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BUREAU OF AUDIT

November 29, 2021

By Electronic Mail

Honorable Cyrus Vance, Jr.
Manhattan District Attorney
New York County District Attorney's Office
1 Hogan Place, 8th Floor
New York, NY 10013

Re: Final Letter Report on the New York County District Attorney's Office's Provision of Translation Services to the Limited English Proficient Population (Audit # SZ22-058AL)

Dear District Attorney Vance:

This Final Letter Report concerns the New York City Comptroller's audit of the New York County District Attorney's Office's (DANY's) provision of translation services. The objective of this audit was to determine whether DANY is providing translation services to the City's limited English proficient population as required by relevant laws, standards, and guidelines.

Background

New York City, with a population of more than 8 million people, is home to one of the most diverse populations in the world, with more than 3 million foreign-born residents 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 percent of City residents aged five and over are not proficient in English. For residents with limited English proficiency (LEP), interacting with City government and receiving access to City services can be a challenge.¹

Most City agencies have a significant presence on the internet and rely on agency websites to both provide information to and interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation to residents' ability to access translation of City websites. Local Law 25 requires that every

¹ Mayor's Office of Immigrant Affairs, "State of Our Immigrant City: Mayor's Office of Immigrant Affairs (MOIA) Annual Report for Calendar Year 2020." <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2020.pdf>; New York City Department of City Planning; <https://www1.nyc.gov/site/planning/about/language-access.page>; <https://www1.nyc.gov/site/planning/planning-level/nyc-population/nyc-population.page>

website maintained by or on behalf of a City agency include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English.²

In 2017, the New York City Council enacted Local Law 30, effective July 1, 2017, which requires City agencies that provide direct public services or emergency services to have a language access plan that allows residents meaningful access to City services regardless of their proficiency in English. These translation services must be provided in the top 10 designated Citywide languages, consisting of (1) the top six LEP languages spoken by the population of New York City as determined by the Department of City Planning and the Mayor's Office of Language Services Coordinator, based on U.S. census data; and (2) the top four LEP languages spoken by the population served or likely to be served by the agencies as determined by the Mayor's Office of Language Services Coordinator, based on language access data collected by the City Department of Education, excluding the languages designated based on U.S. census data. The 10 designated languages Citywide in New York City among residents with LEP are Spanish, Chinese (includes Cantonese, Mandarin, Taiwanese, and Formosan), Russian, Haitian/French Créole, Bengali, Korean, Arabic, Urdu, French, and Polish.

DANY, also known as the Manhattan District Attorney's Office, seeks to protect the public by investigating and prosecuting criminal conduct in Manhattan.³ In addition to its main office in lower Manhattan, DANY also has community offices located in Washington Heights and Harlem. DANY has several bureaus and units with select focuses that work together to deliver justice to victims of crime in Manhattan. DANY also provides a full range of services to crime survivors and their families in several areas including domestic violence, elder abuse, financial crimes, and fraud targeting immigrants.

DANY's Witness Aid Services Unit provides a variety of court-related services, social services, and counseling services designed to meet the needs of crime victims, witnesses, and their families. It also provides information related to the prosecution of the case, assists victims in understanding the criminal justice system, and provides information regarding crime victims' rights. In addition, the unit assists victims in overcoming the emotional trauma resulting from victimization and provides advocacy and support throughout the criminal justice process, and also works collaboratively with Assistant District Attorneys to assist victims. For the City's LEP population who need interpretation services, DANY has two units—the Interpreter Services Unit and the Spanish Language Unit—that work with the Witness Aid Services Unit and other groups within DANY to provide the needed services.

² Local Law 25 of 2016 also requires that the translation feature be identifiable in a manner that is comprehensible to speakers of the seven most commonly spoken languages in the City. However, Local Law 30 of 2017 effectively increased the required number of languages to 10.

³ Each borough in New York City is a county in New York State that has its own District Attorney's office which is officially called by the county name, but more commonly referred to by the borough name. Manhattan is New York County, Brooklyn is Kings County, Staten Island is Richmond County, the Bronx is Bronx County and Queens is Queens County. Pursuant to Article 13, Section 13 of the New York State Constitution, District Attorneys are constitutional officers elected every four years. Section 927 of the County Law imposes upon District Attorneys the duty to protect the public by investigating and prosecuting criminal conduct in the counties in which they hold office.

