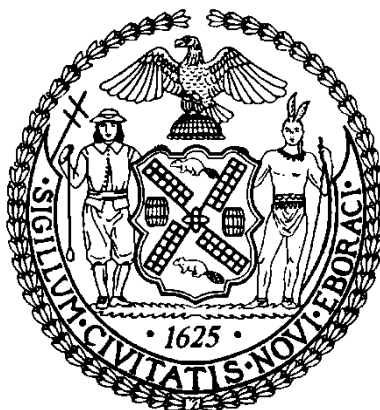


**CITY OF NEW YORK
OFFICE OF THE COMPTROLLER**

**John C. Liu
COMPTROLLER**

IT AUDIT and RESEARCH

**H. Tina Kim
Deputy Comptroller for Audit**



**Audit Report on the Adherence of the
New York City Civilian Complaint Review
Board to Executive Order 120 Concerning
Limited English Proficiency**

7R10-154A

November 26, 2010



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

John C. Liu
COMPTROLLER

November 26, 2010

To the Residents of the City of New York:

My office has audited the New York City Civilian Complaint Review Board (CCRB) to determine whether CCRB has complied with Executive Order 120 (EO 120).

EO 120 requires public-facing agencies to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plans in place by January 1, 2009.

The audit found that CCRB is in the process of implementing a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where CCRB was partially in compliance with EO 120 and its efforts should be enhanced to provide better services to LEP persons. We found that CCRB did not develop its Language Access Policy and Implementation Plan timely; identify and provide for the translation of essential public documents; and provide frontline workers formal LEP training. In addition, the monitoring and measurement of language access services and public outreach endeavors can be strengthened.

The results of the audit have been discussed with CCRB and the Mayor's Office, and their comments have been considered in preparing this report. Their complete written responses are attached to this report.

If you have any questions concerning this report, please e-mail my audit bureau at audit@Comptroller.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "JCL".

John C. Liu

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*The City of New York
Office of the Comptroller
IT Audit & Research*

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New York City Civilian Complaint Review
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AUDIT REPORT IN BRIEF

We performed an audit of the New York City Civilian Complaint Review Board's (CCRB) compliance with Executive Order 120 (EO 120). CCRB is an independent and non-police mayoral agency. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. Investigations are conducted by the board's investigative staff, which is composed entirely of civilian employees. Complaints may be made by any person whether or not that person is a victim of, or witness to, an incident. Dispositions by the board on complaints are forwarded to the police commissioner. As determined by the board, dispositions may be accompanied by recommendations regarding disciplinary measures.

EO 120 requires city agencies that provide direct public services to develop and implement language access policy and implementation plans to accommodate Limited English Proficiency (LEP) persons. Agencies were required to have their plan in place by January 1st, 2009. In implementing a program of language assistance, EO 120 requires that each agency designate a Language Access Coordinator to oversee the creation and execution of the agency's language access policy and implementation plan; conduct a population needs assessment utilizing guidelines from the U.S. Department of Justice; train front line staff; establish an appropriate monitoring and measurement system; and provide free language assistance based on at least the top six LEP languages¹ spoken in the City (as determined by the NYC Department of City Planning), including the identification and translation of essential public documents, telephonic and on-site interpretation services, and posting of signage notifying the public of their rights to access these services free of cost.

Our fieldwork was conducted from July 2010 to August 2010, a year and a half after the deadline by which agencies' were required to have completed their language access policy

¹ The designated top six LEP languages spoken by the population in New York City are: Spanish, Chinese, Russian, Korean, Italian, and Haitian Creole.

and implementation plans (see Compliance Chart in Appendices I and II of the Audit Report). As the Executive Order calls for the Mayor's Offices of Operations (Operations) and Immigrant Affairs (MOIA) to play a leadership role overseeing agencies' language access initiatives, and to provide technical assistance and promote access to LEP customers through public outreach in its statute, we also included a review of the Mayor's Office's oversight efforts in our audit scope.

Audit Findings and Conclusions

CCRB was generally in compliance with EO 120 where it is mandated to ensure meaningful access of agency resources to LEP persons. CCRB is in the process of implementing a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where CCRB was partially in compliance with EO 120 and its efforts should be enhanced to provide better services to LEP persons.² We found that CCRB did not: develop its Language Access Policy and Implementation Plan timely; identify and provide for the translation of essential public documents; and provide frontline workers formal LEP training. In addition, the monitoring and measurement of language access services and public outreach endeavors can be strengthened.

Audit Recommendations

This report makes a total of 9 recommendations. To address the issues we found during this audit, the New York City Civilian Complaint Review Board should:

1. Adhere to the timeline as it appears in their current Language Access Policy and Implementation Plan.
2. Identify and translate essential public documents to accommodate LEP customers in all essential languages.
3. Translate its website in at least the top six languages and revise its information brochure to include information on language services available to LEP persons.
4. Develop a formal training program for its frontline workers, interpreters and translators instructing them in the procedures in handling limited English proficient persons.
5. Adhere to its goals of incorporating into the complaint tracking system (CTS) an indicator of LEP complainants, and developing and implementing means for evaluating the quality of the services it provides to LEP individuals.

² It should be noted that while not initially identified as one of the original public-facing city agencies, CCRB has recently formalized its language access efforts by developing a Language Access & Implementation Plan and will utilize language access resources coordinated by the Mayor's Office (such as Language Access Coordinator Quarterly Meetings) in an effort to comply with EO 120.

