

**COUNTY OF SUFFOLK  
OFFICE OF THE DISTRICT ATTORNEY**



**TIMOTHY D. SINI**  
*District Attorney*

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**Suffolk County District Attorney's Office Language Access Plan**

**I. PURPOSE:**

The purpose of the Suffolk County District Attorney's Office Language Access Plan ("LAP") is to make reasonable efforts to ensure individuals with limited English proficiency ("LEP individuals") who interact with the Suffolk County District Attorney's Office ("SCDAO" or "Office") have equal access to services provided by this Office.

This plan establishes guidelines for public contact employees of the SCDAO.

**II. POLICY:**

It is the policy of the SCDAO that members of the public are entitled to interact with public contact employees of the SCDAO in their primary language. The Office will ensure reasonable access to interpretation and translation services to LEP individuals who interact with public contact employees of this Office. LEP services are provided without regard of the individual's immigration status or status as a victim, witness, or defendant.

It is the responsibility of the SCDAO to ensure members of the public are made aware of the LAP and what services are available. To that end, information on language accessibility will be available on the SCDAO website and signage will be posted at all SCDAO locations.

The SCDAO further acknowledges Local Law-16-2018, "A Local Law to Ensure Language Assistance to the Public," and its intent. Accordingly, this Office opts to submit its own plan to the Clerk of the County Legislature, and will annually provide reporting to the Legislature specified in L.L. 16-2018.

**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

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- 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. Vital Document: The documents listed in Section IV of this plan.
  - f. Language Access Coordinator (“LAC”): The employee of the Suffolk County District Attorney’s Office designated by the District Attorney to oversee implementation of the SCDAO Language Access Plan.
  - g. Language Access Liaison: The employee of a bureau within the Suffolk County District Attorney’s Office designated by the Bureau Chief to liaise with the LAC to assist in implementation of the SCDAO Language Access Plan.
  - h. Public Contact Position: An employee of the SCDAO who assists members of the public with accessing services provided by this office.

#### **IV. PROCEDURES:**

##### **a. Determining the Need for Language Assistance**

When an LEP individual makes contact with the Office, the public contact employee they are interacting with will determine what the individual’s primary language is. It is critical that public contact employees of the SCDAO not make assumptions about an individual’s primary language if it is clear that they are limited in their English proficiency.

This can be done via use of “I Speak” language identification cards or posters provided to the Office by LanguageLine Services, or by asking a multilingual employee or a certified interpreter. This includes instances in which a member of the public calls the Office or appears in person.

No employee of this Office shall 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 the mission of this Office is to seek justice 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.

##### **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

Suffolk County. Those languages are: Spanish, Mandarin, Polish, Italian, Portuguese, and Haitian Creole. All vital documents will also be available in braille.

The SCDAO utilizes LanguageLine Solutions for immediate interpretation services. LanguageLine is available twenty-four hours a day, seven days a week. In addition, the Office has a list of certified interpreters that employees may access.

Absent a unique circumstance, no employee of the Office shall use family members, minors, neighbors, friends, acquaintances or bystanders to provide language assistance services. Those enumerated individuals may, however, be utilized to assist in determining the primary language of the individual with limited English proficiency. Furthermore, employees of the Office shall not use opposing parties, adverse witnesses, or victims to a dispute as interpreters.

c. Statements, Proffer Agreements, and Cooperation Agreements

Any statement that will provide evidentiary basis for prosecution shall be taken using either a multilingual employee of the SCDAO, an interpreter from the SCDAO's Approved Interpreter List, or a qualified SCPD interpreter to the extent possible. 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. In the event that none of the aforementioned options are available, the SCDAO employee taking the statement may utilize LanguageLine Services.

