



NEW YORK CITY COMPTROLLER
BRAD LANDER

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Deputy Comptroller for Audit

Audit Report on the Kings County District Attorney's Office's Provision of Language Access Services

SZ23-089A | October 4, 2023





THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

October 4, 2023

To the Residents of the City of New York,

My office has conducted an audit of the Kings County District Attorney's Office's (KCDA's) compliance with relevant laws, standards, and guidelines regarding the provision of language access services to the non-English Language Preference (NELP) population. The audit also assessed whether the NELP population was fairly served by KCDA. We conducted this audit to ensure residents with NELP have adequate and effective access to City services and ensure equity and inclusion.

The audit found that KCDA generally complies with the translation standards prescribed by relevant laws, standards, and guidelines, with some exceptions. The language access services provided generally meet the needs of the NELP population as intended, and the NELP population generally has the same access to government services as the English-speaking population. However, KCDA was not fully compliant with certain aspects of Local Law 30 related to Language Access Plans (LAP) and the translation of commonly distributed documents.

The audit makes four recommendations, including that KCDA ensure that all documents commonly distributed to the public are translated into the top ten designated citywide languages; the LAP is amended to include select policies required by Local Law 30 that are missing; and the revised LAP and name and title of the Language Access Coordinator are publicly posted with all due expediency on its website.

I am pleased to report that KCDA agreed with the audit findings and recommendations and has begun implementing the recommendations.

The results of this audit have been discussed with KCDA officials and their comments have been considered in preparing this report. KCDA's complete written response is attached to this report.

If you have any questions concerning this report, please email my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

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

Brad Lander
New York City Comptroller

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Audit Impact

Summary of Findings

The audit found that the Kings County District Attorney's Office (KCDA) generally complies with the language access standards prescribed by relevant laws, standards, and guidelines, with certain exceptions. The language access services provided generally meet the needs of the non-English Language Preference (NELP) population as intended, and the NELP population generally has the same access to government services as the English-speaking population.

However, KCDA was not fully compliant with certain aspects of Local Law 30 of 2017 (LL30) which relate to Language Access Plans (LAP), Language Access Coordinators (LAC), and translation of its most commonly distributed documents. LL30 appears in Title 23, Chapter 11 Language Access § 23-1101 of the NYC Administrative Code.

Intended Benefits

The audit is intended to improve KCDA's NELP services.

Introduction

Background

New York City is home to one of the most diverse populations in the world, with more than 3 million foreign-born residents hailing from more than 200 countries. 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% of City residents aged five and over are not proficient in English. For residents with a non-English Language Preference (NELP), interacting with City government and receiving access to City services can be a challenge.¹

Since 2003, the City government has striven to enhance language access for NELP residents through a series of legislative actions including:

- **Executive Order No.120 (EO 120):** EO120, New York’s “Citywide Policy on Language Access to Ensure Effective Delivery of City Services,” was established in 2008, and required all City agencies providing direct customer services to provide language access services.
- **Local Law 25 of 2016 (LL25):** LL25 required all City agency websites to include a translation feature for the most widely used languages in the city, other than English.
- **Local Law 30 of 2017 (LL30):** LL30 Requires all City agencies that provide direct public or emergency services, to designate a Language Access Coordinator and to develop Language Access Plans (LAP).^{2 3} LAPs consist of the following components: identification and translation of the most commonly distributed public documents; interpretive services, including telephonic interpretation in at least 100 languages; training of frontline workers on language access policies; posting of signage in conspicuous locations about the availability of free interpretation services; and the establishment of an appropriate monitoring and measurement system to assess the provision of agency language services. Agencies are also expected to incorporate consideration of language access in public communications (including emergency notifications, public hearings, and events), and craft widely distributed documents using plain language principles. The law also requires agencies to update their LAPs every three years.

¹ NYC Administrative Code, Title 8, Chapter 10, Equal Access to Human Services, §8-1002, Local Law 73 of 2003 (LL73), LL30, and EO120 use the term “limited English proficient” or “LEP”; however, for the purposes of this report, the term “non-English language preference” (or “NELP”) is used.

² City agencies that receive Federal funding, including KCDA, must apply a four-factor analysis when developing their LAPs. This is based on guidance issued by the U.S. Department of Justice, (U.S. Department of Justice (DOJ) effective June 12, 2002 (67 FR 41455)). These factors include: the number or proportion of NELP persons in the eligible service population; the frequency with which NELP individuals come into contact with the agency; the importance of the benefit, service, information, or encounter to the NELP person; and the resources available to the agency and the costs of providing various types of language services.

³ US Executive Order 13166 of August 11, 2000 (EO13166), Improving Access to Services for Persons with Limited English Proficiency, requires agencies to prepare a plan to improve access to their programs and activities. The American Bar Association also recommends the development and use of Language Access Plans. New York State Executive Chapter 18, Article 10, § 202-a requires agencies to develop a Language Access Plan.

Federal, state, and local laws and regulations require that district attorney offices provide language support that allows NELP people to meaningfully participate in their programs and activities. The federal government and New York State have also enacted laws and issued guidance that enhance language access, both within the justice system (which the district attorney offices are a part of) and state government. These actions include:

- **Federal Executive Order 13166** (EO13166): Signed by the President of the United States in 2000, requires federal agencies to develop and implement a system to provide services for the NELP population. It also requires that recipients of Federal financial assistance provide meaningful access to their NELP applicants and beneficiaries. EO13166 also requires federal agencies to comply with United States Department of Justice Guidance that recommends a written plan to address the needs of the NELP population.
- **Consolidated Laws of New York, Chapter 18, Article 10, § 202-a** (Section 202-a): Section 202-a requires each state agency that provides direct public service to translate all vital documents into the 12 most common non-English languages spoken by NELP individuals in the state, based on data in the most recent American Community Survey published by United States Census Bureau. It requires agencies to provide interpretation services, designate a language access coordinator, and develop an LAP. The LAP shall include the means by which the agency will provide language assistance services, the titles of all available translated documents and the languages into which they have been translated, a training plan for agency employees, plan for annual internal monitoring of the agency's compliance, and a description of how the agency intends to notify the public of the language services provided.
- **New York State Unified Court System Regulations, Part 217** (Part 217): Part 217 of the Uniform Rules for NYS Trial Courts states that the court will provide interpreting services free of charge, in criminal, civil matters, and family court, for all participants in the process, including defendants, parties, witnesses, victims and those who use non-courtroom services provided by the court.

KCDA, also referred to as the Brooklyn District Attorney's Office, has the duty to protect the public by investigating and prosecuting criminal conduct in Brooklyn. KCDA serves more than 2.5 million Brooklynites and is one of the largest prosecutor's offices in the country. It investigates and prosecutes crime, assists victims, and implements crime prevention strategies to improve public safety and the quality of life of Brooklyn's residents.

Much of the office's work is handled by three principal divisions: Investigations, Trial, and Gender-Based Violence. According to KCDA's website, the Immigrant Affairs Unit, investigates and prosecutes individuals and businesses that target and exploit immigrants through fraud. The Immigrant Affairs Unit is staffed with specially trained attorneys who are from diverse backgrounds and have successful track records of overcoming cultural differences and language barriers to establish trust and build successful cases. These attorneys have access to translation services.

