



# DEPARTMENT OF CORRECTIONS

*PRIDE: Professionalism, Respect, Integrity, Dignity, and Excellence*



<b>GENERAL ORDER NUMBER 30.01</b>		<b>DISTRIBUTION ALL PERSONNEL</b>	<b>PAGE 1 OF 8</b>
<b>ORDER TITLE Language Assistance Policy</b>	<b>SERIES NO. 30</b>	<b>SERIES TITLE/SUBJECT Management of Offenders</b>	
<b>TOPICS/REFERENCE To establish language assistance guidelines within the Department to ensure all clients and visitors are informed regarding departmental rules and regulations and to better communicate with persons of Limited English Proficiency (LEP).</b>			<b>APPENDICES 2</b>
<b>ORIGINAL ISSUE July 2, 2014</b>	<b>EFFECTIVE DATE July 2, 2014</b>		<b>EXPIRATION DATE This order remains in effect until revised or rescinded</b>

### 30.01.01 PURPOSE:

The Department of Corrections (DOC) recognizes the importance of effective and accurate communication among its staff, inmates, parolees, detainees 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 DOC'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.

### 30.01.02 POLICY:

- a) It is the policy of the Department of Corrections 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) 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, DOC staff shall obtain interpreter services when such services are available or provide a translated copy of a Department document.

### **30.01.03 DEFINITIONS**

- a. **Limited English Proficiency** - A person with limited English proficiency (LEP) does not speak English as their primary language, and has a limited ability to read, write, speak, or understand English. Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently. LEP status may be context specific. An individual may have sufficient English language skills to communicate basic information (such as name, address, etc.), but may not have sufficient skills to communicate detailed information in English (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.).
- b. **Primary Language** - An individual's native language or the language in which an individual most effectively communicates.
- c. **Interpretation** -The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- d. **Translation** -The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- e. **Bilingual** - Refers to the ability to use two languages proficiently.
- f. **LEP Coordinator** - Limited English Proficiency (LEP) Coordinators are the Administrative staff of the Department of Corrections.
- g. **DOC Certified Interpreter List** – A list of personnel who are certified as proficient interpreters.
- h. **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.

### **30.01.04 Limited English Proficiency (LEP) Coordinator**

The Departmental Limited English Proficiency (LEP) Coordinator oversees and directs language services, including applicable contracts and provides meaningful access for LEP persons to the services and benefits DOC provides in all DOC conducted programs or activities.

In addition, he/she:

- a. 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.
- b. Ensures identification and securing of existing and needed resources, existing contracts, resource sharing with other agencies, volunteers, or other stakeholders to provide oral and written language services.
- c. Serves as the central repository of all translated policies and documents and makes them available to DOC staff and members of the public upon request. The LEP Coordinator is responsible for the electronic posting of translated documents to DOC's intranet and internet websites.
- d. Identifies training needs and provides for training to LEP Monitors, DOC managers and staff who need to use LEP services.
- e. Establishes protocols for ensuring quality, timeliness, cost-effectiveness and appropriate levels of confidentiality in translations, interpretation and bilingual staff communications.
- f. Identifies and implements a system for receiving and responding to complaints by staff, inmates or others of ineffective language assistance measures.
- g. Collects data regarding DOC LEP contacts. This data shall include facility/unit/program requests for interpretation/translation services.
- h. Reviews the progress of the DOC in providing meaningful access to LEP persons, develops an annual report to be submitted to the Director of Corrections and makes needed recommendations to the Department's LEP implementation and policy, based on these reviews and report.

#### **30.01.04 LIMITED ENGLISH PROFICIENCY (LEP) MONITORS**

- 1) The Facility Superintendent (Warden) designates 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 Chief Parole Officer identifies the LEP Monitors for Parole. Compliance with LEP requirements shall be audited at least annually.
- 3) The LEP Coordinator will assign LEP Monitors to other individual administrative buildings/units as needed.



### **30.01.05 LEP MONITORS:**

- 1) Are familiar with the scope of LEP services available, via the Department Interpreter List and contracted vendors when available, and how to access those services.
- 2) 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.
- 3) 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, detainees, and the public.
- 4) Provide training to staff on implementation of DOC's LEP policy.
- 5) Ensure that data on all interactions with LEP persons is maintained and provided to the LEP Coordinator.

### **30.01.06 PROCEDURES FOR REQUESTING AND DOCUMENTING INTERPRETATION SERVICES**

- a. **Primary Language-** Staff should avoid assumptions about an individual's primary language; for example not all individuals of Filipino decent speak Tagalog fluently. Staff should make every effort to ascertain an individual's primary language.
- b. **Engaging Services -** DOC 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 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 the Director of Corrections.
- c. **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 DOC staff or those individuals on DOC'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.
- d. **Non-emergency circumstances-** In other than emergency circumstances, DOC staff should only use an inmate's or detainee 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.

### **30.01.07 TYPES OF INTERPRETATION:**

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

### **30.01.08 PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES**

1. The Deputy Director of Corrections, Warden, and Division Heads 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. Although the Deputy Director of Corrections, Warden, and Division Heads are the central conduits for document translation, all DOC staff has access to this service through the following procedures:
  - a. Platoon Commanders/Unit Managers/Supervisors: Should a Platoon Commanders/Unit Managers/Supervisors identify a need for a specific document to be translated, she/he sends a memorandum to the Warden or affected Division Head. The Warden or affected Division Head reviews the request and confirms that no similar document has already been translated, and then processes the request through the Office of the Director of Corrections.
  - b. Translation of Investigative Documents: Should an investigator need a note, letter or other document translated for an investigation, she/he sends a memorandum to the 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.

