



**U.S. Department of Justice**

Office of Justice Programs

*Office for Civil Rights*

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*Washington, D.C. 20531*

**Via Certified Mail**

January 21, 2011

Sean M. Byrne  
Acting Commissioner  
NYS Division of Criminal Justice Services  
4 Tower Place  
Albany, NY 12203

RE: New York Division of Criminal Justice Services Compliance Review (09-OCR-0278)

Dear Mr. Byrne:

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 New York Division of Criminal Justice Services (DCJS), in accordance with federal regulation 28 C.F.R. § 42.206. The focus of the review was on the DCJS's compliance with applicable federal civil rights laws along with the DCJS's monitoring procedures for ensuring the compliance of subrecipients with these laws. Of particular interest to the OCR was the DCJS's implementation and monitoring of the DOJ's regulations, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38 (Equal Treatment Regulations.)

On June 9, 10 and 11, 2009, the OCR conducted an onsite visit to the DCJS offices in Albany, New York to interview DCJS administrators and to conduct a training program for DCJS administrators and program staff on the federal civil rights laws that the OCR enforces. The OCR also made onsite visits to three of your faith-based agencies, Metropolitan Council on Jewish Poverty, United Jewish Council of the East Side, and Ohel Children's Home and Family Services. The OCR would like to thank the DCJS staff, especially Robert Wright, for assisting Debra Murphy during the onsite visit.

The OCR sent the DCJS a draft Compliance Review Report on December 9, 2010, and provided you with 30 days within which to provide the OCR additional information or factual corrections to the draft Report. On January 14, 2011, you responded to the OCR, but offered no corrections to the draft Compliance Review Report. Therefore, this serves as the OCR's final Compliance Review Report.

Based on the DCJS's responses to our date request and the information that the OCR gathered during our onsite visit, the OCR concludes, in regard to the limited scope of our review, that the

DCJS has taken steps to comply substantially with the federal civil rights laws that the OCR enforces. Nonetheless, we have concerns about whether the DCJS has adequate complaint procedures in place to respond to discrimination complaints from the beneficiaries and employees of subrecipients, is properly explaining the EEOB obligations to subrecipients, and is sufficiently training and monitoring its subrecipients on applicable federal civil rights laws. The following Compliance Review Report includes recommendations for improving the DCJS's methods for monitoring the civil rights compliance of subrecipients, and ensuring that it meets its obligations under federal civil rights laws.

## I. Overview

This Compliance Review Report first examines the DCJS'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 DCJS's implementation of the DOJ Equal Treatment Regulations.

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

Recipients of federal financial assistance from the DOJ are responsible for certifying that contractors and subrecipients under DOJ grant programs comply with applicable federal civil rights laws. In reviewing the DCJS's general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR examined how the DCJS uses 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. Assurance Documents

The OCR records and the information provided by the DCJS indicate that the DCJS currently administers numerous subgrant awards funded by the OJP's Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Victims of Crime (OVC), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART), along with grants from the Office on Violence Against Women (OVW).

There are three documents with civil rights provisions that the DCJS uses when entities apply for or receive DOJ funding through the DCJS: (1) The Certified Assurances for Federally-Supported Projects (Certified Assurance Document), (2) The Vendor Responsibility Questionnaire for Not-for-Profit Business Entity (Questionnaire), and (3) The Vendor Responsibility Profile (Profile).

The DCJS maintains an on-line application system, and applicants must certify via this on-line system that they will comply with the Certified Assurance Document. This document addresses civil rights obligations in several provisions. First, the Certified Assurance Document contains a paragraph which lists non-discrimination statutes and regulations with which the subrecipient agrees to comply.<sup>1</sup>

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<sup>1</sup> This paragraph reads in full: "It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the

Second, the Certified Assurance Document references, and then explains, the Equal Employment Opportunity Program (EEO) Guidelines in two different paragraphs. In ¶13, applicants agree to “comply with the provisions of 28 CFR applicable to grants and cooperative agreements including . . . Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures.” In ¶22, the EEO requirements are explained as follows:

When applicants having 50 or more employees which receive an amount of \$500,000 or more, or \$500,000 in the aggregate, in any fiscal year, are required to formulate and provide an Equal Employment Opportunity Program (EEO), in accordance with 28 CFR, subpart e. [sic] The applicant agrees to maintain a current one on file and to certify to DCJS that it has a current EEO on file which meets the applicable requirements. The applicant agrees not to obligate or expend any funds under this grant award until it submits to DCJS for transmittal to the respective federal grantor agency for review and approval by the U.S. Department of Justice, Office for Civil Rights, a copy of the prospective subgrantee’s Equal Employment Opportunity Plan (EEO), or the Statistical Update from the previous year, whichever is appropriate.