One of the missions of the NYS Unified Court System is to deliver equal justice under the law. To achieve that goal, all New Yorkers must have equal access to the courts and the justice system. The court will provide an interpreter to any party with an interest in a court proceeding, such as a litigant, criminal defendant, or witness, to ensure that they can meaningfully participate in that proceeding. Without interpreters, NELP individuals do not have equal access, and the outcomes of court proceedings could be negatively affected if the information provided by a NELP individual is misunderstood or not properly addressed. The interpreters are provided at no cost to ensure

that NELP individuals of any economic means can access the services provided by the courts and its affiliates. The court will also ensure that interpreters are providing fair and impartial interpretation in a professional manner to those who need it.

Objectives

The objectives of this audit were to determine whether: (1) KCDA is providing agency services to the non-English Language Preference population in the languages required by relevant laws, standards, and guidelines; and (2) the agency's language access services meet the needs of the NELP population as intended.

Discussion of Audit Results with KCDA

The matters covered in this report were discussed with KCDA officials during and at the conclusion of this audit. An Exit Conference Summary was sent to KCDA on June 23, 2023, and discussed with KCDA officials at an exit conference held on June 29, 2023. On August 14, 2023, we submitted a Draft Report to KCDA with a request for written comments. We received a written response from KCDA on August 28, 2023. In its response, KCDA agreed with the report's findings and recommendations, stating: "We are pleased to submit this response detailing the corrective actions we have taken for each recommendation."

The full text of KCDA's response is included as an addendum to this report.

Detailed Findings

The audit found that KCDA generally complies with the language access standards prescribed by relevant laws, standards, and guidelines, with few exceptions. The language access services provided generally meet the needs of the NELP population as intended, and the NELP population generally has the same access to government services as the English-speaking population.

However, KCDA was not fully compliant with certain aspects of LL30. Specifically, KCDA did not ensure that its most commonly distributed documents were translated into the top 10 NELP languages, or that its Language Access Plan (LAP) included policies for providing language access in public communications or emergency preparedness plans, and for updating the LAP at least once every three years. Furthermore, KCDA did not post its LAP or the name and title of its Language Access Coordinator (LAC) on its website.

KCDA Generally Provides Language Access Services to NELP Clients as Required

The auditors found that KCDA:

- **Provides language access services to NELP clients.** KCDA has a service agreement with Language Line Solutions, an interpretation and translation service provider that can provide interpretation in over 240 languages, including the top 10 NYC NELP languages. KCDA frontline staff can call Language Line from any phone or use the dual headset phone found at the reception area of KCDA's office. KCDA also employs multilingual staff, independent contractors who are certified by the New York State Unified Court System (UCS) and can use court provided interpreters to ensure the NELP population are receiving access to services.
- **Notifies the public of the right to free interpretation services.** KCDA maintains a publicly accessible office at 350 Jay St., Brooklyn, NY. There is a sign posted outside of the entrance way informing the public of the availability of free interpretation. The sign is translated into 21 languages including the top 10 NYC NELP languages. The signs are posted in conspicuous locations throughout the office.

KCDA also sends a multilingual document informing recipients of the availability of language access services in the top 10 NYC NELP languages. However, the enclosure does not state that the interpretation is free of charge.

- **Provides access to pertinent information on its website in over 100 languages.** At the time the audit began, KCDA's website did not have translation feature. Auditors notified KCDA at a meeting held on Thursday, March 30, 2023. At that meeting, KCDA acknowledged that its website did not have a translation feature and informed auditors that they were working toward a solution. On Friday, April 7, 2023, we received an email from KCDA informing us that the website had been updated to include a translation feature. The translation feature can be found on the top left of the website. When selected, it produces a dropdown menu allowing the user to select from 102 languages, including the top 10 NYC NELP Languages. The translation feature allows a NELP user to access information that may be relevant to them, such as information posted regarding KCDA's

Immigrant Affairs Unit, Community Engagement, and the Action Center page, which allows a user to find resources related to domestic violence, child abuse, school violence, and immigration fraud.

- **Trains its staff in the availability of language access services.** KCDA's LAP include policies requiring staff to receive training in the provision of language access services. The LAP states that frontline staff, managers, and newly hired Assistant District Attorneys (ADA) and non-legal staff shall receive training in topics such as:
 - The Policy Directive, Plan, and Procedures,
 - How to identify LEP [NELP] persons,
 - How to work with an interpreter,
 - How to access oral language assistance services,
 - Translated materials and how they are disseminated,
 - Basic interpretation skills.

The training materials KCDA submitted to auditors reflected those topics and included mentions of applicable laws and regulations prohibiting discrimination and/or requiring language access service be provided as well as instructions on how to utilize Language Line for telephonic interpretation.

- **KCDA's Language Access Plan is generally compliant with LL30.** KCDA has created and implemented a LAP using the four-factor analysis. The LAP considers the importance of the benefit or service by stating that language access is critical in successfully prosecuting cases. The plan also accounts for the NELP persons in the eligible service area by considering the top languages spoken in Brooklyn. The plan accounts for the frequency NELP individuals contact the agency by incorporating training policies such as how to identify NELP persons and, it accounts for the costs associated with providing language access by including procedures to annually review billing associated with language access. KCDA's LAP addresses the following key aspects of LL30's LAP requirements:
 - A LAC is designated in the LAP,
 - The LAP includes a description of how language access services are to be provided,
 - The language access needs of the population likely to be served are considered,
 - The training of KCDA employees is incorporated into the LAP,
 - Appropriate public awareness is incorporated into the LAP,
 - A process to monitor and timely respond to public complaints is included in the LAP,
 - KCDA takes into consideration the capacity for providing language access both through agency staffing and contracts with third parties.

KCDA Was Not in Compliance with Several Key Aspects of LL30

Most Commonly Distributed Documents Not Translated into All Top 10 NYC NELP Languages

KCDA's language access plan (LAP) identifies several documents as being the most commonly distributed. Those documents have not been translated into all top 10 NYC NELP languages. The documents KCDA submitted in response to the auditors' request for documents named in the LAP included three flyers (an Immigrant Affairs flier translated into Spanish; a KCDA Action Center flier translated into Russian, Chinese, and Haitian Creole; and an Elder Abuse Unit flier translated into Spanish, Chinese, and Haitian Creole). They also included a letter providing information regarding a grand jury appearance, a "Come See Me" letter, an outreach letter to a victim of a crime, a letter accompanying an order of protection, and a subpoena, all of which were only available in Spanish. KCDA also submitted two disposition letters which were only available in English with a Spanish tagline advising the recipient to contact Victim Services.

KCDA should provide its most commonly distributed documents in all required languages, as well as any additional languages that reflect its community, and should use its contracted language service providers to translate documents as needed.

KCDA's Language Access Plan Is Incomplete and Not Publicly Available on Its Website

There are two aspects required by LL30 that KCDA's LAP does not address: (1) the LAP does not specifically include a policy requiring the LAP to be updated at least once every three years; and (2) the LAP does not include policies for incorporating language access into emergency preparedness plans or public communications. KCDA also did not post its LAP or the name and title of its Language Access Coordinator (LAC) on its website, as required.