Any statement signed by an LEP individual must be read aloud by a certified interpreter or multilingual employee of the SCDAO 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 Impairment

*Vision Impaired Individuals:*

All vital documents accessed by the public will be available in braille for individuals with impaired vision. In the event that 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 SCDAO 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 SCDAO Approved Interpreter List or seek an employee of the Office who is certified in ASL.

e. **Suffolk County District Attorney's Squad**

Members of the Suffolk County District Attorney's Squad shall abide by the Suffolk County Police Department's Language Access Plan in all interactions with the public.

f. **Data and Reporting**

It is the responsibility of the Language Access Liaisons to keep data on the number of times interpretation services are utilized in their bureau, as well as other data as will be required by the LAC.

Language Access Liaisons shall report quarterly on the number of times their bureau utilized language assistance services, including the number of times the service is accessed, which services (LanguageLine, interpreter, etc.) and the language interpreted for. Language Access Liaisons shall keep a list of the names of all multilingual staffers in their bureau which must include their title, the language(s) and dialect(s) they speak, and whether or not they are a certified interpreter. This list shall be updated annually, or as needed, and provided to the SCDAO Language Access Coordinator.

Bureau Chiefs will designate a suitable member of his or her bureau to serve as the Language Access Liaison, who will coordinate with and provide the above information to the LAC. Bureau Chiefs shall provide the contact information of their designated liaison to the LAC.

g. **Training**

The LAC will work with each Language Access Liaison to ensure each public contact employee is trained annually. All public contact employees will be required to view LanguageLine Services' tutorial video and read this Language Access Plan on an annual basis. All employees in public contact positions will sign a statement certifying the completion of this requirement annually. All signed statements will be filed by each Language Access Liaison with the Language Access Coordinator.

**V. LANGUAGE ACCESS COORDINATOR:**

The LAC is responsible for the following:

1. Ensuring all public contact employees of the SCDAO have a copy of the LAP and understand their responsibilities as outlined herein;
2. Ensuring all public contact employees are trained in the use of LanguageLine Services and understand their responsibilities as outlined herein;
3. Ensuring members of the public are aware that they are entitled to interpretation services and translated vital documents when interacting with the SCDAO, regardless of their immigration status or their status as a victim, witness or defendant;
4. Collecting all data related to language assistance services within the SCDAO annually including, but not limited to:
  - a. The number of times LanguageLine Services is utilized, which bureau, and for which language(s);

- b. The number of times a certified interpreter is utilized, which bureau, and for which language(s);
  - c. The number of times a multilingual SCDAO employee is called upon to provide language assistance, which bureau, and for which language(s);
  - d. Any time a vision or hearing impaired individual seeks services from this office;
5. Ensuring all vital documents distributed to the public are translated into the six most commonly spoken non-English languages and braille:
    - a. All public contact employees of the SCDAO who need additional vital documents translated should reach out to their bureau's Language Access Liaison, who is responsible for reaching out to the Language Access Coordinator;
  6. Ensuring all employees of the Office in public contact positions have access to "I Speak" cards provided by LanguageLine Services;
  7. Ensuring the most current version of the SCDAO Language Access Plan is posted on DANET and that all employees of the Office are notified when substantial changes are made to this Plan;
  8. The SCDAO Language Access Coordinator shall submit a report no later than April 15th of each year, beginning in 2020, to the Suffolk County Legislature which outlines steps taken by the Office to implement this language access plan. The report must be approved and signed by the District Attorney, or their designee, prior to being submitted to the Legislature.

## **VI. VITAL DOCUMENTS:**

The vital documents listed below have been translated into the six non-English languages most commonly spoken in Suffolk County and braille. Those languages are: Spanish, Mandarin, Polish, Italian, Portuguese, and Haitian Creole.

1. Cover letter—order of protection;
2. Letter to victim—determinate term of imprisonment;
3. Letter to victim—indeterminate term of imprisonment
4. Request by a Crime Victim for Notification of a Defendant's Name Change Petition;
5. Letter to victim—plea and sentencing information;
6. Notice of Victim's Right to Make a Sentencing Statement;
7. Letter to witness requesting contact;
8. HIPAA release letter;
9. Restitution letter;
10. Complainant Interview and Intake Form.