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	POLICY AND PROCEDURE		SUPERSEDES:	3800.4A June 20, 2017	
			OPI:	OSC	
			REVIEW DATE:	August 3, 2024	
			Approving Authority	Thomas Faust Director	
	SUBJECT:	DOC LANGUAGE ACCESS PROGRAM			
NUMBER:	3800.4B				
Attachments:	Attachment A - Notice of Complaint: Language Access Form				

SUMMARY OF CHANGES:

Section	Change
	<i>PP 3800.4A was amended and replaced with PP 3800.4B to reflect new Office of Human Rights (OHR) requirements.</i>
	<i>The Office of Primary Interest (OPI) was changed to the Office of Strategic Communications (OSC).</i>

APPROVED:

Signature on File



Thomas Faust, Director

8/3/2023

Date Signed

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1. **PURPOSE AND SCOPE.** The purpose of this policy is to reflect the District of Columbia Department of Corrections’ (DCDOC) mission in providing greater access and participation in services, programs, and activities for DOC customers with limited or non-English proficiency, as well as to incorporate applicable federal and District of Columbia laws, rules, and regulations.
2. **APPLICABILITY.** This policy shall apply to all DCDOC members, defined as all employees as well as volunteers, grantees, contractors, and affiliates providing direct services to the public on the agency’s behalf.
3. **DEFINITIONS.** For this policy, the following definitions apply:
 - a. **“Bilingual”** refers to the ability to use two languages proficiently.
 - b. **“Biennial Language Access Plan (BLAP)”** is a set of tailored goals and action items meant to improve a DC government agency’s language access service. The BLAP contains specific and measurable action plans in areas of data collection, translation of vital documents, training of public contact staff, outreach initiatives, and hiring of bilingual staff that the agency commits to implement within a set timeline over a two-year period.
 - c. **“Customer”** means an individual who may attempt to benefit from or receive services that DOC provides.
 - d. **“Interpretation”** is the conversion of oral wording from one language (the source language) into equivalent oral wording in another language (the target language). Interpretation may occur in-person or over the phone. Although the public and media often use the term interchangeably with “translation,” the word “interpretation” refers to oral speech and “translation” refers to written texts.
 - e. **“I Speak Cards”** are a resource with which limited or non-English proficient individuals may identify themselves and their primary language. The wallet-sized cards are promulgated by the D.C. Office of Human Rights and state the following in both English and the applicable non-English language: “I speak [non-English language]. I need assistance and have the right to receive assistance in my spoken language. Please provide me with an interpreter and note my spoken language in your permanent records. Thank you.”
 - f. **“Language Access Coordinator (LAC)”** refers to the official within DOC who coordinates and supervises DOC’s activities undertaken to comply with the provisions of this policy.

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- g. **“Language access services”** entail assessing the need for assistance in a language other than English and offering interpretation and/or translation to facilitate communication.
- h. **“Language Line”** refers to Language Line Solutions, a company that provides interpretation services over the phone for all DC government agencies.
- i. **“Language ID Guide” or “Language Identification Sign”** is a tool that helps identify a customer’s primary language. The Language Access Coordinator supplies this tool to members.
- j. **“Language threshold”** denotes DOC’s exposure to a non-English language spoken by a limited or non-English proficient population that constitutes 3% of the agency’s customers or 500 individuals, whichever is less. Once DOC reaches the threshold for a language, the agency must provide translations of vital documents in that language.
- k. **“Limited English proficient (LEP)”** describes an individual who does not use English as a primary language and who has a limited ability to speak, read, write, or understand English.
- l. **“Members”** are all agency employees, as well as volunteers, grantees, contractors, and affiliates providing direct services to the public on behalf of DOC.
- m. **“Non-English proficient (NEP)”** describes an individual who does not speak, read, write, or understand English.
- n. **“Primary language”** indicates the language that a customer is most comfortable using. It is usually (but not always) the person’s first or native language.
- o. **“Staff Language Facilitator”** is a DOC employee who is bilingual and proficient in a target language. They should be able to communicate the agency’s mission, services, and general information.
- p. **“Translation”** is the conversion of written wording from one language (the source language) into an equivalent wording in another language (the target language). Although the public and media often use the term interchangeably with “interpretation,” the word “translation” refers to written texts and “interpretation” refers to oral speech. There are two forms of translation:

