



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

September 15, 2009

Lori G. Levin, Executive Director
Illinois Criminal Justice Information Authority
300 West Adams Street, Suite 700
Chicago, Illinois 60606

Re: Illinois Criminal Justice Information Authority Compliance Review (09-OCR-0062)

Dear Director Levin:

On June 18, 2007, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) initiated a compliance review of all State Administering Agencies, including the Illinois Criminal Justice Information Authority (ICJIA), in accordance with federal regulation 28 C.F.R. ' 42.206. The focus of the review was on the ICJIA's compliance with applicable federal civil rights laws along with the ICJIA's monitoring procedures for ensuring the compliance of subrecipients with these laws. Of particular interest to the OCR was the ICJIA's implementation and monitoring of the DOJ's regulations, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38 [hereinafter Equal Treatment Regulations].

On February 11, 2009, the OCR conducted an onsite visit to the ICJIA's offices in Chicago, Illinois, to interview ICJIA administrators and to conduct a training program for ICJIA administrators and program staff on the federal civil rights laws that the OCR enforces. The OCR would like to thank ICJIA staff, especially General Counsel Jack Cutrone, for assisting OCR attorneys Shelley Langguth and Debra Murphy during their onsite visit. On the same day, the OCR made onsite visits to two faith-based subrecipients of the ICJIA in Chicago: Catholic Charities of the Archdiocese of Chicago and St. Pius V Church.

Based on the ICJIA's responses to our data request and the information that the OCR gathered during our onsite visit, the OCR sent the ICJIA a draft Compliance Review Report on July 13, 2009. In a September 10, 2009, email to Ms. Langguth, ICJIA attorney Steven Bernstein said that the ICJIA does not have any factual corrections to the draft report.

In regard to the limited scope of our review, the OCR concludes that the ICJIA has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. Nonetheless, we

have reservations about whether the ICJIA has adequate complaint procedures in place to respond to discrimination complaints from beneficiaries and employees of subrecipients, and whether it is sufficiently training and educating its subrecipients on applicable federal civil rights laws. The following Compliance Review Report includes recommendations for improving the ICJIA's methods for monitoring the civil rights compliance of subrecipients.

Compliance Review Report: Overview and Recommendations

I. Overview

This Compliance Review Report first examines the ICJIA's procedures for monitoring whether subrecipients are meeting their obligations to comply with the federal civil rights laws that are a condition for receiving federal financial assistance. The Report then focuses on the ICJIA's implementation of the DOJ's Equal Treatment Regulations.

A. General Monitoring Procedures to Ensure Subrecipient Compliance with Applicable Federal Civil Rights Laws

Recipients of federal financial assistance from the OJP are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the ICJIA's general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR examined how the ICJIA used the following four tools: (1) standard assurances, (2) onsite visits and other monitoring methods, (3) training programs and technical assistance, and (4) procedures for receiving, investigating, and resolving complaints alleging discrimination in the delivery of services.

1. Standard Assurances

The OCR's records and the information provided by the ICJIA indicates that the ICJIA currently administers numerous subgrant awards funded by the OJP's Bureau of Justice Assistance (BJA), National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and Office for Victims of Crime (OVC), along with grant awards funded by the DOJ's Office on Violence Against Women (OVW). With the exception of research grants funded by the BJA and the NIJ, which are administered by the ICJIA's Research and Analysis Unit, the ICJIA's Federal and States Grant Unit is responsible for administering DOJ subawards. Before the ICJIA releases DOJ funds, subrecipients must sign an Interagency Agreement; the exact content and format of this Interagency Agreement may vary slightly depending on the particular grant program. During the OCR's onsite visit, the ICJIA provided the OCR with copies of the most recent Interagency Agreements for many of its DOJ grant programs. All of these Interagency Agreements contain a section entitled "Implementing Agency Compliance," where

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the ICJIA lists several of the applicable state and federal laws, regulations, and guidelines that subrecipients are required to comply with. This section includes reference to various provisions of Title 28 of the Code of Federal Regulations, including 28 C.F.R. pt. 38, Equal Treatment for Faith-Based Organizations, and 28 C.F.R. pt. 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures.

