

 <p>Massachusetts Department of Correction POLICY</p>	Effective Date 1/22/2025	Responsible Division Deputy Commissioner, Clinical Services & Reentry
	Annual Review Date 1/22/2025	
Policy Name 103 DOC 488 INTERPRETER SERVICES	M.G.L. Reference: M.G.L. c.124 sec. 1 (q)	
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Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Incarcerated Individuals/Civil Commitments
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department's Central policy file Each Institution's policy file
<p>PURPOSE: To establish Department of Correction (Department) policy regarding access to and use of Interpreter Services.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Clinical Services & Reentry Director, Policy Development & Compliance Unit Superintendents</p> <p>CANCELLATION: 103 DOC 488 cancels all previous Department and Institution policy statements, bulletins, directives, orders, notices, rules and regulations regarding interpreter services which are not consistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 488 is for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>		

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488.01

DEFINITIONS

Bilingual: The ability to speak two languages fluently and to communicate directly and accurately in both English and another language.

Direct Communication: Monolingual communication in a language other than English between a qualified bilingual Department employee or other bilingual person and an LEP individual (e.g. Spanish to Spanish).

Interpretation: The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.

Limited English Proficient (LEP): An individual who does not speak English as their primary language and has a limited ability to read, write, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding.) however, be LEP for other purposes (e.g., reading or writing).

Primary Language: The language that the incarcerated individual, civil commitment, or detainee self-reports at the time of intake as that which they are most effectively able to communicate.

Regularly Encountered Language: Any language spoken by at least 5% of the incarcerated individual and/or civil commitment population of the institution.

Secondary Language: Language(s) that the incarcerated individual, civil commitment, or detainee self-reports an ability to communicate in.

Translation: The replacement of written text from one (1) language into an equivalent written text in another language. Translation also requires special knowledge or skills.

Vital Document: Paper or electronic written material that contains information that is necessary for an individual to understand how to obtain any aid, benefit, service and/or training (e.g. consent forms, complaint forms, notices of rights, orientation handbooks).

488.02

DEPARTMENT LAP COORDINATOR AND INSTITUTION LEP MONITORS

- A. The Commissioner of Correction shall designate an individual as the Department’s LAP Coordinator. The Department’s LAP Coordinator shall:

1. Identify language service needs and strategies for responding to those needs;
 2. Identify, and secure when practicable, needed resources (in-house, new hires, contract, resource sharing with other agencies, volunteers, or other) to provide oral and written language services;
 3. Identify and propose directives to the Commissioner to implement the plan;
 4. Identify criteria for designation of languages for initial round of translation, based on demographic data and usage projections;
 5. Create systems to distribute translated documents, post electronically, and maintaining an available supply of copies.
- B. Each Superintendent in consultation with the Department's LAP Coordinator shall designate an institutional employee as the Institution's LEP Monitor. The Institution LEP Monitor shall:
1. In consultation with the Department's LAP Coordinator, identify needs and strategies for meeting those needs so that staff shall have access to appropriate language services in their interactions with incarcerated individual and civil commitments;
 2. Monitor the institution's compliance with the LEP policy and plan;
 3. Train institution staff on the LEP policy and plan or any LEP directives;
 4. Establish and maintain the institution's language assistance resource lists as follows:
 - a. **Staff:** Shift/Days Off, Language(s), Speak/Read/Write and Fluency of Each (Fluent, Good, Fair);
 - b. **Incarcerated Individual and Civil Commitments:** Name, Commitment Number, Language(s), Housing Unit.
 5. Maintain data on selected interactions with LEP persons and provide reports to management and the Department's LAP Coordinator, as appropriate.

