Language Access Denied:

Ed Mangano's Broken Promise to Nassau County

Long Island Language Advocates Coalition

L.I.L.A.C.

Many thanks to contributors to this report:

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Thank you to the many individuals and organizations that have patiently helped with the language access testing and monitoring. Many thanks to all of the concerned advocates and other community members who have been working to open doors so that Nassau County Government and its Agencies will be made more accessible to all.

Introduction

In the summer of 2013, Nassau County Executive Ed Mangano signed Executive Orders 67 and 72, which were designed to open doors for Nassau County residents who did not speak, read, write, or understand English as their primary language. These orders were supposed to guarantee translation and interpretation at Nassau County agencies having frequent interaction with the public, ensuring that all would be treated with dignity and receive timely and meaningful assistance. Community activists, who met with the Mangano Administration over several months to secure this commitment to Nassau County's immigrant communities, celebrated this as a positive step toward creating a more inclusive and welcoming County.

Two years later, after numerous organizing and advocacy efforts focused on moving the implementation of these Orders forward, there has been little progress in making Nassau County agencies fully accessible. To put it quite simply, Nassau County Executive Ed Mangano has not been honest with his constituents, and has failed to follow through on his public assertions that he will implement strong language access policies under his administration.

Language access makes it possible for limited English proficient (LEP) individuals to access a wide range of services. As defined by the U.S. Department of Justice, LEP individuals are persons who do not speak English as their primary language, and who may have a limited ability to read, write, speak, or understand English. According to the most recent U.S. Census, Nassau County has 130,000 individuals who consider themselves to be LEP.

This report describes the importance of, and need for, comprehensive language access in Nassau County based on the demographics as well as moral imperative, the legal precedents and requirements which extend all the way to the federal level, and the history of advocacy efforts in Nassau County before and after the signing of Executive Orders 67 and 72. Also included are the results of testing efforts conducted by members of numerous community based organizations well after the language access orders should have been fully implemented.

We conclude with recommendations aimed at creating a County-wide system of agencies which are truly accessible to speakers of all languages.

Language Access Saves Lives and Helps Make our Communities Healthier and Stronger

Language access ensures that all members of our communities, regardless of their English proficiency, have meaningful access to essential services and programs such as healthcare, education, social services, Police protection, emergency assistance, and services for people with disabilities. Programs providing competent interpretation in a timely manner and translation of vital documents demonstrate their commitment to serving everyone in the community, without discrimination based on their national origin. Programs must also ensure language access for people with visual or hearing challenges. Failure to provide these services may mean that an individual will not receive mental health services, that a child may go hungry because his parent cannot complete an application for food assistance, that a patient may be misdiagnosed due to language barriers, or that a victim of domestic violence may not be able make a Police report or obtain an Order of Protection. Just last year, Deisy Garcia, a 20-year old mother living in Jamaica, Queens, was killed along with her two young children when the Police failed to translate her pleas for protection from her husband, which had been written in Spanish. Had translation been provided, these murders may not have occurred.[1] Although particularly tragic, this was not an isolated incident. Advocates on Long Island, in New York City and elsewhere have reported numerous incidents in which individuals needing Police assistance have been unable to obtain the help they have needed due to language barriers.

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Language Access Builds Welcoming Communities

Welcoming communities are strong communities. By bringing immigrants and their receiving communities together and focusing on strategies which promote inclusion and participation, we create a more welcoming culture and strengthen our ability to ensure that all community members have the tools and opportunities to succeed. Welcoming environments are necessary to ensure successful outcomes that benefit local communities, as well as our nation as a whole. For example, when local residents, regardless of their primary language, are able to participate in a meeting regarding public safety, this works to the benefit of all. By removing language barriers, greater linguistic integration is encouraged and economic dividends result for both the immigrant population and our entire Nassau County community.

[1] http://www.cnn.com/2014/02/19/us/new-york-domestic-killing-warnings/index.html

Why is Language Access Needed in Nassau County?

Nassau County is home to over 130,000 residents who need language assistance. According to the 2013 U.S. Census American Community Survey,[2] 27.9% of County residents over 5 years old speak a language other than English at home. While many of these individuals may speak, read or understand some English, they may experience difficulty understanding complex forms and instructions, or be challenged by explaining themselves proficiently during times of crisis. In addition, within the past year, Nassau County has experienced an increase in the number of newly arrived immigrants, many of whom were fleeing violent conditions in Central America. Many of these new Americans are eager to learn English, but are not fluent when they first arrive in the United States. Even those who are fluent in the English language may find that their skills falter in unfamiliar or intimidating situations, such as in courtroom proceedings, when receiving a healthcare diagnosis, during encounters with law enforcement agents, or in contacts with local, state, or federal government.[3]

According to a January 2015 report by the Center for an Urban Future, "between 2005 and 2013, Nassau County's population growth was fueled almost entirely by immigrants. The county's foreign-born population grew by 13 percent, compared to just 0.5 percent growth among the native-born population. Over the same period, the number of adults with limited English proficiency grew 40 percent (second highest among NYS' 15 largest counties). With over 140,000 limited English proficient adults and only 6,000 people enrolled in state-funded ESOL programs, current programs are meeting a tiny fraction of the need."[4]

Is Language Access Required by Federal Law?

Title VI of the Civil Rights Act of 1964 requires that any program receiving federal funding, no matter how small, must provide language access to its applicants and recipients, and prohibits discrimination based on national origin.

> "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
>
> (Title VI of the Civil Rights Act of 1964, Sec. 601: Non-Discrimination in Federally-Assisted Programs)

Thus, many of the programs required by Nassau County Executive Orders 67 and 72 to provide language access, such as Social Services, housing, health and law enforcement, should already have been providing this assistance under federal law.

[2] http://factfinder2.census.gov
[3] https://nycfuture.org/data/info/new-york-states-language-barrier
[4] Id.

In 2000, the U.S. Department of Justice further clarified that failure to provide language assistance is a form of national origin discrimination:

"Federal laws prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture *or language* (emphasis added). This means people cannot be denied equal opportunity because they or their family are from another country, because they have a name or accent associated with a national origin group, because they participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin."[5]

Are there any other Language Access Orders in New York?

