

Department of Justice Civil Rights Division, Federal Coordination and Compliance Section

Summary of Resources and Efforts to Ensure Access to Federal and Federally-Funded Programs and Activities by Limited English Proficient Individuals

December 2011

The Federal Coordination and Compliance Section of the Civil Rights Division within the U.S. Department of Justice leads government-wide efforts to improve language access to federal and federally-assisted programs, as required by Title VI of the Civil Rights Act of 1964 and Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*.

Title VI and its implementing regulations prohibit discrimination on the ground of race, color, or national origin in any program or activity receiving federal financial assistance. The prohibition on national origin discrimination may be violated by practices that deny limited English proficient (LEP) individuals access to programs and activities by entities that receive government funds. And Executive Order 13166 extends to federal agencies the requirement to ensure that LEP individuals have meaningful access to the federal government's own programs.

The Civil Rights Division is responsible for enforcing these obligations as they apply to recipients of DOJ funds, and also coordinates the implementation of these obligations across all federal agencies. This work involves developing and reviewing government-wide policies; providing technical assistance; leading federal agency working groups; and taking enforcement action to ensure that LEP individuals have access to important federal and federally-assisted benefits, rights, services, and information as required by law.

1. Enforcing Title VI to ensure that LEP individuals have meaningful access to programs and activities funded by DOJ.

The Department of Justice administers a wide range of grant programs that provide assistance to state, local, territorial, and tribal criminal justice systems, including law enforcement agencies, court systems, and departments of corrections. The Civil Rights Division conducts complaint investigations and compliance reviews to ensure that these funds are not used in a way that constitutes discrimination on the basis of race or national origin, including by failing to provide meaningful access to LEP individuals.

One important focus of the Civil Rights Division's work in the past several years has involved language access in state court proceedings and operations. Practices that deny LEP persons meaningful access to the courts not only may violate Title VI, but also undermine the fair, efficient, and accurate administration of justice. Such practices can have profound and life-altering consequences in the context of domestic violence, child custody, foreclosure, wage and hour, and criminal proceedings, among others.

To address these concerns, the Division has undertaken a Courts Language Access Initiative, with a multi-pronged approach of enforcement, technical assistance, and capacity-building to ensure full language access in state court proceedings and operations nationwide. As part of this Initiative,

Assistant Attorney General Tom Perez issued a [letter](#) to state court administrators and state court chief justices in August 2010 reminding them of the longstanding obligation of federally-funded state court systems to provide LEP individuals with meaningful access to the court process. The letter noted that many court systems are in apparent violation of the requirement to provide interpreters free of charge in proceedings and to provide language assistance in other court functions.

The Civil Rights Division is currently investigating or monitoring seven court systems around the country to remedy concerns regarding noncompliance. One recent success from this Initiative is the Division's June 2011 [agreement](#) with the state of Colorado to require policies and procedures that will ensure language assistance services are provided free of charge to LEP individuals in civil and criminal cases and court-related activities.

In addition, the Division is pursuing several investigations of state and local prisons and jails as well as law enforcement agencies in response to complaints that LEP individuals have been denied services because of their LEP status.

2. Coordinating the Federal Government's Compliance with and Enforcement of Title VI and Executive Order 13166.

In addition to ensuring that DOJ-funded activities do not unfairly exclude LEP individuals, the Division also works to ensure that activities conducted by DOJ and other federal agencies are themselves open and accessible to participants regardless of their language proficiency.

a. The Interagency Working Group on Limited English Proficiency

The Division created and leads an Interagency Working Group on Limited English Proficiency. Comprised of representatives from dozens of federal agencies, the Working Group's core mission is to build awareness of the need and methods to ensure that LEP persons have meaningful access to important federal and federally-assisted programs, and to ensure implementation of language access requirements in a consistent and effective manner across agencies.

