

**GENERAL GOVERNMENT CABINET**

***OFFICE OF THE ATTORNEY GENERAL***  
***Unified Prosecutorial System***





COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY  
ATTORNEY GENERAL

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June 29, 2012

Ms. Lorrie Hawkins  
Division of Financial Audits  
Office of the Auditor of Public Accounts  
209 Saint Clair Street  
Frankfort, KY 40601

Dear Ms. Hawkins:

Please find enclosed the Office of the Attorney General Title VI Compliance Update for July 1, 2011 to June 30, 2012. Additionally, the document has been e-mailed for your convenience.

If you have questions, please feel free to call me at 502-696-5679.

Sincerely,

A handwritten signature in blue ink that reads "Corey Bellamy, Sr.".

Corey L. Bellamy, Sr.  
Title VI Coordinator  
Administrative Service Division  
Office of the Attorney General  
Suite #34, Capitol Building  
Frankfort, KY 40601

Enclosures

CC: Kentucky Human Rights Commission



**Commonwealth of Kentucky**  
**Auditor of Public Accounts**  
**Title VI of the Federal Civil Rights Act**  
**Implementation**  
**“Initial Plan and “Plan Update” Form”**

- Initial Plan  
 Plan Update

**AGENCY: Office of the Attorney General**

**DATE: June 30, 2012**

Pursuant to KRS 344.015 and Section 2 of 45 KAR 1:080, state agencies receiving federal funds shall prepare and submit an annual Title VI plan update to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter. Please complete the following information when submitting annual plan updates.

**Check the corresponding sections of the plan that the agency is:**

- (1) Required to update; and/or
- (2) Amending.

Please include the updated wording under the applicable sections listed below in your Plan Update.

The following sections are required to be updated annually: (6), (7), (9), (10), (12) and (13). Please attach a Plan Update detailing updates or changes from the prior year Plan – do not submit your entire plan once it is on file with the Auditor’s Office.

- (1) Glossary/Definitions
- (2) Overview
- (3) Scope Of Title VI Applicability To Programs And Activities
- (4) Responsible Official
- (5) Statement Of Assurance
- (6) Identify Programs Or Activities Subject To Title VI
- (7) Compliant Procedures
- (8) Compliance/Noncompliance Reporting
- (9) Agency Training Plan
- (10) Evaluation Procedures Of Title VI Plan
- (11) Public Notice And Outreach
- (12) Recordkeeping And Reporting
- (13) Minority Representation On Planning Board Or Advisory Body

**NOTE:** This form **DOES NOT** substitute for the actual **update** that may need to be completed.

**Title VI Compliance Status Report**  
 Office of the Attorney General  
 (July 1, 2011 - June 30, 2012)

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	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Coordinator for this agency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board if at least 5% of the population in the geographic service area are minority persons.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**NOTE:** This form **DOES NOT** substitute for the **actual update** that may need to be completed.

**Commonwealth of Kentucky  
Office of the Attorney General  
Title VI Update for July 1, 2011 to June 30, 2012**

**The Office of the Attorney General Title VI Manual remains the same except for the following Sections, which are to be updated annually: (6), (7), (9), (10), (11), (12), and (13).**

**SECTION 6 Identify Programs or Activities Subject to Title VI. The OAG receives Federal funding for the following program areas:**

**OFFICE OF MEDICAID FRAUD AND ABUSE CONTROL-**

**Medicaid Fraud and Abuse Control**

CFDA #93.775

Federal grant # 01-1101 KY-5050

Federal grant # 01-1201 KY-5050

State grant # 1318900

**This office receives a federal matching grant from the United States Department of Health and Human Services to investigate and prosecute Medicaid fraud and abuse. All expenditures of grant funds are stipulated in the grant application, which is renewed annually. There are no sub-recipients of federal funds under this grant, and no direct beneficiaries among the general public. The Kentucky Medicaid Fraud and Abuse Control Division is a single identifiable entity of the State government, that the Secretary of Health and Human Services certified originally in 1979 and re-certifies annually upon verification that the unit has fulfilled certain requirements. The main function of the unit is to conduct a statewide program for the investigation and prosecution of provider fraud when those acts are committed against the Kentucky Medicaid Program. Additionally, the unit is tasked with the detection and prosecution of patient abuse cases occurring in Medicaid funded facilities. The federal grant funds 75% of the costs of the unit.**