6. Ensure that community groups, organizations, and neighborhoods that serve LEP individuals are made aware of the agency's provision of language services available to LEP persons.

To address other issues we found during this audit, the Mayor's Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met.
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done.
9. What agencies plan to do in the future to meet or enhance their LEP plans.

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INTRODUCTION

Background

New York with more than 3 million foreign-born residents from more than 200 different countries 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. Nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent, or 1.8 million persons, are limited in English proficiency. For these New Yorkers, interacting with City Government can often be a challenge.

Local Law 73 and Executive Order 120

This Law's purpose was to enhance the ability of City residents with LEP to interact with city government and more specifically to obtain needed social services. The law pertains to four social service agencies: Human Resources Administration, Department of Homeless Services, Administration for Children's Services and the Department of Health and Mental Hygiene. The law requires free language assistance services be provided for clients at job centers, food stamps offices, and in obtaining other services.

In response to Local Law 73, Mayor Bloomberg, in July 2008, signed EO 120. EO 120 required all City agencies to provide opportunities for limited English speakers to communicate and receive public services. EO 120 requires all City agencies that provide 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 regarding LEP persons.

In implementing a program of language assistance EO 120 requires that each agency shall:

- Designate a Language Access Coordinator within 45 days of the date of EO 120 to oversee the creation, and the execution of an agency specific internal language access policy and implementation plan.
- Develop such language access policy and implementation plan by January 1, 2009 using a four factor analysis 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; postage 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 notes that the New York City Charter provides that the Mayor's Office of Operations (Operations) shall coordinate the provision of language services to the public and provide technical assistance to City agencies in providing such services. The Mayor's Office of Immigrant Affairs (MOIA) is responsible for promoting access to City services by immigrants through developing appropriate policies and outreach programs to educate immigrant and foreign language speakers of such services.

The Customer Service Group (CSG) of Operations, in partnership with MOIA, plays a leadership role overseeing various language access initiatives undertaken to support agencies' compliance with EO 120. CSG established quarterly Language Access Coordinator meetings and developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; the Office reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. Additional initiatives developed and coordinated by Operations to support agencies' compliance with EO 120 include the Language Access Gateway, an online portal that allows translated documents to be stored in one central location, and NYCertified, a citywide program for multilingual city employees who volunteer their language skills to provide translation and/or interpretive services to LEP customers.

Civilian Complaint Review Board

The New York City Civilian Complaint Review Board (CCRB) is an independent and non-police mayoral agency. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against New York City police officers which allege the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. Investigations are conducted by the board's investigative staff, which is composed entirely of civilian employees. Complaints may be made by any person whether or not that person is a victim of, or witness to, an incident. Dispositions by the board on complaints are forwarded to the police commissioner. As determined by the board, dispositions may be accompanied by recommendations regarding disciplinary measures.

Objective

The objective of this audit is to determine whether CCRB has complied with Executive Order 120.

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.

Our fieldwork was performed from July 2010 to August 2010. To achieve our audit objectives we:

- Reviewed EO 120 and Local Law 73;
- Reviewed and analyzed CCRB's Language Access Policy and Implementation Plan;
- Created Compliance Charts to assess CCRB's compliance with EO 120³;
- Interviewed agency officials involved, specifically the designated Language Access Coordinator;
- Interviewed officials from the MOIA and Operations and reviewed documents requested;
- Asked the agency to respond to the "Checklist for EO 120" which outlines a series of questions corresponding with the requirements for providing language access as described in EO 120 (agency's response is included as part of Appendix I);

³ See Appendix I for the complete list

- Conducted various audit procedures as noted below⁴;
- Reviewed and analyzed the draft Language Access Policy and Implementation Plan;
- Tested whether CCRB provided public services in at least the top six LEP languages spoken by the population of New York City;
- Obtained documentation and assessed whether CCRB 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;
- Tested whether training of frontline workers and managers on language access policies and procedures is being done;
- Obtained training materials and/or written policies and procedures, conducted interviews with CCRB's staff members;
- Tested whether posting of signage in conspicuous locations about the availability of free interpretation services is being done by visiting office locations to determine if the signage was posted;
- Assessed whether CCRB established an appropriate monitoring and measurement system regarding the provision of agency language services; and
- Assessed whether CCRB created appropriate public awareness strategies for that agency's service population.

Discussion of Audit Results

The matters covered in this report were discussed with officials from CCRB, MOIA and Operations, during and at the conclusion of this audit. A preliminary draft report was sent to CCRB, MOIA, and Operations officials and discussed at an exit conference held on September 30, 2010. On October 18, 2010, we submitted a draft report to CCRB, MOIA, and Operations officials with a request for comments. We received CCRB's response on November 1, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report. We received Operations' and MOIA's joint response on November 1, 2010, which generally agreed with our findings and recommendations. Their response is included in the addendum of this report.

⁴ See Appendix II for further descriptions of the tests we conducted

FINDINGS AND RECOMMENDATIONS

CCRB was generally in compliance with EO 120 where it is mandated to ensure meaningful access of agency resources to LEP persons. CCRB is in the process of implementing a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where CCRB was partially in compliance with EO 120 and its efforts should be enhanced to provide better services to LEP persons.

Language Access Policy and Implementation Plan is Not Timely

EO 120 states that “each agency shall develop such language access policy and implementation plan by January 1, 2009”. We found that currently there is a formal Language Access Plan on CCRB’s website. However, at the entrance conference for this audit held on July 22, 2010, the auditors were only given a draft version of this Plan. At that time CCRB did not have an anticipated date as to when this document would be finalized. The plan posted on CCRB’s website also contains a timeline listing steps to be executed up to December 2010.

