



OFFICE OF THE DISTRICT ATTORNEY
RICHMOND COUNTY
MICHAEL E. MCMAHON
DISTRICT ATTORNEY

RICHMOND COUNTY DISTRICT ATTORNEY'S OFFICE
LANGUAGE ACCESS POLICY

With more than 3 million foreign-born residents from more than 200 different countries, New York is home to one of the most diverse populations in the world. New Yorkers come from every corner of the globe and speak over 200 different languages.

Nearly one-half of all New Yorkers speak a language other than English at home, and almost 25%, or 1.8 million persons, are not English Proficient. For these New Yorkers, interacting with City Government can often be a challenge. In February 2017, City Council passed [Local Law 30](#), which required all City agencies to provide opportunities for Limited English speakers to communicate and receive services; therefore, the Richmond County District Attorney's (RCDA) office provides free interpretation services for constituents and other visitors as requested.

I. PURPOSE

The purpose of the RCDA 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 RCDA have equal access to services provided by this Office.

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

II. POLICY

It is the policy of RCDA that members of the public are entitled to interact with public contact employees of RCDA in their primary language. RCDA ensures reasonable access to free interpretation and translation of vital documents into the top NYC LEP languages (Arabic, Bengali, French, Haitian Creole, Korean, Polish, Russian, Chinese, Spanish, and Urdu) 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.

RCDA 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 RCDA's mission is to pursue justice with integrity and provide for the safety and security of the borough of Staten Island. 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.

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 RCDA employee designated by the District Attorney to oversee the implementation of RCDA's Language Access Plan.
- f. **Public Contact Employee:** Refers to an RCDA employee who interacts with members of the public and enables access to language services provided by RCDA.

IV. PROCEDURES

a. Determining the Need for Language Assistance

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

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 10 (ten) NYC LEP Languages, as well as the 8 (eight) non-English languages most commonly spoken in Richmond County - those languages are Spanish, Chinese, Russian, Arabic, Italian, Polish, Urdu, and Hebrew.

Language line interpretation services are available as needed for RCDA staff, visitors, victims, and witnesses to communicate clearly and effectively regarding a case, office policies, and services. Language line should be used when a victim, witness, or member of the public ("witness") requests assistance in their language and/or if the RCDA staff deems it appropriate and necessary. Please note the following:

- All calls should be made on a phone that has "speaker phone" capabilities.
- RCDA staff should initiate the call by speaking to the language line provider and giving them the necessary information to set up the call including, RCDA account info, as well as the language and dialect they requested.

- Once language line connects RCDA staff to its respective translator, staff should make note of the Interpreter's name and ID number before making the necessary introductions. Staff should then proceed by giving the translator a brief overview of the information they need translated before initiating the conversation/translation process.
 - Upon call completion, RCDA staff should enter a PCMS note with the interpreter's ID and name, as well as email Procurement@rcda.nyc.gov with the date of the call, language used, interpreter ID number, and docket/case number. The email subject line should read: "Language Line Usage."
 - Language line should NOT be used if a witness needs to sign documents. In this instance, please check internally for a language resource on staff. When unable to locate an internal language resource, please request an Interpreter by submitting a requisition to Procurement.
- c. Statements, Proffer Agreements, and Cooperation Agreements

Any statement that will provide an 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 RCDA 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.

V. LANGUAGE ACCESS COORDINATOR

The LAC is responsible for the following:

- a. Ensuring all the RCDA's public contact employees have a copy of the LAP and understand their responsibilities as outlined herein;
- b. Ensuring all the RCDA's 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 free interpretation services, and vital documents translated when interacting with RCDA, regardless of their immigration status or their status as a victim, witness, or defendant;
- d. Providing language access information in all public communications and emergency preparedness responses;
- e. Annually collecting all data related to language assistance services within RCDA and monitor the effectiveness of the language access services RCDA provides;
- f. Updating the LAP every three years in accordance with Local Law 30;

- g. Ensuring all vital documents distributed to the public are translated into the 8 most commonly spoken non-English languages.
- h. Ensuring the most current version of the RCDA Language Access Plan is posted on the intranet and that all employees are notified when substantial changes are made to this plan.

VI. WEBSITE

RCDA 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

All issues with language access services will be documented by the public-facing RCDA employee and submitted to the Language Access Coordinator within 180 days of the alleged discrimination. Public complaints regarding language access should be submitted in writing to the Richmond County District Attorney's Office at the following address:

Euna Park
Language Access Coordinator/Chief Diversity Officer/EEO Counselor/Chief, Immigrant Affairs
Unit
Richmond County District Attorney
130 Stuyvesant Place
Staten Island, NY 10301
(718) 556-7066