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- 1) Written translation is the conversion of written text from the source language into written text in the target language.
 - 2) Sight translation is the oral rendering of a written text from the source into the target language; it is not normally a direct word-for-word translation.
- q. **“Vital documents”** include the applications, notices, forms, agreements, and outreach materials that DOC publishes or distributes to inform customers about their rights or eligibility requirements for participation in agency programs.

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., (hereinafter, "the 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 intrafamily offense, or place of residence or business. Sexual harassment is a form of sexual discrimination that is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. AUTHORITY

- a. D.C. Code §§ 2-1401, et seq., the Civil Rights Act of 1964;
- b. D.C. Law 15-167. Language Access Act of 2004;
- c. D.C. Code § 2-1931, et seq.;
- d. D.C. Municipal Regulations 4-12, et seq. (Language Access Act).

6. REGULATIONS

- a. Data collection. DOC will collect data on demand for agency services in non-English languages. This data collection serves two purposes:
 - 1) To determine whether DOC has reached the language threshold for a given non-English language, establishing the language(s) into which the agency must translate its vital documents; and

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- 2) To record the customer’s primary language in DOC’s files, ensuring that further interactions with previously identified LEP/NEP customers include appropriate language accommodations.

Accordingly, members shall document all agency encounters with LEP/NEP customers. The Language Access Coordinator shall report the resulting data to the D.C. Office of Human Rights both *quarterly* and *annually*. At the end of each fiscal year, the Language Access Coordinator shall submit an implementation report identifying the non-English languages that meet the agency’s language threshold, as well as the resources available to the LEP/NEP populations who speak these languages.

- b. Signage. Members must ensure that all DOC facilities that are open to the public – including mobile locations – feature visible signage informing customers of their rights to obtain assistance in a language they can understand, free of charge. Signage must include information in all non-English languages that meet the agency’s language threshold. To inform the public of language access services, DOC’s facilities shall feature the following signs and posters:
 - 1) Desktop Language ID Guides
 - 2) Language Access posters/signs at DOC’s Headquarters, Correctional Treatment Facility (CTF), Central Detention Facility (CDF), Central Cellblock (CCB) and the READY Center.
- c. Translation. DOC will provide written translations of vital documents into all non-English languages that meet the agency’s language threshold. These documents include but are not limited to applications, notices, complaint forms, outreach materials, and other documents regarding customer rights or program eligibility requirements. Translations of vital documents must be as accessible to the public as the English versions are. To this end, members shall distribute the translations within DOC, make them accessible at the entry points of agency facilities, and post them online.
- d. Interpretation. Members will establish and maintain full and effective communication with customers of all English proficiency levels. To this end, members shall offer interpretation services either over the phone or in person, whichever is more effectual, in the primary languages of all customers identified as LEP/NEP. In so doing, members will:
 - 1) Avoid assumptions about a customer’s primary language and make every effort to ascertain it (for example, some Central Americans use an indigenous dialect as their primary language rather than Spanish).

