State of Utah

 **Commission on Criminal and Juvenile Justice**

**Spencer J. Cox** Tom Ross

Governor *Executive Director*

**Diedre M. Henderson**

Lieutenant GovernorUtah State Capitol Complex, Senate Building, Suite 330 • Salt Lake City, Utah 84114

 801-538-1031 • Fax: 801-538-1024 • www.justice.utah.gov

February 8, 2024

***Via Email***

***askOCR@ojp.usdoj.gov***

Mr. Michael Alston, Director

Office of Justice Programs, Office for Civil Rights

U.S. Department of Justice

810 Seventh St., N.W.

Washington, D.C.  20531

 RE:  Commission on Criminal and Juvenile Justice MOA

Dear Mr. Alston:

 The Commission on Criminal and Juvenile Justice (CCJJ) as a State Administering Agency (SAA) for the State of Utah, submits the following as the agency’s Method of Administration (MOA) in compliance with the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Civil Rights (OCR) special conditions.

Methods of Administration:

1. Policy for Addressing Discrimination Complaints

The CCJJ has adopted policies and procedures for responding to discrimination complaints received in its office.  The adopted policy statement can be found on the CCJJ “Grant Resources” web page at [https://justice.utah.gov/grants/grant-resources/](https://justice.utah.gov/grants/grant-resources/%20) in the, “Civil Rights and Discrimination Policy Training” presentation [link](https://prezi.com/view/pq6Ri9xleHsqt03J7BHw/).

The policy states:

| All employees, applicants, and program participants of the CCJJ and its subrecipients, including clients, customers, consumers, or beneficiaries shall be treated equally regardless of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, or disability, sexual orientation, or gender identity. All individuals have the right to participate in programs and activities operated by CCJJ and its subrecipients.  |
| --- |
|  |

In addition to these, if the subrecipient receives any grants from CCJJ, they are prohibited from discrimination in employment or in the provision of services or benefits, based on actual or perceived race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, age, religion, national origin, disability, sexual orientation, or gender identity.

CCJJ requires all subrecipients to be in compliance with the Legal Sources identified in the training.

Additionally, the web page contains the written *Procedures for Responding to Discrimination Complaints* found at this [link](https://justice.utah.gov/wp-content/uploads/Procedures-for-Responding-to-Discrimination-Complaints.pdf). The established written procedures will be followed by employees of CCJJ when receiving complaints alleging employment discrimination or discrimination in the provision of services directed at clients, customers, or consumers of a subrecipient implementing funding from the DOJ.  The procedure sets out the following elements:

| a. | Definitions/Terms |
| --- | --- |
| b. | Complaint Procedures |
| c. | Legal Sources |
| d. | Subgrantee Training |
| e. | Monitoring of Compliance |
| f. | Policy Requirement for Subrecipients |

1. Civil Rights Monitoring

The CCJJ office employs several monitors who have incorporated a *Federal Civil Rights Compliance Monitoring Checklist* (see page 25 of the *CCJJ Federal and State Grant Management and Monitoring Procedures* manual found at this [link](https://justice.utah.gov/wp-content/uploads/Grant-Monitoring-Procedures-Google-Docs.pdf)) for use during desk audits and site visits of subrecipients.  Responses are recorded to questions regarding the agencies’ Equal Employment Opportunity Plan, notification of participants and beneficiaries of their discrimination policies, education program compliance with Title IX of the Education Amendments of 1972, limited English proficiencies policy, and religious activities.

CCJJ employs a risk-based monitoring system. CCJJ performs financial and programmatic monitoring based on the risk assessment tool level of risk assignment.  Procedures for monitoring activities conducted on subrecipients are outlined in the procedure manual lined above. A copy of CCJJ’s Risk Assessment Tool can be found on page 24 of the above link.

In addition, CCJJ requires all subgrantees to submit a signed certification that they have taken the *Civil Rights and* *Discrimination Policy Training* prior to their first reimbursement request for every subgrant received.  These reimbursement requests are reviewed on a monthly or quarterly basis, dependent upon grant conditions of respective subgrants. At minimum, every subgrantee is required to submit a signed certificate annually. CCJJ’s policy regarding this requirement can be found on page 10 of the above link.

1. Training

As referenced above, subrecipients are required to complete training in an online format.  The training presentation includes a link to a *Certificate of Completion* that requires the project director to sign and submit it to CCJJ. Once they submit the certificate, they are emailed a copy and required to keep it with their records. CCJJ is also automatically provided a record of all submitted certificates of completion. You can view the information page in addition to the direct link to the certificate on page 39 of CCJJ’s procedure manual link above.

Per subrecipient grant conditions, subrecipients are required to take this training annually and submit proof of completion with their award documents. Included in the presentation are references to the legal authorities set out by the federal and state governments as follows:

* Title VI of the Civil Rights Act of 1964
* Program Statutes (e.g., Safe Streets Act, Victims of Crime Act, JJDPA)
* Section 504 of the Rehabilitation Act of 1973
* Title II of the Americans with Disabilities Act of 1990
* The Age Discrimination Act of 1975
* Title IX of the Education Amendments of 1972
* 28 C.F.R. pt. 38 Partnerships with Faith-Based and Other Neighborhood Organizations
* Utah Labor Commission Enforcement Information
* Utah Code Annotated, Title 34A Chapter 5

The online training also provides information on the procedures CCJJ will take when responding to any claims of discrimination by employees, subrecipients, program participants, customers, or clients.  Contact information is provided for the Complaint Coordinator, Ms. Danielle Bird.

1. Notifying Subrecipients of Civil Rights Requirements

Applications for grant funds contain a Certified Assurance document that contains references to applicable federal civil rights laws. A copy of our JAG application can be found at this [link](https://docs.google.com/document/d/1b9abLLa6Y47jT_-Kkv4Kr2_d9NrK4sUb/edit?usp=sharing&ouid=103340572226498147591&rtpof=true&sd=true). The Certified Assurance document mandates the signature and adherence to the federal civil rights obligations upon award by the applicant's *authorized official*.  Copies of the standard Certified Assurances have been received by all grant managers and incorporated into all federal grant awards.

 Finally, the CCJJ staff is available for any questions or clarification from its subrecipients and program participants regarding these policies and procedures. Please let me know if you have additional questions or require clarification on the preceding information.

 Sincerely,

 Tom Ross,

Executive Director