When KCDA was informed that the LAP was incomplete, officials responded that the agency would update the LAP to include the necessary information and update the website to include the LAP and name and title of the LAC.

Recommendations

To address the findings, the auditors propose that KCDA:

1. Ensure that all documents commonly distributed to the public are translated into the top 10 NYC NELP languages as well as any languages that are likely to serve the local NELP community.

KCDA Response: The agency agreed with this recommendation.

2. Update its multilingual enclosure document to indicate that the interpretation services are free.

KCDA Response: The agency agreed with this recommendation.

3. Amend the Language Access Plan to include policies (1) for ensuring that vital documents are translated into the top 10 NYC NELP languages; (2) for incorporating language access in all public communications and emergency preparedness responses; and (3) for updating the Language Access Plan at least once every three years in accordance with LL30.

KCDA Response: The agency agreed with this recommendation.

4. Post the Language Access Plan and name and title of the Language Access Coordinator on its website.

KCDA Response: The agency agreed with this recommendation.

Recommendations Follow-up

Follow-up will be conducted periodically to determine the implementation status of each recommendation contained in this report. Agency reported status updates are reported in the Audit Recommendations Tracker available here: <https://comptroller.nyc.gov/services/for-the-public/audit/audit-recommendations-tracker/>

Scope and Methodology

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS requires 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 within the context of 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 was from January 1, 2018, through June 10, 2023.

To achieve the audit objectives, auditors performed the following:

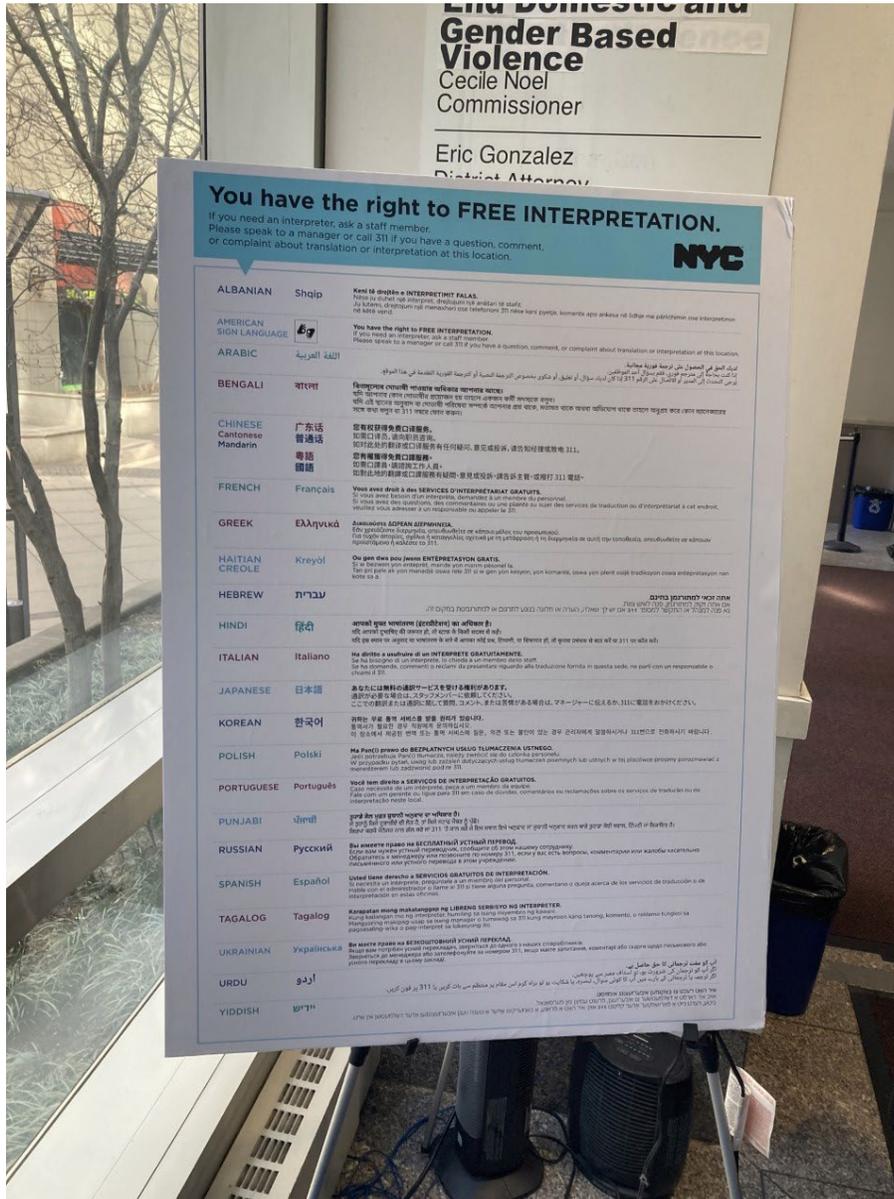
- Reviewed relevant criteria including:
 - NYC Administrative Code, Title 8, Chapter 10, Equal Access to Human Services §8-1002 (LL73);
 - NYC Executive Order No. 120 July 22, 2008 (EO120): “Citywide Policy on Language Access to Ensure Effective Delivery of City Services;
 - NYC Administrative Code, Title 23, Chapter 8, City Website, § 23-801 (LL 25)).
 - NYC Administrative Code, Title 23, Chapter 11, Language Access § 23-1101 (LL 30)
 - US Executive Order 13166 of August 11, 2000 (EO13166), Improving Access to Services for Persons with Limited English Proficiency;
 - New York State Unified Court System Regulations, Part 217 (Part 217) Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts;
 - U.S. Department of Justice (DOJ) effective June 12, 2002 (67 FR 41455). 67 FR 41455;
 - American Bar Association Standards for Language Access in Courts; and
 - Consolidated Laws of New York, Chapter 18, Article 10, § 202-a (Section 202-a) Section § 202-a.
- Created compliance checklists to assess KCDA’s compliance with LL30.
- Conducted interviews and walkthroughs with key KCDA personnel involved with the provision of language access service.
- Requested KCDA language access plan for the period 2018 through 2023.
- Reviewed and assessed whether the current KCDA’s language access plan was developed in accordance with Local Law 30, using the required four-factor analysis.