The objective of this audit was to determine whether DANY is providing translation services as required by relevant laws, standards, and guidelines to the limited English proficient population.

Findings and Recommendations

Our audit found that DANY generally complied with the translation standards prescribed by relevant laws, standards, and guidelines. Specifically, DANY has a language access plan and a dedicated email address and telephone number for language access services, and it also monitors the provision of language access to its clients with LEP. DANY's Interpreter Services Unit and Spanish Language Unit are the two units primarily responsible for providing language access services.⁴ Those units provide support as needed to DANY's Witness Aid Services Unit and the office's assistant district attorneys, as well as support staff and investigators, which are the groups that generally interact with members of the public who may require language access services. The Witness Aid Services Unit has bilingual staff that assist with language access services. When needed, the Spanish Language Unit also provides language access services including interpretation, translation, transcriptions, phone interpretation and conference interpreting in Spanish.

DANY's Interpreter Services Unit also helps to fulfill requests for language access using outside services that cannot be met by its in-house team of Spanish language interpreters. DANY contracts with several language vendors and providers for such additional language access services, including Language Line, Languages R Us, SignNexus (formerly LC Interpreting Services), All Hands in Motion, Human Touch, B&N Legal Interpreting and Elite Language Services. Through its Spanish Language Unit, bilingual staff within the Witness Aid Services Unit, and contracted language access service providers, DANY has the ability to provide in-person interpretation, translation of written materials in at least the top 10 designated Citywide LEP languages, telephonic interpretation in over 100 languages, and American Sign Language interpretation.

Furthermore, DANY's language access services are available at each of its locations, and DANY notifies the public about the right and availability of free interpretation with standardized signage developed by the New York City Mayor's Office of Immigrant Affairs and the New York State Unified Court System in high traffic and public areas including the main lobby and waiting areas for its Witness Aid Services Unit. Additionally, during its public events and outreach, DANY raises awareness of the availability of free language access services and provides on-site interpretation and translation services to residents with LEP.⁵

⁴ The Spanish Language Unit has its own number for language access services.

⁵ Information given out at the public events include documents that include the hotline numbers, literature on "You are not Alone", *Victims of Domestic Violence*, "Beware Of Scams" (Senior Citizens), *End Violence (Illegal Guns)*, *Immigrant Affairs*, *Special Victims Unit* and *Witness Aid Service Unit*.

Moreover, DANY trains its frontline workers including staff from its Witness Aid Services Unit on its language access policies and procedures including utilizing Language Line for telephonic interpretation, documenting translations, preparing or filing affidavits of translation, and arranging in-person meetings with interpreters for LEP clients. It also provides all staff with its general policy on language access and instructions on scheduling an interpreter, contacting the Spanish Language Unit, getting a document or audio recording translated, telephonic interpretation, and finding DANY staff that speak a foreign language.⁶ Accordingly, the instructions on contacting staff at DANY that speak a foreign language also contain a list maintained by the Interpreter Services Unit of 40 languages other than English spoken by at least one person at DANY that include the top 10 designated NYC LEP languages. Furthermore, DANY's most commonly distributed documents to the public, which include community handouts and flyers, are available in languages that cover the LEP communities or target populations it serves and can be translated into additional languages through DANY's interpreter services or a member of DANY's foreign language speaking staff in person.

However, we found that DANY provides its website in only 2 of the top 10 designated Citywide languages, Spanish and Chinese, the languages other than English used by the majority of DANY's service population in Manhattan.⁷ DANY stated that it is working with its independent online webhosting provider to provide its website in additional languages and aims to have this feature live before the end of the year.⁸

⁶The language access plan and instructions on language access documents are also available to staff directly on DANY's intranet. An intranet is a computer network for sharing information, collaboration tools, operational systems, and other computing services within an organization, usually to the exclusion of access by outsiders.

⁷ www.manhattanda.org

⁸ According to DANY, since it is not hosted on the City's website platform, this function is not done automatically as is the case with most City agencies.

Our findings are outlined in the following table entitled Compliance Summary.

