



Plymouth County  
Sheriff's Office

Joseph D. McDonald, Jr.  
Sheriff

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**LANGUAGE ACCESS POLICY**

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APPROVED: \_\_\_\_\_

Joseph D. McDonald Jr.  
Sheriff

DATE: \_\_\_\_\_

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**I. PURPOSE**

To promote effective communication with inmates / detainees with limited English proficiency in need of interpreter services.

**II. POLICY**

It is the policy of the Plymouth County Sheriff's Office (PCSO) to accommodate inmates / detainees with limited English proficiency in need of interpreter services. These accommodations include, without limitation, the translation of critical documents and essential forms into the top five (5) languages spoken within the facility determined annually, the use of fully bilingual staff when appropriate and telephonic interpretation services free of charge to the inmate / detainee with limited English proficiency. Discrimination based on national origin and/or limited-English proficiency is strictly forbidden at PCSO. No inmate / detainee with limited English proficiency will be denied services or face adverse consequences due to their national origin or language spoken.

**III. IDENTIFYING THE NEED FOR INTERPRETER SERVICES**

- A. The intake process will identify the need for interpreter services by allowing the inmates / detainees to identify the language they are proficient in to their intake officer. The intake officer will in turn secure telephonic interpreter services to complete the intake process in that language. The need for interpreter services and corresponding language is documented by the intake officer in the Offender Management System (OMS).
- B. Inmates / detainees with limited English proficiency can identify their need for interpreter services at any time after the intake process verbally or in writing using a Request Form.
- C. Facility personnel are required to document inmate / detainee language access needs whenever they have reason to do so.

**IV. TELEPHONIC INTERPRETER SERVICES**

- A. Telephonic interpreter services will interpret for inmates / detainees with limited English proficiency in need of an interpreter during: intake interviews, medical consultations, mental health appointments, disciplinary proceedings, grievance proceedings and any other substantive interaction when use of the telephone is operationally feasible and/or does not pose an immediate safety risk.
- B. Telephonic Interpreter services will interpret attorney / client communications with inmates / detainees through JurisLink, when JurisLink is in contract with Language Line to provide this service.
- C. Postings with information on telephonic interpreter services are in all housing units, the medical unit and the intake area. These postings will be in the top five (5) languages spoken within the facility determined annually.
- D. The facility offers telephonic interpreter service to non-English speaking visitors when interacting with staff at the visit station.
- E. Staff document interpreter services provided to an inmate / detainee each time utilized, in OMS, reports, medical records, or other forms.

**V. TRANSLATION OF CRITICAL DOCUMENTS AND ESSENTIAL FORMS**

- A. The Facility provides critical documents and essential forms in the top five (5) languages spoken by inmates / detainees – to be determined annually.
- B. The critical documents and essential forms are:
  - 1. Request Forms/Slips
  - 2. Grievance forms
  - 3. Handbooks in their entirety

4. PREA Orientation Information Forms
  5. Medical Sick Call Forms, Consent Forms, Request for Accommodation Forms
  6. Disciplinary Forms to include: Notice of Disciplinary Hearing, Hearing Outcome Form, Appeals Form, Request for Witness / Staff Assistance
- C. The Language Access Coordinator may identify the need for additional documents and forms to be translated into additional languages at any time after this policy goes into effect.
- D. The Facility will utilize credible software or alternatively telephonic interpreter services when practical, to provide inmates / detainees with orientation materials in languages for which there are no written translations. Upon request, the Facility will utilize credible software or alternatively telephonic interpreter services when practical, to interpret other critical documents and essential forms in languages for which there are no written translations. If any individual who has occasion to review such critical documents and essential forms identifies a translation error therein, that information may be provided to the Language Access Coordinator for review and correction.
- E. All critical documents and essential forms in the top five (5) languages within the facility determined annually will be available through electronic means in all ICE Housing Units.
- F. The Facility contracts with third party vendors to provide tablets and kiosk services to inmates / detainees and makes these services available in all of the languages provided by the third-party vendors.
- G. Automated translation tools such as phone apps, handheld devices and/or Google are not a substitute for the translation services noted in this section. These tools are only for low risk basic phrases or use in urgent situations pending proper interpretation.

## VI. ATTORNEY COMMUNICATION

### A. JurisLink

1. The facility makes Virtual Attorney Visits available through the Juris Link system to supplement in person attorney visits. (Virtual Attorney Visits take place from 8:00AM to 10:00PM seven (7) days per week.)
2. JurisLink does not allow same day scheduling for virtual attorney visits. **In circumstances where same-day access to counsel is necessary to avoid prejudice to a detainee's legal rights, an attorney may contact the Assistant Superintendent of Security to facilitate a same day JurisLink virtual attorney visit.**
3. If a detainee/inmate is late to a scheduled Jurislink visit due to transportation or security issues, the Facility will extend the length of the call, provided the extension will not negatively affect operations, safety considerations or other scheduled Jurislink calls. In the alternative, the attorney may request a refund for that time directly from JurisLink by contacting JurisLink directly.
4. Attorneys requesting access to the Jurislink system will be required to create an account on [www.JurisLink.com](http://www.JurisLink.com).