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- 2) Provide interpretation whenever requested by a customer, regardless of the customer's perceived level of English proficiency.
 - 3) Neither discourage LEP/NEP customers from seeking services at DOC, nor refuse agency services to such customers.
 - 4) Deliver services in a timely manner, i.e., without delays that are significantly greater than those that English proficient customers experience.
 - 5) Exclusively use professional and qualified interpreters to interpret for LEP/NEP persons, and **not** family, friends, neighbors, volunteers, bystanders, or children.
 - 6) Provide interpretation for LEP/NEP customers attending DOC's public meetings if the agency receives notice of their presence at least five (5) business days in advance of the public meeting; and
 - 7) Make interpretation services available to LEP/NEP customers who participate directly in DOC's administrative hearings, whether or not the customer is accompanied by an advocate or attorney.
- e. Waiver of language access rights. LEP/NEP customers may insist on using a family member or friend as their interpreter or may otherwise refuse DOC's language access services. In such cases, DOC will obtain written consent that waives the customer's rights to translation and interpretation services. To do so, agency members must provide customers with a waiver form in their primary language, which the Office of Human Rights supplies. If a written translation is not available in the customer's primary language or if the customer is unable to read, DOC may use sight translation to convey the contents of the waiver form to the customer.
- f. Bilingual staff. The Language Access Coordinator will maintain a list of bilingual staff members who agree to act as interpreters for the LEP/NEP population whose primary language they speak (where applicable). Staff language facilitators must be able to:
- 1) Communicate fluently and accurately in the non-English language(s) in which they claim proficiency.
 - 2) Interpret exact concepts without distorting meaning in either language;
 - 3) Understand the obligations of confidentiality as appropriate and.

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- 4) DOC shall take reasonable steps to screen self-identified bilingual staff members who request to be placed on the list of language facilitators.
- g. Language Access Training. **All DOC members in public contact positions will be proficient in the requirements and legal obligations for serving LEP/NEP customers. To this end, members will attend either web-based or in-person training provided by the DOC or D.C. Office of Human Rights.** Training will occur as part of the onboarding process for new members, and as part of continued professional development for existing members.
 - h. Outreach. DOC will develop a plan for conducting outreach to LEP/NEP communities to disseminate information about its language access services. Outreach activities may include, but are not limited to, the following:
 - 1) Organizing events such as fairs, forums, and educational workshops.
 - 2) Disseminating information through the agency’s social media websites.
 - 3) Distributing flyers, brochures, and other printed materials at diverse DOC locations.
 - 4) Disseminating information through in-language or ethnic media outlets, including local television, newspapers, blogs, and radio programs.
 - 5) Partnering with community-based organizations for the implementation of projects and/or delivery of services.
 - 6) Implementing a topic-specific campaign to raise awareness of a particular service or project in an LEP/NEP community.
 - i. **Funded entities and contractors.** Contractors, including third party providers, hired by DOC to carry out services, programs, or activities directly to the public are required to;
 - 1) Collect data regarding contact with LEP/NEP customers and report this data to DOC on a quarterly basis,
 - 2) Provide oral interpretation services,
 - 3) Translate vital documents,

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- 4) Train personnel on all compliance requirements according to the same standards required of DOC,
 - 5) By agreement, certify in writing that Language Access Act of 2004 compliance requirements will be satisfied by contractors, and
 - 6) Display signage in multiple languages.
- j. Language access complaints. Any person or organization may file a public complaint alleging a violation of the Language Access Act. The D.C. Office of Human Rights addresses these complaints, which may regard both individual and systemic noncompliance. A customer may file the complaint directly, but a person or organization with an interest in the customer’s welfare may also file a complaint on the customer’s behalf. Members shall in no way retaliate against complainants and/or their representatives and shall provide these people or organizations with the same level of service that other customers receive. Should a customer wishing to file a language access complaint contact DOC, members shall report the incident to the Language Access Coordinator, and provide the customer with the following resources:
- 1) The Office of Human Rights Language Access Complaint Form;
 - 2) The URL for the online Office of Human Rights Language Access Complaint Form (<http://ohr.dc.gov/webform/language-access-public-complaint-form>); and/or
 - 3) The Office of Human Rights phone number (**202-727-4559**).
- k. Resources. Members shall have the following resources available to better serve LEP/NEP customers:
- 1) Digital and hard-copy translations of vital documents;
 - 2) Access to contracted in-person and telephonic interpreters, as well as to the list of DOC bilingual staff language facilitators (if any);
 - 3) Materials from the Office of Human Rights, such as “I Speak” Cards and Language ID Guides.

