



## Rhode Island Affiliate, American Civil Liberties Union

128 Dorrance Street, Suite 220 - Providence, Rhode Island 02903  
Telephone: (401) 831-7171 Fax: (401) 831-7175 E-mail: riaclu@riaclu.org

December 6, 2007

Gary Alexander, Director  
RI Department of Human Services  
600 New London Avenue, #57  
Cranston, RI 02920

BY FAX AND MAIL

Dear Mr. Alexander:

Please consider this a formal request pursuant to the state's Access to Public Records Act, R.I.G.L. §38-2-1 et seq.

In 1997, your Department entered into a resolution agreement ("agreement") with the U.S. Department of Health and Human Services' Office of Civil Rights ("OCR"), requiring your agency to take certain actions to address the rights of Limited English Proficiency ("LEP") clients. (OCR Docket Number 01-94-3042). I am writing to obtain documents relating to your Department's implementation of this agreement. For reference, a copy of the agreement is enclosed with this request. Specifically, I am interested in obtaining the following:

1. Pursuant to Paragraph 2 of the agreement, a sample copy, in each language, of the notice and/or brochure provided individuals with the information set forth in Paragraph 1 of the agreement.
2. Pursuant to Paragraph 3 of the agreement, a sample copy, in each language, of the statement attached to English language notices and letters advising LEP persons who need help translating the notice that they may contact DHS for assistance.
3. Pursuant to Paragraph 4 of the agreement, and for the most recent two (2) years, a copy of the annual re-determination notice your agency has sent OCR of the appropriate languages to appear on the posters, notices and statements mentioned in the previous paragraphs.
4. Pursuant to Paragraph 5 of the agreement, a copy of the amendments to Section 0124 of the DHS Policy Manual required by that Paragraph.
5. Pursuant to Paragraph 6 of the agreement, a copy of the contracts presently in effect for DHS staff to obtain interpreter services from outside sources under the circumstances required by that Paragraph.

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Paul Alexander  
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6. Pursuant to Paragraph 7 of the agreement, a copy of the uniform procedures in effect permitting timely and effective telephone communication between LEP persons and DHS staff as required by that Paragraph.

7. Pursuant to Paragraph 8 of the agreement, a copy of any documents disseminated by your Department's coordinator of interpreter services, within the past two (2) years, to district offices and staff and to community groups and their representatives relating to evaluating the effectiveness of DHS policies and procedures for communicating with LEP persons.

8. Pursuant to Paragraph 9 of the agreement, copies of any documents addressing the training provided managers and staff, within the past two (2) years, as required by that Paragraph.

9. Pursuant to Paragraph 10 of the agreement, copies of any documents generated by or for your Department's past two (2) annual reviews, as required by that Paragraph, including any correspondence with community groups and their representatives, to determine the communication needs of LEP persons at each office and whether existing interpreter and bilingual staffing, outside interpreter services, and translated materials are meeting such needs or should be modified.

As provided for by APRA, I look forward to receiving the requested documents within ten (10) business days. If you have any questions about the specific documents being sought, please feel free to let me know. As provided for by APRA, we are willing to pay reasonable copying costs for the requested documents. Should you determine that any portions of the requested documents are exempt from disclosure, please note the applicable statutory exemption.

Thank you in advance for your prompt response to this request.

Sincerely,



Steven Brown  
Executive Director

Enclosure

APPENDIX B



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Human Services  
OFFICE OF LEGAL SERVICES  
Louis Pasteur Building # 57  
600 New London Avenue  
Cranston, RI 02920  
Tel: (401) 462-2326 Fax: (401) 462-1678

December 26, 2007

Steven Brown, Executive Director  
Rhode Island Affiliate  
American Civil Liberties Union  
128 Dorrance Street, Suite 220  
Providence, RI 02903

Via Fax (401) 831-7175

Re: Records Request Dated December 6, 2007

Dear Mr. Brown:

With regard to your request for public records dated December 6, 2007, please find responses as follows:

1. Pursuant to Paragraph 2 of the agreement, a sample copy, in each language, of the notice and/or brochure provided individuals with the information set forth in Paragraph 1 of the agreement.  
**Response:** Please see attached sample documents.
2. Pursuant to Paragraph 3 of the agreement, a sample copy, in each language, of the statement attached to English language notices and letters advising LEP persons who need help translating the notice that they may contact DHS for assistance.  
**Response:** Please see attached sample documents.
3. Pursuant to Paragraph 4 of the agreement, and for the most recent two (2) years, a copy of the annual re-determination notice your agency has sent OCR of the appropriate languages to appear on the posters, notices and statements mentioned in the previous paragraphs.  
**Response:** Every year the Statewide Coordinator reviews the statistical data produced by InRhodes, DHS' electronic case management system, to see which languages are required. We have not provided the Office of civil Rights with a copy of such analysis, nor have they requested one.

4. Pursuant to Paragraph 5 of the agreement, a copy of the amendments to Section 0124 of the DHS Policy Manual required by that Paragraph.  
**Response:** Please see attached sections of policy and the policy transmittal memo to staff. DHS collapsed section 0122 and 0124 into a single section.
5. Pursuant to Paragraph 6 of the agreement, a copy of the contracts presently in effect for DHS staff to obtain interpreter services from outside sources under the circumstances required by that Paragraph.  
**Response:** Please see attached contract information.
6. Pursuant to Paragraph 7 of the agreement, a copy of the uniform procedures in effect permitting timely and effective telephone communication between LEP persons and DHS staff as required by that Paragraph.  
**Response:** Please see attached information on the language line, as well as relevant policy sections and policy transmittal memos to staff.
7. Pursuant to Paragraph 8 of the agreement, a copy of any documents disseminated by your Department's coordinator of interpreter services, within the past two (2) years, to district offices and staff and to community groups and their representatives relating to evaluating the effectiveness of DHS policies and procedures for communicating with LEP persons.  
**Response:** In compliance with the consent agreement, a designation of Statewide Coordinator was made. There was no requirement in the consent agreement regarding this, but please see response to number three above. Additionally, the Statewide Coordinator meets regularly with the Regional Managers of the local welfare offices to assess the needs.
8. Pursuant to Paragraph 9 of the agreement, copies of any documents addressing the training provided managers and staff, within the past two (2) years, as required by that Paragraph.  
**Response:** The required training specified in the consent agreement was completed. There was no requirement for any future trainings. However, in response to this request, please see attached documentation of more recent trainings.
9. Pursuant to Paragraph 10 of the agreement, copies of any documents generated by or for your Department's past two (2) annual reviews, as required by that Paragraph, including any correspondence with community groups and their representatives, to determine the communication needs of LEP persons at each office and whether existing interpreter and bilingual staffing, outside interpreter services, and translated materials are meeting such needs or should be modified.  
**Response:** Please see response to number three above. Additionally, please see attached documentation and be advised that the Statewide Coordinator meets regularly with the Regional Managers of the local welfare offices to assess the needs.

The documents referenced above are ready for pickup. Please be advised that the cost for copying and document search fees pursuant to RIGL §38-2-4 is \$48.90. Please call 462-2326 to arrange for immediate pick up and bring with you a check made payable to the R.I. Department of Human Services.

If you choose not to pick up the records, a copy of the records will be mailed to you upon our receipt of payment in the amount of \$48.90. Thank you.

Sincerely,

*Jacqueline G. Kelley*

Jacqueline G. Kelley  
Assistant Director

BY  
*Seborah A. Bradley*

JGK/jrd

cc: Kerry King  
Gary Alexander  
Peter Dennehy

APPENDIX C



## Rhode Island news

### **DHS staff cut draws ACLU complaint**

01:00 AM EST on Tuesday, December 18, 2007

By Karen Lee Ziner

Journal Staff Writer

PROVIDENCE — The Rhode Island Affiliate of the American Civil Liberties Union filed a federal civil-rights complaint against the state Department of Human Services yesterday that cites, as its basis, Governor Carcieri's recent talk-radio comments denouncing state-financed interpreters, and subsequent layoffs of all Southeast Asian interpreters who work for the DHS.