**OFFICE OF VICTIMS ADVOCACY-**

**Violence Against Women Formula Grant**

**Domestic Violence Prosecutor's Program**

CFDA #16.588

Federal grant VAWA-2010-OAG-00145

Federal grant VAWA-2010-OAG-00200

State grant #00019

**The Office of Victims Advocacy receives federal funding from the United States Department of Justice, Office of Violence Against Women through the Kentucky Justice Cabinet to fund a Violence Against Women Prosecution Specialist position within the Office of the Attorney General to coordinate and consult with criminal justice practitioners, including all Kentucky prosecutors, victim advocates, law**

**enforcement officers and social services personnel on issues related to the successful intervention in the prosecution of domestic violence, sexual assault and stalking cases. The emphasis of this position is on case consultation, technical and research assistance, information sharing, protocol and publication development and training (when permitted by funding) for prosecutors, victim advocates and other professionals on issues related to the successful intervention in and prosecution of domestic violence, sexual assault and stalking cases and on working with other victim service agencies at the state level to better coordinate services and improve system responses to victims of violent crime against women. There are no sub-recipients of federal funds under this grant, and no direct beneficiaries among the general public.**

**Forensic Interviewing Training Grant**

**The Children's Justice Act**

CFDA #93.643

Federal Grant #G-1001KYCJA1

Federal Grant #G-1101KYCJA1

State Grant #4331000

**This grant provides training related to implementation of the Adoption and Safe Families Act (ASFA). The Children's Justice Act state funds are to be used to implement reform in the area of experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, which also ensure procedural fairness to the accused. An advanced forensic interview training course will be provided to enhance the investigative, administrative, and judicial handling of cases of child sexual abuse, particularly child sexual abuse exploitation, in a manner which reduces the additional trauma to the child victim and the victim's family.**

**OFFICE OF PROSECUTORS ADVISORY COUNCIL-**

**National Highway Traffic Safety Administration**

Traffic Safety Resource Prosecution

CFDA #20.600

Federal grant # K8-11-01

State grant #HSP09UL1

**The Department of Transportation's National Highway Traffic Safety Administration (NHTSA) grant provides a Traffic Safety Resource Prosecutor for critical support in the prosecution of traffic safety violations, such as drunk driving and speeding. They also serve as a liaison between prosecutors and other law enforcement professionals. The Traffic Safety Resource Prosecutor also provides**

**continuous, progressive training to all new prosecutors and more advanced training for experienced prosecutors who specialize in prosecuting more difficult traffic safety concerns such as vehicular homicide, crashes involving personal injury, operating under the influence or while impaired by alcohol or a controlled substance and operating on a suspended or revoked license.**

**This important training also involves representatives from Mothers Against Drunk Driving (MADD) and Kentucky State Police, among others. Prosecutors and police officers work together learning what each other duties entail when dealing with DUI cases allowing a conjoined effort in seeing that justice is served. There are no sub-recipients of federal funds under this grant, and law enforcement officials are the direct beneficiaries of this grant.**

**Kentucky County Attorneys' Rural eWarrants Implementation Program  
eWARRANTS**

CFDA #16.810

Federal Grant #2009-SD-B9-0067

State Grant #EW2010

**This grant is to continue with the implementation of an electronic warrants system in the rural counties of Kentucky. It is currently deployed and fully operational in sixty-nine of the counties. It is an automated system that facilitates the sharing of information concerning active warrants between multiple agencies within the criminal justice system among jurisdictions throughout the Commonwealth. This system replaces the processing of warrant information by manual protocols with an electronic method.**

**OFFICE OF CRIMINAL APPEALS-  
Capital Case Litigation Initiative Grant**

CFDA #16.746

Federal Grant #DG-2009-PAC-0004

Federal Grant #DG-2010-PAC-0005

State Grant #CLEPSG

**This grant expands the availability of quality training in capital prosecutions, expands the number of qualified prosecutors with training and experience in capital prosecutions, and builds long-term training opportunities for prosecutors on an on-going basis through enhanced train-the-trainer programs.**

**SECTION 7 Complaint Procedures**

**A. Filing a Complaint**

**A complaint stating that this agency, a sub-recipient or any related party is in violation of Title VI may be made not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Deputy Attorney General for good cause shown. Complaints of employees should initially be made**

orally or in writing to their Executive Director. Complaints filed by individuals or entities outside of the OAG may be referred directly to the Title VI Coordinator, who then acts as the agency official for initial processing of these complaints, or to such other individuals as the Attorney General designates as the agency official for initial processing of these complaint.

