



BRONX COUNTY DISTRICT ATTORNEY'S OFFICE **LANGUAGE ACCESS PLAN**

The Bronx is a diverse community of 1,472,654 residents from a variety of racial and ethnic backgrounds. According to the U.S. Census (American Community Survey 2013-2017), over 59% of Bronx residents over five years of age speak a language other than English at home. Over 35% of Bronx residents were born outside of the United States. Although the most common foreign language spoken is English, the Bronx community is fluent in a multitude of languages, including many African languages, which is indicative of the diversity of its population.

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. In executing our mission to pursue justice with integrity, BXDA serves as an advocate for the entire Bronx community. Accordingly, we prioritize access to language assistance services as a means of serving and protecting the public.

I. PURPOSE

Through the implementation of its Language Access Plan ("LAP"), BXDA strives 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 language translation 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

BXDA recognizes that members of the public are entitled to interact with BXDA staff using their primary language. To this end, BXDA provides 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 will not consider an individual's immigration status as a condition of receiving access to language access services, such as translated vital documents or interpretation services. As we must always protect 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 individuals with timely and meaningful access to available language access services and benefits. BXDA assumes responsibility for ensuring that members of the public are made aware of its LAP and the language access services 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 public-facing 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 contacts the BXDA Office, the public contact employee will make every effort to determine the LEP individual's primary language. It is critical that BXDA's 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 using "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 distributed to the public must be translated into the fifteen non-English languages most commonly spoken in New York State. Those languages are Spanish, Russian, Yiddish, French, Bengali, Arabic, Chinese, Mandarin, Korean, Haitian Creole, Italian, Polish, Urdu, 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. Additionally, under its contract with Language Line Services, BXDA can further provide vital services in over 100 languages. When a certified interpreter is necessary to translate an oral or written communication, the BXDA employee should immediately contact the Director of Interpreting Services, Violeta Sambula, at (718) 838-6189 or in Room 580 of 260 East 161st Street, Bronx, New York.

Absent a unique circumstance, no BXDA employee shall rely on 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 language abilities in circumstances when the use of certified interpreters or Language Line is impractical. The use of multilingual employees allows BXDA to serve the public in a more timely, personalized fashion while simultaneously reducing the inconvenience to LEP individuals. 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 in such statement, along with the name and occupation of any interpreter or multilingual employee assisting the LEP individual.

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 are a victim, witness, or defendant), the vital document must be read to them aloud by a BXDA employee and acknowledged and signed by the individual making the statement. The name and occupation of the BXDA employee must also be included 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 a BXDA employee 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.

f. Emergency Preparedness

BXDA will continue to utilize all resources described in this plan (e.g., vendor contracts, bilingual staff, etc.) during declared states of emergency to ensure priority messaging continues to be disseminated to LEP members of the Bronx community. This crisis communication includes, but is not limited to, the use of social media and announcements on our public-facing website. The Language Access Coordinator will continue to provide guidance to staff and contracted interpreters about the expectations and requirements to provide language access services during an emergency.

V. LANGUAGE ACCESS COORDINATOR

BXDA has designated Violeta Sambula, Director of Interpreting Services, as the Language Access Coordinator (LAC). 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 used and provided by BXDA including, but not limited to:
 1. the number of instances in which Language Line Services, or other outside services, are utilized and for which language(s);
 2. the number of instances in which a certified interpreter is utilized and for which language(s);
 3. the number of instances in which a multilingual BXDA employee is called upon to provide language assistance, which bureau, and for which language(s); and
 4. the number of instances in which 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 BXDA employees 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 languages other than English, 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

BXDA is committed to reducing or eliminating language access barriers. Because the Office operates with transparency in its dealings with the public, BXDA has instituted a procedure by which members of the public may file a complaint if they have not been provided with adequate language access. Complaints may be made, verbally or in writing, directly to BXDA's EEO Officer using the contact information listed below. The EEO Officer will be responsible for reviewing, addressing, and resolving all complaints. The complaint should include the following information: name of the person filing the complaint; nature of the complaint; name of persons allegedly responsible; requested relief or corrective action; and the name of any person or group assisting in filling out the complaint. A copy of the Language Access Services complaint form is attached to the Language Access Plan.

Members of the public can receive a complaint form from Kim Hernandez, BXDA's EEO Officer, at the contact information below:

Email: hernandezki@bronxda.nyc.gov

By mail: Kim Hernandez
EEO Officer
Bronx County District Attorney's Office
198 E. 161st Street
Bronx, NY 10451

Telephone (with interpretation available): (718) 838-6505

The EEO Officer will provide a response to the complainant within 14 days. The EEO Officer will contact the appropriate staff member to investigate the complaint, respond to the constituent, and if necessary, provide relevant guidance regarding language access.

VIII. UPDATES TO THE LANGUAGE ACCESS PLAN

BXDA continually seeks to improve the coverage, relevance, and efficiency of its language access services. In our ongoing efforts to provide robust and effective language access services, the Language Access Coordinator will periodically evaluate and monitor the LAP to ensure that the needs of the community are being met. The Language Access Coordinator will evaluate the LAP on a regular basis to determine whether updates are necessary. If changes to the LAP become necessary, the Language Access Coordinator will immediately amend the LAP and make efforts to ensure appropriate implementation of those changes. Additionally, BXDA will assess the Plan every three years to make sure that it is in compliance with federal, state and local law.

Dated: June 1, 2023