As a result of local advocacy efforts:

- In 2008, New York City Mayor Bloomberg signed Executive Order 120, creating a centralized language access policy for New York City. http://www.nyc.gov/html/om/pdf/2008/pr282-08_eo_120.pdf

- In 2011, New York State Governor Cuomo signed Executive Order 26, which required state agencies to provide language access. http://www.governor.ny.gov/news/no-26-statewide-language-access-policy

- In November 2012, Suffolk County Executive Steve Bellone signed Executive Order 10, mandating language access at Suffolk County agencies. http://www.empirejustice.org/assets/pdf/press-release/suffolk-lep-release.pdf

The Suffolk County language access Order represented a significant change in a county which had largely been hostile to immigrants and where there had been a high degree of anti-immigrant bias and hateful rhetoric under the Administration of the prior County Executive. An editorial in *The New York Times* supported the policy as "more than a common- sense constituent service," and stated that Suffolk County Executive Steve Bellone's election "began a process of healing," while the language access order "moves that process along." [6]

A History of Nassau County's Language Access Orders

In February 2013, advocates from a variety of community based organizations began meeting with the Mangano Administration to seek a similar language access order to that which had been signed in Suffolk County. Participants advised of the advantages of developing language access in all County departments, discussed the legal requirements, and expressed concerns about the devastating effects which denial of these services could have on local community members. For example, in the aftermath of Hurricane Sandy, it was evident that a policy which facilitated communication between government and all community members made perfect sense. On Long Island alone, approximately 100,000 homes and businesses were damaged or destroyed, and

[5] U.S. Dept. of Justice, "Federal Protections Against National Origin Discrimination," October 2000

[6] http://www.nytimes.com/2012/11/30/opinion/suffolk-county-turns-a-page.html?_r=0

thousands of homeowners and renters were displaced. Thus, effective communication was the key to averting further crises and facilitating recovery. Advocates also advised of the benefits of making health, social services, Police protection, and other services equally accessible.

By June 2013, language access advocates were advised that County Executive Mangano was fully on board to sign a County Executive Order on language access. There was complete discussion of, and agreement on, the specific languages that would be included in the order. The Administration indicated that full implementation would be completed within one year.

On **July 30, 2013**, County Executive Mangano signed **Executive Order 67**, but the scope of the order was much more limited than originally promised. The Order indicated only that vital documents would be made available on County websites in the six designated languages **within 365 days**. After repeatedly contacting the Administration, expressing concerns and advising that there would be a protest to highlight the Administration's failure to act as originally promised, advocates were summoned to an emergency meeting by the attorney for the County Executive, Liz Loconsolo.

Subsequently, on August 15, 2013, County Executive Mangano signed **Executive Order 72** to address the deficiencies in the original Order. The language access plans were to be implemented by **August 2014.**

What should be Required under the Language Access Executive Orders?

Together, language access Executive Orders 67 and 72 require every Nassau County agency that provides direct public services to do the following:

1) Designate a language access coordinator.

2) Develop a language access plan (to have been completed within 120 days from 7/20/13).

3) Translate vital documents into the six most frequently used languages in Nassau County, which are Spanish, Haitian Creole, Korean, Italian, Persian (Farsi), and Simplified Chinese (to be updated as necessary based on changing demographics).

4) Provide competent interpreters in any language necessary for telephone or in-person encounters (which may include the use of bilingual employees).

5) Maintain a list of County employees who are proficient in a variety of languages.

6) Translate websites using a competent translation source.

7) Train and instruct employees periodically on how to access interpretation services.

8) Inform the public of the availability of language services through proper signage and other means.

9) Annually collect data on the provision and availability of interpreter services.

10) Monitor agency compliance regarding the provision of services.

11) County agencies were also explicitly prohibited from using the request for language assistance as a basis to inquire about immigration status.

Although not included in the orders, the Administration also verbally agreed to include advocates in the roll-out of the language access plans, thus providing an opportunity for input and feedback as they were developed.

The Mangano Administration has Not Acted in Good Faith

Since Executive Orders 67 and 72 were signed in 2013, there has been little progress in advancing language access in Nassau County. Advocates have made numerous cordial attempts to engage in a dialogue with the Administration, to offer technical assistance, and to obtain information about the progress of implementation. However, these overtures have been rebuffed and met with some degree of hostility by the Mangano Administration. Advocates from health, disability, education, legal, workers' rights, and immigrant organizations, as well as clergy and impacted individuals, have repeatedly rallied at the Nassau County Executive's Office and tried to help move the implementation of these orders forward. In April 2015, language access supporters brought their concerns to the Nassau County Legislature and requested their support. Democratic legislators subsequently signed onto a letter to County Executive Mangano, urging him to follow through on fully implementing Executive Orders 67 and 72 (See Appendix).

Has there been any Progress?

Several agencies now have a Google translation tab embedded on their websites, which may be helpful, but is not necessarily the most accurate means of translation. Vital documents which are distributed through county agencies or which are in PDF format on websites have not been translated into the six most frequently used languages in the County. The Mangano Administration recently distributed its hurricane guide to members of the Long Beach community, which was severely impacted by Hurricane Sandy and which has a high percentage of Spanish speakers. However, Spanish speaking households reported that this vital information was only received in English.

Although there are numerous County agencies having frequent public contact, the only two departments which have developed a written language access plan are the Nassau County Department of Social Services and the Nassau County Police Department.[7] Testing, which has been conducted repeatedly over the past year, has indicated that even those departments which have language access plans have not been meeting their obligation to provide interpretation, translated signage, or translated documents to people in need of language assistance.

[7] These were obtained pursuant to a Freedom of Information request which was sent to the County Attorney in September 2014.

Language Access Testing and Results

In August 2014, at the time the language access plans were to be implemented, advocates conducted a sample testing through phone calls, checking websites, and in-person visits to the Departments of Health, Human Services, and Police. All were found to be deficient in providing language assistance. (Human Services includes the Department of Social Services, Aging, Mental Health, Chemical Dependency and Developmental Disabilities, Veterans Services, Youth, and the Office for the Physically Challenged.) The administration was issued a failing grade in complying with its own Executive Orders (See Appendix).

