

Checklist for Q and A Session
on Process of Developing LEP Policies.
(Please fill this out in your session)

1. Does your agency have an LEP policy already?

2. If yes, how was it developed? If no, what is the first step you can take?

3. What were/are the barriers?

4. What were/are the factors leading to success?

5. Does your agency receive federal funds or is it a federal agency?

6. Do other laws require your organization to provide services? RCW etc

7. In addition, do quality assurance requirements, malpractice protections, etc require language access?

8. Does your policy comply with the requirement to provide meaningful access to LEP persons by considering the four factors under Title VI guidance or under the Executive Order? (Fill out your best estimate as to the factors below)

- a. Number or proportion of non English speakers served or encountered in the eligible service population

- b. Frequency with which non English speakers come into contact with the program

- c. Importance of the benefit, service or information to the non English speakers

- d. Resources available to the recipient and the costs of the service

9. Does your agency have a system in place which does the following things:

- a. Informs public about LEP services

- b. Tracks language needs for LEP persons accessing your service

- c. Provides competent interpreters or bilingual staff (either by phone or in person) for contacts with LEP individuals

- d. Translates important documents and brochures

- e. Trains all staff on LEP policy

- f. Trains all staff on how to work with interpreters and cultural competence

g. Monitors that interpreters/translations are provided

10. What resources does your agency currently use for interpreters, translators, and training materials?

11. What are the next steps needed in your agency to develop or improve your LEP policy and services?

12. What assistance do you need from WASCLA?



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Federal Agencies

General Guidance

- [Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field \(PDF\)](#)
- Planning Tools for:
 - [Creating a Language Assistance Policy and Plan in a Department of Corrections \(MS Word format\)](#)
 - [Creating a Language Assistance Policy and Plan in a Law Enforcement Agency \(MS Word format\)](#)
- [Recommended Policies and Guidelines for Federal Public Websites](#)
- [Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency"](#)
 - [Discrimination Complaint Form](#)
- [Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons as published in the Federal Register on June 18, 2002 \(specifically for Department of Justice recipients\) \(PDF\)](#)
- [Assistant Attorney General July 8, 2002 Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Directors concerning Executive Order 13166 \(Improving Access to Services for Persons with Limited English Proficiency\)](#)
- [Coordination and Review Section, Civil Rights Division EO 13166 Page](#)
- [Federal Agency LEP Implementation Plans for Federally Conducted Programs](#)
- [Assessment of the Total Benefits and Costs of Implementing Executive Order No.13166: Improving Access to Services for Persons with Limited English Proficiency \(OMB\) \(PDF\)](#)
- [Assistant Attorney General November 12, 2002, Memorandum to Heads of Federal Agencies, General Counsels, and Civil Rights Directors concerning Tools to Ensure Implementation and Understanding of Executive Order 13166 with HOT LINKS to brochures and](#)

implementation tools (PDF)

- Assistant Attorney General Dec. 13, 2002 letter to recipients of DOJ assistance offering assistance in implementing LEP guidance and attaching an article for possible inclusion in newsletters (PDF)
- Article for possible inclusion in newsletters (attached to Dec. 13, 2002 Assistant Attorney General letter)
- Letter of Assistant Attorney General Acosta to recipients of federal financial assistance regarding LEP materials (June 10, 2005)
- Letter from Assistant Attorney General Kim to federal agencies regarding nondiscrimination on the basis of race, color, or national origin: hurricane-related issues (December 12, 2005) (PDF)
- Remarks of Assistant Attorney General Wan Kim before the Federal Interagency Working Group on LEP (February 2, 2006)

Guidance for Recipients By Agency:

- Corporation for National and Community Service
- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of Justice
- Department of Labor
- Department of State
- Department of the Interior
- Department of Transportation
- Department of Treasury
- Department of Veterans Affairs
- Environmental Protection Agency
- Federal Emergency Management Agency
- Federal Trade Commission
- General Services Administration
- Institute of Museum and Library Services
- National Aeronautics and Space Administration
- National Archives and Records Administration
- National Credit Union Association
- National Endowment for the Arts
- National Endowment for the Humanities
- National Science Foundation
- Nuclear Regulatory Commission
- Small Business Administration
- Social Security Administration
- Tennessee Valley Authority

Implementation and Compliance

- Department of Education
- Department of Health and Human Services

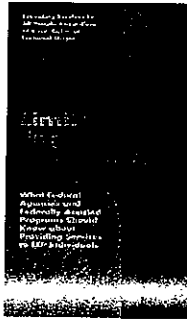
Resources

The resources provided below are a sampling of links that may be useful but are not necessarily endorsed by the Department of Justice or by the Interagency Working Group on LEP:

- Limited English Proficiency Video (150k Non-Captioned) (150k Captioned) (56k Captioned)
- Know Your Rights Beneficiary Brochure (PDF printable version)
This is a template that can be used by all agencies



- Limited English Proficiency: What Federal Agencies and Federally Assisted Programs Should Know About Providing Services to LEP Individuals



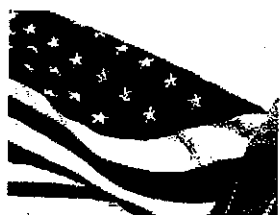
- [Bi-lingual Resources for North Carolina Court Officials](#)
- [U.S. District Court, Southern District of New York, Interpreters Office](#) -- This is an effective, well-developed model program for providing interpreter services to the courts.
- [Information about the Federal Court Interpreter Program](#)
- [Language Assistance Planning and Self-Assessment Tool \(Printable PDF version\)](#)
- [Possible Federal Sources of Assistance to Federally Assisted Programs or Activities](#) -- Department of Justice, Civil Rights Division, Coordination and Review Section
Access information on federal funding sources and a chart which lists 30 federal agencies that provide federal financial assistance and the types of entities they fund. Federal agencies can use the chart to coordinate compliance efforts when entities that they fund are also funded by another federal agency.
- [Social Security Online Multi-Language Gateway](#) -- Social Security Information in several languages
- [GSA Language Services Schedule](#) -- Federal Supply Schedule for Language Services
- ["I Speak" Language Identification Flashcard \(PDF\)](#)
From the Department of Commerce, Bureau of the Census, the "I Speak" Language Identification Flashcard is written in 38 languages and can be used to identify the language spoken by an individual accessing services provided by federally assisted programs or activities.
- [Limited-English Proficient Resources](#) -- Department of Education, Office for Civil Rights
- University of Chicago's [South Asia Language Resource Center](#), containing a link providing [information about fonts for South Asian languages](#) that are appropriate for the web.
- [Maryland Court Interpreter Rule](#)
- [Language Identification Card](#) created by the State of Ohio Office of Criminal Justice Services, the National Association of Judiciary Interpreters and Translators, the Summit County Sheriff's Office, and the American Translators Association

Translator and Interpreter Organizations

- [General](#) -- Contains links to national and international translator and interpreter associations and linguistics and language organizations. Many of these sites contain information on accessing translation and interpretation services throughout the country and provide referrals.

- Legal -- Contains links to national, state, and regional court interpreter and translator associations and services.
- Medical -- Contains links to national, state, and regional medical interpreter and translator associations and services.
- Regional -- Contains links to interpreter and translator associations located in different regions of the country. Many of these links contain referral services, resource information on working with interpreters and translators, and directories of language services.
- State -- Contains links to interpreter and translator associations and services located in different states. Many of these links contain referral and resource information. Medical and court interpreter and translator associations are also included in this list.

