

Policy Memorandum¹

This Policy Memorandum Issuance # 19-01-001

Effective Date: Upon Issuance Expiration Date Upon Reissuance of IMPP² (required)

_____ Addresses subject matter for which an IMPP will be forthcoming and assigned to Chapter(s) _____ of the IMPP manual.

X Amends or modifies existing IMPP(s) #**10-138D PROGRAMS AND SERVICES: Assistance for Offenders and/or Victims with Limited English Proficiency**

_____ Elaborates on the contents of IMPP(s) # _____

_____ Is for Staff Only X Is for Both Staff and Offenders

This policy memorandum is being issued to revise Section IV. by adding a new Section B. as follows:

IV. Translator and Interpreter Services

A. KDOC staff may utilize one (1) of the following options for oral interpretation:

1. KDOC bilingual employee.
2. Outside interpreter service.
 - a. The department has established access codes and interpretations services with Big Word. The access codes and instructions for Big Word are located on the Facility Management page of the KDOC intranet.

B. The agency shall not rely on offender interpreters, offender readers, or other types of offender assistants during investigation of sexual violence, staff sexual misconduct, or sexual harassment, except in limited or exigent circumstances, where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties, or the investigation of the allegation(s).



Secretary of Corrections

Date: 01/04/19

¹ Note: To keep your IMPP Manual current, please place this Policy Memorandum in your manual at the appropriate location. If the memorandum addresses subject matter for which an IMPP will be forthcoming, place this issuance before the first IMPP in the Chapter indicated. If the memorandum addresses an existing IMPP, the issuance should be placed in front of the existing policy. If this memorandum is for both staff and offenders, it shall be immediately posted.

² Unless another Policy Memorandum or IMPP on this subject is issued, the requirements contained herein have no force and effect after the indicated expiration date.

KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 10-138D	PAGE NUMBER 1 of 3
		SUBJECT: PROGRAMS AND SERVICES: Assistance for Offenders and/or Victims with Limited English Proficiency	
Approved By:  Secretary of Corrections		Original Date Issued: 02-01-16	
		Replaces Version Issued: N/A	
		CURRENT VERSION EFFECTIVE: 02-01-16	

APPLICABILITY:	<input type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

Staff within the Kansas Department of Corrections shall take all reasonable steps to provide Limited English Proficient individuals with meaningful access to Departmental facilities, programs, activities, and information. KDOC staff shall ensure that language or other communication barriers do not prevent staff from communicating effectively with LEP offenders, detainees, and others to ensure safe and orderly operations. Limited English proficiency will not prevent offenders, detainees, victims, or parolees from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or classifications.

DEFINITIONS

Individual With Limited English Proficiency (IWLEP): Someone who, while in the process of learning English, may have difficulty in reading, speaking, and/or understanding certain basic elements of the English language. An individual's limited English proficiency may be context specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

Bilingual Staff: Individuals who are proficient in English and another language and who communicate directly with an IWLEP in their common language. This term is intended to be read broadly to include individuals who are proficient in multiple languages.

Interpretation: The unrehearsed transmitting of a spoken or signed message from one language to another.

Interpreter Services: The services provided by professional, competent interpreters.

Translation: Converting written text from one language into written text in another language. The source of the text being converted is always a written language.

Translator Services: The services provided by professional, competent translators.

Frequently Encountered Language: A language other than English that is the primary language of five percent (5%) or more of the designated target populations accessing any KDOC service.

PROCEDURES

I. Determination of Population to be Served

- A. Staff of each KDOC facility and each parole field office shall, to the extent possible, attempt to determine the identity of any offender held within the facility or served by the parole field office who may be included within the definition of IWLEPs as set forth within this policy.
 - 1. Procedures shall be put in place within each facility and parole field office to identify new arrivals and/or additions to caseloads that may fit the definition of IWLEPs set out above.
 - 2. Procedures shall be put in place to identify related non-offender individuals, such as offender family members, and/or visitors, etc., who may require the provision of linguistic services.
- B. Staff throughout the KDOC shall, to the extent possible, attempt to determine the identity of any victim, community member or other individual seeking services from the agency who may be included within the definition of IWLEP as set out above.

II. Identification of Critical Areas of Interaction with IWLEPs

- A. Staff shall endeavor to determine the frequency of contact that the different aspects of the agency's programs and activities have with IWLEPs, or would have if IWLEPs were afforded access to those programs, services, and/or activities.
 - 1. The nature and importance of the various aspects of the agency's programs and activities should be determined with a focus on prioritizing assistance to IWLEPs in achieving access to those services deemed most important for their identified needs.

III. Identification of Resources

- A. Based upon their identification of the client base to be served, and the programs and activities to be given priority for access, staff shall determine the most cost-effective means of providing necessary linguistic services to affected IWLEPs.
 - 1. Such linguistic services shall be given priority in terms of placement within agency budgets, and shall be operated continuously throughout the budgetary cycle.

IV. Translator and Interpreter Services

- A. KDOC staff may utilize one (1) of the following options for oral interpretation:
 - 1. KDOC bilingual employee.
 - 2. Outside interpreter service.
 - a. The department has established access codes and interpretations services with Big Word. The access codes and instructions for Big Word are located on the Facility Management page of the KDOC intranet.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal

Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

None.

ATTACHMENTS

None.