



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY

PRISON/WORK RELEASE/FIELD

OFFENDER/SPANISH MANUALS

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POLICY

TITLE

**LANGUAGE SERVICES FOR LIMITED ENGLISH
PROFICIENT (LEP) OFFENDERS**

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SUMMARY OF REVISION/REVIEW:

Major changes. Read carefully!

APPROVED:

HAROLD W. CLARKE, Secretary
Department of Corrections

1/2/07

Date signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; WAC 137-28; WAC 137-32; ACA 4-4344; ACA 3A-05; ACA 2B-01PP; DOC 310.000 Orientation for Offenders

POLICY:

- I. This policy provides guidelines for interpretation (oral) and translation (written) services for Limited English Proficiency (LEP) offenders under the jurisdiction of the Department.

DIRECTIVE:

- I. Limited English Proficiency (LEP) Coordinators
 - A. The Headquarters LEP Administrator will oversee and direct language services, including applicable contracts, throughout the Department as needed.
 1. An LEP Coordinator for each prison facility will be identified by the Facility Superintendent.
 2. LEP Coordinators for Community Corrections will be identified by the Assistant Deputy Secretaries.
 - B. LEP Coordinators will be responsible for:
 1. Familiarity with the scope of services available, via Department certified interpreters/translators and contracts, and how to access those services.
 2. Serving as point-of-contact for the provision of these services by disseminating necessary information to applicable staff and assisting staff in scheduling needed services.
 3. Documenting services provided on DOC 16-340 Combined Monthly Report for Limited English Proficiency to be submitted to the Headquarters LEP Administrator by the 5th of each month for services utilized during the previous month.
 4. Coordinating Department Certified Interpreter/Translator services by making arrangements for staff testing and maintaining a current list of all certified interpreters/translators.
 - C. Spanish interpreters/translators must pass the Department Spanish Interpreters/Translators Test. All testing will be coordinated by the Department Spanish Language Specialist who will:

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1. Develop tests and testing protocols, and
2. Grade completed tests, including:
 - a. Issuance of a letter to staff who successfully pass certification tests advising them of their certification and need to modify their position description to include interpretation/translation services.
 - b. Oversight of the process for staff who fail to pass certification testing requirements.
 - 1) Staff who do not pass the written and/or oral portions of the test on their first attempt may take a second version of the portion(s) of the test they did not pass within 30 days of the date on their notification letter.
 - 2) If after 3 such attempts, an applicant does not pass both portions of the test, s/he must wait a full year from the date on the last notification letter before retesting.

- D. Once notified they have passed the certification test, Department Certified Spanish Interpreters/Translators will work with their supervisor to revise their position description to include interpretation/translation services before they are eligible to receive dual language pay. The signed position description is to be processed through the applicable LEP Coordinator to Human Resources notifying all parties involved of the new dual language certification status. Human Resources will notify payroll to make the dual language pay adjustment and the LEP Coordinator will add the staff member to their roster of certified interpreters/translators.
- E. All Department Certified Spanish Interpreters/Translators will document all services provided on DOC 16-342 Monthly Report for Department Certified Spanish Interpreters/Translators and submit logs at the end of each month to the applicable LEP Coordinator.

II. Sign Language Services

- A. All contracts and coordination of service provision for offenders needing American Sign Language interpreters will be the responsibility of the Deaf Offender Services Manager.

III. Documentation

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- A. Staff will document any form of interpretation/translation services used via the developed facility/regional process.

IV. Prison Interpretation Services

- A. Each Prison facility will have at least one full time employee qualified and available to provide the services of a facility Spanish interpreter/translator in addition to his/her primary responsibilities. Prison facilities with an operational capacity exceeding 750 offenders will have at least 2 full time employees qualified as facility Spanish interpreters/translators. In smaller facilities when a good effort to employ such a person has failed, it is acceptable to utilize a telephonic or contract substitute for translation purposes.
- B. Prison facility interpreters/translators will sign DOC 05-665 Confidentiality of Medically Related Communications to acknowledge that communications between an offender and his/her health care provider are confidential. At the offender's request, a facility translator will be allowed to be present if the offender is examined in a private room.
- C. Upon arrival at a prison facility, all offenders are informed about how to access health services and the grievance system. This information is communicated orally and in writing, and is conveyed in a language that is easily understood by each offender. [4-4344]
- D. Each prison facility will provide LEP offenders the opportunity to request interpretation and/or translation services for the following:
1. Disciplinary hearings,
 2. Classification review,
 3. Administrative Segregation,
 4. Grievances,
 5. Other formal hearings/meetings conducted by the facility, and
 6. Medical communications.
 7. DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver will be used to document translation requests and services for disciplinary, classification, and administrative segregation formal hearings and reports.
 8. Offenders may request services via:
 - a. Verbal communication with staff,
 - b. Kite to staff, and/or
 - c. DOC 05-666 Spanish Interpreter/Translation Request to request translation services.