The Interagency Agreements also contain a section entitled “Equal Employment Opportunity Program” or “Equal Employment Opportunity Program Certification.” This section states that if a subrecipient has 50 or more employees and is receiving at least \$25,000.00 through a grant funded by DOJ, the subrecipient shall formulate, implement and maintain an Equal Employment Opportunity Program (EEOP) in accordance with 28 C.F.R. pt. 42. This section also states that a subrecipient receiving \$500,000.00 or more through the grant, or \$1,000,000.00 or more in aggregate funds during an 18-month period, shall submit a copy of its EEOP to the ICJIA.¹ Additionally, with the exception of the Interagency Agreement for the BJA-funded Project Safe Neighborhood (PSN) grants, this section notifies subrecipients that they shall complete and submit an Equal Employment Opportunity Plan (EEOP) Certification to the ICJIA indicating whether the subrecipient is required to have an EEOP or is exempt from this requirement.

The Interagency Agreements that subrecipients must comply with also contain a section entitled “Nondiscrimination” or “Civil Rights Compliance Certification;” this section requires the subrecipient to certify that “no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, disability, or sex.” Subrecipients must also agree to have written sexual harassment policies which satisfy the requirements of the Illinois Human Rights Act. The section also lists the statutes that the OCR enforces, providing a citation for most of them, and requires subrecipients to assure compliance with these laws and associated rules and regulations. Additionally, the section contains a paragraph stating that in the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, disability, or sex against the subrecipient, the subrecipient will forward a copy of the finding to the ICJIA, who will then forward a copy of the finding to the OCR. There is also a paragraph stating that the subrecipient shall complete and submit a Civil Rights Certification to the ICJIA, along with any findings of discrimination from the past five years.

The Interagency Agreements for the BJA-funded Edward Byrne Memorial Justice Assistance Grant Program (JAG) and the Edward Byrne Memorial Congressionally Mandated Awards

¹ Please note that only recipients or subrecipients who receive a single award of \$500,000 or more are required to submit an EEOP to the OCR. Agencies that do not meet this requirement but receive one million dollars or more in funding are no longer required to submit an EEOP to the OCR.

Program (CMA) also contain an additional paragraph in this section, stating the following:

Faith-Based and Community Organizations that statutorily qualify as eligible applicants under OJP programs are invited and encouraged to apply for assistance awards and will be considered for awards on the same basis as any other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant will be discriminated against on the basis of its religious character or affiliation, religious name, or the religious composition of its board or persons working in the organization.

Additionally, these two Interagency Agreements contain a paragraph explaining that national origin discrimination includes discrimination on the basis of limited English proficiency (LEP), and that subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to programs.

As referenced in all of the Interagency Agreements, subrecipients are also required to complete and return to the ICJIA an EEOP Certification and a Civil Rights Compliance Certification. The EEOP Certification is similar to the form utilized by the OJP, requiring subrecipients to indicate whether they are exempt from the requirement to prepare an EEOP or whether they are required to prepare an EEOP and have one on file for review. The EEOP Certification also contains a statement indicating that if a subrecipient receives \$500,000 or more through a single grant, or \$1,000,000 or more in aggregate funds in an 18-month period, the subrecipient shall submit a copy of its EEOP to the ICJIA, who will then forward the EEOP to the OCR.²

The Civil Rights Compliance Certification requires a subrecipient to certify that it is in compliance with all applicable local, state, and federal civil rights laws; that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under the grant(s) on the basis of race, color, age, religion, national origin, disability, or sex; that the subrecipient is in compliance with the DOJ's Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; and that in the event a federal or state court or administrative agency makes a finding of discrimination on the grounds of race, color, age, religion, national origin, disability, or sex against the subrecipient or a contractor, the subrecipient will forward a copy of the finding to the ICJIA, who will then forward the finding to the OCR. Subrecipients are also required to indicate whether the subrecipient or its contractors have had any findings of discrimination within the past five years, and to attach a copy of any such findings.

² Please see footnote 1.

Additionally, the ICJIA provided the OCR with documentation demonstrating that if a subrecipient uses DOJ funds to enter into a contract for services, the subrecipient must include a provision on nondiscrimination in the contract. This provision states that the contractor will not discriminate on the basis of race, color, age, religion, national origin, disability, or sex, and requires the contractor to assure compliance with the statutes that the OCR enforces. The provision also requires the contractor to forward any findings of discrimination to the ICJIA.

