

LANGUAGE ACCESS PLAN
UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF ILLINOIS

I. Purpose

Timely and accurate communication with the public is essential to the Department of Justice's (DOJ or the Department) mission to uphold the rule of law, to keep our country safe, and to protect civil rights. The Department is committed to advancing equity for all, including historically underserved individuals with limited English proficiency (LEP), through meaningful language access to DOJ benefits, information, and services in accordance with Executive Orders 13166,¹ 13985,² 14031,³ and 14091.⁴ The U.S. Attorney's Office for the Southern District of Illinois (USAO) will take reasonable steps to ensure that individuals with LEP have timely, accurate and meaningful access to the information and services the USAO provides.

This Plan outlines the reasonable steps the USAO will take to ensure that individuals with LEP have timely, accurate and meaningful access to the information and services we provide at no cost to the individual with LEP. In addition, this Plan reiterates the requirement to comply with Sections 501,⁵ 504⁶ and 508⁷ of the Rehabilitation Act of 1973, which requires the USAO

¹ *Improving Access to Services for Persons with Limited English Proficiency*, Exec. Order No. 13,166, 65 Fed. Reg. 50121 (Aug. 16, 2000), <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>.

² *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Exec. Order No. 13,985, 86 Fed. Reg. 7009 (Jan. 20, 2021), <https://www.govinfo.gov/content/pkg/DCPD-20210054/pdf/DCPD-20210054.pdf>.

³ *Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders*, Exec. Order No. 14,031, 86 Fed. Reg. 29675 (Jun. 3, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-06-03/pdf/2021-11792.pdf>.

⁴ *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023), <https://www.govinfo.gov/content/pkg/FR-2023-02-22/pdf/2023-03779.pdf>.

⁵ Section 501 of the Rehabilitation Act of 1973 (Section 501) prohibits employment discrimination against individuals with disabilities in the federal sector and requires federal agencies to have an affirmative action program plan in place for the hiring, placement, and advancement of individuals with disabilities. 29 U.S.C. § 791 (2011), <https://www.eeoc.gov/statutes/rehabilitation-act-1973>.

⁶ Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in federally assisted and federally conducted programs and activities. 29 U.S.C. § 794. For purposes of employment discrimination, Section 504 applies the same standards as those applied under Title I of the Americans with Disabilities Act. 29 U.S.C. § 794(d). For other purposes, Section 504 is interpreted to apply the same substantive requirements as Title II of the Americans with Disabilities Act.

⁷ Section 508 of the Rehabilitation Act of 1973 (Section 508) requires federal agencies and departments to give employees and members of the public who are disabled access to information comparable to the access available to others, subject to certain limitations. 29 U.S.C. § 794d.

to take appropriate steps to ensure that its communications with individuals who are deaf or hard of hearing (D/HOH), blind, or have speech disabilities are as effective as its communications with others at no cost to such individuals.

Subject to the guidelines set forth herein, all USAO staff will take reasonable steps to provide appropriate language assistance services upon request by an individual with LEP who seeks to access USAO programs and activities or to communicate with USAO personnel. The Plan is implemented pursuant to the [DOJ Language Access Plan \(2023\)](#) (DOJ LAP) and [United States Attorneys' Policies and Procedures on Language Access](#) (Language Access USAPP). If there is any aspect of Language Access that is not specifically addressed in this Plan or if this Plan is inconsistent with DOJ policies or procedures, then individuals should refer to the DOJ LAP and the Language Access USAPP.

