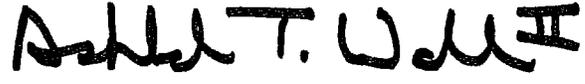


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

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|  | POLICY NUMBER: 1.13 DOC | EFFECTIVE DATE: 09/26/11 | PAGE 1 OF 8 |
| | SUPERCEDES: N/A | DIRECTOR: Please use BLUE ink.  | |
| SECTION: GENERAL ADMINISTRATION | | SUBJECT: LIMITED ENGLISH PROFICIENCY (LEP) INDIVIDUALS | |
| AUTHORITY: Rhode Island General Laws (RIGL) §42-56-10-(22), Powers of the director; Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 | | | |
| REFERENCES: ACA Standards 4-4288 New inmates; 4-4344 Access to care | | | |
| INMATE / PUBLIC ACCESS? | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| AVAILABLE IN SPANISH? | | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

I. PURPOSE:

The Rhode Island Department of Corrections (RIDOC) recognizes the importance of effective and accurate communication among its staff, inmates, probationers, parolees (offenders) and the public. This policy provides guidelines for the provision of interpretation and translation services for those Limited English Proficiency (LEP) inmates and offenders under RIDOC's jurisdiction and those members of the public it interacts with consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968.

II. POLICY:

- A. It is the policy of RIDOC to take steps to provide LEP inmates, offenders and the public meaningful access to the Department's facilities, programs, and activities. This policy provides processes to follow so that a language barrier does not prevent staff from communicating effectively with LEP individuals, to ensure safe and orderly operations, and that limited English proficiency does not prevent inmates, offenders and the public from accessing important information, understanding rules, or participating in proceedings.

B. Communication

To allow effective communication among custody or/and administrative staff and inmates, offenders and the public when a language barrier (i.e., illiteracy, foreign language) exists, RIDOC staff shall obtain interpreter services or provide a translated copy of a Department document.

III. PROCEDURES:

A. Definitions

1. Primary Language - The language in which an individual is most able to effectively communicate.
2. Limited English Proficiency -- Individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English are considered to have Limited English Proficiency. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing.) Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
3. Interpretation -- The act of listening to a communication in one language (source language) and orally converting it into another language (target language), while retaining the same meaning.
4. Translation -- The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
5. Bilingual -- The ability to use two languages proficiently.
6. Direct Communication -- Monolingual communication in a language other than English between a qualified bilingual Department employee or other bilingual person and an LEP individual (e.g., Spanish to Spanish).
7. RIDOC Certified Interpreter List -- A list of Departmental employees who are certified as proficient interpreters.
8. Contracted vendor interpreter services - Over-the-phone, 24-hour interpretation service that provides interpretations in numerous

languages to assist in the provision of meaningful service to LEP individuals.

NOTE: At the present time (September 2011) the contracted vendor is Telelanguage, Inc.

9. Telelanguage, Inc.'s "If You Need an Interpreter Card" - card used by RIDOC staff to help LEP individuals identify their native languages. The card says, "Please point to your language. We will call an interpreter" in twenty-two (22) different languages.

B. Limited English Proficiency (LEP) Coordinator

The Departmental LEP Coordinator oversees and directs language services, including applicable contracts and provides meaningful access for LEP persons to the services and benefits RIDOC provides in all RIDOC-conducted programs or activities.

In addition, s/he:

1. Assesses demographic data, reviews the use of contracted language services utilization, consults with community-based organizations and any other identifying criteria for designation of languages for translation.
2. Ensures identification and securing of existing and needed resources (existing contracts, resource sharing with other agencies, volunteers, or other) to provide oral and written language services.
3. Serves as the central repository of all translated policies and documents and makes them available to RIDOC staff and members of the public upon request. The LEP Coordinator is responsible for contacting the Chief of Information and Public Relations for the electronic posting of translated documents to RIDOC's intranet and internet websites. The Chief of Program Development, Policy Unit, is responsible for the electronic posting of translated policies on RIDOC's intranet and internet websites.
4. Identifies training needs and provides for training to LEP Monitors, RIDOC managers and staff who need to use LEP services.
5. Establishes protocols for ensuring quality, timeliness, cost-effectiveness and appropriate levels of confidentiality in translations, interpretation and bilingual staff communications.