A complaint shall provide specific facts upon which the complaint is base, and shall be signed and witnessed by a notary. If a complaint is given orally, the facts and nature of the complaint shall be reduced to writing by the Executive Director or the agency official to whom the complaint is given, and then signed. The Executive Director or agency official shall promptly acknowledge receipt of the complaint in writing and provide copies of the complaint and acknowledgement to the Title VI Coordinator and the Deputy Attorney General.

#### **B. Initial Review**

The Executive Director or agency official shall promptly determine whether to investigate the complaint personally or to refer it to the Deputy Attorney General. No later than thirty days after receiving the complaint, the Executive Director or agency official shall report in writing to the Deputy Attorney General and the Title VI Coordinator that: a) the complaint has been resolved, including findings of fact and providing a detailed description of how resolution was achieved; or b) the investigation is continuing, including activities already undertaken, preliminary findings, rationale for continuing the investigation and a scheduled timetable for completion; or c) the complaint can best be resolved by referral to another Executive Director, another individual within the Office of the Attorney General or to an outside agency such as the Kentucky Commission on Human Rights.

#### **C. Withdrawal of a Complaint**

Any withdrawal of a complaint shall be in writing and signed by the individual filing the withdrawal. Withdrawal of a complaint is in the discretion of the Deputy Attorney General. The Office of the Attorney General shall determine whether withdrawal of this complaint is in the interest of Title VI compliance and whether the investigative report shall be completed.

#### **D. Investigative Report**

At the conclusion of the investigation, the investigator shall report, in writing, such findings of fact, conclusions and recommendations as may be appropriate to the Title VI Coordinator and the Deputy Attorney General.

E. Decision, Findings of Fact, and Issuance of Formal Decision to the Deputy Attorney General shall issue a formal decision, which may be accomplished by adopting the investigative report, modifying the investigative report, or issuing a new decision. The formal decision of the Office of the Attorney General shall contain such findings of fact, conclusions of law, and recommendations as may be appropriate. A copy shall be provided to the complainant, the Title VI Coordinator, and any affected employee, sub-recipient or any related party.

#### **F. Enforcement and Follow-Up**

Any sub-recipient found to have violated the provisions of Title VI shall be given a written notice. Failure to eliminate further discrimination within thirty (30) days of receipt of the notice will be considered a violation of the terms of any contract or agreement and a basis for contract suspension, termination or rejection. The enforcement procedure by the Office of the Attorney General for termination of a contract agency from participation as a recipient of federal financial assistance will be in accordance with the enforcement procedure contained in 45 C.F.R. 80.9, 80.10, and 80.11.

If a state employee is found to have engaged in any discriminatory practice based on Title VI provisions, the Office of the Attorney General may reprimand or take other disciplinary action as provided in KRS Chapter 18A.

#### **G. Hearing and Appeals**

An employee, sub-recipient or other complainant who is aggrieved by the formal decision issued by the Office of the Attorney General may make a request, in writing, for reconsideration of the decision and to present further evidence. Such request shall be made no more than twenty (20) days after issuance of the formal decision, unless the time for filing is extended by the Deputy Attorney General for good cause shown.

This section shall be updated annually.

### **SECTION 9 Training**

The training coordinator will continually apprise appropriate staff of their responsibility to render a high quality of services to all clients regardless of their race, color or national origin. Training for executive directors, branch managers and staff in Title VI shall be offered. During the fiscal year, staffers have been given opportunities to train in Anti-harassment and Diversity training offered by the Personnel Cabinet's Office of Diversity and Equity. Sub-recipients and beneficiaries (if any) shall be provided explanatory materials and technical assistance as necessary to ensure their knowledge of and compliance with, the requirements of Title VI.

