

**DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONAL SERVICES**

**OFFICE OF EQUAL OPPORTUNITY**

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

**JULY 2014**



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## **PART 1: DPSCS SECRETARY OF PUBLIC SAFETY POLICY STATEMENT**



Gregg L. Hershberger  
Secretary, Department of Public Safety and Correctional Services

It is the policy of the Department of Public Safety and Correctional Services (DPSCS) to ensure non-discrimination in all facets of our public safety programs and services. I am personally committed to uphold the intent and spirit of Title VI of the Civil Rights Act of 1964 and other State and Federal Civil Rights regulations to the fullest extent reasonably possible. This commitment extends to all DPSCS programs and services. It is my vision that there shall not be any discrimination against any person in accordance with Federal and State statutes.

More specifically, the responsibility and desire of this Department is to ensure that no patron be discriminated against, be excluded from participation in, or denied the benefits of, any program or activity supported by DPSCS based on that individual's limited English proficiency (LEP). It is also the responsibility of each and every employee of DPSCS to work cooperatively to achieve these goals and objectives. As an organization, DPSCS will work diligently to see that the vision and intent of the law is carried out in all facets of our operation.

As the Secretary of Public Safety and Correctional Services, I am fully committed to the goal of achieving equal opportunity and non-discrimination for all individuals who use the Department's services. Our goal extends beyond mere compliance; our goal is to ensure that these services are accessible to all Marylanders.

## **PART 2: PREFACE**

The focal point of Civil Rights and applicable nondiscrimination laws aimed at eliminating discrimination by recipients of Federal funds or Federal financial assistance is Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color or national origin. Other related statutes, which prohibit sex, disability and age discrimination in the recipients programs, activities and services also falls within the purview of Title VI of the Civil Rights Act of 1964. The intent of Title VI is to eliminate barriers that prevent under represented groups from receiving access and benefits from the Department's services and programs.

Title VI and its regulations require recipients to take reasonable steps to ensure 'meaningful'

access to DPSCS' programs and activities. The key to providing meaningful access to LEP persons is to ensure that recipients and LEP beneficiaries can communicate and should take reasonable steps to ensure that LEP persons are given adequate information, are able to understand that information, and are able to participate effectively in recipient programs or activities, where appropriate. As the demographics of the United States continue to change and the proportion of LEP communities and populations continue to grow, DPSCS's challenge will be to develop linguistically appropriate and effective methods of communication with LEP persons within the usual, tight resource constraints.

As such, the DPSCS's LEP Plan is founded on the requirements stated under Federal Executive Order 13166, seeking to provide equal access to services regardless of national origin or language barriers to those who do not read, speak, or understand the English language. This LEP plan outlines DPSCS's commitment to providing equal services regardless of language and provides concrete descriptions of actions that will be taken to ensure this commitment is met.

The implementation and achievement of this Plan is the responsibility of all employees and representatives of DPSCS. Those individuals and locations that have direct contact on a day to day basis with LEP persons have first and foremost responsibility for ensuring the implementation of this program and guaranteeing equal access to DPSCS services. Specific responsibilities are outlined throughout the plan.

### **PART 3: PURPOSE**

The purpose of this LEP plan is to sustain the ongoing efforts of the Department and to add new initiatives in order to enhance our commitment to providing equal access to LEP individuals as stated in Title VI of the Civil Rights Act of 1964. It is the goal of DPSCS to identify and eliminate any barriers to access that LEP persons may experience when attempting to participate or benefit from the Department's services. In accordance with this goal, the Department has developed a concrete LEP plan to ensure that all employees perform in a non-discriminatory manner without regard for race, color, religion, sex, sexual orientation, or national origin, as well as in accordance with all LEP directives and initiatives. Relevant regulations include: Title VI of the Civil Rights Act of 1964, Maryland Senate Bill 265, Civil Rights Restoration Act of 1987, Executive Order 13166 (Limited English Proficiency), Maryland Department of Public Safety and Correctional Services LEP Executive Directive, and Maryland Department of Public Safety and Correctional Services LEP Plan.

The "LEP Program Components" section of this plan outlines specific elements of DPSCS's initiative to effectively implement the LEP program. It highlights the exact actions that should be taken by the Department in their specific functions.

This document will be reviewed and updated periodically in response to changes in laws, regulations, and policies. Comments and suggestions on this plan are encouraged and should be sent to the Office of Equal Opportunity.

## **PART 4: DISCLAIMER**

The information presented within this plan is NOT intended to be the exact wording of law or a legally binding contract document. Rather, it serves as an informational guide as well as an implementation tool for the DPSCS to ensure compliance with Federal Executive Order 13166 as well as Title VI of the Civil Rights Act of 1964. This plan is effective as of August, 2014.

