

MASSACHUSETTS DEPARTMENT OF CORRECTION

LANGUAGE ASSISTANCE PLAN (LAP)



Luis S. Spencer, Commissioner

February 15, 2013 (Revised)

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I. INTRODUCTION AND BACKGROUND

A. POLICY STATEMENT

It is the policy of the Massachusetts Department of Correction (“Department”) to take reasonable steps to provide meaningful access to limited English proficient (“LEP”) individuals incarcerated, detained, or otherwise encountering Department facilities, programs, and activities. The policy is to ensure that language will not prevent staff from communicating effectively with LEP inmates, detainees, their families and others to ensure safe and orderly operations, and that limited English proficiency will not prevent inmates or detainees from accessing essential programs and information for which they are eligible; understanding rules, participating in proceedings; or gaining eligibility for treatment programs or classifications that assist in successful reentry.

In 2010, through the Language Access Task Force (LATF), the Department developed and implemented this Language Access Plan (LAP). The purpose of this plan was to define the steps necessary to perform an assessment and define the actions needed in order to ensure meaningful access to agency services, programs and activities on the part of persons who have limited English proficiency. The Department reviews and updates, this LAP every two years in order to ensure continued responsiveness to community needs and compliance with the Executive Office for Administration and Finance (“ANF”) Administrative Bulletin #16.

B. WHO IS LIMITED ENGLISH PROFICIENT (LEP)?

- 1) Consistent with the guidance of ANF Administrative Bulletin #16, an LEP person is someone who is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with Department staff. An individual maintains the right to self-identify as an LEP person.
- 2) Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently.
- 3) LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information (*e.g.*, medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

C. BACKGROUND

- 1) Federal law prohibits national origin discrimination and requires meaningful access to LEP persons, including inmates, in federal and federally assisted programs and activities.
- 2) The task of maintaining order, ensuring a safe and secure correctional institution, and meeting correction’s goals becomes extremely difficult when language barriers are not addressed.
- 3) The Department’s mission is to promote public safety by managing offenders while providing care and appropriate programming in preparation for successful re-entry into the community.
- 4) The purpose of this plan is to ensure that individuals obtain meaningful access to services, programs and activities although they may be limited in their English language proficiency.

D. APPROACH

The Department's LAP shall be fully implemented subject to the availability of fiscal resources. Consistent with the guidelines of ANF Administrative Bulletin #16, this LAP represents the Department's administrative blueprint to provide meaningful access to its services, programs and activities on the part of LEP individuals. This LAP details the tasks the Department has undertaken and shall undertake to meet this objective.

State agencies are required to take reasonable steps to ensure meaningful access to their services, programs and activities by LEP persons through the development and implementation of a Language Access Plan. **Such access shall be ensured when the LEP population meets or exceeds five-percent (5%) of the Department's client population.**

E. PERIODIC DETERMINATION OF LANGUAGE SERVICE NEEDS

- 1) Through the Department of Correction's Research & Planning Division, ongoing evaluation of inmate and detainee's reported primary languages reveals that Spanish (8.3%) is the only LEP language that exceeds 5% of the inmate population.
- 2) On a continuous basis, data are collected for the Department's population as a whole as well as by individual institutions. Using data available in the Inmate Management System (IMS), a report including primary and secondary languages of inmates and detainees is provided every two years.
 - a. This report identifies any foreign language that is spoken by five percent (5%) or more of the whole population and/or five percent (5%) or more of the population at any Department institution.
 - b. The Language Access Task Force (LATF) which included the LAP Coordinator, LEP Institution/Division Monitors, and a cross-section of other invested individuals in the Department will reestablish meeting in the first quarter of calendar year 2013. Task Force members represent various aspects of operations with particular familiarity in the area of programs, services and activities for identified LEP individuals.
 - c. The LATF will determine if the Department has any new LEP needs to address. The following are considered on an ongoing basis:
 1. The number or proportion of LEP inmates in the Department overall and their access to Department policies, programs and activities; and
 2. The resources available to the Department, and costs associated with different language service options.

