

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 103.10.1	Page 1 of 5
	Effective Date: February 1, 2019	
	Distribution: A	
	Supersedes: 103.10.1 (12/1/15) PCN 18-31 (5/15/18)	
Approved by: Tony Parker		
Subject: TITLE VI – LIMITED ENGLISH PROFICIENCY (LEP)		

- I. **AUTHORITY:** TCA 4-3-603; TCA 4-3-606; TCA 4-21-901; TCA 4-21-904; TCA 4-21-905; and Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq; Federal Executive Order 13166.
- II. **PURPOSE:** To establish guidelines in accordance with Title VI Civil Rights Act of 1964 and Executive Order 13166 by taking reasonable steps to provide meaningful access to programs and activities to Limited English Proficiency (LEP) persons to ensure language does not prevent staff from effectively communicating with LEP persons who are under the jurisdiction of the Tennessee Department of Correction (TDOC).
- III. **APPLICATION:** All Tennessee Department of Correction (TDOC) employees, visitors, and offenders under TDOC custody/community supervision, including privately managed facilities, employees of Tennessee Rehabilitative Initiative in Correction (TRICOR), and all providers and recipients of departmental services including contract service providers.
- IV. **DEFINITIONS:**
 - A. **Contracted Vendor Interpreter Services:** Contract interpretative services used by TDOC to assist in the provision of meaningful service to individuals who have a Limited English Proficiency, including those who are hearing impaired.
 - B. **Interpretation:** The oral conversion of spoken words from one language (source language) to another language (target language) while retaining the same meaning.
 - C. **“I Speak” or Language Identification Guide:** A card with a variety of languages used to determine the need for a particular language services during routine activities and encounters.
 - D. **Limited English Proficiency (LEP):** Persons who do not speak English as their primary language or who have a limited ability to read, speak, write, or understand English.
 - E. **LEP Coordinator:** The Associate Warden of Treatment at TDOC facilities, the Assistant Warden/Deputy Superintendent at privately managed facilities, and the Title VI Coordinator for the Department of Correction.
 - F. **Primary Language:** An individual’s native language in which an individual is most able to effectively communicate.
 - G. **Meaningful Access:** Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
 - H. **Sub-Recipients:** For purposes of this policy, TDOC contractors who provide direct service programs to offenders and beneficiaries (i.e, private management of institutional operations, substance use or mental health treatment programs, health services, educational programs, etc.)

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- I. Translation: The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- J. Programs and Activities: Any programmatic activity or assignment that is funded with federal or state monies and conducted or sanctioned by the TDOC. These activities or assignments include, but are not limited to, the following:
- a. Education
 - b. Substance use treatment and testing
 - c. Behavioral health programming
 - d. Segregation, visitation, or cell/bed assignment
 - e. Referrals to the Special Alternative Incarceration Unit (SAIU)
 - f. Job/program assignments and pay levels
 - g. PREA Screening, Orientation, and Education
- K. Title VI of the Civil Rights Act of 1964: Federal statute which states that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”
- L. Title VI Coordinator: The TDOC employee appointed to adjudicate Title VI allegations and monitor compliance for the Department.
- M. Title VI Site Coordinator: The Associate Warden of Treatment/Deputy Superintendent at TDOC facilities, the Community Supervision designee at each district office, and the Assistant Warden of Treatment at privately managed facilities.
- V. POLICY: The TDOC will not discriminate on the basis of race, color, or national origin as outlined in Title VI of the Civil Rights Act of 1964.
- VI. PROCEDURES:
- A. All institutions and community supervision offices shall ensure that individuals who have a Limited English Proficiency (LEP) have access to programs and activities as required in Title VI of the Civil Rights Act of 1964. Provisions for language assistance for LEP individuals shall include but not be limited to the following:
1. Notice of available language services to LEP offenders and/or visitors at the main entrance to the facility, district office, intake, visitation galleries, and in the inmate library.
 2. Assessment: During the intake process, offenders requiring language or literacy assistance will be offered Language Identification (“I Speak) Guide to determine if the offender has a literacy or language deficiency. The names of those offenders requiring LEP services will be documented and reported to the LEP Coordinator immediately. An interpreter will be provided through utilization of institutional staff, volunteers, or contract interpreters to determine the extent of their proficiency.

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- a. The LEP Coordinator at each TDOC facility shall receive an access code from the contracted vendor for interpreter services that shall be used for telephonic interpretation services.
- b. The LEP Coordinator at each district office shall contact the Director of Contract Administration at Central Office to request translation services. Request shall be made at least 48 hours in advance and the following information shall be provided:
 1. Offender First/Last Name
 2. Offender TDOC ID#
 3. Offender's Native Language
 4. Purpose of Appointment
 5. Appointment Date and Time
 6. Appointment Location (including street address)
 7. Contact Information for Staff Requesting Appointment
- c. Privately managed facilities shall ensure that qualified language interpreter services and/or document translation services are provided for non-English speaking offenders, and shall submit an LEP plan annually to the LEP Coordinator (TDOC Title VI Coordinator).
- d. No institution or community supervision office shall rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties or the investigation of an inmate's allegation under CFR 115.64 and Policy #502.06.2.