## **PART 5: DEFINITIONS**

**Affirmative Action** – a good faith effort to eliminate past and present discrimination in all federal assisted programs and to ensure future non-discriminatory practices.

**Beneficiary** – any person or group of persons (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted programs, i.e., relocates, impacted citizens, communities, etc.

**Citizen Participation** – an open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the government are met through full opportunity to be involved and to express needs and goals.

**Deficiency Status** – the interim period during which the recipient state has been notified of deficiencies, had not voluntarily complied with Title VI.

**Discrimination** – the act or action whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Department of Public Safety and Correctional Services.

**Effective Communication** – effective communication occurs when DPSCS employees have ensured that LEP individuals have been provided with adequate information regarding all services, forms, and programs for which they are eligible. Furthermore, effective communication ensures that the LEP individual is able to adequately communicate his/her needs to the Department.

**Federal Financial Assistance** – Includes but is not limited to grants, loans of Federal funds, grants or donations of Federal property, details of Federal personnel, or any agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

**Interpretation** – the oral or verbal transfer of a message from one language into another language.

**Limited English Proficiency** – A person with limited English proficiency or “LEP” is not able to speak, read, write, or understand the English language well enough to allow him/her to interact effectively.

**Meaningful Access** – the standard of access required of federally funded entities or recipients in order to comply with Title VI of the Civil Rights Act of 1964, program requirements related to

language access. To ensure meaningful access for LEP individuals, service providers or recipients must make available to applicants/recipients free language assistance that results in accurate and effective communication.

**Non-compliance** – a recipient had failed to meet prescribed requirements and had shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

**Persons** – where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic,” “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program** – includes any service, project, activity or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

**Recipient** – any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentally thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient included any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.

**Title VI Program** – the system of requirements developed to implement Title VI of The Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of the other federal related statutes to the extent they prohibit discrimination on the grounds of race, color, national origin, sex, disability, and age in programs receiving federal financial assistance.

**Translation** – the written transfer of a message from one language into another language.

## **PART 6: LEGAL AUTHORITIES**

### **FEDERAL REGULATIONS**

**The Americans with Disabilities Act of 1990** - provides: (1) a clear, national mandate to eliminate discrimination against individuals with disabilities; (2) clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; and (3) ensures that the Federal government plays a key role in enforcing the standards established in this Act.

**The Civil Rights Restoration Act of 1987**, P.L. 100-209 - provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation

Act of 1973. (This act restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not).

**Executive Order 13166** – in accordance with limited English proficiency (LEP), any state agency and their recipients producing public brochures, pamphlets, and other outreach literature, must improve access for persons with LEP to federally conducted and federally assisted programs and activities.

**Rehabilitation Act of 1973** - revised (Public Law 93-122) - established the Rehabilitation Services Administration and authorized programs to promote and expand opportunities for disabled individuals.

**Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790** - provides that: “(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” Section 504 prohibits discrimination based on disability and requires that employers provide reasonable accommodations to disabled employees and applicants.

**Title VI, Civil Rights Act of 1964 (42 U.S.C. 2000d)** - provides in section 601 that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (This act prescribes discrimination in impacts, services, and benefits of, access to, participation in, and treatment under Federal–Aid recipients, sub-recipients, and contractor’s programs or activities).

## STATE OF MARYLAND REGULATIONS

**Maryland Senate Bill 265** - is primarily a state reaffirmation of Executive Order 13166. The law declares the intent of the Maryland General Assembly that State departments, agencies, and programs shall provide equal access to public services for individuals with limited English proficiency; requiring vital documents to be translated into any language spoken by any limited English proficient population that constitutes 3% of the overall population within a specified geographic area.

Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from, or have access to services that are normally provided in English.

## PART 7: ABBREVIATIONS

AAP	Affirmative Action Plan
CFR	Code of Federal Regulations
DOJ	Department of Justice
DPSCS	Department of Public Safety and Correctional Services

E.O.	Executive Order
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EO	Equal Opportunity
GFE	Good Faith Efforts
LEP	Limited English Proficiency
OEO	Office of Equal Opportunity
USC	United States Code
USDOL	United States Department of Labor
USDOT	United States Department of Transportation

## **PART 8: INTRODUCTION**

Pursuant to Title VI of the Civil Rights Act of 1964, on August 11, 2000, Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency,” 65 FR 50121 (August 16, 2000) was issued. Under that order, every Federal agency that provides financial assistance to Federal and non-Federal entities must publish guidance on how its recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding recipients from restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program “or from utilizing criteria or methods of administration, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.” The DPSCS is considered a recipient under DOJ guidance. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from Federally-assisted programs and activities may violate the prohibitions and regulations under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, which prohibit national origin discrimination.