Page last updated September 22, 2005



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Recipients *of Federal Funds*

General Guidance

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- Planning Tools for:
 - [Creating a Language Assistance Policy and Plan in a Department of Corrections \(MS Word format\)](#)
 - [Creating a Language Assistance Policy and Plan in a Law Enforcement Agency \(MS Word format\)](#)
- [Deputy Assistant Attorney General letter to State court administrators regarding the provision of language services to persons with Limited English Proficiency. \(PDF\)](#)
- [Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency"](#)
- [Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons as published in the Federal Register on June 18, 2002 \(specifically for Department of Justice recipients\) \(PDF\)](#)
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[Article for possible inclusion in newsletters \(attached to Dec. 13, 2002 Assistant Attorney General letter\)](#)
- [Letter of Assistant Attorney General Acosta to recipients of federal](#)

financial assistance regarding LEP materials (June 10, 2005)

- Letter of Assistant Attorney General Acosta to recipients of state court administrators on LEP materials (April 22, 2005)

Guidance for Recipients By Agency:

- Corporation for National and Community Service
- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Education
- Department of Energy
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of Justice
- Department of Labor
- Department of State
- Department of the Interior
- Department of Transportation
- Department of Treasury
- Department of Veterans Affairs
- Environmental Protection Agency
- Federal Emergency Management Agency
- Federal Trade Commission
- General Services Administration
- Institute of Museum and Library Services
- National Aeronautics and Space Administration
- National Archives and Records Administration
- National Credit Union Association
- National Endowment for the Arts
- National Endowment for the Humanities
- National Science Foundation
- Nuclear Regulatory Commission
- Small Business Administration
- Social Security Administration
- Tennessee Valley Authority

Implementation and Compliance

- Department of Education
- Department of Health and Human Services

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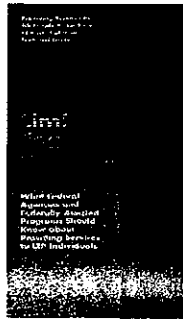
- Planning Tool for Creating a Language Assistance Policy and Plan in a

Department of Corrections (MS Word format)

- Office of Justice Programs, Department of Justice, One Example of a Plan for a Law Enforcement Agency (MS Word format). This example will not necessarily be appropriate to address the language access needs of every community or law enforcement agency and does not represent the entire implementation process of the city. It is posted merely as an additional resources. Please also consult the USDOJ Civil Rights Division's LEP planning tool for law enforcement: Planning Tool for Creating a Language Assistance Policy and Plan in a Law Enforcement Agency and Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field (PDF).
- Limited English Proficiency Video (150k Non-Captioned) (150k Captioned) (56k Captioned)
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- Limited English Proficiency: What Federal Agencies and Federally Assisted Programs Should Know About Providing Services to LEP Individuals



- [Bi-lingual Resources for Court Officials](#)
- [Choosing a Language Access Provider \(PDF printable version\)](#)
- [Cultural Competence Guides for Managed Care Plans](#) - Centers for Medicare & Medicaid Services (CMS) - information for managed care health organizations on developing a language services plan to meet the needs of customers, including assessing cultural competency (Although the field is health care, the information has value to any recipient who is interested in finding out more about meeting the language needs of customers.
- [Dept. of Health and Human Services, Agency for Health Research and Quality and the Centers for Medicare and Medicaid Services](#) - information for managed care health organizations on developing a language services plan to meet the needs of customers, including assessing cultural competency (Although the field is health care, the information has value to any recipient who is interested in finding out more about meeting the language needs of customers.
- [Information about the Federal Court Interpreter Program](#)
- [Language Assistance Planning and Self-Assessment Tool](#)
[Printable PDF version](#)
- [Department of Justice, Coordination and Review Section, Improving Access to Services for Persons with Limited English Proficiency](#)
- [Possible Federal Sources of Assistance to Federally Assisted Programs or Activities -- Department of Justice, Civil Rights Division, Coordination and Review Section](#)
Access information on federal funding sources and a chart which lists 30 federal agencies that provide federal financial assistance and the types of entities they fund. Community organizations and individuals served by federally funded entities can use the chart to determine where complaints of discrimination can be filed.
- [GSA Language Services Schedule -- Federal Supply Schedule for Language Services](#)
State and local governments are not authorized users of the Language Services Federal Supply Schedule; however contractors may extend the same rates to state and local governments for independent ordering. Contact schedule contractors directly for more information.
- ["I Speak" Language Identification Flashcard \(PDF\)](#)
From the Department of Commerce, Bureau of the Census, the "I Speak" Language Identification Flashcard is written in 38 languages and can be used to identify the language spoken by an individual accessing services provided by federally assisted programs or activities.
- [Resources for the LEP Community](#)
- [Census 2000, English Speaking Ability by Language and State \(2000\)](#)

- [University of Chicago's South Asia Language Resource Center](#), containing a link providing information about fonts for [South Asian languages](#) that are appropriate for the web.
- [Maryland Court Interpreter Rule](#)
- [Language Identification Card](#) created by the State of Ohio Office of Criminal Justice Services, the National Association of Judiciary Interpreters and Translators, the Summit County Sheriff's Office, and the American Translators Association
- [D.C. Area Interpreter Certification Programs](#)
- [National Professional and Academic Certification Options for Translators and Interpreters](#)

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Page last updated July 12, 2006

Providing Services to
All People Regardless
of Race, Color, or
National Origin

Limited English Proficiency

For information on LEP and detailed agency-specific guidance, go to www.LEP.gov

For more information go to
www.usdoj.gov/crt/cor

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section NYA
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Title VI Hotline:
1-888-711-E-06 (1-888-848-5306) (Voice/TDD)

The federal government and the states must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This requires agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

Limited English Proficiency (LEP)

Who is a limited English Proficient Person?
Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply?

All programs and operations that receive federal government (i.e., recipients), including:

- State agencies
- Local agencies
- Private and nonprofit entities
- Subrecipients (entities that receive federal funding from one of the recipients listed above) also must comply.

All programs and operations that receive federal government also must comply.

LEGAL AUTHORITY

Recipients:
Title VI of the 1964 Civil Rights Act

No person in the United States shall, on the ground 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.

42 U.S.C. § 2000d.

Different treatment based on a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Recipients under federal contracts must:

Executive Order 13166

the order improving access to services for persons with limited English proficiency, directed federal agencies to:

- Publish guidance on how their recipients can provide services to LEP persons
- Improve the language accessibility of their own federal programs
- Identify ways in which language assistance is consistent, targeted to language assistance needs, federal government-wide, and among all recipients of federal financial assistance
- Take steps to ensure all federal and federally assisted programs and services

OBLIGATIONS

Four-Factor Analysis

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, rights, programs, information, and services. (The federal government has the same obligations as a result of Executive Order 13166.) The starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.

Elements of an Effective LEP Policy

Elements that may be helpful in designing an LEP policy or plan:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy

Examples of Language Assistance Services

- Direct foreign language communication by fluent bilingual staff
- Interpretation (oral), conducted in-person or via telephone by qualified interpreters
- Translation (written) by qualified translators



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Frequently Asked Questions

Q. Who is a Limited English Proficient (LEP) individual?

A. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

Q. What are the relevant laws concerning language access for LEP individuals?

A. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000. Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals.

Q. What is Executive Order 13166?

A. An Executive Order is an order given by the President to federal agencies. The LEP Executive Order (Executive Order 13166) says that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities.

