

Office of Justice Programs Language-Access Plan

The President, through Executive Order No. 13166, requires that federal agencies take reasonable steps to provide meaningful access for persons with limited English proficiency (LEP) to all federally-conducted programs and activities. The Attorney General, in his memorandum of June 28, 2010, further directs each component within the Department of Justice to create and implement a plan regarding its language-access efforts for all federally-conducted programs and activities. Pursuant to Executive Order No. 13166, each language-access plan must be consistent with the standards set forth in the Department of Justice guidance regarding the Title VI prohibition against national-origin discrimination affecting LEP Persons.

Pursuant to these mandates, and in furtherance of the non-discrimination provisions of Title VI of the Civil Rights Act of 1964 and the similar statutory non-discrimination provisions applicable to the Office of Justice Programs (OJP), OJP sets forth the following language-access plan and implementing policy guidance to ensure meaningful access to all of OJP's federally-conducted programs and activities by LEP Persons.

For purposes of OJP's language-access plan, the following definitions apply:

- (1) Bilingual refers to the ability to understand and communicate fluently in two languages (generally, as used here, English and another language).
- (2) Federally-conducted program or activity means a program or activity that is undertaken directly by a federal agency, whether through its own personnel or via contract. Generally, as used here, such a program or activity will involve either--- (1) general public contact as part of ongoing federal agency operations, or (2) a federal agency's administration of a service or benefit that involves persons who are beneficiaries or participants.
- (3) Interpretation means the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- (4) Language-assistance services generally means interpretation, translation, sight translation, or other services, as appropriate, that assist LEP Persons in understanding or communicating with OJP.
- (5) LEP Person means an individual whose primary spoken language is not English and who has a limited ability to read, write, speak, or understand English. LEP Persons may be competent in certain types of communication (*e.g.*, speaking or understanding), but still have limited English proficiency for other purposes (*e.g.*, reading or writing).
- (6) Primary language means the language in which an individual is most effectively able to communicate.

- (7) Translation means the rendering of written text from one language (source language) into an equivalent written text in another language (target language), while retaining the same meaning.
- (8) Vital document means paper or electronic written material that contains information critical for accessing OJP's federally-conducted programs or activities.

Meaningful Access to Federally-Conducted Programs and Activities.

OJP is committed to ensuring meaningful access for LEP Persons to all of its federally-conducted programs and activities. In furtherance of this goal, OJP has issued policy guidance to its staff, available at http://www.ojp.usdoj.gov/la_policy.pdf (English version) and http://www.ojp.usdoj.gov/la_policy_esp.pdf (Spanish version).

This policy requires OJP, in its federally-conducted programs and activities, to provide reasonable and free language-assistance services. The policy sets out a four-factor test that OJP will use to guide its language-access efforts and appoints a Language-Access Coordinator to serve as an internal and external point of contact and to provide leadership for OJP's language-access efforts. In addition, the policy addresses staff and supervisor responsibilities with regard to providing language access; sets out best practices in providing language-assistance services, such as interpretation and translation; creates a way for OJP to assess and evaluate its language-access efforts; sets out training goals; and requires a periodic re-evaluation of OJP's efforts.

Component-wide survey.

OJP has not, to date, had a comprehensive language-access plan that covers OJP's direct interactions with LEP Persons. To inform the development of this comprehensive language-access plan, in March 2011, OJP completed a component-wide survey of its federally-conducted programs and activities to identify LEP needs and available language resources. As a result of that survey, OJP identified the following five principal bureaus and offices that occasionally interact with LEP Persons in their federally-conducted programs or activities:

- (1) Bureau of Justice Assistance (BJA);
- (2) National Institute of Justice (NIJ);
- (3) Office for Civil Rights (OCR);
- (4) Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART); and
- (5) Office for Victims of Crime (OVC).

A summary of each of these components' programs and activities that involve interactions with LEP Persons, and each such component's language-assistance efforts for these program and activities, is set out below:

- (1) BJA administers the Public Safety Officers' Benefits (PSOB) Program, which provides benefits to eligible survivors of public safety officers whose deaths are the result of traumatic injury sustained in the line of duty, and to public safety officers who have been permanently disabled as a result of catastrophic injury sustained in the line of duty. The program also provides educational assistance to the surviving children and spouses of public safety officers who were thus killed or permanently disabled.

BJA's PSOB Office occasionally interacts with survivors of public safety officers who have limited English proficiency. In these circumstances, BJA relies on contractor personnel to translate documents into appropriate foreign languages, or from those languages into English, and utilizes qualified bilingual interpreters to provide language assistance in Spanish – for example, to communicate with survivors about their benefit claims and occasionally to interpret during benefit appeal hearings. In addition to its other written language-assistance efforts, the PSOB provides Spanish-language translations of various documents related to its activities, including those that (a) provide information about the program, (b) describe how to file a PSOB disability benefits claim, and (c) explain the PSOB appeals process.