In April 2015, additional and more robust testing was conducted. Callers speaking Mandarin Chinese, Spanish, Korean, Haitian Creole, and Russian telephoned some or all of the following Nassau County Departments:[8]

- Aging
- Assessment
- Anti-Bias Crime Task Force
- Consumer
- Crime Victims Program
- District Attorney
- Emergency Management
- Fire Commission
- Health
- Housing
- Human Rights
- Parks
- Police (Precincts and Headquarters)
- Mental Health, Chemical Dependency and Developmental Disabilities (Now referred to as Behavioral Health)
- Office for the Physically Challenged
- Probation
- Sheriff
- Social Services
- Veterans
- Youth

The callers indicated that they needed assistance in the language in which they were speaking by stating, for example, "Spanish?" They then requested information about the services provided by the agency. **No false reports or requests for emergency assistance were made**.

Over the course of the testing, a few Spanish speakers sometimes received assistance if there was a Spanish speaking staff person available. However, callers to the Office for the Aging and the

[8] Although not tested, additional agencies, such as the County Executive's office and the Traffic and Parking Violations Agency, which also have frequent public contact, should also be required to provide language access under EO 67 and 72.

Office for Mental Health were told to hold for an interpreter and were instead transferred to another agency (the Coordinating Agency for Spanish Americans), where the person on the line was unable to provide adequate information about the department the tester had originally called. A Spanish speaking caller to the Youth Department was directed in English to call the Uniondale afterschool program to see if someone there could assist her in Spanish.

A Spanish speaking caller to the Veterans Department was told to call somebody named Oscar.

Spanish speaking callers to Minority Affairs were repeatedly told that nobody could assist them.

With only one exception, callers who spoke languages other than Spanish were hung up on or laughed at. Many reported that rude comments were made and that the person who answered the phone stated, "We only speak English." The Korean speaking caller reported being laughed at when calling the Anti-Bias Task Force as well as Emergency Services.

In-person visits were made to every Police Precinct as well as Police Headquarters. None of these locations had signs posted informing the public of the availability of an interpreter. The only sign posted in Spanish pertained to drug abuse.

Agency afterhours lines were also called and the messages were completely inconsistent. The majority of phone messages were only in English. A handful were also in Spanish. None provided an option for speakers of other languages to leave a message or access services.

Stories from Testing

An advocate who accompanied a Farsi speaking family to the Nassau County Department of Social Services to apply for Public Assistance requested a Farsi interpreter. The DSS employee told her, "We don't do that." When the advocate persisted in requesting language assistance, the worker told her they would have to come back another day.

A Russian speaking caller to the Office of Mental Health, Chemical Dependency and Developmental Disabilities was told that there was nobody who could assist her. Then she was told to hold on for an interpreter and the phone line went dead. A Spanish speaking caller to the same office was told that the Spanish speaking worker was on vacation for the week.

A Haitian Creole speaking caller to the Health Department WIC Program could tell that the person on the line was frustrated at not being able to help him. The person on the line said, "I don't know. This is really great." Another Haitian Creole speaker was also told by the Office of Emergency Management, "English and Spanish are the only languages spoken here."

Spanish speaking callers to the Police Department were unable to receive any assistance. One caller was told, in English, "If problema, you have to call 911."

A female Spanish speaking caller to the First Precinct had a male Officer disrespectfully call her "Mami." The Officer then proceeded to persist in asking her where she lived, how many years she had lived in this country, and why she did not speak English.

A Spanish speaking caller to the Office for the Physically Challenged was told "No Spanish!" and was then hung up on.

Not a single caller was immediately transferred to a professional interpreter. Only one caller, who spoke Russian, received a call back from someone who identified themselves as an interpreter. This was approximately 15 minutes after the call was originally placed.

In-person visits were made to the five Police Precincts and Police Headquarters. Not a single location had signs posting informing the public of their right to an interpreter.

Upon inquiry regarding their language access policy, an Officer at the 7th Precinct informed an English speaking tester that, **if they could not communicate with someone during a traffic stop, they would just use hand gestures and body language.**

The Department of Social Services was also checked for signage as well as applications in languages other than English. Language identification posters were posted in several locations. However, none were directly in front of the reception area where they would have been most visible. Instead, they were taped to the wall several feet behind the receptionist and were difficult to read. Requests for Public Assistance and SNAP applications in Haitian Creole and Korean were not accommodated.

In July 2015, a smaller sampling of testing calls was conducted again, this time in Spanish only. There were still significant deficiencies in numerous departments, including every Police Precinct. Spanish callers were unable to obtain assistance from the following departments and received the following responses:

- Police Precincts 1, 2, 3, 4, 7, and Headquarters ("I have no idea what you're saying." "I don't understand you." "Do you have someone there who speaks English?")
- Aging ("I can help you in English or I can transfer you to CASA.")
- Assessment ("We speak English.")
- Anti-Bias Crime Task Force (Hung up on caller)
- Housing and Community Development (English message)
- Crime Victims Program (Told to call another number)
- Fire Commission ("Sorry, we don't speak Spanish.")
- Public Works ("Am I in California?")
- Sheriff ("You have to have someone call that can speak English.")
- Office for the Physically Challenged (Hung up on caller)

Example of Language Access Test:

Haitian Creole speaker: "Can somebody please help me in Creole?"
Health Department worker: "Who sent you here? There's no one here who speaks that language!"

Then the worker hung up.

This caller received a similar response from Emergency Services, Mental Health and several other County agencies.

Again, Spanish speaking callers were sometimes transferred to the Coordinating Agency for Spanish Americans (CASA), but the Agency representative who was originally called did not remain on the line, and the CASA representative could not answer specific questions about the agency

Office for the Aging:

Spanish speaking caller: Hello, is there someone who speaks Spanish?
Operator: Hi, I can help you in English or I can transfer you to CASA.
Caller: I don't understand.
Operator: I am going to transfer you to CASA. (Spanish)

CASA Rep: Is there something I can help you with?
Caller: I was wondering what kind of services you offer.
CASA Rep: We are an interpreting and translating agency.
Caller: Oh, I called Aging asking for information and they transferred me to you.
CASA Rep: Oh, I'm sorry ma'am we only interpret.
Caller: Oh, okay. Thank you.
CASA Rep: Have a nice day.

