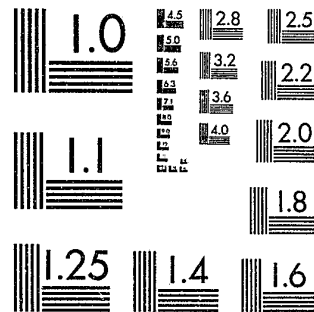


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SPANISH LANGUAGE PROGRAM

REPORT

1977-1981

BY:

Herculano A. Izquierdo

Director

SPANISH LANGUAGE PROGRAM

The Spanish Language Program has demonstrated, since it was established in September 1977, that the use of bilingual personnel will aid immeasurably in providing our Hispanic community with higher quality criminal justice services.

The Spanish Language Program has provided the District Attorney's Office with a centralized unit of talented bilingual personnel. The unit is utilized by the entire legal staff to deal with sensitive and important cases affecting Manhattan's Hispanic community. The statistics set forth in this report are a measure of the numbers and types of activities in which Program staff members have become involved. What cannot be measured is the impact such a project has had on the community it serves. Through its contact with Spanish-speaking victims, witnesses and defendants during the lifetime of this project, the District Attorney's Office has shown to the Hispanic community that participation in the criminal justice system need not be a confusing and frightening experience and that one need not speak English to have a voice in court.

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#### PURPOSE OF THE PROGRAM

The Spanish Language Program was established to facilitate the prosecution of cases in which Spanish-speaking complainants and other witnesses are reluctant to cooperate or are unable to express themselves in English. The primary responsibility of Program attorneys is the vertical prosecution of serious cases which would benefit from the services of a bilingual attorney. The entire staff, however, is available to non-Program personnel to translate documents, tapes and letters, to interpret in the office and to contact witnesses.

#### THE LEGAL AND SUPPORT STAFF

The Program attorneys, all of whom are bilingual, have been available for direct referral of cases from the Complaint Room and for later assignment of problem cases in which the victim or main witnesses are Spanish-speaking. The attorneys assigned to the Program have concentrated on serious crimes and have thus limited their work to the prosecution of felonies in Supreme Court.

The aim of the Program has been to evaluate the cases when they come into the criminal justice system, develop an early rapport with the victims and witnesses and continue with vertical prosecution until final disposition. For a time, a bilingual law school graduate with experience as a prosecutor, was assigned to the Complaint Room where he conducted preliminary interviews of Hispanic complainants and witnesses at the initial stage of prosecution. The more serious cases were promptly forwarded to the Program attorneys for prosecution in Supreme Court, while the other cases, now more objectively evaluated, remained in Criminal Court.

The Spanish Language Program has also provided the assistance of a talented and concerned non-legal staff to other members of the District Attorney's Office. Program support staff have been extremely helpful in locating and contacting witnesses, interpreting for non-Program attorneys, and translating tapes, letters and documents. Through their sympathetic understanding and professional ability, they have put at ease Hispanic victims, particularly victims of sexual crimes. The rapport and trust developed during these initial meetings have aided immeasurably in building successful prosecutions.

The non-legal staff also included two investigators who were instrumental in locating witnesses, encouraging the more reluctant ones to appear as needed and serving subpoenas when appropriate. Neighborhood "field" interviews conducted by these investigators proved extremely helpful in evaluating the extent of knowledge and degree of cooperation which the Program attorney might expect from a potential witness.

During the summer months, several interns were hired to work with the Program. These bilingual law students proved to be immensely helpful not only with legal research, but also with the witness related responsibilities shared by Program staff members.

#### RECRUITMENT

Since the inception of the Spanish Language Program in September 1977, there has been a dramatic increase in the number of Spanish-speaking assistants in the office. The presence of Spanish-speaking attorneys throughout the Trial Division has resulted in the retention by the original intake bureaus of cases that several years ago were referred to the Program.

Such cases are now regularly handled by a Spanish-speaking assistant in the intake bureau. This development demonstrates sensitivity to the problems and needs of the Hispanic community on the part of the District Attorney's Office and reflects the growing interest of Hispanic law school graduates in helping their community through active participation in the criminal justice system.

#### STATISTICAL ANALYSIS

Since October of 1977, the Spanish Language Program has received 1,504 requests or referrals from other members of the District Attorney's Office. Two hundred and sixty four of these cases were retained by Program attorneys for prosecution in Supreme Court. The percentage of cases retained stands at 17% for the duration of the Program. During the last twelve months, however, out of 403 referrals, 113 (28%) were retained by the Program. These figures are important particularly since there are now Spanish-speaking attorneys in virtually every Trial Bureau who handle a large number of cases involving victims and witnesses from the Hispanic community. These cases are not reflected in the statistics of the Program.

