



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

Via Certified Mail

March 13, 2013

Director Robert C. Halliday, Colonel
Arizona Department of Public Safety
2102 W. Encanto Blvd.
P.O. Box 6638
Phoenix, AZ 85005-6638

Re: Compliance Review Report for the Arizona Department of Public Safety
Docket No. 13-OCR-12

Dear Director Halliday:

On October 24, 2012, the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) initiated a compliance review of the Arizona Department of Public Safety (DPS), as part of our compliance review of all State Administering Agencies, in accordance with federal regulation 28 C.F.R. § 42.206. The focus of the review was on the DPS' compliance with applicable federal civil rights laws along with the DPS' monitoring procedures for ensuring the compliance of subrecipients with these laws. Of particular interest to the OCR was the DPS' 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 December 11, 2012, the OCR conducted an onsite visit to the DPS' offices to meet with DPS staff and to conduct a training program on the federal civil rights laws that the OCR enforces. The OCR would like to thank DPS staff, especially former Grant Coordinator Linda Dickerson and Administrative Supervisor Kate Henderson, for assisting OCR attorney Shelley Langguth during her onsite visit. On the same day, the OCR made onsite visits to two faith-based subrecipients of the DPS: Catholic Charities Community Services in Mesa, Arizona, and UMOM New Day Centers, Inc., in Phoenix, Arizona.

Based on the DPS' responses to our data request and the information that the OCR gathered during our onsite visit, the OCR sent the DPS a draft Compliance Review Report on January 16, 2013. During a March 11, 2013, telephone conversation, DPS Grant Coordinator Sheri Doll stated that the DPS does not have any factual corrections to the draft report.

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In regard to the limited scope of our review, the OCR concludes that the DPS has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. The following Compliance Review Report includes several minor recommendations for improving the DPS' methods for ensuring the civil rights compliance of subrecipients.

Compliance Review Report: Overview and Recommendations

I. Overview

This Compliance Review Report first examines the DPS' 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 DPS' 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 DPS' general efforts to ensure subrecipients' compliance with their civil rights obligations, the OCR examined how the DPS 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.

1. Standard Assurances

The DPS currently administers subawards under one DOJ grant program, the Victim Assistance Formula Grant Program authorized by the Victims of Crime Act (VOCA) and funded by the OJP's Office for Victims of Crime (OVC). The VOCA Victim Assistance Formula Grant Program is administered by the DPS' Crime Victim Services Unit.

When a subrecipient receives VOCA funding, it must sign and agree to abide by a *Subgrant Award Agreement*. This *Subgrant Award Agreement* contains the following paragraph 3.1, which discusses the nondiscrimination requirements:

3.1 Non-Discrimination. The Sub-recipient shall comply with State Executive Order No. 2009-09 and all other applicable Federal and State laws, rules and regulations related to the prohibition against discrimination, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination

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of 1975, Title IX of the Education Amendments of 1972, the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, the Victims of Crime Act of 1984, the Americans with Disabilities Act of 1990, Department of Justice implementing regulations and Equal Treatment for Faith-Based Organizations.

In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing against the Sub-recipient agency on the grounds of race, color, national origin, age, religion, disability, or sex, the Sub-recipient shall forward a copy of the finding to the Office of Justice Programs, Office of Civil Rights¹ and DPS.

Additionally, the DPS recently revised its *Subgrant Award Agreement* which will be used for grants awarded in Fiscal Year (FY) 2014 (July 1, 2013 to June 30, 2014) to include on the first page the following additional information regarding civil rights requirements:

Sub-recipients, and all its² contractors, will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 CFR pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 CFR § 175.15 (b); section 106 of the National Historic Preservation Act of 1966 (16 USC § 470); Executive Order 11593; the Archaeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.); the National Environmental Policy Act of 1969 (42 U.S.C. § 4321); and any applicable statutorily-imposed nondiscrimination requirements, which may include Title VI of the Civil Rights Act of 1964 (42 USC § 2000d and 28 CFR § 42.101 et seq); Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 and 28 CFR § 42.501 et seq); the Age Discrimination Act of 1975 (42 USC § 6102 and 28 CFR § 42.700 et seq); Title IX of the Education Amendments of 1972 (20 USC § 1681 and 28 CFR pt 54); the Omnibus Crime Control and Safe Streets Act of 1968 (42 USC § 3789d and 28 CFR § 42.201 et seq); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 USC § 5672(b)); Section 1407 of the Victim of Crime Act of 1984 (42 USC § 10604); Title II of the Americans

¹ Please note that the name of our office is the Office *for* Civil Rights (emphasis added).

