

LAKE HAVASU CITY ATTORNEY'S OFFICE
Victims of Crime Act
Crime Victim Assistance Grant Program
Program Discrimination Complaint Policies & Procedures

Introduction

This policy establishes the procedures for the Lake Havasu City Attorney's Office (LHCAO) to follow when administering services under the Victims of Crime Act (VOCA) grant to ensure compliance with the federal and state Civil Rights statutes and regulations pertaining to the administration of VOCA funding from the U.S. Department of Justice (DOJ), Office of Justice Programs, Office for Victims of Crime (OVC). This policy establishes procedures for processing and addressing complaints alleging program discrimination filed by program participants.

Policy & Procedures

1. LHCAO adheres to the policy that all individuals have the right to VOCA services provided by LHCAO regardless of race, color, national origin, sex, religion, disability, limited English proficiency (LEP), and age. To that end, LHCAO will comply with all applicable federal laws regarding discrimination and certifies compliance with the following statutes and regulations:
 - a. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C and D;
 - b. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
 - c. Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D; 28 C.F.R. Part 54;
 - d. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I;
 - e. The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (34 U.S.C. § 10228(c)) and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
 - f. Section 1407(e) of the Victims of Crime Act of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, handicap or sex in the delivery of services and employment practices (34 U.S.C. § 20110(e)) and the DOJ implementing regulations at 28 C.F.R. Part 94, Subpart B;

- g. Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
 - h. The DOJ regulations on Partnerships with Faith-Based and Other Neighborhood Organizations, which ensures that faith-based or religious organizations are able to participate in such programs on an equal basis with other organizations and prohibits organization from using DOJ funding on explicitly religious activities. The regulation also allows beneficiaries to request an alternative provider if they object to the religious character of a service provider. (28 C.F.R. Part 38). Also, Executive Order 13279, as amended by Executive Order 13559; and
 - i. State of Arizona Executive Order 2009-09, which prohibits discrimination in state contracts, and nondiscrimination in employment by government contractors and subcontractors.
2. These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

Definitions

1. Accused – An agency or individual who has allegedly committed discriminatory act(s).
2. Complainant – refers to the person or persons who initiate a complaint.
3. Civil Rights Coordinator – the designated individual by LHCAO to handle discrimination complaint process and maintain files.
4. Discrimination – unfair treatment of one person or group, usually because of prejudice about race, color, national origin, age, religion, disability or sex.
5. Retaliation – the act of harassing, threatening, demoting, firing or otherwise negatively targeting a complainant as a direct result of the discrimination complaint.
6. Sub-recipient – non-Federal entity that receives a VOCA Crime Victim Assistance grant sub-award agreement that is administered by DPS VOCA Administration.

Complaint Procedures

If an individual believes they have been excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin including individuals with LEP, sex, religion, age and disability by LHCAO, a VOCA sub-recipient, the individual may file a discrimination complaint.

Complaint Filing

Any person who believes that he or she has been discriminated against may file a written complaint of discrimination within 180 days of the alleged discriminatory act with either of the following:

- a. Directly with the sub-recipient, LHCAO – Attention: Civil Rights Coordinator (CRC)
- b. Office of the Arizona Attorney General
Civil Rights Division
1275 W Washington Street
Phoenix, AZ 85007
(602) 542-5263
<https://www.azag.gov/complaints>
- c. Office for Civil Rights
Office of Justice Programs
U.S. Dept. of Justice
810 7th Street, NW
Washington, DC 20531
In order to file with the federal Office for Civil Rights (OCR), two forms must be downloaded from the internet and submitting in writing to OCR. The forms can be found at: www.ojp.gov/about/ocr/complaint.htm
- d. Arizona Department of Public Safety
VOCA Administration, MD3915
Civil Rights Coordinator
P.O. Box 6638
Phoenix, AZ 85005-6638
email: vocacivilrights@azps.gov
www.azdps.gov/services/government/crime-victims

The complaint must include, at a minimum, the following information:

- a. The basis for the complaint (e.g., discrimination – race, color, sex, age, religion, national origin including persons with limited English proficiency (LEP), disability or retaliation);
- b. The name, address and phone number of the complainant;
- c. The name and address of the accused;
- d. The description and date(s) of alleged discriminatory acts; and
- e. Be affirmed or signed by the complainant.

Complaints filed with federal agencies are subject to the federal laws governing such complaints. Final determination of the validity of the complaint will be made by that agency.

Complaint/Investigation Process

1. Program discrimination complaints should be promptly forwarded to the Civil Rights Coordinator.
2. Within ten (10) business days of receipt by the CRC, contact will be made with the complainant to clarify information and/or obtain additional information, if needed.
3. The CRC will promptly conduct a review of the issues involved in the complaint to ascertain whether or not an informal resolution of the complaint can be achieved. If an informal resolution is possible and mutually agreeable by the involved parties, the CRC will facilitate arrangement of the resolution and make a record of this agreement.
4. The CRC will determine if the complaint meets the criteria to warrant an investigation.
5. The CRC will complete the investigation within forty-five (45) business days.
6. The CRC will make a determination of what actions, if any, need to be taken as a result of the investigation within ten (10) business days of completion of the investigation.
7. The CRC will notify the complainant in writing of the outcome of the investigation and the proposed disposition of the matter. The notification will include additional complaint filing options with other federal agencies if they are unsatisfied with the decision rendered by the CRC.
8. In the event of a substantiated complaint, the U.S. Department of Justice will be notified of the findings.
9. Investigations are confidential and will be maintained by the CRC. Files will be retained in accordance with the applicable records retention schedule.

RETALIATION

No person shall be retaliated against, harassed, intimidated, threatened, coerced or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing, or for opposing alleged unlawful discriminatory practices prohibited by this policy or related State and Federal laws, rules and regulations.