7. PROCEDURES

- a. Identifying LEP/NEP persons. Members must keep in mind the fact that LEP/NEP designations are context-specific; LEP/NEP persons may possess sufficient English language skills to function in certain types of communication

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(e.g., speaking or listening), but still be LEP/NEP for other purposes (e.g., reading or writing). When members suspect or are told that customers, they encounter are LEP/NEP, they shall use the following protocol to determine whether or not the customers are actually LEP/NEP:

- 1) Ask: “Do you speak English very well?”
 - a) If the person answers “Yes,” continue communicating with the person in English. Individuals who speak any non-English language and also report speaking English “very well” should be regarded as English proficient and should not be considered LEP/NEP persons.
 - b) If the person answers “No,” appears not to understand what the member is saying, otherwise indicates a lack of comprehension, or states “I speak it a little” or “I speak it okay,” the member shall assume that the person is LEP/NEP and attempt to identify the primary language following the procedures described in #7.2. a of this policy. Individuals who report speaking English as anything less than “very well” (i.e., “well,” “not well,” or “not at all”) must be regarded as LEP/NEP and eligible to receive language access services.
- 2) If the LEP/NEP person can speak or understand some English, the member shall state: “I can request an interpreter in your language to interpret for you in person or over the phone. Would you like me to get an interpreter?”
 - a) If the LEP/NEP person answers “Yes,” the member shall:
 - (1) Proceed to identify the LEP/NEP person’s primary language as specified in Part 7.b below; and
 - (2) Obtain an interpreter to facilitate communication with the LEP/NEP person.
 - b) If the LEP/NEP person answers “No,” the member shall:
 - (1) Ensure that the LEP/NEP person understood the question and confirm that the customer does not want an interpreter.
 - (2) If the LEP/NEP person confirms that an interpreter is not wanted, the member shall proceed with communicating in English.

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- b. Identifying the primary language. Members must attempt to identify an LEP/NEP customer's primary language using the following three approaches:
- 1) Ask the LEP/NEP person and check for an "I Speak" Card.
 - a) Members may ask an LEP/NEP person: "What language do you speak?" or "What language do you speak the best?" If the LEP/NEP person understands and answers the question, and/or displays an "I Speak" Card, the member shall immediately follow the procedures in part 7.2.a/b of this policy to obtain an interpreter for the primary language.
 - 2) Use the Language ID Guide.
 - a) Language Line provides a guide for identifying a customer's primary language. Members shall obtain this guide from the Language Access Coordinator and display it to LEP/NEP customers who are unable to identify their primary language in response to a member's question. If the customer successfully identifies a language using the guide, members should follow procedures in part 7.c.2 of this policy to obtain an interpreter for this language.
- c. **Call Language Line.** If LEP/NEP customers do not appear able to read or understand the Language ID Guide or are otherwise unable to identify their primary language, members shall call the Language Line service by following the procedure outlined below. With assistance from Language Line, members shall attempt to ascertain the LEP/NEP customer's language in order to obtain a suitable interpreter.
- d. Obtaining an interpreter. Whenever a DOC member contacts or is contacted by an LEP/NEP customer by telephone or in person, the member will:
- 1) Ascertain the LEP/NEP customer's English proficiency and primary language as described in parts 7.a and 7.b above, respectively; and
 - 2) Ascertain the availability of a bilingual member on the list of bilingual staff who speaks the non-English language in question and may serve as an interpreter.
 - a) If such a bilingual member is immediately available, the DOC member serving as the point of contact shall transfer communication to the bilingual member.