The ACLU submitted the 11-page complaint to the Office of Civil Rights of the U.S. Department of Health and Human Services in Boston.

The complaint seeks sanctions against the DHS for, the ACLU says, violating federal law and failing to comply with a 1997 consent agreement Rhode Island entered into with the federal government that sought to resolve similar complaints.

The consent agreement requires the DHS to provide appropriate interpreter services to clients with limited English proficiency.

The complaint argues that Carcieri's plan to substitute privately contracted interpreters for the three Southeast Asian interpreters will fall short of Rhode Island's obligation under Title VI of the 1964 Civil Rights Act, a federal anti-discrimination statute with which state agencies receiving federal monies must comply.

The complaint asks the civil-rights office to investigate problems faced by DHS clients whose ability to speak English is limited; and asks that the DHS be required to take "additional steps" to ensure compliance with the 1964 law.

It also seeks to have the DHS restore the staff interpreter services that were recently eliminated as part of the state's attempt to reduce a projected \$450-million budget deficit.

The Journal learned yesterday that the Office of Civil Rights' Boston office "is in communication with the State of Rhode Island regarding continued compliance with language access services required under Title VI of the Civil Rights Act of 1964," according to OCR principal deputy director Robinsue Frohboese. Frohboese could not be reached late yesterday for elaboration.

DHS Director Gary Alexander acknowledged yesterday that the OCR recently contacted his agency about interpreter services.

"It could have been after the governor's comments, but I'm not sure," Alexander said when asked the time frame of that phone call.

"I assured them we are in compliance with the consent agreement, and we want to stay in compliance," he said. "That is the important word — we want to."

Alexander said he received a copy of the ACLU complaint yesterday. Though he had not fully studied it, Alexander said, "I would be more than willing to work with the ACLU or any group that's got suggestions on improvements."

The ACLU complaint lists areas of non-compliance with the 1997 consent agreement, including requirements: that DHS offices put up posters in appropriate languages, advising clients that they have a right to state-financed interpreter services should they need them; sent notices to those clients in their native languages that contain information about their rights; that the agency provide interpreter services in timely fashion, "and that DHS consult with community groups" about whether DHS interpreter services are adequate.

The complaint underscores comments Carcieri made in October on talk radio, during which the governor "questioned why the state was funding any language interpreters at all, expressing the view that LEP (limited English-proficient) clients should swim or sink on their own — or with the help of friends or relatives — without state assistance."

Given those comments, and the DHS' "contemporaneous decision to lay off an entire category of staff interpreters," and the agency's "substantial non-compliance with the longstanding 1997 resolution agreement," the ACLU argued that "strong sanctions are warranted and necessary."

It also notes the community uproar that followed Carcieri's comments, and argues that the DHS has not consulted community groups, as required under the 1997 agreement, either as a matter of course, or prior to the layoff notices sent to the three Southeast Asian interpreters.

Alexander, of the DHS, said he became aware last week, after a reporter's inquiry, that posters mandated by the 1997 agreement were not in place at numerous DHS offices.

"That's being taken care of and rectified," he said.

[kziner@projo.com](mailto:kziner@projo.com)

## APPENDIX D

DHS CASELOAD BY PRIMARY LANGUAGEOCTOBER      2007

ENGLISH	87,716
PORTUGUESE	1,475
FRENCH	132
SPANISH	12,928
POLISH	37
ITALIAN	39
VIETNAMESE	73
CAMBODIAN	567
LAOTIAN	182
HMONG	57
HUNGARIAN	3
RUSSIAN	253
OTHER	476
TOTAL	103,938

NOTE: EXCLUDES RL 99 SSI ONLY CASELOAD