### **30.01.09 NOTIFYING THE PUBLIC ABOUT DOC'S LANGUAGE SERVICES**

- a. The Warden and Division Heads shall ensure that signs are posted at each DOC building entry point or lobby in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals.
- b. DOC 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.

- c. Notification of the availability of translated forms and documents shall be posted in the public lobby of DOC's Parole Offices and areas of confinement 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 an authorized interpreter to LEP individuals in their primary languages.
- d. The RIDOC website shall contain information regarding services available to LEP individuals.

### **30.01.10 COMPLAINT PROCEDURES FOR LEP PERSONS**

- i. Any LEP individual who wishes to file a complaint with DOC regarding language access or the discharge of DOC's duties as they pertain to LEP is provided with a translated complaint form (Attachment 1). The LEP Monitor investigates the complaint.
- ii. When conducting any interviews of LEP complainants the LEP Monitor uses the certified interpreter. The LEP Monitor provides written notice of the disposition of any LEP complaint to the complainant in his/her primary language.
- iii. In the event formal disciplinary charges result from a LEP complaint, the RIDOC LEP Monitor insures that a certified interpreter is available for any scheduled hearings.

### **30.01.11 TRAINING**

- a) DOC shall provide training to staff about its LEP policy, including how to access DOC-authorized telephonic and in-person interpreters.
- b) DOC 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.
- c) New civilian employees shall receive LEP training during their New Employee Orientation. All other DOC staff receives training during training programs designed specifically for them by the DOC Training Commander.

### **30.01.12 PROCEDURES**

The following procedures are established to guide personnel in providing services to persons who are LEP:

- a. Identification of persons who are LEP in need of language assistance. To the greatest extent possible, employees should attempt to ascertain what language a LEP individual is speaking in order to provide adequate services. If you are unsure about the language being

spoken, please contact your supervisor or division head. The supervisor or division head can coordinate with the LEP Coordinator to obtain language assistance services as quickly as possible.

During an emergency situation, such as threatening phone calls or during emergencies, employees who are unable to determine the language being spoken by a LEP person should refer customers, clients, and/or phone calls to their immediate supervisor and/or division head. If it is a phone call, the employee should remain on the line until their supervisor or division head answers the call. In the event the employee's supervisor cannot determine the language of the LEP individual, he/she should immediately request language assistance services from the LEP Coordinator. If an interpreter is not available with the office, all reasonable attempts will be made to contact an interpreter via telephone in order to effectively respond to the emergency situation.

- b. **Notice.** Signs will be posted at various locations within the Department of Corrections, such as the main entrance in the Adult Correctional Facility in Mangilao, and the Guam Detention Facility in Hagåtña to inform potential LEP persons that language assistance services can be made available in various languages. Posted signs should provide detail information such as point of contacts within the Department of Corrections and alternates, telephone number, office number, website information, and how to acquire services.
- c. **Staff Training.** The LEP Coordinator(s), in conjunction with the Human Resources Division, will develop a training program for key staff to review the LEP, identify LEP persons, differentiate various languages being spoken, and understand cultural differences and issues, and service delivery to LEP persons. As new employees are hired, information on the LEP should be provided in their orientation.
- d. **Compliance Monitoring and Updating of Policy.** This policy shall be monitored for compliance and updated every five (5) years from date of issuance. The Assistant Facility Supervisor and the EEO Officer, in conjunction with the Prison Security Administrator, will be responsible for compliance monitoring and policy updates as needed.

### **30.01.13 IMPLEMENTATION: THE FOUR FACTOR ANALYSIS**

Upon approval, administrative staff will be assigned to oversee the manner of implementation of such policy. The Office of Civil Rights (OCR) recommended a four-factor analysis to be conducted to determine reasonable steps in implementing our LEP policy. These factors are:

1. The number or proportion of LEP persons or inmates in the Department overall and those that would be eligible, but for limited English proficiency or English proficiency prerequisites, for different aspects of the Department's and facilities' programs and activities, and the specific language needs of those individuals.



2. The frequency of contact that the different aspects of the agencies' programs and activities have with LEP persons, or would have if LEP persons were allowed access to those programs and activities.
3. The nature and importance of the various aspects of the Department's and facilities' programs and activities; and;
4. The resources available to the Department, and costs associated with different language service options.

The designated interim LEP Coordinator will have 30 days from date of this policy to complete the above analysis and to submit an after action report to the Director of Corrections.

For Compliance.



JOSE A. SAN AGUSTIN  
Director

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

**Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Village: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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**Discrimination Complaint**

Name of Staff or Person that you believe discriminated against you:

\_\_\_\_\_

Date of Alleged Incident: \_\_\_\_\_

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**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. You may use another sheet of paper if you need more space for your statement. Also attach any written material pertaining to your case:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**DISCRIMINATION COMPLAINT AGAINST THE GUAM DEPARTMENT  
OF CORRECTIONS  
Due to Limited English Proficiency  
DISPOSITION OF COMPLAINT**

Complaint from:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Village: \_\_\_\_\_

Date of Alleged Incident: \_\_\_\_\_

Name of Staff or Person Named in Complaint: \_\_\_\_\_

Response:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
DOC LEP Coordinator

Attach any pertinent documentation to this form.