- Tested whether KCDA provided direct public services in at least the top 10 NELP languages spoken by the New York City population by (1) reviewing KCDA Language Access Plan; (2) conducting visits at KCDA's locations; and (3) conducting interviews with pertinent personnel regarding the provision of language access services.
- Obtained and reviewed documentation and assessed whether KCDA identified and translated the agency's most commonly distributed public documents provided to or completed by the public.
- Conducted site visits to KCDA's locations in Brooklyn to observe KCDA's translation services and ensure equity and inclusion for KCDA's NELP clients. To accomplish this, auditors (1) checked for the required signage and multilingual documents; (2) interviewed pertinent personnel regarding the provision of language access services on the process of providing language access; and (3) obtained and reviewed the employee manual for language access training and/or written policies and procedures.
- Reviewed KCDA signage kits to determine whether it contained multilingual posters.
- Reviewed and assessed whether KCDA established an appropriate monitoring and measurement system regarding the provision of agency language services.
- Reviewed and assessed whether KCDA created appropriate public awareness strategies for the agency's serviced NELP population by visiting KCDA's locations to determine whether the required notification of the right of free interpretation services is posted in conspicuous locations. Auditors observed various KCDA documents notifying the public of the right to interpretation such as the posters on the wall.
- Reviewed whether current KCDA's Language Access Plan and name and title of the designated Language Access Coordinator are posted to its website as of June 10, 2023.
- Accessed KCDA's website and translated the information into the top 10 languages spoken in New York City as of June 10, 2023.
- Determined whether it was appropriate to conduct a Client Survey to ascertain whether KCDA NELP clients were able to receive services in their preferred NELP language. Auditors discussed the potential for a survey with KCDA at the Entrance Conference and a Walkthrough site observation meeting. Auditors informed KCDA that the survey would not include identifying questions or any details about the reasons survey participants had sought services from KCDA. It was brought to auditors' attention that any survey questions would have to be disclosed to the defendants and their attorneys, which may have a negative impact on ongoing cases. This concern was communicated to KCDA. Auditors and other District Attorney Offices who were being audited for their provision of language access services at the time felt that contacting victims or witnesses in closed cases may be impossible, or such contact might further traumatize them. Given these and other concerns, it was determined that including or conducting NELP surveys would be inappropriate for KCDA's language access audit.

Appendix I

KCDA LANGUAGE ACCESS COMPLIANCE OBSERVATIONS

#1 KCDA SIGNAGE



KCDA signage is conspicuously placed and notifies the public of the availability of free interpretation in KCDA locations.

#2: KCDA DOCUMENTS AVAILABLE IN MULTIPLE LANGUAGES

Recursos adicionales para personas que creen que han sido víctimas de fraude o estafa. Pueden contactar a:

Para presentar la queja ante la autoridad, contacte: su precinto policial local.

Para presentar una queja en contra de un proveedor de servicios inmigratorio, contacte: El departamento del Consumidor de la ciudad de Nueva York llamando al 311 o 212-639-9675 o visite la página de internet <https://www1.nyc.gov/site/dca/consumers/file-complaint.page>. Todas las quejas pueden ser hechas en cualquier idioma o lenguaje.

Para obtener una referencia de proveedores de servicios sociales y legales como son servicios de inmigración, intérpretes y traducciones, derechos del trabajador, servicios legales y beneficios de consejería, pongase en contacto: The New American Hotline, al 800-566-7636 (La línea abierta tiene información en todos los idiomas).

Para obtener una referencia para un abogado privado, contacte: Al Servicio de Referencias Legales de la Asociación de Abogados de la Ciudad de Nueva York al 212-626-7373.

Para obtener más información sobre el estatus de su caso inmigratorio, contacte: Servicio de Ciudadanía e Inmigración de los Estados Unidos al 1-800-375-5283.

Para saber si alguien está autorizado para practicar leyes, contacte: el sistema de corte del Estado de Nueva York, por vía de correo electrónico a <http://iapps.courts.state.ny.us/Attorney/AttorneySearch> o por medio de correo o teléfono al:

**New York State Unified Court System
Office of Court Administration
Attorney Registration Unit
25 Beaver Street, Room 840
New York, NY 10004
(212) 428-2800**

Cómo Presentar Una Queja

**Línea Abierta de la
Unidad de Asuntos de Inmigrantes**
(718) 250-3333

Email
IAU@brooklynda.org

**O Visítenos en:
Oficina de la Fiscalía del Condado de Kings
Centro de Acción**
(718) 250-2340
350 Jay Street, Piso No. 16
Brooklyn, NY 11201

Puede venir sin cita previa:
De 9:00 a.m. a 4:00 p.m.
De lunes a viernes

**Para presentar una queja o para más
información visítenos al:**
www.brooklynda.org

OFRECEMOS ASISTENCIA EN MUCHOS IDIOMAS

Como llegar en tren:

- Los trenes A, C o F hasta la parada de Jay Street/MetroTech.
- El tren R hasta la parada de Jay Street/MetroTech - Fulton y caminar hacia Jay Street.
- Los trenes 2, 3, 4 or 5 hasta la parada de Borough Hall.
Camina este y cruce a Adams Street en dirección a Jay Street
- La entrada del edificio está en Jay Street.

MTA Líneas de Autobús

- Jay Street: B26, B57, B62, B67 and B54
- Adams Street: B25, B38, B41, B52 and B103
(Camina en dirección a Jay Street)

OFICINA DE LA FISCALÍA DEL CONDADO DE KINGS

UNIDAD DE ASUNTOS DE INMIGRANTES



**ERIC GONZALEZ
DISTRICT ATTORNEY**

**¿Es usted, o alguien que usted
conoce, un inmigrante que ha sido
víctima de un fraude o una estafa?**

**Si es así, la Fiscalía del Condado
de Kings puede ayudar.**

請問：

你在家裡感覺安全嗎？

家裡有沒有人讓你感到害怕？

有沒有讓你感到害怕的來訪者？

你身邊有沒有人曾經試圖傷害你？

你身邊最近有沒有人叫你的名字時辱罵你使你感到難過？

有沒有人強迫你一直躺在床上，或在你根本沒有病的時候說你病了？

有沒有人強迫你做你不想做的事情？

有沒有人在沒有經過你允許的情況下拿走你的物品？

有沒有人拿走你的錢或可以進入你的銀行賬戶？

(從國家中心虐待長者網站節錄
www.elderabusecenter.org

風險評估辦法，羅莎莉沃爾夫博士，
特別研究審查組，國家虐待長者中心，2000年9月通訊)

誰能夠幫您？

布碌崙地區檢察官辦公室

長者虐待部門/家庭暴力局

家庭與親密伴侶暴力，照顧者虐待、忽視
718-250-3071

檢察官辦公室的行動中心

經濟虐待
718-250-2340

紐約市老人局老年受害者單位

危機干預，心理輔導，幫助獲得支持服務和權益
212-442-3103

成人保護服務

舉報身體上的暴力和虐待
212-630-1853

JASA LEAP

法律與社會工作部門虐老項目

法律服務，危機干預，心理輔導，幫助獲得支持服務
212-273-5272

NYC Family Justice Center 紐約市家庭司法中心

法律訊息，提倡及申請家庭法庭保護令
718-250-5113

緊急情況請撥打911!

布碌崙地區檢察官辦公室

長者虐待部門



埃裡克·岡薩雷斯

布碌崙地區檢察官





Eric Gonzalez
District Attorney

**DISTRICT ATTORNEY
KINGS COUNTY**
350 JAY STREET
BROOKLYN, NY 11201-2908
(718) 250-2000
WWW.BROOKLYNDA.ORG

ADDENDUM
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August 28, 2023

Ms. Maura Hayes-Chaffe
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street
New York, NY 10007

**Re: Agency Response of the Brooklyn District Attorney's Office to
NYC Comptroller's Audit SZ23-089A**

Dear Ms. Hayes-Chaffe:

The Kings County District Attorney's Office (KCDAO) is deeply committed to ensuring equal justice and fairness in our work to protect the people of Brooklyn and providing language access service to the Non-English Language Proficient (NELP) community is an important part of this commitment.