B. Types of Interpretation:

1. Telephonic interpretation: Interpreting services provided via telephone.
2. In-Person (Live) Interpretation: Interpreting services provided face-to-face between an interpreter and a non-English speaking individual

C. Procedures for Requesting and Documenting Interpretation/Translation Services:

1. Language Assistance Measures: TDOC staff, volunteers, or contract interpreters may be used to provide LEP assistance. The name of the individual providing interpreter services shall be documented on the offender management system (OMS) conversation screen (LCDG). The LEP Coordinator shall ensure that the other departments within TDOC are notified of the inmate's limited English proficiency status and/or need for interpreter services (i.e., classification, medical, mental health, count room, unit managers, PREA Coordinator, PREA Compliance Manager, etc.)

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2. Orientation/Classification Assignment and Hearing: The Counseling Service Team will evaluate the ability of the offender to understand without an interpreter. If it is evident that the offender's knowledge of the English language is insufficient then interpretation services shall be provided. The unit team will evaluate the ability of the inmate to understand the classification procedures and conduct a structural interview through an interpreter if necessary for understanding, and provide an explanation of the sentence structure. The Chief Counselor/designee will conduct all classification hearings through an interpreter (if necessary) and provide an explanation of the results of the hearing and the recommendations made during the hearing.
3. Medical/Mental Health Staff: The medical/mental health staff shall evaluate the ability of the offender to understand the consultation/treatment and the need for an interpreter. The treatment/non-treatment will be fully explained to the offender utilizing an interpreter, if necessary, for comprehension (See Policy #113.22). Offenders shall never be used as interpreters as it is related to dealing with inmate health care. The name of the interpreter shall be documented in the medical chart.
4. Disciplinary Procedures: Offenders shall be provided interpretation services, as necessary, in order to discuss his/her case prior to the hearing and throughout the hearing process up to and including appeals. Offenders shall never be used as interpreters at disciplinary hearings. The name of the interpreter shall be recorded on the disciplinary report.
5. Grievance Procedures: Offenders shall be provided interpretation services, as necessary, to assist in the submission of grievances or in order to discuss his/her case prior to the hearing and throughout the hearing process up to and including appeals. The name of the interpreter shall be recorded on Inmate Grievance, CR-1394 (See Policy #501.01)
 - a. Any offender who wishes to file a LEP complaint regarding language access may file a grievance by completing an Inmate Grievance, CR-1394 (See Policy #501.01).
 - b. Offenders under community supervision may file a LEP complaint by completing the Complaint under Title VI Civil Rights Act of 1964, CR-3893 (See Policy #705.07).
 - c. The LEP Coordinator shall investigate the complaint according to the procedures outlined in TDOC Policies #501.01 and #705.07 and provide written notice of the disposition of the LEP complaint in the offender's primary language.
6. Education/Programs: Education and/or program staff shall determine the need for interpretation services. Educational/program materials shall be provided in the language of the offender if available.
7. Housing Assignments: Unit management staff shall monitor the housing assignments of all LEP inmates and ensure that interpretation services are provided as needed.
8. Court Appearances: The records office shall notify the court if interpreter services are required in ample time to allow the courts to locate an interpreter.

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9. Parole Hearings: The Chief Counselor/designee will notify the Institutional Parole Officer (IPO) when a LEP inmate is scheduled to meet the parole board. The facility will ensure that an interpreter is available for the parole hearing if needed.
- D. Notifying the Public about Language Services: Posters and language identification guides from the contracted vendor shall be posted at each facility and district office (i.e., building entry, intake, visitation galleries, etc.) stating that interpreters are available free of charge to LEP individuals.
- E. Procedures for Accessing Document Translation Services: Should the LEP Coordinator identify a need for a specific document to be translated a request shall be forwarded to the Forms, Publications, and Printing Liaison.
- F. The TDOC shall monitor compliance regarding Limited English Proficiency through the following:
1. The annual inspection process
 2. Each LEP Coordinator shall maintain and update an LEP Policy which is included in the *Title VI Site Coordinator's Manual* (See Policy #103.10).
 3. The completion of Title VI Tracking-Limited English Proficiency (LEP) Services Provided, CR-3546. (See Policy #103.10)
- G. New employees shall receive training regarding the requirements of LEP during orientation. Current employees shall receive training during their annual in-service. Additionally, sub-recipients must provide LEP training to their staff. This training may be administered by the use of lesson plans and/or outlines; training will be reviewed and approved by TDOC annually.
- VII. ACA STANDARDS: None.
- VIII. EXPIRATION DATE: February 1, 2022.

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POLICY CHANGE NOTICE 19-22

INSTRUCTIONS:

Please change Section VI.(F) to read as follows:

“F. The completion of Title VI Tracking-Limited English Proficiency (LEP) Services Provided, CR-3546”.

Insert the attached page 6 and renumber policy pages accordingly.



TENNESSEE DEPARTMENT OF CORRECTION
Title VI-Limited English Proficiency (LEP) Services

Limited English Proficiency (LEP) Services

1st Quarter: July – September (Year)

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Limited English Proficiency (LEP) Services

2nd Quarter: October – December (Year)

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Limited English Proficiency (LEP) Services

3rd Quarter: January – March (Year)

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Limited English Proficiency (LEP) Services

4th Quarter: April – June (Year)

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents

Language _____ # of times LEP services provided to offenders _____ # of times LEP services provided to the public _____ Telephonic In-Person Documents