II. Definitions

- A. Certified Deaf Interpreter (CDI).** An individual who is deaf or hard of hearing (D/HOH) and has been certified by the Registry of Interpreters for the Deaf as an interpreter.
- B. Communication Access Real-Time Translation (CART).** The instant translation of the spoken word into English text using a stenotype machine, notebook computer and real-time software. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.
- C. Deaf/deaf (D/d).** Uppercase Deaf denotes a particular group of people who are deaf and share a language and a culture; lowercase deaf refers to the audiological condition of not hearing. An individual who is deaf or hard of hearing (D/HOH) may also have limited proficiency in spoken or written English and may not be proficient in American Sign Language (ASL) or any other recognized sign language.
- D. Deaf Interpreter.** A specialist who provides cultural and linguistic expertise. A Deaf Interpreter provides interpreting, translation, and transliteration service in sign languages (or written language) and other visual and tactful communication forms used by individuals who are Deaf, Deaf-Blind, Deaf-Disabled, Hard of Hearing, or Late-Deafened.
- E. Direct “In-Language” Communication.** Monolingual communication in a language other than English between a multilingual staff and a person with LEP (e.g., Korean to Korean).
- F. Effective Communication.** For communication disabilities, it refers to aids and services to ensure that communication with people with disabilities, such as people who are D/HOH, is as effective as communication for people without disabilities.

G. Equity. The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

H. Exigent Circumstances. Circumstances requiring prompt action in order to protect life, substantial property interests, or prevent serious bodily injury. In the event of an exigent circumstance, USAO personnel may use the most reliable temporary interpreter available after taking into account the risk of inaccurate information, bias, and conflict of interest when relying on a temporary interpreter. Once the exigency has passed, USAO personnel are expected to adhere to the procedures set forth in this Plan. Any information obtained through a temporary interpreter must be confirmed as accurate after the exigency ends.

I. Hard of hearing (HOH). Someone experiencing hearing loss ranging from mild to profound. An individual who is deaf or hard of hearing may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

J. Interpretation. The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully orally rendering it into another spoken language (target language) while retaining the same meaning. For individuals who are D/HOH, this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken or signed target language while retaining the same meaning.

K. Limited English Proficiency (LEP). Describes individuals who:

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

Individuals with LEP may be competent in English for certain types of communication (e.g., speaking or understanding), but have limited proficiency in English in other areas (e.g., reading or writing). LEP designations are also context-specific; an individual may possess sufficient English language skills to function in one setting (e.g., conversing in English with coworkers), but these skills may be insufficient in other settings (e.g., addressing court proceedings). An individual who is D/HOH may also have limited proficiency in spoken or written English and may not be proficient in ASL or any other recognized sign language.

L. Language Assistance Services. Oral and written language services used to provide individuals with LEP and/or those who are D/HOH meaningful access to, and an

equal opportunity to participate fully in, the services, activities, and other programs administered by the USAO.

M. Meaningful Access. Language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance. Meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English-proficient individuals.

N. Methods of Communication. People who are Deaf or Hard of hearing use a variety of ways to communicate. Some rely on sign language interpreters or assistive listening devices; some rely primarily on written messages. Many can speak even though they cannot hear.

O. Primary Language. The language in which an individual most effectively communicates when interacting with the USAO, including sign language or tactile sign language. An individual's primary language may be a language variant.

P. Program or Activity. The term "program or activity" and the term "program" mean all the operations of the Department or USAO.⁸

Q. Qualified Multilingual Staff. An employee who has proficiency in English and the ability to read, write, or speak in at least one other language at the proficiency level required by the USAO and as demonstrated through a validated language test.

R. Qualified Translator. An in-house or contracted translator who has been professionally trained and/or demonstrated competence to translate through national certification or comparable testing and is authorized to do so by contract or approval of the USAO. Qualified translators must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required DOJ terminology.

S. Qualified Interpreter. An in-house or contracted interpreter who has been professionally trained and/or demonstrated competence to interpret through court certification, the State Department, or comparable testing and is authorized to do so by contract or approval by the USAO. Qualified interpreters must also demonstrate knowledge of professional standards, and adherence to the corresponding professional code of ethics, as well as familiarity with required DOJ terminology.

⁸ For the purposes of this plan, the definition of "program or activity" is identical to that used under the regulations implementing Section 504 of the Rehabilitation Act of 1973: "[A] federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs or activities covered by the regulation: those involving public contact as part of ongoing agency operations and those directly administered by the department for program beneficiaries and participants. Activities in the first part include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the Department's facilities (cafeteria, library). Activities in the second category include programs that provide Federal services or benefits (immigration activities, operation of the Federal prison system)."

