



# **Language Access Planning and Technical Assistance Tool for Courts**

## **Draft for Discussion**

**Federal Coordination and Compliance Section  
Civil Rights Division  
U.S. Department of Justice**

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## Language Access Planning and Technical Assistance Tool for Courts

This draft technical assistance and planning tool was created by the Department of Justice Civil Rights Division, Federal Coordination and Compliance Section, to assist court systems as they develop comprehensive language access programs. This draft tool has been developed as part of ongoing discussions and requests for technical assistance from courts and others involved in planning and implementing measures to improve language assistance services in courts. The goal of this document is to highlight some suggested areas of assessment and planning and to provide questions for consideration and planning within those areas in ways that are meant to spark identification of challenges and opportunities for improvement. Some courts will find that certain areas are well-covered already, and that others may need greater priority for the immediate future. One purpose for sharing this tool is to help courts identify what can be done right away, what needs a great deal of focused attention, and what requires more long term planning and implementation to accomplish.

This is a technical assistance tool that identifies helpful questions to ask and suggests a foundation for the planning process. The tool is divided into sections that suggest general areas for assessment and planning. Following each section, questions are posed to suggest planning elements that should flow from the questions.

We welcome feedback on this draft technical assistance tool, including via email at [lep@usdoj.gov](mailto:lep@usdoj.gov) (please include “Feedback on LEP Self-Assessment for Courts” in the subject line). Comments should be submitted by Friday, March 1, 2013.

### What is a Language Access Plan Supposed to Be?

A Language Access Plan sets forth a court system’s strategy to assess, identify, and manage the changes needed to ensure that the court provides limited English proficient (LEP) individuals with equal access to court proceedings and operations. Implementing the strategy will help to ensure accuracy of communications, enhance the integrity of evidence and decision making, promote efficiency in operations, and comply with Title VI of the Civil Rights Act of 1964 and its implementing regulations and other language access obligations. A Language Access Plan identifies, prioritizes, coordinates and sets timeframes for actions that are helpful to ensure comprehensive, timely, effective, and free language services in court proceedings and operations. The plan should be grounded in an assessment of existing policy, practices, and capacity; it should also reflect consideration of the roles to be played by court leadership and various stakeholders. The scope of the plan will vary according to the extent to which enhancements are necessary to deliver comprehensive, high quality, and timely language assistance services and to obtain and address stakeholder feedback.

## A. Assessing Existing Services and the Ongoing Need for Language Assistance Services

Courts systems benefit from conducting a global assessment of existing language access policy and the extent to which the policy is being followed and implemented. This assessment can provide some sense of the work needed to provide comprehensive language access and better inform the planning process. In addition, ongoing assessment helps to measure needs and monitor progress. The questions below focus on initial and ongoing assessment issues.

1. Does the court provide interpreters in all proceedings with LEP parties or witnesses?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Are victims and parents or guardians of minor or incapacitated parties provided interpreters throughout the proceedings?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are the interpreters properly credentialed and providing quality interpreting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Does the court provide the interpreter to LEP persons at no charge and without assessing costs to the parties?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Does the court provide language assistance services to LEP persons in all court operations through credentialed interpreters or authorized bilingual staff?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Does the court ensure that appropriate language assistance services are provided at no charge by court appointed personnel and court mandated programs?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does the court provide effective notice of its language access policy a) internally; b) to parties; and c) to the public?	<input type="checkbox"/> a) Yes <input type="checkbox"/> b) Yes <input type="checkbox"/> c) Yes	<input type="checkbox"/> a) No <input type="checkbox"/> b) No <input type="checkbox"/> c) No
8. Does the court actively gather case language data by a) requiring filing parties to provide available information on language needs of parties and witnesses with the initial filing and b) requiring staff to record language data of which they are aware?	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No
9. Does the court assign interpreters to proceedings and language assistance services in court operations whenever needed and without depending upon a motion or request from the LEP person or counsel?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

