



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

LANCE WIORSMA

Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections</p> <p style="text-align: center;">DOC-1356 (Rev.) Administrative Directive # 14-02 Replaces #12-02</p>	EFFECTIVE DATE 4/1/2014	PAGE NUMBER 1 of 9
	MANUAL REFERENCE	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	ORIGINATED BY ADMINISTRATOR'S OFFICE Denise Symdon <i>Denise Symdon</i>	
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post	
SUBJECT: Limited English Proficiency (LEP)		

References:

DOC Executive Directive 71 - Language Assistance Policy and Implementation for Addressing Needs of Offenders with Limited English Proficiency

Federal Title VI, 42 U.S.C. s. 2000d, et seq.

28 C.F.R. s.42.104

Federal Executive Order 13166, 8/16/2000

Policy Statement:

Federal law requires that all recipients of federal funds provide meaningful access to documents, services and programs for individuals with Limited English Proficiency. The Division of Community Corrections shall comply with Executive Directive 71, Federal Title VI and this policy.

Definitions, Acronyms, and Forms:

Bilingual Agent – DCC Probation & Parole Agent – Bilingual, hired as Bilingual Agents (assigned LEP offenders) that translate and interpret for general supervision duties, but not during legal proceedings.

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

Bilingual Sex Offender Registry (SOR) Specialist - A DOC staff member in the Sex Offender Program Unit identified as able to speak/read/write/understand a language(s) other than English and provides language assistance to LEP offenders.

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

Business Objects – Business Objects Enterprise reporting provides business users an easy way to use an interactive and flexible user interface for analyzing reports on corporate data over the web. Info-View is the tool used to view Enterprise published reports. Web Intelligence is a reporting tool that allows business users to manage customized reports independently.

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions, a tool that uses evidence based practices to manage an offender/inmate’s case to reduce recidivism and improve reentry success.

COMPAS Custom Fields – LEP Service – Location in the COMPAS system where DCC staff shall enter a LEP Service report for an offender.

DCC – Division of Community Corrections

DOC – Department of Corrections

Five-percent Threshold – Population guidelines of the U.S. Department of Justice, that under ED 71, require preemptive translation of written forms, signs, notices and publications to meet the needs of LEP individuals. Currently, Spanish-speaking inmates meet the five-percent threshold within DOC. Population demographics are monitored by the LEP Executive Committee (EC) to assess for further, proactive translation of other languages.

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

Interpretation – Verbal conversion of dialogue from one language to another. Within DOC, interpretation is provision of verbal language assistance from English to an LEP offender’s primary language. May be provided in person or via telephone or video conference.

LEP – Limited English Proficiency

LEP EC – Limited English Proficiency Executive Committee. LEP EC is a cross-divisional committee established by the Secretary to guide DOC implementation of Title VI compliance.

LEP Offender – An offender 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.

LEP Services – Any translation or interpretation service utilized to facilitate effective communication with an LEP offender.

myDOC – Department of Corrections Intranet

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

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

POGS – Purchase of Goods and Services – the spending of funds for items or services specifically for offenders.

Translation – Written conversion of documents from one language to another. Translation may involve converting from English to an LEP offender’s primary language for communication with

that offender. Translation may also involve conversion of an LEP offender's written submissions in his or her primary language to English for staff understanding and processing.

Vital Document – Any written or electronic material related to offender legal issues, health, safety, length of incarceration/supervision, conditions of confinement and discipline. Per Executive Directive 71, DOC documents considered vital shall not be limited to these areas and should be determined based on the totality of the circumstances.

WICS – Wisconsin Integrated Corrections System, Offender Management Information System

DOC-2625: DCC Offender Intake Checklist

Procedure:

I. General Language Assistance Guidelines – DCC staff shall do the following:

- A. Ensure that LEP offenders on community supervision with DCC are not precluded from accessing or participating in important proceedings, including those which may affect the duration/conditions of the offender's supervision or the duration/conditions of any confinement they may serve.
- B. Provide meaningful access to vital documents and important information to offenders with LEP: speaking, reading, writing, understanding or comprehending spoken English.
- C. Provide interpretation services and translation of documents at no cost to offenders. Standard copying fees would apply.
- D. Ensure there is no retaliation against an offender who requests and/or receives LEP services.
- E. Ensure that LEP offenders are permitted to communicate in languages other than English unless other security concerns exist.
- F. Utilize DOC language assistance resources.

