



POLICY STATEMENT

Policy Statement 1002

Policy Area: Ethics

Effective Date: **JUN 14 2004**

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ACCEPTANCE OF GIFTS AND DONATIONS

I. COVERAGE

This policy applies to all employees of the Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") and the District of Columbia Pretrial Services Agency ("PSA") (or collectively, "the Agency"). It addresses the procedures to be followed in determining whether to accept gifts and/or donations from the public on behalf of the Agency.

II. BACKGROUND

Generally speaking, federal agencies are prohibited from accepting or soliciting gifts, donations, contributions, and similar items from the public. Acceptance of such gifts by a federal agency violates federal standards of ethical conduct, and may violate federal appropriations law as well. CSOSA/PSA, however, have been granted specific authority by Congress to accept certain types of gifts and/or donations to support its offender and defendant programs and to enable the Agency to provide vocational training services to educate and train offenders and defendants.

III. POLICY

The Agency may accept gifts from the public in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and of equipment and vocational training services for offenders and defendants. In no event may the Agency accept gifts of money, stock, bonds, personal or real property, or devises or bequests of such items, except equipment, space and hospitality, and training services. Nor may an employee of the Agency solicit any type of gift to the Agency, including in-kind gifts of space, hospitality and vocational training. Any employee found to have solicited gifts to the Agency in violation of this Policy Statement (including the attached procedures) may be subject to disciplinary action, up to and including removal.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

District of Columbia Appropriations Act of 2002, Public Law 107-96, 115 Stat. 923, 931

5 C.F.R. § 2635.202 – Gifts From Outside Sources, General Standards

B. Supersedures

None

C. Procedural References

None

D. Attachments

Appendix A: General Procedures

Appendix B: Applicable CSOSA Regulations (28 C.F.R. Part 804)

Appendix C: Request for Gift Acceptance form

Guidance Disclaimer

The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

**APPENDIX A
GENERAL PROCEDURES**

A. Delegation of Authority to Accept Gifts

Authority to accept gifts and donations from the public on behalf of the Agency is vested in the Agency Director. The Director may delegate the authority to accept gifts and donations authorized by this Policy Statement to the Director, District of Columbia Pretrial Services Agency. The delegation to accept gifts may not be further delegated.

B. Scope of Authority

While the Agency has the authority to accept gifts and/or donations from the public, the type of gift and/or donation and the purpose(s) for which they may be used is limited. In particular, the Director of the Agency may only accept and use gifts in the form of:

- (1) in-kind contributions of space and hospitality for the purpose of supporting offender and defendant programs; and
- (2) equipment and vocational training services to educate and train offenders and defendants.

Acceptance of any other type of gift, contribution, benefit, or the like is strictly prohibited. Any questions concerning whether a gift is proper should be directed to the Office of the General Counsel.

C. Submission of Requests

All requests to accept gifts on behalf of the Agency must be submitted to the Designated Agency Ethics Official ("Ethics Officer"), who is also the General Counsel. All such requests must be submitted to the Ethics Officer using the "Request for Gift Acceptance" form available on the CSOSA Intranet and attached to this Policy Statement. The Ethics Officer shall promptly inform the Director or, when appropriate, the Director's delegatee of the receipt of such requests.

CSOSA has published regulations (see Appendix B of this Policy Statement) informing the public of the procedures to follow when offering a gift or donation to the Agency. If a person or organization contacts an Agency employee about a possible gift to the Agency, the employee shall request that the offer be made in writing (if not already done so) and shall refer the person or organization to the regulations which require that requests be submitted to the Ethics Officer. If, however, the person or organization submits a request to make a gift to CSOSA to someone other than the Ethics Officer, the employee shall forward the request to his or her Associate Director so that the request can be forwarded to the Ethics Officer. If the person or organization submits a request to make a gift to PSA to someone other than the Ethics Officer, the employee

shall forward the request to the PSA Deputy Director so that the request can be forwarded to the Ethics Officer.

The Associate Director or, when appropriate, PSA's Deputy Director, shall promptly inform the Director or, when appropriate, the Director's delegatee of the receipt of such requests, and shall forward the request, along with a recommendation using the Request for Gift Acceptance form, to the Agency's Ethics Officer for approval. The recommendation should address budgetary constraints, if any, associated with accepting the gift. The Ethics Officer is then responsible for making a recommendation to the Director or, when appropriate, to the Director's delegatee that the gift be accepted or declined.

If the Ethics Officer determines that there is a conflict of interest in accepting the gift, that acceptance of the gift is otherwise unlawful or creates the appearance of impropriety, that acceptance of the gift would obligate the Agency to an unbudgeted expenditure of funds, or that it would otherwise be imprudent or impractical to accept the gift, he/she must so note on the request form and include his/her underlying reasons for disapproving the gift. If it is determined that the gift may be accepted, the Ethics Officer must indicate his/her recommendation for approval on the request form and forward it to the Director or, when appropriate, to the Director's delegatee.