6. Identifies and implements a system for receiving and responding to complaints by staff, inmates or others of ineffective language assistance measures.
7. Collects data regarding RIDOC LEP contacts. This data shall include facility/unit/program requests for interpretation/translation services. The LEP Coordinator shall utilize INFACIS data, notification from RIDOC staff and documentation submitted by the contracted telephonic and in-person service providers.
8. Reviews the progress of RIDOC and facilities in providing meaningful access to LEP persons, develops an annual report to be submitted to the Director/designee and makes needed recommendations to the Department's LEP implementation and policy, based on these reviews and report.

C. Limited English Proficiency (LEP) Monitors

1. The Warden of each facility identifies a LEP Monitor who is responsible for the coordination of all LEP services. Compliance with LEP requirements is reviewed during regularly scheduled security audits of each facility.
2. The Probation and Parole Administrator identifies the LEP Monitors for Probation and Parole, and the Administrator of Community Confinement identifies the LEP Monitor for Community Corrections. Compliance with LEP requirements is regularly audited.
3. The LEP Coordinator will assign LEP Monitors to other individual administrative buildings/units as needed.
4. LEP Monitors:
 - a. Are familiar with the scope of LEP services available, via the Department Interpreter List and contracted vendors, and how to access those services.
 - b. Serve as the points-of-contact for the provision of these services by disseminating necessary information to applicable staff and assisting staff in scheduling needed services.
 - c. Ensure that signage is available in both English and Spanish.

- d. Work with the LEP Coordinator to identify needs and strategies for meeting those needs so that staff will have access to appropriate language services in their interaction with inmates, offenders and the public.
- e. Provide training to staff on implementation of RIDOC's LEP policy.
- f. Ensure that data on all interactions with LEP persons is maintained and provided to the LEP Coordinator.

D. Procedures for Requesting and Documenting Interpretation Services

1. Primary Language - Staff should avoid assumptions about an individual's primary language; for example not all individuals from Central America speak Spanish fluently. Staff should make every effort to ascertain an individual's primary language by using Telelanguage, Inc.'s "If You Need an Interpreter Card" which says, "Please point to your language. We will call an interpreter" in twenty-two (22) different languages.
2. Engaging Services - RIDOC staff is expected to follow the general procedures outlined in this policy. Within thirty (30) days of the effective date of this policy all facility and Probation and Parole LEP Monitors shall produce and disseminate standard operating procedures (SOPs) for their facilities/units regarding the process to engage LEP services. The LEP Coordinator produces and disseminates procedures for all other staff and sends copies of all SOPs to the Office of Legal Counsel.
3. Emergency circumstances - may require some deviations from standard operating procedures. In such situations, staff is to use the most reliable, temporary interpreter available, such as bilingual RIDOC staff or those individuals on RIDOC's Interpreter List. However, once the emergency has passed, all staff is expected to revert to the general procedures outlined in this policy and specific procedures established by their facility/unit/program manager.
4. Non-emergency circumstances - In other than emergency circumstances, RIDOC staff should only use an inmate's/offender's family and friends as interpreters in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family and friends as interpreters could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation.

5. Types of Interpretation

- a. Telephonic interpretation - is generally most appropriate for brief encounters or telephone conversations with LEP persons;
- b. In-person interpretation - is generally most appropriate during more in-depth, critical encounters, such as interrogations, investigations, disciplinary hearing or medical evaluations.

NOTE: As of the effective date of this policy, RIDOC has finalized an assessment tool to certify the proficiency of staff members who serve as Spanish interpreters. With respect to other languages, the contracted telephonic interpretation service should be used in all other non-emergency situations requiring interpretation. It should also be used when a certified Spanish interpreter is not available.

6. Documentation - RIDOC staff members who interact with LEP individuals in need of interpretation or translation services shall document such provision of services.
 - a. Custody staff shall enter the provision of LEP services into the INFACFS database.
 - b. Probation and Parole staff shall enter the provision of LEP services into the INFACFS/Probation and Parole database.
 - c. Staff shall notify the LEP Coordinator in writing when LEP services are provided to someone not listed in a RIDOC database, i.e., the public.