This section shall be updated annually.

### **SECTION 10 Goals and Evaluation Procedures**

As stated above, the goal of the Office of the Attorney General with regard to Title VI compliance is to afford all individuals an equal opportunity to participate and benefit equally in all programs and offered by the agency. As applicable, Executive Directors shall submit an annual report to the Title VI Coordinator specifically addressing the following Title VI compliance areas:

1. Whether all beneficiaries, regardless of race or national origin have been adequately informed of the availability of recipient services on an equal basis.
2. Whether different admission standards have been applied to certain applicants, either openly or under cover of reasonable educational, financial or other qualification.
3. Whether referrals have been made to sub-recipients who discriminate.
4. Whether the services supplied have been furnished in a different way to some beneficiaries.
5. Whether recipients (offices) and sub-recipients have acknowledged implementation of all procedures and activities called for under the agency's published statement of compliance.
6. Whether employment practices (i.e., recruitment, hiring, promotions, assignments, and training) have been without discrimination.
7. Whether any complaints alleging Title VI violations have been filed with regard to the division's operating practices and procedures.

Annual reports prepared by Executive Directors are submitted to the Title VI Coordinator for annual compliance review as set forth in Section VIII of the plan. This review will identify existing needs or deficiencies with regard to Title VI compliance, make recommendations for continued compliance, and specify any needed corrective procedures. Corrective procedures shall be undertaken as soon as reasonably possible.

The OAG has an agreement with certified Spanish translators. These services are available at no cost to clients. Approved interpreters are encouraged to ensure all the information, questions and responses are interpreted correctly and without bias.

#### **SECTION 11 Public Notices and Outreach**

- A. All public notices and outreach materials shall contain the following EEO/ADA/Title VI statement:

**"The OAG does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or in the provision of services and provides upon request, reasonable accommodation necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities."**

- B. Individuals needing reasonable accommodations, who have concerns or who desire to file a complaint are encouraged to contact Corey L. Bellamy, Sr., Title VI Coordinator, Office of the Attorney General, 700 Capital Ave, Frankfort, KY 40601, (502) 696-5679.

#### **SECTION 12 Recordkeeping/Reporting**

Records of all complaints and their resolution shall be kept for a period of ten years by the Title VI Coordinator. The Title VI Coordinator shall submit an annual Title VI compliance report, including any updates or changes to the existing plan, to the Attorney General. The report shall discuss specific complaints, the activities of the Title VI Coordinator and the working group during the past year, the status of sub-recipient compliance plans, and shall summarize Title VI compliance and enforcement data. Yearly reports are to be retained indefinitely. Compliance plans for sub-recipients (if any) shall be retained and evaluated periodically by the Title VI Coordinator, but may be destroyed once an entity no longer is a sub-recipient. This section shall be updated annually.

### **SECTION 13 Minority Representations on Advisory Boards**

The Office of the Attorney General administers a number of Advisory Boards whose activities relate to specific offices within the OAG.

The Consumer Advisory Council was created by KRS 367.120. The Governor appoints sixteen members, in addition, the Attorney General is designated an ex-officio member and chair (KRS 367.130). There are a total of 16 members on this Council. Three members of the Council are African-American. The meeting schedule and duties of the advisory council are set forth in KRS 367.140.

The Prosecutors Advisory Council is created by KRS 15.705 for the purpose of administration of the Unified Prosecutorial System. The Council consists of nine members including: the Attorney General; three Commonwealth's Attorneys (one from counties containing a first or second-class city or an urban-county government, one from counties containing a third-class city, and one from the other counties) each of whom are appointed by the Governor from a list of three names for each Commonwealth's Attorney position submitted by the Commonwealth's Attorney Association; and three County Attorneys (one from counties containing a first or second-class city or an urban-county government, one from counties containing a city of the third-class, and one from the other counties) each of whom are appointed by the Governor from a list of three names for each County Attorney position submitted by the County Attorneys Association; and two non-attorney citizen members. The Attorney General serves during his term of office and the other members serve at the pleasure of the Governor. The Council is responsible for, but not limited to, the preparation of the budget, continuing legal education, and program development of the Unified Prosecutorial System. Commonwealth's Attorneys and County Attorneys are elected officials. The governor makes appointments to the Unified Prosecutorial System. One (1) of the Governor's appointees is a minority.