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9. Offenders may provide interpretation and/or translation service only at the request of the offender needing the services. DOC 05-666 Spanish Interpreter/Translation Request must be completed to ensure the offender understands and agrees that the Department is not responsible for the content of the translation and not liable for any error. Offenders are not authorized to interpret for:

- a. Classification reviews,
- b. LSI-R interviews,
- c. Medical appointments,
- d. Disciplinary hearings,
- e. Administrative segregation hearings,
- f. Grievances, or
- g. Any interview in which an offender's crime of conviction is discussed.

E. Indeterminate Sentence Review Board (ISRB) Hearings

1. The ISRB will be notified by the Classification Counselor when an interpreter is needed for an upcoming in-person ISRB hearing.
2. The ISRB will:
 - a. Submit the official request for a court certified interpreter,
 - b. Notify the applicable facility LEP Coordinator of the request, and
 - c. Notify applicable records contacts with interpreter information required for clearance purposes.

F. Upon request of a non-English speaking Hispanic offender, the substance of the following documents, hearings, and meetings are subject to interpretation/translation within the time-frames set forth by applicable policies.

1. Disciplinary
 - a. Infraction reports. LEP offenders will be provided with an interpretation of the charges no less than 24 hours in advance of the disciplinary hearing. The translation services will be acknowledged by the offender on DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver.
 - b. The Hearing Officer's decision after the disciplinary hearing.
 - c. Notice of appeal rights, appeal by the offender, and the decision regarding the appeal.

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- d. Assistance for writing an appeal to the Superintendent will be provided to illiterate LEP offenders to the extent it is provided to English-speaking offenders.

2. Classification

- a. The notice of classification review.
- b. Reports of the classification decision.
- c. Notice of appeal rights, appeal by the offender, and the decision regarding the appeal.

3. Administrative Segregation

- a. Written notice of the reason for the offender's initial placement in segregation.
- b. Hearing Officer written recommendations regarding the offender's continued placement in or release from administrative segregation and the written decision of the Superintendent.
- c. Written notice of all classification meetings for an offender in segregation as described in Department regulations.
- d. Notice of appeal rights, the appeal by the offender, and the decision regarding the appeal.

4. Grievances

- a. All responses to grievances.
- b. Notice of appeal rights, the appeal by the offender, and the decision regarding the appeal.

G. Denial of Translation Services.

1. Superintendents have the authority to deny interpretation/translation services to offenders who demonstrate a pattern of abuse of the materials, services, and/or programs. Before an offender can be refused access to interpretation/translation services the following conditions must be met:
 - a. Staff must document the abuse and submit it to the Superintendent.
 - b. The Superintendent must approve, in writing, denial of translation services to an offender. The denial must include parameters and specifications to ensure the abuse issue is addressed but adequate access to legal venues are maintained.

