four City agencies.

In July 2008, Mayor Bloomberg signed Executive Order 120 (“EO 120”), which requires all City agencies to provide opportunities for limited English speakers to communicate with City agencies and receive public services. EO 120 specifically requires City agencies providing direct public services to ensure meaningful access to those services to LEP persons. To accomplish this, EO 120 requires these agencies to develop and implement agency-specific language assistance plans for LEP persons.

Specifically, EO 120 requires each agency to:

- Designate a Language Assistance Coordinator within 45 days of the date of EO 120 to oversee the creation and execution of an agency-specific internal language access policy and implementation plan.
- Develop such a plan by January 1, 2009, using a four-factor analysis based on guidance issued by the U.S. Department of Justice including: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come in contact with the agency; the importance of the benefit, service, information, or encounter to the LEP person; and the resources available to the agency and the costs of providing various types of language services.
- Provide services in languages based on at least the top six LEP languages spoken by the population of New York City, as those languages are determined by the Department of City Planning, based on United States Census data, and as those languages are relevant to services offered by each agency. The designated top six LEP languages spoken by the population in New York City are Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.
- Ensure that the language access policy and implementation plan includes: identification and translation of essential public documents; interpretive services, including telephone interpretation for the top six languages and others as appropriate; training of frontline workers on language access policies; posting of signage in conspicuous locations about the availability of free interpretation services; establishment of an appropriate monitoring and measurement system regarding the provision of agency language services.

EO 120 references the New York City Charter requirement that the Mayor's Office of Operations ("Operations") coordinate the provision of language services to the public and provide technical assistance to City agencies providing such services. The Mayor's Office of Immigrant Affairs ("MOIA") is responsible for promoting immigrants' access to City services by developing appropriate policies and outreach programs to educate immigrant and foreign language speakers about such services.

This audit focuses on whether the New York City Office of Chief Medical Examiner ("OCME") has complied with EO 120. OCME is responsible for, among other things, investigating cases of persons who die in New York City from criminal violence, by accident, by suicide, suddenly when in apparent health, when unattended by a physician, in a correctional facility, or in any suspicious or unusual manner. OCME also approves all applications made by a funeral director or other appropriate person pursuant to law for a permit to cremate the body of a person.

When the body of a deceased individual is brought to OCME, family members and other members of the public visit OCME to identify the deceased and obtain additional information. The visitors are greeted by a member of OCME's Identification Unit staff, who conducts an interview and provides additional assistance. In cases where the visitors are non-English speaking, they will require interpretation or translation services that must be provided by OCME under the EO120



## Objective

The objective of the audit was to determine whether OCME is in compliance with EO 120, which requires that City agencies that provide direct services to the public create a language access implementation plan in order to ensure meaningful language access to their services.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

To achieve our audit objective, we reviewed OCME's Language Access Plan and other pertinent documents, interviewed key OCME personnel, and conducted site visits (between April 27 and May 6, 2015) at five OCME locations that provide public services. Please refer to the detailed scope and methodology at the end of this report for the specific procedures and tests that were conducted.

## Discussion of Audit Results

The matters covered in this report were discussed with officials from OCME and Operations during and at the conclusion of this audit. On June 12, 2015, we submitted a draft report to OCME with a request for written comments. We received a written response from OCME on June 19, 2015. In their written response, OCME officials generally agreed with the audit's finding and recommendation, stating: "In accordance with the audit's sole recommendation that OCME update its Language Access Policy and Implementation Plan and post the updated plan to our website, we completed this step on Wednesday, June 17, 2015. . . . Subsequent updated plans will also be posted to the website as recommended."

The full text of OCME's response is included as an addendum to this report.

## **FINDING AND RECOMMENDATION**

We found that OCME generally complied with EO 120 and that it has made substantial progress in providing meaningful language access to the agency's services for LEP customers. Appendices I and II contain details of the specific items we tested and the results of our tests.

### **OCME Did Not Update Its Language Access and Implementation Plan**

OCME has a Language Access Policy and Implementation Plan it created in 2008. However, it has not updated that plan since 2008. EO 120 requires that the Language Access Policy and Implementation Plan be updated to ensure that it conforms to the most recent data available from United States Census Bureau.

