

 <p>DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS</p> <p>POLICY AND PROCEDURE</p>	EFFECTIVE DATE:	June 20, 2017	Page 1 of 9
	SUPERSEDES:	3800.4 September 18, 2014	
	OPI:	GPA	
	REVIEW DATE:	June 20, 2018	
	Approving Authority	Quincy L. Booth Director	
	SUBJECT:	DOC LANGUAGE ACCESS PROGRAM	
NUMBER:	3800.4A		
Attachments:	Attachment A – Notice of Complaint: Language Access Form		

SUMMARY OF CHANGES:

Section	Change
	<i>Minor changes made throughout the policy.</i>

APPROVED:



Quincy L. Booth, Director

6/20/17
Date Signed

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1. **PURPOSE AND SCOPE:** The purpose of this policy is to identify the interest of the D.C. Department of Corrections (DOC) in providing greater access and participation in services, programs, and activities for DOC customers with limited or non-English proficiency; to identify the roles and responsibilities of the agency, managers and supervisors, employees, and the Language Access Program Coordinator (LAC).
2. **POLICY:** It is the policy of the Department of Corrections that Limited English Proficient (LEP) or Non-English Proficient (NEP) customers have equal access to information and services.
3. **APPLICABILITY:** This policy shall apply agency-wide to all employees.
4. **NOTICE OF NON-DISCRIMINATION:** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
5. **PROGRAM OBJECTIVES:** The expected results of this program are:
 - a. Ensure the DOC's compliance with the District's Language Access Act of 2004 and all corresponding guidelines and regulations.
 - b. DOC will maximize resources available to serve LEP and NEP populations.
 - c. DOC will ensure all staff has access to the resources needed to effectively and efficiently serve the LEP/NEP populations.
6. **DIRECTIVES RESCINDED:**
PP 3800.4 Language Access Program
7. **DIRECTIVES AFFECTED** None
8. **STANDARDS REFERENCED:** The D.C. Office of Human Rights' standards for Biennial Language Access Plans, available at 4 D.C.M.R. § 4-1212.

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9. AUTHORITY

- a. D.C. Code §§ 2-1931 *et seq.*, Language Access (Language Access Act of 2004)
- b. 42 U.S.C. §§ 2000a, *et seq.*, Public Accommodations (Title II U.S. Civil Rights Act of 1964)
- c. 42 U.S.C. § 2000e, Equal Employment Opportunities (Title VII U.S. Civil Rights Act of 1964)
- d. D.C. Code §§ 2-1401 *et seq.*, (D.C. Human Rights Act of 1977, as amended)
- e. 4 D.C.M.R. §§ 1200 *et seq.*, “Language Access Act”

10. DEFINITIONS. For the purpose of this program statement, the following definitions shall apply:

- a. **“Customer”** means an individual who may attempt to benefit from or receive services provided by the DOC. DOC customers include, but are not limited to, inmates in DOC legal or physical custody, and the family and friends of inmates in DOC custody.
- b. **“Access”** or **“participate”** means to be informed of, participate in, and benefit from public services, programs, and activities offered by the DOC at a level equal to English proficient individuals.
- c. **“Language Access Coordinator (LAC)”** means the official within the DOC who coordinates and supervises the activities of the DOC’s departments and programs undertaken to comply with the provisions of this policy.
- d. **“Limited English Proficient (LEP)”** refers to an individual who does not speak English as his/her primary language and has a limited ability to speak, read, write or understand English.
- e. **“Non-English Proficient (NEP)”** refers to an individual who cannot speak or understand the English language at any level.

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- f. **“Oral language services”** means the provision of oral information necessary to enable limited or non-English proficiency customers to access or participate in programs or services offered by the DOC. The term “oral language services” shall include placement of bilingual staff in public contact positions; the provision of experienced and trained interpreters; contracting with telephone interpreter programs; contracting with private interpreter services; and using interpreters made available through community service organizations that are publicly funded for that purpose.
- g. **“Translation”** means the written conversion of text in a source language into text written into a target language that retains the meaning and intent of the source text and produces a culturally competent product.
- h. **“Interpretation”** means oral or verbal conversion of the meaning of a dialogue from one language to another.
- i. **“Vital documents”** means applications, notices, forms, agreements, and outreach materials published or distributed by the DOC that inform customers about their rights or eligibility requirements for participation in a DOC program.
- j. **“Language Access Program services,”** include, but are not limited to: translations of vital documents; in-person oral interpretation/translation; commercial interpretation/translations (Language Line); and outreach activities.

11. RESPONSIBILITIES

a. Agency Responsibilities

- 1) Provide oral language services to LEP and NEP customers who seek to access or participate in the services, programs, or activities offered by the agency.
- 2) Collect data about the languages spoken and the number or proportion of LEP and NEP persons speaking a given language in the population that is served or encountered, or likely to be served or encountered, by the DOC.