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- c. The Superintendent will notify the applicable LEP Coordinator who will ensure notification to all Department Certified Spanish Interpreters/ Translators as well as other applicable staff.
 - d. The offender will be notified, in writing, that his/her access to translation services has been denied.
- H. English as a Second Language (ESL).
 - 1. Each prison facility will, within available resources, provide the opportunity for non-English speaking offenders to attend ESL courses.
- I. Availability of Spanish Versions of Washington Administrative Code (WAC)
 - 1. The Department Spanish Language Specialist will provide facilities with copies of court certified Spanish translations of the following documents:
 - a. WAC 137-28 Prisons – Discipline, and
 - b. WAC 137-32 Prisons – Administrative Segregation and Intensive Management.
- J. Availability of Spanish Versions of Policies, Forms, and Orientation Handouts
 - 1. Department forms and the substance of policies, rather than word for word translations, on the following subjects will be available in a translated format at all Prison facilities. The Statewide Offender Orientation Handbook will contain necessary information on the following subjects that are not covered in Spanish policies:
 - a. Offender Discipline,
 - b. Classification,
 - c. Offender Grievance Program,
 - d. Administrative Segregation,
 - e. Offender Legal Access,
 - f. Deportation Proceeding Notification,
 - g. Earned Release Time,
 - h. Privileged Communication for Clergy,
 - i. Religious Freedom,
 - j. Searches of Offenders, Cells and Facility, and Visitors,
 - k. Offender Trust Accounts,
 - l. Offender Personal Visits/Extended Family Visitation,
 - m. Medical, Dental, and Mental Health Services,
 - n. Offender Telephone Use,
 - o. Offender Marriages,

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- p. Facility Offender Handbooks,
- q. Housing Unit Rules,
- r. Fire Evacuation and Safety Rules,
- s. Availability of Facility Programs,
- t. Offender Mail,
- u. Offender Store Ordering Procedures,
- v. Transfer Inquiry (Mexico),
- w. Registration Notification to Offenders,
- x. Notice of Detainer,
- y. Interview Slip (Kite),
- z. Translation Services,
- aa. Use of Offenders for Experimental Purposes,
- bb. Substance Abuse Testing,
- cc. Offender Movement,
- dd. Release or Special Sentence Review Criteria,
- ee. Offender Personal Property, Clothing, and Laundry, and
- ff. Offender Identification Requirements, and
- gg. The Prison Rape Elimination Act

K. Availability of Spanish Pamphlets and/or Books:

- 1. When available without cost from state or federal sources, LEP offenders will have access to medical pamphlets or books on subjects to include, but not limited to:
 - a. Syphilis,
 - b. Chlamydia,
 - c. Diabetes,
 - d. Tuberculosis,
 - e. Newborn Screening,
 - f. Hepatitis,
 - g. Lice,
 - h. Sexually Transmitted Diseases,
 - i. Scabies,
 - j. AIDS,
 - k. Pregnancy,
 - l. Gynecological Care, and
 - m. Hypertension.

L. Law libraries will have the following materials available in Spanish:

- 1. Spanish – English Legal Dictionary,
- 2. Skills for Bilingual Legal Personnel,
- 3. WACs identified in this policy, and

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4. Department Spanish Policy Manual.
5. The Department Spanish Language Specialist will ensure as needed availability of Verbatim translation of any specific written rules of conduct, including all Department and facility disciplinary rules, lists of allowed or prohibited items, or detailed instructions on how to access services, and accurate summaries of more general procedures and services.

M. Materials in Languages other than English

1. Staff will coordinate with applicable LEP Coordinators and the Headquarters LEP Administrator for availability of materials in languages other than English or Spanish.

Q. Legal Access

1. If a non-English speaking Hispanic offender requests translation of a significant legal event, staff will identify only the nature of the notice by completing DOC 09-065 Notice of Significant Legal Document.

V. Prison and Work Release Facility Orientation Programs

- A. Orientation will be provided to Spanish-speaking offenders and non-Spanish speaking LEP offenders per DOC 310.000 Orientation for Offenders. [3A-05]
 1. Other Interpretation/Translation services for work release can be requested by the staff whenever it becomes apparent or is known that there is a language barrier.
- B. All interpretation/translation services will be provided through available State Contracts and will be documented

VI. LEP for Community Corrections

- A. If a communication problem (illiteracy, foreign language) prevents an offender from understanding the conditions of supervision then interpretation services will be requested or a translated copy of the conditions will be provided. [2B-01PP]
- B. Other Interpretation/Translation services can be requested by staff whenever it becomes apparent or is known that there is a language barrier.
 1. All interpretation/translation services will be provided through available State Contracts and will be documented.

DEFINITIONS:

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Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS (See Appendix):

DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver
DOC 05-665 Confidentiality of Medically Related Communications
DOC 05-666 Spanish Interpreter/Translation Request
DOC 09-065 Notice of Significant Legal Document
DOC 16-340 Combined Monthly Report for Limited English Proficiency
DOC 16-342 Monthly Report for Department Certified Spanish Interpreters/Translators