

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 488

INTERPRETER SERVICES

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: DEPUTY COMMISSIONER, ADMINISTRATIVE SERVICES
TITLE: INTERPRETER SERVICES	NUMBER: 103 DOC 488

PURPOSE: To establish Department of Correction ("Department") policy regarding access to and use of Interpreter Services.

REFERENCES: M.G.L. c.124 sec. 1 (q)

APPLICABILITY: Staff/Inmates

PUBLIC ACCESS: Yes

LOCATION: Department's Central policy file, Each Institution's policy file, Each Inmate Library.

RESPONSIBLE STAFF:

- Deputy Commissioner, Administrative Services
- Director, Office of Diversity and Equal Opportunity
- Superintendents

Effective Date: 02/11/11

CANCELLATION: 103 DOC 488.00 cancels all previous Department and Institution policy statements, bulletins, directives, orders, notices, rules and regulations regarding interpreter services which are not consistent with this policy.

SEVERABILITY CLAUSE: If any part of 103 DOC 488.00 is for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

488.01 DEFINITIONS

Bilingual: The ability to speak two languages fluently and to communicate directly and accurately in both English and another language.

Direct Communication: Monolingual communication in a language other than English between a qualified bilingual Department employee or other bilingual person and an LEP individual (e.g. Spanish to Spanish).

Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.

Limited English Proficient (LEP): an individual who does not speak English as his/her primary language and has a limited ability to read, write, or understand English.

Primary Language: The language that the inmate or detainee self reports at the time of intake as that which he/she is most effectively able to communicate.

Regularly Encountered Language: any language spoken by at least 5% of the inmate population of the institution

Secondary Language: Language(s) that the inmate or detainee self reports an ability to communicate in.

Translation: The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge or skills.

488.02 DEPARTMENT LEP COORDINATOR AND INSTITUTION LEP MONITORS

1. The Commissioner of Correction shall designate an individual as the Department's LEP Coordinator. The Department's LEP Coordinator shall:

- a. Identify language service needs and strategies for responding to those needs;
- b. Identify, and secure when practicable, needed resources (in-house, new hires, contract, resource sharing with other

- agencies, volunteers, or other) to provide oral and written language services;
- c. Identify and propose directives to the Commissioner to implement the plan;
 - d. Identify criteria for designation of languages for initial round of translation, based on demographic data and usage projections;
 - e. Create systems to distribute translated documents, post electronically, and maintaining and available supply of copies.

2. Each Superintendent in consultation with the Department's LEP Coordinator shall designate an institutional employee as the Institution's LEP Monitor. The Institution LEP Monitor shall:

- a. In consultation with the Department's LEP Coordinator, identify needs and strategies for meeting those needs so that staff shall have access to appropriate language services in their interactions with inmates;
- b. Monitor the institution's compliance with the LEP policy and plan;
- c. Train institution staff on the LEP policy and plan or any LEP directives;
- d. Establish and maintain the institution's language assistance resource list;
- e. Maintain data on selected interactions with LEP persons and provide reports to management and the Department's LEP Coordinator, as appropriate.

488.03 INSTITUTION PROCEDURES FOR TELEPHONIC INTERPRETER SERVICE ACCESS AND USE

Each Superintendent/designee shall ensure that if an inmate needs an interpreter:

1. Telephonic interpreter services may be used to translate for inmates in the following areas: Internal Perimeter Security ("IPS"), or Departmental investigations or questioning, Booking and Admissions, Health Services Unit ("HSU") (medical), Classification Boards, Inmate Grievances and Disciplinary Hearings. If an inmate requests an interpreter or correctional or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. This policy does not prevent IPS or Department investigators from utilizing bilingual staff to interview inmates if the situation does not lend itself to the use of the telephonic interpreter service during the course of an investigation.

2. Inmates shall not be used as interpreters for other inmates in any of the areas listed in paragraph 1 above.
3. The Commissioner's letters, attachments A and B, shall be posted in the following areas: All housing units, booking and admission, classification and disciplinary board rooms, HSU waiting areas and other areas where medical services are provided. Attachments A and B shall be permanently affixed to the wall and where possible affixed behind Plexiglas.
4. The telephonic interpreter service information shall be provided during the standard introduction at classification boards, disciplinary hearings, and the booking and admissions process. The telephonic interpreter service information shall be included in all facilities' inmate orientation manuals.
5. IPS, Booking and Admissions, HSU (medical), classification boards and disciplinary hearings shall have a telephone available with speakerphone capability.
6. The telephonic interpreter service shall be available for use by the Institutional Grievance Coordinators when conducting interviews.
7. Each facility shall offer the service to non-English speaking visitors as well as individuals that call the facility by telephone seeking information.

488.04 STAFF TRAINING

Each Superintendent/designee shall ensure that staff assigned to the areas listed in paragraph 488.02 are trained how to access the telephonic interpreter service and how to use the service when working with non English-speaking inmates.

488.05 INMATE REQUEST FOR TELEPHONIC INTERPRETER - GUIDELINES FOR STAFF

The following guidelines are the preferred method for an inmate to request telephonic interpreter services. However, an inmate's failure to adhere to these guidelines shall not be reason to deny the use of the telephonic interpreter service.

Classification Boards - The inmate shall submit a written request (in English or Spanish) for telephonic interpreter

service to his/her Correctional Program Officer forty-eight (48) hours prior to the classification board.

