

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.61	Page 1 of 11
	Original Effective Date: 09/12/12	New Effective Date: 01/01/15
	Supersedes: 300.00.61	Dated: 12/17/14
	Administrator's Approval: Cathy A. Jess, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 300 Administrative		
Subject: Language Assistance for Limited English Proficiency (LEP) Inmates		

POLICY

The Division of Adult Institutions shall comply with Federal law under Title VI which requires all recipients of federal funds to provide meaningful access to documents, services and programs for individuals with Limited English Proficiency.

REFERENCES

Federal Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

Federal Title VI, 42 U.S.C. s. 2000d, et seq
28 C.F.R. s.42.104

Executive Directive 71 – Language Assistance Policy and Implementation for Addressing Needs of Offenders with Limited English Proficiency (LEP)

Limited English Proficiency (LEP) Initiative – Frequently Asked Questions Attachment – LEP Education and Treatment Plan

DEFINITIONS, ACRONYMS, AND FORMS

BHS – Bureau of Health Services

Bilingual inmate – An inmate who speaks/reads/writes/understands English, as well as another language(s). Either language may be the primary language.

Bilingual Staff Position – A DOC staff position specifically designated to have bilingual job duties, and provided with add-on compensation for this skill.

Bilingual Staff – A DOC staff member identified as able to speak/read/write/understand a language(s) other than English, and approved by DOC to provide language assistance to LEP inmates.

BOCM – Bureau of Classification and Movement

CMSD – Correctional Management Services Director

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions

DAI – Division of Adult Institutions

DCI – Dodge Correctional Institution

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DOC – Department of Corrections

DOC-9 – Adult Conduct Report

DOC-400 – Offender Complaint

DOC-2466 – Incident Report (WICS)

DOC-2592 – DAI Request for Assistance in Spanish

DOC-2631 – DAI Facility LEP Audit Checklist

DOC-3035 – Health Service Request and Copayment Disbursement Authorization

DOC-3695 – Notice of Need for Interpreter for Off-Site Medical Care

DSU – Dental Services Unit

FAQs – Frequently asked questions

Five-percent threshold – Population guidelines of the U.S. Department of Justice that require preemptive translation of general use written forms, signs, notices and publications to meet the needs of LEP individuals.

- DAI has addressed language assistance needs for Spanish-language LEP inmates by translating vital documents, forms and publications.
- The LEP EC monitors population demographics to assess need for further, proactive translation of other languages.
- DOC may need to translate vital documents specific to individual inmates (e.g., discipline, health care, Parole, Classification Reports) into inmate’s primary language even if five-percent total inmate population threshold is not met.
- DOC is required to provide verbal interpretation when necessary to communicate with individual inmates for languages that do not meet the five-percent population threshold.

HSU – Health Services Unit

“I Speak” Cards – U.S. Census Bureau-developed materials making statements in multiple languages for use in identifying primary language and facilitating language assistance. Available on myDOC.

IC – Initial Classification

ICRS – Inmate Complaint Review System

Inmate – Any individual incarcerated in a DAI facility.

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Language Assistance – Services used to effectively communicate information between DOC staff and LEP inmates, while retaining the same meaning (true and accurate; not summarized).

- Interpretation – Verbal conversion of dialogue from one language to another and may be provided in person or via telephone and/or video conference. The interpretation must retain the exact meaning.
- Translation – Written conversion of documents from one language to another.

LEP – Limited English Proficiency

LEP Coordinator – Facility staff assigned to monitor compliance with LEP laws and policies, assist with provision of language assistance, and maintain records related to language assistance.

LEP Education and Treatment Plan – Guidelines developed by the LEP EC for coordination among LEP Site Coordinators, BOCM Classification, Education Departments, Social Services Departments and DAI Office of Program Services to address each LEP inmate's:

- Eligibility for programs which can impact a liberty interest (e.g. Challenge Incarceration Program, Earned Release Program, Risk Reduction Sentence)
- Criminogenic treatment needs
- Literacy levels in English and primary language
- Education needs

This allows determination of facility/program placement and ensures the LEP inmate's opportunity to successfully progress to reduced custody and discharge in a manner equivalent/comparable/consistent to similarly situated primary-English speaking inmates.

Limited English Proficiency Executive Committee (LEP EC) – Cross-divisional committee established by the Secretary to guide DOC implementation of Title VI compliance, Executive Directive 71 and applicable DOC policies.