II. LEP COORDINATOR & INSTITUTION/DIVISION LEP MONITORS

A. LEP COORDINATOR & DUTIES

- A. The following individual is the Department's LEP Coordinator:
Kristie Ladoucer, Director
Office of Administrative Resolution
Central Headquarters
50 Maple Street, Suite 3
Milford, MA 01757

- 2). Duties of the LEP Coordinator shall include but are not limited to:

- a. Coordinating identification of language service needs and strategies for responding to those needs;
- b. Ensuring identification and securing of existing and needed resources (in-house, new hires contract, resource sharing with other agencies, volunteers, or other) to provide oral and written language services;
- c. Identifying and recommending directives/general orders to implement the LAP.
- d. Identifying criteria for designation of languages for initial round of translation, based on demographic data and usage projections;
- e. Assisting in the creation of systems to distribute translated documents, post electronically, and maintaining an available supply of copies;
- f. Identifying training needs and providing for training to Institution/Division LEP Monitors, staff, and managers needing to use language services, as well as language service providers;
- g. Establishing protocols for ensuring quality, timeliness, cost-effectiveness, and appropriate levels of confidentiality in translations, interpretation, and bilingual staff communications;
- h. Identifying and implementing a system for receiving and responding to complaints by staff, inmates, or others of ineffective language assistance measures;
- i. Exchanging best practices with other Departments, law enforcement agencies, and other organizations, as well as amongst Department facilities;
- j. Establishing a system to coordinate with the institutions and divisions so that inmate language needs are identified and responded to as early as practicable; and,
- k. Reviewing the progress of the Department and its facilities in providing meaningful access to LEP persons, developing reports, and modifying the LAP if and when appropriate, and implementing directives/orders, as appropriate.

B. INSTITUTION/DIVISION LEP MONITORS & DUTIES

- 1) Each Institution/Division Superintendent/Director shall in consultation with the Department's LEP Coordinator appoint a staff member as the Institution/Division LEP Monitor. A list of appointed monitors shall be posted on the Department's Office of Diversity Website (see Attachment A).
- 2) Institution/Division LEP Monitor duties shall include but not be limited to:
 - a. Working with the LEP Coordinator to identify LEP needs in his/her institution/division and strategies for meeting those needs so that staff will have access to appropriate language services to interact with inmates;
 - b. Providing training to institution/division staff on implementation of the LAP, the 103 DOC 488 Interpreter Services Policy (See Attachment B) and any other applicable directives;
 - c. Establishing and maintaining the institution's language assistance resource list including employees with language skills (ensuring competency); revise resource list as needed.
 - d. Assisting institution employees with accessing language resources;
 - e. Ensuring the institution's compliance with the LAP, including any directives/orders;
 - f. Ensuring that any document that is provided to the inmate population in his/her institution/division has a Spanish translation available;
 - g. Monitoring the need for additional or enhanced signage.

III. LANGUAGE ASSISTANCE OPTIONS

A. ORAL LANGUAGE SERVICES

1) Direct Communication with LEP Individuals by Staff with Linguistic Skills

Employees at Department institutions who volunteer to provide oral language translations shall be utilized when convenient and necessary. They are *not* to be utilized when the 103 DOC 488, Interpreter Services Policy specifies that *telephonic interpretation* is necessary. In those scenarios, telephonic interpretation shall be utilized.

2) Interpretation

The Department currently maintains an agency wide policy regarding Telephonic Interpreter Services. *See* Appendix B, 103 DOC 488: Interpreter Services. Prior to the submission of ANF Bulletin #16, the Department was providing interpreter services via this method for a number of years. The policy establishes a procedural mechanism for inmates to utilize telephonic interpreter services whenever dealing with specific programs and services provided by the Department, i.e., Internal Perimeter Security Officers, or Department investigations or questioning, Booking and Admissions, Health Services Unit (medical), Classification Boards and Disciplinary Hearings. These services are to be utilized **without** regard to the five percent (5%) threshold and translation services may be achieved through a contractual vendor for well over one hundred different languages. The current policy also requires that telephonic interpreter service information be included in the Department's Inmate Orientation Manuals.

Since 2010 the Department enhanced interpreter services by:

- Renaming and revising the “Telephonic Interpreter Services” policy to “Interpreter Services” in order to capture a broader purpose (Attachment B)
- Establishing the Department's LEP Coordinator as a management official responsible for implementing and monitoring the policy;
- Including a definition section with key terms such as “bilingual”, “interpretation”, and “regularly encountered language”;
- Including procedures detailing the creation of both a Department LEP Coordinator as well as Institution/Division LEP Monitors; the listing of duties and responsibilities for the Department LEP Coordinator, including the identification of language service needs for the Department;
- Including Inmate Grievances as an area where inmates may utilize telephonic interpreter services;
- Establishing new procedures that Department personnel must follow when disseminating information to inmates;
- Requiring each institution's superintendent to ensure compliance within his/her institution of the policy.

B. WRITTEN LANGUAGE SERVICES

- 1) General Forms and Documents
 - a. The Department has translated all of its regulations (CMRs) into Spanish, and has set forth a plan to translate policies and directives that are available to inmates and the public into Spanish.
 - b. The LATF has identified Department documents that should be accessible in Spanish and translation of these documents is ongoing .
 - c. When translations are not possible or reasonable, important information is conveyed verbally in the relevant language. Inmates may utilize the telephonic interpreter service for translating these documents.