On behalf of District Attorney Eric Gonzalez, we thank you, Comptroller Lander, and your audit team for your careful review, audit, and recommendations to ensure Brooklyn District Attorney's Office complies with our language access obligations. We are pleased to submit this response detailing the corrective actions we have taken for each recommendation.

Recommendation 1

Ensure that all documents commonly distributed to the public are translated into the top NYC NELP languages as well as any languages likely to serve the local NELP community.

KCDAO Corrective Action:

KCDAO has translated several of the documents most commonly distributed to the public into several commonly used languages as detailed our Language Access Implementation Plan, and we are seeking an estimate from Cyrcom, our translation vendor, as to the cost of translating other documents into all 10 most common NELP languages.

To ensure faster, current, and broader access to NELP communities, we collaborated with the NYC Office of Technology and Innovation to integrate Google Translate services prominently

into the www.brooklynnda.org web site, which provides instant translation services in 133 languages to all web site visitors, including all commonly distributed resources posted on our website. (See, Exhibit 1)

We are in the process of adding all commonly distributed documents to our web site such that translations into all NELP languages are available, and we are also updating the hard copies of those materials with a QR code to direct NELP community members to those translated resources electronically.

We are committed to periodically reviewing which documents are most commonly distributed to the public and ensuring translations are available to meet the needs of the communities we serve.

Recommendation 2

Update its multilingual enclosure document to indicate that the interpretation services are free.

KCDAO Corrective Action:

To ensure representation of a broader range of languages we are now utilizing the notice promulgated by the Mayor's Office of Immigrant Affairs as an enclosure to notify letter recipients of the availability of free language services in more than 23 languages. (See, Exhibit 2)

Recommendation 3

Amend the Language Access Plan to ensure policies (1) for ensuring that vital documents are translated into the top 10 NYC NELP languages; (2) for incorporating language access in all public communications and emergency preparedness responses; and (3) updating the Language Access Plan at least once every three years in accordance with LL30.

KCDAO Corrective Action:

The Language Access Plan has been updated to state that public communications containing vital information will be released in English and available in the top 10 NELP languages and the languages that best serve our community by placing those documents online for availability in 133 languages using Google Translate, or utilizing other translation resources as necessitated by the nature of the communication or need of the community.

In addition, the Agency commits to reviewing the plan annually and the status of document translations (See, Exhibit 1)

Recommendation 4

Post the Language Access Plan and name and title of the Language Access Coordinator on its website.

KDCA Corrective Action:

The Language Access Plan and the name, title, and contact information for the Language Access Coordinator has been posted on the agency website. A new "Language Access" page is linked from the static footer on every page of our website. The Language Access Plan is also available for download on the Victim Services Web site. (See, Exhibit 3)

We are grateful for the opportunity to submit this response and again thank you for your assistance throughout the audit process.

Sincerely,

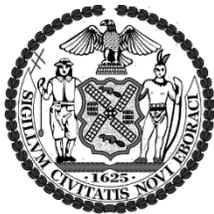


Nancy Hoppock
Chief Assistant District Attorney

Exhibit 1

The updated KCDAO Language Access Plan (revised August 22, 2023) follows. It includes policy updates that (1) detail a plan to ensure the availability of translations of vital documents into the top 10 NYC NELP languages utilizing in-house translation resources, Google Translate of materials placed on the KCDAO web site, and as needed, use of contracted translation vendor; (2) to incorporate language access in all public communications and emergency preparedness responses; and (3) to provide for updates to the Language Access Plan annually.

EXHIBIT 1



Eric Gonzalez
District Attorney

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Kings County District Attorney's Office
Language Access Implementation Plan (LAIP)

I. KINGS COUNTY DISTRICT ATTORNEY'S OFFICE ("KCDAO")

Kings County Acting District Attorney, Eric Gonzalez, is the chief law enforcement officer in Brooklyn, New York. KCDAO investigates and prosecutes crime, assists victims and implements crime prevention strategies to improve public safety and the quality of life of Brooklyn's residents. Lack of meaningful access for limited English proficient (LEP), deaf, and hard of hearing persons who have contact with our prosecutorial agency can impact the accuracy of the evidence presented, taint the outcome of a case, cause negative consequences to the LEP, deaf, or hard of hearing person, and result in a failure to prosecute subsequent crimes. Language accessibility is critical in successfully prosecuting cases involving LEP, deaf, and hard of hearing victims, witnesses, and defendants. Further, language accessibility is crucial in providing services to LEP, deaf, and hard of hearing victims, witnesses, family members, unrepresented defendants, represented defendants in KCDAO programs and community members.

II. LEGAL BASIS

The below federal, state, and local laws and regulations require that KCDAO provide language support necessary for meaningful participation by LEP, deaf, and hard of hearing persons in all programs and activities:

- A. Title VI of Civil Rights Act of 1964:** This Act ensures language access for individuals with limited English proficiency. Pursuant to Title VI's prohibition against discrimination based on race, color, or national origin, organizations receiving federal financial assistance are required to develop and implement policies that ensure meaningful access for limited English proficient persons to their programs and activities;

- B. Executive Order 13166:** This order requires federal agencies that provide federal financial assistance to issue guidance explaining the obligations of recipients to ensure meaningful access by limited English proficient persons to their federally assisted programs;
- C. Americans with Disabilities Act:** Law enforcement agencies are required to provide American Sign Language (ASL) interpreters and other auxiliary aids to ensure effective communication with deaf and hard of hearing individuals. Deference must be given to the deaf or hard of hearing individual's choice; and
- D. New York City Local Law 30:** Requires all city agencies that provide direct public services to develop language access implementation plans (LAIPs), appoint a Language Access Coordinator, provide language services in the top ten languages in New York City including telephonic interpretation services, post multilingual signage in conspicuous locations about the availability of free interpretation services, train staff, and translate documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic city services into the ten designated citywide languages.

III. PURPOSE

The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP, deaf, and hard of hearing persons who come in contact with KCDAO.

This Language Access Implementation Plan (LAIP) was developed to ensure equal access to services for LEP, deaf, and hard of hearing persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, they have been included in this plan.

IV. GENERAL POLICY STATEMENT

It is the policy of the KCDAO to take reasonable steps to provide timely and meaningful access for LEP, deaf, and hard of hearing persons coming in contact with KCDAO, including victims, witnesses, family members, unrepresented defendants, represented defendants in KCDAO

programs and community members. KCDAO shall ensure this meaningful access in the entire scope of its work including programs, activities, information, services, or benefits to victims, witnesses, defendants when appropriate, and the general public. KCDAO personnel will inform members of the public that language assistance services are available free of charge to LEP, deaf, and hard of hearing persons and that KCDAO will provide access to these services for them.

