

**DAI Policy 300.00.61 – Language Assistance for
Limited English Proficiency (LEP) Inmates
Attachment – LEP Education & Treatment Plan
Effective – 12/17/14**

LEP inmates must be afforded the opportunity to successfully progress to reduced custody and discharge in a manner equivalent/comparable/consistent to similarly situated primary-English language inmates. Therefore, in addition to standard case management procedures, LEP inmates need to be assessed for literacy levels in English and in their primary language (if possible) and provided with language assistance to the extent needed to reduce the language barrier.

Classification

Sentence structure, along with any pending charges and/or detainees, play a very significant role in classification actions (both primary-English language and LEP inmates).

Truth-in-Sentencing (TIS)

Approximately 80 percent of all DAI inmates have a conviction under TIS laws. Period of incarceration is fixed and not dependent upon treatment or programming needs being completed. All TIS inmates (both English-speaking & LEP inmates) may reach Mandatory Release (MR) date without completing education or treatment programming.

Standard case management procedures determine treatment or programming needs and referrals. All DAI programs have waitlists and may have literacy-level enrollment criteria. Enrollment typically occurs within 1-2 years before an inmate's MR date, giving TIS inmates time to develop/improve literacy and/or English-language skills.

TIS inmates may have the prospect of a reduced custody level upon program completion. Therefore language assistance should be considered if an LEP inmate has not developed English proficiency.

Opportunities for Earlier Discharge

Three programs offer eligible inmates an opportunity for discharge from prison prior to their MR date. Priority program placement (though not immediate, due to waitlist) is offered. Courts determine eligibility, as noted in the judgment of conviction (JOC). DOC classification determines program suitability, which may include literacy level.

- **Risk-Reduction Sentence (RRS)**
By statute, RRS-eligible inmates receive priority placement into program, regardless of literacy level (both primary-English language & LEP inmates). Language assistance may be provided.
- **Substance Abuse Program/Earned Release Program (SAP/ERP)**
- **Challenge Incarceration Program (CIP)**

SAP/ERP/CIP-eligible inmates may need to meet literacy enrollment criteria (both primary-English language and LEP inmates). Inmates with a literacy barrier should be offered education to achieve enrollment criteria. LEP inmates with sufficient literacy level in their primary language do meet the enrollment criteria for these programs and language assistance should be provided to accommodate the language barrier.

Intake Assessment

1. Administer TABE CLAS E LOCATOR (10 minute screening tool) to obtain preliminary English-language reading level.
2. LEP inmates identified with low English-language literacy are recommended for transfer to sites with English as a Second Language (ESL) or English Language Learner (ELL) classes.
3. Place on wait list for identified program needs.

Education

While on program wait list(s), all LEP inmates should be referred for ESL/ELL classes and/or individual study. Most inmates will have sufficient time to develop/improve literacy and/or English-language skills.

1. Administer TABE CLAS E (full battery) to obtain English-language literacy level
2. Administer TABE Espanol (or applicable tool for other languages, if available), to assess literacy level in primary language
3. Enroll inmate into educational programming per individual skills/capacity
4. Through the use of case management each inmate and staff will be provided with an outline of long-term and short-term goals. This plan will be included in the COMPAS case management process.

Programming

Enrolled inmates with a language barrier may be given language assistance to improve opportunity to successfully complete programming.

1. Facilities are not expected to provide a paid interpreter for program sessions.
2. Language assistance for programming may take the form of:
 - a. Bilingual facilitator, if available.
 - b. Bilingual inmate tutor.
 - c. Tutoring sessions with facilitator, with interpreter as needed.
 - d. Concurrent ESL/ELL classes, if available.
 - e. Tutoring sessions with ESL/ELL teacher.
 - f. Translated materials, if available.