IV. HUMAN RESOURCE PLANNING

The Department remains committed to creating a workplace that reflects the diversity of the Commonwealth and all its citizens. We endeavor to provide an inclusive environment that values and respects all cultural differences. The Department is deeply committed to equal access and will continue to implement initiatives that encourage diversifying our workforce and business partners. Through these efforts our goal for increasing meaningful access for programs and services to LEP inmates in our custody and their families will be accomplished. Currently there are 426 Department employees with foreign language abilities; 239 of them speak Spanish with 178 at a moderate or high level of speaking proficiency.

A. Commitment to establish a workforce that reflects diversity within all divisions/facilities is exemplified through the following:

- 1) Continue to train Department Hiring Managers on the revised hiring and selection policy by the Office of Diversity in partnership with DHR;
- 2) Continue to participate in diversity career fairs and community networking sessions, partnering with other state agencies to identify and attract professional diverse candidates;
- 3) Continue to partner with community organizations working to outreach for increasing representation of bilingual candidates;
- 4) Continue to request to use the PAR 10 Civil Service List to target a diversified academy class for Correction Officers for each fiscal year;
- 5) Continue to benchmark to increase the representation of minorities and bilingual employees in management as well as in Correction Officer II and III positions.
- 6) Continue to perform exit interviews to provide data for recruitment and retention of members of protected groups with particular emphasis on bilingual employees;

B. Language needs and skills are considered in recruitment, hiring and job operations through the following initiatives:

- 1) Educate hiring panels in the Hiring and Selection policy to consider an applicant's ability to speak a second language, particularly Spanish, as desirable;
- 2) Track the language ability of Department staff and identify personnel who are willing to volunteer to serve as interpreters and post their information on the DOC intranet page.
- 3) Commit to work with Institution/Division LEP Monitors to promote language sensitive deployment of bilingual staff and interpreters to match skills with needs;
- 4) Continue to provide an English/Spanish Translation Guide for Correctional Staff available at facilities and on the Intranet; and,

- 5) Consider strategies to address language needs when planning recruitment, hiring, promotion and retention efforts.

V. PURCHASE OF SERVICE CONTRACTS

A. Review/Description of Service Contracts

The Department has medical, mental health, and social services contracts for inmate health services, residential and non-residential substance abuse programming, reentry services and recidivism reduction programming, comprehensive sex offender treatment programming, and for reentry beds located within the community in pre-release program settings. Most of these contracts continue to contain a general provision emphasizing the need to hire and retain some bilingual staff. As these contract services are extended through contract renewal amendments and/or put out bid to re-bid through the competitive procurement process, the Department shall continue to emphasize the need to hire and retain bilingual staff.

B. Improvements to Service Contracts

Since 2010, the Department has enhanced its service contracts in the following manner:

- 1) Contractors will ensure that a sufficient number of personnel providing services to the inmates are bilingual in English and Spanish;
- 2) All curriculum and reading material that is passed out to the inmates as part of the program must be made available in English as well as Spanish;
- 3) The Contractor must provide the Department a list of bilingual personnel, identifying their fluency in applicable languages, with quarterly updates;
- 4) The Department advises bidders that the requirement for bilingual staff will be a component of the evaluation criteria of the bid proposals and a stated contract performance measure.
- 5) Upon renewal, re-bidding or bidding of service contracts, the LEP Coordinator is consulted to review the current 5% threshold needs.

VI. ADMINISTRATIVE ACTIONS

A. POLICY ENHANCEMENTS

The Department has revised the 103 DOC 488 policy in response to its Language Access Plan goals. Updates to this policy address specific types of encounters with LEP persons and their families in the area of programs, activities and services. (See Appendix B, Section III. A. 2.)

B. INTAKE ENHANCEMENTS

Since 2010, the Department has enhanced inmate in take in the following manner:

- 1) **Assessment and Evaluation**
 - a. Booking Officers at each institution document an inmate's primary and secondary language in IMS.
 - b. Each Booking area has universal signs for requesting interpreter services and identifying the primary language to request use of the telephonic interpreter services.

- c. Each Booking area has the directions and speakerphone capability to access the telephonic interpreter services;
- d. The Booking and Admissions Post Orders for correctional staff reflect these duties
- e. The IMS Offender Face Sheet screen be translated into Spanish for inmates who would prefer to complete the information in writing and then have it typed into the Booking Screens.
- f. The initial intake form prepared by Correctional Program Officers has been translated into Spanish so that inmates can read the questions being asked while utilizing the telephonic interpreter services.
- g. The initial intake for medical and mental health has been translated into Spanish to assist when utilizing the telephonic interpreter services.