10. Does the court have systems in place to monitor performance of staff and interpreters and respond to complaints against interpreters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Does your court have a process to collect data on: a. The number of LEP individuals that you serve and in what languages? b. The number of LEP individuals in your service area and languages spoken? c. Data that would help identify how best to deploy staff, equipment, contractors, etc. to minimize downtime and maximize efficiency?	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes  <input type="checkbox"/> c) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No  <input type="checkbox"/> c) No
12. How often does your court assess the language data for LEP communities in your service area?	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially	<input type="checkbox"/> Not Sure <input type="checkbox"/> Other: _____
13. What data sources does your court use to determine the LEP communities in your service area? (Select all that apply)	<input type="checkbox"/> US Census/ACS <input type="checkbox"/> US Dept. of Education <input type="checkbox"/> US Dept. of Labor <input type="checkbox"/> State agencies <input type="checkbox"/> Community organizations	<input type="checkbox"/> Case management system <input type="checkbox"/> Interpreter scheduling system <input type="checkbox"/> Stakeholders and justice system information <input type="checkbox"/> Other: _____
14. Has the court reviewed the ABA Standards for Language Access in the Courts and considered the recommendations and resources in the Standards?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15. What else might your court need in order to assess current need and plan and project for future language assistance services needs?		

**Planning Steps:**

- Based on the answers to the above, what action items have you developed?
- Who is responsible for implementing them?
- What are the timelines and priorities?
- Have you identified measures of progress?

## B. Court Policies

These questions focus on the court rules, orders, directives, or other means in which court systems set forth policy on language access. While some of these questions are reflective of the global questions in Part A, the focus here is on whether there is a consistent and published rule, order, directive or other policy providing notice to judges, clerks, court staff, attorneys, advocates, interpreters, LEP individuals, and the public.

1. Does your court have a rule (or equivalent) that requires the court to provide approved language assistance services free of charge to LEP individuals throughout the court system?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Does the rule cover court operations as well as court proceedings?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the rule ensure proper communications with court appointed persons and court mandated programs?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Does the rule require the use of properly credentialed interpreters in court proceedings and for important court operations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. a) Does the rule prohibit the use of family, friends, or other uncredentialed interpreters to serve in the role of interpreter in proceedings? b) In other settings for other than brief and simple communications?	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No
6. Are there any gaps in coverage for certain types of cases, court operations, or parties in interest that need to be addressed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Is the rule in a form that allows it to be enforced as a matter of law in a proceeding?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Is the rule applicable to court staff in a mandatory form?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. a) Does your court have a complaint process to ensure implementation of the requirements of the court rule? b) Is the process accessible for LEP individuals? c) Is the public notified?	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes <input type="checkbox"/> c) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No <input type="checkbox"/> c) No
10. What barriers or opportunities might be addressed so that the court might improve or expand upon its rule (or equivalent)?		

### Planning Steps:

Based on the answers to the above, what action items have you developed?  
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Have you identified measures of progress?

**C. Individuals Responsible for Implementing the Language Access Plan**

These questions focus on clarifying the duties and responsibilities of court officials, staff, community stakeholders and others, to devise and implement the Language Access Plan (LAP).

1. Has your court designated staff and others that have the authority, resources, and ability to execute the LAP?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Has your court identified the implementation and leadership responsibilities, authorities, and roles of the following individuals with regard to language access policy development, planning, and implementation?	<input type="checkbox"/> Chief Justice <input type="checkbox"/> Supreme Court <input type="checkbox"/> AOC Director <input type="checkbox"/> Interpreter Manager <input type="checkbox"/> Chief judges <input type="checkbox"/> Court clerks <input type="checkbox"/> Language Access Compliance Officer <input type="checkbox"/> Human resources <input type="checkbox"/> Purchasing <input type="checkbox"/> Grant managers	<input type="checkbox"/> Fiscal managers <input type="checkbox"/> Information technology, etc. <input type="checkbox"/> Prosecutors and Defenders <input type="checkbox"/> Stakeholders committee <input type="checkbox"/> Expert <input type="checkbox"/> Other: (please specify): _____ <input type="checkbox"/> None of the above
3. To the extent that external collaboration or assistance (support, technical assistance, financial or other resources/resource-sharing, monitoring, strategy, etc.) is needed to provide comprehensive language assistance services, have the sources of help been identified and accounted for in the plan?	<input type="checkbox"/> Bar association <input type="checkbox"/> Legislature <input type="checkbox"/> State administering agency <input type="checkbox"/> NCSC Consortium	<input type="checkbox"/> Grant providers <input type="checkbox"/> DOJ <input type="checkbox"/> Law enforcement <input type="checkbox"/> Advocates <input type="checkbox"/> Other: _____
4. What else might your court do to ensure clarity in roles and responsibilities, input from stakeholders, and increased communication around the provision of language assistance services in court proceedings and operations?		