Executive Order 13166 requires all agencies that provide federal financial assistance to issue guidance on how recipients of that assistance can take reasonable steps to provide meaningful access consistent with Title VI and the Title VI regulations. The Order also requires that federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

More information on Executive Order 13166 can be found at [Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency](#).

Q. What is a recipient of federal financial assistance?

A. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Subrecipients are also covered, when federal funds are passed from one recipient to a subrecipient. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. A list of the types of recipients and the agencies funding them can be found at [Executive Order 12250 Coordination of Grant-Related Civil Rights Statutes](#).

Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered. This is true even if only one part of the recipient receives the federal assistance.

Example: DOJ provides assistance to a state department of corrections to improve a particular prison facility. All of the operations of the entire state department of corrections--not just the particular prison--are covered.

More information on Title VI, generally, can be found at Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000d et seq.

Q. What is a federally conducted activity?

A. All federal agencies subject to Executive Order 13166 must design and implement a federally conducted plan to ensure access for LEP individuals to all of its federally conducted programs and activities (basically, everything that it does). For instance, the Civil Rights Division of the U.S. Department of Justice has a plan for ensuring meaningful access to its programs and activities for LEP persons. Other agencies and parts of agencies must do the same.

Q. Who will enforce the LEP rules?

A. Most federal agencies have an office that is responsible for enforcing Title VI of the Civil Rights Act. To the extent that a recipient's actions are inconsistent with their obligations under Title VI, then such agencies will take the necessary corrective steps.

The Coordination and Review Section of the Civil Rights Division of DOJ has taken the lead in coordinating and implementing this Executive Order.

Q. What are recipients of federal funds and federal agencies required to do to meet LEP requirements?

A. Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. the frequency with which LEP individuals come in contact with the program;
3. the nature and importance of the program, activity, or service provided by the program to people's lives; and
4. the resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits.

Q. Do recipients of federal funds have to submit written language access plans to the Department of Justice or to their federal funding agency each year?

A. No. While planning is an important part of ensuring that reasonable steps are taken to provide meaningful access to LEP individuals seeking services, benefits, information, or assertion of rights, there is no blanket requirement that the plans themselves be submitted to federal agencies providing federal financial assistance. In certain circumstances, such as in complaint investigations or compliance reviews, recipients may be required to provide to federal agencies a copy of any plan created by the recipient.

Page last updated October 8, 2002

THE WHITE HOUSE

Office of the Press Secretary
(Aboard Air Force One)

For Immediate Release

August 11, 2000

EXECUTIVE ORDER

13166

IMPROVING ACCESS TO SERVICES FOR
PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch 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.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 11, 2000.

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This page was last updated on February 07, 2001

Executive Order 13166
Limited English Proficiency Resource
Document:
Tips and Tools from the Field

September 21, 2004

U.S. Department of Justice

Civil Rights Division

From the Executive Office of the President Office of
Management and Budget
2002 Report

"The benefits of language-assistance services for particular LEP individuals, while not readily quantifiable in dollar units, can be significant. Improved access to a wide variety of services - ranging from the delivery of healthcare and access to food stamps to motor vehicle licensing and law enforcement - can substantially improve the health and quality of life of many LEP individuals and their families. Moreover, [it] may increase the efficiency of distribution of government services to LEP individuals and may measurably increase the effectiveness of public health and safety programs."

[omb website](#)

Table of Contents

Introduction: Overview of the Document and of the Federal Limited English Proficiency Initiative

Chapter 1: General Tips and Tools Common to Courts, Police, 911 Call Centers, and Domestic Violence Specialists and Service Providers

- A. Determining Your Organization's Language Needs
- B. Identifying Language Resources
- C. Working with LEP Individuals
- D. Ensuring Quality Control
- E. Conducting Outreach

Chapter 2: Tips and Tools Specific to 911 Call Centers

- A. Identifying Needs and Setting Policy
- B. Accessing Language Resources
- C. Working with LEP Callers
- D. Ensuring Quality Control
- E. Conducting Outreach

Featured: Miami, Florida 911 Call Center

Featured: Project Echo, Minnesota

Chapter 3: Tips and Tools Specific to Law Enforcement Agencies

- A. Determining Your Needs
- B. Identifying Language Resources
- C. Working with LEP Individuals
- D. Ensuring Quality Control
- E. Conducting Outreach

Featured: Storefront in East Dallas, Texas

Featured: Haitian Citizens' Police Academy/Haitian Roving Patrol, Delray Beach, Florida

Featured: Summit County/Lorain, Ohio Interpreter Services

Chapter 4: Tips and Tools Specific to Domestic Violence Service Providers and Specialists

A. Identifying the Need

B. Identifying Language Resources

C. Other Services for LEP Victims of Domestic Violence

D. Ensuring Quality Control

E. Conducting Community Outreach

Featured: Rockland Family Shelter, New York City

Featured: Refugee Women's Alliance, Seattle, Washington

Featured: TAPESTRI, Georgia

Chapter 5: Tips and Tools Specific to Courts

A. Assessing the Needs of Your Court System and Creating a Plan

B. Identifying Language Resources

C. Working with LEP Individuals and Interpreters

D. Ensuring Quality Control

Featured: Seattle's King County Superior Court Interpreter Program

Featured: The New Jersey Judiciary

Featured: Oregon Courts

Chapter 6: Tips and Tools Specific to DOJ Federally Conducted Programs and Activities

A. Determining Your Organization's Language Needs

B. Identifying Language Resources to Help Meet Your Needs

C. Working with LEP Individuals

D. Ensuring Quality Control

E. Conducting Outreach

Featured: Executive Office of United States Attorneys

CONCLUSION

**SAMPLE FOR DISCUSSION PURPOSES
PLANNING TOOL:
CONSIDERATIONS FOR CREATION OF A LANGUAGE ASSISTANCE POLICY
AND IMPLEMENTATION PLAN FOR ADDRESSING LIMITED ENGLISH
PROFICIENCY
IN A LAW ENFORCEMENT AGENCY**

I. INTRODUCTION AND BACKGROUND

A. POLICY STATEMENT

Police and Sheriffs' Departments (Departments) may want to consider creating a short policy statement that sets the tone and goal on language access in the agency. An example of what such a statement could potentially include is the following:

It is the policy of the Department (Department) to take reasonable steps to provide meaningful access to all individuals in any encounters with the Department regardless of their national origin or limited ability to speak, read, write, or understand English. A language assistance implementation plan and subsequent directives/general orders [as appropriate for your agency] will detail the steps to be taken in implementing this Policy.

B. WHO IS LIMITED ENGLISH PROFICIENT (LEP)?

LEP individuals do not speak English as their primary language and have a limited ability to read, write, speak, or understand English.

- Many LEP persons are in the process of learning English and may read, write, speak, and/or understand some English, but not proficiently.
- LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information (e.g., medical information, eyewitness accounts, information elicited in an interrogation, etc.) in English.

C. BACKGROUND AND PURPOSE

- Federal law prohibits national origin discrimination and requires federally assisted law enforcement agencies to take reasonable steps to provide meaningful access to LEP individuals.
- Language barriers can put cases and lives at risk by impeding communications with LEP victims, witnesses, suspects, and community members and by creating safety, evidentiary, and ethical challenges for officers and others
- Language barriers can prevent LEP individuals from understanding their rights, complying with the law, and receiving meaningful access to law enforcement services and information.

D. PLANNING DOCUMENTS

Law enforcement officials have several planning documents they could choose to create.

