



FDLE OFFICE OF CRIMINAL JUSTICE GRANTS COMPLAINT PROCEDURES

Purpose:

The Florida Department of Law Enforcement (“FDLE”) serves as the State Administering Agency (SAA) for a variety of federal grant programs administered through the United States Department of Justice (USDOJ). The FDLE Office of Criminal Justice Grants (“OCJG”) and any recipients receiving federal financial assistance from the United States Department of Justice (“USDOJ”) may not engage in discriminatory practices based on race, color, national origin, sex, religion, disability, or age (the applicable bases vary based on the statute involved; not all statutes protect all of the foregoing bases). The purpose of this document is to provide information to recipient clients, customers, program participants, applicants, and consumers on how to file a discrimination complaint against FDLE OCJG or one of FDLE’s recipients.

Policy:

As a condition of accepting USDOJ grant funding, organizations or agencies, at any tier, are required to comply with applicable federal laws against discrimination and discriminatory practices in employment or in the provision of services. Individuals have the right to participate in programs and activities of USDOJ grant recipients or recipients without regard to race, color, national origin, sex, religion, disability, or age, as provided under federal law. Generally, organizations and agencies are prohibited from retaliating against an individual for opposing discriminatory practices or participating in action to secure rights protected by those laws as noted below:

- **Title VI of the Civil Rights Act (Title VI) of 1964**, as amended, 42 U.S.C. § 2000d, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subparts. C & D (prohibiting discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- **Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, 34 U.S.C. §§ 10228(c) & 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subparts D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion) & E (requiring certain DOJ-funded programs subject to the administrative provisions of the statute to prepare, maintain, and submit an Equal Employment Opportunity Plan (EEOP));
- **Section 504 of the Rehabilitation Act (Section 504) of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpart G (prohibiting discrimination in federally assisted programs based on disability both in employment and

in the delivery of services or benefits);

- **Title IX of the Education Amendments (Title IX) of 1972**, as amended, 20 U.S.C. § 1681, and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpart D & pt. 54 (prohibiting discrimination in federally assisted education programs based on sex both in employment and in the delivery of services or benefits);
- **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. § 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i) (prohibiting discrimination based on disability both in employment and in the delivery of services or benefits);
- **Age Discrimination Act (Age Act) of 1975**, as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpart I (prohibiting discrimination in federally assisted programs based on age in the delivery of services or benefits);
- **Juvenile Justice and Delinquency Prevention Act (JJDP A) of 1974**, as amended, 34U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, .403 & pt.42, subpart. D (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
 - **Victims of Crime Act (VOCA) of 1984**, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and
- **Executive Order 13,559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 28 C.F.R. pt. 38 (prohibiting discrimination in federally assisted social service programs based on religion in the delivery of services or benefits).

Definitions:

1. “Complainant” means the individual or individuals who initiate a complaint under this policy.
2. “Discrimination” means an adverse action, unequal treatment, or the creation of a hostile environment based on race, color, national origin, sex, religion, disability, or age.
3. “FDLE Complaint Coordinator” means the Assistant General Counsel responsible for employment and civil litigation matters for the FDLE.
4. “Respondent” means an organization, agency, or agent thereof against whom a

complaint has been initiated.

5. "Retaliation" means adverse action by an organization, agency, or agent thereof against an individual or individuals because the person(s) engaged in a protected activity, including opposition to a discriminatory practice or participation in an investigation of discrimination.

Filing a Complaint

The FDLE OCJG and its recipients shall comply with the following procedures if they receive a complaint of (1) discrimination in services or employment because of race, color, national origin, sex, religion, or disability, or discrimination in services because of age, or (2) retaliation for engaging in a protected activity. Depending on the relevant statutes, complaints may need to be filed within either 180 days or one year from the alleged discrimination.

FDLE employees, applicants for employment, or former employees who have a complaint regarding discriminatory employment practices or related retaliation must use the separate policies for FDLE personnel.