The majority of the population living in the United States reads, writes, speaks, and understands English. Nevertheless, there are many individuals for whom English is not their primary language spoken in the home or community. For instance, based on 2011 United States Census Bureau data regarding individuals older than age 5, over 60 million individuals speak a language other than English at home. In a 2011 U.S. Census Bureau survey, 8.7% of the United States population reported that they speak English less than “very well.” If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient or “LEP”.

The purpose of this policy guidance is to assist the DPSCS in fulfilling its responsibilities to provide meaningful access to LEP persons under the existing law. As such, it is essential that all members of the Department become informed about the diverse communities in which they operate and the clientele impacted and/or served by their programs, activities and services. This ensures equal opportunity and access in a non-discriminatory manner and encourages entities to take into account such diverse characteristics of the LEP community based on linguistic, cultural and social perspectives for improved service delivery.



## **PART 9: DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES' MISSION AND VISION STATEMENT**

### ***Mission Statement***

“The Department of Public Safety and Correctional Services protects the public, its employees, and detainees and offenders under its supervision.”

### ***Vision***

“The Maryland Department of Public Safety and Correctional Services will be nationally recognized as a department that believes its own employees are its greatest strength, and values the development of their talents, skills, and leadership.

We will be known for dealing with tough issues like gang violence, by capitalizing on the strength of interagency collaboration.

We will be nationally known as the department that takes responsibility for the greatest of problems, and moves quickly and quietly to bring about successful change.

The Department of Public Safety and Correctional Services will be known as one of the national leaders in the development and use of technology through system interoperability.

Others will look to this department for its effective leadership and evidence-based practices.

We will be known for our belief in the value of the human being, and the way we protect those individuals, whether they are members of the public, our own employees, those we are obligated to keep safe and in custody, or victims of crime.

The Maryland Department of Public Safety and Correctional Services will be known as an organization that focuses on its mission and takes care of its people.”

## **PART 10: OFFICE OF EQUAL OPPORTUNITY'S PHILOSOPHY**

### ***Mission Statement***

“The Office of Equal Opportunity provides support services and technical assistance by implementing fair and equitable practices, in accordance with Federal and State Laws, Regulations, Policies and Procedures.”

### ***Vision***

“All of the Department of Public Safety and Correctional Services' programs, services, and employment actions will be free from discrimination or unfair practices in accordance with Federal and State Laws with regard to age, ancestry, color, creed, mental or physical disability, genetic information, gender identity or expression, marital status, national origin, political

affiliation, religious affiliation, belief or opinion, race, sex, sexual orientation, except when sex, or age constitutes a bona fide occupations qualification.

There will be zero tolerance for discrimination and any form of prohibited harassment including sexual harassment in all transactions provided by or the responsibility of the Department of Public Safety and Correctional Services.”

### ***LEP Vision***

The LEP Program will be implemented in accordance with all State and Federal requirements in order to present our customers with meaningful access to all DPSCS services. DPSCS will thoroughly ensure that LEP persons have equal opportunity to appropriate Department programs, services, and activities.

DPSCS will assure that each program area that can potentially be impacted by LEP individuals will be carefully monitored. DPSCS will work with the public to ensure the meaningful participation of LEP community to improve access to services for persons with LEP.

### ***LEP Policy Statement***

It is the policy of the OEO to take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals including persons that are incarcerated or detained, or LEP individuals seeking services provided by the Department. Language will not prevent staff from communicating effectively with LEP patrons, inmates, detainees, and others to ensure safe and orderly operations. It is OEO’s goal to guarantee limited English proficiency will not prevent patrons, inmates, detainees, or parolees from accessing important programs and information.

## **PART 11: COMMON PRINCIPLES BEHIND LEP LAWS AND POLICIES**

- To communicate *effectively* with persons with limited English proficiency, to avoid discrimination based on national origin and to ensure their *meaningful access* to services and benefits.
- To ensure information and guides are available to the general public and all substantial LEP populations.
- To ensure that communications allow the LEP person to understand, participate and act appropriately.

## **PART 12: WHO IS A LEP INDIVIDUAL?**

Individuals who do not *speak* English as their primary language and who have a limited ability to *read, write, speak, or understand* English are considered limited English proficient. The effect on the LEP individual is that they can not interact effectively or participate in eligible DPSCS programs, activities, or services and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964.