LEP inmate – An inmate with a primary language other than English who self-identifies or is identified by staff as not proficient in reading, writing, speaking or understanding English. This does not include illiterate inmates whose primary language is English.

Limited English Proficiency myDOC page – References and resources for staff members made available by the LEP EC. Location: Offender Management – Programs – Limited English Efficiency.

MSDF – Milwaukee Secure Detention Facility

myDOC – DOC Intranet

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Offender – Any person under the supervision of the DOC either in a correctional facility or in the community; including, but not limited to, juveniles, inmates, probationers, parolees and persons on extended supervision.

Parole – Conditional release of an inmate from prison prior to the end of his/her maximum imposed sentence, with period of community supervision by Division of Community Corrections. Parole hearings are conducted to assess inmate eligibility for parole.

POC-038S – Notice to Patients – Health Care Record Review

POC-046S – Notice to All Patients – Access to Medical, Mental Health and Dental Services

POC-067 – Staff Handbook – Communicating with Spanish Speaking Inmates

POC-072 – Language Policy Notice

POC-075 – Professional Interpreters for Health Appointments with Non-English Speaking Inmates

Primary Language – The initial language learned in childhood and/or the inmate's preferred language for communication to achieve highest level of understanding.

PSU – Psychological Services Unit

TCI – Taycheedah Correctional Institution

Vital Document – Any written or electronic material related to inmate legal issues, health, safety, length of incarceration/supervision, conditions of confinement and discipline. Executive Directive 71 states that DOC documents considered vital shall not be limited to these areas and should be determined based on the totality of the circumstances. Vital documents include individual inmate materials which require language assistance (written or verbal, as appropriate).

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. General Language Assistance Guidelines

- A. Ensure LEP inmates in DAI facilities are not precluded from accessing or participating in important programs or proceedings, including those which may affect the duration and condition of their confinement or classification.
- B. Provide meaningful access to vital documents and important verbal information to LEP inmates.

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- C. Provide language assistance at no cost to inmates. Standard copying fees apply.
- D. Ensure LEP inmates receive meaningful access to medical, dental and mental health services.
- E. Ensure there is no retaliation against LEP inmates for requesting language assistance.
- F. Ensure LEP inmates are permitted to communicate verbally and in writing in languages other than English, unless the Warden/designee has determined the existence of a security risk. For example, inmates cannot be directed to resubmit forms/correspondence in English.
- G. Utilize DOC language assistance resources, including but not limited to:
 - 1. POC-067.
 - 2. DOC-2592.
 - 3. LEP FAQs (on LEP myDOC page).
 - 4. Translated DOC forms and publications.
 - 5. Contracted interpretation and translation services.
 - 6. Bilingual inmate tutors.
 - 7. Bilingual staff members.
- H. Recognize LEP inmates with some English language skills are entitled to language assistance when requested.
- I. Recognize inmates may inaccurately report English-language skills and/or may not request language assistance (e.g., misunderstanding, immigration issues, fear of retaliation). Therefore language assistance may be needed or appropriate even if inmate's WICS record lists English as his/her primary language.

II. Posting of Signage and "I Speak" Cards

- A. Facilities shall post the following in English and Spanish:
 - 1. POC-072 must be posted in the following locations:
 - a. Lobby.
 - b. Visiting area.
 - c. HSU/DSU/PSU waiting rooms.
 - d. Property Room.
 - e. Facility intake and reception areas.
 - f. Near forms bins (or wherever forms are located).
 - g. Library.
 - h. School.
 - i. Other areas as deemed necessary/appropriate by the facility.
 - 2. Visiting room rules, surveillance notices and security warnings, such as visitors being subject to search.

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3. Any facility regulations, policies, procedures, unit rules, etc., which are posted in English must also be posted in Spanish.
4. Facilities shall post any warnings to inmates about being disciplined for violating Wisconsin Administrative Code Ch. DOC 303 rules or facility rules in both English and Spanish.
5. POC-046S shall be posted in common areas throughout the correctional facilities.
6. POC-038S and POC-075 in HSU/DSU/PSU waiting areas.

B. "I Speak" Cards

Facilities shall make available to all staff the approved "I Speak" cards in the following areas and others as deemed necessary/appropriate by the institution/center:

1. Lobby.
2. Visiting area.
3. Intake/reception area.
4. HSU/DSU/PSU waiting rooms.
5. Mailrooms.
6. Property rooms.
7. Libraries.
8. Housing areas.
9. Schools and treatment program areas.

