



U.S. Department of Justice

Office of Justice Programs

Office for Civil Rights

Washington, D.C. 20531

**Via E-Mail and Certified Mail:
Return Receipt Requested**

September 4, 2014

Mike Hale
Sheriff
Jefferson County Sheriff's Office
2200 Reverend Abraham Woods Jr. Boulevard
Birmingham, Alabama 35203

Re: Compliance Review of Ala. Dep't of Pub. Safety (14-OCR-444)

Dear Sheriff Hale:

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of federal financial assistance from the Office of Community Oriented Policing Services, the Office on Violence Against Women, the OJP, and OJP components comply with federal civil rights laws. These responsibilities include administrative enforcement of the nondiscrimination provision of the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), 42 U.S.C. § 3789d(c), and its implementing regulations, 28 C.F.R. pt. 42, subpt. D. The Safe Streets Act prohibits recipients of federal financial assistance from discrimination in employment on the basis of race, color, national origin, religion, and sex. In carrying out the OCR's civil rights enforcement responsibilities under this statute, the OCR is conducting several compliance reviews of state law enforcement agencies across the country, including the Alabama Department of Public Safety (DPS), to evaluate their efforts to recruit, hire, and retain female troopers.

As part of the OCR's compliance review of the DPS, the OCR is contacting the Jefferson County Sheriff's Office (JCSO) for two reasons. First, the OCR would like to learn from female sworn personnel at the JCSO why they chose to work at your agency, perhaps instead of becoming troopers at the DPS. The OCR is contacting the JCSO based on the data that your agency submitted to the Bureau of Justice Statistics (BJS) in response to its 2007 Law Enforcement Management and Administrative Statistics survey.¹ As part of this survey, the BJS asked law enforcement agencies to report the size of their corps of full-time male and female sworn officers.² To identify local law enforcement agencies in Alabama that might have especially large numbers of female officers, the OCR obtained and analyzed all of the responses that large agencies in the state provided to the BJS in response to this survey question. Through this

¹ See Bureau of Justice Statistics, Local Police Departments, 2007 (Dec. 2010) (Brian A. Reaves), available at <http://www.bjs.gov/content/pub/pdf/lpd07.pdf>.

² *Id.* 14 tbl.10.

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evaluation, the OCR found that the JCSO, as of the time of the survey, employed a relatively high ratio of female sworn officers, compared to your peer agencies in Alabama.³ Since the date of this survey, it appears that the JCSO continues to emphasize the recruitment of female sworn officers.⁴ Given your agency's efforts to hire female sworn personnel, the OCR would like to speak to five female sworn officers from your agency who joined the JCSO since July 1, 2011. Through these voluntary interviews, the OCR hopes to gain an important additional perspective on the DPS' efforts to recruit female troopers.

Second, the OCR wants to identify promising practices that the JCSO uses to recruit female sworn personnel. To that end, the OCR would like to review your agency's current Equal Employment Opportunity Plan (EEOP) Utilization Report.⁵ Government agencies that receive funding subject to the nondiscrimination provision of the Safe Streets Act must ensure that they formulate, implement, and maintain an appropriate equal employment opportunity program.⁶ In particular, agencies like the JCSO that receive a covered award of \$25,000 or more, but less than \$500,000, and have fifty or more employees, must prepare a Utilization Report, but they do not have to submit the reports to the OCR for review.⁷ Instead, those agencies must maintain their Utilization Reports on file and make them available for review on request.⁸ Given this administrative framework, the OCR asks the JCSO to submit its Utilization Report to the OCR, so that the OCR can evaluate whether your agency uses especially effective recruitment practices that the OCR could share with the DPS.

If you have questions about either request, please contact Attorney Advisor Christopher Zubowicz at christopher.zubowicz@usdoj.gov or 202.305.9012. If you are willing to make several of your female sworn officers available for interviews with the OCR, and if those officers agree to participate in them, the OCR will coordinate those interviews with you or a member of your staff. Also, please e-mail your Utilization Report to Mr. Zubowicz. For both requests, the OCR would like to receive responses from the JCSO by Wednesday, September 17, 2014, but please let us know if you would like additional time to respond to these requests.

³ The JCSO reported that 14.6 percent of its full-time sworn employees were female.

⁴ Carol Robinson, *Women Learn About Police Work: More than 300 Enroll in Education Program*, THE BIRMINGHAM NEWS, July 25, 2008, at 3C (explaining that slightly less than twenty-seven percent of the JCSO's sworn personnel are female).

⁵ Please see <http://ojp.gov/about/ocr/eeop.htm> for additional information about the OCR's Utilization Reports.

⁶ See 28 C.F.R. § 42.301-308 (2013).

⁷ If an agency has a service population with a minority representation of three percent or more, then it must collect and analyze key employment data, organized by race, national origin, and sex; if the agency's minority service population is less than three percent, then it need only create an equal employment opportunity program that evaluates how its employment practices affect women. *Id.* § 42.302(d). Jefferson County receives a grant award that requires it – and the JCSO – to comply with this EEOP requirement.

⁸ See *id.* § 42.304(h).

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Thank you, in advance, for your cooperation with the OCR in response to its requests; hopefully, through this process, it can gather helpful information that will inform its review of the DPS.

Sincerely,

Handwritten signature of Michael L. Alston in cursive, with the initials "MLA" written in parentheses to the right.

Michael L. Alston
Director

cc: Frederick Hamilton
Director
Jefferson County Office of Community and Economic Development
Via E-Mail

J. Haran Lowe, Jr.
Assistant Attorney General
Alabama Department of Public Safety
Via E-Mail