E. Procedures for Accessing Document Translation Services

1. The Assistant Directors and facility/unit/program managers are responsible for classifying documents as vital or non-vital, and recommending to the LEP Coordinator that the vital documents should be translated. The LEP Coordinator assesses demographic data, and consults with community-based organizations to inform these decisions.
2. Requests by Facilities/Units/Programs for Document Translation: Although the Assistant Directors and facility Wardens are the central conduits for document translation, all RIDOC staff has access to this service through the following procedures:

- a. Superior Officers/Unit Managers/Program Directors: Should a Superior Officer/Unit Manager/Program Director identify a need for a specific document to be translated, s/he sends a memorandum to the affected Assistant Director or facility Warden. The Assistant Director or facility Warden reviews the request against the requirements listed in III.E.2. above, confirms that no similar document has already been translated, and then processes the request through the appropriate vendor.
- b. Translation of Investigative Documents: Should an investigator need a note, letter or other document translated for an investigation, s/he sends a memorandum to the facility Warden with a *copy* of the original note letter or other document to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date by which the translation is required.

Should an inspector need a note, letter or other document translated for an investigation, s/he sends a memorandum to the Director/designee with a *copy* of the original note letter or other document to be translated. The request should indicate if the translation is needed immediately; otherwise, the request should specify the date by which the translation is required.

F. Notifying the Public about RIDOC's Language Services

1. Facility/unit/program managers ensure that signs are posted at each RIDOC building entry point or lobby in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals.
2. RIDOC also maintains translated documents for LEP individuals. The LEP Coordinator maintains a list of these documents. This list is available to the public upon request.

Notification of the availability of translated forms and documents is posted in the public lobby of RIDOC's Probation & Parole Offices and Community Confinement Office to inform LEP persons about which forms are translated. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents are read by the contracted vendor interpreter service to LEP individuals in their primary languages.

3. The RIDOC website shall contain information regarding services available to LEP individuals.

G. Complaint Procedures for LEP Persons

Any LEP individual who wishes to file a complaint with RIDOC regarding language access or the discharge of RIDOC's duties as they pertain to LEP is provided with a translated complaint form (Attachment 1). The LEP Monitor investigates the complaint.

NOTE: This policy and Attachments will be available in Spanish. If the LEP complainant's primary language is one other than Spanish, the LEP Monitor will obtain a translated form through the contracted interpretation services vendor.

When conducting any interviews of LEP complainants the LEP Monitor uses the contracted interpreter. The LEP Monitor provides written notice of the disposition of any LEP complaint to the complainant in his/her primary language.

In the event formal disciplinary charges result from a LEP complaint, the RIDOC LEP Monitor insures that a contracted interpreter is available for any scheduled hearings.

H. Training

1. RIDOC provides training to staff about its LEP policy, including how to access RIDOC-authorized telephonic and in-person interpreters.
2. RIDOC conducts LEP training for new officer candidates as part of pre-service training and to Correctional Officers as part of annual in-service training. Additionally, roll call announcements will be made and handouts shall be available within one hundred eighty (180) days of the effective date of this policy.
3. New civilian employees receive LEP training at New Employee Orientation. All other RIDOC staff receives training during training programs designed specifically for them by their respective facility/unit/program managers.

**DISCRIMINATION COMPLAINT AGAINST THE
RHODE ISLAND DEPARTMENT OF CORRECTIONS
Due to Limited English Proficiency**

TITLE VI

Contact Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____ Work Phone: _____
Email: _____

Discrimination Complaint

Name of Staff Person(s) that You Believe
Discriminated Against You: _____
Date of Alleged Incident: _____
You were discriminated against because of: National Origin (Language)

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case: _____

Signature: _____ Date: _____

**DISCRIMINATION COMPLAINT AGAINST THE
RHODE ISLAND DEPARTMENT OF CORRECTIONS
Due to Limited English Proficiency**

TITLE VI

DISPOSITION OF COMPLAINT

Complaint from:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Date of Alleged Incident: _____

Staff Person(s) Named in the Complaint: _____

Response: _____

Signature: _____

Date: _____

Title: RIDOC LEP Coordinator

Attach any pertinent documentation to this form.