

Office of Civil Rights Data Request Homepage

Background

We are asking for your help to respond to a data request the Minnesota Department of Human Services received from the U.S. Department of Health and Human Services, Office for Civil Rights (OCR). The request is tied to a complaint filed with OCR regarding the disproportionate representation of African American children in the child welfare/child protection system. We have included both the [complaint filed with OCR](#) and [data request from OCR](#) for your review.

In addition to information from and about local child protection agencies, OCR is asking us to provide information about the role of law enforcement in the child protection process at the local agency level. To help us provide the requested data to OCR, DHS is requesting your response to questions specific to your agency's child welfare practices. **Please provide responsive data for this request by Friday, October 11, 2024, at 12 p.m.** so DHS can review and send the information to OCR by their requested deadline. DHS requested and received an extension from OCR for you to provide the data. We recognize this is a quick turn around and appreciate your efforts to help provide this information.

Law enforcement response

DHS has developed a [response map](#) for law enforcement agencies to track their response to this request. Questions specific to DHS and county child welfare agencies have been excluded. Use this response map to provide brief responses or links. For longer responses and associated files, list the file name in the space provided. Please make note of any request that is not applicable to your agency or for which you do not have responsive data. Some fields have been pre-populated with statutory references or DHS-created materials that have already been provided to OCR. Please add any information for activities that are specific to your agency. When your team has completed gathering all the information, email the completed response map and associated documents as attachments to csp.general.admin.dhs@state.mn.us.

Authority of OCR to request this information

As noted in the FAQs below, OCR has authority to investigate and request data related to a Title VI complaint from entities that receive federal financial assistance related to an HHS program, which includes both MDHS and the counties. It is our understanding that county law enforcement receives such funding as well. To the extent local law enforcement receives federal financial assistance related to an HHS program, OCR has jurisdiction to request data from local law enforcement. OCR may also have jurisdiction if local law enforcement provides services as part of an HHS program regardless of whether local law enforcement receive funding for those services.

To the extent your agency is not obligated through federal funding or participation in HHS programs, we ask that local law enforcement voluntarily provide the requested information in support of the State's continued efforts to reduce disparities in the child protection system. Law enforcement data is public, which alleviates legal barriers to voluntarily providing this data. Voluntary compliance

also alleviates the possibility that OCR will partner with the Department of Justice on a joint investigation, under which the DOJ may compel data production of local law enforcement data.

Frequently asked questions

Updated 9/12/2024

See responses to the following frequently asked questions.

1. Is my law enforcement agency required to respond to OCR's data request?

A. Yes. Your agency is required to respond to OCR's data request related to the complaint filed with OCR. In its letter dated May 28, 2024, OCR provides the following information about its jurisdiction to seek this information:

"OCR has jurisdiction to investigate the complaint under Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and its implementing regulations at 45 C.F.R. Part 80. Title VI prohibits discrimination based on race, color, or national origin under any program or activity receiving Federal financial assistance. MDHS is a recipient of Federal financial assistance of more than seven billion dollars in grants and other funding from HHS including Title IV-B and Title IV-E of the Social Security Act, CAPTA, Medicaid, and CCDF and is obligated to comply with Title VI and other federal civil rights laws."

OCR's jurisdiction is based on the receipt of federal financial assistance, which DHS and all Minnesota counties receive. See [45 C.F.R. § 80.13](#) (definitions of federal financial assistance and recipient, which includes any political subdivision of the State to whom federal financial assistance is extended, directly or through another recipient).

2. OCR's letter and data request are addressed to DHS. Can my agency wait to respond until OCR makes a data request directly to us?

A. No. Your agency is required to provide the data that OCR is requesting to DHS. [45 Code of Federal Regulations, section 80.6\(b\)](#) states:

"Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally-assisted programs. In the case in which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part."

As an "other recipient" within the meaning of this regulation, each agency must submit information to the primary recipient, DHS. See also [45 C.F.R. § 80.13](#) (definition of federal financial assistance, recipient and primary recipient). OCR has been very clear that it wants DHS to collect the requested data from the counties.

3. How is this different than a data request under the Minnesota Government Data Practices Act?

A. Your agency's responsibility to respond to this data request under federal law is in addition to, and may be different than, your responsibility to respond to data requests under the [Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13](#). The OCR is an agent of the federal government and is making this request to DHS and the counties as recipients of federal funds pursuant to federal law. OCR is not a member of the general public making a request under the MGDPA.

4. Why are the questions in the Response Map different from the original OCR request?

A. Many of the questions in the OCR request only apply to DHS or counties, who have provided a separate responses to OCR. You are only required to respond to the requests listed in the Law Enforcement Response Map.

5. Multiple questions are addressed to both county child protection offices and the corresponding county law enforcement agencies. Are we responsible for providing that information?

A. Provide DHS with what you have that is relevant to the request. OCR wants to understand our practices throughout the state and how they impact displacement of Black children in our system. A good faith effort to respond to each question is appreciated. You are not obligated to produce or submit information if you don't have it. Please acknowledge in your response when your agency does not have responsive data for a question.

6. Question 6a asks for "a copy of all notices of child protective services investigation and notices of removal." Does this mean completed forms from child removals or just a blank template?

A. Please do not include any non-public case or client information in your response. For this question, you may provide blank copies of forms or templates.

7. Question 18b asks about funding, but can you clarify what exactly you are looking for and what timeframe?

A. While the question language is not exact, we interpret this to be a request to identify broad funding sources for law enforcement activities for the most recent fiscal year or budget period.

8. Question 19 asks for a copy of the applicable child maltreatment investigation policies, procedures, and assessment tools as well as applicable child maltreatment investigation training materials and instructor manual. We use DHS-created tools and materials. Do we have to provide these?

A. No. DHS has submitted the policies, procedures, and assessment tools created at the state level. Please include any other responsive materials that were created separately or that modifies the DHS materials at the agency level.

9. Can we collaborate with our county child protection office or other law enforcement agencies to respond to this request?

A. Yes. You may partner with other county or law enforcement agencies to formulate a response, but DHS requires a submission from each individual agency. Note: DHS and all 87 Minnesota county human service agencies

have submitted responses for this request as of August 30, 2024, though the questions they were required to answer differ slightly from those required of law enforcement. If you would like to review the response from DHS or an individual county, please email csp.general.admin.dcyf@state.mn.us.

10. We are a very small agency and have a limited role with child protection cases. Many of these questions do not apply to us. How should we respond?

A. OCR seeks to understand the role of all law enforcement agencies in Minnesota's child welfare system. Please provide as complete of a response as possible and indicate if a question does not apply to your agency. You may describe how your agency responds to these cases, even, including the use of resources from DHS or other agencies, even if your response doesn't match the questions asked.

11. We are a local law enforcement agency, how do we know if we are receiving federal funding?

A. This information should be obtainable from county or municipal finance staff.

If you have additional questions, contact csp.general.admin.dcyf@state.mn.us. Thank you for your cooperation and timely response to this request.