2) Orientation

- a. The Inmate Orientation Booklet is provided in both Spanish or English and includes information regarding the use of telephonic interpreter services;
- b. The Orientation Checklist has been translated into Spanish to allow those Spanish speakers to understand what they are receiving;
- c. A video tape of institution orientation is now available in English and Spanish for presentation to inmates;
- d. A list of frequently asked questions in English and Spanish regarding orientation, rules and regulations, medical/mental health access, fear for safety, Prison Rape Elimination Act (“PREA”) is available for new inmates;
- e. All PREA information is in Spanish and English;
- f. The Communicable/ Infectious disease video is available in English and Spanish;
- g. LEP inmates have blank cards that they can write questions in their own language to be interpreted and responded to by staff in writing or via the telephonic interpreter services with staff;
- h. All programming information and sign up sheets are posted in English and Spanish;
- i. Each Correctional Program Officer and members of medical and mental health staff has directions and speakerphone access to utilize the telephonic interpreter services.

3) Classification

- a. When utilizing the COMPAS (Criminal Offender Management Profiling Alternative Sanctions) assessment form, questions regarding risk and needs assessment are available in Spanish except for questions regarding criminal records;
- b. On this form, there is a notice to inmates in English and Spanish that if she/he has questions, he/she may utilize telephonic interpreter services or a staff interpreter to help explain.
- c. Classification related documents such as the 48 hour notification and the inmate appeal form are available in English and Spanish;
- d. Classification Hearings and interviews are conducted in the inmate’s requested language utilizing a bilingual staff person or telephonic interpreter services;
- e. The LEP Monitor at each institution ensures that classification staff is familiar with use of telephonic interpreter services and availability of bilingual documents.

II. DISCIPLINARY HEARINGS

- 1) The Department provides interpretation and translations so that the LEP inmate has an opportunity to understand and participate effectively in the proceedings.
 - a. Disciplinary hearings and interviews with LEP inmates are conducted in the inmate's language utilizing the telephonic interpreter services.
 - b. Staff is familiar with the use of telephonic interpreter services and availability of bilingual documents.

C. INMATE GRIEVANCES AND INFORMAL COMPLAINT FORMS

Since 2010 the Department has enhanced the Inmate Grievance process in the following manner:

- 1) Inmate grievance forms, grievance appeal forms and informal complaint forms are provided in English and Spanish to ensure all inmates are able to communicate their complaints and concerns in writing.
- 2) Access to interpreter services that enhance communication between staff and inmates with regard to inmate grievances, grievance appeals, informal complaints, and settlement agreements are provided.
- 3) Grievance suspension forms issued as a result of abuse of the inmate grievance process have been translated into Spanish. In addition, interpreter services are utilized to address all other LEP inmate grievance suspensions as needed.
- 4) Use of interpreter services are documented within the Inmate Management System or other applicable records.

1) HEALTH CARE, MEDICAL (INCLUDING MENTAL HEALTH AND DENTAL)

The Department has contracts for the provision of comprehensive medical and dental services for the inmate population with the University of Massachusetts Correctional Health (UMCH), and for comprehensive mental health services for the inmate population with MHM Services Inc., (MHM). The current contracts with UMCH and MHM require the Contractor ensure that a sufficient number of personnel are bilingual in English and Spanish.

- 1) UMCH and MHM currently use bilingual staff if available; otherwise telephonic interpreter services are used to translate for inmates in the Health Services Unit ("HSU"), i.e. medical area. The institution HSU has a telephone available with speakerphone capability.
- 2) If an inmate requests an interpreter or correctional or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. The request for telephonic interpreter service in these areas can be oral and directed to the appropriate person.
- 3) UMCH and MHM have translated or will interpret vital medical forms, notices, procedures, diagnoses, conclusions, and instructions, while assuring privacy and confidentiality according to system guidelines.
- 4) Medical Staff note the use of the language service in the progress notes by the health care provider who saw the inmate.

VII. INSTITUTIONAL PROGRAMS AND SERVICES

The Department strives to ensure that programming is available to offenders with limited English proficiency. This is accomplished by ensuring that applicable policies, contracts with service providers and recruitment of volunteers take into consideration the needs of offenders with limited English proficiency.