The Director or, when appropriate, the Director's delegatee may then determine whether to accept or reject the gift by completing the Request for Gift Acceptance form. The appropriate CSOSA/PSA employee shall then advise the person or organization offering the gift in writing of the Director's determination.

D. Record Keeping

The Office of the General Counsel is responsible for maintaining accurate and detailed records of all gifts and/or donations offered and received by the Agency.

Records are subject to review by federal auditors. They are available for public inspection through the Freedom of Information Act.

APPENDIX B
APPLICABLE CSOSA REGULATIONS

These regulations are codified in Title 28 of the Code of Federal Regulations.

PART 804 -- ACCEPTANCE OF DONATIONS

§ 804.1 Purpose.

By statute, the Director of the Court Services and Offender Supervision Agency (CSOSA or Agency) is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and of equipment and vocational training services to educate and train offenders and defendants. The purpose of these regulations is to:

- (a) inform the public of the procedures to follow when offering a gift;
- (b) establish criteria for accepting and using gifts;
- (c) establish procedures for audit and public inspection of records pertaining to the acceptance and use of gifts; and
- (d) delegate gift acceptance authority to the Director of the Pretrial Services Agency (PSA or Agency).

§ 804.2 Delegation of authority.

The Director of CSOSA hereby delegates to the Director of PSA the authority to accept and use gifts in the form of in-kind contributions of space and hospitality to support defendant programs, and of equipment and vocational training services to educate and train defendants in accordance with the requirements of this part. This delegation of authority may not be further delegated.

§ 804.3 Restrictions.

- (a) The Agency is not authorized to accept gifts of money, stock, bonds, personal or real property, or devises or bequests of such items, except as provided herein.
- (b) Agency employees may not solicit any type of gift to the Agency.

§ 804.4 Submission and approval.

(a) Offender programs and equipment and vocational training services. (1) Any person or organization wishing to donate as a gift in-kind contributions of space or hospitality to support offender programs, or equipment or vocational training services to educate and train offenders may submit the following information in writing to the Agency's Ethics Officer in the Office of the General Counsel:

- (i) The name of the person or organization offering the gift;
- (ii) A description of the gift;

- (iii) The estimated value of the gift;
- (iv) Any restrictions on the gift placed by the donor; and
- (v) A signed statement that the gift is unsolicited.

(2) The Director, after consultation with the Agency's Ethics Officer, shall determine whether to accept or reject the gift.

(3) CSOSA staff shall advise the person offering the gift of the Agency's determination, including, if applicable, the reason for rejection. Reasons for rejecting a gift include findings that: (i) there is a conflict of interest in accepting the gift; (ii) acceptance of the gift is otherwise unlawful or would create the appearance of impropriety; (iii) acceptance of the gift would obligate the Agency to an unbudgeted expenditure of funds; or (iv) operation of the program, equipment, or vocational training services would not be practicable.

(b) Defendant programs and equipment and vocational training services. (1) Any person or organization wishing to donate as a gift in-kind contributions of space or hospitality to support defendant programs, or equipment or vocational training services to educate and train defendants may submit the following information in writing to the Agency's Ethics Official in the Office of the General Counsel:

- (i) The name of the person or organization offering the gift;
- (ii) A description of the gift;
- (iii) The estimated value of the gift;
- (iv) Any restrictions on the gift placed by the donor; and
- (v) A signed statement that the gift is unsolicited.

(2) The General Counsel shall forward the request to PSA's Director with a recommendation whether to accept or reject the gift.

(3) PSA staff shall advise the person offering the gift of the Agency's determination, including the reason for rejection. Reasons for rejecting a gift include findings that: (1) there is a conflict of interest in accepting the gift; (2) acceptance of the gift is otherwise unlawful or would create the appearance of impropriety; (3) acceptance of the gift would obligate the Agency to an unbudgeted expenditure of funds; or (4) operation of the program, equipment, or vocational training services would not be practicable.

§ 804.5 Audit and public inspection.

(a) Records regarding the acceptance and use of gifts shall be made available for Federal government audit.

(b) Public inspection of records regarding the acceptance and use of gifts shall be afforded through Freedom of Information Act requests (see 28 CFR part 802).

APPENDIX C
REQUEST FOR GIFT ACCEPTANCE FORM



Court Services and Offender Supervision Agency
for the District of Columbia

District of Columbia Pretrial Services Agency



REQUEST FOR GIFT ACCEPTANCE

Name of staff referring the request:

Date Received:

Division:

Supervisor:

Location and Tel. No.:

Entity or Individual Offering the Gift/Donation:

Type of Gift/Donation Being Offered:

Estimated Value of the Donation:

Restrictions on the gift/donation placed by the donor, if any:

Recommendation of Ethics Officer: Approve ___ Disapprove ___ Initials: ___
(w/reasons)

Director's Determination: Approve ___ Disapprove ___

Signature: _____ Date: _____

Ethics Officer's Reasons for Recommending Disapproval of Request:
