



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 801.7

### *Language Services for Limited English Proficiency*

#### Authority:

Directive 801, *Facility Administration*

**Effective Date:** October 1, 2021

#### Amended:

#### Supersedes:

First Issue

**Access:**  Restricted  Public  Inmate

#### ACA/PREA Standards:

5-ACI-6A-01, 5-ACI-5A-04; 4-ACRS-3A-05; 4-APPFS-2B-01

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## 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 staff member or other bilingual person and a LEP inmate or probationer/parolee, e.g., Spanish to Spanish

**Effective Communication** - Communication sufficient to provide an LEP individual with the same level of services received by an individual who is not LEP

**Non-Qualified Interpreters and Translators** – Interpreters and translators who are not designated as “Qualified Bilingual Staff” by the LEP Coordinator or are not provided by the DOC Language Services Contract which can include, but is not limited to, inmates, probationers, parolees, family, and friends.

**Interpretation** - The verbal conversion of words from one language to another language while retaining the same meaning; interpreting is a sophisticated skill needing practice and training and should not be confused with bilingualism.

**Language Identification Tool** - A card, poster, or auditory recording used to identify an inmate’s/probationer’s/parolee’s primary language and to determine the need for services in a particular language; these identification tools are to be evaluated and should be updated in order to ensure their efficacy for all LEP individuals

**Limited English Proficiency (LEP) Inmates and Probationers/Parolees** - Individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English.

**Meaningful Access** - Language assistance that results in accurate, timely, and effective communication at no cost to the LEP inmate and probationer/parolee; meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.

**Primary Language** - The language in which an individual is most effectively able to communicate.

**Programs and Activities** - Any programmatic activity or assignment that is funded with federal or state monies and conducted or sanctioned by the DOC.

**Qualified Bilingual Staff** - An employee who has been determined by the LEP Coordinator to be fluent in at least English and another language; qualified bilingual staff are sufficiently fluent in the LEP inmate’s or probationer’s/parolee’s primary language and are able to convey complex instructions in that language. The ability to hold basic conversations in an LEP inmate’s or probationer’s/parolee’s primary language is insufficient to qualify an employee as a bilingual staff member. A qualified bilingual staff member is not equivalent to a qualified interpreter or qualified translator, as defined below.

**Qualified Interpreter** - An in-house or DOC Language Services contracted individual who is able to ensure effective communication through accurate interpretation from English to the other language being interpreted, as determined by testing or certification protocols established by the LEP Coordinator.

**Qualified Translator** - An in-house or DOC Language Services contracted individual who is able to provide accurate translation of documents from English to another language, as determined by testing or certification protocols established by the LEP Coordinator.

**Regularly Encountered Language** - Any language spoken by at least 5% of the inmate or probationer/parolee population at the facility/office

**Translation** - The replacement of written text from one language, source language, into an equivalent written text in another language, target language; translation requires special knowledge and skills beyond bilingualism.

**Essential Documents** – Documents, including those described in *Written Language Services*, which contain essential information about available programs, services, benefits, or activities, access to which is essential in order to receive them, benefit from them, or participate meaningfully in them.

## PURPOSE

This operating procedure provides for the identification and assessment of, and the provision of translation and interpretation services for Limited English Proficient (LEP) inmates and probationers/parolees.

## PROCEDURE

- I. Limited English Proficiency (LEP) Services
  - A. The DOC will take reasonable steps to provide LEP inmates and probationers/parolees with meaningful access to DOC facilities, services, programs, and activities and to ensure that language does not prevent staff from communicating effectively with LEP inmates and probationers/parolees.
    1. An inmate's or probationer's/parolee's LEP status must not prevent them from accessing vital programs and information, understanding rules, participating in proceedings, or gaining eligibility for parole, probation, treatment and education programs, and classification assignments.
    2. An LEP inmate or probationer/parolee may be proficient in certain types of communication, e.g., speaking or understanding, but still have LEP in other types of communication, e.g., reading or writing.
    3. LEP designations are context-specific as an inmate or probationer/parolee may possess sufficient English language skills to function in one setting, e.g., casual conversation, but these skills may be insufficient in other situations, e.g., medical evaluations.
  - B. All staff will ensure that no LEP inmate or probationer/parolee is penalized or their rights adversely affected due to the lack of language assistance. There must be no negative impact on the length of an LEP inmate's or probationer's/parolee's incarceration or facility assignment, post release status, or classification; nor will an inmate or probationer/parolee be subject to discipline for failure to obey a command due to any failure to provide free language assistance to that individual.
  - C. At the time of intake, various internal and external sources will be made available to provide verbal and written language assistance to LEP inmates and probationers/parolees at no cost to the inmate or probationer/parolee in the areas of treatment and education programming, safety, medical, mental health, grievance, and proceedings such as disciplinary and classification. Interpretation services must be provided using one of the following (5-ACI-6A-01):
    1. In person
    2. Over the telephone
    3. Through video conferencing
    4. Through DOC approved electronic communication devices
  - D. Staff should avoid assumptions about an inmate's or probationer's/parolee's primary language; e.g. not all individuals who speak English fluently have English as their primary language, and not all individuals from Central America speak Spanish fluently.
    1. Staff should make every effort to ascertain an individual's primary language by using language identification tools that are accessible to people with a range of oral communication and literacy levels; see Attachment 2, *Language Identification Poster*.
    2. All LEP inmates and probationers/parolees will be provided "I Speak" Cards to assist staff in identifying an LEP inmate's/probationer's/parolee's primary language for both oral and written communication; see Attachment 1, *"I Speak" Card*.
  - E. Inmates and probationers/parolees must be provided information on available language assistance services:
    1. Upon intake into the DOC from a jail or non-DOC facility, transfer to another DOC facility and during facility orientation; see Operating Procedure 810.1, *Offender Reception and Classification*, Operating Procedure 810.2, *Transferred Offender Receiving and Orientation*, and Operating Procedure 940.4,



*Community Corrections Alternative Program.*

2. During the initial interview for probationers and parolees on supervision; see Operating Procedure 920.1, *Community Case Opening, Supervision, and Transfer*.
  3. Prior to all classification and disciplinary hearings; see Operating Procedure 830.1. *Institution Classification Management*, Operating Procedure 861.1, *Offender Discipline, Institutions*, and Operating Procedure 940.4, *Community Corrections Alternative Program*.
  4. Information on qualified interpretation services must be included in all facility inmate and probationer/parolee orientation manuals, packets, and materials.
  5. Language Services posters will be placed throughout the areas of the facility/office accessible to inmates and probationers/parolees to notify the inmate population of the availability of language assistance service and how to access them. Inmates and probationers/parolees receive written orientation materials and/or translations in their own language. (5-ACI-5A-04; 4-ACRS-3A-05)
- F. Inmates and probationers/parolees will not be retaliated against for requesting language assistance services, filing a verbal or written complaint or grievance related to language assistance services.
- G. Staff will provide language assistance services when requested by an inmate or probationer/parolee, whether the request is in writing or verbally.
1. Interpretation and/or translation services may be required to process such a request.
  2. For inmates and probationers/parolees who are designated as LEP, the provision of vital services as defined in this procedure in *Verbal Language Services*, should be provided without the inmate and probationer/parolee being required to request language services.

## II. LEP Coordinator and Monitors

- A. The Director will designate a LEP Coordinator responsible for overseeing and directing the provision of language services to include developing and managing applicable contracts, documents, and resources. The LEP Coordinator will:
1. Provide LEP inmates and probationers/parolees with meaningful access to the services and benefits available in DOC programs and activities by coordinating language assistance services with designated facility/office LEP Monitors. These activities or assignments include but are not limited to the following:
    - a. Academic, Job Training, or Cognitive Programming
    - b. Substance use treatment and testing
    - c. Mandatory Programming or Programming that Impacts Term of Incarceration/Supervision
    - d. Classification/ ICA hearings
    - e. Disciplinary hearings
    - f. Medical assessments and treatment
    - g. Mental health assessments and treatment
    - h. Visitation
    - i. Court hearings, as requested by the Court
    - j. Job/program assignments and pay levels
    - k. Prison Rape Elimination Act (“PREA”) Screening, Orientation, and Education
    - l. Filing of inmate grievances, including informal complaints
  2. Coordinate the identification of language service needs in DOC and strategies for responding to those needs.
  3. Serve as the contract administrator for all DOC Language Services contracts for the provision of interpreter/translator services.



4. Identify, through coordination with facility/office LEP Monitors, the regularly encountered language of the inmates in that facility and probationers/parolees under the supervision of that office.
  5. Develop assessment and screening tools, including an *English Proficiency Questionnaire 801\_F9* to be administered during the *Classification Assessment* and the P&P initial supervision interview to determine an inmate's or probationer's/parolee's primary language and any language assistance needs.
  6. Conditions of supervision are furnished in writing to probationers/parolees. Probationers/parolees are required to sign the conditions, indicating understanding and willingness to comply with them. The conditions are explained by a P&P Officer. If a communication problem (such as illiteracy or foreign language) prevents a probationer/parolee from understanding the conditions, a P&P Officer assists in explaining the conditions. Supervision Conditions are translated to the language spoken by the probationer/parolee. (4-APPFS-2B-01)
  7. Maintain a directory of all qualified bilingual staff, including the non-English language(s) they speak and their contact information, work location, assignments, and shifts.
  8. Ensure that the verbal and written language services needs of the current inmate and probationer/parolee population are identified and the resources to address these needs are secured.
  9. Identify the criteria to be used when initially designating the languages for translation based on demographic data and usage projections.
  10. Maintain DOC data, in coordination with facility/office LEP Monitors, on the number of and selected interactions with LEP inmates and probationers/parolees; provide information, as requested, to the Director.
  11. Develop and maintain systems to ensure that facility/office staff and appropriate executive staff are aware of the inmates and probationers/parolees requiring language assistance services and coordinate with facility/office LEP Monitors to implement those systems.
  12. Review designated essential documents to determine translation requirements.
  13. Develop systems to distribute translated documents, post electronically, and maintain a supply.
  14. Identify the training needs and provide needed training to LEP Monitors, facility/office staff and supervisors who access language services, as well as language service providers.
  15. Establish protocols for ensuring quality, timeliness, cost-effectiveness, and appropriate levels of confidentiality in translations, interpretation, and bilingual staff communications.
  16. Exchange promising practices information with other departments and among facilities/offices.
  17. Establish a system to coordinate with the courts and jails so that inmate and probationer/parolee language needs are identified and responded to as early as possible.
  18. Review DOC progress in providing meaningful access to LEP inmates and probationer/parolees, develop reports, and revise operating procedures and DOC practices when appropriate.
  19. Maintain, by language, a directory, based on information gathered from facility/office LEP Monitors, of qualified interpreters and qualified translators per location and distribute DOC-wide.
  20. Convene annual meetings with facility/office LEP Monitors to develop, implement, and evaluate the requirements of this operating procedure.
- B. Each Facility Unit Head and P&P Chief will designate a facility/office LEP Monitor. The LEP Monitor for each facility/office will:
1. Work with the LEP Coordinator to identify LEP needs and the strategies for meeting those needs so that staff will have access to appropriate language services in their interactions with inmates and probationers/parolees.
  2. Identify all regularly encountered languages spoken by at least 5% of the inmates in that facility and probationers/parolees under supervision of that office.

