



RESTRICTED — Not to be released outside the General Accounting Office except on the basis of specific approval by the Office of Congressional Relations, a record of which is kept by the Distribution Section, Publications Branch, OAS

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

RELEASED

B-171019

FEB 27 1973

10
5



The Honorable Ronald V. Dellums
House of Representatives

AVAILABLE

Dear Mr. Dellums:

By letter dated November 28, 1972, you inquired into the Law Enforcement Assistance Administration's (LEAA's) procedures for determining whether grants will have a discriminatory effect on minorities. You also asked whether LEAA was meeting its responsibility to insure equality of opportunity from Federal funds and requested information on LEAA's mechanisms for evaluating the effectiveness of its grants.

187

We discussed with your office on December 18, 1972, LEAA's evaluation mechanisms and the work that we were already doing in this area. On December 21, 1972, we provided you with information on that matter. This report provides the other information that you requested.

Section 601 of title VI of the Federal Civil Rights Act of 1964 (42 U.S.C. 2000d) provides that:

No person in the United States shall, on the ground of race, creed, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Also Department of Justice equal employment opportunity regulations affecting LEAA programs (28 CFR 42.201 et seq., sub-part D) prohibit discrimination on the grounds of race, color, creed, sex, or national origin in the employment practices of law enforcement agencies and other agencies or offices of States or units of general local governments that administer, conduct, or participate in any program or activity receiving financial assistance from LEAA.

~~701435~~

096156

096156

73-0147
10.19

LEAA has prepared a notice to apprise participants, beneficiaries, and other interested persons of the protections against discrimination assured them by the Civil Rights Act of 1964 and the Department of Justice regulations. (See enc. I.) An LEAA official informed us that about 60,000 of these notices had been distributed to grantees. LEAA requires applicants for grants to provide assurance that they will comply with the act and the regulations. The application for an LEAA action grant, for example, contains the following provision.

The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) issued pursuant to that title, to the end that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Justice Department equal employment regulations in federally assisted programs (28 C.F.R. Part 42, Sub-part D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin, shall be eliminated. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

Within LEAA, the Office of Civil Rights Compliance and the Office of the Administration have responsibilities in the area of civil rights.

OFFICE OF CIVIL RIGHTS COMPLIANCE

The Office of Civil Rights Compliance is responsible for insuring that LEAA programs and participants comply with civil rights statutes. The Director reports to the Administrator, LEAA, and has a staff of eight professionals.

The Office of Civil Rights Compliance is organized to perform work in four areas--compliance review, compliance reporting, complaint resolution, and contract compliance. The Office's activities in each of these areas are discussed below.

Compliance review

The Director has informed us that, because of a lack of staff, his office is presently making compliance reviews only in the eight cities that are receiving funds under LEAA's impact program. The goal of the impact program is to reduce stranger-to-stranger street crimes and burglaries in eight major cities. To accomplish this, LEAA has stated that it will provide up to \$160 million to these cities over a 3-year period.

According to the Director, the investigator begins a compliance review by looking at the overall operation--hiring procedures, promotion policy, etc.--and then pinpoints certain areas that appear to have the potential for a more detailed examination. When the detailed examination is completed, the Office of Civil Rights Compliance writes a letter to the entity reviewed outlining areas needing improvement. He advised us that as of January 1973 compliance reviews had been completed at three of the cities participating in the impact program and letters on the results of these reviews were being processed; the reviews at two of the cities were in progress, and the reviews at the remaining three cities had not yet been started.

According to the Director, he expects to receive additional staff in fiscal year 1974 which will enable the Office to perform additional compliance reviews. He told us that

LEAA had entered into an agreement with the Department of Justice's Civil Rights Division whereby the Division will review 10 cities a year for LEAA. He said that work had begun in one of these cities.

Compliance reporting

The Code of Federal Regulations (28 CFR 42.106(b) and 28 CFR 42.205) requires each recipient of LEAA funds to keep such records as LEAA may require and to submit to LEAA timely, complete, and accurate compliance reports at such times, in such form, and containing such information as LEAA may determine to be necessary to enable it to ascertain whether the recipient has complied with the Department of Justice's civil rights regulations.

In the area of compliance reporting, the Office of Civil Rights Compliance is collecting statistics from police-type agencies. A form, which includes a section requesting a personnel breakdown by rank, race, and sex, has been sent to about 7,500 agencies. The completed forms were due on August 31, 1972; however, not all were received by that date. The official responsible for the compliance reporting segment of the Office's activities informed us that LEAA had mailed the forms a second time to elicit a greater response and that completed forms were still being received as of January 1973.

