



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

August 30, 2022

VIA CERTIFIED MAIL

Waylyn McCulloh, District Director
Seventh Judicial Circuit Department of Correctional Services
Iowa Department of Corrections
605 Main Street
Davenport, IA 52803-5244

Re: *Notice of Findings*
OCR Complaint No. 21-OCR-1852

Dear Director McCulloh:

Thank you for the information and documentation that the Seventh Judicial Circuit Department of Correctional Services (DCS) submitted to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in connection with the above-referenced administrative Complaint. In this Complaint, the OCR received a third-party Complainant expressing concerns regarding the DCS' expenditure of OJP grant funding, which the DCS uses to administer the Scott County Drug Court (Drug Court). Specifically, the Complaint asserted that female participants of the Drug Court are only eligible to participate in a transitional housing program operated by the 180 Zone which requires residents to attend religious services and activities.¹

The OCR has reviewed the information provided by the Complainant and the DCS and has determined that the evidence does not support the Complainant's assertions. An explanation of our findings is set forth below.

The OCR has the administrative responsibility for ensuring that recipients of DOJ financial assistance do not discriminate based on race, color, national origin, disability, sex, religion, and age. The laws that the OCR enforces include the DOJ's regulations on Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (Part 38). Part 38 prohibits agencies receiving direct DOJ financial assistance from using such assistance to engage in explicitly religious activities. 28 C.F.R. § 38.5(a). "Explicitly religious activities" include activities that involve overt religious content such as worship, religious instruction, or proselytization. *Id.* If a recipient conducts explicitly religious activities, the activities must be

¹ According to the OCR's review of the 180 Zone's website at www.oneeighty.org, 180 Zone is a faith-based Christian organization that operates a residential program for men and women, where residents are required to attend a variety of classes including Bible studies and daily devotions and to attend church on Sundays.

offered separately, in time or location, from programs or services funded under the grant. *Id.* Participation in any religious activities must be voluntary for beneficiaries of the grant-funded programs or services. *Id.* Additionally, recipients are prohibited from discriminating against grant-funded program beneficiaries, or prospective beneficiaries, on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. *Id.* at 38.5(c).

The DOJ's funding records indicate that the DCS received a grant award for \$500,000.00 from the OJP's Bureau of Justice Assistance for a three-year award period from October 1, 2019 to September 30, 2022. According to the DCS' grant application, the DCS is using the grant award to expand the service capacity of the Drug Court, which serves eligible adult men and women who have substance use disorders and are experiencing homelessness or housing instability. The DCS said that grant funds will be used for the following services: 1) to provide comprehensive supervision and treatment, including substance abuse treatment, mental health treatment, education, and employment rehabilitation services; 2) to increase access to non-hospital based detoxication and residential treatment services; and 3) to place participants in safe, supportive housing during and after recovery from substance dependencies. Based on the information contained in the DCS' grant application, it appears that participants may reside in transitional housing facilities during the Drug Court program.

In an April 14, 2022, letter to the DCS, the OCR notified the DCS of the allegations contained in the Complaint and requested that it provide the OCR with some specific information regarding the Drug Court program and its utilization of DOJ grant funding, including an explanation of the transitional housing facilities that are available to female participants of the Drug Court. The DCS responded on May 2, 2022 and provided additional information on July 13, 2022.

In its response, the DCS said that it does not force Drug Court participants to have any particular set of religious beliefs, to believe in God, or to attend religious activities. The DCS said that participants may choose to do those things but are not forced to do so. According to the DCS, most Drug Court participants must initially complete in-patient treatment provided by the Center for Alcohol and Drug Services (CADS).² The DCS said that following successful completion of in-patient treatment, the Drug Court program offers four group transitional housing options for women and six group transitional housing options for men. The DCS indicated that participants are not required to reside in a transitional housing facility during the program or to utilize any specific transitional housing facility, and participants may choose to live with a family member or obtain an apartment or home of their own.

According to the DCS, the DCS currently offers three transitional housing options for female participants. The first is a half-way house operated by CADS. The second option is "605 Main Street," which is a work-release facility operated by the DCS. The DCS explained that 605 Main Street is a community residential corrections program, and that residents receive programming adapted to their needs and must complete case plan objectives to qualify for release. The third

² According to the OCR's review of the CADS' website at www.cads-ia.com, CADS is part of the Iowa Department of Public Health Integrated Provider Network and offers a variety of substance abuse services focused on support, care, and treatment.

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option that the DCS offers to female participants is a transitional facility operated by 180 Zone, which is a Christian-based group. The DCS said the 180 Zone does involve Bible studies and that many participants attend a Christian church on Sundays, and that applicants to the 180 Zone are made aware of the religious requirements during the application process.

According to the DCS' response, regardless of where a Drug Court participant is residing, the DCS requires all participants to attend sober-support groups either in-person or virtually, but that it does not require participants to attend any particular sober-support group. The DCS provided the OCR with a packet that it provides to Drug Court participants discussing a variety of available sober-support groups which includes groups that are both religious and secular in nature. The DCS indicated that it provides all Drug Court participants with mental health services and Moral Reconciliation Therapy and encourages all participants to meet with the Drug Court's employment specialist, regardless of where they are residing. The DCS further said that all Drug Court participants have the opportunity to attend a number of groups that are administered by CADS and which are secular in nature, including anger management groups, diversity groups, and parenting groups.

The OCR's review of the information provided by the DCS indicates that female participants of the Drug Court are not limited to receiving transitional housing at the 180 Zone as alleged in the Complaint, but also have the options of residing at the secular half-way house operated by CADS or the community residential corrections program operated by the DCS. Female Drug Court participants also have the option to forego transitional housing and reside on their own or with a family member. The information provided by the DCS states that Drug Court participants become aware of the religious requirements of the 180 Zone during the application process, and there is no evidence in the record that the DCS pressures or advocates for female participants to reside at the 180 Zone. The information from the DCS further indicates that Drug Court participants receive various types of programming by DCS or CADS regardless of where they are residing, and that programming is not only offered to participants residing at the 180 Zone. Accordingly, the OCR finds that residing at the 180 Zone and participation in its religious activities is voluntary for female participants of the Drug Court in accordance with Part 38.

Based on the foregoing, the OCR is administratively closing our review of this Complaint. Thank you for your cooperation with this matter. The OCR is always available to provide the DCS with technical assistance in structuring its grant-funded services in a manner that complies with Part 38 and applicable federal rights laws. If you have any questions or desire any technical assistance in the future, please contact OCR attorney [REDACTED]

Sincerely,

X 

Michael L. Alston

Director

Signed by: MICHAEL ALSTON