

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
NEW JERSEY DEPARTMENT OF CORRECTIONS
DEPARTMENT OF JUSTICE NUMBER 171-48-28, et al.**

A. SCOPE OF THE INVESTIGATION

This matter was initiated by complaints filed under Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq. (Title VI), the nondiscrimination provision of the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. § 3789d(c) (Safe Streets Act), and their implementing regulations with the United States Department of Justice (the Department or DOJ) against the New Jersey Department of Corrections (NJDOC). The five complaints¹ alleged that the NJDOC failed to provide inmates with appropriate language assistance services to ensure effective communication and that the NJDOC did not have policies and procedures for providing meaningful access to their programs and services for persons who are limited English proficient (LEP). The NJDOC denies the allegations made in the referenced complaints.

The parties to this MOA are the United States of America and the NJDOC. In order to avoid the burdens and expenses of further investigation and possible litigation, the parties hereby agree as follows:

B. JURISDICTION

DOJ has jurisdiction over this matter under Title VI and the Safe Streets Act. Together, these statutes and their implementing regulations, codified at 28 C.F.R. § 42.101 et seq., and § 42.201 et seq., prohibit discrimination based on race, color, national origin, sex, and religion in DOJ-funded programs or activities, and provide DOJ with jurisdiction to investigate and resolve the complainants' allegations.

DOJ is authorized under 28 C.F.R. Part 42, Subparts C and D, to investigate the complaints in this matter to determine the NJDOC's compliance with Title VI and the Safe Streets Act, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance. Furthermore, the Attorney General is authorized under 28 C.F.R. §§ 42.108 and 42.210, to suspend or terminate financial assistance to the NJDOC provided by DOJ should DOJ fail to secure voluntary compliance pursuant to Subpart C or D, or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law.

¹ Complaint nos. 171-48-28, 171-48-30, 171-48-32, 171-48-33, and 171-48-37.

C. AGREEMENT

The purpose of this MOA is to memorialize NJDOC's commitment to ensure continued compliance with the nondiscrimination provisions of Title VI and the Safe Streets Act.

1. The NJDOC agrees to comply with Title VI, the Safe Streets Act, and their implementing regulations and to provide meaningful access to all individuals in encounters with the Department of Corrections regardless of their national origin or limited ability to speak, read, write, or understand English. The NJDOC will take reasonable steps to ensure that it communicates effectively with LEP persons in the language(s) in which they are proficient.
2. The following LEP policies and procedures have been implemented by NJDOC (LEP Policies and Procedures) and are incorporated by reference into this MOA as Attachments A through G:
 - Policy Number SUP.004.001, Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line [Attachment A];
 - Disciplinary Hearing Unit, Internal Management Procedure (IMP) ADM.008.LEP.01, Hearings Held on Limited English Proficiency (LEP) Inmates, [Attachment B];
 - IMP PCS.001.LEP.01, Office of Community Programs And Outreach Services, Limited English Proficient (LEP) Language Assistance, [Attachment C];
 - IMP PCS.004.LEP.01, Office of Drug Programs, Limited English Proficient (LEP) Language Assistance, [Attachment D];
 - IMP SUP.003.LEP.01, Office Education Services, Academic Education Access related to Limited English Proficiency (LEP) Inmate Assignments to Educational Programs, [Attachment E];
 - IMP PCS.008.LEP.01, Office of Transitional Services, Social Services Access related to Limited English Proficiency (LEP) Inmates, [Attachment F];
 - IMP MED.IMA.001, Health Services Unit, Health Appraisals at Reception, [Attachment G].
3. Within 90 days of the effective date of this MOA, the NJDOC will take the following steps to implement the LEP Policies and Procedures described in C.2:
 - a. Distribute the LEP Policies and Procedures to NJDOC Division staff that provide the programs or activities identified in each of the LEP Policies and Procedures;

- b. Post LEP Policy Statement on the NJDOC public internet website.
 - c. Ensure that the LEP Policies and Procedures are available in NJDOC facilities, on the NJDOC website, and in a manner consistent with how NJDOC distributes similar policies.
4. Within 30 days of the effective date of this MOA, and pursuant to Attachment A, NJDOC Policy Number SUP.004.001, Section IV, F., the NJDOC will inform inmates of the interpretation and translation services available by posting the following language assistance services notice (Notice):

Notice of Interpretation and Translation Services

The New Jersey Department of Corrections (NJDOC) provides meaningful access to non-English speakers and limited English proficient (LEP) individuals detained, in NJDOC correctional facilities. If you are in need of an interpreter in matters of safety, quasi-legal, medical, mental health, and programming, NJDOC will provide one at no cost.

NJDOC will not retaliate against you for requesting interpretation or translation services or participating in any other conduct protected by federal or state law.

Except in emergency circumstances, other inmates shall not provide interpretation for LEP inmates in significant matters that include psychological, medical, and safety.

- a. This Notice will be posted in at least size 14 point font wherever the NJDOC regularly posts this type of information.
 - b. The Notice will be translated into Spanish, Chinese, and Polish and will be posted in visible locations at every Orientation and Intake Unit of every NJDOC facility.
 - c. English versions of this Notice will be posted alongside all translated versions.
5. Within 30 days of the effective date of this MOA, the NJDOC will designate an LEP Coordinator for the NJDOC, who will be authorized and responsible for ensuring consistent and effective Division-wide implementation of the LEP Policies and Procedures and the requirements of this MOA. The NJDOC will provide the name of and contact information for the LEP Coordinator to DOJ.