Instead of staying on the line to be translated, the Office for the Aging Operator transferred the caller and hung up.

Calls to Agencies' after-hours numbers again revealed that only a handful had messages in just English and Spanish.

Recent Developments regarding the Nassau County Police Department

On June 16, 2015, advocates met with representatives from the Civil Rights Division of the New York State Office of the Attorney General to advise them of the findings pertaining to the Nassau County Police Department (NCPD). The Attorney General's Office had entered into a separate agreement with the NCPD, in which the Department voluntarily agreed to increase language accessibility effective January 2014. Upon learning of our findings, the Attorney General's Office immediately engaged the Nassau County Police Department and received assurances from them that they would be improving their practices immediately. As noted above, July testing revealed that the Police Department was still unable to provide interpretation to Spanish speaking callers.

In August 2015, after learning of the testing results, the Nassau County Police Department arranged for a meeting with language access advocates. During the meeting, they acknowledged that there were deficiencies which needed to be addressed and promised to make significant changes to improve accessibility within the next 30 days.

Recommendations

The violations which we uncovered in the multiple rounds of testing were shocking. The County has not only violated its own Executive Orders, but has also violated federal laws which prohibit national origin discrimination.

1) While discouraged by the Mangano Administration's poor record in implementing the two Executive Orders enacted in 2013, our first recommendation is to move ahead with immediate, comprehensive implementation of Executive Orders 67 and 72. This would include the County's allocation of sufficient funds and employee resources to ensure meaningful access to language services for community members who identify themselves as speaking English "less than very well." These services were supposed to be fully in

place by August 15, 2014. The County Executive's Office must ensure that all County agencies which interact with the public do the following:

- Ensure that all staff are thoroughly trained on how to assist limited English proficient individuals in a timely and respectful manner.

- Assign a language access coordinator with authority to ensure proper implementation.

- Develop a thorough language access plan and procedure in writing.

- Develop a list of in-house staff who are fully proficient in another language.

- Develop standards that would help measure language proficiency.

- Contract with a professional interpreting and translation service (most likely through the Office of the County Executive) which can provide language assistance, either by phone or in person, in numerous languages.

- Ensure that phone prompts and messages are accessible to speakers of languages other than English.

- Translate all vital documents such as applications, complaint forms and program information into the 6 most frequently used languages (other than English) in Nassau County. These are currently Spanish, Haitian Creole, Farsi/Persian, Korean, Simplified Chinese, and Italian;

- Provide an accessible and reliable translation tool on all county websites.

- Make sure the public is fully informed of the availability of interpretation services. This includes posting of multilingual (*Do you need an Interpreter?")* signs at all service locations, as well as public service announcements and website postings.

2) It is also imperative that County officials charged with implementation and enforcement of the Executive Orders meet with advocates, at least quarterly, to provide status updates and discuss any existing problems.

3) Given the continued absence of progress in implementing the two language access Executive Orders, and the ongoing lack of compliance by the Mangano administration with federal civil rights requirements, we recommend that the United States Department of Justice Office of Civil Rights (OCR) and the Department of Health and Human Services (DHHS) Civil Rights Division, and any other relevant federal oversight agency, conduct a thorough investigation of the Nassau County Executive's Office and the Departments which are under its control, and use their authority as necessary to obtain compliance with their language access obligations.

Conclusion

The Mangano Administration has not invested adequate resources to ensure successful implementation of language access in Nassau County. The Administration's failure to provide the necessary leadership on this issue, as well as a lack of honest communication from the Executive's office, has eroded trust between Nassau County government, County Agencies and the communities they are supposed to serve. The current lack of adequate language services in Nassau County is detrimental to limited English proficient immigrants, to people with disabilities, and also to the County's communities as a whole. We are all more secure when everyone can receive the services they need and deserve, and which they have a right to receive without discrimination under federal law.

We intend to continue pressuring the Administration to meet its civil rights obligations and encourage other concerned organizations, elected officials and unaffiliated community members to join us in working toward creating a network of services in Nassau County which are more fair, more accessible, and more inclusive.

APPENDIX 1

OFFICE OF THE
DEMOCRATIC MINORITY

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE
MINEOLA, NY 11501

Hon. Edward Mangano
Nassau County Executive
1550 Franklin Ave.
Mineola, NY 11501

June 10, 2015

Re: Language Access

Dear County Executive Mangano:

We, the undersigned Nassau County legislators, write you because we are gravely concerned with the county's fulfillment of its federal civil rights obligations, and its service to immigrant and limited-English proficient communities. While we commend you for signing Nassau County Executive Orders 67 and 72 in 2013, they must be fully and swiftly implemented. These orders were designed to ensure language access at County agencies for over 125,000 of our Limited English Proficient constituents. Ensuring meaningful access to law enforcement, social services, healthcare, emergency services, housing supports and programs for the elderly, youth, veterans and people with disabilities is of paramount importance and strengthens the quality of life for all members of our communities.

We are therefore deeply troubled that the County is not enforcing implementation of Executive Orders 67 and 72 and that its agencies are not providing adequate interpretation services or translation of vital documents into the six most frequent languages, as promised. The Democratic Minority Caucus was embarrassed to learn from a coalition of community-based organizations that the County Executive has repeatedly refused to meet with them to discuss problems with implementation of the Orders and the resulting disservice to our constituents.

In addition, failure to provide language access at County agencies receiving federal funding is a violation of Title VI of the Civil Rights Act of 1964 and exposes the County to the risk of U.S. Department of Justice (DOJ) investigation and sanctions. DOJ is charged with investigating complaints of violations of Title VI by recipients of federal funding, including municipalities. Title VI states, "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance."

Nassau County must continue to lead on this issue of good government by fully implementing Executive Orders 67 and 72. We do not wish to see our County subjected to the embarrassment of a federal complaint alleging national origin discrimination nor the expense and possible sanctions resulting from a federal investigation by the DOJ. We urge you to follow through appropriately on the implementation of Executive Orders 67 and 72, to comply with Title VI of the Civil Rights Acts and to invest the necessary resources to ensure that all Nassau County residents will be provided with equal access to County government and County agencies forthwith, regardless of their language proficiency.