<u>NATURE OF REFERRALS</u>						
	<u>1977</u> (3 months)	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u> (6 months)	<u>Total</u>
Investigations	7	36	22	46	19	130
Line-ups	3	-	2	-	-	5
Complaint Room	7	100	63	70	51	291
Criminal Court	24	136	67	116	34	377
Grand Jury	11	46	35	54	36	182
Supreme Court	22	134	67	99	50	372
Translations:						
Statements	2	4	2	-	11	19
Tapes	2	7	6	5	23	43
Letters	3	13	5	6	31	58
Misc.	1	5	5	7	9	27
<u>TOTALS</u>	82	481	274	403	264	1504
Retained by the Program	5	75	54	72	56	264

REFERRALS BY MONTH

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>TOTALS</u>
J		61 (17)	38 (6)	27 (7)	38 (11)	164 (41)
F		34 (5)	17 (5)	22 (1)	37 (7)	110 (18)
M		57 (9)	27 (4)	36 (3)	48 (8)	168 (24)
A		51 (4)	19 (11)	27 (-)	50 (6)	147 (21)
M		30 (3)	30 (5)	25 (1)	49 (12)	134 (21)
J		31 (4)	18 (2)	28 (3)	42 (12)	119 (21)
J		21 (2)	25 (4)	24 (2)		70 (8)
A		28 (6)	29 (7)	10 (3)		67 (16)
S		58 (6)	11 (1)	46 (14)		115 (21)
O	17 (1) <sup>1</sup>	42 (5)	12 (1)	55 (17)		126 (24)
N	28 (2)	29 (10)	23 (2)	64 (10)		144 (24)
D	37 (2)	39 (4)	25 (6)	39 (11)		140 (23)
	— —	— —	— —	— —	— —	— —
TOTALS	82 (5)	481 (75)	274 (54)	403 (72)	264 (56)	1504 (264)

Percentage of cases retained by the Program

6.1%	15.4%	19.7%	17.9%	21.2%	17.4%
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1. The figures in parenthesis refer to the cases retained by the Program



Through the participation of Program staff members, cases with language related problems have been re-evaluated; inappropriate charges have been rectified and mistaken identifications have been corrected. Program personnel have also been called upon to translate witness interviews, tapes, letters and documents for non-Program attorneys. Some of those letters and tapes contained admissions of guilt which were later used as evidence at trial. Very often, at the request of a non-Program assistant, telephone contact has been established to encourage a fearful or reluctant witness to cooperate. In other instances, letters have been sent, in Spanish, to complainants and witnesses. The simple placing of a phone call or sending of a letter often aided in alleviating the fears, frustrations and impersonality of the criminal justice system and fostered continued cooperation.

The Spanish Language Program has sought to improve the participation of Spanish-speaking persons in the criminal justice system. This was accomplished not only by recruitment and assisting people with cases in court, but also by reaching out into the Hispanic community to encourage people to come forward should they fall victim to crime, and to inform them of the efforts being made by the District Attorney's Office and the Program to serve them.

As a result the Program has received an increasing number of inquiries from members of the public who have heard about it and turn to it for assistance. While many of these matters eventually prove to be civil in nature, staff members serve the public by evaluating these inquiries and making referrals to the appropriate agencies.

#### TRIAL ACTIVITY

The ultimate goal in any trial is to ascertain the truth. Direct, person-to-person communication in the native tongue of a witness will move the bilingual prosecutor toward this goal more quickly and more efficiently. The bilingual prosecutor conveys to the Hispanic victim that the criminal justice system need not be an alien environment. The victim sees someone who speaks his language and is interested in his problems. Victims and witnesses begin to have greater confidence in the police and court processes. Distrust and fear of the unknown soon dissolve and disappear. Lack of cooperation often diminishes as confidence and understanding grow.

The effectiveness of an attorney is greatly enhanced through direct and personal contact with witnesses in their native tongue. Witnesses are thus more willing to cooperate and better able to understand their involvement with the legal system. In an unguarded and non-defensive atmosphere, witnesses are able to concentrate on many minute but important details that are essential to successful prosecution.

Since the Program was established, the members of its legal staff have tried forty Program cases to verdict. Of those cases, twenty six resulted in convictions, thirteen in acquittals and one in a mistrial. Two hundred and seventy defendants entered pleas of guilty in Supreme Court, while fifteen defendants had their cases dismissed.

The prior quarterly reports have given extensive and detailed information concerning a number of these trials. Very often these cases involved victims or witnesses who initially were unwilling to cooperate in the prosecution of their assailants. Program attorneys went to the homes of the victims on several occasions and after speaking to the victims in their native tongue were able to persuade them to testify at trial. At other times, attorneys have gone to the scene of the crime and interviewed Spanish-speaking witnesses who were reluctant to speak

to the police. The attorneys thus obtained greater information about the crimes, persuaded people to testify and encouraged others to participate in the criminal justice system.

#### CONCLUSION

The Spanish Language Program has provided the District Attorney's Office with a pool of talented and concerned bilingual personnel to handle serious cases which have language related problems. Cases that might have been dismissed prior this Program are now being successfully prosecuted. The entire office and the Hispanic community benefit from this added dimension to our prosecution services.



**END**