D. MONITORING

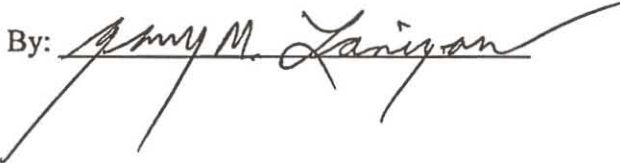
1. Except as otherwise specified in this MOA, 180 days and one year after the effective date of this MOA, the NJDOC will submit written documentation demonstrating its substantial compliance with this MOA, LEP Policies and Procedures, Title VI, the Safe Streets Act, and their corresponding implementation regulations. The documentation will include but is not limited to:
 - a. Documentation explaining the steps taken to implement the LEP Policies and Procedures as previously detailed in C.3, 4 and 5.
 - b. Documentation of any periodic or mandatory in-service training for current or newly hired staff on the requirements of the LEP Policies and Procedures.
 - c. A record of all formal and informal complaints about the provision of language assistance services by NJDOC to LEP individuals, and the investigation and resolution of such complaints from the effective date of this MOA to a date 180 days thereafter for the first report and at one year for the second report.
 - d. Any vital documents that have been identified for translation or that have been translated into Spanish, Chinese and Polish.
2. To the extent possible, within 12 months after the effective date of this MOA, NJDOC will provide information on the LEP inmate population and the primary languages spoken collected from the inmates' face sheets as described in Policy Number SUP.004.001, Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line, IV. Procedures [Attachment A].
3. Within the two years of the effective date of this MOA, DOJ may visit NJDOC facilities to assess whether the NJDOC has substantially complied with the requirements of this MOA. This will be a single visit at a mutually agreed time and locations.
4. DOJ may review NJDOC's compliance with this MOA at any time. If DOJ believes that the NJDOC has failed to comply in a timely manner with any requirement of this MOA, DOJ will so notify NJDOC in writing and will attempt to resolve the issue or issues in good faith. If the parties are unable to reach a satisfactory resolution of the issue or issues raised within 60 days of the date it provided notice to the NJDOC, DOJ may institute a civil action in federal district court to enforce noncompliance.

E. MOA DEFINITIONS AND TERMS OF FINALIZATION

1. The terms of this agreement may be revised in writing by the mutual consent and signature of authorized DOJ and NJDOC representatives.
2. Failure by DOJ to enforce this entire MOA or any provision thereof with regard to any deadline or any other provision herein shall not be construed as a waiver of DOJ's right to enforce other deadlines and provisions of this MOA.
3. This is a public document. Upon request, a copy of this document or any information contained in it shall be made available to any person by the NJDOC or DOJ.
4. The effective date of this MOA is the date of the last signature below.
5. This MOA will terminate two years after the effective date of this MOA in accordance with the terms of this agreement, provided that the NJDOC is in substantial compliance with Title VI, the Safe Streets Act, and corresponding implementation regulations, and with the terms of this MOA.
6. The person signing for the New Jersey Department of Corrections represents that he or she is authorized to bind the NJDOC to this MOA.

For the New Jersey Department of
Corrections:

NEW JERSEY DEPARTMENT OF
CORRECTIONS

By: 

Date: 10/7/14

For the United States:

MOLLY J. MORAN
Acting Assistant Attorney General

By: 

DEEANA JANG, Chief
PETER GRAY, Deputy Chief
LAURIE GELMAN, Attorney
MICHAEL MULÉ, Attorney
U.S. Department of Justice
Civil Rights Division
Federal Coordination and Compliance
Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Date: 10/15/14



**State of New Jersey
Department of Corrections
Policy Statement**

Policy Number

SUP.004.001

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Policy Title:

**Limited English Proficient (LEP) Language Assistance:
Bilingual Staff and Use of the Language Line**

Approved and Issued By Gary M. Lanigan, Commissioner on January 29, 2013.

Note: This document is provided electronically for informational purposes only. Should you require an official, signed copy for any reason, contact the APPM Unit.

Effective Date: July 17, 2008	Revised: February 1, 2013	Enabling Authority: N.J.S.A. 30:1B-6
		Related Authority: Federal Executive Order 13166 2000 Title VI Civil Rights Act of 1964 42 USC § 2000d et seq.
Promulgating Office : Office of Educational Services Division of Programs and Community Services		Professional Association Standard cited: N.A.
Applicability: This policy statement applies to all organizational units of the New Jersey Department of Corrections.		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this policy.		
Supersedes: N/A		
Review Schedule: This document is scheduled for annual review on or about January 31, 2014.		

I. PURPOSE

To establish and maintain a policy that provides guidelines for providing assistance for limited English proficient (LEP) inmates within the NJDOC, as well as for those LEP individuals who may otherwise encounter individuals at NJDOC correctional facilities, programs and activities. This assistance will be provided with, but not limited to, the use of bi-lingual staff and through the use of the Language Line.

II. DEFINITIONS

The following words and terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise:

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Policy Title: Limited English Proficient (LEP) Language Assistance: Use of Language Line	Effective Date: July 17, 2008 Revised: February 1, 2013	Policy Number SUP.004.001 Page 2 of 4
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Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Translation means the act of converting a written document from one language to another while ensuring that the integrity of the document remains unchanged.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated or detained in or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical, and quasi-legal proceedings. These sources include, but are not limited to, the Language Line and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

Policy Title: Limited English Proficient (LEP) Language Assistance: Use of Language Line	Effective Date: July 17, 2008 Revised: February 1, 2013	Policy Number SUP.004.001 Page 3 of 4
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Specific procedures for each individual organizational unit for working with LEP inmates are found in that organizational unit IMPs.