2. Onsite Visits and Other Monitoring Methods

In its response to the OCR's data request, the ICJIA explained that it monitors the performance of subrecipients by conducting onsite visits and by requiring periodic fiscal and data reports. During the onsite visit, ICJIA staff stated that grant monitors endeavor to conduct onsite visits of every subrecipient twice a year. The ICJIA staff said that grant monitors discuss programmatic activities and expenditures during these onsite monitoring visits, and that the grant monitors do not address civil rights issues.

3. Training and Technical Assistance

In its data response, the ICJIA said that it does not provide any training for subrecipients specifically on civil rights requirements. During the OCR's onsite visit, ICJIA staff explained that the ICJIA does conduct training for new subrecipients to generally discuss the Interagency Agreement and required certifications.

4. Complaint Procedures

The ICJIA has the following written policies and procedures in place to address discrimination complaints from employees of the ICJIA: Sexual Harassment Policy; Equal Employment Opportunity Policy; Reasonable Accommodations Policy; and Complaint Procedures. These policies and procedures prohibit the ICJIA from discriminating against employees and applicants on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, unfavorable discharge from military service, sexual orientation, parental status, or source of income. Subsequent to the OCR's onsite visit, ICJIA staff told the OCR that the ICJIA does not have any direct beneficiaries or program participants.

In its data response, the ICJIA said that it does not have any written procedures in place to respond to discrimination complaints from employees or beneficiaries of subrecipients. The ICJIA noted that it has never received a discrimination complaint against a subrecipient, but that it would refer any such complaints to the ICJIA's General Counsel's Office for appropriate action.

Based on the OCR's research, it appears that the Illinois Department of Human Rights (IDHR) has jurisdiction over complaints alleging discrimination in employment, public accommodations, real estate transactions, and financial credit on the basis of race, color, religion, sex, national origin, ancestry, disability, citizenship status, age, marital status, familial status, arrest record, military status, and sexual orientation, along with complaints alleging sexual harassment in higher education. Accordingly, it appears that employees of ICJIA subrecipients (along with employees of the ICJIA) may file discrimination complaints with the IDHR. It further appears that beneficiaries of subrecipients may be able to file discrimination complaints with the IDHR as well, depending on whether the program or activity of the subrecipient qualifies as a place of public accommodation.

B. Monitoring Compliance with Equal Treatment Regulations

The purpose of the Equal Treatment Regulations is to ensure that A[r]eligious organizations are eligible, on the same basis as any other organization, to participate in any [Justice] Department program for which they are otherwise eligible.@ 28 C.F.R. ' 38.1(a). The Regulations prohibit the DOJ and DOJ funding recipients from discriminating either for or against an organization on the basis of the organization's religious character or affiliation. Id. In evaluating the ICJIA's equitable treatment of faith-based organizations, the Compliance Review focuses on two issues: (1) the review process for making awards to applicant faith-based organizations, and (2) procedures for ensuring that funded faith-based organizations comply with applicable federal civil rights laws.

1. The Process for Making Awards to Applicant Faith-Based Organizations

As discussed in Section I.A.1 of this Compliance Review Report, the ICJIA administers numerous subgrants funded by the BJA, the OJJDP, the NIJ, the OVC, and the OVW. During the OCR's onsite visit, ICJIA staff said that to notify agencies about competitive funding opportunities, the ICJIA posts Request for Funding Proposals (RFPs) on its website. The ICJIA staff explained that for the BJA-funded JAG Program, the ICJIA also sends an email to over 970 law enforcement agencies throughout Illinois to notify them of funding opportunities, and assembles external peer reviewers who have law enforcement backgrounds to review JAG applications and make funding recommendations to the ICJIA Board.³ The ICJIA staff said that the ICJIA also uses external peer reviewers to review applications for the BJA-funded Residential Substance Abuse Treatment for State Prisoners grant program, and that it relies on an external advisory committee to review applications for OJJDP-funded grant programs. Subsequent to the OCR's onsite visit, the ICJIA provided additional information regarding other DOJ-funded grant programs, explaining that the ICJIA uses internal staff to review funding

³ The ICJIA Board governs the ICJIA and is comprised of 20 individuals who are state and local leaders from the criminal justice system and experts from the private sector.

applications for the OVW- and OVC-funded grant programs, and that the NIJ-funded subgrants have been targeted to specific crime laboratories. Additionally, the ICJIA said that it typically uses internal staff to review funding applications for BJA-funded research subgrants, and that the ICJIA posts RFPs for these subgrants on the State of Illinois procurement website at www.purchase.state.il.us and also emails numerous universities, colleges, and research organizations to notify them of these funding opportunities.

