

CIVIL RIGHTS LAWS PROHIBIT DISCRIMINATION BY AGENCIES THAT RECEIVE FEDERAL FINANCIAL ASSISTANCE

The Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are grantmaking components within the United States Department of Justice. The OJP's Office for Civil Rights (OCR) is the designated office responsible for enforcing the federal civil rights laws that prohibit recipients of OJP, COPS or OVW funds from discriminating in the delivery of services or benefits, and also in some instances, employment practices.

What are the laws, regulations, and guidance that OJP/OCR enforces that protect my civil rights?

- The Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3789d(c)(1), prohibit discrimination on the basis of race, color, national origin (which includes discrimination on the basis of limited English proficiency (LEP), religion, and sex, in both employment and the delivery of services or benefits in programs or activities funded under the authority of this statute by OJP, COPS or OVW.
- Title VI of the Civil Rights Act of 1964, prohibits discrimination in the delivery of services or benefits on the basis of race, color, or national origin (which includes discrimination on the basis of limited English proficiency (LEP), in programs or activities funded by OJP, COPS, or OVW. See also Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Discrimination Affecting Limited English Proficient Persons 67 Fed. Reg. 41,455 (June 18, 2002), which addresses the obligation of recipients to take reasonable steps to provide meaningful access to funded programs and activities to those persons who may be Limited English, proficient, pursuant to Title VI.
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, prohibits discrimination on the basis of disability in both employment and the delivery of services or benefits in programs or activities funded by OJP, COPS, or OVW.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, prohibits discrimination on the basis of disability by public entities and training programs funded by OJP, COPS, or OVW.
- Title IX of the Education Amendments of 1972, as amended 20 U.S.C. § 1681, prohibits discrimination on the basis of sex in education and training programs funded by OJP, COPS, or OVW.
- The Age Discrimination Act of 1975. 42, U.S.C. § 6102, prohibits discrimination in the delivery of services or benefits based on any age in programs or activities funded by OJP, COPS, or OVW.
- The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b), prohibits discrimination in both employment and the delivery of services or benefits based on race, color, national origin, religion, and sex in programs or activities funded under the authority of this statute by OJP through its Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- The Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e), prohibits discrimination in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and handicap in programs or activities funded under the authority of this statute by OJP through its Office of Victims of Crime (OVC).
- Equal treatment for Faith-Based Organizations, 28 C.F.R pt. 38, prohibits grantmaking entities from discriminating either in favor of or against faith-based organizations in awarding federal financial assistance. It also prohibits funded faith-based organizations from using federal funds for inherently religious activities or denying services to individuals on the basis of religion.

What are some agencies that are covered by the Federal Civil Rights Laws enforced by OJP/OCR?

OJP, COPS, and OVW financial assistance can take the form of grants, awards, cooperative agreements, or contracts. Most recipients are state and local governmental entities, nonprofit and private organizations, and Indian Tribal governments. Agencies and organizations that receive funding include many of the following:

- State police agencies
- Local police departments
- Courts
- Jails and prisons
- Juvenile justice agencies

- Other law enforcement programs
- Universities and colleges
- State and local planning agencies
- Religiously affiliated organizations
- Domestic violence shelters
- Victim assistance programs

Who is protected by these civil rights laws?

The civil rights laws protect employees and beneficiaries of agencies or organizations that receive funding from COPS, OJP, or OVW. A beneficiary is anyone who is intended to benefit from the services of the agency that receives Federal funding (i.e., members of the public).

What are some examples of discrimination that these laws prohibit?

Although a legal determination of discrimination is based on many factors, some actions that might be considered discriminatory are as follows:

In employment practices

- A large state agency with hundreds of employees has never hired a woman in its protective services division despite the large number of applications received from qualified women.
- A police department has an assignment policy that results in Asian-American police officers being precluded from gaining promotions.
- A law enforcement agency refuses to make a sign language interpreter available to a deaf employee during an office staff meeting.
- A state planning agency refuses a reasonable accommodation of installing a ramp for employees who use wheelchairs.