Formal Complaints Against the FDLE OCJG:

1. The FDLE OCJG will follow internal agency procedures for discrimination complaints made by FDLE members and applicants for employment.
2. A recipient client, customer, program participant, applicant, or consumer who alleges discrimination by the FDLE OCJG may file a complaint by completing the OCJG's complaint form. This form is available on the Office of Criminal Justice Grants' website at www.fdle.state.fl.us/grants, and must be delivered to:

FDLE Office of General Counsel
Attention Civil Rights Complaint Coordinator
PO Box 1489
Tallahassee, FL 32302

Alternatively, the form may be delivered by facsimile to (850) 410-7699, or email to the Office of General Counsel via the General Counsel for FDLE or the General Counsel's designee.

3. A recipient client, customer, program participant, applicant, or consumer who alleges discrimination by the FDLE OCJG may also send a complaint letter to the FDLE about the alleged mistreatment. The mailing address is:

Florida Department of Law Enforcement

Office of General Counsel
PO Box 1489
Tallahassee, FL 32302-1489

4. The complaint must include the following information:
 - a. Name, address, telephone number, and email address of the complainant.
 - b. The victim or other witness of the alleged discrimination, if it is someone other than the complainant, if known.
 - c. The basis for the complaint, e.g., the complaint alleges (1) discrimination in services or employment based on race, color, national origin, sex, religion, or disability, or discrimination in services based on age, or (2) retaliation for engaging in protected activity. Please include as much detail as possible.
 - d. The date of the alleged discriminatory or retaliatory conduct.
 - e. The name and title of the person(s) who is alleged to have engaged in the discriminatory or retaliatory conduct.
 - f. The complaint must be in writing, dated, and signed by the complainant.
5. Prior to filing a complaint, the complainant may contact the FDLE Complaint Coordinator at (850) 410-7676 for policy clarification.
6. The FDLE Complaint Coordinator shall note when the complaint was received, provide written notice to the complainant of the receipt of the complaint, and explain to the complainant that efforts will be made to resolve the complaint within 45 calendar days of the complaint, unless the coordinator refers the matter to another agency.
7. If a complainant alleges discrimination by the FDLE OCJG in its provision and/or delivery of services, the FDLE may choose to investigate the complaint, refer the complaint to the USDOJ Office for Civil Rights (USDOJ OCR), or refer the complaint to another appropriate federal agency for review and disposition.
8. The FDLE Complaint Coordinator shall provide written notice to the complainant and advise whether the complaint has been investigated or referred to an external agency, and if referred to an external agency, advise the complainant of the external agency's contact information.

Formal Complaints Against FDLE Recipients Receiving Federal Funding:

1. A recipient employee, client, customer, program participant, applicant, or consumer who alleges discrimination by an FDLE recipient receiving federal funding may file a complaint with the recipient, the FDLE at the address indicated above, or the USDOJ at the below address.
2. If an FDLE recipient receives a complaint in which a recipient employee, client,

customer, program participant, applicant, or consumer alleges discrimination in employment or services by the recipient, the recipient shall address the complaint consistent with its procedures for handling such matters.

3. If the FDLE Complaint Coordinator receives a complaint directly from a recipient employee, client, customer, program participant, applicant, or consumer alleging discrimination by a recipient in its employment or its provision and/or delivery of services, the FDLE will not investigate the complaint. Instead, the FDLE Complaint Coordinator shall refer any employment complaint to the recipient or the U.S. Equal Employment Opportunity Commission and shall refer any services complaint to the recipient, the USDOJ OCR, or another appropriate federal agency for investigation and disposition.

External Agencies:

The FDLE O CJG’s policies and procedures are not intended to impair or limit the rights of any individual to seek a remedy available under federal law. As an alternative, or in addition to filing a complaint with the FDLE or a recipient, an individual may file a complaint with an appropriate external federal agency.

If a complaint involves employment discrimination, the complainant may file a complaint with:

U.S. Equal Employment Opportunity Commission
31 M Street, NE
Washington, DC 20507
Phone: 202-663-4900
TTY: 202-663-4494
<http://www.eeoc.gov/employees/charge.cfm>

If a service discrimination complaint involves a program receiving federal financial assistance from the USDOJ, the complainant may file a complaint with:

U.S. Department of Justice, Office of Justice Programs
Office for Civil Rights
810 7th St NW
Washington, DC 20531
Phone: 202-207-0690
TTY: 202-307-2027
<http://ojp.gov/about/ocr/complaint.htm>