IV. PROCEDURES

- A. During the intake process, staff will employ necessary measures to accurately identify LEP inmates and the languages they speak. This should be accurately reflected on each inmate's face sheet.
- B. A system of on-going identification and tracking for each identified inmate will be facilitated by the inclusion of a "flag" on the face sheet, which denotes LEP status and the inmate's primary language.
- C. Staff shall be trained on the availability of the Language Line and how to access this service.
- D. The DOC will continually monitor the effectiveness of its policy and/or IMPS and where needed implement alternative methods to ensure sufficient communication with LEP inmates.
- E. Posters shall be prominently posted at several key areas of each facility that notifies the inmate population of the availability services to assist LEP inmates.
- F. Inmates will be advised that the Department will provide LEP inmates free interpretation and translation services relative to inmate programming, safety, medical, and quasi-legal proceedings.

Policy Title: Limited English Proficient (LEP) Language Assistance: Use of Language Line	Effective Date: July 17, 2008 Revised: February 1, 2013	Policy Number SUP.004.001 Page 4 of 4
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V. CROSS REFERENCE DOCUMENTS AND POLICIES

Document/ Policy Number	Title	Effective/ Revision Date
PCS.000.000	<i>Division of Programs and Community Services: Vision, Mission, Goals, Objectives and Organizational Structure</i>	February 1, 2008
SUP.003.000	<i>Office of Educational Services: Mission, Goals and Objectives</i>	June 25, 2007

VI. APPLICABLE FORMS

Form Number	Form Title	Effective/ Revision Date

	Disciplinary Hearing Unit Level I Internal Management Procedures	Internal Management Procedure # ADM.008.LEP.01
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Internal Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmates		
Effective Date: January 14, 2013	Revised:	Authority: NJDOC PS ADM.008.000 SUP.004.001
Promulgating Office: Disciplinary Hearing Unit		Professional Association Standard cited:
Applicability: All NJDOC Disciplinary Hearings		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.		
Supersedes: N/A		
Review Schedule: This document is scheduled for annual review on or about January 31, 2014.		

This document was reviewed and approved by: <p style="text-align: center;">John Falvey, Legal Specialist, Disciplinary Hearing Unit on January 30, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">Melinda Haley, Special Legal Advisor, Office of the Commissioner on February 1, 2013.</p> Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.

I. PURPOSE

The purpose of this Level I IMP is to establish and maintain guidelines for all NJDOC Disciplinary Hearing Officers who may conduct hearings with inmates who are limited English proficient.

II. DEFINITIONS

The following terms, when used in this procedure, shall have the following meanings, unless the context clearly indicates otherwise:

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

Internal Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmate	Effective Date January 14, 2013	Internal Management Procedure #ADM.008.LEP.01
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ESL (English as a Second Language) this course prepares students whose native language is not English to function in a predominately English-speaking country.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated or detained in, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety,

Internal Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmate	Effective Date January 14, 2013	Internal Management Procedure #ADM.008.LEP.01 Page 3 of 4
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medical, and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

If at any point during the disciplinary process, it is questioned whether an inmate who has received a disciplinary charge is an LEP inmate, the process is to be postponed so that an interpreter can assist the inmate in his defense of the disciplinary charge.

In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Disciplinary Hearing Unit staff shall also ensure the following procedures are followed:

A. IDENTIFICATION OF LIMITED ENGLISH PROFICIENT (LEP) INMATES

1. When it is learned that an inmate who has received a disciplinary charge is an LEP inmate, the hearing is to be postponed so that an interpreter can assist the inmate in his defense of the disciplinary charge.
2. All Hearing Officers shall assess each inmate for his/her ability to communicate effectively in English before conducting any hearing.
3. If an inmate is identified as an LEP inmate, the following will take place:
 - a. If Spanish is the LEP inmate's first language:
 - i. A trained Spanish-speaking inmate paralegal will provide interpretation services during the hearing.
 - ii. In the event that a trained, Spanish-speaking inmate paralegal is not available, a staff member may provide interpretation services, after being directed by the Hearing Officer of their role in the process. In most cases, the staff member is usually a teacher, social worker, or custody officer.
 - b. If the LEP inmate's first language is other than English or Spanish:

Internet Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmate	Effective Date January 14, 2013	Internal Management Procedure #ADM.008.LEP.01 Page 4 of 4
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- i. All efforts will be made to locate a trained same-language speaking staff member to provide interpretative services during the hearing.
- ii. Should a same-language speaking staff member not be available, an outside agency will be contacted to provide the interpretation services or the Language Line will be used.

V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use Of Language Line	July 17, 2008
ADM.008.000	Inmate Disciplinary Hearing Program: Mission, Goals and Objectives	October 31, 2003

VI. Applicable Forms

Form Title	Form Number	Effective/Revision Date



**Office of Community Programs
And Outreach Services
Level I
Internal Management Procedures**

Internal Management
Procedure
PCS.001.LEP.01

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Internal Management Procedure Title:

Limited English Proficient (LEP) Language Assistance:
Office of Community Programs and Outreach Services

Effective Date:

February 1, 2013

Revised:

Authority : NJ DOC PS#

PCS.001.000

Promulgating Office:

Office of Community Programs and Outreach Services
Division of Programs and Community Services

Professional Association Standard cited:

Applicability:

Supersedes: N/A

Review Schedule:

This document is scheduled for annual review on or about January 31, 2014.

This document was reviewed and approved by:

**Marcus O. Hicks, Esq., Director, Office of Community Programs
& Outreach Services on April 2, 2013**

and

James Barry, Asst. Commissioner, Div. of Community Programs on April 2, 2013.

Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.

I. PURPOSE

The purpose of this Internal Management Procedure (IMP) is to establish and maintain guidelines for the Office of Community Programs and Outreach Services staff for providing assistance for limited English Proficient (LEP) inmates within the NJDOC, as well as those LEP individuals who may otherwise encounter individuals at NJDOC correctional facilities, programs and activities through the use of the Language Line, bilingual staff, material printed in languages other than English.