III. Identifying and Recording Inmates' Primary Language

- A. DAI shall obtain from each inmate his/her self-identified primary language at Intake and shall update in WICS as information is obtained or changes.
- B. Staff shall use DAI approved "I Speak" cards to assist in determining the language with which an inmate is attempting to communicate.
 1. If an inmate is illiterate in both English and their primary language, staff shall review court records for any notation of inmate's primary language.
 2. If an inmate is unable or unwilling to disclose his/her primary language, staff shall review court records for any notation of inmate's primary language.
 3. Staff shall complete DOC-2466 detailing use or attempted use of "I Speak" cards as language assistance (see Section VI, Documenting Language Assistance Requests and Services.)
- C. Recording of Inmate Primary Language
 1. All facilities shall verify that all inmates in their facilities have self-identified their primary language on WICS screen ORPS011B, which is part of the Demographic/Physical Profile.
 2. If the screen shows "Unknown", the facility will ask the inmate to identify his or her primary language and enter that information into the WICS screen.

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IV. Initiating Language Assistance

- A. Inmates may request language assistance by one of the following methods (regardless of primary language and/or skills reported in WICS):
1. Submit DOC-2592 to staff.
 2. Request language assistance verbally or in writing in primary language (may require interpretation/translation to English to facilitate staff processing of request).
- B. Staff shall initiate provision of language assistance when there is question of an inmate's ability to read/write/speak/understand English, regardless of inmate's primary language, for:
1. Proceedings related to legal issues, health, safety, length of incarceration/supervision, conditions of confinement and discipline, even if the inmate does not request or declines language assistance.
 2. Instructions, procedures or general communication during day-to-day activities.

V. Providing Language Assistance to Inmates

- A. During initial intake (DCI, MSDF, TCI, and other short term inmate admission sites), facilities shall provide LEP inmates with the following documents:
1. Primary language of Spanish
 - a. PREA pamphlet.
 - b. Wisconsin Administrative Code Ch. DOC 303.
 - c. ICRS procedures.
 - d. DOC-2592.
 - e. POC-072.
 - f. Staff shall make these materials available in audio-recorded format for Spanish-language inmates who are illiterate in English and Spanish.
 2. For inmates whose primary language is other than Spanish, DOC shall provide interpretation (but not written translation) services to facilitate understanding of those documents.
- B. Spanish translation of routinely-used documents
1. Signs explaining LEP rights shall be posted in prominent locations.
 2. Translated official DOC signs, forms, notices and publications posted on myDOC.
- C. Individual written language assistance (document translation) regardless of primary language (five-percent threshold not applicable)
1. DOC shall translate to/from any inmate's primary language the following types of documents (not all inclusive):
 - a. Inmate-submitted forms/correspondence in another language (such as a DOC-400 or DOC-3035) shall be translated into English to facilitate staff processing.
 - b. DOC-produced inmate-specific vital documents shall be translated into the inmate's primary language to facilitate understanding:
 - i. Documents responding to inmate requests/correspondence.

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- ii. Reports related to length/condition of confinement, such as classification hearings, DOC-9s, Parole, DOC-400s, etc.
 2. The English-language version is the official version of all translated written documents for filing.
- D. Individual verbal language assistance (interpretation services) shall be provided to all LEP inmates regardless of primary language (five-percent threshold not applicable), which may include, but are not restricted to the following:
 1. An professional interpreter present or via phone during a health appointment or hearing.
 2. Interpretation services over the telephone or video conference.
 3. Bilingual inmates may be:
 - a. Hired as tutors/translators under consultation with the LEP EC.
 - b. Used to communicate routine day-to-day activities, including, but not limited to, directions to locations within the facility, requesting clean laundry, information about meals, chapel/recreation schedules.
 - c. Used initially in a medical/mental health emergency to communicate information between a LEP inmate and DOC staff and/or medical/mental health personnel until approved interpretation services are accessed.
 4. Bilingual inmates shall not interpret in the following situations:
 - a. Confidential health care information, except in a medical emergency.
 - b. Staff shall educate inmate patients about professional interpreters for health services appointments with POC-075.
 - c. Issues related to conditions/duration of confinement.
 - d. Sensitive investigations including, but not limited to, PREA, fraternization, threats to institution security.
- E. Staff response to language assistance requests:
 1. Staff shall process requested documents/services from LEP inmates per standard procedures for English-language requests.
 2. Processing of DOC-2592:
 - a. Facilities shall ensure inmates have access to DOC-2592.
 - b. Staff shall sign/date the form acknowledging receipt, along with further details as needed.
 - c. Staff shall forward the completed DOC-2592 to the facility LEP Coordinator.
 3. Processing LEP inmate written and verbal requests:
 - a. Translate/interpret to English to facilitate staff processing of request, as needed.
 - b. Translate/interpret back to inmate's primary language, as needed, to facilitate inmate's understanding of staff response.
- F. Language Assistance for Education and Treatment
 1. Literacy and language barriers are distinct challenges.