Does Not Identify and Provide for the Translation of Essential Public Documents

EO 120 states that the Language Access Plan should identify essential public documents to be translated to accommodate LEP customers. We found that CCRB’s translated documents are mostly in Spanish (with the exception of the CCRB information brochure which is available in English, Spanish, Chinese, and Arabic). In fact, CCRB’s plan states that it “intends to utilize its vendors to translate its brochures into three additional languages, Korean, Russian, and Haitian Creole”. Additionally, the brochure itself does not mention of any language services available to LEP persons. Finally, CCRB’s website is only available in English.

Frontline Workers Do Not Receive Formal LEP Training

EO 120 requires the “training of frontline workers and managers on language access policies and procedures”. At the entrance conference for this audit, we were told by the Language Access Coordinator that there is no formal training program. Instead their preference is to hire people with knowledge of a second language and that the CCRB investigative manual contains information about language access policies and procedures. We found that CCRB’s current plan’s timeline lists August 2010 as the date to “Distribute “I Speak” cards⁵ to Security Staff in the lobby of 40 Rector Street and meet with staff to discuss language access”.

Monitoring and Measurement of Language Access Services Can be Strengthened

EO 120 states that the Language Access Plan should include the “establishment of an appropriate monitoring and measurement system regarding the provision of agency language services”. We found that CCRB does not currently collect all data regarding its language services. However, as stated in the current plan CCRB intends to “Incorporate into the complaint tracking system (CTS) an indicator of LEP complainants”. The Plan also states “The CCRB will

⁵ “I Speak . . .” cards are designed as a tool for staff to use to identify the foreign language that a LEP person speaks, reads or understands upon initial contact with a LEP customer.

also develop and implement means for evaluating the quality of the services it provides to LEP individuals”.

Public Outreach Can Be Improved

EO 120 requires the “creation of appropriate public awareness strategies for the agencies’ service population”. CCRB has not provided sufficient public outreach efforts to ensure that LEP customers are made aware of its efforts to provide language assistance. Regarding outreach and public awareness, CCRB’s current plan states that the “outreach program has identified several community groups, organizations and neighborhoods that serve LEP individuals. The agency will begin informing these groups and organizations of the availability of its free services to LEP individuals”.

OTHER ISSUES

The Comptroller’s Office recognizes the efforts of the Mayor’s Office in pursuing these initiatives to provide New York City with its own language access policy to enhance civil rights protection. The Comptroller’s Office would like to acknowledge that the Operations and MOIA have taken the initial steps in language access initiatives that have resulted in providing LEP customers access to services. Since the execution of EO 120 in 2008, the Mayor’s Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order. However, as our audits of the LEP program demonstrate more must be done to ensure meaningful access to direct public services from the City to LEP residents. The Comptroller’s Office has observed areas where oversight and coordination efforts can be strengthened to achieve greater LEP access to government services.

Enhancements to Executive Order 120

EO 120 could be updated to require that Operations provide more oversight accountability over agencies. For example, EO 120 does not include any consequences for not complying with its provisions. In addition Operations has little authority to require that agencies meet the current milestones listed in their language access plan or meet or develop future milestones for long-term implementation of the plan.

EO 120 does not require an agency to publish an annual report that would describe the steps the agency has already taken to achieve compliance, it does not mention what performance indicators should be used to report agency compliance, nor does it mention how often these indicators would be reported. As a result, as of now, no LEP indicators have been included in the Mayor’s Management Report since the execution of EO 120.

EO 120 only includes City agencies, but not contractors that work with the City. Any contractor that provides direct access to the public should also be included in EO 120 requirements.

Information Received from Agencies is Difficult to Corroborate

CSG developed a quarterly reporting system to track agencies' progress in achieving the milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress. CSG also developed training guidance on language access policies and procedures and cultural sensitivity. We found that CSG does not corroborate the information submitted to them by LEP agencies, as well as, data received from other agencies. CSG explained that the systems cannot be integrated into the MMR, and although LEP agencies provide CSG with information on how many people use Language Line⁶ (for example), it is difficult to make everything uniform because of the different needs, resources, tools and availability of information at each agency.

RECOMMENDATIONS

To address the issues we found during this audit, the New York City Civilian Complaint Review Board should:

1. Adhere to the timeline as it appears in their current Language Access Policy and Implementation Plan.

CCRB's Response: "The CCRB intends to adhere to the timeline in its Language Access Plan. The only obstacle to this goal would be . . . lack of funds necessary to complete certain projects."

2. Identify and translate essential public documents to accommodate LEP customers in all essential languages.
3. Translate its website in at least the top six languages and revise its information brochure to include information on language services available to LEP persons.

CCRB's Response to Recommendation 2 and 3: ". . . the CCRB's funding has been cut by approximately \$3,000,000 over the last three years, and future significant cuts are imminent. For a small agency, these cuts are devastating to our services and hard resource allocation decisions must be made. At this juncture, in light of the future cuts, the agency is not able to divert funds supporting its core mission to accomplish recommendations two and three. Moreover, translation of CCRB documents is a skilled and expensive task as legal, police and administrative terms must be translated into plain English and then into another language."

⁶ Language Line provides a telephonic interpretation service that allows staff to communicate with customers in over 170 languages. Language Line interpreters serve as a communications conduit between agency staff and limited English proficient customers through a three-way call function. Language Line staff can also assist employees identify a customer's foreign language.