II. DEFINITIONS

Internal Management Procedure Title: Limited English Proficient (LEP) Language Assistance: Office of Community Programs and Outreach Services	Effective Date February 1, 2013	Internal Management Procedure # PCS.001.LEP.01 Page 2 of 5
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The following terms, when used in this procedure, shall have the following meanings, unless the context clearly indicates otherwise:

Chaplaincy Network Program means that program which develops partnerships between the NJDOC and religious communities in the State of New Jersey that endeavor to help incarcerated men and women make successful transition from prison to society.

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

ESL (English as a Second Language) means the course which prepares students whose native language is not English to function in a predominately English-speaking country.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

Municipal Detention Facility means a holding or lockup facility, usually located in and operated by a municipal police department, which receives and temporarily detains for no more than 24 hours, excluding holidays and weekends, persons who have been arrested who are awaiting release or transfer to other authorities.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Office of Chaplaincy Services means the office within the Division of Programs and Community Services which oversees ministry to inmates, custody, and staff with Chaplaincy staff providing consultation, support, and coordination to all NJDOC correctional facilities and satellites regarding chaplaincy services and religious activities.

Office of Community Programs and Outreach Services means the office within the Division of Programs and Community Services composed of the following Units: Community Programs,

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Chaplaincy Services, Chaplaincy Network Program, County Services, Victim Services, and Volunteer Services.

Office of County Services – ensures that officials of the adult county correctional facilities and municipal detention facilities provide safe, secure and efficiently operated facilities within the guidelines specified in N.J.A.C. 10A:31 and N.J.A.C. 10A:34-2.

Office of Victim Services means the office within the Division of Programs and Community Services which serves to preserve and protect the rights of victims, consistent with the core principles and philosophy of restorative/reparative justice and in accordance with the New Jersey Crime Victims' Bill of Rights.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Prison Rape Elimination Act - means the Federal Prison Rape Elimination Act of 2003. This act was established to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and provide information, resources, and recommendations and funding to protect individuals from prison rape.

Residential Community Release Programs (RCRP) – means assessment and treatment centers, half-way houses, or substance use disorder treatment programs under contract with the New Jersey Department of Corrections.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

Volunteer – means a person who provides services which supplement the functions and activities of employees of the NJDOC without receiving monetary remuneration or material gain.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

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It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Office of Community Program and Outreach Services staff also ensure that all reasonable steps are taken to have bilingual individuals to communicate with LEP inmates.

Examples of tools presently implemented in each office are as follows:

- Chaplaincy Network Program – works with groups and organizations that are non English speaking, interpreters are utilized.
- Chaplaincy Services – Many religions are represented in written languages other than English. Some services are given in languages other than English.
- Office of Community Programs - CURA (Newark) is designated for male Latino residents with specific personal needs. Assessment Centers have bilingual counselors available. Residential Community Release Programs have and/or are developing policies regarding LEP. NJDOC encourages RCRPs to be proactive to LEP inmates.
- Office of County Services - N.J.A.C. 10A :31-21.3 requires all newly admitted inmates to receive an orientation in their own language where possible. In response to this rule, many of the county jails utilize the Language Line in those cases where the inmate does not read or understanding English or Spanish. Additionally, N.J.A.C. 10A:31-16.2 requires that the Disciplinary Rule Book be available in English and Spanish or presented verbally in those instances where the inmate speaks a foreign language.
- Office of Victim Services – does not exclude anyone from their program because of language barriers. Criminal Fact Sheets and Prison Rape Elimination Act documents are pending printing in languages other than English.
- Volunteer Services – Several forms are available in other languages than English. Additionally, many volunteers are bilingual.


Internal Management Procedure Title: Limited English Proficient (LEP) Language Assistance: Office of Community Programs and Outreach Services	Effective Date February 1, 2013	Internal Management Procedure # PCS.001.LEP.01 Page 5 of 5
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V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use of Language Line	

VI. Applicable Forms

Form Number	Form Title	Effective/Revision Date

	Office of Drug Programs Level III Internal Management Procedures	Internal Management Procedure PCS.004.LEP.01
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Internal Management Procedure Title: <p style="text-align: center;">Limited English Proficient (LEP) Language Assistance: Office of Drug Programs</p>		
Effective Date: February 1, 2013	Revised:	Authority : PCS.004.000, SUP.004.001
Promulgating Office: Office of Drug Programs Division of Programs and Community Services		Professional Association Standard cited:
Applicability: This policy statement applies to all organizational units of the New Jersey Department of Corrections.		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.		
Supersedes: N/A		
Review Schedule: This document is scheduled for annual review on or about January 31, 2014.		

This document was reviewed and approved by: <p style="text-align: center;">Herbert Kaldany, Director, Office of Drug Programs on April 4, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">James Barry, Asst. Commissioner, Div. of Community Programs on April 2, 2013.</p> <p>Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.</p>

I. PURPOSE

To establish and maintain a policy that provides guidelines for providing assistance for limited English proficient (LEP) inmates within the NJDOC, as well as for those LEP individuals who may otherwise encounter individuals at NJDOC correctional facilities, programs and activities.

II. DEFINITIONS

The following words and terms, when used in this procedure, shall have the following meanings, unless the context clearly indicates otherwise:

Addiction Severity Index (ASI) means a clinical screening and assessment instrument used to identify and evaluate substance use disorders.