- A general Policy could include the brief policy statement, as well as background information and as many specifics as appropriate for the agency. This policy statement could be the overarching document from which a management plan would flow.
- An Implementation Plan for managers could identify operational and management strategies and planning options for implementing the Policy. The Plan could be attached to the Policy once developed.
- Shorter directives [substitute policy guidance, general orders, or other types of direct communication with staff and managers regarding protocols and procedures, as appropriate for your Department] could be created to flow from the Plan. These directives could set forth clear expectations and procedures for staff and managers on how and when to access language service options. Where appropriate, different directives might be issued to cover different types of encounters, such as traffic stops, arrests, custodial interrogations, witness interviews, detention, etc.
- Language resource lists, signs, instructions on internal websites, training, videos, and other tips and tools could be created to help staff understand how and when to access and provide language assistance.

E. FRAMEWORK FOR ASSESSING LANGUAGE SERVICE NEEDS

The starting point for the Department's Language Assistance Implementation Plan is the four-factor analysis and Guidance Document that the U.S. Department of Justice developed to assist law enforcement agencies in creating language access plans.

(<http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.pdf>) The Guidance also provides examples of application of that analysis in law enforcement, particularly in Section A of the Appendix. More details on the document and analysis, as well as specific law enforcement examples, can be found at <http://www.lep.gov>.

Four-factor analysis:

1. The number or proportion of LEP persons encountered in the Department's jurisdiction/precinct etc., including any seasonal, tourism, or other variations in the LEP population;
2. The frequency of contact with LEP individuals;
3. The nature and importance of the various types of encounters the Department has with LEP persons; and
4. The resources available to the Department and the costs associated with providing language services.

While all law enforcement activities are important, the four-factor analysis allows the Department to prioritize types of language services, and to ensure that appropriate language assistance resources are promptly available where

most needed.

F. APPLICATION OF THE FOUR FACTORS

- The Policy and/or Plan could describe the demographic background or major language groups encountered, including composition within each district or precinct, and any seasonal variations, and/or trends.
- The Policy could identify language service options and Departmental priorities for the provision of language services, based on the four-factor analysis. The Implementation Plan and Directives could provide detailed information on the protocols for accessing language services, vital documents to be translated, training, monitoring, and other specifics to implement the Policy.

II. DEFINITIONS

- Primary Language – The language in which an individual is most effectively able to communicate.
- Interpretation – The act of listening to a communication in one language and orally converting it into another language, while retaining the same meaning. Interpreting is a sophisticated skill needing practice and training, and should not be confused with simple bilingualism. Even the most proficient bilingual individuals may require additional training and instruction prior to serving as interpreters. Qualified interpreters are generally required to have undergone rigorous and specialized training.
- Translation – The replacement of written text from one language into an equivalent written text in another language. Translation also requires special knowledge and skills.
- Bilingual – The ability to speak two languages fluently and communicate directly and accurately in both English and another language.
- Direct Communication – Monolingual communication in a language other than English between a qualified bilingual Department employee or representative and an LEP individual (e.g., Spanish to Spanish).

III. CONSIDER WHETHER THE DEPARTMENT SHOULD DESIGNATE A RESPONSIBLE OFFICIAL AND PRECINCT-LEVEL COORDINATORS

If a Department decides to assign a Responsible Official/LEP Coordinator who reports to the Chief, Sheriff, or some other high-ranking official, some of the responsibilities of that position could be, for example, to:

- Identify:
 - Language assistance needs for the Department;
 - Existing Departmental language assistance resources; and
 - Additional needed language assistance resources (bilingual officers, in-house interpreters, contract interpreters, resource sharing with other agencies, volunteers, or other resources).
- Oversee the proper use of:
 - Bilingual employees, including adopting and implementing standards and assessments for qualifying Department employees as bilingual, training, tracking, and

- dispatching qualified bilingual officers;
- Department interpreters, including adopting and implementing standards and assessments to measure interpreter proficiency, and training, tracking, and dispatching qualified Department interpreters; and
- Non-employee interpreters, including adopting and implementing standards for ensuring qualifications of contract and other non-employee interpreters (in-person and telephonic), and training, tracking, and utilization of such interpreters.
- Oversee translations, including identification of documents to translate, ensuring quality control, securing translation services, ensuring access to translated documents, etc.
- Develop or recommend directives/general orders/protocols (or other appropriate documents) to be followed by shift supervisors, field officers, dispatchers, and staff in situations involving LEP persons.
- Provide for employee training on accessing all language assistance measures the Department will use.
- Identify and implement a system for receiving and responding to complaints/suggestions by citizens and staff regarding improvements to language assistance measures.
- Exchange promising practices information with other law enforcement departments and other community organizations.
- Review the Department's progress in providing meaningful access to LEP persons, develop reports, recommend modifications to this Plan and implementing directives/orders, as appropriate.
- Oversee budgetary and procurement/contracting matters related to implementation of the policy.

The official responsible for language assistance services could be given the authority to delegate responsibilities, as appropriate, to various Department employees but could retain ultimate responsibility for oversight and implementation of the Plan.

Larger Departments with significant LEP populations may choose to designate precinct-level responsible officials also.

The Plan and Directives should set forth the name and contact information of the Responsible Officials, if the Department chooses to assign them.

III. LANGUAGE ASSISTANCE OPTIONS

In general, Departments have the following options to consider including in their plans for the provision of language services:

A. ORAL LANGUAGE SERVICES

1. Direct Communication with LEP Individuals by Bilingual Staff

- Often, the most efficient and cost-effective method for communicating with LEP individuals is direct communication through qualified bilingual employees fluent both in

- English and the LEP person's language.
- Consider taking the following steps to ensure accurate communications:
 - Creating written standards and adopting assessments for qualifying Department employees as bilingual.
 - Assessing fluency in both languages and in the terminology used by the Department prior to designating a staff member as bilingual. A person may be able to convey simple instructions or hold conversations in an LEP individual's primary language, but not be sufficiently proficient in that language to perform more complicated tasks such as conducting interrogations, taking statements, collecting evidence, or conveying rights or responsibilities. These individuals are not yet "bilingual."
 - Providing initial and periodic training to bilingual employees on their role in direct bilingual communication, code of conduct for bilingual communications, and law enforcement terminology in other languages.
 - Consider taking the following steps to improve effective utilization of bilingual officers:
 - Maintaining a directory of all qualified bilingual employees, including a list of the non-English language(s) they speak and their contact information, assignments, shifts, etc.
 - Recruiting bilingual staff and considering pay differentials or other forms of recognition for employees who do "double duty" as qualified bilingual employees.
 - Considering bilingual capabilities and language assistance needs of the community (or, in the case of a call for assistance, the specific language needed) in assignments and dispatch.