3. Ensure facility/office compliance with this operating procedure to include any memorandums and amendments to this operating procedure.
4. Provide training to facility/office staff on implementation of this operating procedure to include any memorandums and amendments to this operating procedure.
5. Establish and maintain a language assistance resource list for the facility/office, ensure the list is accurate and up to date, and that staff, inmates and probationers/parolees are made aware of the list and how to access the resources.
6. Create and maintain an available directory of all qualified bilingual staff, including a list of the non-English language(s) they speak and their contact information, assignments, and shifts.
7. Submit the directory to the LEP Coordinator as well as facility/office staff on a quarterly basis.
8. Ensure posting of LEP posters, completion of assessments, VACORIS data entry, and distribution of "I speak" cards; see Attachment 1, "*I Speak*" Card.

### III. LEP Needs Assessment

#### A. Upon Intake

1. As a part of the *intake process*, a staff member will assess all inmates and probationers/parolees to determine any language assistance needs.
2. Staff will complete the *English Proficiency Questionnaire 801\_F9* with the inmate or probationer/parolee to determine:
  - a. Whether the inmate or probationer/parolee has language preference(s) for oral or written communication
  - b. If the individual's primary oral communication language and primary written communication language is English or if it is another language
3. When the inmate's or probationer's/parolee's primary or preferred language(s) for oral and written communication is not English, staff must utilize a Qualified Interpreter to determine the extent of the individual's English proficiency.

#### B. During Incarceration

1. Inmates and probationers/parolees who listed English as their primary language for oral and/or written communications may still need language assistance services because they did not initially report their LEP status due to immigration issues, fear of retaliation, or a misunderstanding, or their English proficiency may have deteriorated over time.
2. When staff have a reasonable belief that an inmate or probationer/parolee whose primary language for oral and/or written communications is listed as English has difficulty understanding instructions, operating procedures, or other oral and written information in English, they should notify the LEP Monitor of their concerns.
3. The LEP Monitor or designee will administer the *English Proficiency Questionnaire 801\_F9* to determine if the inmate's or probationer's/parolee's primary language(s) for oral and/or written communications is English, if the inmate or probationer/parolee has a language preference for oral and/or written communications, and the extent of their language assistance needs. The LEP Monitor or designee will consult with the facility ADA Coordinator, as necessary, to determine whether the inmate or probationer/parolee require additional accommodations beyond language services.

#### C. Documentation

1. The inmate's or probationer's/parolee's primary language for oral and written communications must be documented, once known, by entering the preferred language and selecting the Non-English Speaking checkbox on the demographics screen in VACORIS.



2. A note must be provided on the Health Record of any inmate or probationer/parolee whose LEP status affects their ability to communicate and an appropriate advisory regarding this status must be provided to facility staff and designated in VACORIS.
3. The LEP Monitors will run a VACORIS report, on a quarterly basis, for Non-English Speaking inmates/probationers/parolees and provide this information to the LEP Coordinator.
4. Inmates may choose to have a language designation placed on their Identification Card and/or cell door.

#### IV. Qualified Interpreters and Translators

- A. The LEP Coordinator will develop testing and certification protocols to designate an individual as a Qualified Interpreter or a Qualified Translator.
- B. A Qualified Interpreter and/or Qualified Translator must:
  1. Understand and follow relevant DOC rules, such as those governing privileged and confidential information and facility rules that apply to all DOC staff
  2. Adhere to applicable interpreter ethical standards governing confidentiality, accuracy, impartiality, conflicts of interest, and maintaining a professional distance
- C. Qualified Interpreters and Qualified Translators are provided at no cost to LEP inmates and probationers/parolees.

#### V. Qualified Bilingual Staff Members

- A. In coordination with Human Resources, the LEP Coordinator must determine the appropriate manner in which to designate a new or existing VADOC staff member as “Qualified Bilingual.”
- B. A Qualified Bilingual staff member should not be considered equivalent to or interchangeable with a Qualified Interpreter or Qualified Translator.
- C. Apart from sensitive or confidential communications, for which a Qualified Interpreter must be used, Qualified Bilingual staff members should be used to provide direct communication with LEP inmates whenever possible.
- D. Each facility/office must maintain a directory of all qualified bilingual staff that includes a list of the non-English language(s) they speak and their contact information, assignment, shift, etc. for use in providing direct communication services.