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Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

Engaging the Family in the Recovery Process – An Innovative Approach to the Max-out Offender means an initiative funded under the US Department of Health and Human Services’ Healthy Marriage/Responsible Fatherhood grant program to recruit the committed partner and family in aid of addiction recovery and relapse prevention for those offenders completing their sentence under NJDOC jurisdiction.

ESL (English as a Second Language) this course prepares students whose native language is not English to function in a predominately English-speaking country.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

Living In Balance (LIB) means an evidence based substance abuse education curriculum offered to offenders with substance abuse issues who are not eligible for therapeutic community placement.

Mutual Agreement Program (MAP) means the cooperative agreement among the NJDOC and the New Jersey Department of Human Services, Division of Addiction Services, in reference to state-licensed, residential, community-based substance use disorder programs throughout New Jersey for community based treatment of inmates under the jurisdiction of the NJDOC.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Office of Drug Programs means the office within the New Jersey Department of Corrections, Division of Programs and Community Services, responsible for addressing the substance use disorders of the inmate population. The Office of Drug Programs is responsible for the proper

Internal Management Procedure Title: Limited English Proficient (LEP) Language Assistance: Office of Drug Programs	Effective Date February 1, 2013	Internal Management Procedure # PCS.004.LEP.01 Page 3 of 6
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identification of inmate treatment needs, treatment dosages and referral to appropriate treatment programs. The Office of Drug Programs oversees monitors, develops, and implements research-based substance use disorder programming and other related ancillary program initiatives designed to prevent the occurrence of relapse.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Participant means an inmate or resident who has met the eligibility requirements for substance use disorder treatment and has been referred to such a program.

Responsible Parenting Program means a program that was developed collaboratively with the Department of Human Services to provide for greater family reunification through parenting skills and improved child support compliance for those inmates under the jurisdiction of the NJDOC who have outstanding child support obligations.

Substance Use Disorder means a maladaptive pattern of substance use leading to clinically significant impairment or distress that includes substance abuse and substance dependency as indicated by results of a clinical screening and assessment instrument.

Therapeutic Community (TC) means a self-contained treatment unit within a correctional facility. The TC approach uses a community model that is created within the housing unit of the TC as the primary method for creating social and psychological change in inmates with moderate to extreme substance use disorders.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

Treatment, when used in this policy, means therapeutic intervention for inmates with moderate to extreme substance use disorders.

Treatment Provider means the organization contracted with the NJDOC either directly or via agreement to provide the treatment services.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and

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quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Office of Drug Program staff shall also ensure the following procedures are followed:

A. Addiction Assessments

The office shall attempt to include bilingual staff among the addiction evaluation staff as is currently the case. Non-English speaking offenders are to be referred to his/her assessment list.

Otherwise, the addiction screeners who interview inmates at intake to assess addiction severity attempt to communicate with non-English speaking offenders, but if it is clear that there is a barrier to understanding the interview content, the inmate's addiction determination is referred to the classification file review conducted by this office.

B. Therapeutic Community

The contract for substance use disorder treatment services under the Therapeutic Community modality shall include the following language assistance services:

Bilingual Personnel

The contractor shall employ a sufficient number of personnel who are bilingual in English and Spanish to meet the needs of the increasing Hispanic component of the State participant population. The contractor shall provide at least one (1) bilingual Therapeutic Community counseling staff member at each institutional location. The contractor shall work in coordination with the State Contract Manager in monitoring this minimum, should this demographic population shift significantly. The contractor shall document any changes to the minimum number of bilingual staff. When other non-English languages are encountered, TC

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staff shall seek assistance from correctional facility staff to obtain competent bilingual staff, contracted interpreters or the Language Line telephone interpreter services.

In addition, to address language barriers of Spanish speaking participants and participants with other language barriers, the 'Big Brother/Little Brother' pairings of participating offenders is made based on language issues. Program elders also assist in translation where needed.

C. Mutual Agreement Program (MAP)

The MAP program has a specific licensed residential program where non-English speaking Hispanic inmates are sent when additional substance abuse treatment is indicated (CURA).

D. Living In Balance

The Living in Balance (LIB) Program has a bilingual social worker on staff specifically to conduct the LIB Program for groups of non-English speaking Hispanic inmates when needed.

E. Engaging the Family in the Recovery Process

The Engaging the Family Program is a federally-funded pilot project where the specified and approved target population was not differentiated based on language. System-wide adoption of the program, should it occur at the conclusion of the federal-funding will develop and include a LEP strategy.

F. Responsible Parenting Program (RPP)

Although a federally-funded pilot, the RPP includes bilingual staff to interpret and offer program assistance for LEP inmates. Otherwise, if staff encounters a non-English speaking inmate they would seek assistance from another institutional staff member.

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V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
PCS.004.000	Office of Drug Programs MGO	
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use of Language Line	

VI. Applicable Forms

Form Number	Form Title	Effective/Revision Date

	Office Education Services Level I Internal Management Procedures	Internal Management Procedure # SUP.003.LEP.01
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Internal Management Procedure Title: <p style="text-align: center;">ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS</p>		
Effective Date: February 1, 2013	Revised:	Authority: NJDOC PS SUP.003.000 SUP.004.001
Promulgating Office: Office of Educational Services Division of Operations		Professional Association Standard cited: Federal Executive Order 13166, 2000 Title VI Civil Rights Act of 1964, 42 USC § 2000d et seq. NJAC 6:A:15 NJSA 18A
Applicability: All NJDOC Education Department staff, Classification Department staff, inmates interested in participating in Educational Programs, who also have been identified as Limited English proficiency (LEP).		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing, within two weeks of receipt of this document, Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.		
Supersedes: N/A		
Review Schedule: This document is scheduled for annual review on or about January 31, 2014.		

