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OFFICE OF THE COMPTROLLER
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AUDIT

BUREAU OF AUDIT

May 30, 2017

By Electronic Mail

Commissioner Ana M. Bermúdez
New York City Department of Probation
33 Beaver Street, 23rd Floor
New York, NY 10004

**Re: Final Letter Report on the New York City Department of Probation's
Compliance with Local Law 25 Regarding Translation of Agency Website
(Audit Number SZ17-129AL)**

Dear Commissioner Bermúdez:

This Final Letter Report concerns the New York City Comptroller's audit of the New York City Department of Probation's (DOP's) compliance with Local Law 25, which governs the translation of websites of New York City agencies. The objective of this audit was to determine whether DOP is complying with the local law, which is intended to make City agencies more accessible to foreign-born residents with limited English proficiency, and to ensure that they have adequate access to information, benefits and services provided on City websites. Our audit of DOP is one in a series of audits we are conducting on the City's compliance with Local Law 25.

Background

New York City, with a population of more than 8.5 million people, is home to one of the most diverse populations in the world, with more than 3.2 million foreign-born residents from more than 200 countries.¹ According to the New York City Department of City Planning, nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English.² For residents with limited English proficiency, interacting with City government and receiving access to City services can be a challenge.

¹ NYC Department of City Planning (DCP), *New York City Population*, <http://www1.nyc.gov/site/planning/data-maps/nyc-population/population-facts.page>, downloaded April 19, 2017; DCP, *NYC's Foreign-born, 2000 to 2015*, March 2017, <https://www1.nyc.gov/assets/planning/download/pdf/about/dcp-priorities/data-expertise/nyc-foreign-born-info-brief.pdf?r=2>, downloaded April 12, 2017; DCP, *Limited English Proficient Population*, <https://www1.nyc.gov/site/planning/about/language-access.page>, downloaded April 12, 2017.

² DCP, *Limited English Proficient Population*, *op. cit.*

Most City agencies have a significant presence on the internet, and they rely on their websites to provide information and interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation to citizens' ability to access translation of City websites. Local Law 25 requires that every website maintained by or on behalf of a City agency must include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English. It also requires that the translation service be comprehensible to speakers of the seven most commonly spoken languages in the city. As determined by the Department of City Planning, the seven most commonly spoken languages in New York City amongst residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, and Formosan)
- 3) Russian
- 4) Bengali
- 5) French Créole (also called Haitian Créole)
- 6) Korean
- 7) Arabic³

Findings and Recommendations

Our audit found that DOP generally complies with Local Law 25. DOP's website, found at <http://www.nyc.gov/html/prob/html/home/home.shtml>, has a translation feature for viewing text and essential information in various languages, including the top seven noted languages spoken by residents with limited English proficiency.

DOP's website, however, does not provide essential documents online.⁴ This is because the department is a public safety agency that does not provide services to the general public. Its clients are individuals who have come into contact with the law and are sentenced by the courts to probation. Because DOP's essential documents are legal in nature, they cannot be routinely translated by the department. However, when forms are identified by executive staff as critical for probation officers interacting with clients, they are translated internally. DOP identifies the primary languages of its clients and provides interpretation services at its locations.

³ According to the DCP report, issued in February 2017, entitled *Top Languages Spoken at Home by Limited English Proficiency (LEP) Universe: Population 5 Years and Over*.

⁴ City agencies determine which documents are key, essential and frequently used.

Our findings are outlined in the following table entitled Compliance Summary.

COMPLIANCE SUMMARY		
Local Law 25 Criteria	Compliance	Notes
Translation feature for viewing text in the top seven most commonly spoken languages of residents with limited English proficiency (As required by Local Law 25)	Yes	DOP's website can be directly translated into the seven applicable languages. In addition, with the assistance of Google translation the website can be translated into a minimum of 34 languages.
Key documents translate into the top seven most commonly spoken languages of residents with limited English proficiency (As prescribed by DOP standards)	N/A	DOP is a public safety agency and does not provide services to the general public. DOP's essential documents are legal in nature, unique to each probationer and are not posted on the website.