4. Develop a formal training program for its frontline workers, interpreters and translators instructing them in the procedures in handling limited English proficient persons.

CCRB's Response: “. . . training on how to handle civilians with limited English proficiency is part of the CCRB's training of new investigators. The CCRB's Language Access coordinator has developed a training agenda tailored to the needs of the CCRB. The training includes an overview of LEP, the LEP population in NYC, the specifics of the CCRB population, federal, state and city protections, the CCRB LEP plan, and guidelines on how to conduct investigative work with LEP complainants and interpreters.”

5. Adhere to its goals of incorporating into the complaint tracking system (CTS) an indicator of LEP complainants, and developing and implementing means for evaluating the quality of the services it provides to LEP individuals.

CCRB's Response: “By December 2010, the CCRB will incorporate into its complaint tracking system an indicator for the provision of in-house and outsourced translation services.”

6. Ensure that community groups, organizations, and neighborhoods that serve LEP individuals are made aware of the agency's provision of language services available to LEP persons.

CCRB's Response: “The CCRB has and will continue to advise audiences for its outreach presentations that language access services are available free of charge.”

To address other issues we found during this audit, the Mayor's Office of Operations should revise EO 120 to include:

7. A list of consequences an agency would face if its milestones for plan deadlines are not met.
8. Requiring agencies to produce Annual Reports that contain details of what agencies have already done.
9. What agencies plan to do in the future to meet or enhance their LEP plans.

Operations Response: ‘. . . the Mayor's Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other tools, will detail an agency's accomplishments and objectives to ensure the continued, effective delivery of service across agencies.’

Compliance Chart

Question	Auditor's Assessment	CCRB's Response to the "Checklist for EO 120"	Auditor's Comments
1. Does CCRB provide direct public services?	Yes	Yes. CCRB receives, investigates or mediates, hears, makes findings and recommends action upon complaints by members of the public against members of the Police Department that allege misconduct. Also, CCRB issues to the Mayor and the City Council semi-annual and annual reports which describe its activities and actions. Finally, it has developed an on-going outreach program for the education of the public regarding the services the agency provides.	
2. Does CCRB have a Language Access Policy (LAP) and Implementation Plan (IP)? When was it instituted?	Yes	CCRB has drafted a Language Access Policy & Implementation Plan. Once the Plan is finalized it will be available on the agency website. Many of the language access procedures outlined in the Plan are longstanding elements of the CCRB's routine operations.	At the entrance conference (held on July 22, 2010), CCRB produced a draft "Plan". Currently, there is a "Plan" located on CCRB's website.
3. Does CCRB have a Language Access Coordinator (LAC)?	Yes	Yes. The CCRB has a LAC. Director of Strategic Initiatives.	
4. Did the LAC oversee the creation of the LAP & IP?	Yes	Yes	The Coordinator stated he was the one that drafted the Language Access Policy with the Executive Team.
5. Did the LAC oversee the execution of the LAP and IP?	Yes	The Coordinator oversees all language access procedures that are currently in place and will oversee the implementation of future procedures in accordance with the timeline outlined in the Plan.	Execution of the Plan continues through December 2010.
6. Does the Language Access Coordinator monitor the Language Access Policy and Implementation Plan?	Yes	Yes. The Coordinator monitors all aspects of language access in the agency.	

Compliance Chart

Question	Auditor's Assessment	CCRB's Response to the "Checklist for EO 120"	Auditor's Comments
7. Is the LAC required to report plan updates and ongoing compliance?	Needs Improvement	Yes. The Coordinator provides regular updates on language access issues to the Executive Director. The Executive Director then reports to the Board any developments in this area. Additionally, data regarding outsourced translation services purchased by the agency are regularly submitted to the Mayor's Office of Operations to be included in the MMR and CPR reports.	CCRB does not currently submit Operations Quarterly Reports.
8. Did CCRB develop the plan using the four-factor analysis?	Yes	Yes. As detailed in the Plan the CCRB's language access procedures, current and future take into account each of the factors outlined by the Department of Justice.	
9. Does CCRB provide services in languages based on at least the top 6 NYC LEP languages?	Needs Improvement	Yes	CCRB's website itself is not translated; in addition the homepage only provides clearly accessible links to a brochure containing basic information about the CCRB, in English, Spanish, Chinese and Arabic.
10. Does CCRB identify and translate their "essential public documents"?	Needs Improvement	Yes. The CCRB provide translated versions of its informational overview brochures, contact signs and pamphlets about its mediation program. Additionally, the CCRB provides translated versions of its status letters to complainants. As outlined in the Plan, the CCRB will identify additional documents to translate and then subject to budget constraints will have these documents translated.	CCRB's forms are translated mostly into Spanish. Translation of forms into other languages is not evident.