II. Identifying Offenders' Primary Language

- A. DCC shall obtain from each offender the self-identified primary language at the time of intake.
 1. Documentation of the primary language shall be noted on the DCC Offender Intake Checklist (DOC-2625) following the *LEP Needs Addressed* check box.
- B. Staff shall use DCC-approved "I-Speak" cards to assist in determining the language with which an offender is attempting to communicate.
- C. Staff shall record the offender's primary language.
 1. All DCC offices shall verify that all offenders under supervision have self-identified the primary language and shall enter or update this on WICS screen Offender Demographics → Demographic/Physical Profile (Screen ORPSO11B – Demographic Profile).
 2. If the screen shows "Unknown" from a previous entry, staff shall update this information from the offender's self-identified primary language at the time of intake noted on DOC-2625.

III. Assessing Offender English Proficiency and Need for LEP Services

- A. Primary language is one indicator of potential need for LEP services.
 1. Some offenders with primary language other-than-English may possess bilingual skills sufficient to function successfully on community supervision.

2. Staff may find it necessary to assess English-language skills to determine offender need/eligibility for LEP services. Bilingual Agents or Bilingual Staff may assist with this when non-bilingual agent is uncertain.
- B. When there is reasonable belief that an offender cannot sufficiently read/write/speak/understand English, LEP services shall be provided.
- C. Staff shall provide LEP services when requested by an offender:
 1. Offender requests language assistance in writing (may require translation to English to facilitate staff processing of request).
 - a. Staff shall process requested services per standard procedures for English-language requests.
 - b. Staff shall complete an LEP Service report in COMPAS (see section V, Documenting LEP Service).
 2. Offender requests language assistance verbally (may require interpretation into English to facilitate staff processing of request).
 - a. Staff shall process requested services per standard procedures for English-language requests.
 - b. Staff shall complete an LEP Service report in COMPAS (see section V, Documenting LEP Service).
- D. Staff-initiated provision of LEP service:
 1. Offenders may inaccurately report English-language skills for various reasons (e.g. misunderstanding, immigration issues, and fear of retaliation).
 2. Language assistance services may be needed and/or appropriate even if offender's WICS record lists English as the primary language.
 3. When staff have a reasonable belief that an offender will have difficulty understanding instructions, procedures or concepts in English, the following steps shall be taken:
 - a. DOC staff member shall contact the supervisor to explain concern.
 - b. Even if offender declines LEP service, interpretation and/or translation shall be provided any time staff have concerns about clear communication and understanding, particularly during any hearing or legal proceeding.
 4. Staff shall complete an LEP Service report in COMPAS (see section V, Documenting LEP Service).

IV. Providing LEP Service to Offenders

- A. During the intake process, DCC shall provide written or verbal language assistance to LEP offenders to facilitate understanding of those documents provided to English-language offenders.
 1. Documents to be reviewed with LEP offenders include:
 - a. PREA pamphlet
 - b. Offender Handbook
 - c. Rules of Supervision (DOC-10)
 2. For Spanish-speaking LEP offenders, Spanish-language translated documents shall be provided.
 3. For non-Spanish LEP offenders, DOC shall provide interpretation services (but not written translation) to facilitate understanding.
- B. Spanish translation of routinely-used documents: DOC shall translate official DOC signs, forms, notices, and publications deemed vital by the LEP EC into Spanish based upon the five-percent threshold.
 1. Signs explaining LEP rights shall be posted in waiting areas.

2. Translated official DOC signs, forms, notices, and publications shall be made available, used, and/or posted as appropriate.
NOTE: Current versions can be obtained from myDOC.
3. DOC is not currently translating routinely-used forms, signs, etc. into languages other than Spanish based on the five-percent threshold.
- C. Individual document translation: DOC shall translate to/from any offender's primary language the following types of documents (not all inclusive):
 1. Forms/correspondences submitted by a LEP offender in another language shall be translated to English, if necessary, to facilitate staff processing.
 2. DOC-produced offender specific documents shall be translated into offender's primary language (Spanish or other – five-percent threshold not applicable to individual offender documents) to facilitate understanding:
 - a. Documents responding to offender requests/correspondence.
 - b. Reports related to violations and revocations.
 - c. The English-language version is the official version of all translated written documents.
- D. Interpretation services shall be provided to all LEP offenders regardless of primary language (five-percent threshold not applicable), which may include, but not limited to the following:
 1. An interpreter present during a revocation/court hearing. The court should provide an interpreter for a court hearing upon notice to the court.
 2. Interpretation service over the telephone or video conference.
 3. Use of bilingual family member/friend to communicate general day-to-day activities.
 4. Bilingual family members/friends shall not be utilized for communications related to confidential health care information, issues related to conditions/duration of supervision or supervision related confinement, nor sensitive investigations such as PREA, fraternization, violations of supervision, etc.
 5. In the event of a medical emergency, bilingual family members/friends may be used to communicate information between an LEP offender and DOC staff and/or medical personnel.
- E. Interpretation and translation services shall generally be secured from third-party vendors contracted on VendorNet. DCC regions may use bilingual staff for interpretation when hired for that purpose or those staff who become approved.

