



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 11, 2002

The Honorable Thurbert E. Baker
Attorney General of Georgia
40 Capitol Square, SW
Atlanta, Georgia 30334

Dear Attorney General Baker:

The Civil Rights Division of the Department of Justice was recently made aware of a recent decision, *Rodriguez v. The State*, No. S02A0412, 2002 WL 1357800 (Ga. June 24, 2002). There, the Georgia Supreme Court ruled that limited English proficient drivers in Georgia are not entitled, under equal protection or due process analyses, to receive implied consent warnings in a language that they understand. I am writing to ask you to remind recipients of federal financial assistance in Georgia of their obligations to provide meaningful access for limited English proficient (LEP) persons under Title VI of the Civil Rights Act of 1964 and the Title VI regulations, although I do so without addressing the merits of this specific case.

Several law enforcement entities in the State of Georgia receive federal financial assistance from the Department of Justice (DOJ). DOJ recipients must comply with civil rights statutes, including Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000, et seq., and the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c) (the "Crime Control Act"), which together prohibit discrimination on the basis of race, color, national origin, sex, and religion in programs that receive federal financial assistance. Failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities, including understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities, may violate the prohibition under Title VI, the Crime Control Act, and their respective regulations against national origin discrimination.

On June 18, 2002, DOJ issued final guidance to its recipients ("Final DOJ Recipient LEP Guidance") regarding their obligations to providing meaningful access to LEP individuals. This guidance was issued pursuant to Executive Order 13166. While the guidance is new, the requirement for meaningful access under Title VI, the Crime Control Act, and the regulations implementing these laws is not. The purpose of the policy guidance is to assist recipients,

including law enforcement recipients of DOJ financial assistance, to fulfill their responsibilities to provide meaningful access to LEP persons. The guidance clarifies existing legal requirements by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons. These are the same criteria DOJ uses in evaluating whether recipients are in compliance with Title VI and the Title VI regulations.

The Final DOJ Recipient LEP Guidance explains that each recipient of federal financial assistance must take reasonable steps to provide meaningful access for LEP individuals to the recipient's programs, services, and activities. Among the four factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are: (1) the number or proportion of LEP persons in the eligible service population; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the service provided by the program; and (4) the resources available to the recipient, including costs. The four factors are discussed in greater detail in the guidance document enclosed, and also in the general LEP guidance published in the *Federal Register* on August 16, 2000.

We ask that you assist the law enforcement recipients of federal funds in Georgia to consider carefully the Title VI and regulatory ramifications of failure to take reasonable steps to ensure meaningful access for LEP persons.

Copies of all the documents referenced in this letter are enclosed for your convenience. In addition, those documents, as well as other information on LEP requirements, can be found on the LEP portion of the Coordination and Review Section's website at www.usdoj.gov/crt/cor/13166 <<http://www.usdoj.gov>> and at www.lep.gov <<http://www.lep.gov>>. I hope that this information is helpful to you. My staff stands ready to assist you in meeting your obligations. If you have any questions concerning this letter, please contact Merrily A. Friedlander, Section Chief of the Coordination and Review Section, at (202) 307-2222.

Sincerely,



F Ralph F. Boyd, Jr.
Assistant Attorney General

Enclosure