Working Group members share promising practices, create and help to implement tools or other forms of technical assistance, identify common enforcement issues, and exchange ideas for ensuring high-quality and cost-effective language assistance services. For example, the Working Group most recently collaborated with FCS to create a language access [Assessment and Planning Tool](#), as well as a [FAQ](#) regarding the protection of LEP individuals under Title VI. The Working Group created a DVD and brochures regarding language access rights, and created and maintains a website at www.LEP.gov to serve as a clearinghouse for LEP-related information.

b. The Attorney General's Language Access Mandate for Federal Agencies

On February 17, 2011, the Attorney General issued a [Memorandum](#) to federal agencies regarding the government's renewed commitment to language access obligations under Executive Order 13166. The Attorney General's Memorandum directed each federal agency to develop and implement a system by which LEP persons can meaningfully access the agency's services. The Memorandum requested that federal agencies undertake several action items, including:

- Conducting an inventory of languages most frequently encountered by the federal agency and identifying the primary channels of contact with LEP community members;
- Ensuring that agency staff can identify LEP contact situations and take the necessary steps to provide meaningful access;
- When developing hiring criteria, assessing the need for non-English language proficiency for particular positions in the agency;
- For written translations, standardizing terminology, and streamlining processes for obtaining community feedback on the accuracy and quality of agency language assistance services; and,
- Establishing a Language Access Working Group that is responsible for implementing EO 13166.

In addition, for agencies providing federal financial assistance that had not previously drafted guidance for recipients of federal financial assistance, the Attorney General asked that these federal agencies draft such guidance for review and approval by the Civil Rights Division. These requirements are currently in the process of being implemented.

- c. Aligning the Department's Policies and Practices with the Mandates of Executive Order 13166.

In addition to directing other federal agencies to renew their commitment to full compliance with Executive Order 13166, the Attorney General has also sought to ensure internal DOJ compliance with the Executive Order. In a [Memorandum](#) to the heads of every DOJ component regarding language access obligations, the Attorney General outlined the Department's efforts to ensure that all DOJ components have the ability to communicate effectively with LEP individuals with whom they have contact. In order to comply with the expectations in this Memorandum, each of the approximately forty DOJ components is currently engaged in language access program planning to overcome language barriers across all of the Department's programs and activities. Once all plans are reviewed and finalized, the DOJ Language Access Working Group will monitor the implementation and ongoing assessment of component and Departmental language access plans.

3. Technical Assistance Resources for Federally Conducted and Federally-Funded Programs and Activities

- a. Recent Guidance Documents from the Attorney General and the Assistant Attorney General for the Civil Rights Division
 - Attorney General Eric Holder Memorandum to Heads and Department Components of the Department of Justice, Language Access Obligations under Executive Order 13166, June 28, 2010, http://www.justice.gov/crt/about/cor/language_access_memo.pdf
 - Attorney General Eric Holder Memorandum to Federal Agencies Reaffirming the Mandates of Executive Order 13166, February 2011, http://www.justice.gov/crt/about/cor/AG_021711_EO_13166_Memo_to_Agencies_with_Supplement.pdf

- Assistant Attorney General Thomas Perez Memorandum to Federal Agencies Regarding Executive Order 12250, August 19, 2010, http://www.justice.gov/crt/about/cor/titlevi_memo_tp.pdf
- Assistant Attorney General Thomas Perez Letter to Chief Justices and State Court Administrators Regarding Language Access Guidance, August 17, 2010, http://www.lep.gov/final_courts_ltr_081610.pdf

b. Commonly Asked Questions

- Commonly Asked Questions and Answers Regarding Limited English Proficient (LEP) Individuals, http://www.lep.gov/faqs/042511_Q&A_LEP_General.pdf
- Commonly Asked Questions and Answers Regarding Executive Order 13166, http://www.lep.gov/faqs/042511_Q&A_EO_13166.pdf
- Commonly Asked Questions and Answers Regarding the Protection of Limited English Proficient (LEP) Individuals under Title VI of the Civil Rights Act of 1964 and Title VI Regulations, http://www.lep.gov/faqs/042511_Q&A_TitleVI_and_Regulations.pdf
- Common Language Access Questions, Technical Assistance, and Guidance for Federally Conducted and Federally Assisted Programs, August 15, 2011, http://www.lep.gov/resources/081511_Language_Access_CAQ_TA_Guidance.pdf.

c. Language Access Program Planning Tools

- Overcoming Language Barriers - Language Access Program Planning Video Series, December 2011, available upon request by emailing LEP@usdoj.gov and inserting “OLB Video Request” in subject line.
- Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs, May 9, 2011, http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf
- Considerations for Providing Language Access in a Prosecutorial Agency, September 21, 2011, http://www.lep.gov/resources/092111_Prosecutors_Planning_Tool.pdf

To access the Memorandum of Agreement between the United States and the State of Colorado Judicial Department, in addition to other examples of Memoranda of Agreements and our latest resources, please visit www.lep.gov.