

	Disciplinary Hearing Unit Level I Internal Management Procedures	Internal Management Procedure # ADM.008.LEP.01
		Page 1 of 4

Internal Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmates		
Effective Date: January 14, 2013	Revised: October 22, 2018	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 October 31, 2019.		

This document was reviewed and approved by: <p style="text-align: center;"> John Falvey, Legal Specialist, Disciplinary Hearing Unit on October 24, 2018 and Melinda Haley, Special Legal Advisor, Office of Commissioner on October 25, 2018. </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 Revised: October 22, 2018	Internal Management Procedure #ADM.008.LEP.01 Page 2 of 4
--	--	--

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 Services 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 Revised: October 22, 2018	Internal Management Procedure #ADM.008.LEP.01 Page 3 of 4
--	--	--

medical, and quasi-legal proceedings. These sources, include, but are not limited to, the language line services 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:

Internal Management Procedure Title: Disciplinary Hearing Unit: Hearings Held on Limited English Proficiency (LEP) Inmate	Effective Date January 14, 2013 Revised: October 22, 2018	Internal Management Procedure #ADM.008.LEP.01 Page 4 of 4
--	--	--

- 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 services 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	September 10, 2018
ADM.008.000	Inmate Disciplinary Hearing Program: Mission, Goals and Objectives	October 31, 2003

VI. Applicable Forms

Form Title	Form Number	Effective/Revision Date