LEP citizens face various barriers regarding access to programs and services offered within our many institutions and communities. Language barriers, for example, prohibit people who are

defined as LEP from obtaining services and information relating to public safety. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

Examples of populations likely to include LEP persons who are served or encountered by DPSCS is listed below and should be considered when planning language assistance services that include, but are not limited to the following:

- Persons requiring background checks.
- Persons requiring fingerprinting.
- Persons requesting parole hearings.
- Persons in search of victim services.
- Family members of those affected by the Department's services.
- Persons requesting pardons.
- Inmates requiring psychological evaluations
- Inmate pre-sentence hearings.
- Inmate adjustment hearings.

According to 2011 United States census data, 16.7% of Marylanders spoke a language other than English at home. 13.6% of these persons reported speaking English not well, and 3.6% reported that they did not speak English at all.

### **PART 13: APPLICABILITY — WHO MUST COMPLY?**

The Department of Justice (DOJ) regulations state that a recipient is any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentally thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program.

The DOJ regulations further state that sub-recipients are any state agency, public or private agency, contractor, subcontractor, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to who receives Federal funds or Federal financial assistance from a *recipient either directly or through another recipient*, for any program to the sub-recipient. Sub-recipients are also covered when Federal funds are passed from one recipient to a sub-recipient. Failure to provide access constitutes national origin discrimination under Title VI of the Civil Rights Act of 1964.

Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the DOJ's revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies. As a DOJ recipient, all of DPSCS's operations are covered.

## **PART 14: WHO IS RESPONSIBLE FOR IMPLEMENTING THE LEP PLAN?**

The Department's Office of Equal Opportunity (OEO), is the primary office responsible for the execution and monitoring of the LEP program. The Executive Director of OEO has the authority and responsibility to ensure that DPSCS is reaching or exceeding the program goals as stated in Federal and state legislation. It is through the work of a well informed and committed staff that DPSCS will ensure equal access to all services for all persons regardless of language barriers. The responsibilities consist of:

- Creating an effective LEP Executive Directive, plan, and employee training.
- Thoroughly reading over and understanding the LEP policies.
- Informing LEP individuals of the services available to them at no cost to them.
- Providing in house translations where necessary
- Providing telephonic translations where necessary
- Translating all vital documents into appropriate languages
- Assisting and addressing any needs or concerns of an LEP individual
- Monitoring and updating the LEP plan for effectiveness.

Although the OEO is the lead office for program oversight, all DPSCS locations should review their services in order to determine which of them directly impact or are likely to come in contact with LEP individuals. If LEP persons are affected or are eligible to participate in the program, service, or activity and do not have the equal opportunity to do so then the office must create an effective initiative to ensure they are given an opportunity.

## **PART 15: WHAT ARE THE LEP PROGRAM REQUIREMENTS?**

In order to supply meaningful access for LEP persons and guarantee that effectual communication exists between a recipient and the LEP community in which the Department operates, the Federal government, Department of Justice, and other agencies have identified the following minimum *requirements* and *actions* that should be included in a recipients LEP program:

1. Perform a needs assessment (*4 Factor Analysis*)
2. Provide for oral language assistance
3. Notify LEP customers of the availability of language assistance services
4. Translate vital documents in languages other than English
5. Train staff
6. Develop written procedures
7. Complaint Resolution
8. Monitor and evaluate access to language assistance

## **PART 16: WHAT STEPS DOES DPSCS USE TO IMPLEMENT THE LEP PLAN?**

The first step in the Department's LEP Plan must be to assess the language needs of the state as a whole. Federal and state laws affirm that language services must be made available in any language where at 3% of the population in a certain geographical area speaks that language. According to the 2012 American Community Survey, which is developed by the U.S. Census