<p>This document was reviewed and approved by:</p> <p style="text-align: center;">Jecrois Jean-Baptiste, Director, Office of Educational Services on April 8, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">James Barry, Asst. Comm., Division of Programs and Community Services on April 8, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">Mark Farsi, Deputy Commissioner on April 11, 2013.</p> <p>Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.</p>
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I. PURPOSE

The purpose of this Level I IMP is to establish and maintain guidelines for the inmate population to access educational and vocational programs as deemed appropriate by the established referral and classification process.

Internal Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date February 1, 2013	Internal Management Procedure #SUP.003.LEP.01
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II. DEFINITIONS

The following terms, when used in this procedure, shall have the following meanings, unless the context clearly indicates otherwise:

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

ESL (English as a Second Language) this course prepares students whose native language is not English to function in a predominately English-speaking country.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates,

Internal Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date February 1, 2013	Internal Management Procedure #SUP.003.LEP.01
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detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

Each department head has a pass code to the Language Line for short term crisis intervention for LEP inmates. In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Educational staff shall also ensure the following procedures are followed:

A. IDENTIFICATION OF ELIGIBLE LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

1. Facility Education Department will verify the primary language of each LEP student at the time of enrollment.
2. Facility Education Department will maintain a reporting database indicating all students identified whose primary language is other than English.
3. Facility Education Department will employ an approved screening process to determine which students, of those whose primary language is other than English, must be tested to determine English language proficiency.

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B. EDUCATION OF ELIGIBLE LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

1. Once identified, the LEP inmate student will be enrolled in the appropriate program to assist with English language proficiency. A variety of instructional assisted materials will be used; i.e. selected software etc.
2. Facility Education Department will provide age-appropriate bilingual/ESL educational programming as determined by the inmates' demonstrated educational needs.
3. Facility Education Department will document and report LEP student progress while enrolled in ESL programming.

V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use of Language Line	January 15, 2013
PCS.000.000	Division of Programs and Community Services: Vision, Mission, Goals, Objectives and Organizational Structure	February 1, 2008
SUP.003.000	Office of Educational Services: Mission, Goals and Objectives	June 25, 2007

VI. Applicable Forms

Form Title	Form Number	Effective/Revision Date

	Office of Transitional Services Level I Internal Management Procedure	Internal Management Procedure PCS.008.LEP.01
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Internal Management Procedure Title: <p style="text-align: center;">SOCIAL SERVICE ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATES</p>		
Effective Date: February 1, 2013	Revised:	Authority : SUP.004.001
Promulgating Office: Office of Transitional Services Division of Programs and Community Services		Professional Association Standard cited: N/A
Applicability: This Internal Management Procedure applies to all organizational units within The New Jersey Department of Corrections.		
Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.		
Supersedes N/A		
Review Schedule: This document is scheduled for annual review on or about January 31, 2014.		

<p>This document was reviewed and approved by:</p> <p style="text-align: center;">Darcella Sessomes, Dir., Office of Transitional Services on January 28, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">James Barry, Asst. Commissioner, Div. of Programs and Comm. Svcs on January 28, 2013</p> <p style="text-align: center;">and</p> <p style="text-align: center;">Mark Farsi, Deputy Commissioner on January 31, 2013.</p> <p>Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.</p>
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I. PURPOSE

The purpose of this Level I IMP is to establish and maintain guidelines for all NJDOC Social Services Departments who provide case management services to inmates who are limited English proficient.

II. DEFINITIONS

Internal Management Procedure Title: SOCIAL SERVICE ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATES	Effective Date February 1, 2013	Internal Management Procedure # PCS.008.LEP.01 Page 2 of 6
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The following terms, when used in this procedure, shall have the following meanings unless the context clearly indicates otherwise:

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

ESL (English as a Second Language) this course prepares students whose native language is not English to function in a predominately English- speaking country.

ITAG means the Department of Corrections' computerized database used to track an inmate's incarceration from inception to conclusion. ITAG contains an inmate's sentencing information, alerts and chronological history.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections or NJDOC means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Office of Transitional Services (OTS) means the office within the Department of Corrections, Division of Programs and Community Services responsible for overseeing inmate transitional/reentry services and the delivery of social work programs and services.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

Internal Management Procedure Title: SOCIAL SERVICE ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATES	Effective Date February 1, 2013	Internal Management Procedure # PCS.008.LEP.01 Page 3 of 6
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III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

In addition to the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Office of Transitional Services staff shall also ensure the following procedures are followed

A. Case Management Services [Social Work Non Critical Incident]

If an inmate is identified as an LEP inmate, the following will take place:

1. If Spanish is the LEP inmate's primary language:
 - a. A Civil Service Certified Bilingual staff of the social services department, Spanish-speaking social services employee will provide interpretation services during the case management session.

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- b. In the event that a Civil Service Certified Bilingual staff, Spanish-speaking social services employee is not available, the Language Line will be utilized to provide the interpretative services.
2. If the LEP inmate's primary language is other than English or Spanish:
 - a. All efforts will be made to locate a same-language speaking staff member to provide interpreter services.
 - b. Should a same language speaking staff member not be available, the Language Line will be utilized to provide the interpretative services and/or an outside agency will be contacted to provide the interpretation services.

B. Case Management Services [Social Work Critical Incident]

If an inmate is identified as an LEP inmate, the following will take place:

1. If Spanish is the LEP inmate's first language:
 - a. A Civil Service Certified Bilingual staff of the social services department, Spanish-speaking social services employee will provide interpretation services during the case management session.
 - b. In the event that a Civil Service Certified Bilingual staff, Spanish-speaking social services employee is not available, the Administrator will assign a bilingual NJDOC employee assessed to be competent to serve as an interpreter.
2. If the LEP inmate's first language is other than English or Spanish:
 - a. All efforts will be made to locate a competent same-language speaking staff member to provide interpretation services during the critical incident. In the event a NJDOC employee is located, the Administrator will assign the employee to provide interpretation services.
 - b. Should a competent same-language speaking staff member not be available, Language Line will be utilized and/or an outside agency will be contacted to provide the necessary interpreter services.

