

	<b>Level I</b> <b>Internal Management Procedure</b> <b>Division of Programs and Community Services</b> <b>Office of Transitional Services</b>	<b>Internal Management Procedure</b> <b>PCS.008.LEP.01</b>
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<b>Internal Management Procedure Title:</b>  <p style="text-align: center;"><b>SOCIAL SERVICE ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATES</b></p>		
<b>Effective Date:</b> February 1, 2013	<b>Revised:</b> October 22, 2018	<b>Authority :</b> SUP.004.001
<b>Promulgating Office:</b> Division of Programs and Community Services Office of Transitional Services		<b>Professional Association Standard cited:</b> N/A
<b>Applicability:</b> This Internal Management Procedure applies to all organizational units within the New Jersey Department of Corrections.		
<b>Instructions:</b> All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.		
<b>Supersedes</b> N/A		
<b>Review Schedule:</b> This document is scheduled for annual review on or about September 30, 2019.		

<p style="text-align: center;"><b>This document was reviewed and approved by:</b></p> <p style="text-align: center;"><b>Darcella Patterson Sessomes, Assistant Commissioner, Division of Programs and Community Services on October 29, 2018</b></p> <p style="text-align: center;"><b>and</b></p> <p style="text-align: center;"><b>Leanne Cook, Acting Director, Office of Transitional Services on October 29, 2018.</b></p> <p>Documentation of the reviews/approvals are maintained by the Office of Policy &amp; Planning, APPM Unit.</p>
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**I. PURPOSE**

The purpose of this Level I IMP is to establish and maintain guidelines for all NJDOC Social Services Departments who provide case management services to inmates who are limited English proficient.

**II. DEFINITIONS**

The following terms, when used in this procedure, shall have the following meanings unless the context clearly indicates otherwise:

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**CHANGE (Challenging Historic Assumptions Nobly Generating Efficiencies)** means the NJDOC Commissioner's implementation of the reporting and tracking of select indicators for each correctional facility covering four major components. The four components of the CHANGE report are: Security, Administration, Programs, and Health.

**Commissioner** means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

**Division of Programs and Community Services** means the division responsible for correctional facility and community-based program opportunities for offenders, which includes the offices of Community Programs, Educational Services, Transitional and Social Services, Chaplaincy, County Services, Internal Support and Outreach Services, and the Victim Services Unit and Volunteer Services Unit.

**ESL (English as a Second Language)** this course prepares students whose native language is not English to function in a predominately English- speaking country.

**ITAG** means the Department of Corrections' computerized database used to track an inmate's incarceration from inception to conclusion. ITAG contains an inmate's sentencing information, alerts and chronological history.

**Inmate** means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

**Interpretation** means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

**Language Line Services** means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

**Limited English Proficient (LEP)** means the limited ability to read, write, speak, or understand English.

**New Jersey Department of Corrections (NJDOC)** means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training, and treatment of persons committed to the State correctional facilities.

**Office of Transitional Services (OTS)** means the office within the Department of Corrections, Division of Programs and Community Services, responsible for overseeing inmate transitional/reentry services and the delivery of social work programs and services.

**Organizational Unit** means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

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**Social Work Supervisor (SWS)** means the NJDOC official with primary responsibility for supervising the correctional facility's social services department. The Assistant Social Work Supervisor (ASWS) shall serve as the NJDOC designated secondary supervisor and in the absence of the SWS, shall serve as the primary supervisor.

**Translation** means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

### III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include but are not limited to, the language line services and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates with significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

### IV. PROCEDURE

In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Office of Transitional Services staff shall also ensure the following procedures are followed:

#### A. Case Management Services [Social Work Non-Critical Incident]

If an inmate is identified as an LEP inmate, the following shall take place:

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1. If Spanish is the LEP inmate's primary language:
  - a. A Civil Service Certified Bilingual staff of the social services department, who is "Spanish-speaking" shall provide interpretation services during the case management session.
  - b. In the event that a Civil Service Certified Bilingual staff, who is "Spanish-speaking" is not available, the Language Line shall be utilized to provide the interpretative services.
2. If the LEP inmate's primary language is other than English or Spanish:
  - a. All efforts shall be made to locate a same-language speaking staff member to provide interpreter services.
  - b. Should the same language speaking staff member not be available, the language line services shall be utilized to provide the interpretative services and/or an outside agency will be contacted to provide the interpretation services.

**B. Case Management Services [Social Work Critical Incident]**

If an inmate is identified as an LEP inmate, the following shall take place:

1. If Spanish is the LEP inmate's first language:
  - a. A Civil Service Certified Bilingual staff of the social services department, who is "Spanish-speaking" shall provide interpretation services during the case management session.
  - b. In the event that a Civil Service Certified Bilingual staff, who is "Spanish-speaking" is not available, the Administrator shall assign a bilingual NJDOC employee assessed to be competent to serve as an interpreter.
2. If the LEP inmate's first language is other than English or Spanish:
  - a. All efforts shall be made to locate a competent same-language speaking staff member to provide interpretation services during the critical incident. In the event an NJDOC employee is located, the Administrator shall assign the employee to provide interpretation services.
  - b. Should a competent same-language speaking staff member not be available, language line services shall be utilized and/or an outside agency will be contacted to provide the necessary interpreter services.

**C. Social Rehabilitative Groups**

1. Social Services staff shall make every reasonable effort to allow for psycho-educational group sessions to be held in the non-English language of an LEP inmate.

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2. If there is no Civil Service Certified Bilingual staff on site to assist with LEP inmates during the psycho-educational group session and no other interpreter service is available, staff can request assistance from another inmate within the group who speaks the same non-English language as the LEP inmate. The use of other inmates shall only occur in exigent situations and shall not be used as a routine practice.

**D. Documentation and Record Keeping of LEP Services Provided**

1. Social Services staff shall review all face sheets for inmates identified by Classification staff as LEP, indicating those whose primary language is other than English and the language spoken by the LEP inmate.
2. Social Services staff shall document in the case note section of ITAG, case type "EMGSRV" and result type "TTDI" or "LANGLN," anytime LEP services are provided to inmates, through the use of the Language Line or interpreters for social services matters. The case note entry shall indicate the date that the inmate utilized the LEP service, the language of interpretation, the reason for the LEP service, and staff's initials/title/facility name.
3. At the close of business each day, the Social Work Supervisor/designee shall collect from staff the total number of times an inmate utilized Language Line and the number of times interpreter services were requested and provided. This data shall be aggregated and recorded on their correctional facility C.H.A.N.G.E. report (or) forwarded to their C.H.A.N.G.E. liaison for inclusion in their correctional facility C.H.A.N.G.E. report.

**E. Annual Language Line training**

1. Annually, the Social Work Supervisor or designee shall provide a refresher training to Social Services staff on the proper use of language line services and documentation standards. The Social Work Supervisor shall ensure the training is documented via an official *NJDOC Training Attendance Form (OT-IS10)*. A copy of the signed training attendance form shall be sent electronically the Director of the Office of Transitional Services, and a copy shall be kept on file in the Social Work Supervisor's office. The OTS Director shall forward all training attendance to the Office of Training.

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**V. Cross Reference Documents and DOCPS/IMP**

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	<i>Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line</i>	September 10, 2018

**VI. Applicable Forms**

Form Number	Form Title	Effective/Revision Date
FORM 160	<i>LEP Designation/Change Form</i>	June 2017
FORM OT-IS 10	NJDOC Training Attendance Form	Nov 2008