

Justice Management Division Language Access Plan

May 2012

1. GENERAL LANGUAGE ACCESS POLICY

a. Policy Statement

1. It is the policy of the Justice Management Division to take reasonable steps to provide limited English proficient (LEP) persons with timely meaningful access to all Division conducted benefits, programs, or activities.
2. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the component will provide, or coordinate the provision of these services to LEP persons.

b. Purpose and Authority

The purpose of this language access Plan is establish guidelines in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 65 Fed. Reg. 50,121 (Aug. 16, 2000). These guidelines are designed to be consistent with the standards set forth in the Department's initial LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency, 65 Fed. Reg. 50,123 (Aug. 16, 2000),¹ the Department's later LEP Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (June 18, 2002),² and the Attorney General's memorandum to the heads of Department components, Language Access Obligations Under Executive Order 13166 (June 28, 2010).³

c. Definitions

1. *Direct "In-Language" Communication* – Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).
2. *Effective Communication* – Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure communication with an LEP individual is as effective as communications with others when providing similar programs and services.

¹ This document is available at <http://www.justice.gov/crt/about/cor/Pubs/eolep.pdf>.

² This document is available at <http://www.justice.gov/crt/about/cor/lep/DOJFinLEPFRJun182002.php>.

³ This document is available at http://www.justice.gov/crt/about/cor/language_access_memo.pdf. Further information, guidance, and technical assistance on the implementation of Executive Order 13166 can be found on the website of the Federal Coordination and Compliance Section of the Civil Rights Division, <http://www.justice.gov/crt/about/cor/>, or www.lep.gov.

3. *Interpretation* – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. *Language Assistance Services* – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the Division.
5. *Limited English Proficient (LEP) Individuals* – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).⁴
6. *Meaningful Access* – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not unduly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
7. *Multilingual staff* – A staff person who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language as authorized by his or her component.
8. *Primary Language* – An individual’s primary language is the language in which an individual most effectively communicates.
9. *Program or Activity* – The term “program or activity” and the term “program” mean all of the operations of the Division.
10. *Qualified Translator or Interpreter* – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with the Division or by approval of his or her component.
11. *Sight Translation* – Oral rendering of written text or a document into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

⁴ The Department of Justice has determined that EO 13166 applies only to persons who are located within the United States and its territories and does not apply extraterritorially.

12. *Translation* – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. *Vital Document* – Paper or electronic written material that contains information that is critical for accessing a component’s program or activities, or is required by law.

Language access plans from DOJ components may supplement these definitions with additional terms or component-specific definitions.

d. Scope of Policy/Staff Compliance

All JMD personnel are responsible for ensuring that the Division provides free, accurate language assistance services to LEP individuals, as needed, and for informing the public about available language assistance services. Most JMD staffs have limited interaction with LEP individuals but may coordinate or oversee programs or activities that interact with LEP persons. JMD will ensure that all translation services provided are timely and accurate. All printed documents will accurately represent the intent of the original document and all in-person translation services provided will be done by qualified individuals. JMD will provide services to include: assisting components in providing translated documents to the public via DOJ and component websites, interpreters as necessary, and any other LEP services required.

This directive is intended only to improve the internal management of the Division’s language access program, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person. Administration of the programs discussed herein is within the sole discretion of the Division and its staffs. The Division will create and post a process for obtaining feedback regarding the Division’s implementation of this policy.