

Memorandum

Date : June 15, 2009

To : Associate Directors, Division of Adult Institutions
Wardens
Community Correctional Facility Superintendents
In-Service Training Staff

Subject: **NOTIFICATION OF INTERPRETATION AND TRANSLATION SERVICES**

This memorandum serves as a reminder to all California Department of Corrections and Rehabilitation's (CDCR) staff of procedures to ensure effective communication with Limited English Proficient (LEP) inmates.

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin (including language) by recipients of federal financial assistance. The CDCR, as a recipient of this assistance, is committed to complying with the requirements of Title VI of the Civil Rights Act of 1964. To this end, CDCR takes reasonable steps to facilitate effective communication with LEP inmates, in order to comply with its responsibility to provide meaningful access to such inmates.

In order to ensure compliance with Title VI of the Civil Rights Act of 1964, institutions shall designate an institution staff member as a local LEP coordinator for issues related to LEP inmates. Due to overlapping requirements of class actions such as *Armstrong v. Schwarzenegger* and *Plata v. Schwarzenegger*, it is suggested the facility's Americans with Disabilities Act coordinator or Litigation Coordinator would be good candidates for the institution's LEP Coordinator.

Institutional staff are to utilize the LEP coordinator when questions arise regarding LEP services. These services include the 1-800 toll free telephonic interpretation service; the list of bilingual facility staff competent to interpret/translate; a list of any other local interpreters or interpreters from neighboring institutions or agencies; and a list of translated forms available to staff. The LEP coordinator shall be responsible for providing the "I-Speak" cards (attachment #1) to all housing units, ensuring the 1-800 toll free number is current and operational, and for the upkeep of the list of competent bilingual staff/other spoken language interpreters and the facility's collection of translated forms/documents. Duties with respect to maintaining a current list of competent bilingual staff and other interpreters include ensuring accuracy of contact information, language(s) spoken, staff duty hours, and availability. Whenever using bilingual staff or other interpreters, the LEP coordinator and institution staff must consider potential conflicts of interest between the interpreter and the inmate.

Additionally, in order to ensure staff and inmates are aware of this policy, a Notice of Interpretation and Translation Service Information notice (attachment #2) has been provided and shall be posted in all inmate housing units. The designated LEP coordinator's name, title and telephone extension is to be added to the attached Notice of Interpretation and Translation Service Information prior to posting the notice. The LEP coordinator shall also complete the notice by identifying the institution's bilingual staff and identifying the list of translated forms that are available and the location of the forms.

All staff shall receive 1.0 hours of On-the-Job Training (OJT) regarding the issue. Each institution's In-Service Training Office shall disseminate and track this information to ensure all OJT is completed by the prescribed due date. OJT is to include:

- Name and telephone extension of the local facility contact.
- Various methods of identifying limited English proficiency, as well as an inmate's primary language through appropriate means such as the inmate's own ability to relay this information; coordinating with other English speaking persons who speak the same language; reviewing the CDCR Form 128-G, Classification Chrono, in the inmate's Central File; consulting with the institution's designated LEP coordinator; utilizing the recently provided "I-Speak" cards located in the control booth or officer's station; enlisting the assistance of the facility's contract telephonic interpretation service to identify primary language, etc. All staff shall receive instruction on consistent and predictable procedures to follow in order to identify an inmate's primary language.
- Methods for communicating with limited English proficient inmates in both routine and priority encounter situations. Language interpretation and translation services are critical in, but not limited to, priority encounter situations involving medical, due process, and safety and welfare issues.
- Prohibitions against utilizing other inmates for assistance with interpretation/translation that may involve medical, due process, safety, and welfare issues, or the exchange of confidential information (for example, disciplinary hearings, classification committee actions, etc.)
- Process for obtaining written translations of inmate documents:
 - Provide the document to your immediate supervisor for review and approval.
 - Supervisor will make the determination if staff are available that may be used for the translation.
 - If necessary, your immediate supervisor will speak to the local contact to obtain access to translation services.

You may utilize staff interpreters to provide immediate oral interpretation of written documents as an alternative when translation is not possible. To utilize staff interpreters, follow the procedures in the last bullet below.

- Process for accessing the facility's telephonic interpretation service, a toll-free number that is available 24 hours a day 7 days a week for staff who require interpretation services for most commonly spoken languages used by non-English speaking inmates. To utilize this service, contact the institution's designated LEP coordinator, who will provide you with the number and access code, if appropriate.
- Location(s) where the Notice of Interpretation and Translation Service Information has been posted.
- Identification of documents that have been translated into commonly spoken languages and are available to staff in appropriate locations throughout the institution.

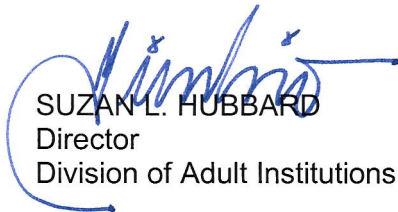
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- Use of bilingual staff competent to interpret/translate. In order to obtain their services, refer to the list of bilingual staff identified on the Notice of Interpretation and Translation Service Information, contact your immediate supervisor, and request the use of one of these certified staff. This may be subject to need for posted relief. Certified staff, which may have a conflict of interest, cannot be used to interpret/translate.

Completion date for training and dissemination of this information is Friday, August 28, 2009, for existing staff. Incoming new staff shall be provided this information during the 40-hour block of orientation training. Institutions are required to verify completion of existing staff training (attachment #3), to Correctional Lieutenant Anthony Carter, via facsimile at (916)-324-0945 or e-mail at Anthony.Carter@cdcr.ca.gov.

Additionally, the LEP coordinator shall be responsible for completing and posting the attached Interpretation and Translation Service information notice (attachment #2) in all housing units. The LEP coordinator shall sign the verification of posting (attachment #3) and forward the completed copy to Lieutenant Carter, via facsimile at (916) 324-0945 or e-mail at Anthony.Carter@cdcr.ca.gov.

If there are any questions or concerns, the temporary central point of contact will be Lieutenant Carter at (916) 327-5305. Once initial training has been completed, the central points of contact will be with each mission-based region within the Division of Adult institutions.



SUZAN L. HUBBARD
Director
Division of Adult Institutions

Attachments