2. Interpretation

When language services are needed, the Department should use qualified interpretation services when a non-bilingual employee/officer needs to communicate with an LEP person or vice versa, when qualified bilingual employees are unavailable or en route, and when available bilingual employees lack the skills, rank, or assignment to provide direct communication services.

a. Options to consider include:

- Staff interpreters (trained and qualified) who are employed by the Department exclusively to perform interpretation services.
- Contract in-person interpreters, such as state and federal court interpreters, among others.
- Contract telephonic interpreters who provide interpretation according to Department guidelines. The language assistance implementation plan could set forth telephonic interpretation options, and how to access them, including use of telephonic or radio equipment to:
 - Access employees, interpreters from other agencies, or others who have been qualified as interpreters by the Department.
 - Access commercial telephonic interpretation services. The Plan will set forth information on access codes and assurances of quality control for such services.
- Interpreters from other agencies with which the Department has a resource-sharing or other formal arrangement to interpret according to Departmental guidelines.
- Interpreters who also serve as bilingual sworn officers or employees and have undergone training and passed Departmental language proficiency assessments and rigorous training to serve dual roles as sworn officers/civilian employees and interpreters.
- A bilingual person may be sufficiently proficient in English and a foreign language to have direct monolingual conversations in that foreign language with an LEP individual, but not sufficiently proficient to convert orally what is said in the foreign language back into English. Likewise, the person may be perfectly fluent in both languages, but unskilled in interpreting and untrained in the various modes of interpretation and appropriate use of those modes (simultaneous, consecutive, sight).
- Consider creating written standards for assessing and qualifying bilingual Department employees as interpreters, and provide or secure training for qualified employees on the role of a Department interpreter, the modes of interpretation, the code of conduct for interpretation, and the use of law enforcement terminology in other languages.
- Bilingual officers used for the dual purpose of interpreting should inform the LEP person that they are also officers in the Department.

- Volunteer interpreters who have undergone training and meet Departmental language proficiency standards, and have formal arrangements with the Department to perform interpretation services.
- Family members, neighbors, friends, acquaintances, bystanders, and children generally should not be used for interpretation, especially for communications involving witnesses, victims, and potential suspects, or in investigations, collection of evidence, negotiations, or other sensitive situations, except temporarily in unforeseen, emergency circumstances while awaiting professional interpretation or bilingual officers.

b. Choosing Between Telephonic and In-Person Interpretation

- When interpretation is needed, in-person interpreters may be preferred (Department employees or contract) for lengthy interactions and interactions with significant potential consequences to the LEP person, such as interviews or interrogations.
- In general, when interpretation is needed, telephonic interpretation services are most appropriate for brief encounters, situations in which no qualified in-person interpreter is available, while awaiting a qualified in-person interpreter, and during telephone conversations with LEP persons.

B. WRITTEN COMMUNICATIONS [TRANSLATIONS]

1. General Forms and Documents.

Using the four-factor analysis, the Department should translate the vital written materials into languages of frequently-encountered LEP groups (considering literacy of LEP populations in their language). Vital information from those documents should be interpreted when translations are not available for LEP or when oral communication is more effective, such as in the case of LEP individuals whose primary language is traditionally an oral one.

The Plan could set forth the documents to be translated, including languages and timeframes for such translations. For instance, the Department could consider the following format and types of documents for translations of general materials:

FORMS/DOCUMENTS [Identify specifically, as appropriate]	Languages	Time
Documents relating to motor vehicle stops, including citations, accident reports, notices of rights, warnings, and general information:		
Documents relating to accessing emergency services, calling for police assistance, etc.:		
<u>Miranda</u> warnings and consent/waiver forms:		
Documents relating to intake/detention/incarceration:		
Notices and posters containing important information on the availability of language services:		
Documents relating to criminal citations, summons, and warrants:		
Documents relating to complaints:		

Consider planning options for the following:

- o Obtaining Translations: Procedures for obtaining the initial translations, and directives could tell staff how and when to access these translations, as well as

how to request additional translations.

- "Taglines": Procedures for putting information on how to access oral language services in the appropriate languages somewhere prominently in the English language form if full translations are not reasonable.
- Quality Control: Quality control protocol, such as assuring initial translations and second checks by qualified individuals.
- Updating: Steps to consider demographic changes, new information/documents, or modifications to existing documents, leading to the need for additional translations.

2. Specific Written Communications Between LEP Persons and the Department (such as complaints filed in a language other than English, written instructions, warnings, orders, etc.).

- a. The Department should take reasonable steps to ensure document translation and meaningful communication.
- b. The more significant the communication to the LEP person, the greater the need to ensure competent and timely translations.
- c. When translations are not possible or reasonable, important information should be conveyed verbally in the relevant language. Taglines in the appropriate languages could inform individuals how to receive oral language assistance to understand the contents of document.

IV. PERSONNEL/HUMAN RESOURCE PLANNING

The Plan for management could include planning for personnel and human resource matters, such as:

- Consideration of language needs and inclusion of second language skills in recruitment, hiring, and promotion plans and criteria.
- Consideration of pay differentials for bilingual/interpreter staff.
- Tracking composition of staff by language ability.
- Promoting language sensitive deployment of bilingual staff and interpreters to match skills with needs.
- Providing training opportunities to improve existing language skills for staff.

The Plan should include name and contact information for persons responsible for implementing these measures, as appropriate.

V. TRAINING AND TOOLS FOR EMPLOYEES

The Department should consider providing:

- Easily-accessed information to employees having contact with the general public on the different types of language service options and how and when to access language services.
- Training all staff and field officers coming into contact with LEP persons, as well as administrators and supervisors in charge of any aspect of the Language Assistance Policy, the Implementation Plan, and all other Department directives/general orders, and tools pertaining to the Policy or Plan.

- Including in-service training for veteran officers and academy training for new hires on the Language Assistance Policy and Implementation Plan, directives, and tools.
- Including role-playing based on actual law enforcement encounters involving language barriers, and providing opportunities to practice accessing language resources.
- Including information on categories of people who should not be used for interpretation purposes (including family members, children, neighbors, friends, alleged perpetrators, witnesses, acquaintances, and bystanders), especially in situations involving communication with witnesses, victims, or potential suspects. Advising avoidance of using these people, if at all possible, except in unforeseen, emergency situations, in order to prevent issues of confidentiality, conflicts of interest, impartiality, or risk of compromising evidence or safety.
- Training qualified bilingual employees and interpreters, contract interpreters, shared interpreter resources from other agencies, and community volunteers who may provide oral or written language assistance services for LEP persons on confidentiality and conflict of interest requirements, necessary law enforcement terminology, and other important guidelines as more specifically set forth in Section III, above.

VI. POLICIES ON INTERACTION WITH LEP INDIVIDUALS

A. GENERAL

The Plan should set forth how Department employees will use the language assistance measures (bilingual officers, interpreters, translators, etc.) in handling situations involving LEP individuals. While knowledge of the entire Plan is helpful, officers and employees coming into contact with LEP persons will mostly need to know what they are supposed to do in such situations, thus making directives, training, and training tools (such as roll call videos and instructions that can be carried easily) most valuable for those employees/officers.

1. The Plan and Directives should provide officers/employees with an order of preference for using oral language assistance services, such as, for example:

- Bilingual employees are to be requested/deployed first for direct monolingual communication with LEP persons in their primary language. Bilingual employees who are used to interpret between LEP persons and others must be qualified to do so.
- Staff interpreters are to be used when bilingual employees are unavailable, lack the language capabilities, skills, or rank to be used/deployed.
- Contract interpretation services will be used where staff interpreters are unavailable or lack the language capabilities, skills, or rank to be used/deployed.
- Family members, neighbors, friends, acquaintance, bystanders, and children should not be used for interpretation, especially for communications involving witnesses, victims, and potential suspects, or in

investigations, collection of evidence, negotiations, or other sensitive situations, except temporarily in unforeseen, emergency circumstances while awaiting professional interpretation or bilingual officers.

However, the type of language assistance to be used may vary depending on the situation. The Plan should reflect the need to ensure availability of the highest quality language assistance in situations that may result in significant consequences for the LEP person or have potential safety or evidentiary consequences.

