



**State of New Jersey
Department of Corrections
Policy Statement**

Policy Number

SUP.004.001

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Policy Title:

**Limited English Proficient (LEP) Language Assistance:
Bilingual Staff and Use of the Language Line**

Approved and Issued By Marcus O. Hicks, Esq., Commissioner on October 18, 2018.

Note: This document is provided electronically for informational purposes only. Should you require an official, signed copy for any reason, contact the APM Unit.

Effective Date: July 17, 2008	Revised: September 10, 2018	Enabling Authority: N.J.S.A. 30:1B-6
		Related Authority: Federal Executive Order 13166 2000 Title VI Civil Rights Act of 1964 42 USC § 2000d et seq.
Promulgating Office : Office of Educational Services Division of Programs and Community Services		Professional Association Standard cited: N.A.
Applicability: This policy statement applies to all organizational units of the New Jersey Department of Corrections.		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this policy.		
Supersedes: N/A		
Review Schedule: This document is scheduled for annual review on or about September 30, 2019.		

I. PURPOSE

To establish and maintain a policy that provides guidelines for providing assistance for limited English proficient (LEP) inmates within the NJDOC, as well as for those LEP individuals who may otherwise encounter individuals at NJDOC correctional facilities, programs and activities. This assistance will be provided with, but not limited to, the use of bi-lingual staff and through the use of the language line services.

II. DEFINITIONS

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

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

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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, Victim Services, and Volunteer Services.

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.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections (NJ DOC) means that 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 Educational Services (OES) means the office within the Department of Corrections, Division of Programs and Community Services, that has been established to ensure that inmates are provided with academic, vocational, and life skills programming that meet their demonstrated needs, within a framework that is consistent with the department's overall mission and in concert with all appropriate federal and State education statutes, codes, and regulations.

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

Translation means the act of converting a written document from one language to another while ensuring that 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 or detained in 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

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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 in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

Specific procedures for each individual organizational unit for working with LEP inmates are found in that organizational unit IMPs.

IV. PROCEDURES

- A. During the intake process, staff will employ necessary measures to accurately identify LEP inmates and the languages they speak. This should be accurately reflected on each inmate's face sheet.
- B. A system of on-going identification and tracking for each identified inmate will be facilitated by the inclusion of a "flag" on the face sheet, which denotes LEP status and the inmate's primary language.
- C. To change an inmate's LEP designation after intake, utilize Form 160 "LEP Designation/Change". A print and fillable version of Form 160 are located on the NJDOC intranet, Forms Management System. Completed forms shall be forwarded to the facility's LEP coordinator.
- D. Staff shall be trained annually on the availability of the language line services and how to access these services, and a copy of the training attendance shall be sent to the Office of Training.
- E. Staff shall utilize approved language line service vendors that are under service contract with the NJDOC.

All written interpretation services will need to be provided through the Delegated Purchase Authority, or DPA. Each facility's Business Manager will provide their respective DPA information for staff utilization at their parent institution.

- F. The DOC will continually monitor the effectiveness of its policy and/or IMPS and where needed implement alternative methods to ensure sufficient communication with LEP inmates.

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G. Posters shall be prominently posted at several key areas of each facility that notifies the inmate population of the availability services to assist LEP inmates.

H. Inmates will be advised that the Department will provide LEP inmates free interpretation and translation services relative to inmate programming, safety, medical, and quasi-legal proceedings.

V. CROSS REFERENCE DOCUMENTS AND POLICIES

Document/ Policy Number	Title	Effective/ Revision Date
PCS.000.000	Division of Programs and Community Services: Vision, Mission, Goals, Objectives and Organizational Structure	September 1, 2015
SUP.003.000	Office of Educational Services: Mission, Goals and Objectives	August 1, 2016

VI. APPLICABLE FORMS

Form Number	Form Title	Effective/ Revision Date
160	Limited English Proficiency Designation/Change	