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
DANY provides translation services in the top 10 designated Citywide languages. (As determined by Local Law 30 of 2017)	Yes	DANY has a language access plan and a dedicated email address and telephone number for language access. Through its Spanish Language Unit, bilingual staff within the Witness Aid Services Unit, and contracted language services vendors, DANY has the ability to provide language access services in at least the top 10 designated Citywide LEP languages, telephonic interpretation in over 100 languages, and American Sign Language interpretation. Furthermore, DANY’s translation services are available at each of its locations, and it utilizes the standardized signage developed by the Mayor’s Office of Immigrant Affairs to notify the public about the availability of free interpretation services.
DANY’s website includes a translation feature for viewing text in the top 10 designated Citywide languages. (As determined by Local Law 25 of 2016)	No	DANY provides its website in only 2 of the top 10 designated Citywide languages, Spanish and Chinese, which comprise the majority of its service population. However, DANY stated that it is working with its independent online webhosting provider to provide its website in additional languages and aims to have this feature live before the end of the year.

We recommend that DANY:

1. Maintain its general compliance with the standards for providing language access services to its constituents

DANY’s Response: “DANY’s goal is always to meet the needs of every member of the public that comes through our Office. We are proud to provide these services, free of charge, to all that require it. DANY will continue this important work, while also ensuring that staff are retrained and reminded of these language access services that are available for all staff to utilize in their work serving the public.”

2. Implement its plan to work with its online website provider to enable its website to translate into at least the top 10 designated City LEP languages by the end of the year.

DANY’s Response: “After several months of beta testing with our webhosting provider, DANY is nearing the full implementation of our website in all 10 designated City LEP

languages. We are currently reviewing some of the translations for accuracy, so that the information provided to the public is as accurate as possible, and anticipate a launch by December 31, 2021, if not earlier. Once this service is live, we will notify the Comptroller's Office so that this recommendation can be marked completed for your records."

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require 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 based on 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 for this audit was January 1, 2018 through October 29, 2021. Our methodology for this audit consisted of the following steps:

- We reviewed Local Law 25 of 2016 and Local Law 30 of 2017.
- We reviewed DANY's memoranda and guidance on how to obtain language access services.
- We reviewed whether DANY provided translation services in at least the top 10 LEP languages spoken by the New York City population. This review included DANY four factor plan and requests for translation.
- We obtained and reviewed documentation and assessed whether DANY identified and translated its most commonly distributed public documents provided to or completed by the public.
- We assessed whether interpretation services, including the use of telephonic interpretation services, were available. These included number of Language Line Solutions and Voiance calls received, total number of translated documents from contracted language access vendors, and number of requests for in house (Spanish and non-Spanish speaking) translations, and audio documents.
- We obtained and reviewed the employee manual for language access training and written policies and procedures. These documents included: (1) *Witness Aid Services Unit Training Manual*; (2) *DANY's Inter-Office Memorandum-dated December 8, 2011, Interpreting Translation Services*; (3) *DANY's Legal Staff Employee Handbook Section 11.8 Interpreters- DANY Case Services -DANY's How to get Documents or Recording Translated (Non-Spanish)*.

- We obtained and reviewed DANY’s contract agreements and purchase orders for language access services with its language access providers and vendors.
- We obtained and reviewed a copy of language access signage utilized in DANY’s locations notifying the public of the right to free interpretation services.
- We obtained and reviewed DANY’s language access statistics for clients that requested translation services and clients served between January 2018 and August 2021 to determine how many clients were served.
- We interviewed DANY’s key personnel regarding the provision of language access services.
- We accessed DANY’s website to determine whether it translated information into the top 10 languages spoken in New York City as determined by the Department of City Planning and the Mayor’s Office of Language Services Coordinator.

Based on our understanding of the relevant laws, standards, and guidelines related to the provision of language access services to the City’s limited English proficient population, we outlined all the criteria necessary for DANY to be in compliance. The table below outlines agencies’ core criteria required to achieve compliance under these guidelines in the areas in which we tested. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency provides translation services in Spanish.
Chinese	Agency provides translation services in Chinese.
Russian	Agency provides translation services in Russian.
Bengali	Agency provides translation services in Bengali.
French Créole (Haitian Créole)	Agency provides translation services in French Créole/Haitian Créole.
Korean	Agency provides translation services in Korean.
Arabic	Agency provides translation services in Arabic.
Urdu	Agency provides translation services in Urdu.
French	Agency provides translation services in French.
Polish	Agency provides translation services in Polish.