In its data response, the ICJIA stated that it has always treated faith-based organizations the same as any other applicant, and that the ICJIA judges grant applications solely on the merits of the program. The ICJIA said that to its knowledge, it has funded every faith-based organization that has applied for a DOJ subgrant. The ICJIA attached a spreadsheet indicating that in Fiscal Year (FY) 2006, it provided 20 DOJ subawards to 13 different faith-based organizations, either under the Victims of Crime Act (VOCA) Program or the Juvenile Accountability Block Grant (JABG) Program. For FY 2007, the ICJIA attached a spreadsheet showing that it made nine DOJ awards to six faith-based organizations under the VOCA Program, JABG Program, PSN Program, or Violence Against Women Act Program. During the onsite visit, ICJIA staff explained that the ICJIA identified organizations as being faith-based either based on the name of the organization or on a grant administrator's knowledge of the organization.

Prior to the OCR's onsite visit, the OCR requested information on the faith-based organizations that the ICJIA was currently funding in FY 2008. The ICJIA provided a list of ten VOCA grants currently being implemented by the following six faith-based organizations: St. Pius V Church, Family First Support Center, YWCA of Metropolitan Chicago, YWCA of Freeport, Catholic Charities of the Archdiocese of Chicago, and YWCA of the Sauk Valley. These awards range in amount from \$2,655.00 to \$82,279.00.

In its data response, the ICJIA said that for programs other than those funded by the JJDPA, the ICJIA does not require nonprofit applicants to have federal tax exempt status under 26 U.S.C. § 501(c)(3); the ICJIA explained that the most the ICJIA does is check with the Illinois Secretary of State's Business Unit to verify nonprofit status.

2. Procedures for Ensuring that Faith-Based Organizations Comply with Applicable Federal Civil Rights Laws

According to the ICJIA's data response, during the grant review process, both the ICJIA's General Counsel and ICJIA grant monitors pay particular attention to the possibility that organizations may use federal funding to pay for inherently religious activities. Once a faith-based organization receives funding, the ICJIA said that grant monitors would detect any impropriety by reviewing the fiscal and data reports submitted by faith-based organizations and by conducting onsite visits. The ICJIA stated that it does not provide any training to staff regarding the Equal Treatment Regulations beyond discussion of the standard provisions of the

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ICJIA's Interagency Agreements. As discussed in Section I.A.1 of this Compliance Review Report, the ICJIA's Interagency Agreements reference the Equal Treatment Regulations.

As part of the OCR's onsite visit to the ICJIA, we conducted onsite visits to two faith-based organizations that the ICJIA currently is funding with DOJ funds, Catholic Charities of the Archdiocese of Chicago and St. Pius V Church. According to the Catholic Charities' website, www.catholiccharities.net, Catholic Charities serves as the social service arm of the Catholic Church, providing services and programs to those in need. During the OCR's onsite visit, program administrators from Catholic Charities of the Archdiocese of Chicago told the OCR that Catholic Charities is using its two VOCA awards (for \$27,948.00 and \$39,370.00) for elder abuse programs at two of its facilities. The program administrators explained that Catholic Charities provides a variety of services through its elder abuse programs, such as assisting older individuals with obtaining protective orders, providing counseling, assisting individuals in obtaining housing, investigating possible cases of abuse, and providing necessary referrals. The program administrators told the OCR that Catholic Charities does not take religion into account when providing services, and does not inquire as to a potential beneficiary's religious background. The program administrators further told the OCR that Catholic Charities does not require employees to have a particular religious affiliation. The program administrators provided the OCR with a brochure that is affiliated with their elder abuse program; this brochure contained a statement on the back that Catholic Charities does not discriminate in admission to programs or treatment of employees in compliance with the Human Rights Act, the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, the Age Discrimination in Employment Act, and the U.S. and Illinois Constitutions.