#### VI. Non-Qualified Interpreters and Translators

- A. Non-Qualified Interpreters and Translators are any individuals other than Qualified Bilingual Staff, Qualified Interpreters, or Qualified Translators.
- B. Non-Qualified Interpreters and Translators can include, but are not limited to, staff, volunteers, inmates, probationers, parolees, their family and friends.
- C. At the request of an inmate or probationer/parolee, a Non-Qualified Interpreter may be used to provide language assistance during informal communications, not involving the provision of necessary services or the exchange of confidential or sensitive information.
  1. Non-Qualified Interpreters and Translators cannot be used to provide interpreter services for communications that involve sensitive and confidential communications, as defined in *Confidential and Sensitive Communications Section* of this procedure. No exception is allowed.
  2. Confidential and sensitive communication includes, but is not limited to:
    - a. classification reviews
    - b. disciplinary hearings





- c. institutional reviews
  - d. medical or mental health encounters
  - e. investigations
  - f. community corrections case openings or any subsequent meetings that effect supervision.
3. Non-Qualified Interpreters and Translators are not authorized for communications related to Prison Rape Elimination Act (PREA) allegations and investigations.

D. Questions regarding the use of Non-Qualified Interpreters and Translators regarding inmate and probationer/parolee programs and services should be directed to the LEP Coordinator.

## VII. Verbal Language Services

A. Staff will use the information in VACORIS to determine the primary/dominant language of an LEP inmate or probationer/parolee in coordination with the LEP Monitor.

B. LEP inmates and probationers/parolees housed in a DOC facility must be provided language interpretation services during the following interactions:

1. Investigations or questioning
2. Intake and Reception into the DOC
3. Transfer into each DOC facility
4. Medical and Mental Health interactions
5. Orientation
6. Inmate Grievances
7. Disciplinary Hearings
8. Education/Programming
9. Housing Assignments
10. Court Appearances
11. Parole Hearings

C. Regardless of LEP status, any inmate or probationer/parolee may request interpreter services by:

1. Making a verbal request to any staff member or the LEP Monitor; followed by a written request
2. Completing the *Interpreter/Translator Services Request* 801\_F12
3. Non-emergency interpreter assistance must be provided within 48 hours

D. DOC will provide Qualified Interpreters/Translators for sensitive, confidential, or privileged communications.

E. Apart from sensitive, confidential, and privileged communications, for which Qualified Interpreters/Translators must be used, Qualified Bilingual staff should be used to provide direct communication services whenever possible.

1. When a Qualified Bilingual staff member is not available and a non-bilingual staff member lacks the skill to provide direct communication services, a Qualified Interpreter provided by the DOC contract vendor should be used to communicate with a LEP inmate or probationer/parolee.
2. Internet and/or machine translations will not be used, e.g., Babelfish, Google Translate. The DOC Language Services Contract must be used if Qualified Bilingual staff are not available.

F. Temporary/Emergency Situations

1. A Qualified Interpreter/Translator provided by the DOC Language Services Contract must be used in



all verbal and written communications related to a PREA incident.

2. During unforeseen emergency situations involving communications for which a Qualified Interpreter would normally be required, staff may use available resources, including but not limited to a Qualified Bilingual staff member, to provide direct and essential communication while awaiting the availability of a Qualified Interpreter.