### B. Attorney Visits

1. With proper advance approval, no less than two (2) business days, the Facility will permit interpreters to accompany legal representatives on legal visits. . In circumstances where same-day access to counsel is necessary to avoid prejudice to a detainee's legal rights, however, an attorney may contact the Assistant Superintendent of Security to facilitate a same-day attorney and interpreter visit.
2. To secure proper advanced approval the attorney must write to the Assistant Superintendent of Security with information of the date(s), time(s) and the name(s) of the interpreter(s), his/her social security number, driver's license number or passport and date of birth.
3. The Facility will provide private confidential spaces for inmates / detainees to communicate with their attorneys whether in person or remotely. The facility's attorney visitation rooms have white noise machines to ensure conversations are not audible outside the room.

**C. Attorney Calls**

1. With proper advanced approval, no less than two (2) business days, the Facility will permit attorneys to include an interpreter during telephone calls with detainees.
2. To secure proper advanced approval the attorney must write to the Assistant Superintendent of Security with the name(s) and phone number(s) of the individual(s) or translation service(s) that will be included in the call.
3. Legal phone calls are confidential. Legal phone calls are not subject to monitoring once added to the Attorney Telephone Number Approval Form available to inmates / detainees through their caseworker.
4. Attorney calls with inmates / detainees can be scheduled through the inmate / detainee's caseworker during business hours (via a phone call or voice message) by providing the caseworker with the name of the inmates / detainees, their identifying information (ID number and/or date of birth) and the date and time for the call. When time and other practical considerations allow, the caseworker will ensure the inmate / detainee is aware of the scheduled call. If the inmate/detainee does not contact the Attorney on the scheduled date and time, the Attorney may call the caseworker to learn the reason and reschedule the call.

**D. Attorney-Client Document Exchange:**

1. Consistent with Policy 483 and Pursuant to NDS 2019 § 5.5(II)(G)(9), the Facility will permit the exchange of documents between the ICE Detainee and legal representative (or legal assistant) even when contact visitation rooms are unavailable. M.G.L. c. 268, §28, states whoever gives or delivers to a detainee any article whatsoever must obtain the permission of the Superintendent.
2. Legal representatives (or legal assistants) who seek to exchange documentation with an ICE detainee under this section must obtain prior approval of the Superintendent using the following process:
  - a. The attorney of record will submit a cover letter, with in two-business day, requesting to exchange documents or other written material, to the Assistant Superintendent of Security. Without revealing privileged information, the attorney will identify categories of documents or other written materials he or she seeks to exchange with the ICE detainee.
  - b. An approval letter will be needed for each occasion the attorney seeks to exchange documents. Documents or other written material provided to an ICE detainee during a visit with a legal representative shall be inspected, but not read. ICE Detainees are entitled to retain legal material received for their personal use. Consistent with 103 CMR 973.06 quantities of blank forms or self-help legal material in excess of that required for personal use may be held for the inmate / detainee in their property. The ICE detainee will be permitted access to these documents utilizing the established avenues of communication.

NOTE: Posting of Legal reference material and notices are in all ICE Housing Units. Pro se legal material submitted to the office of the Assistant Superintendent of Security, will be placed in the units, if they do not present a security concern.

**VII. MEDICAL CARE**

- A. Interpreter services are available for all medical and mental health interactions with inmates / detainees with limited English proficiency. This includes sick call requests, nurse interactions, doctor's appointments, counseling sessions, dental visits, and any emergency medical episodes. If no bilingual medical staff member fluent in the inmate / detainee's language is available, staff must use a professional interpreter (in-person or telephonic) to ensure effective communication.
- B. Inmates / Detainees can communicate a private medical concern to a Medical Officer they have access to in the housing units on a daily basis. Medical Officers utilize telephonic interpreter services in confidential settings to assess medical needs in the units.

**VIII. USING INMATES / DETAINEES AS INTERPRETERS**

The facility will not use inmates / detainees as interpreters in substantive matters unless otherwise provided by PREA DHS regulation 115.16.