² It appears that this word should be "their."

with Disabilities Act of 1990 (42 USC § 12132³); and Equal Treatment for Faith-Based Organizations (28 CFR pt 38 and Executive Order 13279); and State Executive Order No. 2009-09. The above referenced federal and state laws prohibit discrimination on the basis of race, color, religion, sex, disability, and national origin (including limited English proficiency) in the delivery of services and employment practices, and prohibit discrimination on the basis of age in the delivery of services.

The DPS also recently added the following paragraphs to its revised *Subgrant Award Agreement*:

3.1.1 Providing Services to Limited English Proficiency (LEP) Individuals. In accordance with Department of Justice guidance, recipients (and sub-recipients) of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP).

3.1.2 Faith Based Organizations. Department of Justice regulations prohibit faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

Additionally, as part of the application materials, the DPS provides applicants with the OJP's Equal Employment Opportunity Plan (EEO) Certification Form to complete as applicable and submit to the DPS when they return the signed *Subgrant Award Agreement*. During the OCR's onsite visit, DPS VOCA grant administrators indicated that the DPS has not been forwarding the EEO Certification Forms to the OCR, but that it intends to begin doing so.

The DPS also recently revised the Request for Grant Application (RFGA) that it intends to use to solicit applications for VOCA funding for FY 2014. The DPS has added the following language in the RFGA regarding civil rights requirements:

³The DPS should add a reference to the DOJ's regulations implementing Title II of the Americans with Disabilities Act, which are found at 28 C.F.R. pt. 35.

Civil Rights Compliance

All recipients of federal funds, regardless of the type of entity or the amount of money awarded, must provide assurance that they will not discriminate against any person on the grounds of race, color, national origin, disability, religion, sex or age, in any program or activity funded in whole or in part by federal financial assistance. The recipient must certify that it will comply with all applicable non-discrimination laws and regulations, and must submit this assurance prior to accepting a DPS-VOCA Assistance award.

Specifically, the statute that governs OJP funded programs or activities, the Victims of Crime Act of 1984 (42 U.S.C. § 10604(e)) prohibits such discrimination, as follows:

No person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this chapter.

The Assistant Attorney General of OJP has delegated the enforcement of civil rights compliance of all OJP grantees to the Director, Office for Civil Rights (OCR). The Director has civil rights enforcement responsibilities and determines through established policies and procedures whether any person is being excluded from participating in, denied the benefits of, subjected to discrimination under, or denied employment in connection with the program or activity receiving OJP fund⁴ on these grounds. Where such discriminatory actions are found through compliance reviews or complaint processing the recipient agency may be determined to be in noncompliance for violation of the law and of its signed assurances. If attempts to secure voluntary compliance through negotiations are not successful, the sanction of suspension or termination of funding is required by statute. Some specific forms of discrimination that are prohibited are set out in the OJP program statute's implementing regulations 28 CFR 42.203. For more information consult the Office for Civil Rights (OCR) Web site at www.ojp.gov/ocr.

⁴ This word should be "funds" or "funding."

2. Onsite Visits and Other Monitoring Methods

In the DPS' response to the OCR's Data Request (Data Response), the DPS said that it conducts routine onsite visits of subrecipients once every four years, but that it may conduct additional "for cause inspections" as necessary. During the OCR's onsite visit, DPS grant administrators explained that a subrecipient's grant award period currently is one year, with the option to apply for a one-year continuation award. In its Data Response, the DPS provided the OCR with a *Civil Rights Monitoring Checklist* that it requires subrecipients to complete prior to onsite visits; this checklist inquires whether a federal or state court or administrative agency has issued a finding of discrimination against the subrecipient during the last three years, whether the subrecipient has an EEO on file, whether there have been any changes in the subrecipient's civil rights contact person, and whether the subrecipient needs any training or technical assistance in order to comply with applicable civil rights laws. The DPS said that it also recently began sending a second form for subrecipients to complete, the *Civil Rights Compliance Checklist*, which is modeled after the template checklist that the OCR developed. During the OCR's onsite visit, DPS grant administrators said that grant administrators follow up on these checklists during onsite monitoring visits with any questions or concerns and review referenced policies and procedures.