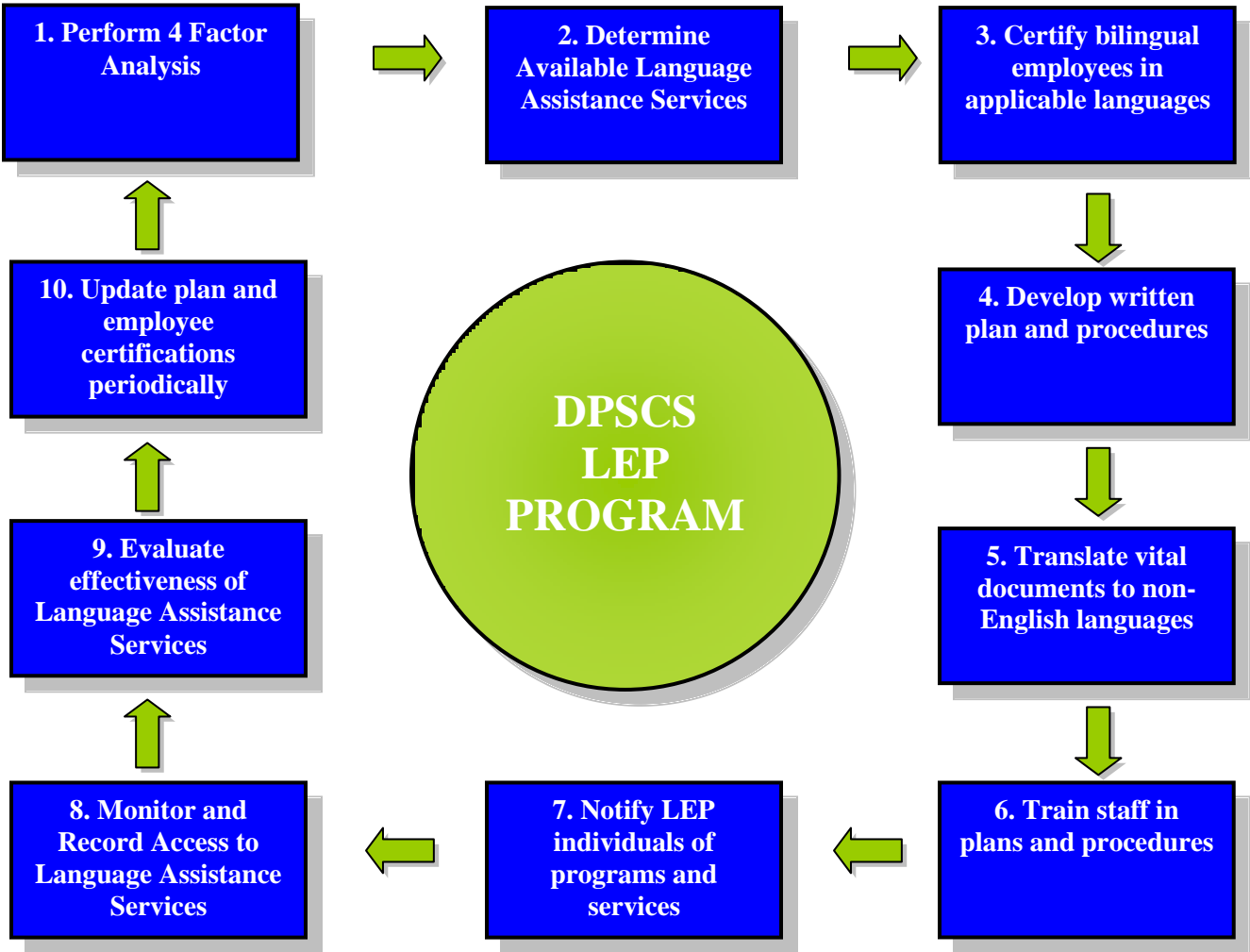
Bureau, Spanish is spoken by 6.7% of Maryland's population, followed by "Other Indo-European" languages being spoken by 4.5% of the population. "Other Indo-European" languages include but are not limited to French, Italian, and German. Individually, none of these three (3) languages meet the threshold of 3% as required by the law. Therefore, DPSCS is not required to provide translation or interpreter services for these languages. However, based on the census data, DPSCS must provide meaningful access to all persons speaking Spanish who wish to use our services, as Spanish meets the 3% or higher qualification.

The Federal government has provided a suggested four (4) factor analysis for determining LEP programs that require language accessibility. That information follows:

1. Determine the *reasonableness of the program* - This includes the number and proportion of people that the Department comes in contact with that speak another language. While the 3% rule is in play, in certain counties or locations, it may be beneficial to provide language services to other prominent languages as well.
2. Consider the *frequency of contact* - This may differ based on location. Locations should monitor and record all interactions with LEP individuals so as to improve these services in the future.
3. Consider the *importance of the program/activity and available resources* - A larger division with extensive resources may be able to take greater steps than a smaller location with limited resources. Consider the various translation options provided by the Department and choose which would work best for each location.
4. Consider the *costs of providing services* - Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

## **PART 17: COMPONENTS OF DPSCS' LEP PROGRAM**

DPSCS and all its facilities are required to provide equal access as defined by Federal and state laws to all persons that enter its doors or need to access services. In order to effectively do this, a clear plan must be established. Often, staff members at facilities are some of the first people an LEP individual will come in contact with. With this in mind, it is necessary for all employees to know correct procedure to properly handle an LEP situation. Each of the components of the LEP plan are listed in the chart below.