C. Social Rehabilitative Groups

1. Social Services make every reasonable effort to allow for psycho-educational group sessions to be held in the non-English language of an LEP inmate.
2. Although the social services department often have one Civil Service Certified Bilingual staff on site, to assist with LEP inmates they may not be available for psycho-educational group sessions. If during the psycho-educational group session, staff encounters a LEP

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inmate and no other interpreter service is available, staff can request assistance from another inmate within the group who speaks the same non-English language for the LEP inmate. The use of other inmates will only occur in emergency situations and will not be used as a routine practice.

D. Documentation and Record Keeping of LEP Services Provided

1. Facility Social Services staff will review all face sheets for inmates identified by Classification staff as LEP, indicating all inmates whose primary language is other than English and the language spoken by the LEP inmate.
2. Facility Social Services staff will document in the case note section of ITAG, case type "DPLAN", any LEP services in which the social services department provided to inmates, through the use of the Language Line or interpreters for social services matters.

V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	<i>Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line</i>	January 15, 2013

Internal Management Procedure Title: SOCIAL SERVICE ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATES	Effective Date February 1, 2013	Internal Management Procedure # PCS.008.LEP.01 Page 6 of 6
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VI. Applicable Forms

Form Number	Form Title	Effective/Revision Date

	<p style="text-align: center;">Health Services Unit Level I Internal Management Procedures</p>	<p style="text-align: center;">Internal Management Procedure MED.IMA.001</p>
		<p style="text-align: center;">Page 1 of 7</p>

<p>Internal Management Procedure Title:</p> <p style="text-align: center;">Health Appraisals at Reception</p>		
<p>Effective Date: June 1, 2005</p>	<p>Revised: January 15, 2013</p>	<p>Authority: NJ DOC PS MED.001.008</p>
<p>Promulgating Office: Health Services Unit</p> <p style="text-align: center;">Authentication Statement</p>		<p>Professional Association Standard cited: ACA 4-4362, 4-4363, 4-4365, NCCHC P-E-04, P-E-02</p>
<p>Applicability: This Internal Management Procedure applies to all Medical Unit Staff of all DOC Institutions.</p>		
<p>Supersedes: N/A</p>		
<p>Review Schedule: This document is scheduled for annual review on or about August 2013.</p>		

I. PURPOSE

To establish procedures that ensure the health status of each inmate has been comprehensively appraised within 72 hours of reception into the prison system.

II. DEFINITIONS

The following words and terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise:

Intake Screening on Reception (N.J.A.C. 10A:16-2.11) refers to a (1) medical history, (2) physical examination, (3) pregnancy test (females), (4) notation of any disabilities that might qualify under the *Americans with Disabilities Act*, and (5) other laboratory studies deemed necessary by the NJDOC Director of Medical Services. Steps (1) – (5) are completed on all new admissions within 24 hours.

Comprehensive Health Appraisal means the initial, complete medical history and physical examination done by a Nurse Practitioner/Physician/Physician Assistant

Internal Management Procedure Title: Health Appraisals at Reception	Effective Date June 1, 2005 Revised January 15, 2013	Level 1 Internal Management Procedure MED.IMA.001 Page 2 of 7
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(NP/MD/DO/PAC) and review and signing of the results of all x-rays, lab tests and any other diagnostic test ordered with documentation of same in the Electronic Medical Record. This occurs within 72 hours of admission.

Language Line means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

III POLICY

The New Jersey Department of Corrections mandates that a comprehensive health appraisal of each new admission inmate, including medical history and physical examination, is to be completed within seventy-two (72) hours after admission to a reception facility. The health history and vital signs are taken by qualified and trained healthcare staff members and the physical examinations are performed by a New Jersey licensed Nurse Practitioner, Physician Assistant, or Physician. If there is documented evidence of a comprehensive health appraisal in the New Jersey DOC System within the previous ninety (90) days, (such as parole violators), the Nurse Practitioner/Physician Assistant/Physician will determine the need for or extent of a new health appraisal.

Intra-system transfers will have the appropriate EMR form completed at the sending facility before departure. Nursing staff at the receiving facility will complete and document a chart review to include a detailed review of the transfer summary with particular emphasis upon medication continuity, attention to pending appointments, and identification of ongoing mental health needs. In no case will this occur more than 12 hours from arrival.

Health appraisals will be completed at the receiving facility if an inmate is transferred from the reception center prior to the completion of the health appraisal. The health appraisal includes:

- A. Review or completion of the History and Screening Encounter information on the electronic medical record,
- B. Collection of additional data to complete the medical, dental, mental health and immunization histories,