**Planning Steps:**

- Based on the answers to the above, what action items have you developed?
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## D. Quality Control of Language Assistance Services

The questions below focus on the quality and competency of interpreters and translators to provide language assistance services.

<p>1. Does your court system have a credentialing system in place for language assistance service providers including proceedings interpreters, staff interpreters, contract interpreters, remote interpreters (telephone and video), translators and qualified bilingual staff (for court operations)?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>2. Does your credentialing system for interpreters and translators include:</p>	<input type="checkbox"/> Tiered credentialing <input type="checkbox"/> Testing standards for languages that have oral exams and those that do not have oral exams <input type="checkbox"/> Qualification standards for unregistered interpreters <input type="checkbox"/> Qualification standards for remote interpreters <input type="checkbox"/> Recertification and continuing education	<input type="checkbox"/> Qualification standards for bilingual staff <input type="checkbox"/> Qualification standards for translators <input type="checkbox"/> A review process for translations by a qualified translator <input type="checkbox"/> Ethics and professional requirements <input type="checkbox"/> Roster of language service providers <input type="checkbox"/> Other: (please specify): _____
<p>3. Does your court interact with the NCSC and work with other court systems to ensure greater access to high quality assessments of interpreters and translators?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>4. Does your court have data systems in place that record language assistance service needs, timeliness, if interpretation and translation services were delivered successfully, and the cost of these services, all broken down by type of language service and language or dialect?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

<p>5. Can your court system's data system create a usable report that includes information about language assistance services that were provided in a court proceeding or operation? (Select all that apply)</p>	<input type="checkbox"/> Type of court or court operation <input type="checkbox"/> Location where it was provided <input type="checkbox"/> Type of case or proceeding <input type="checkbox"/> Data on language groups encountered <input type="checkbox"/> Cost of services provided	<input type="checkbox"/> Length of delay or denial or services and the reason for each delay or denial <input type="checkbox"/> Interpreter type and qualifications <input type="checkbox"/> Translator type and qualifications <input type="checkbox"/> Other: (please specify): _____
<p>6. Does your court record the audio or video of a proceeding with an interpreter and include the recording as part of the record?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>7. Does your court have a system to monitor the quality of the interpreter services that are provided?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>8. Is there a disciplinary system in place for credentialed language service providers?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>9. Is there a complaint system in place for LEP individuals and others to raise concerns regarding the quality or conduct of language service providers?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>10. Are judges and court staff trained regarding proper utilization of interpreters in proceedings and court operations?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>11. What else might your court need to ensure quality control and assessment of interpretation and translation services?</p>		

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## E. Assigning Interpreters

These questions focus on assigning and notifying court staff and parties in interest that interpreters will be provided for a case or proceeding. Ideally, the language management system will maximize the extent to which needs information is gathered by the court and minimize reliance on requests from LEP individuals or their representatives.

