

# U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

FY 2020 Performance Budget



CONGRESSIONAL JUSTIFICATION

# TABLE OF CONTENTS

---

---

I. CIVIL RIGHTS DIVISION OVERVIEW .....	2
II. SUMMARY OF PROGRAM CHANGES .....	19
III. APPROPRIATIONS LANGUAGE & ANALYSIS OF APPROPRIATIONS LANGUAGE .....	19
IV. PROGRAM ACTIVITY JUSTIFICATION .....	19
A. Civil Rights Division Decision Unit .....	19
1. Program Description.....	19
2. Performance and Resource Tables.....	21
3. Performance, Resources, and Strategies.....	22
V. APPENDIX .....	38
VI. EXHIBITS .....	42
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2020 Program Changes by Decision Unit (not applicable)	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Technical and Base Adjustments	
F. Crosswalk of 2018 Availability	
G. Crosswalk of 2019 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes (not applicable)	
K. Summary of Requirements by Object Class	

## I. CIVIL RIGHTS DIVISION OVERVIEW

The Civil Rights Division (Division or CRT) at the Department of Justice (Department) protects the civil and constitutional rights of all people in this country, enforcing the Constitution and federal laws of the United States in pursuit of our founding ideals – human dignity, equal justice, and equal opportunity for all. Toward that end, we strive to advance three key principles:

- Protecting the most vulnerable among us by ensuring that all in America can live free from fear of violence, discrimination, and exploitation;
- Safeguarding the fundamental infrastructure of democracy; and
- Expanding opportunity for all people by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one's community.

To continue these efforts, in FY 2020 the Division requests a total of **\$153,223,000 to fund 608 positions including 371 attorneys** to protect, defend, and advance civil rights in our nation.

This budget submission strives to provide detailed information and guidance to assist Congress in evaluating the Division's FY 2020 funding request. This submission includes an overview of the Division's work, priority areas for the 2020 fiscal year, and describes justifications for the various program activities. Throughout this document, the Division illustrates its work with examples. While these examples aim to convey the impact, scope, and approach of the Division's efforts in a comprehensive manner, they do not document the entirety of its efforts.

### CIVIL RIGHTS PRIORITIES IN FY 2020

For over sixty years, the Division has played a unique and critical role in protecting civil rights in America. Today, the Division has a robust caseload that serves as a stark reminder that discrimination continues to be a reality for many people.

SHEPARD-BYRD HATE CRIMES PREVENTION ACT OF 2009

Americans with Disabilities Act of 1990

The Fair Housing Act of 1968

Voting Rights Act of 1965

~ CIVIL RIGHTS ACT OF 1964 ~

The Division's work has evolved over six decades as Congress has expanded civil rights protections for Americans and given the Division new authority to enforce those civil rights laws. Beginning in 1964, the Civil Rights Act established landmark protections against discrimination based on race, color, national origin, sex, and religion. The Civil Rights Act built the groundwork for other critical federal civil rights statutes passed by Congress, including the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Americans with Disabilities Act (ADA) of 1990, and the Shepard-Byrd Hate Crimes Prevention Act of 2009.

The Division also plays a leading role in enforcing the Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent reauthorizations, which expanded on the older involuntary servitude and slavery statutes the Division has historically enforced.

In FY 2020, the Division will prioritize several enforcement areas that align with Administration and Department priorities. The Division will also prioritize new enforcement initiatives that it has developed to address long-standing and troubling civil rights violations. Finally, the Division will prioritize innovation initiatives designed to improve the way the Division operates and serves the public.

- Prosecuting hate crimes;
- Prosecuting human traffickers and dismantling transnational organized trafficking networks;
- Combatting unlawful hiring practices against U.S. workers;
- Enforcing federal laws that protect servicemembers, veterans, and their families;
- Ensuring the religious freedom of individuals and religious organizations;
- Ensuring that individuals have access to treatment for opioid addiction;
- Combatting sexual harassment and sexual abuse;
- Working to eliminate racial discrimination; and,
- Improving Division operations to promote efficiency and improve service to the public.

## PROSECUTING HATE CRIMES

The Division continues to aggressively combat hate crimes – violent and intimidating acts such as beatings, murders, or cross-burnings – that target an individual because of his or her race, color, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability.

Over the past ten years, the Department of Justice has charged more than 200 defendants with hate crimes offenses. Since January 2017, the Department has indicted 27 defendants involved in committing hate crimes. During that same time, the Department has obtained convictions of 25 defendants involved in committing hate crimes.

Hate crimes prosecutions are often extremely high-profile with their impact being felt nationally and sometimes internationally. Since January 2017, the Division’s hate crimes prosecutors have handled a number of high-profile investigations and cases, including cases in Charlottesville, Virginia, Pittsburgh, Pennsylvania, and Louisville, Kentucky.

*At the Department of Justice, we remain resolute that hateful ideologies will not have the last word and that their adherents will not get away with violent crimes against those they target. Last summer's violence in Charlottesville cut short a promising young life and shocked the nation. Today's indictment should send a clear message to every would-be criminal in America that we aggressively prosecute violent crimes of hate that threaten the core principles of our nation.*

ATTORNEY GENERAL, JEFF SESSIONS JUNE 27, 2018

**Charlottesville, Virginia:** On June 27, 2018, a federal grand jury sitting in the U.S. District Court for the Western District of Virginia in Charlottesville charged James Alex Fields, Jr. with federal hate crimes, including a hate crime act that resulted in the death of Heather Heyer, for his actions during the Aug. 12, 2017 "Unite the Right Rally" in Charlottesville. The

charges against Fields include one count of a hate crime act resulting in the death of Heather Heyer and 28 counts of hate crime acts causing bodily injury and involving an attempt to kill.

