

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Limited English Proficiency (LEP)

Policy Number: 103.67

Effective Date: 12/03/2020

Page Number: 1 of 5

Authority:
Commissioner

Originating Division:
Executive Division
(Office of Professional
Standards - Compliance)

Access Listing:
Level I: All Access

I. Introduction and Summary:

The Department of Corrections shall prohibit discrimination based on an individual's Limited English Proficiency. To ensure effective communication with all contractors, employees, and offenders at all points of contact and Meaningful Access to all programs and services, language assistance services shall be provided to those individuals with Limited English Proficiency.

II. Authority:

A. E.O. 13166 of Aug 11, 2000 (65 FR 50121).

III. Definitions:

A. **Bilingual** - A person competent in two languages in equal aptitude in either oral or written form is considered bilingual.

B. **Interpretation** - The act of listening to a communication in one language and orally converting that language into another language, while retaining the same meaning.

C. **Limited English Proficiency** - A limited English proficient (LEP) person is one whose Primary Language is not English, and/or who has limited ability to read, write, speak, or understand English. A LEP person may have sufficient proficiency to function in one context, but insufficient proficiency for other contexts.

D. **Meaningful Access** - Providing or arranging for language assistance services, including oral Interpretation and written Translation, where necessary.

E. **Primary Language** - Is an individual's native tongue or the language in which an individual most effectively communicates. The Georgia Department of Corrections staff should not make assumptions about a person's Primary

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Language and should ask a person seeking services or information the language in which they prefer to communicate.

F. **Translation** - The replacement of written text from one language into an equivalent written text in other language.

IV. Statement of Policy and Applicable Procedures:

A. Language assistance services will be available at no cost to individuals with Limited English Proficiency (LEP).

1. Documents intended for the Department of Corrections (e.g. handbooks, help request forms, grievance forms, etc.) will have a Spanish language Translation. Other Translations may be developed as needed.
2. Oral communication with LEP individuals will be provided by Bilingual staff or through an interpreter. Interpreter services may be provided by staff or through community interpreter services.
3. Interpretation services may be provided:
 - a. In person;
 - b. Over the telephone;
 - c. Through video conferencing;
 - d. Through social media such as email or text messaging using only Department of Corrections approved electronic communications devices;
or
 - e. Other appropriate technology.

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4. Family members, children, friends, and untrained volunteers will not be used as interpreters, unless specifically requested by the Interpreter Designation Form or approved by legal representation.
5. Facility/Program/Leadership will ensure that all staff are trained on how to access language assistance services.
6. Each secure facility will provide employees with LEP a listing of designated interpreters for their identified language (Attachment 1) to identify language needs.
7. The employee's identified Primary Language will be documented and retained in the individual's local personnel file.
8. For any and all languages for which employees or volunteers of the Department of Corrections are unavailable to provide Interpretation or services, the agency will contact a Certified Court Interpreter listed on the Georgia Commission on Interpreters' website.
9. Additionally, for in person customers, the Department of Corrections will post language identification cards so that persons with Limited English Proficiency can identify their language to ensure the proper interpreter is requested.
10. Interpreting and other accommodations for deaf or hearing-impaired offenders will be provided through the Facility ADA Coordinator.
11. Additionally, the Department of Corrections will have staff available and trained to respond to the TTY telephone equipment for incoming calls.
12. The Department of Corrections will publicize on its website and in all written materials that the agency does not discriminate based on Limited English

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Proficiency and that services are available regardless of language comprehension or ability.

B. Reporting Process:

1. If you believe that you or an individual that you or your organization represents has been discriminated against because of your race, color, or national origin, including Limited English Proficiency (LEP), by programs or activities receiving federal financial assistance, you may contact the Federal Coordination and Compliance Section.
2. If you believe that you or an individual that you or your organization represents has been excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of your sex by any education program or activity receiving federal financial assistance, you may contact the Federal Coordination and Compliance Section with the information provided below:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice Programs
U.S. Department of Justice
810 7th Street, NE
Washington, D.C. 20530
(202) 307-2222

3. Additional information can also be obtained from the Criminal Justice Coordinating Council (CJCC) regarding Limited English Proficiency and

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Federal Grant Programs specific to the Georgia Department of Corrections using the information provided below:

Criminal Justice Coordinating Council
104 Marietta Street, Suite 440
Atlanta, GA 30303
(404) 657-1956
(404) 657-1957 (Fax)

V. Attachments:

Attachment 1: Interpreter Designation Form

Attachment 2: Department of Justice Complaint and Consent Form

Attachment 3: Department of Justice Complainant Consent/Release Form

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachments 1, 2, and 3 will be retained permanently in the employee's official and local personnel files.