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- a. LEP inmates may have a language-only barrier (e.g., literate in their primary language, but not in English);
- b. Or LEP inmates may have a language barrier, plus low literacy (e.g., low literacy in their primary language and in English).
2. LEP inmates shall be encouraged to develop English-language proficiency through English as a Second Language (ESL)/English Language Learner (ELL) classes and/or individual study.
3. Staff shall use the LEP Education and Treatment Plan to ensure consistency for case planning.
4. When a liberty-interest is at stake, DAI may provide LEP inmates who do not reach English-language literacy entrance criteria with language assistance for treatment programming on a case-by-case basis.

G. Sources of Language Assistance

1. Third-party vendors listed on VendorNet within language assistance contracts.
2. Bilingual staff approved by DAI Administrator/designee, in consultation with the LEP EC.
3. Bilingual inmates in limited circumstances as indicated above.

H. Interpreter for Off-Site Health Appointments

1. HSU shall complete the DOC-3695 for planned and unplanned off-site medical appointments.
2. Fax completed form to off-site provider for every appointment so that off-site provider knows of the need to arrange for an interpreter.

VI. Documenting Language Assistance Requests and Services

A. Staff shall complete DOC-2466 in the following circumstances:

1. Each occurrence of an inmate request for language assistance.
2. Each occurrence of staff-initiated language assistance.
3. Each occurrence of a language assistance provided.

B. DOC-2466s for language assistance requests and services shall be coded "LEP" and the narrative must contain the following information:

1. Primary language.
2. Type of service provided/requested (must include reference to one of these categories):
 - a. Interpretation.
 - b. Translation.
 - c. Form/document.
3. Method utilized (must include reference to one of these categories):
 - a. In person.
 - b. Telephone.
 - c. Video conference.
 - d. Written.
4. Purpose of service (must include reference to one of these categories):
 - a. Intake.

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- b. DNA collection.
- c. Medical/Dental/Mental Health appointment.
- d. Housing Unit.
- e. Non-health staff appointment; specify – Social Worker, Chaplain, etc.
- f. Education/Treatment/Programs.
- g. Legal/Conditions of Confinement; specify – conduct hearings, classification hearings, parole, etc.
- h. Others; specify – visiting room, property room, canteen, etc.
5. Length of service (interpretation time/duration).
6. Provider (must include reference to one of these categories):
 - a. Contracted vendor.
 - b. Staff.
 - c. Bilingual inmate/tutor.

C. Security Director/supervisory staff shall forward a copy of the DOC-2466 (or summary if confidential or sensitive in nature) to the facility LEP Coordinator.

VII. Annual Audit Reports

- A. LEP Coordinators shall conduct an audit of their facility's compliance with the LEP requirements, using the DOC-2631 when directed by the LEP EC.
- B. LEP Coordinator shall walk through the facility examining signage, staff access to "I Speak" cards, inmate access to DOC-2592, etc.
- C. LEP Coordinator shall review the audit report with the Warden to problem-solve issues identified.
- D. Warden shall delegate tasks to appropriate staff for resolving LEP implementation issues identified in the audit, and follow-up as needed.
- E. LEP Coordinator shall submit the DOC-2631 to the LEP EC as required.

VIII. Staff Training

- A. Each new DAI employee shall view the Limited English Proficiency introductory training video as part of their initial DOC employee orientation through the DOC LearnCenter.
- B. Each DAI employee shall receive further position-specific training on language assistance from their direct supervisor.
- C. Further training for all staff members will be reviewed and developed by the LEP EC, as appropriate.

Administrator's Approval: _____ **Date Signed:** _____
Cathy A. Jess, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 300.00.61	Page 11 of 11
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 300 Administrative		
Subject: Language Assistance for Limited English Proficiency (LEP) Inmates		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - 1.
 - a.
 - B.
 - C.
- II.
 - A.
 - B.
 - C.