POLICY

REVIEW/REVISION HISTORY:

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Revised: 1/14/13

SUMMARY OF REVISION/REVIEW:

II.B.8. - Adjusted language for clarification
Removed attachment and added as form

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

12/24/12
Date signed
POLICY

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; WAC 137-28; WAC 137-32; ACA 4-4288; ACA 4-4344; DOC 450.100 Mail for Offenders; DOC 500.000 Education and Vocational Programs for Offenders; DOC 820.450 Dual Language Staffing, Certification, and Compensation; Statewide Offender Orientation Handbook

POLICY:

I. The Department will provide interpretation (i.e., oral) and translation (i.e., written) services through Department and/or contract services at all Department facilities and Field Offices. The Department will also provide guidelines for interpretation and translation services for Limited English Proficiency (LEP) offenders under Department jurisdiction.

DIRECTIVE:

I. Access to Language Services for Offenders

A. All offenders are informed about how to access services, including Health Services and the grievance system. This information is communicated orally and in the Statewide Offender Orientation Handbook, and is conveyed in a language that is clearly understood by offenders.

B. Offenders may request Department/contract language services via:
   1. Verbal communication with a Department employee, and/or
   2. Written communication to a Department employee using DOC 21-473 Offender’s Kite or,
   3. DOC 05-818 Interpreter Request/Refusal for disciplinary or Indeterminate Sentence Review Board (ISRB) hearings.

C. Employees will review the Personal Characteristics - Languages section in the offender’s electronic file to determine if the offender requires interpreter services. Employees may request interpretation/translation services when they become aware that a language barrier exists.
   1. Because an offender’s English proficiency may vary with the situation, employees are encouraged to use DOC 05-824 Questions to Determine English Proficiency when there is doubt about the offender’s ability to understand, speak, or read English. After assessing the offender’s proficiency, employees will update the Personal Characteristics - Languages section in the offender’s electronic file.
2. Services will only be provided through Department certified interpreters/ translators and/or available state contracted vendors listed under Translation/Interpretation on InsideDOC. LEP Coordinators will document all services on DOC 16-340 Limited English Proficiency (LEP) Coordinator Monthly Report. [4-4288] [4-4344]

   a. Employees will not use Internet and/or machine translations (e.g., Babelfish, Google Translate).

D. Assistance for writing an appeal to the Superintendent/Community Corrections Supervisor (CCS) will be provided to illiterate non-English speaking offenders to the extent it is provided to English speaking offenders.

E. Within available resources, Prisons will provide the opportunity for non-English speaking offenders to attend English as a Second Language (ESL) courses per DOC 500.000 Education and Vocational Programs for Offenders.

F. Offender orientation in Prisons and Work Releases will be provided to non-English speaking offenders by Department certified employees or through a Headquarters approved orientation video. [4-4288] [4-4344]

G. In Prisons, Department certified employees may interpret for general infraction hearings. Only contract interpreters will interpret for serious infraction hearings.

   1. Department certified employees providing interpretation services for general infraction hearings will sign DOC 17-086 Department Interpreter Authorization for General Infraction Hearings.

H. Indeterminate Sentence Review Board (ISRB) Hearings

   1. The Counselor will notify the ISRB using DOC 05-818 Interpreter Request/Refusal when an interpreter is needed for an upcoming, in-person ISRB hearing.

   2. The ISRB will:

      a. Submit the official request for a court certified interpreter,

      b. Notify the applicable LEP Coordinator of the request, and

      c. Notify applicable Records contacts with interpreter information required for clearance purposes.

II. Interpretation/Translation

   A. In Prisons, offenders may request interpretation/translation services from other offenders for unit concerns and other general purposes. The offender requesting
services must complete DOC 05-666 Offender to Offender Interpretation/Translation Request to confirm that s/he understands and agrees that the Department is not responsible for the content and not liable for any error.

