



BRONX COUNTY DISTRICT ATTORNEY'S OFFICE
LANGUAGE ACCESS POLICY

The Bronx is a diverse borough of 1,472,654 residents from a variety of racial and ethnic groups. According to the U.S. Census (American Community Survey 2013-2017), over 59% of Bronx residents over 5 years of age speak a language other than English at home. Over 35% of Bronx residents were born outside of the United States. The most common foreign language spoken is English, but there are many other languages, including many African languages, that are also commonly spoken in the Bronx.

At every step of the prosecution process, the Bronx County District Attorney's Office ("BXDA") ensures that victims, witnesses, and defendants are seen, heard, and treated with dignity and respect in the services that we provide. As advocates, it is important for us to be present where our client is, and this is a priority when considering the language assistance services that we provide.

I. PURPOSE

The purpose of the BXDA Language Access Policy ("LAP") is to make reasonable efforts to ensure individuals with limited English proficiency ("LEP individuals") who interact with and receive services from BXDA have equal access to services provided by this Office.

This plan establishes guidelines for BXDA employees interacting with members of the public who may qualify as LEP individuals.

II. POLICY

It is the policy of BXDA that members of the public are entitled to interact with public contact employees of BXDA in their primary language. BXDA ensures reasonable access to interpretation and translation services to LEP individuals who interact with public contact employees of this Office. LEP services are provided regardless of the individual's immigration status or status as a victim, witness, or defendant.

BXDA employees shall not inquire into the identified person's immigration status as a condition of being offered access to translated vital documents or interpretation services. It must always be remembered that BXDA's mission is to pursue justice with integrity and provide for the safety and security of the public. The needs of law enforcement and the security and confidentiality of victims, witnesses, informants, law enforcement personnel, and any other

individual associated with the criminal justice system shall take precedence over compliance with this policy.

Consistent with Title VI of the Civil Rights Act of 1964 and Local Law 30 of July 2017, BXDA will take reasonable steps to provide LEP persons with timely and meaningful access to the services and benefits that BXDA provides to the degree practicable. BXDA assumes responsibility for ensuring that members of the public are made aware of the LAP and what language access services are available under that plan. To that end, information on language accessibility will be available on the BXDA website and signage will be posted at all BXDA locations.

III. DEFINITIONS

- a. Limited English Proficiency: Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication, such as speaking or understanding in social or non-technical contexts, but still lack English proficiency in reading or comprehending more complex concepts and documents.
- b. Primary Language: The language in which an individual most effectively communicates.
- c. Interpretation: The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- d. Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- e. Language Access Coordinator ("LAC"): The BXDA employee designated by the District Attorney to oversee implementation of BXDA's Language Access Plan.
- f. Public Contact Employee: Refers to a BXDA employee who interacts with members of the public and enables access to language services provided by BXDA.

IV. PROCEDURES

- a. Determining the Need for Language Assistance

When an LEP individual makes contact with the BXDA Office, the public contact employee will make every effort to determine the LEP individual's primary language. It is critical that BXDA public contact employees not make assumptions about an individual's primary language if it becomes clear that this person has limited English proficiency.

This initial assessment can be done via use of "I Speak" language identification cards provided by Language Line Services or by asking for assistance from a certified interpreter or multilingual employee. This includes instances in which a member of the public calls BXDA's

Office or appears in person.

b. Language Assistance Tools

All vital documents produced by this Office that are used by or given to the public must be translated into the six non-English languages most commonly spoken in Bronx County. Those languages are Spanish, French, Bengali, Arabic, Mandarin, Twi, and Fulani. All vital documents will also be available in braille.

BXDA utilizes its in-house corps of certified interpreters for immediate interpretation services. BXDA also has a contract with Language Line Services. In maintaining this contract, BXDA is able to provide its vital services in over 100 languages. When a certified interpreter is needed to translate an oral communication or document, the employee should immediately contact the Director of Interpreting Services, Violeta Sambula, at (718) 838-6189 or in room 907 of the Hall of Justice.