Disciplinary Hearings - The inmate shall submit a written request (in English or Spanish) for telephonic interpreter service to the Institution Disciplinary Officer. It shall be the inmate's responsibility to request such assistance within a reasonable time prior to the scheduled hearing.

HSU, IPS, and Booking and Admissions - A request for Telephonic Interpreter Service in these areas can be oral and directed to the appropriate person.

488.06 DOCUMENTING USE OF TELEPHONIC INTERPRETER SERVICE

Each Superintendent or designee shall ensure that Correctional or medical staff who use the telephonic interpreter service document each use in the following manner:

Booking and Admissions - note the use of the service in the Inmate Management System (IMS) booking/intake comments section of the Inmate Data screen.

Classification Boards - note the use of the service in the "board rationale" field on the board recommendation tab of the Classification Recommendation/Results screen (IMS).

Disciplinary Hearings - note the use of the service in the "sanction rationale" field on the Disciplinary Hearing screen.

Inmate Grievances - note the use of the service in the Investigative Comments screen (IMS).

Medical Staff - Note the use of the service in the progress notes by the health care provider who saw the inmate.

IPS - Note the use of the service in an appropriate investigative memorandum.

488.07 DISSEMINATION OF INFORMATION

Each institution shall develop procedures to ensure that whenever information is disseminated to the inmate population via any medium that it also provides the information in the same or similar medium in languages that are regularly encountered (see definition section 103 DOC 488.01 of this policy).

488.08 COMPLAINTS

Complaints alleging violations of 103 DOC 488.00 shall be grieved via 103 CMR 491.00 Inmate Grievances, the Department's Inmate Grievance process. Whenever an Institutional Grievance Officer receives a grievance regarding an allegation of a violation of 103 DOC 488.00 he/she shall notify the Department's Language Access Coordinator of the grievance and may consult with him/her in determining the grievance's resolution.

488.09 **MONITORING**

Each Superintendent shall ensure compliance with this policy at his/her institution.

488.10 **EMERGENCIES**

Whenever, in the opinion of the Commissioner or designee, or the Superintendent of a state correctional facility, an emergency exists which requires suspension of all or part of this policy, the Commissioner or designee or the Superintendent may authorize such suspension, provided that any suspension lasting more than forty eight (48) hours must be approved by the Commissioner.

TO: All Inmates

FROM: Commissioner

DATE:

RE: Telephonic Interpreter Service for non-English speaking inmates

The Department of Correction has contracted a service provider to provide over-the-phone interpretation, twenty-four (24) hours a day, seven days (7) a week. This service can provide translation of 140 different languages to any non-English speaking inmate.

This service shall only be used by use of speaker telephones in the following areas whenever an inmate claims that he/she does not speak and/or understand English.

- (1) IPS and Departmental Investigations
- (2) Booking and Admissions
- (3) HSU
- (4) Classification Boards
- (5) Disciplinary Hearings
- (6) Grievance Interviews

A claim that you do not speak and/or understand English can be made as follows:

Classification Boards - submit a written request (in English or Spanish) for Telephonic Interpreter Service to your unit manager or correctional program officer forty-eight (48) hours prior to the classification board.

Disciplinary Hearings- submit a written request (in English or Spanish) for Telephonic Interpreter Service to the Institution Disciplinary Officer or your Correctional Program Officer forty-eight (48) hours prior to the date scheduled for the hearing.

HSU, IPS/ Departmental Investigators, Grievance Investigators and Booking and Admissions - request for Telephonic Interpreter Service in these areas can be oral and directed to the appropriate person in these areas.

PARA: Todos los Confinados/Presos

DE: Comisionador

FECHA:

RE: Servicio de Intérpretes Telefónico para confinados o presos que no hablan inglés

El Departamento de Corrección a contratado un servicio telefónico, para proveer a través del teléfono servicios de interpretación ofrecido veinticuatro (24) horas al día los siete (7) días de la semana. Este servicio provee traducciones en 140 lenguajes diferentes para cualquier preso que no hable inglés.

Este servicio será usado solamente a través de teléfonos equipados con sistema de parlante/altavoz en los siguientes lugares cuando un preso declara que él/ella no habla y/o no comprende inglés.

- (1) Oficina de la Seguridad Interna Del Perímetro (IPS)
- (2) Procesamiento de Entrada (Booking and Admissions)
- (3) Departamento de Servicios de Salud (HSU)
- (4) Paneles de Clasificación (Classification Boards)
- (5) Audiencias/Vista Disciplinarias (Disciplinary Hearings)
- (6) Entrevista de Querellas (sobre quejas) (Grievance Interviews)

Para declarar que usted no habla y/o no entiende suficiente inglés y requiere un interprete necesita hacer lo siguiente:

Paneles de Clasificación- Debe presentar una petición escrita solicitando un intérprete al Director de su unidad o al Oficial de Programa Correccional 48 horas, antes de su entrevista con el Panel de Clasificación (en inglés o en español).

Para Audiencias/Vista Disciplinarias- Debe presentar una petición escrita (en inglés o en español) solicitando un intérprete al Director de su unidad o al Oficial Institucional de Disciplina o a su Oficial de Programa Correccional 48 horas antes de la fecha de su cita para su audiencia.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions- pueden ser orales y dirigidas a la persona apropiada en estas areas.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions (Entradas)- pueden ser verbalmente y dirigidas a la persona apropiada en estas areas.