2. Identifying and Preparing for Language Needs:

The Plan could include information on responsibility for ensuring that:

- All employees receive language identification cards and are trained in using these cards to identify the primary language of LEP individuals.
- Information is disseminated on common languages encountered and for training employees regarding language needs of the community served, as well as literacy rates and/or issues regarding non-written languages.
- All employees know what to do if the LEP person's language cannot be identified using the cards (such as seeking the assistance of telephonic or other services).
- Officers understand that they should communicate through interpreters using the first person (i.e., "please tell me your name, address . . ." rather than, "please ask him his name, address . . ."), and that it is their job, not the interpreter's, to develop and ask any questions.
- The dispatch unit/supervisor maintains a current list of all bilingual employees and staff interpreters, etc., which includes their availability, shift, and/or other contact information.

Consider setting forth reasonable procedures for ensuring language assistance in general, and specifically in the following areas:

A. 9-1-1 Communications with LEP Individuals – 9-1-1 communications should be conducted in the language of the LEP caller. Officers dispatched to the scene should be made aware of language assistance needs and be prepared to respond appropriately. Wherever practicable, bilingual officers speaking the needed language should be dispatched.

Consider setting forth in the plan, as appropriate, responsibility for ensuring that the following are adopted:

- o 9-1-1 call-takers receiving calls from LEP callers inform the LEP caller that he or she will be placed "on hold" pending connection to

- an interpretation service.
- Call-takers learn to say "please hold" in the most commonly used non-English languages within the jurisdiction.
- Call-takers utilize a list of all bilingual employees available for immediate transfer of the call.
- When bilingual staff are not available, call-takers access a telephonic interpretation service (include access information in the Plan).
- Once the three-way call is established between the 9-1-1 dispatcher, the LEP caller, and the interpreter, the call-taker utilizes standard protocol for 9-1-1 calls.
- Call-takers/dispatchers include the relevant language information and request that available bilingual officers respond when disseminating information to responding officers.
- Whenever call-takers/dispatchers must transfer a call to the fire department or EMT response, the interpreter stays on the call until the call is completed.
- There is monitoring of quality control, including accuracy and timeliness.

B. Arrests, Enforcement Stops, and Field Investigations – Effective planning and deployment of bilingual officers and utilization of interpretation and other language services can help ensure that officers conduct important communication with LEP persons in the appropriate language during field enforcements and investigations, including: Terry stops; arrests; Miranda and other warnings; serving warrants and restraining orders; motor vehicle stops; accident investigations; pedestrian stops; and witness, suspect, or victim interviews.

Consider including the following in the Department's Plan and any appropriate Directives to ensure that:

- Officers have instructions on how to access language services, including bilingual staff, interpretation, and telephonic interpretation services, directly in the performance of official field duties.
- The Department provides training to all officers specifically for field enforcement and investigations involving LEP individuals.
- Patrol officers have access to relevant translated forms, warnings, and instructions related to field investigations and motor vehicle stops. Officers carry Miranda warning and waiver cards translated into frequently encountered languages to assist in ensuring consistent communication of such warnings. Some languages are traditionally oral and not written. Some LEP individuals are not literate in their primary language. Appropriate oral interpretation of rights should be provided whenever necessary.
- Officers investigating accidents obtain relevant information regardless of language barriers. LEP persons involved in accidents should be provided an opportunity to communicate "their side of the story."

C. Custodial Interrogations – Advising of rights and all other communications with the LEP suspect/witness should be explained to the LEP individual in

his/her primary language. Miscommunication during custodial interrogations may have a substantial negative impact on the evidence presented in any related criminal prosecution, may result in improper consequences to the LEP person, and may result in a failure to pursue all appropriate leads. The need for quality and accuracy is at its most critical during interrogations.

Consider planning for the following:

- Advising of rights and all other communications with the LEP suspect/witness should be conducted in the LEP individuals' primary language.
- All other requisite forms and waivers should be translated and/or explained to the LEP suspect or witness in his/her primary language.
- Because of the dual role an officer would have when conducting an interrogation or witness interview and simultaneously acting as an interpreter, the officer and other Department employees should only be used as interpreters during interrogations or witness interviews if they have identified themselves as officers or employees of the Department and are trained in utilizing proper interpretation protocols. Some jurisdictions do not allow officers to serve as interpreters during custodial interrogations of suspects.
- Setting forth, as some Departments do, circumstances under which interpreters who are not serving a dual role as an investigating officer should be used.

D. Intake and Detention – Intake should be conducted in appropriate languages so that detainees understand their rights and responsibilities and can communicate health, mental health, safety, and other important information and needs. [If the law enforcement agency operates a jail, the planning tool for corrections/jails should also be considered].

Consider planning for the following:

- Using language identification cards to determine the LEP person's primary language. If this is unsuccessful, using telephonic or other interpretation services to identify the language.
- Once the language is identified, using bilingual employees, employee interpreters, or contract interpreters (in-person or telephonic) in intake and detention of LEP individuals.
- Providing notices to LEP persons, in the appropriate language, of language services available including the use of interpretation services and, if appropriate, translated materials.
- Communicating institution/detention rules and regulations to LEP individuals in their primary language.
- Making programs or services (including health and mental health) available to non-LEP persons also available to LEP persons.

F. Complaints – Consider including in the Plan processes to ensure that LEP persons are able to make complaints in their language and language barriers do not impede proper investigation of such complaints.

G. Outreach – Outreach efforts can build bridges between law enforcement and immigrant and LEP communities and can ensure better understanding of rights and responsibilities, as well as safety and preparedness. Thus, consider outreach efforts to be conducted in languages most frequently encountered in the population served.

VII. LANGUAGE ASSISTANCE DOCUMENTS

Consider making updated copies of the Language Assistance Policy, the Language Assistance Implementation Plan, directives/general orders (or the equivalent), training opportunities, and other language assistance information and tools available in a central location and distributed or otherwise made easily accessible.

VIII. SIGNS IN VISITOR AND STAFF AREAS

Consider posting signs in visitor areas that detail important information in languages most frequently encountered and in staff areas on how staff can access language services.

Consider whether notices of language services available free of charge to LEP persons will be prominently posted, in the appropriate languages, at Department entrances, lobbies, websites, or other locations where LEP individuals are likely to see them.

VII. RECORDING AND MONITORING

Consider the following:

- Maintaining records of language assistance needs, such as:
- Officers - Calls for services involving LEP individuals that require an incident report could include in the report a notation that the person(s) involved are LEP, the language service used (including identification of service provider/staff member), and the language(s) spoken by the individual(s);
- Front Desk Personnel could track encounters with LEP individuals and record the date and time of the encounter, the service provided, and the language spoken by the LEP individual;
- 9-1-1 Communications Center could track calls made by LEP individuals and record the date and time of the call and the language spoken by the LEP caller;
- Referrals to District Attorney's Office or other Agencies – Personnel generating reports regarding LEP victims, witnesses, and suspects could note the individual's LEP status and language spoken so that language services can be identified by these other entities.
- Setting forth clear expectations for staff and managers regarding language assistance.
- Implementing a system to monitor effectiveness of the Plan and its implementation.
- Seeking feedback on the quality and effectiveness of the language service resources available and utilized by staff/officers.
- Reviewing programs, the linguistic demographics of the population served or encountered, and the language resources available in an ongoing fashion, and more formally at least once per year (or as appropriate), and make adjustments as necessary and appropriate to ensure meaningful access and to reflect improved approaches to providing language access.
- Including in the Plan and/or Directives information on how monitoring will take

place and who is responsible for it.