This paragraph then explains what information must be included when “statistical updates” are required, including a description of any discrimination complaints filed against the recipient and a description of any equal opportunity conciliation agreement in effect. This description of the EEO requirements is incorrect. See the Section II.A. of this Compliance Review Report for a recommendation about the proper description of the EEO obligation.

Third, the Certified Assurance Document provides that if there is a finding of discrimination against the subrecipient on the basis of race, color, religion, national origin, sex, or disability,<sup>2</sup> the subrecipient “will forward a copy of the finding to DCJS for transmittal to the U.S. Department of Justice, Office of [sic] Civil Rights.”

If a non-profit applicant is selected for a grant, one of the other two documents will be completed. If a non-profit recipient receives more than \$100,000, it will complete the Vendor Responsibility Questionnaire, which may elicit civil rights information. The Questionnaire is mailed to the recipient with the award notification and grant contract and asks if the subrecipient “has been the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation.” If the answer is “yes”, then the recipient is asked to submit an explanation of the issue, including the government entity involved, the relevant dates, any remedial or corrective action taken, and the current status of the issue. The completed Questionnaire is signed and returned to the DCJS with the signed grant contract.

Non-profit recipients that receive less than \$100,000 do not have to complete the Questionnaire, but the DCJS must complete the Vendor Responsibility Profile about the recipient. The Profile certifies that the DCJS has conducted an affirmative review of the recipients’ integrity, including

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Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; the Equal Treatment Regulation 28 CFR part 38; and Department of Justice regulations on disability discrimination CFR Part 35.”

<sup>2</sup> Note that although recipients of federal financial assistance are prohibited from discriminating on the basis of disability, the OJP regulations do not require that subrecipients forward to the OCR findings of discrimination based on disability. See 28 C.F.R. § 42.204(c).

inquiring about any issues that implicate the recipient's integrity, and describing the issue and consequent resolution.

## 2. Onsite Visits and Other Monitoring Methods

Each year, the DCJS funds approximately 850 subrecipients using approximately 2000 contracts. This volume of subrecipients limits the number and frequency of onsite visits that can be arranged. Be that as it may, the DCJS still conducts onsite program monitoring visits to each subrecipient approximately every year to eighteen months. The DCJS grant monitors use forms to guide the onsite visits, but none of the questions on the monitoring forms specifically inquire into civil rights issues. The DCJS also conducts annual fiscal audits of all contracts.

## 3. Training and Technical Assistance

The DCJS conducts training for subrecipients approximately every eighteen months, although they have not conducted training specifically on civil rights. The subject of trainings is generally selected based upon subrecipients' needs. Past topics include budgeting, how to use the state grant system, and grant development. Additionally, the DCJS has reviewed the content of the Certified Assurance Document in past trainings. Training is held in various physical locations throughout the DCJS region, and offered as Webinars. The DCJS is also available to subrecipients to provide technical assistance when needed.

## 4. Complaint Procedures

In its Data Response and during the onsite visit, the DCJS stated that it does not have procedures to address complaints from beneficiaries or employees of subrecipients who allege discrimination. However, if it received an inquiry from a beneficiary or employee of a subrecipient about non-discrimination procedures, it would forward the inquiry to the DCJS's Counsel and, if warranted, to the OCR.

The equal employment opportunity policies of the DCJS are governed by New York State Civil Service Commission (The Commission), which adopts policies pertaining to a wide range of state employment matters. The Commission is advised in affirmative action and equal employment opportunity matters by the New York State Affirmative Action Advisory Council (NYSAAAC), a body made up of administrators from 67 New York state agencies. Through its website, the NYSAAC provides employees with information about how to file a complaint if they believe that they have been discriminated against on the basis of race, color, creed or religion, national origin, sex, age, disability, sexual orientation, marital status, familial status, military status, domestic violence victim status, arrest or conviction record, or predisposing genetic characteristics. If an employee of DCJS believes that he or she has been discriminated against because of membership in one of these protected classes, the employee may file a complaint with the New York State Division of Human Rights (DHR). During the onsite portion of this Compliance Review, the DCJS staff stated that employees receive an employment manual that informs them of their rights to be free from discrimination and explains the procedures for filing a complaint with the DHR. Additionally, the DHR website contains detailed information about filing a complaint, along with other general information about civil rights in the state of New York.