It is also the policy of KCDAO to provide meaningful access to all programs, activities, functions or services of KCDAO, to any individual, regardless of their national origin, ability to speak, read, write or understand English, whether they are deaf or hard of hearing, and whether they are a member of any other protected class listed in the KCDAO EEO Policy. KCDAO has a language coordinator and a language access committee to facilitate and monitor all aspects of KCDAO's LAIP.

V. PERSONS WITH LIMITED ENGLISH PROFICIENCY

Persons with LEP do not speak English as their primary language and have a limited ability to read, write, or understand English. Many persons with LEP are in the process of learning English and may read, write, speak, or understand some English, but not proficiently. An individual may have sufficient English language skills to communicate basic information (name, address, etc.) but may not have sufficient skills to communicate detailed information (e.g., medical or eyewitness information) in English.

Persons with LEP may not always self-identify and may state that they understand more English than they actually do. They may also fear differential treatment.

Context affects English language proficiency. Unfamiliar or stressful situations, including legal proceedings or health-related matters, can affect language ability in individuals who are otherwise proficient in English.

According to the 2018 American Community Survey, the top twelve languages spoken at home in Brooklyn besides English are Spanish, Russian, Chinese (Cantonese and Mandarin), Yiddish, French (including Cajun), Haitian, Arabic, Urdu, Bengali, Polish, Italian, Ukrainian or other Slavic languages.¹

¹ Based on the 2018 American Community Survey, available at https://s-media.nyc.gov/agencies/dcp/assets/files/pdf/data-tools/census/acs/top_lang_2018sf1yr_nyc.pdf.

The KCDAO utilizes Language Line Solutions, an independent company for telephonic interpretation services. Language Line Solutions provides telephonic interpretation by qualified interpreters in the event that KCDAO staff is unable or unqualified to speak to a victim or witness in their language or to provide interpretation. The most common languages for which telephonic interpretation services are requested through Language Line Solutions are Spanish, Mandarin, Russian, Cantonese, Arabic, Haitian Creole, Bengali, Urdu, Polish, and Uzbek (see Exhibit A, Language Line Solutions report 2020-2022).

The Victim Services Unit (VSU) of the KCDAO also tracks the number of LEP they service as part of their grant reporting requirements through the state Office of Victim Services (see Exhibit B, VSU report 2020-2022).

VI. DEAF AND HARD OF HEARING PERSONS

The deaf and hard of hearing community is diverse. Usually, the term deaf refers to a person who has very little or no functional hearing and often uses sign language to communicate. The term hard of hearing usually refers to a person with mild to moderate hearing loss who may communicate using sign language, spoken language, or both. There are variations in how deaf and hard of hearing persons identify themselves, whether and to what degree they can speak or hear, and how they communicate. Exhibit B provides data for the number of deaf and hard of hearing language interpretation services that were required by KCDAO during the time period 2020-2022.

VII. NOTICES FOR LEP, DEAF, AND HARD OF HEARING PERSONS

Notices written in multiple languages will be posted throughout KCDAO reception areas about the availability of free interpretation services. A notice with the universal symbol for sign language interpreting services (below) will also be posted along with the text “Free Sign Language Interpretation Services Available.” The text is included primarily to ensure that staff know that the person needs a sign language interpreter.



VIII. DEFINITIONS

Bilingual

Having the ability to speak two languages fluently and communicate directly and accurately in both English and another language.

Consecutive interpretation

The process of orally converting one language into another after the speaker has completed a statement or question and pauses. The interpreter then converts the statement into another language while retaining the same meaning.

Deaf and hard of hearing persons

Usually, the term deaf refers to a person who has very little or no functional hearing and often uses sign language to communicate. The term hard of hearing usually refers to a person with mild to moderate hearing loss who may communicate using sign language, spoken language, or both.

Foreign language interpreter

An individual who has received interpretation skills training and can competently convert a message spoken from one language into one or more languages.

Persons who have limited English proficiency

An individual who does not speak English as a primary language or who has a limited ability to read, speak, write, or understand English and requires the assistance of a foreign language interpreter to effectively communicate.

Primary language

The language in which an individual is most effectively able to communicate.

Per diem interpreters

Independent contractors who are certified by the New York State Unified Court System (UCS) and work on a per-diem basis and are responsible for interpreting between English and another language in the courtroom and/or other settings. They perform simultaneous and consecutive interpretation, as well as sight translation of court documents and other written material. Per diem interpreters are hired by the KCDAO for grand jury and trial preparation.

Sight translation

The act of reading material written in one language and converting and communicating it out loud into another language, while retaining the same meaning.

Sign language interpreter

An individual who facilitates communication between a hearing person and a deaf, hard of hearing, or deaf-blind person through the use of a signed language such as American Sign Language or other manual or oral representation of a spoken language. Please note that interpreters with specialized skills may be needed for deaf-blind people or deaf people with other disabilities.

Simultaneous interpretation

The process of orally converting one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.

Telephonic interpretation

The use via telephone of a foreign language interpreter who is in a location that is physically separate from that of the party or witness who is limited English proficient and requires the services of the interpreter for meaningful participation.

Translator

An individual who takes written text composed in a source language and converts it into an equivalent written text of a target language.

Vital document

Any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP, deaf, or hard of hearing persons specifically. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP, deaf, or hard of hearing person if the information in question is not provided accurately or in a timely manner.

IX. LANGUAGE ASSISTANCE RESOURCES AND PROCEDURES**A. Determining the Need for an Interpreter**

The first step in communicating with a LEP, deaf, or hard of hearing person is to ascertain if the person is LEP, deaf, or hard of hearing. This may not always be obvious to the staff person initially communicating with the individual. The LEP, deaf, or hard of hearing person may use English words to convey understanding even if his or her comprehension or speaking ability is limited. Therefore, staff will be trained on how to determine whether people who come in contact with KCDAO are LEP, deaf, or hard of hearing.

There are various ways that KCDAO staff will determine whether an LEP, deaf, or hard of hearing person needs an interpreter. First, the LEP, deaf, or hard of hearing person may request an interpreter. Second, staff may determine during the course of an interview that the LEP, deaf, or hard of hearing person needs an interpreter. Third, the need for an interpreter and/or the language need may be identified on police paperwork or the case file.

If an LEP, deaf, or hard of hearing person does not specify their language need, KCDAO staff will use the public notification posters regarding free interpretation services available at reception areas. The poster invites LEP, deaf, or hard of hearing persons to self-identify their language access need.

When the language is identified, staff interacting with the LEP, deaf, or hard of hearing individual, depending on the circumstances, staff may contact bilingual staff, request an interpreter, or use Language Line.

For languages of lesser diffusion, such as indigenous languages for which there is no certification test available, staff will be trained that the interpreters may not be certified or provisionally qualified. Staff will be trained to review the interpreter code of ethics to ensure interpretation is accurate, complete, and neutral. See Appendix A, Sample Interpreter Code of Ethics, created by the Asian Pacific Institute on Gender-Based Violence (APIGBV), a national technical assistance provider on language access issues. This sample is intended as a brief reference guide of best practices for interpreters.