A. DIVISION OF INMATE TRAINING & EDUCATION

Currently the Department offers English for Speakers of Other Languages (ESOL) classes at each institution school. The educational staff assesses LEP inmates at the intake centers and refers them to appropriate educational classes. Administration of the GED qualifying test can be administered in Spanish if requested. Since 2010 the Department has hired more ESOL teachers for the institution school that had long ESOL class wait lists. Wait lists for ESOL are monitored closely to ensure all LEP inmates are given the opportunity to improve their English skills. The ESOL waitlists currently reveals 241 inmates across 17 facilities housing approximately 11,500 inmates (2%). When funding allows, the Department would like to expand educational programming so that it is available year round and would like to add Vocational ESOL classes. Spanish GED prep is offered at some institutions using bilingual inmate-tutors and Tutor Training classes now include bilingual inmate-tutors for Spanish GED prep classes.

B. VOLUNTEER SERVICES

The Department continues to recruit bilingual volunteers to assist in the delivery of programs for LEP inmates. The volunteer application form has been updated to reflect whether the volunteer is bilingual and if so, what language(s) they speak. The Department ascertains whether the bilingual volunteer is able to communicate effectively.

C. CITIZEN ACCESS

- 1) Telephone options have been expanded to allow LEP citizens access to general institution/division information including but not limited to:
 - a. Directions to the Institution/Division
 - b. Mailing information
 - c. Visitation schedule if applicable
 - d. Dress Code Information
- 2) Current online visitor information on the DOC website & Intranet has been expanded to address the needs of LEP citizens.
- 3) Provide access for LEP citizens to the online Citizen Inquiry Link in languages consistent with requirements of Administrative Bulletin #16 is available.
- 4) The Family and Friends Handbook available in facilities and on the Department of Correction internet page in both is available in English and Spanish.

VIII. TRAINING AND EDUCATION

Training and Education are critical so that staff become competent in providing inmates access to language services. Institution/Division LEP Monitors currently ensure compliance of the Department's LAP and the 103 DOC 488 Interpreter Services Policy. They are encouraged to develop best practices

and to share these best practices with their peers at all Department facilities. Since 2010 there has been an initial training and subsequent periodic training and education for all levels of staff coming into contact with LEP inmates. This includes managers and those responsible for classification, programs, treatment eligibility, medical, disciplinary or any other aspects of the 488 Policy and resulting Procedures. Education for new employees and volunteers on how to access Interpreter Services for LEP inmates is included in the new employee orientation.

IX. LEP PROGRAM MATERIAL

Updated copies of the LAP, [103 DOC 488 Interpreter Services](#), and directions for accessing Telephonic Translations services, documents, training opportunities, and other information and tools for ensuring language access will be located on the Office of Diversity intranet page for distributing or otherwise making them easily accessible. A survey for staff to provide feedback on LEP services is available on the Department's Office of Diversity website.

X. INSTITUTION LANGUAGE ASSISTANCE RESOURCE LISTS

A list of Institution/Division language assistance resource lists was developed in collaboration with the Language Access Task Force, Institution/Division LEP Monitors and the LEP Coordinator. Examples of resources currently include:

- 1) Instructions for handling emergency situations, including radio protocols for accessing language services.
- 2) Procedures for providing language assistance, including instructions on how to work with interpreters.
- 3) Contact, shift, and language information for staff interpreters.
- 4) Contact, on-call availability, and language information for contracted interpreters.
- 5) Contact numbers and language information for telephonic interpretation.
- 6) Contact, shift, and language information for bilingual staff and officers.
- 7) Location and list of translated materials available for inmates and visitors.
- 8) List of self-identified LEP inmates made available to Institution/Division LEP Monitors.

XI. SIGNS IN INMATE, VISITOR, AND STAFF AREAS

- 1) The Department continues to post signs in inmate and visitor areas that detail important information in English and Spanish.
- 2) Signs are posted in staff areas on how staff may access language services.
- 3) Institution/Division LEP Monitors will oversee the need for additional or enhanced signage.

XII. NEXT STEPS

Through the work of the LATF, the LEP Coordinator and the Institution/Division LEP's much progress has been made to ensure that LEP identified inmates have meaningful access to the Department's services, programs and activities in order to reduce disparities. The Department remains committed to fulfilling the spirit of Administrative Bulletin #16 and will continue our work by developing the following:

- 1) An audit process to be used at each facility that will ensure staff is knowledgeable of the LAP and to ensure the facilities are in compliance with the LAP mandates.
- 2) A feedback tool for both inmates and staff to assess the quality of access for LEP inmates and families.
- 3) Utilization data - to determine trends and areas where more services may be required
- 4) Quarterly reporting from the LATF to the Commissioner indicating progress and future needs to improve meaningful access for LEP identified inmates.
- 5) Updated/revised LAP for 2015.