**COMPONENT 1: THE FOUR FACTOR ANALYSIS**

**1. Number or Proportion of LEP Individuals** - According to Federal and State legislation, if 3% or more of a State’s population speaks a language other than English, the Department is legally obligated to provide its services in that language. According to the 2012 American Community Survey, a subset of data provided by the US Census, 17.2% of Marylanders speak a language other than English at home. Of this population, 37.4% (or 6.4% of Maryland’s total population) reported that they spoke English less than “very well.” Federal and state regulations define LEP individuals as those who speak English less than “well” or “not at all.” Therefore, a large majority of these Marylanders would be considered LEP. This data identified 7.1% of Maryland’s population speaks Spanish at home. Of this population, 45.6% (or 3.3% of Maryland’s total population) speaks English less than “very well.” Therefore, the Department is legally required to provide services at all locations to Spanish speakers. In looking at specific counties in Maryland, we find varying statistics. For example, the American Community

Survey's 5 Year Estimate from 2007-2011 showed that in Montgomery County, 3.8% of the population reported speaking Chinese at home. Of this population, 1.75% reported speaking English less than "very well." Since in this county, there is a fairly substantial population that speaks Chinese, it may be beneficial to provide services in their native language, though it is not necessary by Federal regulation as less than 3% speaks less than "very well." For this reason, it is necessary to look statewide and locally to determine the number of LEP individuals.

**2. Frequency of Contact with the Program** - Frequency of contact must be assessed in order to effectively serve the LEP community. For example, certain locations may have more frequent contact with LEP individuals. Locations in certain counties where there is a high LEP population, such as in Montgomery County, may find they have more recurrent interactions with LEP individuals. In these cases, it is necessary that the Department fulfill the greater duties that come with daily interaction with LEP persons. The Department should take into account regional conditions when determining frequency of contact with the program and maintain a level of flexibility with time. It is for this reason that any and all interactions with LEP individuals must be documented.

**3. Nature and Importance of the Program** - The importance of the services being provided will help determine what steps should be taken. Each location, and the Department as a whole, should establish which services are most crucial to LEP individuals. For example, one correctional facility may find that it has several Spanish-speaking inmates who need psychiatric evaluations. As these evaluations are crucial for the mental health of the LEP individual, the facility would devote added resources to this area. On the other hand, another facility may have informational brochures that do not directly affect LEP individuals and may thereby choose to refrain from translating these documents and opt instead for a bilingual staff member to provide an overview of the information to an LEP person.

**4. Resources Available** - Finally, the Department and its facilities must consider what resources are available. This involves making practical financial decisions when choosing which translation services to use as well as updating these services periodically. Certified bilingual staff members should be used as a first resource when available as they are cost-effective and well informed about the programs and services offered to LEP individuals. When unavailable, employees must decide which of the remaining translation services offered by the Department would be most effective in a particular circumstance. For example, if an LEP person simply has questions about services provided; a telephonic interpreter may be more practical than a face-to-face interpreter.

## **COMPONENT 2: DETERMINE AVAILABLE LANGUAGE ASSISTANCE SERVICES**

This step involves strategic planning, decision-making, and awareness measures to ensure all employees within the Department are aware of the language assistance services provided and their functions.

**Verbal Translations** - There are three (3) potential methods available for verbal translations currently offered by DPSCS. The following vendors listed have competed and been awarded a Statewide contract to provide these services. Therefore, based on State procurement law, DPSCS is required to utilize these vendors first and foremost. They are as follows:

- **Telephonic Translation Services:** An employee is able to call a hotline number and provide immediate translation to an LEP individual. Our current contract for telephonic translations is with **LanguageLine Solutions**. Before a location is able to access this service, they must create an account on LanguageLine’s website, where they will then be assigned an account number to be entered at the time of each translation request.
- **In Person Translation Services:** An employee may set up a face-to-face interpretation service for an LEP person through **AdAstra Inc**. Requests may be made by phone, fax, email, or online. Each requestor must ensure that they have certain information, such as the name of the LEP individual, their language, and details regarding the appointment itself, before requesting the translation service. A date will then be decided on which works for both the translator as well as the LEP person.
- **Bilingual Employee Verbal Translation:** An employee may request a bilingual staff member to provide face-to-face translation services. The bilingual employee registry holds the names of all those employees who are willing and able to provide interpretive services based on location. Where applicable, this employee should be contacted through the information on the registry and an appointment may be set up, either on that date or a date more convenient for the employee and the LEP person.

**Vital Document Translation** - There are two (2) methods available for vital document translation currently offered by DPSCS. Again, the first vendor listed was awarded a Statewide contract to provide these services. They are as follows:

- **Schreiber Translations Inc:** Schreiber Translations is an outside, contracted company available for document translation. Any and all document requests should first be sent to the Department’s Office of Equal Opportunity for review to ensure vitality. Documents will then be sent to Schreiber and translated into the appropriate languages.
- **Bilingual Employee Document Translation:** Similarly to verbal translation, those employees who are capable of speaking a second language may be contacted for vital document translation. Note that documents must still be approved by the Office of Equal Opportunity before than can be translated by either an employee or an outside source.