T. Quality Assurance. The process to ensure accuracy, consistency, quality, and reliability of language assistance services.

U. Sign Language. Method of communication for people who are D/HOH in which hand movements, gestures, and facial expressions convey grammatical structure and meaning. There is no universal sign language. Different sign languages are used in different countries or regions. For example, British Sign Language (BSL) is a different language from ASL, and Americans who know ASL may not understand BSL.

V. Sight Translation. Oral or signed rendering of written text into spoken or signed language by an interpreter without change in meaning based on a visual review of the original text or document.

W. Tagline. For purposes of this plan, this term means a short notice in multiple non-English languages informing the general public that a document (e.g., notices of language assistance services, notices of rights, forms, correspondence, etc.) or electronic media (e.g., website, announcement via email, etc.) contains vital information and explaining how to request the document or electronic media provided in other languages.

X. Translation. The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible and maintaining the style, tone, and intent of the text, while in light of differences of culture and dialect.

Y. Vital Document. Paper or electronic written material that contains information that is critical to access information, understand rights, or to access the USAO's programs or activities or is required by law.

III. Language Access Planning and Operationalization

A. Identification of Communities and their Interaction with the USAO

To plan for and effectively provide meaningful access to individuals with LEP and/or who are D/HOH, the USAO has identified these top languages used by the communities in the district: Spanish or Spanish Creole, Korean, German, Chinese, and French (incl. Patois). The USAO has also determined that the most common ways in which individual members of the public interact with the USAO are telephonically, in writing (including email), and in person.

B. Identification of Individuals with LEP and/or who are D/HOH and their Primary Language or Method of Communication

USAO staff at the point of first contact with an individual with LEP and/or who is D/HOH will make reasonable efforts to conduct or arrange for an initial assessment of the need

for language assistance services. Such staff can determine whether a person needs language assistance in several ways:

- Voluntary self-identification by the individual or their companion.
- Affirmative inquiry regarding the primary language of the individual if they have self-identified as needing language assistance services.
- Engagement by a qualified multilingual staff or qualified interpreter to verify an individual's primary language.
- Use of an "I Speak" language identification card or poster.⁹

USAO staff will capture this information in an EXCEL spreadsheet documenting requests for language assistance services. USAO staff should also document any barriers encountered in providing such services and, where the USAO anticipates future contact with an individual, document their language access needs in the appropriate case records or other records management system. If an individual refuses language assistance services, the USAO staff will capture this information in the same manner.

In determining an individual's primary language or preferred method of communication, it is important to allow the individual to convey the language in which they "most effectively communicate," particularly in consideration of any potential sensitivity or trauma relating to a situation or subject matter discussed, the context in which the interaction is taking place, and the method of communicating (i.e., oral/signed versus written), among other factors. It may be appropriate to ask an individual questions regarding their specific region, municipality, village, or community of origin, in order to ensure correct identification of language. USAO staff should not make assumptions about an individual's primary language based on race, color, national origin, or because they appear to be or are D/HOH. Many individuals who are D/HOH use American Sign Language (ASL), a language separate and distinct from the English language, and other individuals use other types of sign language. Individuals who are D/HOH may not communicate using ASL and may have limited proficiency in written and spoken English. They may require support in a sign language from another region or country, the procurement of assistive aid, and/or the procurement of a Deaf or Certified Deaf interpreter (CDI).

C. Quality Assurance and Control

The USAO will take reasonable steps to ensure that qualified multilingual staff or contracted personnel who serve as translators, interpreters, or who communicate "in-language" with individuals with LEP and/or who are D/HOH are competent to do so and have the resources necessary to meet the USAO's language assistance needs.

Absent exigent circumstances, USAO staff should avoid using the following individuals to provide language assistance services:

- Family members (including children)
- Neighbors

⁹ See Resources available on the [Language Access](#) webpage on USAnet.