3. Training and Technical Assistance

Based on the information gathered during the OCR's onsite visit, it does not appear that the DPS currently provides any training to VOCA subrecipients on applicable civil rights requirements. During the OCR's onsite visit, DPS grant administrators explained that they plan to now require subrecipients to annually review the online training modules that the OCR has posted on our website.

4. Complaint Procedures

If a DPS employee wishes to file an employment discrimination complaint against the DPS, the procedures are set forth in the following DPS policies or procedures: General Order No. 2.5.90, *Equal Employment Opportunity*; General Order No. 2.1.100, *Harassment/Discrimination Prohibitions*; and the *DPS Equal Employment Opportunity (EEO) Complaint Procedure Manual*. Complaints by members of the public against the DPS alleging discrimination in the delivery of services are governed by the *DPS' Complaints and Discipline Procedures Manual*.

The DPS recently drafted written procedures for responding to discrimination complaints from employees and clients, customers, or program participants of subrecipients implementing VOCA funding. These procedures state that all complaints will be forwarded to the DPS complaint coordinator, who shall refer the complaint to the Arizona Office of the Attorney General or the OCR.

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 DPS’ 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 DPS currently administers VOCA Victim Assistance Formula Grant Program awards funded by the OVC. Based on the information contained on the OVC’s website, www.ojp.usdoj.gov/ovc/grants, the OCR understands that VOCA Victim Assistance Formula Grant Program funds may be used by State Administering Agencies to fund state agencies and local service providers to support direct services to crime victims.

According to information contained in the DPS’ Data Response, to solicit applications from potential subrecipients, the DPS places RFGA announcements in seven different state and local newspaper publications, and sends email notifications to current subrecipients as well as other organizations that have expressed interest in VOCA funding. The DPS also sends email notifications to other state agencies, coalitions, and networks that administer programs for victim services, and posts grant application announcements on its website. During the OCR’s onsite visit, DPS grant administrators said that various faith-based organizations may receive funding announcements by virtue of being a current subrecipient or a member of a coalition or network that administers programs for crime victims. The DPS explained in its Data Response that the DPS assembles members from the victim services community to form approximately three grant application evaluation teams with a minimum of three members per team, and that each subgrant application is assigned to an evaluation team for assessment, scoring, and budget recommendation. Each evaluation team then makes funding recommendations to the DPS Director for review and approval.

In the DPS’ Data Response, it stated that in FY 2011, the DPS identified the following five organizations as faith-based organizations that applied for and received VOCA renewal awards: Jewish Family & Children’s Service received three awards in the amounts of \$33,847.00, \$34,253.00, and \$50,491.00; Catholic Charities Community Service received two awards in the amounts of \$134,180.00 and \$85,529.00; Catholic Community Services of Southern Arizona

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received two awards in the amounts of \$79,683.00 and \$36,594.00; The Salvation Army received one award in the amount of \$22,937.00; and UMOM New Day Centers, Inc. received one award in the amount of \$51,599.00. The DPS said that there were no applications from faith-based organizations that did not receive funding.

In FY 2012, the DPS identified five faith-based organizations that applied for and received VOCA funding; Jewish Family & Children's Services received two awards in the amounts of \$37,333.00 and \$55,462.00; Jewish Family & Children's Services of Southern Arizona received one award in the amount of \$57,606.00; Catholic Charities Community Services received two awards in the amounts of \$108,927.00 and \$174,372.00; Catholic Community Services of Southern Arizona received two awards in the amounts of \$123,652.00 and \$64,459.00; and UMOM New Day Centers, Inc. received one award in the amount of \$76,147.00. According to the DPS, no faith-based applicants were denied funding. In FY 2013, all of the faith-based organizations that received funding in FY 2012 received renewal awards: Jewish Family & Children's Services received two renewal awards in the amounts of \$35,280.00 and \$52,411.00; Jewish Family & Children's Services of Southern Arizona received one renewal award in the amount of \$45,458.00; Catholic Charities Community Services received two renewal awards in the amounts of \$76,885.00 and \$152,060.00; Catholic Community Services of Southern Arizona received two renewal awards in the amounts of \$41,685.00 and \$84,074.00; and UMOM New Day Centers, Inc. received one renewal award in the amount of \$57,567.00.

In its Data Response, the DPS said that prior to November 30, 2012, all staff members involved in administering VOCA subawards will be required to review the OCR's online training segment regarding civil rights laws that affect faith-based organizations, and that the DPS will now incorporate training on the Equal Treatment Regulations into the orientation meetings held with application evaluators prior to the application process.