1. Bilingual staff

Bilingual staff may be called upon to assist with communicating with LEP victims /witnesses. Bilingual staff members are not called upon to interpret in court, with the exception of the Spanish and Mandarin interpreters specifically employed to interpret in the Grand Jury.

KCDAO maintains a Foreign Language Directory. All staff can access the directory by going to the Start menu, opening KCDA Applications, and opening Language Translator. Staff can search the database by language and see the staff member's name, department, phone number, and level of fluency based on their self-reporting.

Staff should be mindful that other staff have varying levels of fluency and may be able to perform certain tasks but not others. For example, a staff member may be able to conduct a basic intake in another language but is not qualified to provide simultaneous interpretation services. Staff should not assume that a bilingual staff member has received training in interpretation or translation.

2. Interpreter

For certain cases, in-person interpreters will be called in as opposed to using bilingual staff or Language Line. Examples include but are not limited to interviews with LEP, deaf, or hard of hearing victims/witnesses for Grand Jury testimony or trial preparation. Staff seeking an in-person interpreter must confer with their bureau chief. The bureau chief will notify the paralegals to request a court interpreter when necessary. With approval of the bureau chief, this is arranged by calling Grand Jury. When an Assistant District Attorney (ADA) is in need of an interpreter in court for a witness or victim for a trial, it is the responsibility of the ADA to call the court clerk with sufficient notice and alert them to the language needs of the victim/witness.

3. Language Line

To access Language Line:

1. Dial 1-866-874-3972 or 1-800-874-9426
2. Enter client ID# 502017
3. Enter the first five letters of your first name as the access code.

B. Communicating with Victims and Witnesses

For communications outside the courtroom such as grand jury or trial preparation, KCDAO will be responsible for providing interpretation.

An ADA or other staff member assigned to any matter should review the file to determine if any

LEP, deaf, or hard of hearing victims or witnesses are known to be associated with the case. In such matters, whenever possible, the assigned ADA or staff member should arrange for appropriate language assistance resources in advance of any interviews. This could include working with bilingual KCDAO staff, using Language Line Solutions, or contacting Grand Jury to make arrangements for an interpreter with appropriate approval. See Section IX.A.2.

If the staff member assisting with interpretation is a bilingual support staff member, he/she should be reminded to remain neutral and refrain from having side conversations or providing opinions or advice to the LEP, deaf, or hard of hearing victim/witness. All staff should be mindful that leaving an interpreter (or bilingual support staff member acting as an interpreter) alone with the LEP, deaf, or hard of hearing victim or witness provides the opportunity for that victim or witness to ask questions of the interpreter (or bilingual support staff member acting as an interpreter), thereby placing the interpreter in a non-neutral position, outside the scope of the interpreter's duties.

If a bilingual ADA or bilingual advocate is assisting another ADA with interpretation, he/she may also be involved in the case and therefore his/her role may include both interpreting and providing information and explanation to the victim/witness. In either case, the role of the bilingual ADA/advocate should be explained to the LEP, deaf, or hard of hearing victim/witness. If the victim/witness is left alone at any time with the bilingual ADA/advocate and the victim/witness asks any questions, the bilingual ADA/advocate will refrain from answering the question and instead will alert the ADA upon their return to the office.

Except for exigent circumstances and for obtaining basic information such as name, age, or national origin, KCDAO staff should not allow children, family members of the victim, family members of the perpetrator, friends of the victim/perpetrator and/or any interpreter used by the perpetrator to provide interpretation or translation.

C. New York State Unified Court System Court Interpreter Manual and Code of Ethics

If an LEP, deaf, or hard of hearing victim or witness is going to be testifying at a trial, the court arranges for the interpreter. It is the responsibility of the ADA to notify the court clerk of the language needs in advance. KCDAO arranges to hire certified interpreters to assist with Grand Jury interviews and testimony, trial preparation, and translation. These interpreters are often hired from the list of certified per diem interpreters from the New York State Unified Court System (UCS). Court interpreters are managed by the Coordinator of the Office of Court

Interpreting Services as part of the Division of Court Operations. The Court Interpreter Manual and Code of Ethics includes the following procedures for court interpreters when communicating with the LEP, deaf, or hard of hearing person. Prior to the court appearance, the court interpreter shall:

- Advise the LEP, deaf, or hard of hearing person that the court interpreter's role is to interpret all statements and comments throughout the proceeding;
- When necessary and where available, arrange for wireless interpreting equipment to be used;
- Advise the LEP, deaf, or hard of hearing person to direct all questions to the counsel or to the court; and
- Not engage in independent dialogue, discussions, or conversation with the LEP, deaf, or hard of hearing person.

See the full New York State Unified Court System Court Interpreter Manual and Code of Ethics, which includes the Canons of Professional Responsibility and the Code of Ethics of the Unified Court System.

(<https://www.nycourts.gov/COURTINTERPRETER/pdfs/CourtInterpreterManual.pdf>)

See Section XI for the Interpreter Complaint Process.

D. Court Interpreter Qualifications

UCS arranges for interpretation services for court proceedings. KCDAO employs two Spanish and one Mandarin interpreter in the Grand Jury and hires certified interpreters as needed for other languages, but otherwise does not use bilingual staff to interpret in court

X. TRANSLATION OF FORMS AND DOCUMENTS

On an ongoing basis, the Language Access Coordinator and Language Access Committee will review KCDAO forms and documents and determine the need for translations of documents into additional languages. The documents most commonly distributed to the public will be translated either by in-office staff, by a contracted translation vendor, and/or placed on the KCDAO web site so that they can be immediately translated into more than 133 languages utilizing Google Translate, which is integrated into the header of each page of the www.brooklynda.org Web site.

The Language Access Committee will review the status of translations within one year from the effective date of the LAP. The Language Access Committee will also consider creating alternatives to standard written translations, which may include tag lines for certain documents in multiple languages indicating that free interpretation services are available.

A. Commonly distributed documents and languages in which those documents are currently available:

1. Fliers:

- Victim Services Unit
VSU provides services to all crime victims and has specialized programs to assist in certain cases.
 - General tri-fold flier: English.
- Sex Crimes Bureau: Sexual Assault Resource Guide: English.
- Domestic Violence Bureau
 - General tri-fold flier: English.
 - Elder Abuse Unit: English, Spanish, Haitian Creole, and Chinese.
- Human Trafficking Unit Resource Guide: English.
- Action Center flier: English, Spanish, Haitian Creole, Russian, Chinese.
The Action Center is a walk-in center that addresses public safety and quality of life concerns in the community.
- Immigrant Fraud Unit
 - General tri-fold flier: English, Spanish, Russian, and Chinese.
 - General flat one page flier includes text in English, Spanish, French, Polish, Arabic, Russian, and Chinese.

2. Legal documents

- Corroborating affidavit: English (requires an affidavit of translation for any other language).
- Subpoena and letter: English and Spanish.

3. Outreach letters

- “Come See Me” letter (mailed by ADAs): English and Spanish.
- General outreach letter (mailed by mailroom on all cases): English and Spanish.