- Friends
- Acquaintances or bystanders
- Opposing parties
- Adverse witnesses or victims.

For guidance regarding quality assurance related to effective communications with individuals who are D/HOH, see [ADA Requirements: Effective Communication](#).

D. Outreach and Engagement

The USAO will take reasonable steps to develop and implement effective outreach efforts to inform appropriate communities, stakeholder organizations, task force members, client agencies, and local law enforcement agencies, among others, about the nature and scope of available language assistance services.

The USAO will take reasonable steps to ensure that community outreach events involving individuals with LEP are designed to provide meaningful access, where individuals with LEP can participate, receive information, and provide input in their primary language(s), and to ensure effective communication for D/HOH individuals at such events. Where a need for language assistance is not apparent during the initial planning of an event, announcements and invitations should include notice of the availability of and means to request language assistance. For example, invitations could state: “If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. Please contact: (insert POC name).”

E. Notification of the Availability of Language Assistance Services

The USAO will inform the public about the availability of no-cost language assistance services by posting Language Assistance Services posters in the USAO’s reception area in its main and branch offices, and by having available “I speak” cards and/or posters. The USAO will also use appropriate taglines in documents and electronic media wherever warranted and feasible.

F. Provision of Language Assistance Services

There are three different ways in which USAO staff may provide language assistance: direct in-language services, interpretation, and translation.¹⁰ It may often be appropriate to use these services in combination.

1. Direct In-language Services

In appropriate circumstances, the USAO may use qualified multilingual staff to provide direct in-language services. Absent exigent circumstances, the USAO may not use multilingual

¹⁰ Information on the provision of interpreter and translation services is available to USAO staff on the [Language Access](#) webpage on USAnet.

employees who have not been assessed for their multilingual skills by either the FBI Language Testing and Assessment Unit or other validated testing program or process.

2. Interpretation

The USAO will take reasonable steps to provide qualified interpreters, free of charge, either in-person, over-the-phone, or through video remote technology to communicate with individuals with LEP and/or individuals who are D/HOH. Absent exigent circumstances, the USAO may not use multilingual employees who have not been assessed.

When arranging or requesting interpretation services, USAO staff will make reasonable efforts to ascertain if the interpreter provided matches the language and/or language variant that the individual(s) use(s) to ensure that they can understand each other fully. The USAO will be mindful of potential interpreter fatigue and consider strategies to mitigate it, i.e., taking frequent breaks or having more than one interpreter, particularly for longer proceedings.

The USAO will take reasonable steps to ensure effective communication for individuals who are D/HOH who use ASL, other sign language interpreting, or other auxiliary aids and services consistent with the requirements of Sections 501 and 504 of the Rehabilitation Act of 1973. The USAO will give primary consideration to the method of communication preferred by an individual who is D/HOH, which may result in a need to utilize a Deaf interpreter, CDI, CART, or another auxiliary aid or service requested by the individual.

3. Translation

The USAO will take reasonable steps to identify and translate its vital documents into the top languages identified in Section III.A above. The USAO will make reasonable efforts to ensure that all translations of vital documents are completed by qualified translators. Guidance on what constitutes a vital document is in the DOJ LAP (Section 7, Language Assistance Service/Translation).

G. Multilingual and Accessible Digital Content

The USAO will take reasonable steps to ensure meaningful access to digital content on its public website that provides vital information about USAO programs and services and important announcements impacting communities with LEP and D/HOH. The USAO will also include multilingual (at least in the top five languages in the district) and accessible copies of this Plan on its website and information on the availability of language assistance services.

H. Staff Training

The USAO will take reasonable steps to ensure that new and existing personnel periodically receive training on language access policy, identification of individuals with LEP and specific language needs, and identification of individuals who are D/HOH and their preferred methods of communication. The USAO will provide all staff designated as critical to the provision of language access with additional information, materials, and training, including

specific procedures for accessing and providing language assistance services through qualified multilingual staff, in-house interpreters and translators, contracted personnel or other methods. The USAO will take reasonable steps to make additional technical training available to qualified multilingual staff.