### **COMPONENT 3: CERTIFY BILINGUAL EMPLOYEES IN APPLICABLE LANGUAGES**

In an effort to effectively aid LEP individuals while simultaneously monitoring costs, the Department has developed a certification process for employees who speak a second language and are willing and able to translate. Proficiency tests are available in Spanish, French, Chinese, Arabic, and Japanese and their usage will be determined as deemed suitable by the Department. Each region or location must designate a proficiency test coordinator to administer the exams at their site. Any employee desiring to provide translation services may do so upon passing completion of the proficiency test. All employees who have successfully completed these assessments will be added to a bilingual employee registry that will be available at all locations for easy reference (Attachment A).



DPSCS  
LEP Program  
Bilingual Employee Registry

Name	Location	Contact Info	Language	Skills	Certification

Certifying bilingual employees allows for quicker service to LEP individuals provided by translators who are knowledgeable about the services in question.

**COMPONENT 4: DEVELOP WRITTEN PLAN AND PROCEDURES**

An effective LEP initiative requires a detailed and informative plan to be in place before interacting with LEP individuals. Without a clear plan, the Department runs the risk of providing unequal or inadequate services to LEP persons, thereby violating Title VI. Along with the Department-wide LEP plan, certain locations that come in frequent contact with LEP individuals may find it helpful to create a plan or an implementation guide for their specific site. This may include certain persons of reference at the site as well as common languages encountered.

A LEP plan cannot be truly effective without proper review and training. It is thereby necessary that any and all employees who come in contact with LEP individuals read the Department's LEP plan thorough and familiarize themselves with the procedures. To this effect, the Department has created a training lesson plan to be implemented at each location regarding the LEP initiative. LEP training will ensure the information necessary to successfully aid the LEP community is given to all DPSCS employees.

In an effort to provide the most meaningful access possible to the LEP community, the Department should frequently review and update the LEP plan as well as the training module.

**COMPONENT 5: TRANSLATE VITAL DOCUMENTS TO NON-ENGLISH LANGUAGES**

In order to prepare for contact with LEP persons, preliminary measures must be taken. One of these measures involves the assurance that vital documents are translated into any and all languages spoken by 3% or more of Maryland's population. Typically a vital document is one

that contains information necessary to access a service, essential to a person's well-being, or directly affects a person's rights. For DPSCS, examples of documents previously cited as "vital" include an informational brochure outlining Prison Rape Elimination Act (PREA) and a notice to employees their rights in filing complaints of discrimination.

Each location within DPSCS should thoroughly examine and distinguish which of its documents, if any, fall under the category of vital. Documents should then be sent to the Office of Equal Opportunity for review where they will then be sent to a language service provider for translation. Any further questions regarding what classifies as "vital" should be sent to OEO as well.

## **COMPONENT 6: TRAIN STAFF IN PLANS AND PROCEDURES**

As mentioned in Component 4, a successful LEP plan requires the cooperation of all of the Department's employees. It is for this reason that training must be developed and implemented to ensure all employees have ready knowledge of the services the Department provides for LEP persons.

Training will be provided by the Department's Office of Equal Opportunity and distributed to each location. Each site will then determine who is responsible for conducting this training. There is a brief exam upon completion of the lesson that must be successfully completed by all employees. In the event that an employee does not successfully complete the exam, they have two chances to retake. Following these three (3) chances, the employee must retake the course.

In order to ensure maintained knowledge as well as provide updated information regarding LEP initiatives, training must be conducted every three years at each location.

## **COMPONENT 7: NOTIFY LEP INDIVIDUALS OF PROGRAMS AND SERVICES**

This step should only be completed once the preliminary stages of the LEP plan have already gone into effect. It is necessary to ensure employee knowledge and resources are in place before presenting information to LEP persons in order to provide the most meaningful access.

Notifying LEP individuals can be done in a variety of ways. One of the most effective measures is through the use of "I speak" cards. Available at all facilities and locations, "I speak" cards enable an LEP individual to indicate their native language, allowing for the employee to contact the appropriate translation service. This is an easy and cost-effective way to ensure equal access to services. Some locations that experience frequent contact with LEP individuals may find it helpful to translate posters informing those individuals of the services provided for them. This way, an LEP individual knows they are able to access the Department's programs and services before having to interact directly with an employee, which may be intimidating.

Maintaining an up to date website that can be translated from English to a variety of languages will also provide a strong outlet for LEP persons to familiarize themselves with the services offered by the Department.

## COMPONENT 8: MONITOR AND RECORD ACCESS TO LANGUAGE ASSISTANCE SERVICES

In order to ensure the continuation of appropriate and meaningful access is provided to LEP persons, it is necessary that all locations monitor and record the usage of the language assistance services. The Department has created a form to complete after every interaction with an LEP individual (Attachment B).