Very Truly Yours,

Kevan Abrahams
LD No.1

Siela Bynoe
LD No. 2

Carrie Solages
LD No. 3

Laura Curran
LD No. 5

Delia DeRiggi-Whitton
LD No.11

Judy Jacobs
LD No. 16

cc:
Norma Gonsalves, Presiding Officer, Nassau County Legislature

APPENDIX 2

Lost in Translation:

Report Card on Nassau County Agencies' Compliance with Language Access Executive Orders

Released August 18, 2014; Testing Conducted August 1 – August 16, 2014

Compiled by: Long Island Language Advocates Coalition, Long Island Civic Engagement Table, Make the Road New York, New York Civil Liberties Union, Health and Welfare Council of Long Island, and the Long Island Center for Independent Living

A coalition of community organizations and advocates completed a rigorous testing program to assess the extent to which Nassau County has implemented Executive Orders 67 and 72, which guarantee comprehensive language access at county agencies, effective July 30, 2014, and compliance with Title VI of the federal Civil Rights Act. The coalition tested the availability of services at five key agencies with significant public contact via telephone, online, and in-person with regard to several languages (Spanish, Haitian Creole, Chinese, and Korean). Below is a summary of the results, with examples of each agency's failure to provide language assistance provisions below.

Overall Assessment: Nassau County Fails to Adequately Provide Language Assistance Services

Key Elements Tested	Department of Social Services	Department of Health	Department of Human Services	Police Department	Probation Department
Agency Plan	No Final Version Provided; Draft Fails to Meet Standard of Executive Orders	Does Not Exist (or not provided upon request)	Does Not Exist (or not provided upon request)	Does Not Exist (or not provided upon request)	Does Not Exist (or not provided upon request)
Oral Interpretation (Phone and in-person)	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI
Written Translation (documents and website)	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI	Fails to Meet Standard of Executive Orders and Title VI
Overall Assessment	**Fails to Meet Standard of Executive Orders and Title VI**	**Fails to Meet Standard of Executive Orders and Title VI**	**Fails to Meet Standard of Executive Orders and Title VI**	**Fails to Meet Standard of Executive Orders and Title VI**	**Fails to Meet Standard of Executive Orders and Title VI**

Examples of Unsatisfactory Language Assistance Provision

In no instance did a tested agency provide an adequate language access plan, provide competent translation of its website, or provide adequate translation of documents into the languages covered by Executive Orders 67 and 72, or provide adequate oral interpretation. Below are examples from testing at each agency that illustrate the failure to provide adequate language assistance services. These are only a few of the data points used for this report. For a fuller methodological explanation, please review the testing instrument and methodological note.

Social Services: Tester requests a Chinese application for benefits.. DSS staffer said that she didn't know whether applications exist in Chinese. Tester asked whether someone there could assist the neighbor in Chinese. County employee responded, "I'm not sure about that. Does she have anyone who can interpret for her?" *(Violates Executive Orders, which guarantee that the County will provide interpretation services and provide vital documents in the top 6 languages.)*

Health: Haitian Creole tester tried to obtain information about WIC program by calling several locations. Nobody was able to assist her or contacted an interpreter. *(Violates Executive Orders, which guarantee that the County will provide interpretation services.)*

Human Services: No agency plan provided to the public or to advocates who have requested it. *(Violates Executive Orders, which requires such plan.)*
Tester calls in Spanish to speak with agency staff. County employee does not speak Spanish and reports that office does not have a person who speaks Spanish. Employee provides caller with another phone number. When caller tries this number, the prompt is in English only. Caller left message in Spanish and her call was never returned. *(Violates Executive Orders, which requires oral interpretation.)*

Police: No agency plan provided to the public or to advocates. *(Violates Executive Orders, which requires such plan.)* Tester calls non-emergency line asking for information in Spanish. Person answering phone does not speak Spanish or offer to transfer to someone who does speak Spanish. *(Violates Executive Orders, which requires oral interpretation.)*

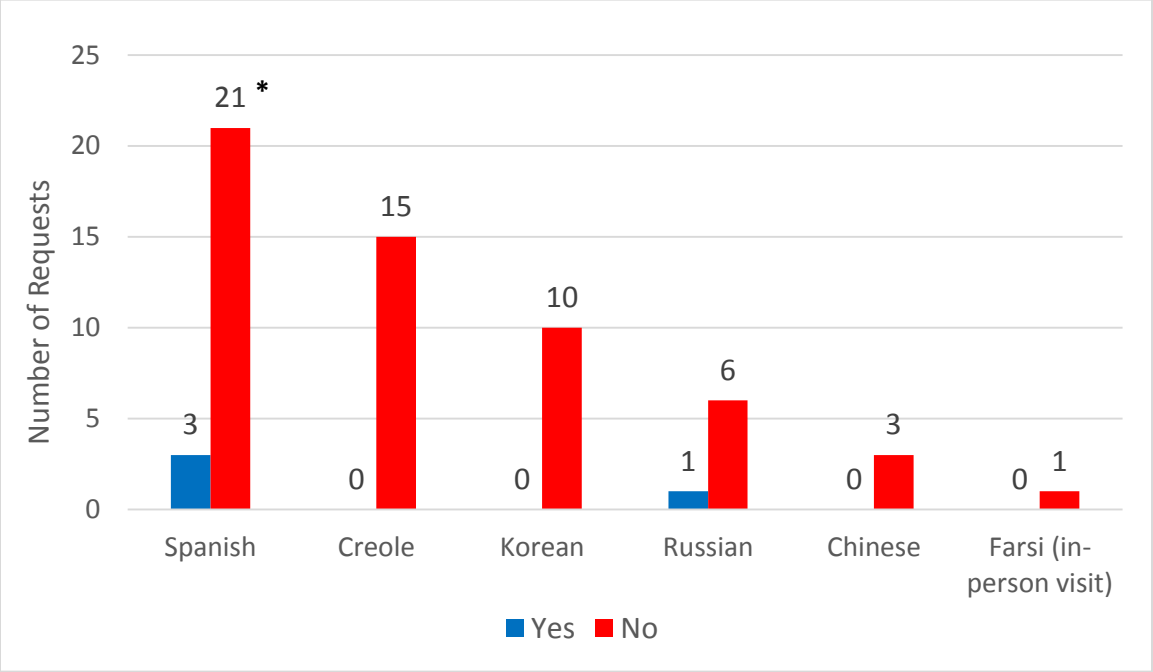
Probation: On website, no translation option offered; no documents provided in translation. *(Violates Executive Orders, which require translation of vital documents and webpages.)*