V. Documenting LEP Requests and Services Provided

Per ED #71, DCC is required to keep records of LEP offender needs and DCC responses to such needs. DCC shall use COMPAS Custom Fields to document LEP Service provided. See section V. D. for the process to follow if an offender does not have a record in COMPAS.

- A. Staff shall complete a LEP Service report in COMPAS when one of the following occurs:
 1. An offender requests LEP Services;
 2. LEP Service is provided;
 3. Multiple LEP Service sessions are pre-planned and purchased for an LEP Offender (complete one LEP Service report); and
 4. LEP Service is requested by an offender but denied.
- B. Staff shall login to COMPAS, search for the offender, and use Custom Fields to enter the LEP Service report.
- C. LEP Service reports in COMPAS shall contain the following information:

Note: The categories and drop down selections described below may be updated in COMPAS in the future as the LEP Service documentation process progresses.

1. Case: use the drop down list to select current case.
2. Unit Number: Enter in the 3 digit unit number where the offender is assigned or received the LEP Service.
3. LEP Service Approved: use the drop down list to select Yes or No.
4. If Denied, Explain: use the free text area to add a detailed reason for the denial if the LEP Service request is not accommodated.
5. Start Service Date: enter or select date (mmddyyyy) of LEP Service provided
6. End Service Date: enter or select date (mmddyyyy) of LEP Service provided
7. Offender's Primary Language: use the dropdown list to select the offender's primary language:
 - a. Albanian
 - b. Arabic
 - c. Chinese
 - d. English
 - e. French
 - f. German
 - g. Hmong
 - h. Russian
 - i. Spanish
 - j. Other
8. Offender's Primary Language Skills: select one option button for:
 - a. Read
 - b. Write
 - c. Speak
 - d. Speak/Read/Write
 - e. Speak/Read
9. Offender's English Skills: The following four fields are used to record the offender's English skills:
 - a. Read English: use the drop down list to select Yes or No.
 - b. Speak English: use the drop down list to select Yes or No.
 - c. Write English: use the drop down list to select Yes or No.
 - d. Comprehend English: use the drop down list to select Yes or No.
10. Type of Service Provided: use the drop down list to select type of service provided
 - a. Bilingual Agent
 - b. Bilingual SOR Specialist
 - c. Contracted Vendor for Interpretation (oral)
 - d. Contracted Vendor for Translation (written)
 - e. Contracted Vendor for Translation and Interpretation

- f. Language Line
 - g. Approved Bilingual DCC Staff
 - h. Translated Documents/Forms
 - i. Bilingual Family Member
 - j. Bilingual Friend of Offender
11. Name of Service Provider – use free text area to add Name (last, first) and/or vendor name
12. Method Utilized: use the drop down list to select the method used
- a. In Person
 - b. Telephone
 - c. Video Conference
 - d. Written
13. Purpose of Service Provided: use the drop down list to select the purpose of the service provided
- a. Bilingual Agent – Ongoing Workload
 - b. Collateral Contacts
 - c. Complaint/Investigation
 - d. Education/Treatment/Programs
 - e. Home Visit
 - f. Housing Issues
 - g. Intake
 - h. Legal Issues
 - i. Medical
 - j. Multiple Contacts with Ongoing Workload
 - k. Offender Worksite Visit
 - l. Office Visit
 - m. PREA Investigation
 - n. PSI
 - o. Revocation
 - p. S.O. Registry Update/Information
 - q. Violation of Supervision
 - r. Other
14. If Other Purpose of Service Provided, Describe: If 'Other' is selected as the purpose of service, use the free text area to add the reason
15. Number of Service Sessions: use the field to enter number.
- a. Enter 1 when reporting a single LEP Service session
 - b. Or, when pre-planning and purchasing multiple sessions, enter the maximum # of sessions planned.
 - c. Bilingual Agents, having selected "Bilingual Agent – Ongoing Workload," leave blank.