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

Based on the information provided by the DPS, it appears that the DPS ensures that faith-based organizations comply with applicable federal civil rights laws by referencing such laws, including the Equal Treatment Regulations, in its *Subgrant Award Agreement* and including questions in the *Civil Rights Compliance Checklist* that subrecipients complete prior to onsite visits. In its Data Response, the DPS also provided the OCR with a copy of the *DPS-VOCA Guidelines* that are posted on the DPS' website and are referenced in the online subgrant application, which contain a paragraph noting that religiously-affiliated organizations may receive VOCA funds but must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.

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In its data response, the DPS said that it identifies applicants as being “nonprofit” by virtue of having obtained federal tax exempt status under 26 U.S.C. § 501(c)(3).

As part of the OCR’s onsite visit of the DPS, we conducted an onsite visit of Catholic Charities Community Services in Mesa, Arizona. According to information that program administrators from Catholic Charities provided to the OCR during our onsite visit, Catholic Charities is a social services organization that provides a wide array of services and activities such as refugee services, immigration services, services to victims of domestic violence, counseling services, services related to pregnancy, foster care services, and housing for homeless individuals and victims of domestic violence. The administrators said that they do not consider Catholic Charities to be a faith-based organization, as Catholic Charities serves everyone regardless of religion and is separate from the Catholic diocese. The administrators further stated that while Catholic Charities adheres to the Catholic social teachings staff members do not discuss these issues with clients.

Based on information provided by the DPS, the OCR understands that Catholic Charities uses VOCA funding for part of the salary and benefits of several caseworker positions affiliated with My Sister’s Place, which is a 25-bed facility that provides safe housing for victims of domestic violence. Duties of the caseworkers involve therapy, crisis counseling via a hotline, group treatment and support, referrals, legal advocacy, and assistance in filing compensation claims. During the OCR’s onsite visit, program administrators said that some of the services offered at My Sister’s Place include groups sessions regarding self-esteem, resume assistance, meditation, nutritional services, and counseling, and that all activities are voluntary. According to the program administrators and the DPS, Catholic Charities also uses VOCA funds for part of the salary and benefits of a bilingual victim advocate position and a bilingual counselor position affiliated with its Pathways program, which provides services to victims of domestic violence who are residing outside of a shelter such as assessment and intake, transitional housing, financial management education, employment assistance, legal advocacy, counseling, and education.

According to the program administrators, clients served by My Sister’s Place and the Pathways program initially contact Catholic Charities via a crisis hotline or are referred by another organization or shelter. The program administrators said that they do not take religion into account when determining who to serve, and that none of the activities offered in connection with My Sister’s Place and the Pathways program have a spiritual component. The administrators further said that Catholic Charities does not require its staff to have a particular religious affiliation. The OCR spoke with a client who was participating in the Pathways program, and the client indicated that she currently attends a non-denominational church and that none of the services that she receives involve any religious instruction or services. The OCR found no evidence that Catholic Charities is using DOJ resources for inherently religious

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purposes or that it is discriminating against beneficiaries on the basis of religion or religious belief in violation of the Equal Treatment Regulations.

The OCR also conducted an onsite visit of UMOM New Day Centers, Inc., in Phoenix, Arizona. According to an executive administrator from UMOM, UMOM is a social service agency that is affiliated with the Methodist church and provides emergency shelter for homeless individuals and victims of domestic violence and also manages an overflow shelter. According to information provided by the DPS, UMOM utilizes VOCA funding for part of the salary and benefits of a case coordinator position and a legal advocate position that provide services to victims of domestic violence. During the OCR's onsite visit, the UMOM administrator told the OCR that the legal advocate educates individuals on their legal rights and how to apply for compensation and provides advocacy services throughout the judicial process, and that the case coordinator provides crisis counseling and assessment for individuals residing at the domestic violence shelter. According to the administrator, there is no religious component to any of these activities. The administrator said that UMOM does not take religion into account when deciding who may receive services and that the services provided by UMOM do not involve any religious activities; the administrator said that occasionally a volunteer will conduct a church service at UMOM's shelters, but that attendance is voluntary for residents and that UMOM does not encourage residents to attend or to not attend. The OCR did not find any evidence that UMOM is using VOCA funding for inherently religious activities or is discriminating against beneficiaries on the basis of religion.