The USAO will take reasonable steps to provide resources and information for staff that may interact with individuals with LEP and those who are D/HOH. Resources may include “I Speak” cards and/or posters, [Language Line Service Quick Reference Guide](#), [Tips for Working with Telephonic Interpreters](#), as well as other information and guidance on language access procedures.

I. Hiring Practices and Access to Multilingual Staff

As positions become available, USAO hiring officials will take reasonable steps to determine, prior to posting a job opening, whether language skills are preferred or required to perform the duties of the position. If USAO hiring officials conclude that a particular position description and subsequent vacancy announcement should include language skills, the USAO will consult with the Human Resources Staff or the EOUSA Human Resources to obtain standardized language for the criteria. The USAO should consider assessing the non-English language proficiency of existing staff to provide language assistance services. Records of existing and newly qualified multilingual staff by non-English languages spoken and their level of oral and written proficiency will be centrally maintained by the USAO.

The USAO should ensure hiring practices do not discriminate against individuals who are D/HOH, including by ensuring compliance with Section 501 of the Rehabilitation Act of 1973.

The USAO staff should be mindful of the professional responsibility and ethical implications of relying on multilingual internal staff to provide language assistance services in select cases. If the USAO decides to use employees whose job duties do not already include the provision of spoken language assistance services to provide such services, the employees should be assessed in the particular language. For information on language assessments, the USAO should contact the Assistant Director for the EOUSA EEO and Diversity Management (EEO/DM) Staff at USAO.EEODMS@usdoj.gov.

J. Performance Measurement and Evaluation

The USAO will identify a Language Access Coordinator (LA) Coordinator and ensure that the LA Coordinator is listed on the Consolidated District Information System (CDIS). The LA Coordinator will develop a plan to assess annually the effectiveness of the USAO’s language assess plan by, among other things, conducting an inventory of languages most frequently encountered by USAO personnel; identifying the primary means of communicating with LEP individuals and those who are D/HOH (e.g., in person, by telephone, written correspondence, web-based); reviewing existing USAO programs for language accessibility; reviewing the cost of translation and interpreter services; and conferring with stakeholder organizations, as

appropriate. The LA Coordinator will also develop a mechanism or process to receive feedback or complaints about implementation of this Plan.

The USAO will provide a copy of this Language Access Plan to the Assistant Director, EEO/DM Staff, EOUSA, at USAO.EEODMS@usdoj.gov. Every five years and at additional times if warranted, the USAO will update this Language Access Plan to ensure that the language assistance services provided reflect updated information on relevant LEP populations, language assistance needs, changes in technology, and any other pertinent changes.

K. Procurement

When seeking language assistance services, USAOs should consider available DOJ resources or existing contract vehicles listed on the Language Access intranet page and available qualified multilingual staff.

If the USAO elects to procure language assistance services, the USAO should consult the [General Services Administration \(GSA\) approved vendors list](#). The USAO staff should ensure that any Requests for Proposal or contracts specify USAO needs and vendor responsibilities to include quality control and assurance procedures, assign liability, and contain dispute resolution provisions. USAO staff should work closely with the Contracting Officer, Contracting Officer Representative, the Budget Officer and the EOUSA Acquisitions Staff, and, as needed, the DOJ Language Access Coordinator, when crafting requirements for vendors. The EOUSA Acquisitions Staff may also consult with the Justice Management Division to identify existing agency contract vehicles that they can utilize. The [Language Services Procurement Committee's Foreign Language Services Ordering Guide](#) may be used for additional information about ensuring quality and accuracy in purchasing language assistance services.

IV. Effect of USAO's Language Access Plan

This Language Access Plan and the policies and practices identified herein are not intended to and do not create any right to administrative or judicial review or any other right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other persons.

Approved:

Rachelle A. Crowe
Rachelle Aud Crowe
United States Attorney
Southern District of Illinois

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Date