APPENDIX 3

Long Island Language Advocates Coalition
Survey Data Report

Language access services across several Long Island government agencies were assessed in April 2015. This report provides a summary of the findings. As shown in Figure 1, appropriate and competent language assistance was not provided in the majority of instances across the six languages assessed. In fact, language assistance was not offered for four of the six languages, including 15 instances in Creole and 10 instances in Korean. Appropriate and competent language assistance was provided in three of twenty-four requests for Spanish language assistance by an agency representative and in one of six requests for Russian language assistance.

Figure 1. Appropriate and Competent Language Assistance Provided by Language



* Spanish voicemail available in two instances, but the caller could not reach an agency representative

Table 1 – 6 list the agencies by language that provided or did not provide appropriate and competent language assistance. In Table 1, two callers to Probation reached a voicemail in Spanish, but were unable to connect with an agency representative.

Table 1. Appropriate and Competent Language Assistance Provided - Spanish

Yes (n=3)	No (n=21)
District Attorney	Minority Affairs
Department of Health - WIC	Youth Board (n=2)
Human Rights	Office for Physically Challenged (n=2)
	Crime Victims Program
	Veterans Service Agency
	Mental Health (n=2)
	Parks, Museums, and Recreation
	First Police Precinct
	Second Police Precinct
	Third Police Precinct
	Fourth Police Precinct
	Seventh Police Precinct
	Sheriff's Department
	Police Headquarters
	Office for the Aging
	Probation (n=3)*

Table 2. Appropriate and Competent Language Assistance Provided - Creole

Yes (n=0)	No (n=14)
	Office for the Aging
	Anti-Bias Crime Task Force (n=2)
	Consumer Affairs
	Minority Affairs
	Youth Board
	Housing and Community Development
	Crime Victims Program
	Emergency Management
	District Attorney
	Department of Health - WIC
	Fire Commission
	Sheriff's Department (n=2)
	Social Services

Table 3. Appropriate and Competent Language Assistance Provided - Russian

Yes (n=1)	No (n=6)
Anti-Bias Crime Task Force	Consumer Affairs Housing and Community Development Mental Health Department of Health - WIC Department of Social Services Office for the Aging

Table 4. Appropriate and Competent Language Assistance Provided - Korean

Yes (n=0)	No (n=10)
	Anti-Bias Crime Task Force Minority Affairs Emergency Management Mental Health Police Headquarters First Police Precinct Second Police Precinct Third Police Precinct Fourth Police Precinct Seventh Police Precinct

Table 5. Appropriate and Competent Language Assistance Provided - Chinese

Yes (n=0)	No (n=3)
	Consumer Affairs Housing and Community Development Assessment Office

Table 6. Appropriate and Competent Language Assistance Provided – Farsi (in-person visit)

Yes (n=0)	No (n=1)
	Department of Social Services

Table 7 displays the outcome of each request for appropriate and competent language assistance by agency. Please note that while Probation provided a Spanish voicemail in two of three instances, it is unclear if language assistance was ultimately provided. Out of 59 total requests for appropriate and competent language assistance, in only four instances was it provided.

Table 7. Appropriate and Competent Language Assistance Provided by Agency

Agency	Yes	No	Total
Office for the Aging	0	3	3
Anti-Bias Crime Task Force	1	3	4
Consumer Affairs	0	3	3
Minority Affairs	0	3	3
Youth Board	0	3	3
Office for the Physically Challenged	0	2	2
Housing and Community Development	0	3	3
Crime Victims Program	0	2	2
Emergency Management	0	2	2
Veterans Service Agency	0	1	1
Mental Health	0	4	4
District Attorney	1	1	2
Department of Health - WIC	1	2	3
Social Services	0	3	3
Fire Commission	0	1	1
Human Rights	1	0	1
Parks, Museums, and Recreation	0	1	1
Assessment Office	0	1	1
Police Headquarters	0	2	2
First Police Precinct	0	2	2
Second Police Precinct	0	2	2
Third Police Precinct	0	2	2

Agency	Yes	No	Total
Fourth Police Precinct	0	2	2
Seventh Police Precinct	0	2	2
Probation	0	3*	3
Sheriff's Department	0	3	3
TOTAL	**4**	**56**	**60**

* Spanish voicemail available in 2 instances, but caller unable to reach a representative

Tables 8 and 9 below display the physical and verbal outcome of each request for competent and appropriate language assistance.

Table 8. Qualitative responses provided by agencies in response to a request for language assistance in Spanish, Creole, or Russian

Agency	Spanish		Creole		Russian	
	Yes	No	Yes	No	Yes	No
Office for the Aging		Transferred to Spanish speaker at CASA		No assistance and hung up on		No assistance
Anti-Bias Crime Task Force				Transferred to Spanish speaker (n=2)	Interpreter returned call in 10 minutes	
Consumer Affairs				No assistance and hung up on		No assistance
Minority Affairs		No assistance		English only voicemail		
Youth Board		No assistance (n=2)		No assistance		
Office for the Physically Challenged		English only voicemail; No assistance (n=2)				
Housing and Community Development				No assistance		English only options
Crime Victims Program		No assistance		Told “no Creole”		
Emergency Management				Only English and Spanish spoken		
Veterans Service Agency		Given phone number to Oscar Castillo				
Mental Health		No assistance (n=2)				No assistance
District Attorney	Spanish speaker provided			Told “no Creole”		