## B. Monitoring Compliance with Equal Treatment Regulations

The purpose of the Equal Treatment Regulations is to ensure that “[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 DCJS’s equitable treatment of faith-based organizations, this Compliance Review Report focuses on two issues: (1) the 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 DCJS administers numerous subgrants funded by the BJA, the BJS, the NIJ, the OJJDP, the OVC, SMART, and the OVW. During the OCR’s onsite visit, the DCJS staff explained that when competitive grants are available, the grant solicitation is posted on the DCJS web-site and published in the state register. Additionally, notices are sent to potentially eligible and interested applicants, depending upon the grant. These include law enforcement agencies, existing recipients, past applicants, domestic violence and sexual assault centers, and any entity that has expressed an interest. Generally speaking, applications for competitive grants are reviewed in two phases. The first level of review assesses if the application is complete and meets the minimum criteria for the grant. This includes verifying that a signed copy of the Certified Assurance Document is submitted. Applicants either pass or fail this level of review. The second level of review involves between two and three DCJS staff members reviewing the content of the application against an evaluation score sheet. The scores of each reviewer are averaged together to get a final score for the application. None of the questions on the evaluation score sheet pertains to civil rights. At this point, the applications that passed the first level of review are submitted to the full Commission with the scores from the second level of review.

During the OCR’s onsite visit, the DCJS staff stated that the DCJS treats eligible faith-based organizations the same as any other applicant, and that the DCJS judges grant applications solely on the merits of the program. The DCJS explained that it would know if the applicant is a faith-based organization in two ways. First, the cover sheet of each application asks the applicant if it is a sectarian or non-sectarian agency. Second, the applications ask applicants to describe their agency, which may elicit if the organization is faith based or not.

As part of the data request, the OCR asked for information on the faith-based organizations that applied for funding in FY 2007 and FY 2008 and faith based organizations that were awarded funding in FY 2007 and FY 2008. In FY 2007, there were 309 total applicants, 8 of which were faith-based organizations; the DCJS funded 268 of the applicants, including all of the faith-based applicants. In FY 2008, there were 291 total applicants, including 13 faith-based organizations; the DCJS funded 240 of the applicant, including 11 of the faith-based organizations. In each fiscal year, one subrecipient made a sub-award to a faith-based organization; the City of Utica made an award to the YWCA of Mohawk County to fund a full time advocate on its domestic violence response team.

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

As discussed in Section I.A.1. of this Compliance Review Report, the DCJS requires all subrecipients to sign the Certified Assurance Document, which includes a reference to the Equal Treatment Regulations. Additionally, although the DCJS does not specifically ask questions about a subrecipient's compliance with the Equal Treatment Regulations during monitoring visit, it could detect noncompliance through the subrecipient's description of its activities and fiscal reports.

As part of the OCR's onsite visit to the DCJS, we conducted onsite visits to three faith-based organizations that the DCJS funds with DOJ funds. Those organizations selected for a site visit were Metropolitan Council on Jewish Poverty (Met Council), United Jewish Council of the East Side, and Ohel Children's Home and Family Services (Ohel). According to the Met Council's website, <http://www.metcouncil.org>, it is one of the largest social service providers in New York City, providing affordable housing, career services, crisis intervention, family violence services, health insurance enrollment, in-home care for seniors, home services, immigrant assistance, and kosher food for New York City's poor, working poor, elderly and immigrant residents in all five boroughs. In FY 2008, the Met Council received \$76,000 through the DCJS from the Byrne Justice Assistance Grant to support the All About Jobs project. All About Jobs provides job training and placement for up to one year to men and women between the ages of 16 and 26, and survivors of domestic violence irrespective of age. Possible participants for the All About Jobs project are recruited through domestic violence shelters, other shelters, Jewish groups, youth drop-in centers, local Rabbis and the Brooklyn Youth Council. The Met Council administrators told the OCR during the onsite visit that it does not consider religion in selecting employees or beneficiaries, and does not engage in religious activities with federal financial assistance. However, they reported that the DCJS has never specifically inquired about this through routine reports, or monitoring visits. Employees are notified of the Met Council's non-discrimination policy (which covers federally protected classes, as well as state protected classes) through the Employee Manual, New Employee training, and periodic e-mails. The Met Council currently employs individuals of a variety of religious affiliations, and no religious affiliation. Beneficiaries and prospective beneficiaries are informed of the Met Council's non-discrimination policy through a statement printed on agency pamphlets and posted in the facility. Additionally, every client is given a client grievance form with which to lodge complaints about their services. Although the Met Council recruits some beneficiaries through Jewish organizations, it reaches potential clients through far-reaching non-sectarian methods as well, including the Mayor's telephonic social service directory (i.e. 311) and other social service agencies.