#### VIII. Written Language Services

- A. The LEP Coordinator and facility LEP Monitor will coordinate translation services; staff must adhere to the following for document translations:
  1. Official translation requests must be submitted to the LEP Monitor who will forward the request to the LEP Coordinator; if the request is granted, the translation services must be provided free of charge.
  2. The LEP Coordinator will contact facility/office staff and if approved, will submit the document for translation, or may direct facility/office staff to submit the document for translation to the appropriate contract vendor.
  3. Plain language should be used in translation of materials to ensure they are accessible to readers in a range of literacy levels.
- B. Any inmate or probationer/parolee may request translation services by:
  1. Making a verbal request to any staff member or the LEP Monitor; followed by a written request
  2. Completing the *Interpreter/Translator Services Request* 801\_F12
  3. Requesting assistance if oral interpretation or communication of translated material is preferred, e.g., because of reading level limitations
- C. Non-emergency translator assistance should be provided within 48 hours.
- D. The DOC will provide a translated version of all essential documents, as designated by the LEP Coordinator, in the regularly encountered languages in the Department.
  1. All essential documents, including but not limited to the following, will be translated at no cost to the LEP inmate or probationer/parolee:
    - a. Inmate and probationer/parolee consent forms
    - b. Informal complaint or grievance forms, determinations on informal complaints, grievances, or appeals
    - c. Intake forms requesting vital information, e.g., mental health screening form, emergency contact list
    - d. Written notices of rights, denials, loss, or decreases in benefits or services, parole, and disciplinary or classification hearings
    - e. Notices to inmates and probationers/parolees regarding their rights and the procedures related to the Prison Rape Elimination Act protections should be in their primary language
    - f. Notices of disciplinary actions
    - g. Notices posted for religious and recreational activities
    - h. Notices advising LEP inmates and probationers/parolees of free language assistance
    - i. Facility rule books
    - j. Medical forms, notices, procedures, diagnoses, conclusions, and instructions
    - k. Refusal forms
    - l. Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required
    - m. Applications to participate in a DOC program or activity or to receive DOC benefits or services

2. For a LEP inmate or probationer/parolee whose primary language is not a regularly encountered language, staff, to the extent possible, will obtain a translation of essential documents into the inmate's/probationer's/parolee's primary language.
  3. The LEP Coordinator will review all documents to determine what documents are essential based on the nature, frequency, importance, and relevance to inmates and probationers/parolees.
  4. For facility/office-specific documents, the LEP Monitor will perform a preliminary review and send a recommendation as to whether the documents are essential to the LEP Coordinator who will review and make a determination on whether the document is an essential document.
- E. When translations are not possible or reasonable for other documents, vital information must be conveyed verbally, through the use of Qualified Bilingual staff or DOC Language Services Contract Interpreters, in the relevant language.
- F. The Facility Unit Head, Chief P&P, or designee, must ensure that when written information is communicated in English to the inmates in that facility or to all probationers/parolees under the supervision of that office, that the information is also provided in all regularly encountered languages.

#### IX. Confidential and Sensitive Communications

- A. Staff must use Qualified Interpreters or Qualified Translators for communications that involve sensitive, confidential, or privileged information, or for which interpretation by a Qualified Bilingual staff member may create a conflict of interest.
1. Confidential and sensitive communication includes, but is not limited to: classification reviews, disciplinary hearings, medical or mental health encounters, investigations, community corrections case openings or any subsequent meetings that effect supervision, and PREA allegations or investigations. No exception is allowed.
  2. Reliance on Non-Qualified Interpreters could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation or translation.
  3. This general prohibition does not apply during emergency situations where an extended delay in obtaining qualified interpretation services could compromise an inmate's or probationer's/parolee's safety or health.
- B. All privileged or confidential information obtained during the course of providing language assistance services must only be disclosed to authorized persons.
1. Authorized recipients of any person's health information must adhere to any applicable provisions of the *Health Insurance Portability and Accountability Act (HIPAA)*, the *Health Information Technology for Economic and Clinical Health (HITECH) Act*, other applicable legal requirements, and applicable professional licensure requirements.
  2. When the Department relies on external interpreters or translators, these individuals are subject to any applicable provisions of HIPAA and HITECH Act requirements as well.
- C. Staff must not translate the content of any legal documents.
1. If an LEP inmate or probationer/parolee requests translation of legal documents, staff/contract staff will use the *Notice of Significant Legal Document 801\_F10*, identifying only the title or nature of the legal notice.
  2. The DOC and facilities will use the DOC Language Services Contract to provide interpreters/translators who can assist the inmate or probationer/parolee by translating the document, either verbally or in writing. Where the inmate has elected, on the *Notice of Significant Legal Document 801\_F10*, for the translation to be provided verbally, staff will arrange for that translation to occur in a setting appropriate for confidential legal communications.
  3. The contact information of such contracted interpreters/translators must be included in the *Notice of*

*Significant Legal Document 801\_F10.*

D. Non-medical staff or other inmates and probationers/parolee must not be utilized to interpret or translate any medical information to an LEP inmate or probationer/parolee patient.

