

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject LIMITED ENGLISH PROFICIENCY (LEP) INMATES	Policy Number DI-6
		Effective Date 02-06-24
Related Information DK-4, <i>Inmate Computerized Device</i> (Tablets) GD-18, <i>Commitment to the Americans with Disabilities Act</i> GI-5, <i>Voiance Language Services</i> GJ-28, <i>Prison Rape Elimination Act</i> (PREA) Maricopa County Policy HR2470 Title VI of the Civil Rights Act of 1964		Supersedes DI-6 (11-02-21)

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for detention personnel to identify and assist inmates and members of the public, who may have a limited ability to read, write, speak, or understand the English language, to ensure effective communication with detention personnel and access to Office programs and services.

POLICY

It is the policy of the Office to ensure inmates and members of the public with Limited English Proficiency (LEP), receive quality and timely language assistance services when needed.

DEFINITIONS

Detention Language Roster: A database listing the bilingual or multilingual language capabilities of detention personnel.

Exigent Circumstances: The sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

Field Training Officer (FTO): A detention officer who has received specialized training, has demonstrated a professional demeanor, is able to communicate effectively, has good organizational skills, is self-motivated and decisive, has an above average knowledge of Office policy, and who has been delegated the responsibility of guiding a detention officer-in-training through the Field Training Program. This individual has successfully passed the rigors of a Professional Standards Bureau (PSB) disciplinary review.

Inmate: An individual who has been accepted for confinement into an Office jail facility.

Inmate Tablet: A handheld computerized electronic device used by inmates to stream music, movies, games, submit inmate forms electronically, and communicate with members of the public and legal representatives. The inmate tablet is provided and maintained by a contracted vendor. Inmate tablets are battery operated and must be returned to the charging station on a regular basis in order to be charged.

Limited English Proficiency (LEP): Refers to a person who does not speak English as their primary language and has a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (such as speaking or understanding) but considered LEP for other purposes (such as

reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but their skills may be insufficient in other situations.

Primary Language: The language in which the individual most effectively communicates.

Sheriff's Inmate Electronic Data (SHIELD): An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes but is not limited to: inmate charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day-to-day operations of jail facility housing unit shift logs.

PROCEDURES

1. **Inmate Access to Programs:** Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the grounds of race, color, or national origin. National origin discrimination includes, among other things, failing to provide meaningful access to programs and activities normally provided in English to individuals with Limited English Proficiency (LEP), including individuals who are deaf or hard of hearing. Inmates shall not be denied access to any programs or services based solely on their limited ability to speak, read, write, or understand the English language.
2. **Rights and Protections:** LEP inmates shall be afforded the same rights and protections mandated by the Prison Rape Elimination Act (PREA) as specified in Office Policy GJ-28, *Prison Rape Elimination Act* (PREA) and any other applicable federal, state, local laws, and ordinances for in custody inmates.
3. **Identification and Records:** LEP inmates are identified and documented during the booking and classification process. Once identified as an LEP inmate, a comment shall be recorded in the Sheriff's Inmate Electronic Data (SHIELD) and printed on the housing unit rosters.
 - A. Detention personnel shall notify a supervisor when they discover an inmate has not been properly identified as an LEP inmate at any time during their incarceration.
 1. If detention personnel are unable to identify the inmate's primary language, they should utilize the language identification signs to assist personnel in identifying the inmate's primary language; or
 2. Detention personnel may utilize the Voiance Language Service line, as specified in this Office Policy and Office Policy GI-5, Voiance Language Services.
 - B. Detention personnel shall document the notification made to their supervisor in SHIELD. The entry shall include the inmate's name, primary language, who was notified, and the time and date of the notification.
 - C. Detention personnel or the detention supervisor who identify the LEP inmate shall ensure SHIELD is updated upon discovery, to reflect the LEP status of the inmate.
4. **Language Identification Signs:** Language identification signs shall be posted in all booking and inmate classification areas, all inmate housing units, inmate tablets, and medical clinics to assist personnel in identifying the inmate's primary language.