The Child Sexual Abuse and Exploitation Prevention Board established by KRS 15.905, for the "coordination and exchange of information on the establishment and maintenance of prevention programs." The Board also oversees

the Child Victims Trust Fund (CVTF), a non-profit program that provides local communities with funding for child sexual abuse medical exam expenses not covered by Medicaid or private insurance. The Board consists of certain public officials and fifteen (15) public members appointed by the Governor. Two (2) members are minorities. The public members “shall be representative of the demographic composition of this state.” Duties of the Board include developing public awareness regarding the prevention of child sexual abuse.

The Kentucky Multi-Disciplinary Commission on Child Sexual Abuse established by KRS 431.600 has prepared a model protocol for local multidisciplinary teams regarding investigation and prosecution of child sexual abuse and the role of the children’s advocacy center on multidisciplinary teams. The model protocol provides an extensive description of each team member’s role and responsibility. The statute also requires protocols to be developed in each county or group of contiguous counties by the team. The Commission has sixteen (16) members pursuant to KRS 431.650. Commission members are appointed by the Governor, the Attorney General and various executive branch agency heads. Duties of the Commission include the distribution of model protocol for local multidisciplinary teams regarding investigation and prosecution of child sexual abuse. Zero (0) of the appointees are minority.

The Office of the Attorney General has approximately 192 employees as of June 26th, 2012. Of these, 192 are white persons, 14 are African-American and 1 is an Asian-American person. These totals include board members and summer interns.

#### Services For Those With Limited English Proficiency (LEP)

The Office of the Attorney General prints and distributes consumer brochures in Spanish for individuals with Limited English Proficiency (LEP).

The OAG has an agreement with Pacific Interpreters to provide services for all consumers with LEP. When a LEP Customer contacts the Office (walk-in or via telephone), the representative will (1) dial the toll-free number for Pacific Interpreters; (2) A Customer Service Agent (CSA) will answer; (3) The representative will inform the CSA of the language (s)he needs, or ask for help in determining the language; (4) The representative will advise the CSA if (s)he needs to connect to a third party at another location; and (5) The CSA will put the interpreter is on the line.

#### Title VI Workgroup Activities:

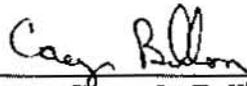
The Office of the Attorney General/Title VI Workgroup met on June 26, 2012. The meeting was called to order by Corey Bellamy, Chairperson. Roll call was made and eight (8) members were present two (2) with members absent. Federal grants were reviewed and discussed. Procedures have been reviewed to

assure sub-recipients compliance was made or if any actions were needed concerning all federal grants. The Workgroup was asked to address any significant problems of general compliance and make recommendations. None were discussed. Management/Staff training was discussed. Training will continue for next fiscal year. Management and staff will be offered a number of training sessions related to EEO and diversity. Members of the EEO committee attended events sponsored by the Office of Diversity Initiatives. Mandatory agency-wide Anti-harassment Prevention training sessions are ongoing. Additionally, all new employees receive detailed information explaining their responsibilities to Title VI, EEO and ADA during orientation sessions.

Minority representation on boards and commissions was discussed. The Title VI workgroup acknowledged the number of minorities appointed to boards and commissions. However there remains concern that not all advisory boards and commissions have minority representation. The Governor has statutory authority to make appointments to these boards and commissions.

The Executive Directors Reports reflect agreement as to compliance with Title VI regulations. All sub-recipients compliance plan/statements of assurance seem to be in order.

The Office of the Attorney General is in compliance with the requirements of Title VI. The OAG is committed to the spirit and intent of Title VI regulations and will continue to enforce and monitor Title VI compliance as it relates to all programs and services of the agency.



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Corey L. Bellamy, Sr.  
TITLE VI COORDINATOR  
Office of the Attorney General  
Dated: June 29, 2012