#### **Recommendation**

OCME should update its Language Access Policy and Implementation Plan to ensure that it adequately meets the language needs of the communities it serves by taking advantage of the studies available since the plan was implemented in 2008. For example, the United States Census Bureau recently published a report entitled "Changing Face of New Residents," which gives a breakdown of percentages of new immigrants to the United States based on a 2013 American Community Survey. This report includes community-specific data on population growth which is posted on the Census Bureau's website. In addition, OCME should post its updated Language Access Policy and Implementation Plan and all subsequent updated plans on its website.

## DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, § 93, of the New York City Charter.

We reviewed OCME's Language Access Plan and other pertinent documents, interviewed key OCME personnel, and conducted site visits (between April 27 and May 6, 2015) at five OCME locations that provide public services

To achieve our objectives, we performed the following:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed OCME's Language Access Policy and Implementation Plan;
- Created Compliance Checklists to assess OCME's compliance with EO 120;<sup>1</sup>
- Conducted interviews with OCME's designated Language Access Coordinator and other staff members;
- Reviewed and assessed whether OCME's language assistance plan was developed in accordance with EO 120, using the required four-factor analysis;
- Tested whether OCME provided public services in at least the top six LEP languages spoken by the New York City population;
- Obtained and reviewed documentation and assessed whether OCME identified and translated essential public documents provided to or completed by the public;
- Tested whether interpretation services, including the use of telephonic interpretation services, are available;
- Obtained training materials and/or written policies and procedures;
- Visited all five OCME locations (one in each borough) between April 27 and May 6, 2015, and observed whether signs indicating that free interpretation services were available and whether signs were displayed in conspicuous locations throughout the office;
- Assessed whether OCME established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether OCME created appropriate public awareness strategies for the agency's service population.

In addition, we conducted various audit tests as noted in Appendix II.<sup>2</sup>

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<sup>1</sup> See Appendix I for the complete list.

<sup>2</sup> See Appendix II for further descriptions of the tests we conducted.



## LEP COMPLIANCE CHECKLIST

Question	Auditor's Assessment	Auditor's Comments
1. Does OCME provide direct public services?	Yes	OCME provides direct public services citywide.
2. Does OCME have a Language Access Policy and Implementation Plan, and when was it instituted?	Yes	OCME has a Language Access Plan dated July 2008. The plan is available online to the public.
3. Does OCME have a Language Access Coordinator?	Yes	OCME's Director of Public Affairs is the designated Language Access Coordinator.
4. Did the Language Access Coordinator oversee the creation of the Language Access Policy and Implementation Plan?	No	The plan was created under OCME's previous Director of Public Affairs.
5. Did the Language Access Coordinator oversee the execution of the Language Access Policy and Implementation Plan?	Yes	OCME's language coordinator oversees the execution of the Language Access Plan in collaboration with OCME's Division of Legal Affairs.
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	OCME's language coordinator monitors the progress of the Language Access Plan during regular meetings.
7. Did OCME develop the plan using the four-factor analysis?	Yes	During our interview, OCME's Language Access Coordinator stated that she is in the process of updating a current plan using the U.S. Department of Justice's four factor analysis.
8. Does OCME provide services in languages based on at least the top six NYC LEP languages?	Yes	Pursuant to OCME's Language Access Plan, OCME provides services in the top six NYC LEP languages. In addition, pursuant to a DCAS citywide contract with Language Line Services, Inc., OCME has the ability to provide documentation translation and phone interpretation services in over 170 languages.
9. Does OCME identify and translate their "essential public documents?"	Yes	OCME's Language Access Plan identifies its essential documents for translation into the top six LEP languages. Translated documents are available on OCME's website.