488.03

INSTITUTION PROCEDURES FOR TELEPHONIC INTERPRETER SERVICE ACCESS AND USE

Each Superintendent/designee shall ensure that if an incarcerated individual or civil commitment needs an interpreter:

- A. Telephonic interpreter services may be used to translate for individuals in the following areas: Internal Perimeter Security (IPS), Department investigations or questioning, Booking and Admissions, Health Services Unit (HSU), Classification Boards, Grievances, and Disciplinary Hearings. If an individual requests an interpreter, or correctional and/or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. This policy does not prevent IPS or Department investigators from utilizing bilingual staff to interview incarcerated individuals and civil commitments if the situation does not lend itself to the use of the telephonic interpreter service during an investigation.
- B. Incarcerated individuals and civil commitments shall not be used as interpreters for other incarcerated individuals and civil commitments in any of the areas listed in 488.03 (A) above.
- C. The Commissioner's letters (Attachments #1 and #2) shall be posted in the following areas: All housing units, IPS (investigation interview areas), grievance areas, booking and admission, classification and disciplinary board rooms, HSU waiting areas, and other areas where medical services are provided. Attachments #1 and #2 shall be permanently affixed to the wall; and where possible, affixed behind Plexiglas.
- D. The telephonic interpreter service information shall be provided during the standard introduction at classification boards, disciplinary hearings, grievance process, and the booking and admissions process. The telephonic interpreter service information shall be included in all institution incarcerated individual and civil commitment orientation manuals.
- E. IPS, Booking and Admissions, HSU, classification boards, grievance process, and disciplinary hearings shall have a telephone available with speakerphone capability.
- F. The telephonic interpreter service shall be available for use by the Department and Institution Grievance Coordinators when conducting interviews.
- G. Each institution shall offer the service to non-English speaking visitors as well as individuals that call the institution by telephone seeking information.

488.04

STAFF TRAINING

Each Superintendent/designee shall ensure that staff assigned to the areas listed in paragraph 488.03 are trained how to access the telephonic interpreter service and document when the service is utilized on IMS when working with non-English-speaking incarcerated individuals and civil commitments.

INCARCERATED INDIVIDUAL AND CIVIL COMMITMENT REQUEST FOR TELEPHONIC INTERPRETER - GUIDELINES FOR STAFF

The following guidelines are the preferred method for an incarcerated individual and civil commitment to request telephonic interpreter services. However, an incarcerated individual's or civil commitment's failure to adhere to these guidelines shall not be reason to deny the use of the telephonic interpreter service.

Classification Boards: The incarcerated individual or civil commitment shall request (in English or their Primary Language) for the use of the telephonic interpreter services to their Correctional Program Officer prior to the classification board.

Disciplinary Hearings: The incarcerated individual or civil commitment shall request (in English or their Primary Language) for the use of the telephonic interpreter services to the institution's disciplinary office. It shall be the incarcerated individual's or civil commitment's responsibility to request such assistance within a reasonable time prior to the scheduled hearing.

HSU, IPS, and Booking and Admissions: A request for telephonic interpreter services in these areas can be oral and directed to the appropriate person.

DOCUMENTING USE OF TELEPHONIC INTERPRETER SERVICE

Each Superintendent or their designee shall ensure that Correctional or medical staff who use the telephonic interpreter service document each use in the following manner:

Booking and Admissions: Note the use of the service in the Inmate Management System (IMS) Booking/Intake "comments section" of the Inmate Data screen.

Classification Boards: Note the use of the service in the "board rationale" field on the board recommendation tab of the Classification Recommendation/Results screen (IMS).

Disciplinary Hearings: Note the use of the service in the "Assistance Requested" field and also note the use in the box titled "Interpretive Services" on the Disciplinary Hearing screen. If "yes", please enter a reason under the drop-down box which gives the following options as a reason; "illiterate, non-English speaking, complex issues, or criteria not met".

Incarcerated Individual and Civil Commitment Grievances: Note the use of the service in the Investigative Comments screen (IMS).

Medical Staff: Note the use of the service in the progress notes by the health care provider who saw the incarcerated individual or civil commitment.

IPS: Note the use of the service in an appropriate investigative memorandum.

488.07 **DISSEMINATION OF INFORMATION**

Each institution shall develop procedures to ensure that whenever information is disseminated to the incarcerated individual and civil commitment population via any medium that it also provides the information in the same or similar medium in languages that are regularly encountered (see definition section 103 DOC 488.01 of this policy).