In delivering services

- A law enforcement agency plans a community policing orientation program without seeking representation from the large African-American community in the service area.
- A rural sheriff's department stops and interrogates all Hispanic males who drive through the country.
- A police department fails to provide interpretive services to its large limited-English speaking population.
- A domestic violence shelter fails to provide interpretive services to its large limited-English speaking population of clients or potential clients.
- A victim services program requires that every participant in its counseling program also participate in its worship service which takes place before the counseling activities.
- A correctional facility refuses to provide interpretive services to a deaf inmate for medical appointments or a parole hearing.
- A correctional facility refuses to make reasonable modifications in its rules restricting food consumption in prison cells that should allow an inmate with diabetes to eat when necessary to keep her blood sugar at an appropriate level.
- A law enforcement agency fails to provide direct access to 911 emergency telephone services for persons with hearing or speech impairments who use TTY equipment.
- A law enforcement agency routinely refuses to respond to calls for assistance from an apartment complex of elderly citizens.

What should I do if I believe that I have been discriminated against or have information of discriminatory actions taken by agencies that I think may be receiving money from OJP, COPS, or OVW?

You may file a complaint by writing a letter to OJP'S Office for Civil Rights. You can also learn about the complaint process and download forms to assist you in filing a complaint form OCR's website at: <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>. You should file your complaint as soon as possible because under some civil rights laws you have only days after the incident to file a complaint.

Your letter or complaint form should include the following information:

- Your name, address, telephone number, e-mail address, and your signature.
You may request to have your identity kept confidential. If you are filing a complaint on behalf of another person, please include your relationship to the other person. For example, please indicate whether you are a friend; attorney; parent, spouse, or other relative; a counselor; a member of the clergy; and so forth
- The name and address of the agency, institution, or department you believe engaged in discrimination.
If you know the information, please include the name of the individuals whom you allege committed discriminatory acts.
- How, why, and when you believe the discrimination occurred.

Include as much information as possible about the circumstances and how you feel you or others were treated differently from similarly situated people.

- The names and telephone numbers of any witnesses.

Where do I send my letter or complaint form?

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice

810 Seventh Street N.W.
Washington, D.C. 20531
202-307-0690
TTY number 202-307-2027

Upon receiving your letter or your complaint form, OCR will determine whether it has merit and whether OCR has jurisdiction to investigate. If so, you and the agency in question will be contacted by OCR to begin the investigation.

The OCR will attempt to secure voluntary compliance. In particular situations, OCR may seek individual relief for the complainant(s). However, if appropriate, OCR may seek changes in the policies and procedures of the agency to remedy violations of these laws. If the agency fails to comply, OJP, COPS, or OVW may suspend or terminate the non-compliant agency's funds.

What else should I know?

Individuals have a private right of action under some of the above-mentioned laws. However, if you choose to file a Safe Streets Act or Age Discrimination Act claim in Federal or State court, you must first file a complaint with OCR. There is no need to first file a complaint with OCR prior to filing a complaint in court under Title IX, Section 504, the Americans with Disabilities Act, or Title IX. In addition, if the agency is engaged in a pattern or practice of discrimination, the Attorney General may file suit under Safe Streets Act, as well as under various other statutes. Although OJP/OCR acts as a neutral investigator in matters brought to our attention, you always retain your right to contact and work with a private attorney to determine if there are claims that may be pursued on your behalf.

You should also be aware that federal civil rights laws prohibit a recipient of federal funds from retaliating against any individual who opposed an unlawful policy or practice, made charges, testified, or participated in any complaint under the federal civil rights laws that OJP/OCR enforces. If you believe that an agency funded by OJP, COPS, or OVW has retaliated against you, you should immediately contact OCR.

For further information, visit OCR's home page at <http://www.ojp.usdoj.gov/ocr>

Office of Justice Programs
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