II. Recommendations

The OCR would like to commend the DPS for proactively taking action prior to the OCR's review to more thoroughly explain the civil rights requirements to DOJ-funded subrecipients and to monitor subrecipients for compliance. These actions include modifying the *Subgrant Award Agreement* to reference all of the laws that the OCR enforces, including the Equal Treatment Regulations; developing written procedures to receive and respond to complaints of discrimination against subrecipients; using a comprehensive checklist to monitor for civil rights compliance; and developing a method to train subrecipients on civil rights requirements. To further strengthen the DPS' monitoring efforts, the OCR offers the following recommendations: (1) add a reference to the Equal Treatment Regulations in the DPS' RFGA; (2) conduct onsite monitoring visits of subrecipients once per grant cycle; (3) add a reference to the VOCA's non-discrimination provision to its draft procedures for responding to discrimination complaints against subrecipients and ensure that all DPS employees are notified of these procedures; and (4) allow applicants to demonstrate nonprofit status by any of the means set forth in the Equal Treatment Regulations.

A. Add a Reference to the Equal Treatment Regulations in the RFGA

Currently, the RFGA that the DPS intends to use for VOCA subawards during the upcoming fiscal year generally discusses the prohibitions against discrimination and lists the nondiscrimination provision contained in VOCA. The OCR recommends that the DPS also include a reference to the Equal Treatment Regulations in the RFGA, such as by adding the following paragraph:

All recipients of OJP funding must also comply with the Department of Justice's regulations on the Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38. These regulations prohibit organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The regulations also make clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

B. Conduct Onsite Monitoring Visits Once Per Grant Cycle to Monitor for Compliance with Relevant Civil Rights Laws

Currently, the DPS conducts onsite visits of subrecipients once every four years, although it may conduct additional "for cause inspections" as necessary. The OCR recommends that the DPS increase the frequency of its onsite visits to conduct monitoring visits at least once during each recipient's grant cycle. If the DPS is unable to conduct onsite visits of every VOCA subrecipient once per grant cycle, the OCR recommends that the DPS conduct a desk audit of the subrecipient, including sending the subrecipient the *Civil Rights Monitoring Checklist* and *Civil Rights Compliance Checklist* and discussing these forms during the desk audit.

C. Add a Reference to the VOCA's Nondiscrimination Provision in the DPS' Draft Procedures for Responding to Complaints Against Subrecipients, and Ensure that All DPS Employees are Aware of these Procedures

The OCR has reviewed the draft complaint procedures that the DPS has developed and finds that they sufficiently describe effective procedures for responding to discrimination complaints that employees, clients, customers or program participants of VOCA subrecipients file with the DPS. However, the OCR recommends that in the section in which the DPS discusses the applicable

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civil rights laws and regulations, the DPS add a reference to the nondiscrimination provision in VOCA at 42 U.S.C. § 10604. The OCR also recommends that the DPS take action to ensure that all DPS employees are familiar with these procedures and the appropriate action to take should an employee or client, customer, or program participant of a subrecipient contact a DPS employee outside of the Crime Victim Services Unit and wish to file a complaint.

D. Allow Subrecipients to Demonstrate Nonprofit Status by Any of the Means Identified in DOJ's Equal Treatment Regulations

As discussed in Section I.B.2 of this Compliance Review Report, the DPS currently identifies applicants as being nonprofit by virtue of having obtained federal tax exempt status under 26 U.S.C. § 501(c)(3). Unless 501(c)(3) status is required under the particular grant program (e.g., programs funded under the federal Juvenile Justice and Delinquency Prevention Act) or by state rules or regulations, the DPS should be mindful that applicants can also demonstrate nonprofit status by any of the following means identified in the DOJ's Equal Treatment Regulations: (1) proof that the Internal Revenue Service recognizes the organization as being tax exempt under 501(c)(3) of the Internal Revenue Code; (2) a statement from a state taxing body or state secretary of state certifying that the organization is a nonprofit organization and that no part of the organization's net earnings may benefit any private shareholder or individual; (3) a certified copy of a certificate of incorporation or similar document establishing nonprofit status; and (4) any of the above, if it applies to a state or national parent organization, with a statement by the state or national parent organization that the applicant is a local nonprofit affiliate. 28 C.F.R. § 38.1(g). The DPS should allow applicant subrecipients to demonstrate nonprofit status by any one of these four means.

Conclusion

Except for the concerns we have raised in Section II of this Compliance Review Report, we find that the DPS has taken steps to substantially comply with the federal civil rights laws that the OCR enforces. The OCR is always available to provide technical assistance to the DPS in addressing the concerns raised in this Report.

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

cc: Sheri Doll, Grant Coordinator