Internal Management Procedure Title: Health Appraisals at Reception	Effective Date June 1, 2005 Revised January 15, 2013	Level 1 Internal Management Procedure MED.IMA.001 Page 3 of 7
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- C. Blood-borne pathogens risk assessment,
- D. Routine screening for tuberculosis, HIV, breast carcinoma (females), cervical cancer and pregnancy,
- E. Recording of height, weight, pulse, blood pressure and temperature,
- F. Physical examination, including review of mental status,
- G. Observation of inmate's teeth and gums to identify any gross abnormalities requiring immediate referral to the dentist,
- H. Pap smears and pelvic exams for female inmates,
- I. Other tests and examinations as medically indicated,
- J. Inmate instruction in oral hygiene,
- K. Review of the results of the medical examination, tests, and identification of problems by a physician within 72 hours of admission,
- L. Dissemination of all HIV test results to inmates (positive or negative) and other test results as medically or professionally appropriate.
- M. Initiation of therapy and immunizations when appropriate,
- N. Development and implementation of a treatment plan to include diet, housing disposition, job assignment and program participation,
- O. Documentation of any disabilities that may qualify under the *Americans with Disabilities Act* and thus require special accommodations,
- P. Assignment to Chronic Care Clinic, if appropriate,
- Q. The use of alcohol and/or drugs, including types of substances used, mode of use, amounts used, frequency of use, and date or time of last use,
- R. Whether the inmate is taking medication for an alcohol or drug abuse problem.
- S. When indicated, additional investigation will be carried out regarding:

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1. Whether the inmate is taking medication for a psychiatric disorder and if so, what drugs, and for what disorder.
2. Current or past illness and health problems related to substance abuse such as hepatitis, seizures, traumatic injuries, infections, or liver diseases.

IV PROCEDURES

The initial step to any medical screening/appraisal must be to determine if the inmate is proficient in English and, if not, the primary language of the inmate. Should any inmate not be proficient in English, or if they have been previously identified as an "LEP inmate," bilingual medical staff shall be contacted or arrangements shall be made to access the Language Line for assistance.

Staff are to follow the procedures indicated in NJDOC Policy SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*. At no time, except in emergency situations, shall non-medical DOC staff or other inmates be utilized to interpret or translate any medical information to an LEP inmate patient.

A. INTAKE SCREENING:

1. At any reception unit (new admission) immediately upon receipt of an inmate, a health care staff member will perform a brief medical screening to ensure timely continuity of care. This screening will be composed of a review of all available medical records and a brief interview of the inmate to ensure attention to:
 - a. Any obvious acute or contagious conditions requiring care.
 - b. Any medications that must be provided or continued.
 - c. Mental Health Screening to include:
 - Past psychiatric hospitalizations (when and where)
 - Suicide intent and/or suicide attempt history
 - Intent to hurt self or others

The Intake Screening Encounter on the electronic medical record will be completed in accordance with the current Electronic Medical Record Workflow.

2. Inmates will be scheduled for an admission physical and complete history within 24 hours of arrival at the reception center. The physical examination will include but not be limited to the following:
 - a. Review of the Intake Screening and history in the electronic medical record.

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- b. Review of all available Medical/Dental Records.
 - c. A complete history, including blood borne pathogens risk assessment and physical examination with all findings recorded.
 - d. The Physical Assessment in the electronic medical record will be completed by a New Jersey licensed Physician Assistant, Physician, or NP. The Dental Screening will be completed and documented in the Electronic Medical Record.
 - e. Vision and hearing screening.
 - f. Screening for any disability that might be qualifying under *Americans with Disabilities Act* and any required accommodations,
 - g. Chest X-ray where clinically indicated.
 - h. Mantoux/PPD skin test for tuberculosis in accordance with the Department of Corrections Policy 14.01 Title: Tuberculosis Control Program for Inmates.
 - i. Specific examination for ectoparasites (scabies and lice)
 - j. The ordering of laboratory tests deemed medically appropriate, to include the following screening tests at a minimum:
 - For female inmates, a cervical Papanicolaou Smear, pregnancy test and screening mammography at age 50 and above,
 - An HIV test with opt-out option,
 - Mantoux test for MTB
3. HIV testing will be completed at intake for both male and female inmates. This will be done in accordance with CDC guidelines published September, 2006 (Morbidity and Mortality Weekly Report. Recommendations and Reports September 22, 2006 / Vol. 55 / No. RR-14). As part of that protocol:
1. Phlebotomists shall notify inmates that they are receiving an HIV test.
 2. Any inmate may refuse HIV testing without explanation.
 3. There is no required pre-test or post-test counseling.
 4. There will be no separate signed consent required for HIV testing.
 5. HIV test refusals will be documented.
 6. HIV testing does not have to be repeated if there is documented proof of a prior positive HIV test.
 7. All prior HIV negative tests will be repeated at *intake*.

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Medical/Dental Records from prior incarcerations will be requested.

4. If a Medical/Dental Record is not located, a new medical reference file will be generated. The inmate will have a comprehensive appraisal completed and documented in the electronic medical record.
5. The Physician/NP/PA-C, if indicated, will order additional testing. Treatments will be initiated as ordered by the Physician, PA-C or NP.
6. Referrals to dental and mental health will be initiated, based on the findings during the intake process.

B. COMPREHENSIVE HEALTH APPRAISAL:

1. At any reception unit, a Comprehensive Health Appraisal will be complete within 72 hours of admission of an inmate. The inmate's Comprehensive Health Appraisal will include:
 - a. The Initial History and Physical Examination, with all available laboratory test results. The physician or NP must have recorded any diagnosis, and orders for medication, treatment, specialty referrals, etc.
 - b. The Initial Dental Screening - including panoramic x-ray.
 - c. The Initial Mental Health Screening.
2. Based upon this Comprehensive Health Appraisal:
 - a. Orders must be written for any necessary medication or treatment.
 - b. Communication to the appropriate Institutional Authority/designee on any recommendations regarding housing, disabilities etc. Each facility must have written procedures regarding communication to the Security Staff of any restrictions for housing and job assignments.

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V. CROSS REFERENCE DOCUMENTS AND DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
MED.001.008	Inmate Medical Appraisals	May 15, 2005
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use of Language Line	January 15, 2013

VI APPLICABLE FORMS

Form Number	Form Title	Effective/Revision Date