Law enforcement agencies are encouraged to use this document as a starting point for developing a language assistance policy and language assistance implementation plan, and to modify it as appropriate to meet the needs of the particular Department. Additional guidance, tips, and tools can be found at <http://www.lep.gov>. Comments and recommendations are welcome. Please send them to: Coordination and Review Section, LEP Initiative, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., NW, NYA Bldg., Washington, DC 20530

**PLEASE NOTE: THE ASSISTANT ATTORNEY GENERAL OFTEN DEVIATES
FROM PREPARED REMARKS**

*Transcript of speech of Wan J. Kim
before the
Federal Interagency Working Group on Limited English Proficiency
February 2, 2006
10:00 a.m.*

Good Morning. I am pleased and honored to be present at today's meeting of the Federal Interagency Working Group on Limited English Proficiency.

As Merrily mentioned earlier, today marks the 4th Anniversary of this very important group.

As I surveyed your many accomplishments, I was amazed at all that you have been able to achieve over the course of just four years. Your efforts to advance the cause of providing meaningful access to limited English proficient persons have truly resulted in significant gains for this important area of civil rights. For a group that started with an essentially "blank slate," your accomplishments are beyond impressive.

When former Assistant Attorney General Ralph Boyd extended the initial invitation to participate in this initiative, he stated that the Group's goal would be to ensure that implementation of Executive Order 13166 remains a priority and is coordinated in a consistent manner across agencies. There is no question that this Working Group has been instrumental in achieving that objective.

The early expectation was that members of the Group would create and share tools and other forms of technical assistance for ensuring that the federal provision of language services would be high quality, cost efficient, consistent, and effective. The Group's founders also envisioned that the Group would coordinate the implementation of Title VI and technical assistance to recipients by providing relevant best practices and sample tools used by the federal government. I know you are all familiar with the many ways in which this Group has worked to achieve these objectives so I will take only a moment to highlight just a few of the most notable accomplishments.

1. LEP. Gov

The phenomenal success of LEP.gov - a "one-stop shopping" approach to accessing LEP information - is a true testament to the value of this Group's work. Hits on LEP.gov rose from about 83,000 in FY 2004 to almost 221,000 in FY 2005, and they continue to rise this year.

You should all be proud of what you have achieved in providing an invaluable avenue for sharing and disseminating information about LEP issues. I hope you all share my commitment to ensuring that the website will continue to grow and provide useful information to government employees, recipients, advocates, and beneficiaries.

2. Brochures

In addition to disseminating information through the LEP.gov website, this Group has also been instrumental in the development of two important LEP brochures.

"Affirming LEP Access and Compliance in Federal and Federally Assisted Programs"

has been an important tool that both federal agencies and recipients have relied upon in devising and implementing effective LEP programs.

Similarly, the "Know Your Rights" brochure for beneficiaries has been translated into nine languages and serves as a highly effective form of outreach.

The effort began in an outreach committee of this Working Group and came to fruition through the financial and other support of the Department of Health and Human Services and the Food and Nutrition Service of the Agriculture Department, together with the Civil Rights Division.

3. Self - Assessment Tool for Recipients

The development of a self-assessment tool for recipients is yet another example of the many ways in which the efforts of this Working Group have resulted in concrete tools to improve the provision of LEP services.

The "Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance," which is available on LEP.gov, was developed by one of the early committees of this Working Group and has directly enhanced the ability of many recipients to offer effective LEP programs to their beneficiaries.

4. Collaboration among agencies

One of the goals for this Group has always been to encourage collaboration among federal agencies.

The tremendous success of the LEP video "Breaking Down the Language Barrier: Translating Limited English Proficiency Policy into Practice," now available in four languages, is a fabulous testament to the success of this effort. This joint production by the Civil Rights Division's Coordination and Review Section, the Department of Health and Human Services' Office of Civil Rights, and the Department of Agriculture's

Food and Nutrition Service is precisely the sort of inter-agency collaboration this Work Group was designed to encourage.

My hope is that the future will offer many similar opportunities for fostering such cooperation.

These are just a few examples of the many achievements of this Working Group. In addition, members of the Group have been responsible for making great strides within their agencies. Most have published recipient guidance documents and created federally conducted plans for ensuring meaningful access to federal as well as federally funded programs.

But what I'd like to focus on today, as we reflect on the accomplishments of the last four years, is how best to build upon our previous successes and meet the many challenges that lie ahead.

Before doing so, though, I'd like to pause for a second to take note of what I perceive to be one of this Working Group's primary strengths: organizational flexibility. Often, one of the best indicia of success is the ability of a group like this to adapt and reconstitute itself to meet new challenges.

When originally formed, many of the goals and objectives for this Working Group were developed by

small groups that met during the first session. Last year, however, members of the original Steering Committee met and decided to restructure the organization of the Group.

As a result, a new committee structure was formed to focus on various issues. These committees have met multiple times over the course of the last year and have amassed a new array of impressive accomplishments.

This sort of organizational flexibility that the Working Group has shown in re-designing its core structure is a true measure of the Group's strength - and undoubtedly a key element in its remarkable success. As we move forward, I hope we can continue to draw upon this strength in pursuing our core mission. Our core mission, of course, hasn't changed over the past four years - but each success helps us re-define the next challenge.

Now that most agencies have successfully completed work on their LEP guidance documents, we find ourselves ready to devote more time and attention to issues of compliance and enforcement. As the Working Group considers new frontiers, it is important to recognize that we have already started developing many wonderful models.

A successful resolution coming out of the Office of Justice Programs' (OJP) Office for Civil Rights offers one great example. Indeed, it's fitting that we find ourselves in this room today. Not only is this where the Working Group first got its start four years ago, but OJP has accomplished so much in the area of LEP.

Most recently, OJP's highly successful collaboration with the Philadelphia Police Department represents a wonderful example of what can be accomplished in the provision of technical assistance to recipients. Instigated by a compliance review initiated by OJP, the collaborative efforts of the Police Department, the City, advocacy groups, and OJP resulted in greater access for those who do not speak English. The Philadelphia Police Department implemented a new LEP policy in December of 2005. Today, when police officers are confronted with LEP individuals, they have available professional in-person interpreters, telephonic interpretation, and vital documents translated into seven languages.

The Philadelphia case also highlights the importance of developing effective relationships with community groups and advocacy organizations. My hope is that, in the weeks and months to come, various members of the Working Group can direct their efforts toward forging similar types of collaborative projects that will further the goals of this organization.

Michael Alston, the Director of OJP's Civil Rights Office, has been kind enough to allow us to distribute information pertaining to the Philadelphia agreement as a handout for this meeting. So, thank you Michael - for the handouts, of course - but mostly for your leadership and overall efforts in this area.

I also want to take this opportunity to express my hope that members of this Work Group can continue to extend this sort of collaborative technical assistance approach to *interagency* efforts to assist recipients. Our recent work on the provision of LEP services in disaster relief efforts is another great example of the value of this interagency approach.

As an outgrowth of an idea that emerged from the Federally Conducted Committee, we embarked on a

broadier project to examine the ways in which a coordinated response to hurricane relief and recovery efforts could assist in addressing the needs of LEP individuals and other vulnerable communities.