Compliance Chart

Question	Auditor's Assessment	CCRB's Response to the "Checklist for EO 120"	Auditor's Comments
11. Does CCRB provide interpretation services (including telephonic interpretation) for the top six LEP languages and others as appropriate?	Yes	Yes. CCRB has contracts with two interpreting services: 1) All City Interpreting and 2) Legal Interpreting Services. Investigators use these services when in-house resources, multi and bilingual investigative staff, are not available. In addition, CCRB has an account with AT&T language line service that is used for telephoning non-English speaking individuals. It also has a contract for sign language translation with the New York Society for the Deaf.	
12. Does CCRB train its frontline workers and managers on language access policies and procedures?	Needs Improvement	Yes. The CCRB investigative manual contains information about language access policies and procedures. Since 1997, the CCRB has kept an updated list of investigators and other staff (including mediators) who can conduct investigative interviews or provide services in languages other than English.	CCRB does not have a formal training program for its front line employees.
13. Are there any signs or postings in CCRB regarding free available language assistance?	Yes	Yes. Signs regarding free translation assistance are posted in the civilian waiting rooms at the CCRB's only location 40 Rector Street.	
14. Did CCRB establish an appropriate monitoring and measurement system regarding the provision of agency language services?	Needs Improvement	The CCRB is incorporating changes to the agency Complaint Tracking System to measure the provision of language services, specifically the frequency at which language services are requested, the language requested and how the request is filled.	CCRB's LAP states that it will "Incorporate into the complaint tracking system an indicator of LEP complainants" in <i>December 2010</i> . CCRB can expand the data collected and recorded for language access analysis.

Compliance Chart

Question	Auditor's Assessment	CCRB's Response to the "Checklist for EO 120"	Auditor's Comments
15. Did CCRB create public awareness strategies for language services?	Needs Improvement	Yes. As part of its outreach presentations the public is informed that limited English proficiency is not a bar to filing and participating in an investigation or mediation and that free translation services are available.	CCRB's LAP states "The CCRB outreach program has identified several community groups, organizations and neighborhoods that serve LEP individuals. The agency will begin informing these groups and organizations of the availability of its free services to LEP individuals.
16. Did the Mayor's Office of Operation provide technical assistance to CCRB?	Yes	Yes, assistance was requested and provided in a number of areas, including but not limited to, information regarding demographics of limited English proficiency populations and cost effective translation options.	

Descriptions of Tests Conducted

Test	Criteria for Evaluation	Auditor’s Assessment
1. Anonymous Phone Call	<p>Is 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?</p> <p>If a number to call back is requested, is the phone call ever returned, and in the appropriate language?</p>	<p>When CCRB was phoned by a Russian speaking person, we were asked for a callback number (we declined). We then phoned in Spanish, and CCRB was able to provide services.</p>
2. Is the website accessible in languages other than English?	<p>Public information is available in languages other than English</p> <p>Essential documents are translated</p>	<p>The site itself is not translated, but the homepage provides clearly accessible links to a brochure containing basic information about the CCRB, in English, Spanish, Chinese and Arabic.</p>
3. Make a site visit to a service center and meet with front line workers and evaluation in-person procedures for language accommodation.	<p>Frontline workers are 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</p> <p>Signage is posted notifying customers of their right to free language services</p>	<p>The main CCRB entrance had an I Speak poster posted in front of the reception desk.</p> <p>There were no language assistance service posters on the floor where the public Board meeting was held.</p>
4. Attend a public meeting/hearing a. Is language assistance advertised? b. If applicable, is language assistance provided?	<p>Is notice of free language services included on advertisements for the event?</p> <p>Is a 1-800 number or email address included for customers to contact to request that language services be provided at the event?</p> <p>If language assistance is requested, was it provided?</p>	<p>There was no notice of free language services at the public hearings, and to have language assistance, you have to request a translator several weeks in advance according to the Director of Community Relations who was signing people in at the door.</p> <p>During the LAC interview we were told CCRB does not (nor has ever) received requests for interpreters at these meetings.</p>
5. Review a press release or public service announcement	<p>Is the document either translated or a 1-800 number / email address provided for customers to request more information in a language other than English?</p>	<p>There is a document online that is a community outreach brochure. It is translated into English, Spanish, Arabic and Chinese but the brochure itself contains no mention of any language services.</p>

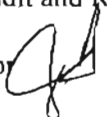


CIVILIAN COMPLAINT REVIEW BOARD
40 RECTOR STREET, 2ND FLOOR
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833
www.nyc.gov/ccrb

MICHAEL R. BLOOMBERG
MAYOR

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

TO: H. Tina Kim, Deputy Comptroller for Audit
Vincent Liquori, Director of IT Audit and Research

FROM: Joan Thompson, Executive Director 

RE: CCRB's Response to the Draft of the Audit Report on the Adherence of the CCRB to
E.O. 120 Concerning Limited English Proficiency (7R10-154A)

DATE: October 26, 2010

Below are the Civilian Complaint Review Board's ("CCRB") responses to the Comptroller's Draft of the Audit Report on the Adherence of the CCRB to Executive Order 120 Concerning Limited English Proficiency (7R10-154A.) We are available to answer any questions you may have or to provide further clarification on any of the below listed points.

Response to Findings and Recommendations

On Page 8 of the Draft, you conclude that:

CCRB was generally in compliance with EO 120 where it is mandated that CCRB ensure meaningful access of agency resources to LEP persons. CCRB is in the process of implementing a program for language assistance that reflects the principles of plain language communication. However, there are a few areas where CCRB was partially in compliance with E.O. 120 and its efforts should be enhanced to provide better services to LEP persons.

It is important to note, when assessing compliance, that the CCRB historically has met the goals outlined in Executive Order 120 even prior to its issuance. Many of the language access practices outlined in the CCRB's Language Access Plan have been in place for at least ten years and more importantly the agency has not received, or been notified of receipt by another agency, of any complaint that a civilian was unable to avail themselves of our services due to a language barrier.