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b) If such a bilingual member is not immediately available, the DOC member serving as the point of contact shall request an interpreter from Language Line by calling the Language Line number (**1-800-367-9559**) and providing DOC's Client ID, and Access Code. Members receive this information from the Language Access Coordinator.

e. Collecting data. DOC will use the following mechanisms to collect data:

- 1) Service provider Reports and invoices (JACCS Jail and Community Corrections System, and Language Line Solutions).
- 2) Reception area or Information desk sign-in sheets that include multilingual language preferences.
- 3) Reports from bilingual staff on the number of times they are asked to assist an LEP/NEP individual.

f. **Translating vital documents**

- 1) The Language Access Coordinator shall identify and maintain a record of all vital document translations.
- 2) If a vital document translation is not available on the agency Internet or Intranet websites, members shall request a translation of that document by contacting Language Access Coordinator at (202) 671-2690. The request should include the document(s), target language for translation, and date needed.
- 3) Should LEP/NEP persons require a vital document that has not been translated into their primary language, members shall follow the procedures outlined in part 7.d.2.b to contact Language Line (TransPerfect). Members shall request a sight translation by reading the document to the Language Line interpreter.
- 4) Multilingual Taglines may be utilized for documents that have not yet been translated.

g. **Written communication**

- 1) If a member receives a letter or other written communication in a non-English language, and the member is not bilingual in that language, the written communication shall be forwarded to estefany.persia@dc.gov.

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- 2) The Language Access Coordinator, or his/her designee, will provide the sender with an acknowledgement letter in the sender's language and arrange to have the original correspondence translated into English.
 - 3) The member will send the acknowledgement letter to the sender.
 - 4) Once the written communication is translated into English, Language Access Coordinator, or his/her designee will forward the English version of the communication to the intended agency recipient for response.
 - 5) The member responsible for writing the response shall do so and then forward the response to the Language Access Coordinator.
 - 6) The Language Access Coordinator, or his/her designee, will arrange to have the response translated into the target language and return the translated response to the sender, with a copy to the member who prepared the response.
 - 7) The member will mail or email, as appropriate, the response to the sender.
- h. Funded entities and contractors. DOC will use the following procedures to ensure that funded entities and contractors hired by the agency comply with the requirements of the Act, according to the same standards required of the agency:
- 1) Include language access compliance requirements for funded entities and contractors in all Notices of Funding Availability (NOFA) and Requests for Proposal (RFP) issued by DOC.
 - 2) Ensure that all funded entities and contractors certify in writing that they will meet language access compliance requirements in contracts, memorandums of understanding, or work agreements signed between funded entity/contractor and the agency.
 - 3) Ensure that funded entities and contractors receive language access compliance training through OHR or using training material approved by OHR.
 - 4) Provide guidance on language access compliance to funded entities and contractors by connecting them to translation and interpretation vendors,

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and by providing them with a clear process for collecting data and for reporting all encounters with LEP/NEP customers to DOC.

8. ROLES AND RESPONSIBILITIES

a. Agency Director

- 1) Establish (or designate a member or team to establish) Procedures for:
 - a) Providing interpretation over the phone and in person.
 - b) Engaging in written communication with LEP/NEP customers.
 - c) Translating vital documents.
 - d) Collecting data on LEP/NEP encounters.
- 2) Appoint a Language Access Coordinator responsible for overseeing the agency's BLAP and establish a Language Access Team to assist the LAC.

b. Language Access Coordinator

- 1) Ensure DOC's compliance with the Language Access Act of 2004 and corresponding guidelines and regulations.
- 2) Submit a quarterly and yearly progress report to the Language Access Director at the Office of Human Rights.
- 3) Provide guidance, advice, resources, and training to DOC members regarding the language access services.
- 4) Identify and screen bilingual staff members to serve as agency staff language facilitator.
- 5) Identify and maintain a record of DOC's vital documents.
- 6) Track, monitor, and investigate public complaints regarding alleged language access violations at DOC and report to the OHR Language Access Director as they are received.
- 7) Offer guidance on corrective measures for conduct contrary to this policy.

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- c. **Language Access Team** Assist the LAC with data collection, annual reporting, customer complaints, training of personnel in public contact positions, and other elements of compliance.

9. APPROVAL. This policy is effective immediately upon signature.

DOC/PP3800.4B/8/3/23/OPP



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