Appendix A

Facility LEP Monitors Updated February, 2013

| Institution | Contact | Telephone | E-mail |
|------------------------|--|------------------------|-----------------------------|
| Bay State CC | Ryan Donlon, CPO C | 508-668-1687 ext. 125 | RJDonlon@doc.state.ma.us |
| Boston Pre-Release | Douglas DeMoura, Deputy Superintendent | 617-822-5000 | DWDemoura@doc.state.ma.us |
| BSH | Christopher Pearson, Sgt. | 508-279-4506 | CPPearson@doc.state.ma.us |
| Health Services | Mary Beth Lees, Exec. Assistant | 508-279-8642 | MELees@doc.state.ma.us |
| MCI-Cedar Junction | Sally Morelle, Records Manager | 508-620-6437 ext. 236 | SEMorelle@doc.state.ma.us |
| MCI-Concord | Rachel Goguen, CPO C | 978-405-6100 ext. 6100 | RMGoguen@doc.state.ma.us |
| MCI-Framingham | Lynn Lizotte, Deputy Superintendent | 508-532-5100 ext. 327 | LALizotte@doc.state.ma.us |
| MASAC | Connie DeLeon, CPO | 508-279-3500 ext. 3527 | CEDeleon@doc.state.ma.us |
| Mass. Treatment Center | Tiana Bennett, Dir. of Treatment | 508-279-8100 ext. 6125 | TABennett@doc.state.ma.us |
| MCI-Norfolk | Gadiel Ortiz-Sanchez, CO | 508-660-5900 | N/A |
| NCCI-Gardner | Leisa Crawley, Lt. | 978-630-6000 | LECrawley@doc.state.ma.us |
| NECC | Ellen Flamino, Dir. of Treatment | 978-371-7941 ext. 1209 | ELFlamino@doc.state.ma.us |
| OCCC | Jean Lahousse, Dir. of Treatment | 508-279-8643 | JLahousse@doc.state.ma.us |
| MCI-Plymouth | Steven Duxbury, Dir. of Treatment | 508-295-2647 ext. 3309 | SHDuxbury@doc.state.ma.us |
| Pondville CC | Bruce Ogilive, CPO C | 508-660-3924 | BGOgilive@doc.state.ma.us |
| Shattuck Hospital Unit | Addiel Castillo-Avila, CO | 617-522-7585 ext. 120 | ACAvila@doc.state.ma.us |
| MCI-Shirley | Karen DiNardo | 978-425-4341 ext. 4800 | KLDinardo@doc.state.ma.us |
| SMCC | Lyn Muise, Dir. of Treatment | 508-875-2883 ext. 4103 | LMuise@doc.state.ma.us |
| SBCC | Lynn Chernesky, Dir. of Treatment | 978-514-6500 ext. 6808 | LChernesky@doc.state.ma.us |
| Central Headquarters | Kristie Ladouceur | 508-422-3395 | KJLadouceur@doc.state.ma.us |

Appendix B

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 488

INTERPRETER SERVICES

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|---|---|
| MASSACHUSETTS DEPARTMENT OF CORRECTION | DIVISION: DEPUTY COMMISSIONER, ADMINISTRATIVE SERVICES |
| TITLE: INTERPRETER SERVICES | NUMBER: 103 DOC 488 |

PURPOSE: To establish Department of Correction ("Department") policy regarding access to and use of Interpreter Services.

REFERENCES: M.G.L. c.124 sec. 1 (q)

APPLICABILITY: Staff/Inmates

PUBLIC ACCESS: Yes

LOCATION: Department's Central policy file, Each Institution's policy file, Each Inmate Library.

RESPONSIBLE STAFF:

- Deputy Commissioner, Administrative Services
- Director, Office of Diversity and Equal Opportunity
- Superintendents

Effective Date: 02/11/11

CANCELLATION: 103 DOC 488.00 cancels all previous Department and Institution policy statements, bulletins, directives, orders, notices, rules and regulations regarding interpreter services which are not consistent with this policy.

SEVERABILITY CLAUSE: If any part of 103 DOC 488.00 is for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

488.01 **DEFINITIONS**

Bilingual: The ability to speak two languages fluently and to communicate directly and accurately in both English and another language.

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).

Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.

Limited English Proficient (LEP): an individual who does not speak English as his/her primary language and has a limited ability to read, write, or understand English.

Primary Language: The language that the inmate or detainee self reports at the time of intake as that which he/she is most effectively able to communicate.

Regularly Encountered Language: any language spoken by at least 5% of the inmate population of the institution

Secondary Language: Language(s) that the inmate or detainee self reports an ability to communicate in.