The United Jewish Council of the East Side serves "as a coordinating body of neighborhood, secular, civic and fraternal organizations . . . to preserve and stabilize the Lower East Side of Manhattan," according to its website, [www.ujces.org](http://www.ujces.org). The United Jewish Council provides a variety of services, including government benefits counseling, immigration advocacy, home health care for the elderly and disabled, food vouchers, transportation for senior citizens, housing counseling, career counseling, and kosher meals in home and at Senior Citizens Centers. In FY 2008, the United Jewish Council received \$76,000 through the DCJS from the Byrne Justice Assistance Grant to support a Community Crime Prevention and Awareness Project. This project is a partnership with the New York City Police Department's Seventh Precinct, providing a consumer web-site, seminars on crime prevention, and child safety outreach. The United Jewish Council administrators told the OCR during the onsite visit that it does not consider

religion in selecting employees and beneficiaries, and does not engage in any inherently religious activities.

Ohel Children's Home and Family Services provides a variety of social services, including foster care placement, residential and outpatient services for persons with developmental and psychiatric disabilities, school based services, domestic violence counseling, geriatric mental screening and autism screening. In FY 2008, Ohel received \$68,000 through the DCJS from the Byrne Justice Assistance Grant to develop a school-based drug prevention program. This program has three components, as it was explained to the OCR by Ohel administrators. First, participating schools identify "master teachers" who are then trained in drug prevention and bullying prevention. Second, the program provides direct crisis intervention with students who are identified by teachers as being at risk. Third, the program provides community awareness about drugs and bullying. The Ohel administrators told the OCR that it does not discriminate on the basis of religion, or any of the other protected classes, in employment or services. At the time of the OCR's onsite visit, all of the 16 participating schools in Ohel's drug prevention program were Jewish schools. However, Ohel reports that it attempted to offer its program to three public schools – P.S. 192, P.S. 180, and P.S. 223 – but was unable to provide its services in public schools without a contract with the New York City Board of Education. Additionally Ohel reached out to several private non-sectarian schools, but those schools were uncomfortable with an outside agency providing drug prevention services. Ohel is currently developing a broad mailing campaign to offer its drug prevention program to public and private schools in the area. Although Ohel is a Jewish organization, it offers all of its services to eligible beneficiaries without regard to religion, and reports that it currently has clients from numerous racial, ethnic and religious backgrounds.

## II. Recommendations

The DCJS 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 Certified Assurance Document. To strengthen the DCJS's monitoring efforts, the OCR offers the following recommendations: (1) correct the description of the EEOP requirements and ensure that EEOP certification are submitted to the OCR; (2) notify subrecipients of their obligation to individuals with limited English proficiency; (3) develop a comprehensive policy, including the establishment of written procedures, for addressing discrimination complaints from employees and beneficiaries of subrecipients; (4) monitor subrecipients for compliance with civil rights requirements during onsite monitoring visits; (5) provide comprehensive training to DOJ subrecipients on the civil rights laws that the OCR enforces.

### A. Provide Correct Description of EEOP Requirements and Ensure that Subrecipients Submit the EEOP Certification to the OCR

The DCJS's Certified Assurance Document incorrectly states the criteria for maintaining and submitting an EEOP. The correct criteria for those recipients that must maintain an EEOP are as follows: (1) the recipient is a state or local government agency or any business; and (2) the recipient has 50 or more employees; and (3) the recipient receives a *single award* of \$25,000 or more. A recipient that is required to maintain an EEOP must submit it to the OCR if it receives a *single award* of \$500,000 or more. Once a subrecipient determines its EEOP obligations, the DCJS should ensure that the appropriate documentation is submitted to the OCR. If a

subrecipient is exempt from the requirement to maintain an EEOP, this exemption must be certified to the OCR. Additionally, if a subrecipient must maintain an EEOP, but is exempt from the submission requirement, that exemption must be certified to the OCR as well. The OCR has a sample EEOP Certification Form available, which can be accessed at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>. The OCR recommends that the DCJS requires subrecipients to use the OCR's Certification Form when certifying their exemption from the requirement to complete an EEOP or their exception from the requirement to submit an EEOP. We further recommend that the DCJS instructs subrecipients to submit these certifications directly to the OCR, although the DCJS may wish to receive a copy for monitoring purposes.