Absent a unique circumstance, no BXDA employee shall use family members, minors, neighbors, friends, acquaintances or bystanders to provide language assistance services. Moreover, BXDA shall not use opposing parties, adverse witnesses, or victims to a dispute as interpreters.

BXDA encourages employees who are not certified, but nonetheless possess language skills, to use their abilities to speak foreign languages in circumstances when the use of certified interpreters or Language Line is impractical. The use of multilingual employees allows BXDA to serve the public with a timelier and more personalized response while simultaneously reducing the inconvenience to LEP persons. A multilingual employee is not permitted to translate vital documents that will be signed by the LEP individual but may assist in oral communications between the Office and the member of the public.

c. Statements, Proffer Agreements, and Cooperation Agreements

Any statement that will provide evidentiary basis for prosecution shall be taken using a certified and qualified interpreter. This includes, but is not limited to victim statements, witness statements, confessions, proffer agreements, cooperation agreements, and any other document generated as the result of conversing with and/or obtaining information from an LEP individual. If a certified interpreter is not available, the BXDA employee taking the statement may utilize Language Line Services.

Any statement signed by an LEP individual must be read aloud by a certified interpreter to the LEP individual who may verbally agree to its contents and sign the English version. The primary language of the LEP individual must be indicated on such statement, as well as the name and occupation of any interpreter or multilingual employee utilized.

d. Individuals with Vision and Hearing Impairments

Vision-Impaired Individuals:

All vital documents accessed by the public will be available in braille for individuals with impaired vision. If an individual with impaired vision makes a sworn statement (whether they be a victim, witness, or defendant), the vital document they are signing must be read to them aloud by an employee of the BXDA and acknowledged and signed by the individual making the statement. The name and occupation of the employee must be indicated in such statement.

Hearing-Impaired Individuals:

When working with individuals with hearing impairment, public contact employees should seek the services of an individual certified in American Sign Language (ASL) from the BXDA Approved Interpreter List or seek an employee of the Office who is certified in ASL.

e. Bronx County District Attorney's Office Squad

Members of the Bronx County District Attorney's Office's Squad shall abide by the New York City Police Department's Language Access Plan in all interactions with the public.

V. LANGUAGE ACCESS COORDINATOR

The LAC is responsible for the following:

- a. ensuring all BXDA public contact employees have a copy of the LAP and understand their responsibilities as outlined herein;
- b. ensuring all BXDA public contact employees are trained to access our interpreters or use Language Line Services and understand their responsibilities as outlined herein;
- c. ensuring members of the public are aware that they are entitled to interpretation services and translated vital documents when interacting with BXDA, regardless of their immigration status or their status as a victim, witness or defendant;
- d. annually collecting all data related to language assistance services within BXDA including, but not limited to:
 1. the number of times Language Line Services, or other outside services, are utilized and for which language(s);
 2. the number of times a certified interpreter is utilized and for which language(s);
 3. the number of times a multilingual BXDA employee is called upon to provide language assistance, which bureau, and for which language(s); and
 4. any time a vision or hearing-impaired individual seeks services from this Office;
- e. ensuring all vital documents distributed to the public are translated into the five most commonly spoken non-English languages and braille;
- f. ensuring all employees of the Office in public contact positions have access to "I Speak"

cards; and

- g. ensuring the most current version of the BXDA Language Access Plan is posted on the intranet and that all employees are notified when substantial changes are made to this Plan.

VI. WEBSITE

BXDA frequently posts items on its website that are translated into foreign languages, including information about the structure of the Office, how a case will proceed in Court and answers to questions frequently asked by the public. This website can be accessed by an online translation tool in over 100 languages.

VII. LANGUAGE ACCESS COMPLAINTS

Public complaints regarding language access should be submitted in writing to the Bronx County District Attorney's Office within 180 days of the alleged discrimination at the following address:

Kim Hernandez
EEO Officer
Bronx County District Attorney's Office
198 E. 161st Street
Bronx, NY 10451
(718) 838-6505