The information on the completed forms is fed into a computer to identify areas for review in the civil rights compliance area. LEAA told us that some of the information on specific cities had been provided to the Department's Civil Rights Division for its use in making compliance reviews but that the Office of Civil Rights Compliance had not undertaken any reviews on the basis of the information submitted. An official estimated that such review work would begin in fiscal year 1974.

According to the Director, a grant is being negotiated with the University of Alabama Law School to develop profile sheets for areas of review identified through the computer

analysis. He said that these sheets would include such information as prior civil rights problems in the identified areas and that they should provide the reviewing official with relevant information for use in making his review.

The Director stated that, after the police analysis statistics have been obtained, the Office planned to collect statistics in the corrections area.

Complaint resolution

The Office of Civil Rights Compliance handles discrimination complaints against recipients of LEAA funds.

The Director has stated that the following steps are undertaken when a complaint of discrimination is received.

1. The Office ascertains whether or not it has jurisdiction in the matter by determining whether the agency complained against received LEAA funds. If so, the Office continues the investigation.
2. The complainant is contacted to acknowledge receipt of the complaint and to solicit any additional information which the complainant may have or may be able to obtain.
3. A letter is then sent to the director of the State planning agency enclosing a copy of the complaint and requesting that he provide LEAA with any information he may have relating to the matter. At the same time, copies of the letter and the complaint are sent to the cognizant LEAA regional office.
4. A letter is forwarded to the agency against whom the complaint has been lodged. The agency is requested to assemble and forward specific information that the Office of Civil Rights Compliance has determined to be relevant to the complaint.

5. If necessary, an onsite visit is made. After the visit the investigator analyzes and evaluates the information gathered from the complainant, the agency, and other sources having information pertinent to resolving the complaint.
6. The investigator then makes recommendations to the Director of the Office of Civil Rights Compliance. The Office then meets with the complainant and the criminal justice agency against which the complaint was lodged to discuss its findings and to make recommendations for action necessary to eliminate possible discriminatory practices. If the agency does not comply voluntarily, the Administrator, LEAA, can take appropriate judicial or administrative action.

The Director informed us that as of January 1973 it had not been necessary to refer any cases to the Administrator.

Statistics obtained from the Office of Civil Rights Compliance show that 42 complaints were received during fiscal year 1972, broken down as follows:

Closed cases	15
Open, investigation completed	8
Open, under investigation	17
Open, investigation pending	<u>2</u>
Total	<u>42</u>

The Director told us that statistics might not always be a reliable indicator in the complaint resolution area because, after an agency agrees to do something, a period of time elapses before his office can assure itself that the action had been taken. As a result, some cases may remain open for a year or two.

The Director also informed us that LEAA had had to investigate most of the complaints because only one State planning agency--Wisconsin's--had an equal employment opportunity officer. He said that LEAA planned to request State planning

agency assistance in resolving complaints but had not yet formulated guidelines on how such assistance should be provided. He told us that he would like a system to be developed whereby LEAA's Office of Civil Rights Compliance would be able to approve a State planning agency's selection of equal employment opportunity officers and would have some supervisory authority over them.

Contract compliance

The Office is responsible for insuring compliance under construction activities funded under LEAA's block and discretionary grant programs. LEAA has drafted guidelines that will govern the implementation of data collection for LEAA-funded construction and renovation contracts. These guidelines will apply to all State planning agencies and their subgrantees. The Office of Civil Rights Compliance is in the process of getting the forms that will be used to collect such data approved by the Office of Management and Budget.

THE OFFICE OF THE ADMINISTRATION

Within the Office of the Administration, there is an Equal Employment Opportunity Officer who reports to the LEAA Administrator and whose work is monitored by the Chief of the Equal Employment Opportunity Section, Department of Justice. The Officer is assisted by 18 staff counselors who perform this function in addition to their regular duties. Each of LEAA's 10 regional offices has one staff counselor, and LEAA headquarters has eight. The Officer could not give us an estimate of that part of a counselor's workweek that is devoted to equal employment opportunity matters.

Prior to April 1972, equal employment opportunity matters concerning LEAA were handled at the departmental level. In April 1972, however, responsibility for these matters was transferred to LEAA, and the present Equal Employment Opportunity Officer assumed that position on a part-time basis. The job of Equal Employment Opportunity Officer became a full-time position in July 1972.

B-171019

The Equal Employment Opportunity Officer handles civil rights problems of LEAA employees and is responsible for following up on complaints from applicants for employment. The Officer informed us that the normal procedure is for him or a counselor to first hold a conference with the complainant. The Officer or counselor also meets with the person against whom the complaint is lodged. If the differences cannot be resolved informally, the complainant may file a formal complaint in accordance with LEAA procedures. (See enc. II.)

