



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 01 2014

Return Receipt Requested

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In Reply Refer to:

EPA File No.: 06R-14-R9

U.S. Department of Justice
Jonathan M. Smith
Chief, Civil Rights Division
Special Litigation Section, PHB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Rejection and Referral of Administrative Complaint

Dear Mr. Smith,

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting a complaint filed by an inmate against the California Medical Facility received by the EPA on June 6, 2014. The EPA OCR is referring this complaint to the Department of Justice's Civil Rights Division.

In the complaint, the inmate alleged that the California Medical Facility violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations implementing Title VI found at 40 Code of Federal Regulations (C.F.R.) Part 7. The inmate's complaint alleges that the inmate was denied effective counsel in violation of the inmate's civil rights based on the inmate's race and socioeconomic status.

Pursuant to the EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. *See* 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. *See* 40 C.F.R. §7.120(d)(1). Second, it must describe alleged discriminatory acts that violate the EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *See* 40 C.F.R. §7.120(d)(1). Third, it must be received within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. *See* 40 C.F.R. § 7.15.


After careful review, OCR is rejecting the inmate's complaint because the allegations described do not meet the EPA's jurisdictional requirements. One of OCR's jurisdictional requirements is that the complaint must be filed against a recipient of EPA assistance that

allegedly committed the discriminatory act(s). The California Department of Corrections and Rehabilitation and the California Medical Facility are not recipients of EPA financial assistance and therefore do not fall within the EPA OCR's investigative jurisdiction. As a result, OCR is unable to accept the complaint.

In addition, because the allegations in the subject complaint stem from issues relating to the civil rights of prison inmates in which the Special Litigation Section may have expertise, we are referring it to your office for review and action. A copy of the complaint is enclosed.

If you have any questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via e-mail at stein.jonathan@epa.gov, or via mail at U.S. EPA, Office of Civil Rights, Washington, D.C., 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, D.C., 20460. Alternatively, please contact Helena Wooden-Aguilar, Acting Deputy Director of the Office of Civil Rights, at (202) 564-0792, or at wooden-aguilar.helena@epa.gov.

Sincerely,



Velveta Golightly-Howell
Director

Enclosure

cc: Elise B. Packard, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)
U.S. Environmental Protection Agency

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