Agency	Spanish		Creole		Russian	
	Yes	No	Yes	No	Yes	No
Department of Health - WIC	Spanish speaker provided			No assistance		No assistance
Social Services				Unable to get an application in Haitian Creole		Left voicemail and call not returned
Fire Commission				English only voicemail		
Human Rights	Spanish speaker provided					
Parks, Museums, and Recreation		English only voicemail				
Police Headquarters		No assistance and told to call 911				
First Police Precinct		Initially limited Spanish speaker could not answer question; NCPD rep hung up before language assistance was provided				
Second Police Precinct		No assistance and hung up on				
Third Police Precinct		No assistance and told to call 911				
Fourth Police Precinct		No assistance				
Seventh Police Precinct		No assistance				
Probation		English (n=1) and Spanish (n=2) voicemail provided				
Sheriff's Department		No assistance and hung up on		No assistance (n=2)		

Table 9. Qualitative responses provided by agencies in response to a request for a Korean, Chinese, or Farsi language assistance

Agency	Korean		Chinese		Farsi	
	Yes	No	Yes	No	Yes	No
Anti-Bias Crime Task Force		No assistance and laughed at				
Consumer Affairs				No assistance		
Minority Affairs		No assistance and hung up on				
Housing and Community Development				English only voicemail		
Emergency Management		No assistance and laughed at				
Mental Health		No assistance and hung up on				
Social Services						Documents provided in English
Assessment Office				Only English and Spanish prompts		
Police Headquarters		No assistance				
First Police Precinct		No assistance				
Second Police Precinct		No assistance				
Third Police Precinct		No assistance				
Fourth Police Precinct		No assistance				
Seventh Police Precinct		No assistance				

APPENDIX 4

EXECUTIVE ORDER NO. 67 - 2013

WHEREAS, pursuant to subdivision 1 of section 203 of the Nassau County Charter, the County Executive is responsible for the administration of all departments, offices and functions of the county government, and the efficient operation of county government; and

WHEREAS, Nassau County ("County") is a linguistically diverse county in which a percentage of the County's population speaks a language other than English at home, and more than 10 percent of Nassau County residents are limited-English proficient, insofar as English is not their primary language and have limited ability to read or understand English, thereby presenting potential barriers to accessing important government programs or services; and

WHEREAS, pursuant to Presidential Executive Order 13166 (August 11, 2000), federally-funded agencies must take reasonable steps to ensure that people who have limited English proficiency have access to the recipient's programs and services; and

WHEREAS, the general welfare of such County residents is furthered by increasing language access to essential County programs and services; and

WHEREAS, the County is committed to ensuring all County residents have access to essential programs and services provided by County agencies; and

WHEREAS, the County is committed to ensuring that language access services are implemented in a cost effective and efficient manner;

NOW, THEREFORE, by virtue of the authority vested in me pursuant to the Nassau County Charter and the Nassau County Administrative Code, I, Edward P. Mangano, do hereby:

ORDER, that the heads of every department under the jurisdiction of the Office of the County Executive that provides direct services to the public who are program recipients and/or participants shall make available on the County website vital documents, as determined by the respective department heads and with the approval of the Chief Deputy County Executive, containing information, instructions and notifications regarding direct programs and services in English and the six most common non-English languages spoken by individuals with limited-English proficiency in the County of Nassau, based on United States census data; and it is further

ORDERED, that said documents shall be accessible by the public on the website and shall be in printable format for the public; and it is further

ORDERED, that, upon approval of the Chief Deputy County Executive, the department heads may retain contractual services to accomplish the translation of vital documents; and it is further

ORDERED, that, where practical and effective, the translation of said documents into the six most common non-English languages may be accomplished through an online translation service, or computer software translation package approved by the department heads Chief Deputy County Executive; and it is further

ORDERED, that such translations shall be achieved on a rolling basis to be completed

b. The titles of all available translated documents and the languages into which they have been translated;

c. The number of public contact positions in the agency and the number of fully bilingual employees in public contact positions, including the languages they speak;

d. A training plan for agency employees on how to access the online database of translated documents; and

e. A language access coordinator at the agency, who shall be an employee of the agency and who shall be publicly identified; and it is further

ORDERED, that departments providing services to the public that are non-programmatic in nature, such as emergency services, shall implement the provisions of this Executive Order to the greatest degree practicable; and it is further

ORDERED, that the language access coordinators shall monitor compliance with this Order by annually collecting data on the provision of language assistance services and the availability of translated materials; and it is further

ORDERED, that the Deputy County Executive for Minority Affairs shall provide guidance and/or assistance to any department that so requests in implementing this Order, and ensure that the provision of services set forth herein meets acceptable standards of translation or interpretation to ensure the information is correctly communicated.

Dated: 7-30, 2013

Edward Mangano
Nassau County Executive

APPENDIX 5

EXECUTIVE ORDER NO. 72 - 2013

WHEREAS, pursuant to subdivision 1 of section 203 of the Nassau County Charter, the County Executive is responsible for the administration of all departments, offices and functions of the county government, and the efficient operation of county government; and

WHEREAS, Nassau County ("County") is a linguistically diverse county and the County is committed to ensuring all County residents have access to essential government programs and services; and

WHEREAS, the general welfare of all Nassau County residents is furthered by increasing language access to essential County programs and services, on July 30, 2013 I issued Executive Order 67-2013 concerning the translation of vital documents into the six most common non-English languages spoken by individuals with limited English proficiency; and

WHEREAS, the County is committed to ensuring that competent interpretation services are available in departments under the jurisdiction of the Office of County Executive, as referenced in Executive Order 67-2013, in a cost effective and efficient manner;

NOW, THEREFORE, by virtue of the authority vested in me pursuant to the Nassau County Charter and the Nassau County Administrative Code, I, Edward P. Mangano, do hereby:

ORDER, that each such department operating under the Office of the County Executive ("departments") that provides direct public services shall, in all relevant programs and services, provide competent interpretation services between the department and a program or service recipient and/or participant in his/her primary language; and it is further

ORDERED, that such interpretation services may be provided through competently bilingual County employees or available interpretation services - such as telephonic - as approved by the Chief Deputy County Executive; and it is further

ORDERED, that every department, upon publication of a language access plan, shall submit to the Deputy County Executive for the Office of Minority Affairs a listing of all competently bi-lingual employees in their respective departments along with the office contact number for each such employee; and it is further

