



U.S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

OCT 19 2011

MEMORANDUM FOR ALL EMPLOYEES OF THE OFFICE OF THE PARDON
ATTORNEY

FROM: Ronald L. Rodgers, Pardon Attorney 

SUBJECT: Equal Access to Services for Individuals with Limited English Proficiency (LEP)

1. **POLICY STATEMENT.** It shall be the policy of the Office of the Pardon Attorney (OPA) to facilitate access to the executive clemency process by LEP individuals to the maximum extent possible. All OPA members will be guided by the contents of this memorandum, which shall be effective upon execution and promulgation.

2. **LEGAL AUTHORITY.** Executive Order 13166 of August 11, 2000 requires each federal agency to implement a system by which persons with Limited English Proficiency (LEP) can meaningfully access the services of that agency consistent with, and not unduly burdening, the fundamental mission of the agency. Pursuant to Executive Order 13166, Section, 2, this policy is consistent with the standards set forth in the Department of Justice guidance regarding the prohibition against national origin discrimination affecting LEP individuals under Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000 et seq.).

3. **PURPOSE.** While it has long been the policy of OPA to arrange for the translation of applications for executive clemency which have been prepared by LEP individuals in their native language in a manner that did not unreasonably delay the processing of such applications, consistent with the mandate of the aforementioned executive order, and recognizing that the fundamental mission of this office is the processing of applications for executive clemency, as previously noted, it shall be OPA policy to facilitate access to the executive clemency process by LEP individuals to the maximum extent possible. While past practice within OPA indicates that LEP individuals seeking executive clemency were exclusively Spanish speakers, this policy should not be construed as limited only to those individuals who communicate in Spanish; however, the creation of instructional materials regarding the executive clemency process which have been placed on the OPA website will initially be limited to the Spanish language. The need to expand this informational material to additional languages will be evaluated based on input provided to OPA through its website or from other sources.

4. IMPLEMENTATION.

A. As has been OPA policy, applications for executive clemency which have been prepared in a foreign language and have been submitted to OPA will be translated into English in accordance with the requirements of this directive in a manner which will not unreasonably delay the processing of said application.

B. A primary source of information about executive clemency, including applications for presidential pardon and commutation (reduction) of sentence and the instructions for completing same, can be located on the OPA website, which is located at <http://www.justice.gov/pardon/>. In early October 2011, the Spanish language portion of our website (labeled "Sobre la Oficina del Abogado de Indultos"), located at <http://www.justice.gov/pardon/clemency-spanish.html>, was brought into existence. This policy statement shall be added to that portion of the website at the time it has been formally adopted.

C. Historically, the primary, and nearly exclusive, means of contact with OPA by LEP individuals has been in written (letter) form; these contacts have been limited in number and always from Spanish-speaking individuals. As OPA is a small component with limited resources, it is our preference that questions from LEP individuals be provided to OPA in written form. Accordingly, visitors to the Spanish language portion of our website are provided a direct link to be able to communicate via e-mail to OPA with any questions they may have.

C. Should LEP individuals contact OPA via standard delivery mail, or by leaving a voice mail message through our interactive voice mail messaging system, and request that an application for either commutation of sentence or pardon of conviction be returned to them in the mail, to the extent possible, such information will be posted on the day the request was received. If an LEP individual leaves a voice mail message requesting assistance, that message will be replied to by an individual with appropriate skills in the language of the caller as soon as possible.

5. LEP LANGUAGE ASSISTANCE AND QUALITY CONTROL.

A. Recognizing, at least at the present time, that OPA's primary contact will be with Spanish-speaking LEP individuals, it is the preference of OPA that assistance in meeting the requirements of this policy come from personnel intrinsic to OPA. Should there be any question regarding the level of language skill of OPA personnel who participate in this process, they will be referred to the Language Services Section (LSS) of the Federal Bureau of Investigation (FBI) for evaluation to determine if their skills are sufficient to effectively assist in meeting the requirements of the policy stated herein. Similarly, should there be any question as to the efficacy of translation services provided by OPA personnel, OPA will utilize LSS assets to determine the overall accuracy and quality of said translation services.

B. If at any time hereafter, OPA does not have amongst its employees an individual or

individuals of sufficient language skills to meet the requirements of this policy, assistance in translating documents and communicating in foreign languages, or otherwise providing assistance to LEP individuals, will be coordinated with the assistance of the LSS, FBI, which has historically assisted this office in translation needs that have previously arisen. While OPA has not experienced sufficient telephone contacts with LEP individuals to warrant, at the present time, employment of standby telephonic interpretation services, should that situation change, the retention of such services will be immediately considered.

6. POINT OF CONTACT. The point of contact for LEP matters is Ronald L. Rodgers, Pardon Attorney, who may be contacted at USPardonAttorney@usdoj.gov. All contacts with LEP individuals will be reviewed to determine the overall effectiveness of our program in support of LEP individuals as well as the Spanish language portion of our website.