**IX. LANGUAGE ACCESS COMPLAINT PROCESS**

- A. The Facility utilizes a complaint process to assess language access issues. This process will allow inmates / detainees with limited English proficiency, their attorneys and/or families to submit complaints specifically about difficulties in obtaining interpretation, problems with translated materials, or any related language access concerns. Notice of this complaint procedure will be available to attorneys and/or families through the PCSO website.
- B. Inmates / detainees with limited English proficiency shall use the general grievance procedure and corresponding grievance forms to submit a complaint related to language access concerns. Grievances may be submitted in any language. No grievance will be refused, ignored, or delayed because of the language used by the inmate / detainee. Inmates / Detainees may also report complaints verbally to a staff member with the assistance of telephonic interpreter services. Verbal complaints shall be documented and reduced to writing as soon as practicable.
- C. Grievances about language access issues shall be sent to and processed by the language access coordinator. Inmates / detainees' shall receive a response to their language access complaint following an inquiry. The response shall be in the inmate / detainee's language in written form when practical or by utilizing telephonic interpreter services.
- D. The Facility will take prompt corrective action to address any substantiated language access failures identified.
- E. The Language Access Coordinator will log and track all complaints and outcomes.
- F. This language access assessment supplements the general grievance process, to ensure that language-specific issues are resolved efficiently and effectively with the assistance of the Language Access Coordinator.
- G. All general grievance deadlines and exhaustion requirements apply per PCCF Grievance Policy 491.
- H. The inmate handbook will explain that inmates / detainees may file grievances in their own language and will describe how to request assistance or interpretation.

**X. STAFF TRAINING**

- A. The Facility will ensure staff receive training on language access services and on how to access the telephonic interpreter service and how to use the service when working with inmates / detainees with limited English proficiency.
- B. Staff shall receive training during the academy, new employee orientation and annually through field training and/or in-service.
- C. Trainings will include at minimum the following components:
  - Examples on how to handle various language access situations.
  - Guidance on language access requirements pursuant to this policy.
  - Confidentiality for attorney-client communications.
  - Confidentiality for medical communications.
  - Clear instruction on anti-discrimination laws, including prohibition on national origin discrimination and discrimination based on limited-English proficiency

**XI. LANGUAGE ACCESS COORDINATOR**

- A. The Superintendent shall appoint a Language Access Coordinator. The Language Access Coordinator shall:
  - 1. Implement the Language Access Policy.
  - 2. Assess, track and respond to all language access complaints.
  - 3. Schedule quarterly Compliance Review Team meetings.
  - 4. Coordinate training of staff on language access procedures.
  - 5. Monitor compliance by collecting data on interpreter usage and translated materials.
  - 6. Track the Language Access Complaint process and outcomes and Serve as the point of contact for any language access issues that arise.
- B. The Coordinator will report quarterly the status of language services and any barriers encountered to the Office of the Superintendent.
- C. The Language Access Coordinator shall review and assess the five (5) most commonly used languages on an annual basis and shall implement access to all services and materials specified in this policy in any new/different languages within two (2) months unless extraordinary or unique circumstances outside of the Facility's control necessitate additional time.
- D. The Language Access Coordinator shall review the training curriculum at least annually and update when appropriate.

**XII. COMPLIANCE AND MONITORING**

- A. Compliance Review Team
  - 1. The Superintendent has appointed a Compliance Review Team to ensure the successful implementation of this policy by monitoring and coordinating compliance efforts.
  - 2. The Language Access Coordinator shall schedule and direct monthly Compliance Review meetings.
  - 3. The review process shall at minimum consider the following criteria:
    - a. Any language access barriers encountered.
    - b. Any complaints filed regarding access to language barriers and outcomes.
    - c. Any trainings and orientations provided to inmates / detainees and staff and whether it was effective.
  - 4. Following the review meeting, the Language Access Coordinator shall prepare a report of the findings, including but not necessarily limited to determinations made pursuant to the above criteria, and any recommendations for improvement and submit such report to the Superintendent or his designee.
  - 5. The Facility shall implement the recommendations for improvement, or shall document its reasons for not doing so for the Language Access Coordinator to log and track.
- B. Data Collection
  - 1. The Facility shall collect and maintain data necessary to measure compliance and outcomes in each area of this Policy, specifically:
    - a. The number of interpretation sessions provided broken down by language.
    - b. The number of documents translated and languages provided.
    - c. Any language access complaints or grievances filed (and outcomes).
    - d. The number of grievances filed (broken down by category).
    - e. The number of grievances filed by Detainees (broken down by category).
    - f. The number of attorney visits facilitated through Juris Link (including those using interpretation services).
    - g. The number of in-person attorney visits facilitated (including those using interpretation services).
    - h. The number of legal phone calls with interpreter services requested.

**XIII. APPLICABILITY**

This policy applies to Facility staff, contractors, vendors and inmates / detainees.

**XIV. ATTACHMENT LIST**

The following attachments are included with this document.

1. Appointment Letter- Language Access Coordinator
2. Appointment Letter – Compliance Review Team
3. Language Line Services Quick Reference Guide
4. Language Access Posting
5. Inmate Request Form
6. Inmate Grievance Form
7. ICE Legal Reference and Notice