Language Access Policy and Implementation Plan is Not Timely

As was explained in footnote 2 on Page 2 and in footnote 5 on page 8 of the Draft, the CCRB was not initially identified as a public facing agency, thus collaboration with the Mayor's Office in drafting a Language Access Policy and Implementation Plan ("Language Access Plan") was significantly delayed and the CCRB's formal Language Access Plan was not posted on its website until the fall of 2010. However, as noted above, the practices outlined in the Language Access Plan have been in place for more than 10 years. Over this period, the agency has been using several language service contractors for interpretations and translations. During the audit, the auditors were presented with a summary of the past two years worth of requests for these services. In addition, the CCRB has many investigators capable of performing their work in languages other than English. The most recent list of language skills of investigators given to the Comptroller's office shows that the CCRB provides assistance in the following

languages: Spanish, Russian, Chinese, Creole, Arabic, Yoruba, French, Hebrew, Croatian, Polish and Greek.

Additionally, the Draft implies that the CCRB's Language Access Plan is incomplete because it contains a time line listing steps to be executed up to December 2010. Our timeline will always include future steps. Providing adequate efficient language access involves consistent re-evaluation and revamping of our programs in order to meet the changing needs of the Limited English Proficiency ("LEP") population we serve.

Does Not Identify and Provide for the Translation of Essential Public Documents

The CCRB's informational brochure is only translated into Chinese, Arabic and Spanish. However, almost all of the CCRB's key documents are translated into the language that the largest LEP population the CCRB serves speaks, Spanish. The CCRB would like to expand significantly the number and variety of its translated documents, but the cost attached to this effort, given two years of successive budget cuts, is prohibitive.

Likewise, the agency does not have the funds to translate its website into other languages. At the Comptroller's suggestion the CCRB explored a no cost method for translating its website, Google Translate; however, the results were so poor that they would likely lead to public confusion rather than improve service.

Frontline Workers Do Not Receive Formal LEP Training

In August 2010 security staff employed by the building, not CCRB, received Language Access Cards and investigative team supervision was briefed on the goals of Executive Order 120 and the ways in which the CCRB supports those goals. Additionally, Language Access training was given in September 2010 for all 30 investigators who have been with the agency for less than six months. The CCRB intends to use the formal training program set up by the City in order to certify its pool of 2nd-language speakers.

Monitoring and Measurement of Language Access Services can be Strengthened

The CCRB does keep data on all language access services provided to civilians by outside vendors. A summary of this information for the last two years was provided to the Comptroller's office at the entrance conference. And as outlined in the time line, at the end of the CCRB's Language Access Plan, the CCRB intends to compliment its current data collection by modifying its Complaint Tracking System ("CTS") to capture all language access services provided to civilians through in- house resources. (We estimate that in-house services are provided, at a minimum, at the same frequency as outsourced services.) Once this is in place, the CCRB will analyze the combined data set to determine how its language access services can be strengthened.

Public Outreach Can Be Improved

As was explained to the auditors both in writing (checklist question #15) and orally, in advance of an outreach events the CCRB determines, to the extent possible, whether LEP persons will be in the audience and, if so, either brings a translator or arranges with the contact at the outreach location for translation. Additionally, the CCRB does inform participants at its outreach presentations that free language access services are available. The CCRB will continue these practices and look for additional means to convey this message.

Response to Recommendations

Response to Recommendation 1: The CCRB intends to adhere to the timeline in its Language Access Plan. The only obstacle to this goal would be, as described below, lack of funds necessary to complete certain projects.

Response to Recommendations 2 and 3: As noted above, the CCRB's funding has been cut by approximately \$3,000,000 over the last three years, and future significant cuts are imminent. For a small agency, these cuts are devastating to our services and hard resource allocation decisions must be made. At this juncture, in light of the future cuts, the agency is not able to divert funds supporting its core mission to accomplish recommendations two and three. Moreover, translation of CCRB documents is a skilled task as legal, police and administrative terms must be translated into plain English and then into another language.

Response to Recommendation 4: As noted above, training on how to handle civilians with limited English proficiency is part of the CCRB's training of new investigators. The CCRB's Language Access coordinator has developed a training agenda tailored to the needs of the CCRB. The training includes an overview of LEP, the LEP population in NYC, the specifics of the CCRB population, federal, state and city protections, the CCRB LEP plan, and guidelines on how to conduct investigative work with LEP complainants and interpreters.

Response to Recommendation 5: By December 2010, the CCRB will incorporate into its complaint tracking system an indicator for the provision of in-house and outsourced translation services.

Response to Recommendation 6: The CCRB has and will continue to advise audiences for its outreach presentations that language access services are available free of charge.

Response to Compliance Chart

Response to Auditor's Comments on Question 7: As indicated in footnote 2, page 2 and footnote 5, page 8, the CCRB was not initially identified as a public facing agency and therefore, the agency has only recently begun working with the Mayor's Office on meeting its reporting requirements.

Responses to Auditor's Comments on Questions 9 and 10: As described above, the CCRB's current budget constraints and impending future cuts make it prohibitive for the agency to translate its informational brochures in additional languages (Question 9) and translate its key documents into languages other than Spanish (Question 10). The CCRB's primary LEP complainant population is Spanish speaking; therefore the current translations meet the needs of this group. Additionally, although the CCRB cannot at this juncture afford to translate groups of documents into several languages, if translation is needed for a particular case, the CCRB has and will continue to purchase translation services for that specific case.

Response to Auditor's Comments on Question 14: See Response to Recommendation 5.

