



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: P
Section: .0400
Title: **Non-English-Speaking
Offender Program**
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POLICY AND PROCEDURE

References 5th Edition Standards for Adult Correctional Institutions

Related ACA Expected Practices 5-ACI-3C-03, 5-ACI-5A-04, 5-ACI-6A-01

.0401 PURPOSE

Prisons recognize the special needs that all non-English-speaking offenders encounter during their period of confinement. It is the purpose of this policy that each offender is given the opportunity to receive services based on these needs and to help offenders understand requirements and expectations while they are in prison.

.0402 POLICY

It is the policy of North Carolina Department of Public Safety (NCDPS), Prisons that non-English speaking offenders receive the same primary services provided all other offenders confined within Prisons, and that each non-English-speaking offender be given similar opportunities in assignments, promotional opportunities, case management/correctional counseling, and other services, whenever possible.

.0403 DEFINITIONS

For the purpose of this policy, the following definitions apply:

- (a) Bi-lingual staff – any employee of the Department of Public Safety who is fluent in English and a second language.
- (b) Non-English-speaking facility – those facilities within Prisons which meet policy standards and have been designated as housing units for the non-English-speaking offender.
- (c) Non-English-speaking offender – any offender who is unable to speak English or who is unable to understand English.
- (d) Primary services – those services that provide for the health and general well-being of the offender.

.0404 NON-ENGLISH-SPEAKING OFFENDER PROGRAM

- (a) The Commissioner of Prisons will designate certain facilities to be housing locations for those offenders unable to speak or understand English. All non-English-speaking offenders are assigned to these facilities unless the designated facilities cannot satisfy the security, treatment, or other needs of the non-English-speaking offender. Classification action will document the reasons for the assignment to an alternate facility if the non-English-speaking offender is transferred from the designated facility.
- (b) Prison facilities that are designated for housing non-English-speaking offenders will provide special services to meet the needs of this population. Special services for non-English-speaking offenders include the following minimum services.
 - (1) Facility signs that provide information and directions to the offender population will be posted in English and Spanish. .
 - (2) The case manager of a non-English-speaking offender will take the action necessary to help the offender understand the information being communicated in official memoranda that are posted on offender bulletin boards.
 - (3) English As A Second Language (ESL) courses will be provided at the designated facilities on a full-time or part-time basis. These courses can be provided through the North Carolina Community College System or through contractual services with an individual instructor.
 - (4) Case management services for non-English-speaking offenders should include assignment to a case manager who has the ability to communicate in other languages or who has access to staff or translation services which will enable effective communications. Case management services for non-English-speaking offenders will have the goal of bridging any language barrier to facilitate a clear understanding by the offender of all requirements and awareness by staff of the needs of the offender.
 - (5) Programs and services comparable to services provided to English speaking offenders should be provided to non-English-speaking offenders. At a minimum, all non-English-speaking offenders will receive primary services.

.0405 PROCEDURES

- (a) Offenders who are observed to have difficulty understanding or speaking English will be screened by use of a Prisons approved screening instrument. For new admissions, the screening will occur in the diagnostic center. For offenders who have completed diagnostic processing, the screening will be conducted at the facility by program or educational staff.

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- (b) Offenders who are determined by the screening instrument to be unable to speak or understand English will be identified in the OPUS record as non-English-speaking. Data will be entered on OPUS as follows: OR51_1_offender#_0018_Date. The appropriate fields are completed. If the offender receives a passing score on the screening instrument, **pass** is entered in the OPUS field and the offender is assigned to any facility appropriate to the offender's custody and assignment needs. If the offender makes a failing score on the screening instrument, **fail** is entered in the OPUS field and the offender is assigned to a facility designated to house non-English-speaking offenders. The IM11 screen (Offender Transfer) will not authorize any other routine assignment. Assistance from Prisons staff can be sought if medical, mental health or other needs supersede housing at a facility designated to house non-English-speaking offenders.
 - (c) When identified as non-English-speaking, actions are to be taken to transfer the offender to a facility designated to house non-English-speaking offenders. Following transfer to the designated non-English-speaking housing facility, the non-English-speaking offender will be assigned to special case management services for non-English-speaking offenders and will be placed in the English As A Second Language (ESL) course as a primary assignment.
 - (d) Non-English-speaking offenders are to be assigned, whenever possible, to available jobs, programs and services that satisfy the requirements of the facility and the essential needs of the offender.
 - (e) Non-English-speaking offenders will remain in ESL courses and at the designated facility until a screening determines the offender has a basic ability to understand and communicate in English.
 - (f) When offenders have gained the ability to understand and communicate in English an entry will be documented in the OPUS record and the designation as non-English-speaking will be removed. This entry will be made on the OR51 screen by changing the **fail** to **pass**. This entry removes the transfer block from the (IM11) Offender Transfer screen. An assignment can then be made to any appropriate facility. Note: efforts are to be made to prevent large numbers of former non-English-speaking offenders from being assigned to the same facility if such assignments would cause problems with security risk groups or for other reasons.

.0406 OTHER PROCEDURES

- (a) Facilities designated as non-English-speaking offender housing locations and other facilities as necessary can employ interpreters to facilitate effective communication with offenders who cannot speak or understand English. The use of volunteers, paid interpreters or associations is permitted.
- (b) All facilities as necessary can access the interpreter services offered through an approved NCDPS interpreter service which shall be maintained by NCDPS through vendor contract. This service provides third party translation over the telephone and can be used by staff who

need to communicate with any non-English-speaking offender.

- (c) Actions will be taken to help non-English-speaking offenders understand classification and disciplinary decisions and to give them the same opportunity for comment and input as are English speaking offenders.
- (d) *Case managers for non-English-speaking offenders should provide to the extent reasonably possible an orientation for non-English-speaking offenders that communicates essential information about security boundaries and issues, daily schedules and access to medical, mental health, crisis intervention and other services (5-ACI-3C-03, 5-ACI-5A-04, 5-ACI-6A-01).*
- (e) The Non-English-Speaking Offender Program will be coordinated at designated facilities by staff designated by the facility Warden and will be managed by Education Services, a section of Rehabilitative Services.



Interim Commissioner of Prisons

08/25/22

Date

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