Merrily mentioned the December 12th memorandum that I circulated, in which I encouraged all agencies to review their websites, especially the disaster relief portions, to ensure that important information relating to agency and recipient civil rights obligations, assistance options, and resources for those experiencing difficulty in accessing services, is provided in multiple languages.

I also encouraged agencies to consider civil rights issues in the dissemination of local rebuilding, recovery, and planning grants and to continue to utilize general civil rights-related assurances.

My memo provided examples of assurances relevant to LEP issues and to budgeting for language assistance as part of the programmatic costs of implementing grants.

Finally, I urged each agency to consider the steps that can be taken to ensure that race, color, and national origin, including LEP status, do not impede access to information, shelters, and other evacuation and relief services in future assistance and in disasters.

Importantly, as agencies take action to strengthen disaster preparedness amongst ourselves and our recipients, we must all consider the efforts that can be taken to ensure that the specific needs of minority populations, particularly those that are isolated due to LEP, immigration, or income status, are addressed.

I understand that the Federally Conducted Committee has also come up with and developed another useful project, which is working its way to my office. The project entails surveying all federal agencies to find out what LEP resources they've been using, what best practices they have discovered, and what challenges they have faced. The Committee suggested that the survey results could then be put into a report that all could share. I am certainly impressed with the ideas that keep coming from this Working Group."

Finally, as this Group enters its fifth year of working together to promote the cause of providing meaningful access to LEP individuals, I am excited by what I see changing all around us.

Just recently, we learned from the Minnesota Administrative Offices of the Courts that the Minnesota Supreme Court had passed a proposed amendment to the Minnesota Rules of Civil Procedure to make it clear that foreign language interpreters must be provided for all litigants and witnesses, not only in criminal proceedings, but also in civil proceedings, at court expense.

This is an incredibly exciting development and I hope it is a harbinger of things to come.

It's interesting to note that the Coordination and Review Section had been asked to send a letter to the Civil Rules Committee Chair providing information about the requirements of Title VI and the DOJ LEP guidance. That letter was mailed on November 7th. Shortly thereafter we heard about the amendment being passed.

Whatever the effect the Division's letter may have had, the important point to note is that word is getting out about the requirements of Title VI in the area of language access - and real changes are taking place in the way that important services are being provided to LEP beneficiaries.

Before concluding my remarks this morning, I would like to take a moment to address one final topic.

In our efforts to continue building on the successes of the past, I am pleased to announce my support for a new project which I feel truly represents the exciting potential of this Working Group.

As many of you know, in 2004, the Civil Rights Division hosted an LEP conference for recipients, federal government, and community and interpreter groups that showcased innovative strategies used by federal, state, and local agencies, as well as private organizations, in providing services to LEP individuals. This conference offered leaders in the field a wonderful opportunity to exchange tips, tools, and practices and to discuss more efficient and effective means of communicating with LEP individuals.

This past year, in September 2005, the Division sought to build upon the initial success of this conference by hosting a smaller law enforcement "summit" which offered the participants, mostly DOJ recipients, a more in-depth opportunity to discuss issues and share strategies for developing and implementing effective LEP programs.

Both the 2004 conference and the 2005 summit were very well received and were followed by numerous requests from participants to host additional such events. As a result, a decision was made to form the Interagency LEP Conference Committee, dedicated to exploring the possibility of hosting an interagency LEP conference.

I recently received and reviewed a proposal from the Conference Committee to host a two or three-day Interagency LEP conference that would be designed to explore cross-cutting LEP issues in a multi-agency forum. I am pleased to announce my support for this proposal and my hope that other agency leaders will similarly commit to this endeavor.

I think the idea of an Interagency LEP conference is a wonderful project for this Group to undertake and will offer a unique opportunity for all of us to take advantage of the many natural partnerships that exist, and those that can be developed, in the provision of LEP services. I am excited about the possibility of seeing this proposal come to fruition - and I know that the energy and enthusiasm that have made this Work Group so effective in the past will undoubtedly ensure the future success of this project.

I know that this Working Group has been instrumental in shaping and promoting the LEP initiative and I am confident that it will continue to be an invaluable player in the future of this area of civil rights - an area that is of personal significance to me.

I am grateful for all of your hard work over the past four years - and I look forward to working with each and every one of you as we continue on our quest to meet the challenges of overcoming language barriers in the provision of federal and federally assisted services.



*Let
Everyone
Participate*

**Meaningful Access
for People who are
Limited English Proficient**

www.LEP.gov



Translator and Interpreter Organizations - General

[American Translators Association](#)

[International Association of Conference Interpreters](#)

[The American Association of Language Specialists](#)

[The Translators and Interpreters Guild](#)

[National Center for Interpretation](#)

[Center for Applied Linguistics](#)

[Diversity RX](#)

[National Counsel on Interpreting in Health Care \(NCIHC\)](#)

[California Health Care Interpreters Association](#)

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Translator and Interpreter Organizations - Legal

National Association of Judicial Interpreters and Translators

Arizona Court Interpreters Association

Bay Area Court Interpreters

California Court Interpreters Association

Master List of Certified Court Interpreters of Designated Languages and Registered Interpreters of Nondesignated Languages (state of California)

National Center for State Courts -- a contractor to the Administrative Office of the United States Courts which has the authority over the Federal Court interpreter Certification program

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Translator and Interpreter Organizations - Medical

National Counsel on Interpreting in Health Care (NCIHC)

NCIHC is dedicated to promoting culturally competent professional health care interpreting as a means to support equal access to health care services for individuals with limited English proficiency.

Society of Medical Interpreters

SOMI is dedicated to promoting professionalism and excellence in interpretive services to enhance the provision of health and social services to individuals with limited English proficiency.

Diversity RX

DiversityRX is dedicated to promoting language and cultural competence to improve the quality of health care for minority, immigrant, and ethnically diverse communities.

Cross Cultural Health Care Program

CCHCP addresses broad cultural and linguistic issues that impact the health of racial and ethnic communities through cultural competence training, interpreter training, research projects, community coalition building, and other services.

Hablamos Juntos

Hablamos Juntos is dedicated to improving patient-provider communication for Latinos. It is a national program funded by the Robert Wood Johnson Foundation.

California Health Care Interpreters Association

CHIA is dedicated to increasing equal access to health care services by developing and promoting the healthcare interpreter profession, advocating for culturally and linguistically appropriate services, and providing education and training to healthcare professionals. Note the publication Standards for Healthcare Interpreters: Ethical Principles, Protocols, and Guidance on Roles and Intervention.

Massachusetts Medical Interpreters Association

MMIA is committed to equal access to quality health care for all people and to the advancement of professional medical interpreting.

Minnesota Medical Association: Language Assisted Interpreter Services

MMA provides physician membership with a summary of responsibilities under Title VI of the Civil Rights Act of 1964 with regard to Limited English Proficiency, including a summary of principles established in the Department of Health and Human Services' Policy

Guidance published on August 30, 2000.

Multicultural Association of Medical Interpreters of Central New York (MAMI)

MAMI is dedicated to providing culturally competent health care to limited English proficient individuals in Oneida and Herkimer counties in Central New York.

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Directory of Interpreters

I'm searching for an interpreter in the following language:

Please note that Washington State Court Certification is available only for Cantonese (Chinese), Khmer (Cambodian), Korean, Laotian, Russian, Spanish and Vietnamese.

American Sign Language
Arabic
Armenian
Bosnian
Cambodian
Cantonese
Chaochow
Chinese
Croatian

with the following certification:

Any Certification

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