During the OCR's onsite visit of St. Pius V Church, a Catholic parish, program administrators explained that St. Pius V Church conducts various social service programs for the community, such as providing counseling services and operating a food pantry, a soup kitchen, and a second-hand store. The program administrators told the OCR that St. Pius V Church spends its two VOCA grants (for \$2,655.00 and \$65,956.00) to hire counselors to provide individual and group counseling to victims of domestic violence. The program administrators said that the church's domestic violence program is well-known throughout the City of Chicago, and that St. Pius V Church does not take religion into account when deciding who to serve. The program administrators said that St. Pius V Church also does not require employees to be a particular religion. The program administrators provided the OCR with a copy of the "Client Rights" form that it provides to individuals receiving counseling for domestic violence; this form states that clients have the right "to receive services without discrimination according to age, gender, religious, racial, civil status, physical or mental disability, sexual preference, being a veteran, or an ex-offender."

The OCR found no evidence that either Catholic Charities of the Archdiocese of Chicago or St. Pius V church was using DOJ resources for inherently religious activities or was discriminating

against beneficiaries on the basis of religion or religious belief in violation of the Equal Treatment Regulations. Additionally, program administrators from both of these subrecipients said that they felt like the ICJIA did not treat them differently as a result of being a faith-based organization.

I. Recommendations

The ICJIA already has some procedures in place for monitoring the civil rights compliance of its subrecipients, such as referencing the laws that the OCR enforces, including the Equal Treatment Regulations, in its Interagency Agreements. To strengthen the ICJIA's monitoring efforts, the OCR offers the following recommendations: (1) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints; (2) standardize the nondiscrimination sections in all of the ICJIA's Interagency Agreements; (3) monitor for compliance with civil rights requirements during onsite monitoring visits; (4) provide training to DOJ subrecipients on the civil rights laws that the OCR enforces; and (5) ensure that subrecipients submit the EEOC Certification to the OCR.

A. Develop Comprehensive Complaint Procedures

While the ICJIA has written policies in place for receiving and investigating discrimination complaints from employees, the ICJIA does not have any procedures in place for addressing discrimination complaints from employees or beneficiaries of ICJIA subrecipients. Accordingly, the ICJIA should adopt a policy for addressing discrimination complaints that includes at a minimum the following elements:

- 1) designating a coordinator who is responsible for overseeing the complaint process;⁴
- 2) notifying employees and subrecipients of prohibited discrimination in funded programs and activities and the ICJIA's policy and procedures for handling discrimination complaints;⁵
- 3) establishing written procedures for receiving discrimination complaints from employees and beneficiaries of ICJIA subrecipients;
- 4) referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission or the Illinois Department of Human Rights, or referring the complaint to the OCR, which will review the complaint and work with the ICJIA to resolve the complaint;

⁴ See 28 C.F.R. § 31.202(a)(1)

⁵ See 28 C.F.R. § 31.202(b)(3)

- 5) notifying the OCR in writing when the ICJIA refers a discrimination complaint to another agency or when the ICJIA investigates the complaint internally; and
- 6) training ICJIA program staff on their responsibility to refer discrimination complaints, or potential discrimination issues, to the ICJIA's complaint coordinator for processing as soon as the alleged discrimination comes to their attention.

Information about the applicable laws, complaint forms, and the investigative process is available at the OCR's website at www.ojp.usdoj.gov/ocr/crc. Additionally, the OCR has drafted the enclosed template complaint procedures that the ICJIA may find helpful as it develops procedures for addressing discrimination complaints from employees and beneficiaries of subrecipients.