1. Does your case management system require court staff to include the language assistance needs of every individual who files a case for both oral communication and written materials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Does your case management system permit court staff to indicate that an interpreter is needed for a specific case or proceeding?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does your case management system permit court staff to assign an interpreter for a proceeding?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Is the system able to schedule case listings taking into account language needs in order to maximize court and interpreter productivity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Does your court have interpreter systems in place that:	<input type="checkbox"/> Notify court staff and parties before the date of the case or proceeding that an interpreter will be provided <input type="checkbox"/> Notify court staff and parties when an interpreter is will be unavailable	<input type="checkbox"/> Identify and assign qualified interpreter services when a certified interpreter is not available <input type="checkbox"/> Allow court staff to assign qualified remote interpreters <input type="checkbox"/> Other: _____ <input type="checkbox"/> None of the above
6. Does your court work with law enforcement, prosecutors, public defenders, legal services, social service agencies, jails, and others to help identify cases that may require language assistance services?	<input type="checkbox"/> Yes (List)	<input type="checkbox"/> No (list)
7. Does your court have a protocol for assignment of staff interpreters, in-person contractors, video conferencing options, and telephonic interpreter options?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Has your court considered the costs and benefits of in-house telephone interpreting by certified and qualified interpreters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Has your court considered the costs and benefits of regional or national remote interpreting systems to increase the availability	<input type="checkbox"/> Yes	<input type="checkbox"/> No

and skill of interpretation in less frequently encountered languages?		
10. Has the court studied the costs and benefits of video remote interpreting systems?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. What else might your court need in order to ensure efficient and effective notice and assignment practices that will cut down on delays, improve access, create greater efficiencies, and ensure quality?		

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## F. Translated Materials

The following set of questions focus on the provision of translated materials.

1. Does your court identify and translate vital documents in the non-English languages of larger LEP communities in your service area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Which vital written documents (or parts thereof) has your court translated into non-English languages?	<input type="checkbox"/> Consent forms <input type="checkbox"/> Complaint forms <input type="checkbox"/> Pro se materials <input type="checkbox"/> Notices of rights <input type="checkbox"/> Summonses <input type="checkbox"/> Subpoenas	<input type="checkbox"/> Case filing forms <input type="checkbox"/> Notices of language service availability <input type="checkbox"/> Orders (specify) <input type="checkbox"/> Other (specify): _____
3. Does your court translate signs or posters announcing the availability of language assistance services free of charge?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Have you or staff walked through courthouses imagining that you are LEP pro se parties/witnesses/victims and thought about what translated signs, notices, and materials might help ensure greater access and efficiency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. a) When your court updates information on its website, does it also add content in non-English languages? b) Is there a process for determining what materials should be translated on the website and into what languages?	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No
6. Before translated materials are released, do you have them checked for quality?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. When your court requests a document for translation, is an electronic version of the translated document stored for later use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. Does your court have policies and procedures that explain when an interpreter can provide a sight translation of written materials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Is language data reviewed periodically to determine if materials should be translated into additional languages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. What else might your court consider to ensure that translations are available and accurate?		

### Planning Steps:

Based on the answers to the above, what action items have you developed?

Who is responsible for implementing them?

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Have you identified measures of progress?

## G. Notice of Language Assistance Services

These questions focus on (1) internal training and notice and (2) external notice of language assistance services to the LEP communities in your service area.

<p>1. Which staff members receive training on your court's language access policy?</p>	<input type="checkbox"/> Management or senior staff <input type="checkbox"/> Court staff who interact with or are responsible for interactions with non-English speakers or LEP individuals	<input type="checkbox"/> Bilingual Staff <input type="checkbox"/> New employees <input type="checkbox"/> All employees <input type="checkbox"/> Volunteers <input type="checkbox"/> Others (Please specify): _____ <input type="checkbox"/> None of the above
<p>2. a) Are judges notified of the policy, the need for appropriate language assistance services, and the consequences of failing to provide such services? b) Is the provision of quality language assistance services part of judicial training? c) Are there benchcards?</p>	<input type="checkbox"/> a) Yes  <input type="checkbox"/> b) Yes  <input type="checkbox"/> c) Yes	<input type="checkbox"/> a) No  <input type="checkbox"/> b) No  <input type="checkbox"/> c) No
<p>3. What else does your court need to consider in order to communicate clear, enforceable standards to ensure appropriate notice and the delivery of language services?</p>		
<p>4. Indicate the manner in which your court and court staff inform the public and parties about the language access policy, how to request language assistance services, and how to raise a complaint:</p>	<input type="checkbox"/> Notices in court documents <input type="checkbox"/> In-person by staff <input type="checkbox"/> Electronically (e.g. email or website)	<input type="checkbox"/> Outreach efforts <input type="checkbox"/> Signage <input type="checkbox"/> Translations of these <input type="checkbox"/> Other (specify): _____
<p>5. What else might your court consider in terms of outreach and notice?</p>		

### Planning Steps:

- Based on the answers to the above, what action items have you developed?  
 Who is responsible for implementing them?  
 What are the timelines?  
 Have you identified measurements of progress?