The Equal Employment Opportunity Officer told us that usually an employee would seek advice from a counselor before taking more formal action. He said that the employee's supervisor would not be contacted until the employee had been counseled and had decided to pursue the complaint.

- - - -

In addition to the two offices mentioned, LEAA's Office of Audit does some work in the area of civil rights compliance and includes steps in its audit guide for such work. The Deputy Director of the Office of Audit informed us that his office plans to make a complete audit in the area of civil rights when time and staff permit.

We trust that the information furnished will be of assistance to you. We do not plan to distribute this report further unless you agree or publicly announce its contents.

Sincerely yours,



Comptroller General
of the United States

Enclosures - 2

DISCRIMINATION PROHIBITED

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

DISCRIMINATION PROHIBITED

Title VI of the Federal Civil Rights Act of 1964 provides under Sec. 601 that:

"NO PERSON IN THE UNITED STATES SHALL, ON THE GROUND OF RACE, CREED, OR NATIONAL ORIGIN, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE.



EQUAL EMPLOYMENT OPPORTUNITY

Title 28 of the Code of Federal Regulations, 42.201, et seq., sub-part D, prohibits discrimination on the grounds of race, color, creed, sex, or national origin, in the employment practices of law enforcement agencies and other agencies or offices of states or units of general local government administering, conducting or participating in any program or activity receiving Federal financial assistance extended by the Law Enforcement Assistance Administration of the U.S. Department of Justice.



Programs receiving Federal financial assistance from the Law Enforcement Assistance Administration of the U. S. Department of Justice are funded pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The purpose of this notice is to apprise participants, beneficiaries and other interested persons of the protections against discrimination assured them by the Civil Rights Act of 1964, and the U. S. Department of Justice Regulations (28 C.F.R. 42.101, et seq., sub-part C and 28 C.F.R. 42.201, et seq., sub-part D).

Complaints of discrimination should be sent to the planning agency in the state where the complainant resides, which has been designated by the Governor to implement the LEAA program, or the Office of Civil Rights Compliance, Law Enforcement Assistance Administration, U. S. Department of Justice, Washington, D.C. 20530.

**OFFICE OF CIVIL RIGHTS COMPLIANCE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE**



C O P Y

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
PROCEDURES FOR PROCESSING COMPLAINTS OF DISCRIMINATION BASED ON
RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

1. EMPLOYEE contacts EEO COUNSELOR or EEO OFFICER within 15 calendar days of alleged discriminatory action. COUNSELOR has 15 workdays to attempt informal resolution.
2. If informal resolution fails, EMPLOYEE may file formal, written, complaint with EEO OFFICER within 15 calendar days of final interview with COUNSELOR.
3. EEO OFFICER requests EEO INVESTIGATOR from element of LEAA other than that in which complaint arose, or from outside LEAA.
4. Investigation is conducted. All copies of the investigation are forwarded to the LEAA, EEO OFFICER who may take recommendation to LEAA ADMINISTRATOR for an informal adjustment.
5. A copy of the complaint file is given to the COMPLAINANT with a suggestion for an informal settlement if this is appropriate. The COMPLAINANT is advised that she or he may: (1) withdraw the complaint in writing; (2) request a hearing in writing within seven calendar days of the receipt of the complaint file; (3) do nothing, in which case the complaint file will be forwarded to the DOJ COMPLAINT ADJUDICATION OFFICER for a final DOJ decision.
6. If COMPLAINANT asks for hearing, EEO OFFICER requests CIVIL SERVICE COMMISSION to assign APPEALS EXAMINER, who must be from an agency other than DOJ or from CSC.
7. APPEALS EXAMINER reviews file; remands complaint file to LEAA if further investigation is necessary. Schedules and conducts hearing.
8. Hearing recorded and transcribed verbatim. APPEALS EXAMINER makes findings, analysis and recommended decision; forwards these and complaint file to the DOJ DIRECTOR OF EEO.
9. DOJ DIRECTOR OF EEO forwards file to DOJ COMPLAINT ADJUDICATION OFFICER for Department decision. COMPLAINANT receives a copy of Hearing report.
10. If COMPLAINANT does not request a hearing, the complaint file is forwarded to the DOJ COMPLAINT ADJUDICATION OFFICER for the JUSTICE DEPARTMENT'S decision.
11. COMPLAINANT has right to appeal in writing within fifteen calendar days of the receipt of the DOJ decision, to the CIVIL SERVICE COMMISSION BOARD OF APPEALS AND REVIEW.