Translation: The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge or skills.

488.02 **DEPARTMENT LEP COORDINATOR AND INSTITUTION LEP MONITORS**

1. The Commissioner of Correction shall designate an individual as the Department's LEP Coordinator. The Department's LEP Coordinator shall:

- a. Identify language service needs and strategies for responding to those needs;
- b. Identify, and secure when practicable, needed resources (in-house, new hires, contract, resource sharing with other agencies, volunteers, or other) to provide oral and written language services;
- c. Identify and propose directives to the Commissioner to implement the plan;
- d. Identify criteria for designation of languages for initial round of translation, based on demographic data and usage projections;
- e. Create systems to distribute translated documents, post electronically, and maintaining and available supply of copies.

2. Each Superintendent in consultation with the Department's LEP Coordinator shall designate an institutional employee as the Institution's LEP Monitor. The Institution LEP Monitor shall:

- a. In consultation with the Department's LEP Coordinator, identify needs and strategies for meeting those needs so that staff shall have access to appropriate language services in their interactions with inmates;
- b. Monitor the institution's compliance with the LEP policy and plan;
- c. Train institution staff on the LEP policy and plan or any LEP directives;
- d. Establish and maintain the institution's language assistance resource list;
- e. Maintain data on selected interactions with LEP persons and provide reports to management and the Department's LEP Coordinator, as appropriate.

488.03 **INSTITUTION PROCEDURES FOR TELEPHONIC INTERPRETER SERVICE ACCESS AND USE**

Each superintendent/designee shall ensure that if an inmate needs an interpreter:

1. Telephonic interpreter services may be used to translate for inmates in the following areas: Internal Perimeter Security ("IPS"), or Departmental investigations or questioning, Booking and Admissions, Health Services Unit ("HSU") (medical), Classification Boards, Inmate

Grievances and Disciplinary Hearings. If an inmate requests an interpreter or correctional or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. This policy does not prevent IPS or Department investigators from utilizing bilingual staff to interview inmates if the situation does not lend itself to the use of the telephonic interpreter service during the course of an investigation.

2. Inmates shall not be used as interpreters for other inmates in any of the areas listed in paragraph 1 above.
3. The Commissioner's letters, attachments A and B, shall be posted in the following areas: All housing units, booking and admission, classification and disciplinary board rooms, HSU waiting areas and other areas where medical services are provided. Attachments A and B shall be permanently affixed to the wall and where possible affixed behind Plexiglas.
4. The telephonic interpreter service information shall be provided during the standard introduction at classification boards, disciplinary hearings, and the booking and admissions process. The telephonic interpreter service information shall be included in all facilities' inmate orientation manuals.
5. IPS, Booking and Admissions, HSU (medical), classification boards and disciplinary hearings shall have a telephone available with speakerphone capability.
6. The telephonic interpreter service shall be available for use by the Institutional Grievance Coordinators when conducting interviews.
7. Each facility shall offer the service to non-English speaking visitors as well as individuals that call the facility by telephone seeking information.

488.04

STAFF TRAINING

Each superintendent/designee shall ensure that staff assigned to the areas listed in paragraph 488.02 are trained how to access the telephonic interpreter service and how to use the service when working with non English-speaking inmates.

488.05 **INMATE REQUEST FOR TELEPHONIC INTERPRETER -
GUIDELINES FOR STAFF**

The following guidelines are the preferred method for an inmate to request telephonic interpreter services. However, an inmate's failure to adhere to these guidelines shall not be reason to deny the use of the telephonic interpreter service.

Classification Boards - The inmate shall submit a written request (in English or Spanish) for telephonic interpreter service to his/her Correctional Program Officer forty-eight (48) hours prior to the classification board.

Disciplinary Hearings - The inmate shall submit a written request (in English or Spanish) for telephonic interpreter service to the Institution Disciplinary Officer. It shall be the inmate's responsibility to request such assistance within a reasonable time prior to the scheduled hearing.

HSU, IPS, and Booking and Admissions - A request for Telephonic Interpreter Service in these areas can be oral and directed to the appropriate person.

488.06 **DOCUMENTING USE OF TELEPHONIC INTERPRETER SERVICE**

Each Superintendent or designee shall ensure that Correctional or medical staffs who use the telephonic interpreter service document each use in the following manner:

Booking and Admissions - note the use of the service in the Inmate Management System (IMS) booking/intake comments section of the Inmate Data screen.

Classification Boards - note the use of the service in the "board rationale" field on the board

recommendation tab of the Classification Recommendation/Results screen (IMS).