**X. Language Assistance Grievances**

A. The LEP Coordinator, in cooperation with LEP Monitors, must ensure that inmates and probationers/parolee are notified of their right to file a complaint regarding access to language services.

B. The inmate or probationer/parolee may use the *Access to Services in Your Language: Complaint Form 801\_F11*, to file their complaint.

C. Notice of the *Access to Services in Your Language: Complaint Form 801\_F11* must be translated into Virginia's regularly encountered languages and posted in areas accessible to the public, made available on the DOC public website, and provided to the public upon request.

D. In addition to the *Access to Services in Your Language: Complaint Form 801\_F11*:

1. Inmates can pursue their administrative remedies through the regular grievance process; see Operating Procedure 866.1, *Offender Grievance Procedure*.
  - a. The *Complaint Form* can be attached to a regular grievance in place of an informal complaint to show that the inmate pursued an informal process prior to submitting a regular grievance.
  - b. Submitting the *Complaint Form* does not serve as a substitute for the regular grievance process and does not constitute exhaustion of available administrative remedies.
2. Probationers/parolees housed in a CCAP facility can use the complaint procedure; see Operating Procedure 866.2, *Offender Complaints, Community Corrections*.
  - a. The *Complaint Form* can be attached to a CCAP complaint to show that the probationer/parolee pursued an informal process prior to submitting a regular complaint.
  - b. Submitting the *Complaint Form* does not serve as a substitute for the complaint process and does not constitute exhaustion of available administrative remedies.

**XI. Training Requirements**

All staff will be trained in the requirements of this operating procedure to include accessing language assistance services.

A. New staff will be trained during orientation; see Operating Procedure 102.6, *Staff Orientation*.

B. Refresher training will be provided, annually, to all staff as a part of their mandated in-service training; see Operating Procedure 350.2, *Training and Development*.

C. All other staff will receive training during training programs specifically designed by their respective facility/unit/program managers.

**REFERENCES**

[Department of Justice LEP Reference Guidance](#)

[Health Insurance Portability and Accountability Act \(HIPAA\)](#)

[Health Information Technology for Economic and Clinical Health \(HITECH\) Act](#)

[Operating Procedure 102.6, Staff Orientation](#)

[Operating Procedure 350.2, Training and Development](#)

[Operating Procedure 810.1, Offender Reception and Classification](#)

[Operating Procedure 810.2, Transferred Offender Receiving and Orientation](#)

[Operating Procedure 830.1, Institution Classification Management](#)



[Operating Procedure 861.1, \*Offender Discipline, Institutions\*](#)

[Operating Procedure 866.1, \*Offender Grievance Procedure\*](#)

[Operating Procedure 866.2, \*Offender Complaints, Community Corrections\*](#)

[Operating Procedure 920.1, \*Community Case Opening, Supervision, and Transfer\*](#)

[Operating Procedure 940.4, \*Community Corrections Alternative Program\*](#)

## **ATTACHMENTS**

Attachment 1, *“I Speak” Card* (To be developed)

Attachment 2, *Language Identification Poster* (To be developed)

## **FORM CITATIONS**

*English Proficiency Questionnaire* 801\_F9 (To be developed)

*Notice of Significant Legal Document* 801\_F10 (To be developed)

*Access to Services in Your Language: Complaint Form* 801\_F11 (To be developed)

*Interpreter/Translator Services Request* 801\_F12 (To be developed)