B. Offenders may request an interpreter for oral communications or a translator for written communications, as appropriate, for the following. Offenders are not authorized to use interpretation/translation services from other offenders, family members, or friends for these purposes:

1. Disciplinary/violation hearings
   a. Infraction reports.
      1) Offenders will be provided with an oral interpretation of the charges no less than 24 hours in advance of the disciplinary hearing.
   b. Hearing Officer’s decision.
   c. Notice of appeal rights and the decision regarding the appeal.

2. Classification review or intake process
   a. Notice of classification review.
   b. Reports of classification decisions.
   c. Notice of appeal rights, the appeal by the offender, and the decision regarding the appeal.

3. Administrative Segregation
   a. Written notice of the reason for the offender’s initial placement in segregation.
   b. Hearing Officer’s written recommendations regarding the offender’s continued placement in or release from Administrative Segregation and the Superintendent’s written decision.
   c. Written notice of all classification meetings for an offender in segregation.
   d. Notice of appeal rights, the appeal by the offender, and the decision regarding the appeal.

4. Assessment interviews, and any interview in which the offender’s crime of conviction might be discussed
5. Facility orientations

6. Grievances
   a. Grievances translated into English for Department review.
   b. Department responses translated into the offender's language.
   c. Notice of appeal rights, the appeal by the offender, and the decision regarding the appeal.

7. Polygraph tests, using available contracted interpreters only

8. Understanding Department policies related to the Prison Rape Elimination Act (PREA) and reporting and/or participating in the investigation of incidents of sexual misconduct.

9. Medical, using certified medical interpreters/translators when available
   a. Medical will use a certified contracted medical interpreter. If one is unavailable, or in a medical emergency, a Department interpreter may be used.
   b. Department certified interpreters/translators may translate medical kites.

10. Other formal hearings/meetings conducted by the facility

   C. Each facility/office will schedule interpreters from the approved vendor list posted on InsideDOC.

   D. DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver will be used to document translation requests and services for disciplinary, classification, and Administrative Segregation formal hearings/reviews and reports.

   E. In Prisons, offender mail that is not in English will be handled per DOC 450.100 Mail for Offenders.

   F. In Work Releases, offender mail that is not in English will be translated by an employee or contract staff or sent for translation per the available contract at the discretion of the CCS.

III. Translation of Legal Documents

   A. In Prisons, if a non-English speaking offender requests translation of legal documents, employees will identify only the title or nature of the notice by completing DOC 09-065 Notice of Significant Legal Document.
B. Employees must not translate the content of any legal documents.

IV. Denial of Interpretation/Translation Services

A. The Superintendent/Work Release Program Administrator/Field Administrator can deny interpretation/translation services to offenders who demonstrate a pattern of abuse of the materials, services, and/or programs. Before an offender can be refused access to interpretation/translation services, the following conditions must be met:

1. An employee must document the abuse and submit it to the Superintendent/Work Release Program Administrator/Field Administrator.

2. The Superintendent/Work Release Program Administrator/Field Administrator must authorize, in writing, denial of interpretation/translation services. The denial must include parameters and specifications (e.g., timeframe, content, source) to ensure the abuse issue is addressed, but adequate legal access is maintained. A copy of the denial will be scanned into the offender’s electronic imaging file.

3. The Superintendent/Work Release Program Administrator/Field Administrator will notify the appropriate LEP Coordinator.

4. The offender will be notified, in writing, that his/her access to translation services has been denied.

5. In the event the offender is transferred to another facility, the receiving Superintendent will review the denial from the previous facility and continue, modify, or discontinue the restriction.

V. List of Documents Translated into Spanish

A. The Department will make certain documents, policies, forms, and handouts available in Spanish as outlined in Attachment 1.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Documents Available in Spanish (Attachment 1)
DOC FORMS:

DOC 05-093 Disciplinary Hearing Notice/Appearance Waiver
DOC 05-666 Offender to Offender Interpretation/Translation Request
DOC 05-818 Interpreter Request/Refusal
DOC 05-824 Questions to Determine English Proficiency
DOC 09-065 Notice of Significant Legal Document
DOC 17-086 Department Interpreter Authorization for General Infraction Hearings
DOC 21-473 Offender’s Kite