ORDERED, that the Deputy County Executive for the Office of Minority Affairs or designee shall, within 90 days of the publication of the department language access plans, compile a comprehensive listing of all said competently bi-lingual employees and disseminate said listing to all department heads; and it is further

ORDERED, that the use of language services shall not be deemed by any county employee as a basis for inquiring into confidential information relating to immigration status. No county employee shall disclose confidential information, including, but not limited to, immigration status, unless such disclosure is necessary to identify and provide appropriate services and/or referrals to an individual, or is otherwise required by law; and it is further

ORDERED, that each department's language access plan shall include, in addition to the requirements set forth in Executive Order 67-2013 for said plan:

d. A training plan for initial mandatory employee training on the language access plan, subsequent training for all new department employees, and periodic training as needed, particularly when new services are made available and/or revisions are made to the language access plan;

e. The manner in which the public shall be notified of language access services at the department; and it is further

ORDERED, that each department shall submit its language access plan to the Counsel to the County Executive for review and approval; and it is further

ORDERED, that in addition to the responsibilities enumerated in Executive Order 67-2013, the language access coordinator for each such department shall: monitor compliance with this Order by annually collecting data on the provision and availability of interpretation services; ensure notice of the availability of language access services is prominently displayed; and shall be responsible for responding to and/or addressing any correspondence and communications from members of the public regarding these services.

Dated: Aug. 15, 2013

Edward P. Mangano
Nassau County Executive

APPENDIX 6

A Detailed History of Efforts to Implement Executive Orders 67 and 72

2013: Advocates contact the Nassau County Executive Office to initiate a discussion about language access.

2/19, 3/12, 5/16 2013: Advocates attend meetings with the Mangano Administration regarding a language access Executive Order (Greg May, Rob Walker represented the County Executive).

6/19/2013: Nassau County Executive Mangano agrees to proposed language for an Executive Order.

7/22/2013: Nassau County Press Release quotes advocates as supporting order without our knowledge.

7/30/2013: Nassau County Executive Order 67 is issued without notifying advocates. The language in the Order is much more limited and different than what was agreed upon; it only proposes translating websites using Google translation.

Advocates contact the Nassau County Executive office and threaten public action if the original agreement is not honored.

8/6/2013: The Nassau County Executive's office calls advocates to an emergency meeting and the demonstration is called off. County Executive Mangano showed up at the end of the meeting to shake hands.

8/15/2013: Nassau County Executive Order 72 signed providing for interpreters at county agencies and translation of vital documents.

Numerous attempts to contact the County Executive office are made by advocates inquiring about the status of implementation of the Executive Orders, but get little or no response.

January 2014: LILAC (Long Island Language Advocates Coalition) submits a detailed list of language access concerns to the Nassau County Department of Social Services (DSS). A response is received from the County Executive stating these will be addressed through implementation of Executive Orders 67 and 72.

6/25/2014: A draft DSS plan is received from Liz Loconsolo, Attorney for the County Executive; advocates follow up with comments and suggestions.

July 2014: A Community Forum is held in Hempstead regarding language access, and is attended by 75 people. The Mangano Administration is asked to send a representative to discuss how EOs 67 and 72 will be implemented. Chief Steven Skrynecki of the Nassau County Police Department attends to discuss NCPD's efforts. A postcard campaign to the County Executive is launched to encourage him to keep his promise to the community and implement the Executive Orders.

August 2014: Testing of Nassau County agencies reveals substantial noncompliance by Nassau County Police, Human Services agencies and Health Departments. Advocates issue a report card giving the Administration a failing grade.

A rally is held at the Nassau County Executive office after the one year mark. Advocates request a meeting with the Mangano Administration and are refused.

September 2014: Freedom of Information request (FOIL) is sent to the Nassau County Attorney's office requesting Language Access plans for Nassau County agencies, names of coordinators, lists of interpreter/ translation contractors, and translated documents for all agencies having frequent public contact.

October 2014: A rally and press conference is held at the Nassau County Executive's office to again call attention to noncompliance with the Executive Orders. Protesters enter the building and refuse to leave until seen. Hundreds of signed postcards are presented to a representative from the County Executive's office. Brian Nevin (Public Relations) and Herb Flores (Minority Affairs) speak with the group in the lobby and agree to a meeting by late October. Brian Nevin follows up with a tersely worded email stating that the meeting had better not be another one of our "publicity stunts."

10/28/2014: Advocates meet with Liz Loconsolo and Herb Flores who say they are "phasing in" EOs 67 and 72 starting with DSS and the NCPD. We remind them that this was not the agreement and of their prior commitment to include advocates in implementation. Liz Loconsolo promises a Police Language Access plan and finalized DSS plan, and a list of Language Access coordinators by the following week but does not follow through.

12/8/2014: A FOIL response is received from the Nassau County Attorney's office that includes Police and DSS language access plans.

12/22/2014: Additional FOIL materials are received and include reports on calls and letters to Mangano's office regarding the Executive Orders.

April 2015: Additional testing of all County agencies in several languages reveals serious deficits.

April 2015: Advocates and community members spoke before the Nassau County Legislature to request their support.

June 2015: Democratic legislators sign a letter to Mangano calling for immediate implementation of Executive Orders 67 and 72 and expressing their concern about a possible United States Department of Justice investigation.

June 2015: Advocates meet with the New York State Office of the Attorney General regarding the testing results for the Nassau County Police Department and regarding enforcement of its January 2013 agreement with the NCPD.

The AG's Office contacts NCPD to share our concerns. After a subsequent phone meeting with the AG's office and advocates, it was reported that NCPD indicated they would be making significant improvements to ensure language access.

July 2015: Additional testing is conducted with Nassau County agencies, including the Nassau County Police Department. Significant barriers to language access are found to still exist.

Organizations involved in the above efforts include Long Island Language Advocates Coalition (LILAC), Empire Justice Center, Make the Road, Long Island Civic Engagement Table, New York Lawyers for the Public Interest, New York Civil Liberties Union, La Fuente, Health and Welfare Council, New York Communities for Change, SEPA Mujer, Long Island Center for Independent Living, Long Island WINS, Haitian American Families of Long Island, New York Legal Assistance Group, COLOKI/Freeport Trailer, and New York Immigration Coalition.