### DPSCS LEP INITIATIVE

Please thoroughly complete this form after each and every encounter with an LEP individual.

(See written LEP plan for reference on correct procedure and general information regarding the program)

Date \_\_\_\_\_

Agency \_\_\_\_\_

Name of LEP Individual \_\_\_\_\_

Language Spoken \_\_\_\_\_

Method Used  Bilingual Staff  
(Name of Staff Member \_\_\_\_\_)  
Certified?  Y  N

Telephone Translation  
(Language Line)

In-person translation  
(Ad Adstra)

Translation of vital document

Please provide a brief description of the encounter below:

Each employee that interacts with an LEP person and uses a translation service must fill out this form in its entirety. These forms will be used to ensure meaningful access is provided as well as determine which services are most frequently used by LEP individuals in order to make them more accessible in the future.

## COMPONENT 9: EVALUATE EFFECTIVENESS OF LANGUAGE ASSISTANCE SERVICES

After each interaction with an LEP individual, it is imperative that the employee fill out the appropriate forms. The Office of Equal Opportunity will then review these forms and the scenarios in which language assistance services were used. OEO will then assess the necessary measures that should be taken. It is for this reason that it is necessary for every interaction to be documented and a thorough description provided. Be sure to include any needs that were not met by the assistance services or any comments that may be useful to further assist LEP persons in the future. The Office of Equal Opportunity will then determine what steps should be taken to improve access to the Department's services.

## **COMPONENT 10: UPDATE PLAN AND EMPLOYEE CERTIFICATIONS PERIODICALLY**

As previously stated, it is necessary to routinely reevaluate and update the LEP plan and its resources in order to maintain quality access for LEP individuals. The Department and each of its locations should routinely assess the effectiveness of the LEP plan. A new plan should be updated every three (3) years or as necessary. Training should also be updated and performed at this time. Regarding the certification of bilingual employees, these certifications should be updated every five (5) years to ensure skill and fluency.

### **PART 18: CONCLUSION**

It is the Department's intention that this LEP plan will serve as a guiding force for all employees when encountering LEP individuals within their particular work environment. Ensuring that any all LEP resources are readily and easily accessed is not only a Federal and State regulation but also guarantees that all of our patrons receive equal treatment and meaningful access to the services provided by the Department.

## RESOURCES

Executive Order 13166: <http://www.justiceogoy/crt/corlPubs/colep.pdf>

*The Federal Interagency Working Group on Limited English Proficiency Website*  
[http://www.lep.gov/demog\\_data.html](http://www.lep.gov/demog_data.html)

Planning tool for implementing an LEP program in Corrections  
[http://www.lep.gov/resources/LEP\\_Corrections\\_Planning\\_Tool.htm](http://www.lep.gov/resources/LEP_Corrections_Planning_Tool.htm)

Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs  
[http://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

DOJ LEP Guidance: <http://www.justice.gov/crt/cor/lep/DOJFinLEPFRJun182002.php>

2012 American Community Survey:  
<http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

2010 US Census Data  
<http://quickfacts.census.gov/qfd/states/24000.html>

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Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* (Title VI)

**Department of Public Safety and Correctional Services  
Office of Equal Opportunity - LEP Program  
Bilingual Employee Registry**

<b>Name</b>	<b>Location</b>	<b>Contact Info</b>	<b>Language</b>	<b>Skills</b>	<b>Certification</b>

**Department of Public Safety and Correctional Services  
Office of Equal Opportunity - LEP Program**

**Please thoroughly complete this form after each and every encounter with an LEP individual.**

(See written LEP plan for reference on correct procedure and general information regarding the program.)

**Date** \_\_\_\_\_

**Agency** \_\_\_\_\_

**Name of LEP Individual** \_\_\_\_\_

**Language Spoken** \_\_\_\_\_

**Method Used**      Bilingual Staff  
(Name of Staff Member \_\_\_\_\_)

Certified?      Y      N

Telephone Translation  
(Language Line)

In-person translation  
(Ad Adstra)

Translation of vital document

**Please provide a brief description of the encounter below:**

**Department of Public Safety and Correctional Services  
Office of Equal Opportunity - LEP Program  
Bilingual Employee Survey**

**Name** \_\_\_\_\_

**Location** \_\_\_\_\_

**Language Spoken**     **Spanish**     **French**     **Arabic**  
                           **Japanese**     **Chinese**     **Other**

**Contact Info** Email \_\_\_\_\_

Phone \_\_\_\_\_

**Skills**                     **In person translation**  
                               **Translation of a vital document**

**Willing to take**         **Yes**             **No**  
**a proficiency test?**

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