Response to Auditor's Comments on Question 15: See Response to Recommendation 6.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

TO: H. Tina Kim, Deputy Comptroller for Audit, Office of the Comptroller

FROM: Elizabeth Weinstein, Director, Mayor's Office of Operations *Elizabeth Weinstein*
Commissioner Fatima Shama, Mayor's Office of Immigrant Affairs *Fatima Shama*

DATE: November 1, 2010

SUBJECT: Audit Report Title: Audit Report on Adherence to Executive Order 120
Concerning Limited English Proficiency
Audit Report Number: DOT (7R10-152A); DCP (7R10-155A); CCHR (7R10-153A); CCRB (7R10-154A); & TLC (7R10-151A)

INTRODUCTION

The Bloomberg Administration has taken significant strides to increase access and improve customer service to all New York City residents, including the twenty-five percent (25%) of New Yorkers who are limited English proficient ("LEP").

Prior to the development of Executive Order 120, the Mayor's Office managed, and manages today, a citywide volunteer language bank comprised of City employees who volunteer their language skills to assist with a variety of translation and interpretation needs for City agencies. In 2003, the City began offering information through the 311 Customer Service Center in over 170 different languages, and expanded the Translation Unit in the Department of Education to ensure that parents who are LEP receive pertinent information in the top eight languages. In 2005, the Mayor's Office of Immigrant Affairs formed an Interagency Task Force on Language Access, a working group of representatives from over 30 City agencies that meet regularly to share language access best practices and learn about topics that improve their language access service provision. In 2006, the City established a citywide contract with the interpretation and translation service provider Language Line that allows City agencies needing such services access at a reduced rate.

These efforts strengthened the Bloomberg Administration's commitment to accessible services for LEP New Yorkers, and laid the groundwork for the signing of the Language Access Executive Order 120 ("EO 120") in July 2008.

EO 120 ACCOMPLISHMENTS

EO 120 requires all agencies providing direct public service to ensure meaningful access by taking reasonable steps to develop and implement agency-specific language assistance plans regarding LEP persons. The Mayor's Office of Operations ("Operations") and the Mayor's Office of Immigrant Affairs ("MOIA") are charged with the application and oversight of EO 120.

As the audit report duly indicates, the "Mayor's Office has undertaken measures to provide agencies with resources and technical assistance to assist agencies achieve compliance with the Executive Order."¹ Below are some highlights of the resources and initiatives developed to improve language access service delivery across agencies.

EVERY AGENCY PROVIDING DIRECT PUBLIC SERVICES ASSIGNED A LANGUAGE ACCESS COORDINATOR.

EO 120 required each agency to assign a Language Access Coordinator who would be responsible for liaising with the Mayor's Office and could be held accountable for the development and implementation of language access plans. While some agencies had these liaisons in place previous to the Executive Order – many did not.

38 DIRECT SERVICES AGENCIES DEVELOPED A LANGUAGE ACCESS IMPLEMENTATION PLAN THAT IS AVAILABLE FOR PUBLIC VIEWING ON THE CITY'S WEBSITE.

Language access implementation plans were created by each direct services agency. Each plan outlines how an agency will provide meaningful access to the LEP community. These plans include an LEP population assessment, the process for identification and translation of essential public documents, interpretation services, language access training, signage, tracking, and outreach. Before an agency developed its plan, at least one in-person meeting was held with the agency language access liaison to discuss the requirements of the Executive Order and for the Mayor's Office to learn more about current agency efforts and the agency's specific goals for fitting language access into their current operation. Each plan was reviewed by the Mayor's Office when it was received and many revisions were drafted and discussed between the Mayor's office and the relevant agency before the agency plan was approved. The 38 language access implementation plans are available online on the Mayor's Office website and on individual agency sites.

THE MAYOR'S OFFICE DEVELOPMENT OF A LANGUAGE ACCESS TOOLKIT FOR USE BY CITY AGENCIES

The Mayor's Office developed multilingual signage and tools to increase awareness of the availability of language services at no cost to the LEP community. These tools include a

¹ City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010.

Language Identification Poster using the top 22 languages spoken by LEP individuals in the City, an “I Speak” card that indicates primary language, and a notice of free translation services

EO 120 COMPLIANCE AND MILESTONES REPORTING

In order to track agency language access implementation, agencies send quarterly reports to the Mayor’s Office of Operations with updates on the milestones they committed to in their Language Access Plans.

ESTABLISHMENT AND QUARTERLY MEETINGS OF A PERMANENT LANGUAGE ACCESS COUNCIL

The Mayor’s Office hosts quarterly meetings with language liaisons from each agency. The agenda for the meetings include updating liaisons on progress made on projects initiated by the Mayor’s Office. Outside speakers are invited to share best practices in the field of language access.

THE MAYOR’S OFFICE LAUNCHED THE “LANGUAGE GATEWAY”- A MULTILINGUAL WEB PORTAL THAT PROVIDES ESSENTIAL CITY RESOURCES TRANSLATED IN THE MOST COMMONLY SPOKEN LANGUAGES.

The Language Gateway was launched in April 2010 to provide essential documents to the LEP community. The web portal includes translations of frequently requested documents, applications, forms and notices on the topics of: Business, Education and Child Care, Employment and Taxation, Health and Public Safety, Housing, Immigration, Social Services, and Transportation and Safety. Each document is accompanied by a plain language description of its content or utility. This new web portal serves as a 'one-stop-shop' for the most immediate needs of LEP New Yorkers and the community-based organizations that serve them. The Language Gateway currently includes 160 documents from 17 City agencies in English, Spanish, Chinese and Russian.