## LEP COMPLIANCE CHECKLIST

10. Does OCME provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Yes	Pursuant to the citywide contract with the Language Line Services, Inc., OCME is able to provide interpretation services in over 170 languages, including the top six LEP Languages.
11. Does OCME train its frontline workers and managers on language access policies and procedures?	Yes	During the site testing, the OCME employees interviewed were familiar with the Language Line policy and the procedures to be followed when conducting interpretation and translation services.
12. Are there any signs or postings in OCME regarding free available language assistance?	Yes	During site testing, we observed “Free Interpretation Services Available” signs posted in the agency’s public/common areas, office areas, and interview rooms, except for the Staten Island location which did not have any signs displayed in the public/common areas.
13. Did OCME establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Yes	OCME monitors the provision of agency language services by reviewing invoices from the vendors that provide translation and interpretation services. We reviewed the invoices and verified that the bills do identify each call, the duration, the language translated, and the cost of each.
14. Did OCME create public awareness strategies for language services?	Yes	OCME provides notification to the public of available services via signs at the public service centers and OCME’s website. The documents available include awareness strategies in the top six LEP languages.
15. Did Operations provide technical assistance to OCME?	No	The Language Access Coordinator mentioned that no technical assistance was requested from Operations.

## LEP TESTS CONDUCTED

Test	Criteria For Evaluation	Auditors' Assessment
1. Anonymous phone calls.	<ul style="list-style-type: none"> <li>Was a staff person able to respond to the call in the language of need, or else able to transfer the call to another staff person or a telephonic Interpreter service?</li> </ul>	Yes. OCME's main public access line, which is 311, is able to provide telephonic interpreter services in the top six LEP languages.
2. Is the website accessible in languages other than English?	<ul style="list-style-type: none"> <li>Public information was available in languages other than English.</li> </ul>	Of the 34 languages listed on OCME's website, we sampled and successfully translated the top six languages spoken in New York City.
3. Make site visits to OCME locations, meet with front line workers and evaluate in-person procedures for language accommodation.	<ul style="list-style-type: none"> <li>Frontline workers were able to provide language assistance services either directly or through a tool/procedure such as "I Speak" cards and placing a call to an interpreter to provide language assistance.</li> <li>Signage was posted notifying customers of their right to free language services.</li> </ul>	<p>OCME's frontline workers were familiar with the procedures for using the language assistance lines.</p> <p>There was signage posted notifying customers of their right to free language interpretation services.</p>
4. Translate "You Have a Right to Free Interpretation" posters.	<ul style="list-style-type: none"> <li>Did the poster state that free translation and interpretation services were available?</li> </ul>	Each of the languages on the poster was translated and accurately reflect that free translation and interpretation services were available.



**NYC**  
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June 19, 2015

**By Electronic Mail**

Marjorie Landa, Deputy Comptroller for Audit  
 Office of the Comptroller  
 1 Centre Street, Room 1100  
 New York, NY 10007

RE: Draft Audit Report on the Compliance of the New York City Office of Chief Medical Examiner to Executive Order 120 Regarding Limited English Proficiency  
 SZ15-108A

Dear Ms Landa:

Thank you for sharing a copy of the draft report on the compliance of the Office of Chief Medical Examiner (OCME) with Executive Order 120 regarding Limited English Proficiency. OCME is committed to ensuring that limited English proficiency is not a barrier to receiving effective services, and we appreciate this opportunity to review and comment in advance of the public release of the report.

In accordance with the audit report's sole recommendation that OCME update its Language Access Policy and Implementation Plan and post the updated plan to our website, we completed this step on Wednesday, June 17, 2015. The updated plan is posted at [http://www.nyc.gov/html/ocme/downloads/pdf/lap\\_ocme.pdf](http://www.nyc.gov/html/ocme/downloads/pdf/lap_ocme.pdf). As your report recommends, the June 2015 plan incorporates information from studies conducted since the plan was initially created in 2008, including data from the U.S. Census Bureau's 2013 American Community Survey. Subsequent updated plans will also be posted to the website, as recommended.

In addition, concerning the audit's finding that our Staten Island location did not have signage in its public areas about the availability of free language assistance, the signage has now been posted. We will continue to monitor the presence of signage at locations where we serve the public, in order to ensure that all New Yorkers who need our services have meaningful access.

Once again, thank you for the opportunity to participate in dialogue throughout the course of this audit. If you have any further questions about Language Access and OCME, please contact Julie Bolcer, Director of Public Affairs and Language Access Coordinator, at (212) 447-2042.

Sincerely,

Barbara A. Sampson, M.D., Ph.D.

c: Ernestine Rivers-Merritt, Audit Manager, Comptroller's Office  
 Julie Bolcer, Director of Public Affairs and Language Access Coordinator, OCME  
 Florence Hutner, General Counsel, OCME