5. **Inmate Informational Postings:** All inmate informational postings shall be posted in all booking and inmate classification areas, all inmate housing units, inmate tablets, and medical clinics and shall be in English and Spanish, at a minimum.
6. **Inmate Tablet Content, Booklets, and Forms:** Booklets and forms issued by the Maricopa County Sheriff's Office (MCSO) for inmate use, whether electronically through an inmate tablet or in paper format, including, but not limited to, the *Rules and Regulations for Inmates* booklet, the *Inmate Request* form, the *Inmate Grievance* form, including all levels of appeals, the *Inmate Legal Services Request* (ILS) form, and *Non-Emergency Health Needs Request* (HNR) form shall be available in English and Spanish. Additional forms shall be made available, as needed.
 - A. LEP inmates shall be permitted to complete and submit all inmate forms in their primary language. Detention personnel shall accept these forms and forward them to the appropriate areas for processing.
 - B. HNR forms shall only be accepted by appropriate Correctional Health Services (CHS) personnel.
 - C. Inmate tablets may be used to electronically submit *Inmate Request* forms, *Inmate Grievances*, all available forms and other communication to Office and CHS personnel. Inmate tablets also include additional applications for connecting a user to a sign language interpreter. Additional information regarding inmate tablets is specified in Office Policy DK-4, *Inmate Computerized Device* (Tablets).
7. **Limited English Proficiency Training:** The Training Division shall provide a LEP training course during the Detention Recruit Basic Academy and training updates as needed once out of the academy. This course during the basic academy shall include information regarding available resources to assist employees in communicating with LEP inmates.
8. **Detention Language Roster:** The Training Division shall maintain a Detention Language Roster. The Detention Language Roster shall contain the names and current assignments of all bilingual and multilingual detention personnel, including the languages they can speak, read, write, or understand.
9. **Detention Language Skills:** If funding is available, detention personnel may be compensated for their language proficiency skills, as specified in Maricopa County Policy HR2470. The Office shall announce testing opportunities and requirements through a Maricopa County Sheriff's Office Administrative Broadcast.
10. **Limited English Proficiency Manager:** The Limited English Proficiency Compliance Unit (LEPCU), of the Institutional Services Division, shall designate an LEP Manager to each Office jail facility. The LEP Manager shall be an active Field Training Officer (FTO).
 - A. The LEP Manager for a specialty unit, such as the Special Response Team (SRT), or a division which provides detention-related services, shall be assigned at the discretion of the appropriate commander or supervisor, and shall not be required to be an active detention FTO.
 - B. The duties of the LEP Manager include, but are not limited to:
 1. Assisting with maintaining and updating all LEP or inmate informational postings in all booking and inmate classification areas, all inmate housing units, inmate tablets, intake areas, medical clinics, and public areas of Office jail facilities;

2. Ensuring the Office jail facility's Text Telephone (TTY) portable units are in working order and detention personnel are aware of how to properly operate the devices;
 3. Ensuring all detention personnel are updated on all LEP-related information;
 4. Compiling weekly statistics regarding the number of LEP inmates housed at an Office jail facility and the languages they speak. The weekly statistics information shall be captured from the SHIELD report, "Language Code by Facility"; and
 5. Notifying a supervisor and the LEPCU Commander of any alleged issues or deficiencies.
- C. If, due to exigent circumstances, the assigned LEP Manager is unable to complete these duties each month, the duties may be delegated to other personnel by a member of the affected division's command personnel, or the command personnel of the LEPCU.
11. **Voiance Language Services:** Voiance Language Services provides the Office with 24-hour, seven days a week, Over-the-Phone Interpretation (OPI) in over 200 languages. Procedures for telephonic language interpreting services are as specified in Office Policy GI-5, *Voiance Language Services*. Detention personnel, and those employees associated with detention related functions in assignments with regular inmate contact, shall carry a "wallet card" listing the contact information for Voiance Language Services.
12. **Accommodations:** Accommodations, as specified in Office Policy GD-18, *Commitment to the Americans with Disabilities Act* shall be considered if an LEP inmate requires special accommodations.
13. **Assisting Limited English Proficiency Individuals:** Bilingual and multilingual Office personnel, or Voiance Language Services, shall be requested as necessary when assisting LEP individuals while conducting Office related business. This includes, but is not limited to, the following:
 - A. Making every reasonable effort to ensure LEP inmates have access to information, programs, and services;
 - B. Providing non-confidential information to members of the public through the Office jail facility public information telephone line, the Intake, Transfer and Release (ITR) facility, or in the Bonds and Fines lobby at the Fourth Avenue Jail facility; or
 - C. Providing members of the public with Office jail facility related information during on-site inmate visitation, when requested.
14. **Limited English Proficiency Inmates as Interpreters or Translators:** During an emergency or an exigent circumstance when the security of an Office jail facility or the safety or health of an employee, inmate, or volunteer, may be at risk, detention personnel may request the assistance of another inmate to provide interpretation for an LEP inmate. Detention personnel shall use discretion when considering this option.
 - A. Reliance on inmates to translate or interpret is not generally appropriate and should only be considered when the topic of conversation is not sensitive, confidential, important, or technical in nature.
 - B. Care shall be taken to ensure family, legal guardians, caretakers, inmates, and other informal interpreters are appropriate considering the circumstances and subject matter of communication.

15. **Language Services Fees:** All Office language services, as required or applicable, while conducting Office related business with inmates, their family members, and members of the public shall be provided at no cost.