

	<b>Office of Drug Programs</b> <b>Level III</b> <b>Internal Management Procedures</b>	<b>Internal Management Procedure</b> <b>PCS.004.LEP.01</b>
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<b>Internal Management Procedure Title:</b> Limited English Proficient (LEP) Language Assistance: Office of Drug Programs		
<b>Effective Date:</b> February 1, 2013	<b>Revised:</b>	<b>Authority :</b> PCS.004.000, SUP.004.001
<b>Promulgating Office:</b> Office of Drug Programs Division of Programs and Community Services		<b>Professional Association Standard cited:</b>
<b>Applicability:</b> This policy statement applies to all organizational units of the New Jersey Department of Corrections.		
<b>Instructions:</b> 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.		
<b>Supersedes:</b> N/A		
<b>Review Schedule:</b> This document is scheduled for annual review on or about January 31, 2014.		

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

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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**

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

**VI. Applicable Forms**

<b>Form Number</b>	<b>Form Title</b>	<b>Effective/Revision Date</b>