THE MAYOR’S OFFICE LAUNCHED THE “NYCERTIFIED PROGRAM” TO TEST AND TRAIN CITY BILINGUAL EMPLOYEE VOLUNTEERS

The Mayor’s Office has also enhanced the citywide volunteer language bank system by launching the NYCertified Language Assessment and Training Program. Through this program, City employees are tested on their language proficiency and go through either an interpretation or translation training. The NYCertified Program was created to enhance the City’s ability to deliver quality language assistance services while promoting the professional development of our diverse employees.

THE MAYOR’S OFFICE CREATION OF THE CUSTOMER SERVICE PROFESSIONAL CERTIFICATE PROGRAM

In partnership with agency coordinators and using best practices, the Mayor's Office developed training curricula on Customer Service, Cultural Sensitivity, and Plain Language for frontline and internal staff, managers, and supervisors. Through Cultural Sensitivity training, participants increase self-awareness about personal values, motives, and beliefs, and understand how these impact their interactions with LEP customers.

Clear and effective communication is vitally important to City agencies achieving their missions. Plain language training helps agencies create documents that are clearly written and understandable by their intended audience.

This training module is being offered at the Citywide Training Center (CTC) at the Department of Citywide Administrative Services. Twenty-one employees have been trained in Cultural Appreciation at CTC. Moreover, 67 trainers have gone through the train the trainer program, and are providing this training program at their agency.

The Mayor's Office also developed a Language Access Training module describing policies and procedures for agency employees. This training program was disseminated to city agencies.

THE MAYOR'S OFFICE DEVELOPED AN LEP CUSTOMER SURVEY TO HELP ASSESS SERVICE DELIVERY

Survey cards were created and specifically designed to gather feedback from LEP customers throughout the City's agencies. These surveys were translated in the top 6 citywide LEP languages and are made available at public points of contact. This is one of many tools the City is utilizing to measure service delivery, and the feedback the City receives will help better assess the delivery of services to LEP New Yorkers.

THE MAYOR'S OFFICE LAUNCHED FIRST EVER MAYOR'S MANAGEMENT REPORT INDICATORS RELATED TO LANGUAGE ACCESS

The City's Mayor's Management Report, published in September 2010, includes data on the number of interpretation requests fulfilled during FY 2010. This number includes those requests made by customers in-person and on the phone.

In Fall 2010, indicators including the number of requests for interpretation that have come from customers calling an agency, and the number of requests for interpretation for customers visiting an agency in person will be included in a newly developed Customer Service web portal.

The Mayor's Office will continue to support agencies in their implementation efforts and provide ongoing technical assistance and oversight in the provision of language assistance services.

AUDIT RECOMMENDATIONS

Below we have addressed the recommendations included in the audit report.

Recommendation: Make Enhancements to Executive Order 120

Response: Executive Order 120 is a policy that promotes a positive and cooperative understanding of the importance of language access to City agencies, and the implementation plans were meant to ensure that the provision of language assistance services was conducted in a consistent and effective manner across agencies. The Mayor's Office allowed agencies to assess their language access needs and determine a suitable timeframe for plan implementation. This is similar to how federal agencies rolled out their language access plans, and is consistent with the implementation requirements set forth by Local Law 73, a City Council bill that was passed in 2003, that allowed the City's four (4) human and social services agencies five (5) years to phase-in their language access plan.

The Mayor's Office is charged with coordinating and overseeing agency compliance with the Executive Order. To ensure compliance, Operations requires agencies to submit quarterly reports with specific milestones and performance benchmarks. In addition, Operations meets with agencies periodically to discuss their language access milestones and provide the agency with feedback on their progress. We have found these tools effective in measuring progress in the implementation of agencies' language access plans. The above statement corroborates the Comptroller's findings that, "CSG developed a quarterly reporting system to track agencies' programs in achieving milestones outlined in their respective Language Access Plans; CSG reviews submissions to monitor citywide compliance with EO 120, and provides agencies with feedback on their progress."²

However, the Mayor's Office will be requiring agencies to review their Language Access plans annually, and to update them accordingly based on demographic changes or priorities. We believe that this, in addition to the quarterly reports and other tools, will detail an agency's accomplishments and objectives to ensure the continued, effective delivery of service across agencies.

Recommendation: Information Received from Agencies is Difficult to Corroborate

Response: The Mayor's Office relies on agencies to provide data for the Mayor's Management Report. For most agencies, data for the number of interpretation requests completed comes directly from their Language Line bill. The Mayor's Office will explore ways to audit interpretation indicators by reviewing agencies' vendor statements.

In addition to the data that is provided to the Mayor's Office for the MMR, Operations also conducts its own "mystery shop" assessment to gather information on EO 120 compliance. The Mayor's Office of Operations conducted a Customers Observing and Researching Experience (CORE) assessment in the summers of 2009 and 2010. For the CORE assessment, inspectors on behalf of the Mayor's Office visited 305 service centers at 28 city agencies and recorded observations on the conditions and environment of the service center and its host building.

² City of New York Office of the Comptroller, "Audit Report on the Adherence of the Executive Order Concerning Limited English Proficiency". October 18, 2010. Page 6, paragraph 4.

Each agency was rated on its accessibility to LEP customers. Inspectors were to record if facilities had prominent notices of free interpretation, translated welcome signage and/or directional signage, and literature and/or applications available for the public in multiple languages. Inspectors rated the service center from a scale of Excellent to Poor. These ratings were incorporated in the overall score received by agencies.