- (2) NIJ provides online information about the National Missing and Unidentified Persons System (NamUs), which is a clearinghouse for missing persons and unidentified decedent records. NamUs is a free online system that can be searched by the general public to solve these cases. By early calendar year 2012, NamUs will be available in Spanish.
- (3) OCR investigates complaints from individuals who allege they have been denied employment in or services from programs or activities receiving federal financial assistance from OJP on the basis of being a member of a federally-protected class. OCR relies on contractor firms to provide interpretation and translation services where needed. In addition to its other written language-assistance efforts, the OCR provides Chinese-, Spanish-, and Vietnamese-language translations of a brochure that describes the civil rights laws that OCR enforces. It also provides Spanish-language translations of several additional materials that (a) provide information about the office and (b) explain the process for filing a discrimination complaint.
- (4) SMART maintains the Dru Sjodin National Sex Offender Public Website (NSOPW), which is an advanced search tool that allows a user to submit a single national query to obtain information about each sex offender; a listing of public registry websites by state, territory, and tribe; and information on sexual abuse education and prevention. The NSOPW is available in Spanish.
- (5) OVC interacts with LEP Persons through several of its federally-conducted activities. OVC, through its International Terrorism Victim Expense Reimbursement Program (ITVERP), provides reimbursement to victims of

international terrorism who incur uncompensated expenses as a result of an incident of international terrorism. Among the eligible beneficiaries of this program are nationals of the United States and employees (including contractors) of the U.S. Government who are injured or killed as a result of a terrorist act, and certain family members of these individuals. OVC generally relies on a contractor firm to provide interpretation and translation assistance to any LEP Person who is a victim of international terrorism. Often, the evidence supporting ITVERP claims are documents from foreign countries in languages other than English – in these cases, OVC generally uses contract translation services to render documents into English so that program staff may process claims.

OVC occasionally responds to written inquiries from victims regarding access to services and violation of rights, and uses similar translation services to facilitate these communications.

Finally, OVC disseminates informational materials to the general public through its national clearinghouse, the OVC Resource Center. OVC has recently undertaken efforts to make these resources more accessible to LEP Persons. OVC funded the *Existe Ayuda* (Help Exists) National Outreach Project, as part of OVC's technical-assistance efforts. Technical assistance helps recipients of OVC funding to more effectively provide victim services. The *Existe Ayuda* project aims to produce and disseminate replicable Spanish-language outreach materials to help improve the cultural competence of service providers and the accessibility of services for Spanish-speaking victims of sexual violence. As a result of this initiative, service providers can access the following eleven OVC-funded resources aimed at Hispanic communities: two glossaries that provide Spanish-language translations of various terms regarding sexual assault and human trafficking; a Spanish-language presentation that provides information to community members about sexual violence and available services; a presentation that provides information to service provider staff on linguistic considerations for improving outreach to Hispanic communities; and seven Spanish-language tools that address victim's rights, sexual harassment, sexual violence, and available resources for crime victims.

Translation of vital documents.

In addition to the efforts highlighted above, OJP has and will continue to identify vital documents that will be translated as appropriate. A list of presently available translated vital documents is available at http://www.ojp.usdoj.gov/translated_docs.pdf.

Point of contact for language-assistance services and complaints.

OJP seeks to provide meaningful access for LEP Persons to all of its federally-conducted programs and activities. Any program beneficiary, program participant, or member of the public who believes that an OJP component's language-assistance services have not been adequate may file a written complaint with the Language-Access Coordinator at the below address:

Language-Access Coordinator
Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

202-307-0690 (TDD/TTY: 202-307-2027)

E-mail: AskOCR@ojp.usdoj.gov.

In handling complaints:

- (1) OJP shall, to the extent legally permissible, hold in confidence the identity of any person submitting a complaint, unless the complainant submits written authorization otherwise, and except to the extent necessary to investigate and resolve the complaint.
- (2) After confirming that a complaint relates to a language-access concern involving an OJP-conducted program or activity, the Language-Access Coordinator shall notify the complainant and the respondent of receipt and acceptance of the complaint.
- (3) Upon receiving a complaint that is not complete, the Language-Access Coordinator shall notify the complainant, within thirty days of receipt of the incomplete complaint, that additional information is needed. If the complainant fails to complete the complaint within thirty days of receipt of this notice, the Language-Access Coordinator shall dismiss the complaint without prejudice.
- (4) Upon receiving a complaint that does not involve an OJP-conducted program or activity, the Language-Access Coordinator shall promptly notify the complainant, make reasonable efforts to refer the complaint to an appropriate entity, and dismiss the complaint without prejudice.
- (5) The Language-Access Coordinator shall investigate each undismissed complaint and notify the complainant and the respondent of the outcome of the investigation and the disposition of the matter.
- (6) If the complaint involves OCR, the Language-Access Coordinator shall refer the complaint to OJP's Assistant Attorney General for appropriate review and disposition.