We recommend that DOP continue to maintain its compliance with Local Law 25 to ensure that it effectively meets the needs of residents with limited English proficiency when accessing City services online.

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.

The scope period for this audit was November 14, 2016 to May 1, 2017. Our methodology consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 25.
- We researched and determined the seven most commonly spoken languages in the City among residents with limited English proficiency, as determined by the Department of City Planning.

- We reviewed and analyzed DOP’s website and tested its ability to translate into the top seven most commonly spoken languages for residents with limited English proficiency.
- We reviewed and analyzed DOP’s August 2016 Language Access Plan to determine what steps DOP took to comply with Local Law 25.⁵
- We reviewed the Language Access Plan to determine which documents DOP deemed essential for the agency to provide direct public services and that needed to be translated.
- We reviewed and analyzed whether DOP’s essential documents and forms could be downloaded on the website, and tested whether they translate to the seven most commonly spoken languages for residents with limited English proficiency.
- We conducted interviews with DOP’s staff members to discuss the agency’s website efforts and verify its compliance with Local Law 25.

Based on our understanding of the Local Law 25 requirements, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies’ core criteria required to achieve compliance under Local Law 25. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency’s website includes a translation feature for viewing text, essential information and key documents in Spanish
Chinese	Agency’s website includes a translation feature for viewing text, essential information and key documents in Chinese
Russian	Agency’s website includes a translation feature for viewing text, essential information and key documents in Russian
Bengali	Agency’s website includes a translation feature for viewing text, essential information and key documents in Bengali
French Créole (Haitian Créole)	Agency’s website includes a translation feature for viewing text, essential information and key documents in French Créole/Haitian Créole
Korean	Agency’s website includes a translation feature for viewing text, essential information and key documents in Korean
Arabic	Agency’s website includes a translation feature for viewing text, essential information and key documents in Arabic

⁵ DOP’s August 2016 Language Access Plan is the most current plan available from the agency or the website.

Commissioner Bermúdez

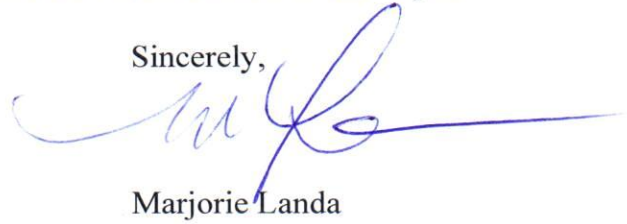
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The issues covered in this report were discussed with DOP officials during and at the conclusion of this audit and DOP officials agreed no exit conference was necessary. On May 8, 2017, we submitted a draft report and provided DOP with the opportunity to formally respond in writing. DOP's written response was received on May 9, 2017. In it, DOP's Commissioner agreed with the report's findings and stated, "I am very pleased to learn that DOP generally complies with Local Law 25 and that it has made substantial progress in providing meaningful language access through our website."

The full text of DOP's comments is included as an addendum to this report.

Sincerely,



Marjorie Landa

- c: Phyliss R. DeLisio, Executive Assistant to the Commissioner/Diversity and EEO Officer
- Charles Harris, Director of Internal Audit
- Mindy Tarlow, Director, Mayor's Office of Operations
- George Davis, III, Deputy Director, Mayor's Office of Operations



Ana M. Bermúdez
Commissioner

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May 9, 2017

Ernestine M. Rivers
Audit Manager, Audits and Special Reports
Office of the New York City Comptroller Scott M. Stringer
1 Centre Street, 11th Floor, 1100North, New York, NY 10007

Dear Ms. Rivers,

This is in response to the Comptroller's draft report of the NYC Department of Probation's Compliance with Local Law 25 in relation to citizens' ability to access translation of city websites.

I am very pleased to learn that DOP generally complies with Local Law 25 and that it has made substantial progress in providing meaningful language access through our website.

Sincerely,

A handwritten signature in blue ink that reads "Ana M. Bermúdez".

Ana M. Bermúdez