## H. Outreach and Collaboration with LEP Communities and Stakeholders

This series of questions focus on participation of stakeholders and partners in the development and assessment/monitoring of language access policies and procedures.

1. Does your court inform community groups about the availability of free language assistance services for LEP individuals?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. In the process of developing or assessing the plan and language access policies and procedures, has your court included or sought the participation of the following individuals?	<input type="checkbox"/> LEP individuals <input type="checkbox"/> Community groups that work with LEP communities <input type="checkbox"/> Private attorneys <input type="checkbox"/> Criminal defense bar <input type="checkbox"/> Court staff <input type="checkbox"/> Legal Aid <input type="checkbox"/> Legal programs that work with immigrant communities and other public interest attorneys <input type="checkbox"/> Consultants/Expert <input type="checkbox"/> State and local bar associations	<input type="checkbox"/> Ethnic bar groups <input type="checkbox"/> Court interpreters <input type="checkbox"/> NCSC/COSCA/CCJ <input type="checkbox"/> U.S. Department of Justice <input type="checkbox"/> Access to Justice Commission <input type="checkbox"/> Law schools and clinics <input type="checkbox"/> American Bar Association <input type="checkbox"/> State Administering Agencies for Federal Grants <input type="checkbox"/> Other (specify): _____
3. How does your court invite stakeholders to provide feedback on how the plan, policies and procedures are working or any challenges in implementation?		
4. Does the court conduct outreach in non-English media (television, radio, newspaper, videos, and websites)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. What else might your court consider to ensure that stakeholders are brought into the process of identifying need and resources and assessing implementation of court language access policies and procedures?		

### **Planning Steps:**

Based on the answers to the above, what action items have you developed?  
 Who is responsible for implementing them?  
 What are the timelines and priorities?  
 Have you identified measures of progress?

## I. Monitoring and Updating

The following set of questions focus on monitoring and updating language access policies, plans, and procedures:

1. How often is your court system's language access policy reviewed and updated?	<input type="checkbox"/> Annually <input type="checkbox"/> Biennially	<input type="checkbox"/> Not Sure <input type="checkbox"/> Other: _____
2. Does your court have a language access coordinator?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Do you have a system for collecting data on LEP court user satisfaction?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Do you monitor the complaint system for evidence of problems to address?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. What else might assist the court in ensuring that language access plans, policies, and procedures are meeting the needs of the courts and LEP individuals in an efficient and effective manner?		

### Planning Steps:

Based on the answers to the above, what action items have you developed?  
Who is responsible for implementing them?  
What are the timelines and priorities?  
Have you identified measures of progress?

## J. Plan Review

Once a plan is drafted, it should be reviewed with several considerations in mind, and with input of internal and external stakeholders.

1. Does the plan reflect your strategy for effective change?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Does the plan refer to legal and policy authorities and is it sufficient to implement them?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the plan reflect input from internal and external stakeholders and the public?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Are tasks prioritized appropriately?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Are sufficient resources allocated to successfully complete each task?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Are deadlines reasonable, and in the proper sequence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does the plan provide for future adjustments and ongoing internal and external review?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. What might be other considerations your court might want to review in developing, assessing, and implementing your plan?		

### **Planning Steps:**

Based on the answers to the above, what action items have you developed?  
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**Additional resources can be found at:**

<http://go.usa.gov/ruZx> (quicklink to specific materials on lep.gov) and  
[www.lep.gov](http://www.lep.gov)

U.S. Department of Justice  
Civil Rights Division  
Federal Coordination and Compliance Section, NWB  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
<http://www.usdoj.gov/crt/fcs>