B. Standardize the Nondiscrimination Provision in all of its Interagency Agreements

While the Interagency Agreements for all of the ICJIA's grant programs reference the Equal Treatment Regulations and the various statutes that the OCR enforces, the Interagency Agreements for the JAG and CMA grant programs contain an additional paragraph stating that eligible faith-based organizations are encouraged to apply for funding and that the ICJIA will not discriminate against eligible applicants on the basis of religion. These two Interagency Agreements also contain a paragraph explaining that national origin discrimination includes discrimination against LEP individuals and that subrecipients are required to take reasonable steps to ensure that LEP individuals have meaningful access to programs. As these paragraphs contain helpful information for applicants and subrecipients, the OCR recommends that the ICJIA incorporate these additional paragraphs into all of your Interagency Agreements. Additionally, the ICJIA may also wish to add a sentence to its Interagency Agreements stating that in accordance with federal civil rights laws, a subrecipient shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

C. Monitor for Compliance with Federal Civil Rights Laws During Onsite Monitoring Visits

The ICJIA is taking steps to ensure that ICJIA subrecipients are complying with grant requirements by conducting periodic onsite monitoring visits. However, these onsite monitoring visits do not currently address federal civil rights laws. Pursuant to the ICJIA's responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the ICJIA should add a civil rights component to its onsite monitoring visits. The ICJIA should be sure to evaluate a number of civil rights requirements that are binding on recipients of federal funding (e.g., whether the subrecipient has an EEOC on file or has sent one to the OCR for review, whether the subrecipient has findings of discrimination to report to the OCR, whether the subrecipient has posted nondiscrimination notices as required by section 504 of the

Rehabilitation Act, whether the subrecipient has a grievance procedure and a designated coordinator as required by section 504 of the Rehabilitation Act and Title IX of the Education Amendments of 1972, or whether the subrecipient is taking steps to ensure meaningful access to its services to individuals with limited English proficiency). Additionally, the ICJIA should ask questions on whether the subrecipient is complying with DOJ's Equal Treatment Regulations, including the prohibitions against using federal funds to engage in inherently religious activities and discriminating against program beneficiaries on the basis of religion. The OCR has developed the enclosed Federal Civil Rights Compliance Checklist that contains relevant questions regarding civil rights compliance; the ICJIA may wish to utilize this checklist during onsite monitoring visits.

D. Provide Comprehensive Training on Federal Civil Rights Laws

Other than a general discussion of the information contained in the Interagency Agreement, the ICJIA does not currently provide any training for its subrecipients about their civil rights obligations. To ensure that subrecipients fully understand their obligations under federal civil rights laws, such as the obligation to comply with the DOJ's Equal Treatment Regulations, to provide services to LEP individuals, and to provide the OCR with findings of discrimination issued by a federal or state court or federal or state administrative agency on the basis of race, color, religion, national origin, sex, or disability, the ICJIA should provide periodic training programs for its subrecipients on the applicable federal civil rights laws. The ICJIA should provide this mandatory training for every subrecipient at least once during a grant cycle, whether the ICJIA provides the training in person, during a teleconference, or through other means. The OCR is available to provide the ICJIA with technical assistance in developing civil rights training programs.

E. Ensure that Subrecipients Submit the EEOP Certification to the OCR

According to the ICJIA's EEOP Certification, the ICJIA will forward to the OCR any EEOPs that it receives from subrecipients. However, for those subrecipients who are claiming a partial or complete exemption from the EEOP requirements, the EEOP Certification does not indicate that the ICJIA will forward the EEOP Certification to the OCR. So that the OCR can monitor whether subrecipients are complying with the EEOP requirements, the ICJIA should forward any EEOP Certification forms that it receives from subrecipients claiming a partial or complete exemption from the EEOP requirements, or should require such subrecipients to submit the EEOP Certification directly to the OCR.

Conclusion

Except for the concerns we have raised in Section II of this Compliance Review Report, we find that the ICJIA has taken steps to substantially comply with the federal civil rights laws that the

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OCR enforces. On request, the OCR is available to provide technical assistance to the ICJIA in addressing the concerns raised in this Report. **Immediately upon receipt of this letter, we ask that a responsible ICJIA official contact Attorney Advisor Shelley Langguth to develop a timeline and goals for implementing the OCR's recommendations.**

Thank you for your cooperation and the assistance of your staff throughout the compliance review process. If you have any questions, please contact Ms. Langguth at (202) 305-2353.

Sincerely,
/s/

Michael L. Alston
Director

Enclosures

cc: Jack Cutrone, General Counsel