488.08 **COMPLAINTS**

Complaints alleging violations of 103 DOC 488 shall be grieved via 103 CMR 491, *Inmate Grievances*. Whenever an institution's Grievance Officer receives a grievance regarding an allegation of a violation of 103 DOC 488, they shall notify the Department's LAP Coordinator of the grievance and may consult with them in determining the grievance's resolution.

488.09 **MONITORING**

Each Superintendent shall ensure compliance with this policy at their institution.

488.10 **EMERGENCIES**

Whenever, in the opinion of the Commissioner or designee, or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of this policy, the Commissioner or designee or the Superintendent may authorize such suspension, provided that any suspension lasting more than forty-eight (48) hours must be approved by the Commissioner.

TO: All Incarcerated Individual and Civil Commitments

FROM: Commissioner

DATE:

RE: Telephonic Interpreter Service for Non-English Speaking Inmates

The Department of Correction has contracted a service provider to provide over-the-phone interpretation, twenty-four (24) hours a day, seven (7) days a week. This service can provide translation of 250 different languages to any non-English speaking incarcerated individual and civil commitment.

This service shall only be used by use of speaker telephones in the following areas whenever an incarcerated individual and civil commitment claims that they do not speak and/or understand English:

- IPS and Departmental Investigations
- Booking and Admissions
- HSU
- Classification Boards
- Disciplinary Hearings
- Grievance Interviews

A claim that you do not speak and/or understand English can be made as follows:

Classification Boards: Submit a written request (in English or your primary language) for Telephonic Interpreter Service to your unit manager or correctional program officer prior to the classification board.

Disciplinary Hearings: Submit a written request (in English or your primary language) for Telephonic Interpreter Service to the institution's disciplinary office or your Correctional Program Officer within a reasonable time prior to the date scheduled for the hearing.

HSU, IPS, Departmental Investigators, Grievance Investigators, and Booking and Admissions: Request for Telephonic Interpreter Service in these areas can be oral and directed to the appropriate person in these areas.

PARA: Todos los Confinados/Presos

DE: Comisionado

FECHA:

RE: Servicio de Intérpretes Telefónico para confinados o presos que no hablan inglés

El Departamento de Corrección a contratado un servicio telefónico, para proveer a través del teléfono servicios de interpretación ofrecido veinticuatro (24) horas al día los siete (7) días de la semana. Este servicio provee traducciones en 250 lenguajes diferentes para cualquier preso que no hable inglés.

Este servicio será usado solamente a través de teléfonos equipados con sistema de parlante/altavoz en los siguientes lugares cuando un preso declara que ellos no habla y/o no comprende inglés.

- Oficina de la Seguridad Interna Del Perímetro (IPS)
- Procesamiento de Entrada (Booking and Admissions)
- Departamento de Servicios de Salud (HSU)
- Paneles de Clasificación (Classification Boards)
- Audiencias Disciplinarias (Disciplinary Hearings)
- Entrevista de Querellas (sobre quejas) (Grievance Interviews)

Para declarar que usted no habla y/o no entiende suficiente inglés y requiere un intérprete necesita hacer lo siguiente:

Paneles de Clasificación: Debe presentar una petición escrita solicitando un intérprete al director de su unidad o al Oficial de Programa Correccional , antes de su entrevista con el Panel de Clasificación (en inglés o en español).

Audiencias disciplinarias: envíe una solicitud por escrito (en inglés o español) para el servicio telefónico de intérprete al Oficial Disciplinario de la institución o al Oficial del Programa Correccional dentro de un tiempo razonable a la fecha programada para la audiencia.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions: Pueden ser orales y dirigidas a la persona apropiada en estas areas.

Peticiones para un intérprete durante visitas a HSU, IPS, o Booking and Admissions (Entradas): Pueden ser verbalmente y dirigidas a la persona apropiada en estas áreas.