Disciplinary Hearings - note the use of the service shall be noted in the "sanction rationale" field on the Disciplinary Hearing screen.

Inmate Grievances - note the use of the service in the Investigative Comments screen (IMS).

Medical Staff - Note the use of the service in the progress notes by the health care provider who saw the inmate.

IPS - Note the use of the service in an appropriate investigative memorandum.

488.07 DISSEMINATION OF INFORMATION

Each institution shall develop procedures to ensure that whenever information is disseminated to the inmate population via any medium that it also provides the information in the same or similar medium in languages that are regularly encountered (see definition section 103 DOC 488.01 of this policy).

488.08 COMPLAINTS

Complaints alleging violations of 103 DOC 488.00 shall be grieved via 103 CMR 491.00 Inmate Grievances, the Department's Inmate Grievance process. Whenever an Institutional Grievance Officer receives a grievance regarding an allegation of a violation of 103 DOC 488.00 he/she shall notify the Department's Language Access Coordinator of the grievance and may consult with him/her in determining the grievance's resolution.

488.09 MONITORING

Each Superintendent shall ensure compliance with this policy at his/her institution.

488.10 EMERGENCIES

Whenever, in the opinion of the Commissioner or designee, or the Superintendent of a state correctional facility, an emergency exists which

requires suspension of all or part of this policy, the Commissioner or designee or the Superintendent may authorize such suspension, provided that any suspension lasting more than forty eight (48) hours must be approved by the Commissioner.

ATTACHMENT A

TO: All Inmates
FROM: Commissioner
DATE:
RE: Telephonic Interpreter Service for non-English speaking inmates

The Department of Correction has contracted a service provider to provide over-the-phone interpretation, twenty-four (24) hours a day, seven days (7) a week. This service can provide translation of 140 different languages to any non-English speaking inmate.

This service shall only be used by use of speaker telephones in the following areas whenever an inmate claims that he/she does not speak and/or understand English.

- (1) IPS and Departmental Investigations
- (2) Booking and Admissions
- (3) HSU
- (4) Classification Boards
- (5) Disciplinary Hearings
- (6) Grievance Interviews

A claim that you do not speak and/or understand English can be made as follows:

Classification Boards - submit a written request (in English or Spanish) for Telephonic Interpreter Service to your unit manager or correctional program officer forty-eight (48) hours prior to the classification board.

Disciplinary Hearings- submit a written request (in English or Spanish) for Telephonic Interpreter Service to the Institution Disciplinary Officer or your Correctional Program Officer forty-eight (48) hours prior to the date scheduled for the hearing.

HSU, IPS/ Departmental Investigators, Grievance Investigators and Booking and Admissions - request for Telephonic Interpreter Service in these areas can be oral and directed to the appropriate person in these areas.

ATTACHMENT B

PARA: Todos los Confinados/Presos

DE: Comisionador

FECHA:

RE: Servicio de Intérpretes Telefónico para confinados o presos que no hablan inglés

El Departamento de Corrección a contratado un servicio telefónico, para proveer a través del teléfono servicios de interpretación ofrecido veinticuatro (24) horas al día los siete (7) días de la semana. Este servicio provee traducciones en 140 lenguajes diferentes para cualquier preso que no hable inglés.

Este servicio será usado solamente a través de teléfonos equipados con sistema de parlante/altavoz en los siguientes lugares cuando un preso declara que él/ella no habla y/o no comprende inglés.

- (1) Oficina de la Seguridad Interna Del Perímetro (IPS)
- (2) Procesamiento de Entrada (Booking and Admissions)
- (3) Departamento de Servicios de Salud (HSU)
- (4) Paneles de Clasificación (Classification Boards)
- (5) Audiencias/Vista Disciplinarias (Disciplinary Hearings)
- (6) Entrevista de Querellas (sobre quejas) (Grievance Interviews)

Para declarar que usted no habla y/o no entiende suficiente inglés y requiere un interprete necesita hacer lo siguiente:

Paneles de Clasificación- Debe presentar una petición escrita solicitando un intérprete al Director de su unidad o al Oficial de Programa Correccional 48 horas, antes de su entrevista con el Panel de Clasificación (en inglés o en español).

Para Audiencias/Vista Disciplinarias- Debe presentar una petición escrita (en inglés o en español) solicitando un intérprete al Director de su unidad o al Oficial Institucional de Disciplina o a su Oficial de Programa Correccional 48 horas antes de la fecha de su cita para su audiencia.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions- pueden ser orales y dirigidas a la persona apropiada en estas areas.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions (Entradas)- pueden ser verbalmente y dirigidas a la persona apropiada en estas areas.