Lastly, the DCJS refers to "Statistical Updates" that may be submitted in lieu of an EEOP in certain circumstances. Neither the EEOP regulations nor the OCR's guidance contemplates a "statistical update." Rather, we ask that subrecipients review their EEOP obligations and resubmit the appropriate documentation every two years.

#### B. Notify Subrecipients of their Obligations to Persons who are Limited in their English Proficiency

As mentioned in Section I.A.1. of this Compliance Review Report, the primary method that the DCJS uses to inform its subrecipients of their civil rights obligations is through the Certified Assurance Document. While the document informs subrecipients of their obligations to comply with Title VI, the OCR recommends that the DCJS amend this document to specifically inform subrecipients of their Title VI obligations to individuals who are limited in their English proficiency (LEP). Specifically, subrecipients are required to take reasonable steps to ensure meaningful access to their services to persons who, as a result of their national origin, are LEP. To help recipients understand and meet this obligation, the DOJ published *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, which can be found at 67 Fed. Reg. 41455 (June 18, 2002) or at [www.lep.gov](http://www.lep.gov) (LEP Guidance). The DCJS should add a reference to the DOJ's LEP Guidance to its Certified Assurance Document, or otherwise inform subrecipients of this obligation.

#### C. Develop Comprehensive Complaint Procedures

While the state of New York has written policies in place for receiving and investigating discrimination complaints from employees of the DCJS, there are no procedures in place for addressing discrimination complaints from employees or beneficiaries of subrecipients of the DCJS. Accordingly, the DCJS should adopt a policy for addressing discrimination complaints that includes at a minimum the following elements:

- designating a coordinator who is responsible for overseeing the complaint process;
- notifying subrecipients' employees and beneficiaries of prohibited discrimination in funded programs and activities and the DCJS's policy and procedures for handling discrimination complaints;
- establishing written procedures for receiving discrimination complaints from subrecipients' employees and beneficiaries;
- referring each complaint to the appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission or the

New York State Division of Human Rights, or referring the complaint to the OCR, which will review the complaint and work with the DCJS to resolve the complaint;

- notifying the OCR in writing when the DCJS refers a discrimination complaint to another agency or when the DCJS investigates the complaint internally; and
- training DCJS program staff members on the responsibility to refer discrimination complaints, or potential discrimination issues, to the DCJS'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](http://www.ojp.usdoj.gov/ocr/crc). Additionally, the OCR has drafted the enclosed template complaint procedures that the DCJS may find helpful as it develops procedures for addressing discrimination complaints from employees and beneficiaries of subrecipients. Developing a comprehensive policy for addressing discrimination complaints should be a top priority for the DCJS.

#### D. Monitor for Compliance with Federal Civil Rights Laws During Onsite Monitoring Visit

The DCJS is taking steps to ensure that DCJS subrecipients are complying with grant requirements by conducting periodic onsite monitoring visits. These onsite monitoring visits, however, do not currently address federal civil rights laws. Pursuant to the DCJS's responsibility to monitor the compliance of subrecipients with applicable federal civil rights laws, the DCJS should add a civil rights component to its onsite monitoring visits. The DCJS 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 EEOP 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 DCJS 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 DCJS may wish to adapt the checklist in creating its own monitoring tools.

#### E. Provide Comprehensive Training on Federal Civil Rights Laws

Other than a general discussion of the information contained in the Certified Assurance Document, the DCJS 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, or sex, the DCJS should provide periodic training

programs for its subrecipients on the applicable federal civil rights laws. The DCJS should provide this mandatory training for every subrecipient at least once during a grant cycle, whether the DCJS provides the training in person, during a teleconference, or through other means. The OCR is available to provide the DCJS with technical assistance in developing civil rights training programs.

### III. Conclusion

We find that the New York DCJS has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. However, it should implement the new measures set forth above to ensure that it is in compliance with all of its federal civil rights obligations. The OCR is available to provide technical assistance to the DCJS in addressing the concerns raised in this Compliance Review Report. **Immediately upon receipt of this letter, please have a responsible DCJS official contact Attorney Advisor Debra Murphy 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. Murphy at (202) 305-0667.

Sincerely,

/s/

Michael L. Alston  
Director

Enclosures