The matters covered in this letter report were discussed with DANY officials during and at the conclusion of the audit, and they agreed that a preliminary draft and an exit conference were not necessary. On November 15, 2021, we submitted a draft letter report to DANY with a request for comments. We received a written response from DANY on November 19, 2021. In its response, DANY agreed with the audit's findings and recommendations stating, "We are proud to provide these services, free of charge, to all that require it. DANY will continue this important work, while also ensuring that staff are retrained and reminded of these language access services that are available for all staff to utilize in their work serving the public."

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

Sincerely,



Marjorie Landa

c: James Sowell, Chief Financial Officer, DANY
Ling Lo, Fiscal Director, DANY
Pamela Singh, Deputy Director, Budget and Compliance, DANY
Migdalia Veloz, Chief Contracting Officer, DANY
Lisa Tellason, Director of Contract Administration, DANY
Bonnie Sard, Administrative ADA/Director of Legal Hiring, DANY
Dayrell Taylor, Director of Operations, DANY
Illeana Cardona, Deputy Director, DANY
Audrey Moore, First Assistant District Attorney/Chief Diversity Officer, DANY
Daniel Steinberg, Acting Interim Director, Mayor's Office of Operations
Brady Hamed, Deputy Director, Accountability and Administration, Mayor's Office of
Operations
Florim Ardolli, Associate Director, Mayor's Office of Operations

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CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

November 19, 2021

Marjorie Landa
Deputy Comptroller for Audit
New York City Comptroller's Office
1 Centre Street, Room 1100
New York, NY 10007

Dear Deputy Comptroller Landa,

I am writing in response to your letter to District Attorney Cyrus R. Vance, Jr., dated November 15, 2021, requesting comment on the draft letter report on the New York County District Attorney's Office's (DANY) provision of translation services to the Limited English Proficient (LEP) population. I am pleased to provide the following summary of the steps we have taken to address the recommendations included in the report, and appreciate the opportunity provided by the audit to highlight our Office's work to meet the needs of every single member of the public which we serve.

The Comptroller's draft letter report included two recommendations:

1. DANY should "maintain its general compliance with the standards for providing language access services to its constituents."

DANY's Response: DANY's goal is always to meet the needs of every member of the public that comes through our Office. We are proud to provide these services, free of charge, to all that require it. DANY will continue this important work, while also ensuring that staff are retrained and reminded of these language access services that are available for all staff to utilize in their work serving the public.

2. DANY should "implement its plan to work with its online website provider to enable its website to translate into at least the top 10 designated City LEP languages by the end of the year."

DANY's Response: After several months of beta testing with our webhosting provider, DANY is nearing the full implementation of our website

in all 10 designated City LEP languages. We are currently reviewing some of the translations for accuracy, so that the information provided to the public is as accurate as possible, and anticipate a launch by December 31, 2021, if not earlier. Once this service is live, we will notify the Comptroller's Office so that this recommendation can be marked completed for your records.

Please let me know if you have any questions or concerns. DANY looks forward to continued partnership with your office regarding our provision of translation services to the LEP population which we serve. Thank you for your guidance.

Sincerely,



James Sowell
Chief Financial Officer

- c. Ling Lo, Fiscal Director, DANY
- Pamela Singh, Deputy Director, Budget and Compliance, DANY
- Migdalia Veloz, Chief Contracting Officer, DANY
- Lisa Tellason, Director of Contract Administration, DANY
- Bonnie Sard, Administrative ADA/Director of Legal Hiring, DANY
- Dayrell Taylor, Director of Operations, DANY
- Illeana Cardona, Deputy Director, DANY
- Audrey Moore, First Assistant DA/Chief Diversity Officer, DANY
- Ernestine M. Rivers, Audit Manager, Office of the New York City Comptroller
- Daniel Steinberg, Acting Interim Director, Mayor's Office of Operations
- Brady Hamed, Deputy Director, Accountability and Administration, Mayor's Office of Operations
- Florim Ardolli, Associate Director, Mayor's Office of Operations