

## **Letter from U.S. Department of Justice, 2003**

**U.S. Department of Justice Civil Rights Division  
Office of the Assistant Attorney General  
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A MESSAGE TO RECIPIENTS FROM RALPH F. BOYD, JR.  
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Are you encountering more and more people who don't speak English in your work? Most of us are. And while most individuals living in the United States read, write, speak and understand English, there are many for whom English is not their primary language. For instance, based on the 2000 census, over 26 million American citizens or residents speak Spanish at home and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP."

What we sometimes forget is how much of a barrier language can pose for a person who does not speak English.

It can be a barrier to accessing important benefits or services, including assistance from the justice system; It can be a barrier to understanding and exercising important rights; It can be a barrier to complying with governmental or other responsibilities; and It can be a barrier to understanding how to participate fully in our society.

The federal government provides and funds an array of services that can be made and should be made accessible to otherwise eligible LEP persons. Our goal is to improve the accessibility of these programs and activities to eligible LEP persons. That is why, on June 18, 2002, the Department of Justice (DOJ) issued guidance to recipients of DOJ federal financial assistance regarding the provision of meaningful access to LEP persons.

I know that many law enforcement, court, corrections, and other recipients of DOJ funds already have taken great steps in providing meaningful access to their LEP communities. The LEP Policy Guidance is based, in part, upon examples of such practices. The DOJ guidance document reiterates that recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important programs and activities. The guidance also assists in identifying how recipients can ensure meaningful access, including providing qualified interpreters and translators from several different options, and identifying important planning elements, with specific examples from the law enforcement, courts, and corrections contexts. That guidance, along with a host of technical assistance tools and information on LEP, can be found at <http://www.lep.gov>.

The guidance is based on Title VI of the Civil Rights Act of 1964, and its implementing regulations, and is inspired by an Executive Order. Together, they require federal

agencies and recipients of federal funds to take reasonable steps to ensure that LEP persons have meaningful access to programs and activities provided by or funded by the federal government. All recipients of federal funds from any federal agency - ranging from entities providing health and social services, job training, education and emergency services to victims' services, consumer protection, environmental protection, and transportation and beyond -- are also subject to the meaningful access requirement. This is also true in areas where English has been declared the official language.

The precise requirement - i.e., what reasonable steps are needed to provide that meaningful access - is determined by a four-factor balancing test:

1. Number of LEP persons eligible to be served or encountered;
2. Frequency of contact with LEP persons;
3. Nature and importance of the program to the LEP individuals; and
4. Resources available, including costs of providing LEP services.

So what does this mean?

- a. It means that 911 callers should be able to report crimes and other emergencies and be responded to, even if they do not speak English.
- b. It means that important information about legal rights should be provided in languages that can be understood.
- c. It means that parole opportunities for those in prison should not be limited based solely on English language ability.
- d. It means that children should not be used to interpret for police in domestic violence disputes.
- e. It means this and more.

It is important to note also what this does not mean and to reiterate the ultimate goals of the federal civil rights law in this area. There have been concerns raised regarding this federal LEP Initiative - concerns that the government is attempting to create a bilingual or multi-lingual society. But language services and the LEP Initiative are not intended to replace or supplant English. They are meant to be an interim measure. A measure that works alongside our commitment to English language acquisition.

We know that many people, particularly many of the elderly, may not have a realistic potential to learn English. We also know that a language cannot be learned overnight, even for those who are in English-as-a-second-language or other English language acquisition programs.

Thus, language access services are a bridge to help those who have not yet acquired, or cannot acquire, English proficiency. They are a bridge to help these millions of LEP members of the American public have meaningful access to statements of rights, complaint processes, government benefits and services, and other critical information and programs - to help them today until they, or the next generation, acquire the English proficiency that will give them even greater access tomorrow.