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- 3) Coordinate and facilitate the translation of vital documents into any non-English language spoken by LEP or NEP populations that constitute 3% or 500 individuals, whichever is less, of the customers served or encountered, or likely to be served or encountered by the DOC. Within 30 days of the end of each fiscal year, DOC shall submit an implementation report reflecting its assessment of non-English languages spoken by LEP/NEP populations constituting such a proportion of customers or likely customers. The data used to perform this analysis must be submitted to the DC Office of Human Rights, pursuant to 4 D.C.M.R. § 1205.3.
- 4) Develop, and publish in the DC Register, a two-year language access plan pursuant to regulation and in accordance with 4 D.C.M.R. § 4-1212, and including the following:
 - I. Established in consultation with the DC Office of Human Rights (OHR).
 - II. Reviewed and updated biennially.
 - III. Sets forth the type of oral language services that the DOC will provide.
 - IV. Sets forth the titles of translated documents that the DOC will provide.
 - V. Sets forth the rationale and data for translating any documents.
 - VI. Sets forth the number of public contact positions within the agency.
 - VII. Sets forth the number of bilingual employees in public contact positions and/or within the agency.
 - VIII. Provides for evaluation and assessment of the adequacy of language access services that the agency provides.
- 5) Appoint an LAC(s) responsible for oversight of the agency's language access plan.
- 6) DOC shall post appropriate signs and posters communicating the availability of language accessible services at a conspicuous location

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within DOC facilities, in any non-English language spoken by LEP or NEP populations that constitute 3% or 500 individuals, whichever is less, of the customers served or encountered, or likely to be served or encountered by the DOC.

- 7) The DOC personnel authority shall develop strategies for recruiting and maintaining bilingual personnel, including assessing the non-English language abilities of all future and current District personnel who both self-identify as bilingual and apply for or currently fill an employment position designated as “bilingual” or “bilingual preferred.”
- 8) DOC shall make timely quarterly and annual reports to the DC Office of Human Rights, in accordance with 4 D.C.M.R. §§ 1213 and 1214.

b. Division/Department Manager/Supervisor Responsibilities

- 1) Provide support and assistance in carrying out the provisions of the DOC’s Language Access Program policy as necessary.
- 2) Report public complaints regarding language access violations to the DOC LAC.
- 3) Implement Language Access Program standard operating procedures within their assigned division or program area.

c. Language Access Program Liaisons (Primary and Secondary)

- 1) Communicate as necessary with the DOC LAC regarding implementation of the DOC Language Access Plan.
- 2) Identify and maintain a record of the vital documents utilized by the assigned DOC division or program area.
- 3) Identify and report all DOC events/functions which utilize interpretation services to the LAC within the Language Access Program Liaisons program area/division.
- 4) Ensure that LEP/NEP customers are identified in the Jail and Community Corrections (JACCS) database and that language preference is noted.

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- 5) Maintain a record of Language Access Program resources and services utilized by customers of each DOC division or program area.

d. **Language Access Program Coordinator (LAC)**

- 1) Provide oversight of the DOC's Language Access Program.
- 2) Provide guidance and advice to DOC staff and management regarding the usage of Language Access Program services.
- 3) Ensure DOC compliance with the District's Language Access Act of 2004 and all corresponding guidelines and regulations.
- 4) Track, monitor, and investigate formal or informal public complaints regarding alleged language access violations at the DOC.
- 5) Communicate with Language Access Program Liaisons (Primary and Secondary) as necessary to carry out the mission of this policy.
- 6) Recommend corrective or adverse action for conduct contrary to this policy.
- 7) The Language Access Program Coordinator will receive all complaints regarding the Language Access Program telephonically at (202) 671-2816. Complaints shall be documented on the Notice of Complaint Form (Attachment A).

12. **POLICY AND PROCEDURES:**

a. **Interaction with customers who have limited or no-English proficiency**

- 1) Employees must ensure that LEP and NEP customers have equal access to information and services. This means that LEP/NEP customers must be offered the use of an interpreter—on-site or through an interpreting service.
- 2) Employees must not discourage or refuse agency services to LEP/NEP customers.

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- 3) Employees must document their interaction with LEP/NEP customers in accordance with their division/program area's Language Access Program standard operating procedures.
- 4) Employees must identify LEP/NEP customer information to ensure that all future interactions with the customer include the provision of interpretation services and translation of vital documents in accordance with the provisions in this policy.

b. **Public complaints regarding language access violations**

- 1) Employees must report any public complaints regarding language access violations to their manager/supervisor or to the DOC LAC in a timely manner (within 5 business days of the incident).
- 2) Employees must not discourage or refuse DOC services or program/activity access to, or retaliate in any way against customers who have registered a complaint regarding language access violations.

c. **External resources**

- 1) Employees will be made aware of the Language Access Program resources provided by the DOC and the DC Office of Human Rights. Language Access Program resources include: translation of vital documents; interpretation; translations; telephonic oral interpretation (Language Line).
- 2) Employees in a public contact position as well as all managers/supervisors and/or Language Access Program Liaisons as set forth above will attend training as outlined in the agency's biennial Language Access Program plan.

13. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon the Director's signature.

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Attachment

Attachment A – Notice of Complaint Form: Language Access

DOC/PP3800.4A/6/20/17



Notice of Complaint Form: Language Access

Name of Complainant: _____

Name of Person Receiving Complaint: _____

Title: _____ Date: _____

How was this complaint given/served?

Mail

Hand Delivered/ In person

Phone

Other

Reason for complaint: _____

What Language was served: _____

Was complaint resolved? YES NO

If not, what was done to help resolve matter in the future? _____

Language Access Coordinator Signature

Date

Director Signature

Date