- Letters that get mailed with orders of protection:
 - For domestic violence cases where the victim/witness was successfully contacted after arraignments by the Victim Services Unit: English and Spanish.
 - For other cases (mailed by the criminal court bureau): English and Spanish.
- Letters to victims upon the disposition of certain cases: English with a tagline in Spanish.
 - Victim Disposition Letter A - Any case in which the final disposition includes a conviction of:
 - A violent felony offense (VFO) (see P.L. §70.02); OR
 - A felony defined in Article 125 (essentially, all homicides, including such non-VFOs as Criminally Negligent Homicide and Manslaughter in the Second Degree)
 - Victim Disposition Letter B – Any case in which the victim of a crime has requested to be informed of the final disposition.
- Victim Services Unit outreach letter, aka “VSU Call Me Letter” letter: English.

B. Public Communications and Emergency Preparedness Responses

Public communications and emergency preparedness responses are posted on the KCDA web site and available to be translated immediately by Google Translate into more than 133 languages. Due to the volume of public communications and the timeliness of emergency preparedness responses, utilization of a contracted vendor for each would be cost prohibitive and ineffective due to translation delays of days or weeks. However, staff will assess in each instance whether exigent manual translation services are needed to meet the unique needs of an impacted community and ensure that public communications containing vital information are available in English and the top 10 languages and the languages that best serve our community..

- C. Documents written in languages other than English that will be entered into evidence must have a formal translation. ADAs seeking to have documents translated must confer with their bureau chief. All expenditures up to \$1,000 require Bureau Chief and Executive Assistant District Attorney for Administration approval. All expenditures over \$1,000 require the approval of the Bureau Chief, the Executive Assistant District Attorney for Administration and either the Chief of Staff or as a back-up, the Counsel to

the District Attorney. Upon receipt of all necessary approvals, all requests are to be brought to Fiscal for approval. Consult the Fiscal Department for the guidelines on translating documents being entered into evidence. The bureau chief will notify the paralegals to request translation assistance when necessary. With approval of the bureau chief, this is arranged by calling Grand Jury.

D. Sight translation by an interpreter will be done for other non-English documents.

X. TRAINING

KCDAO's training department will remind staff of the Language Access Implementation plan yearly. The LAIP will be posted on the KCDAO intranet and the KCDAO website. The Sample Interpreter Code of Ethics will be posted on the intranet and is intended to be used as a brief reference guide for staff on best practices for interpreters.

Front line staff and managers will be trained on the LAIP. The Language Access Committee will create a plan of how to incorporate language access training into existing training for new ADAs and non-legal staff. The Language Access Committee will also create a plan of how to inform existing staff of the LAIP and relevant procedures. The Language Access Committee will review the status of this planning on an ongoing basis.

Examples of training topics are:

i.

- The Policy Directive, Plan, and Procedures;
- How to identify LEP persons;
- How to work with an interpreter;
- How to access oral language assistance services, translation services and sight translation;
- Translated materials and how they are disseminated; and
- Basic interpretation skills.

Examples of future training topics include:

- E. Accessing centralized information to identify bilingual staff members to assist with communicating with LEP, deaf, or hard of hearing persons; and
- F. Methods and goals for conducting community outreach.

XI. INTERPRETER COMPLAINT PROCESS

Any problem with an interpreter will be documented by the KCDAO staff member experiencing the issue and submitted to the Language Access Coordinator. The interpreter's name, language, ID number, and problem will be recorded. The Language Access Coordinator will submit a written complaint to the appropriate agency such as Language Line, UCS, or another agency that provides interpretation services.

The Language Access Coordinator will keep an internal record of complaints including the interpreter's name, language, and agency. This list will be attached to the LAP as a DO NOT USE list. Complaints will be reviewed by the Language Access Committee.

Complaints against KCDAO staff who provide language services will be handled by the KCDAO's Action Center, and that unit will log complaints and refer them to the appropriate supervisor for investigation and remedial action.

XII. PUBLIC NOTIFICATION AND EVALUATION OF LAIP

A. LAIP Approval and Notification

The Language Access Implementation Plan will be posted on the KCDAO website, the intranet, and will be submitted to the Mayor's Office of Immigrant Affairs (MOIA), which provides technical assistance regarding language access in New York City. MOIA conducts an annual survey to assess the number of people seeking language assistance services and translated materials at the agency.

Signs will be maintained at all KCDAO reception areas about the availability of free interpretation services. Each sign shall clearly state that these services are available at no cost.

Staff assigned to all KCDAO reception areas will be reminded of the language access policy and other resources available to assist with interpretation and translation services.

B. Evaluation

The Language Access Committee will review the Language Access Implementation Plan annually. This evaluation will consist of:

- G. Review of Language Line bills for telephonic interpretation needs;

- H. Review top language needs for interpretation services in Grand Jury;
- I. Review vital documents and determine whether there is a need for additional translations;
- J. Review the status of training plans and areas for improvement;
- K. Review complaints from the public about language access services;
- L. Review complaints about court interpreters and Language Line; and
- M. Create a mailing insert in ten languages, which states that the document contains important information about the case and a number to call for language interpretation

The effective date of this version of the LAIP is August 22, 2023.

If you have any questions or comments, please contact the Language Access Coordinator, Gregory Mitchell, Chief Operations Office, at (718) 250-3095.

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Lep.gov, Limited English Proficiency, a Federal Interagency Website, *Frequently Asked Questions*, Available at: <http://www.lep.gov/faqs/faqs.html>

Long Island Language Advocates, *Glossary of Terms*, Available at: <http://www.longislandlanguageadvocates.org/glossary-of-terms.html>

National Association of the Deaf
<https://nad.org/>
<https://nad.org/issues/american-sign-language/community-and-culture-faq>

The New York State Unified Courts, *UCS Court Interpreter Manual and Code of Ethics, Court Interpreter Manual*, 2008, Available at: <https://www.nycourts.gov/COURTINTERPRETER/pdfs/CourtInterpreterManual.pdf>

Rules of Superintendence, Sup. R. 80 & 88, Supreme Court of Ohio, Available at: <http://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/Superintendence.pdf>

Exhibit 3

The Language Access Plan and the name, title, and contact information for the Language Access Coordinator has been posted on the agency website at <http://www.brooklynda.org/languageaccess>. This page is also linked in the static footer on every page of our website (red arrow below). The Language Access Plan is also available for download on the Victim Services Web site (yellow arrow below). In addition, Google Translate services have been integrated into all pages of our web site to provide immediate translation of the page's content in at least 133 languages (orange arrow).



The Brooklyn District Attorney's Office is committed to all members of our community, and providing language assistance services is an important part of that commitment. Translation services are available free of charge. For more information, please contact Language Access Coordinator Gregory Mitchel at (718) 250-2095 or a staff member assigned to your case.

To review the Brooklyn District Attorney's Language Access Plan, please click [here](#).

Technological Education Center for Deaf and Hard-of-Hearing Students

<https://www.deaftec.org/content/deaf-definitions>

United States Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Considerations for Providing Language Access in a Prosecutorial Agency*, September 2011, Available at:

http://www.lep.gov/resources/092111_Prosecutors_Planning_Tool.pdf





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