16. Estimated Time Per Session (Min): field to enter minutes per session

- a. Bilingual Agents, having selected "Bilingual Agent – Ongoing Workload," leave blank.

17. Comments -> (Optional): use the free text field to document any additional details about the LEP Service session or multiple (pre-planned) LEP Service sessions.

D. If an offender record cannot be located within COMPAS, the following process is followed:

1. The DCC staff involved with the LEP Service shall inform the supervisor.
2. The supervisor shall verify that the offender does not have record in COMPAS by performing another search for the offender using multiple search methods (e.g. search by DOC#, FBI #, State Identification Number (SID#), offender name, last name with date of birth, etc.).
3. If the search methods have been exhausted and offender does not have a record in COMPAS, but it is determined that the offender will be added to COMPAS, LEP Service shall be documented as per section V. C. upon the opening of the record in COMPAS (e.g. new DOC offender).
4. If the search methods have been exhausted and offender does not have a record in COMPAS, and it is determined that there is not a plan to add the offender into COMPAS, LEP Service shall be documented in an email and submitted to the supervisor of the unit, the Regional designee for LEP, and the DCC Administrator's Office.
 - a. Document the LEP Service including all information per sections V. C. 1. – 16.

VI. Reporting and Audits

- A. Supervisory staff shall use unit and regional LEP Service data for systematic problem solving (e.g., where there are unmet needs, improvement opportunities, review of any denials of LEP Service) and quarterly reports.
- B. Quarterly reports
 1. The DCC Business Office shall gather and maintain data for cost of interpretation and translation services.
 2. LEP expenditure records shall be submitted to the LEP EC on a quarterly basis, with copies maintained by the DCC Business Office.
 3. Each Region shall maintain the LEP Service reports within COMPAS and shall maintain POGS receipts for documentation of services provided.
 4. On a quarterly basis, at minimum, Regional Designees shall report LEP Service to the DCC Administrator's Office. Reports shall be generated using the COMPAS data from Custom Fields to show the LEP services provided by each Unit in each Region per quarter. This shall be accomplished by the following:
 - a. The DCC Program and Policy Unit shall create a report for the Regions and Central Office via BTM Data Requests (until Business Objects (BO) reports are developed).
 - b. The DCC Program and Policy Unit submitted a PMO requesting the development of BO reports using the COMPAS Custom Fields LEP Report data (project to be completed in 2014).
 - c. At a 2014 date to be determined, Regional staff will generate their own LEP Service quarterly reports using BO.

C. Annual audit reports

1. Regional designees shall conduct annual audits of the Unit's compliance with the LEP requirements, using the LEP regional checklist (DOC-2631B). The LEP EC will determine dates of the audits.
 - a. Regional designees shall walk through the offices examining signage, staff access to "I Speak" Cards, and offender access to forms.
 - b. Supervisory staff shall review the audit report with the Regional Chief/designee to problem-solve issues identified.
 - c. Regional Chief/designee shall submit the DOC-2631B to the LEP EC as required.

VII. Posting of Signage and "I Speak" Cards

- A. DCC offices shall post the following in English and Spanish:
 1. Language Policy Notice (POC-072) stating that language assistance will be provided at no cost to the offender if the offender needs help understanding English, the offender should notify the nearest staff person. This notice must be posted in the waiting area of each office.
 2. Any office/unit policies, procedures, rules, etc. which are posted in English must also be posted in Spanish.
- B. "I Speak" Cards – DCC offices shall make available to staff and offenders the approved "I Speak" Cards. Offenders shall access the "I Speak" Cards in the main entrance/waiting area.

VIII. Staff Training

- A. All new DCC employees shall view the LEP introductory training videos as part of the initial DOC employee orientation. This is accessed through the DOC Learn Center.
- B. All new DCC employees shall receive further position-specific LEP training from the new employee's direct supervisor.
- C. All new DCC employees responsible for entering LEP Service reports in COMPAS shall complete the on-line training "DCC LEP Service – "How to Add a LEP Service Report in COMPAS." This is accessed through the DOC Learn Center.
- D. All new DCC employees responsible for reviewing, evaluating, and/or reporting LEP Service reports in COMPAS shall receive further position-specific BO report training for LEP Service from the new employee's direct supervisor or designee.

Distribution List (Other than Noted Dissemination):

Agent Basic Training Director
Office of Diversity and Employee Service Director
Employee Health and Wellness Director
DCC myDOC Liaison