**Pittsburgh, Pennsylvania:** Robert Bowers was charged with 44 federal counts, including obstruction of free exercise of religious beliefs resulting in death for an attack that occurred on the Sabbath at the Tree of Life Synagogue in Pittsburgh, Pennsylvania in October 2018. On January 29, 2019, a federal grand jury sitting in the U.S. District Court for the Western District of Pennsylvania charged Bowers with additional federal hate crimes and firearms offenses for his conduct during the shootings. According to the indictment, the shootings occurred on October 27, 2018, when Bowers entered the Tree of Life Synagogue with multiple firearms and stated his desire to "kill Jews." Bowers killed eleven worshippers, and injured two other members of the congregations and five law enforcement officers.

**Jeffersontown, Kentucky:** On November 15, 2018, Gregory A. Bush, 51, was charged with federal hate crimes and firearm violations for the October 24, 2018, murder of an African-American man and woman and the attempted murder of a third person at a Kroger grocery store in Jeffersontown, Kentucky. The indictment charges Bush with committing these crimes of violence because of the victims' race and color. Calling the crimes "horrific," Attorney General Matthew Whitaker stated: "We cannot and will not tolerate violence motivated by racism. We will bring the full force of the law against these and any other alleged hate crimes against fellow Americans of any race."

Based on the FBI's latest Uniform Crime Statistics Report, issued in November 2017 for calendar year 2016, there were 6,063 single-bias incidents reported involving 7,227 offenses, 7,509 victims, and 5,727 known offenders, and 58 multiple-bias incidents reported involving 94 offenses, 106 victims, and 43 known offenders.

State and local officials investigate and prosecute many hate crimes. Therefore, the Department seeks new ways to assist state and local partners in combatting hate crimes. For example, when Kedarie Johnson, a popular, gender-fluid teenager in Burlington, Iowa, was brutally murdered and left for dead in an alleyway, the Division and the FBI commenced a hate crime investigation. While a simultaneous state murder investigation was underway, the federal investigation obtained valuable information that would support the state murder case. The Division obtained authorization from a federal judge to share that information with state authorities, who then invited the Division to work with state prosecutors during

the trial of the state murder case. The Department authorized a Civil Rights Division prosecutor to work directly on the state prosecution team, resulting in the first-ever case in which a DOJ attorney was cross-designated to serve as a local prosecutor and participate in a trial, in state court, against a defendant charged with murdering a transgender victim. At trial, a jury found the defendant guilty of first-degree murder and the court sentenced him to life in prison. Trial against the remaining defendant is pending.

In order to expand and strengthen hate crimes enforcement, the Department has created and launched a number of training and outreach programs in order to enable U.S. Attorney's Offices, local communities and organizations, and law enforcement to find, identify, investigate, and prosecute hate crimes cases across the country. These programs include state and local law enforcement trainings, roundtable and panel discussions, stakeholder telephone conferences, and hate crime summits.

In 2018, the Department launched a new hate crimes website to provide law enforcement and the public with a centralized information resource.



Deputy Attorney General Rod J. Rosenstein speaks at a law enforcement round table in Washington, D.C.

### Improving the Identification and Reporting of Hate Crimes

On October 29 and 30, 2018, the U.S. Department of Justice's Hate Crimes Enforcement and Prevention Initiative hosted a law enforcement round table in Washington, D.C. on Improving the Identification and Reporting of Hate Crimes.

[READ MORE ABOUT THE ROUND TABLE AND RELATED RESOURCES](#)

## HATE CRIMES WEBSITE LAUNCHED October 29, 2018

The Department announced the launch of its new hate crimes website, which provides a centralized portal for the Department's hate crimes resources for law enforcement, media, researchers, victims, advocacy groups, and other related organizations and individuals.

*Individuals should be able to live their lives free from the threat of violence and discrimination, no matter who they are, what they believe, or how they worship. I am proud of the work that the Civil Rights Division has already accomplished, and we will continue to work diligently to bring to justice perpetrators of hate crimes across the country.*

ACTING ASSISTANT ATTORNEY GENERAL  
JOHN GORE

*Photo credits: Shutterstock*

#### Learn About Hate Crimes

Learn more about hate crimes in the United States.

[READ MORE](#)

*Photo credit: Omar Rachid*

#### Case Examples

Read examples of federal hate crimes cases.

[READ MORE](#)

*Photo credit: Shutterstock*

#### Prevention

Find out how hate crimes can be prevented in your community.

[READ MORE](#)

*Photo credit: Getty Images*

#### Resources

Access a comprehensive collection of DOJ's hate crimes resources.

[READ MORE](#)

#### NEWS FEED

**January 29, 2019**  
Ohio Man Indicted for Attempting to Provide Material Support to ISIS and Attempting to Commit a Violent Hate Crime Attack Against a Toledo Synagogue

**January 29, 2019**  
Additional Charges Filed in Tree of Life Synagogue Shooting

**January 25, 2019**  
Three Southwest Kansas Men Sentenced to Prison for Plotting to Bomb Somali Immigrants in Garden City

**January 24, 2019**  
Two Illinois Men Plead Guilty To Bombing Of Islamic Center

**January 16, 2019**  
Acting Attorney General Matthew G. Whitaker Delivers Remarks at the Heritage Foundation to Commemorate 25th Anniversary of the Religious Freedom Restoration Act

[MORE NEWS](#)

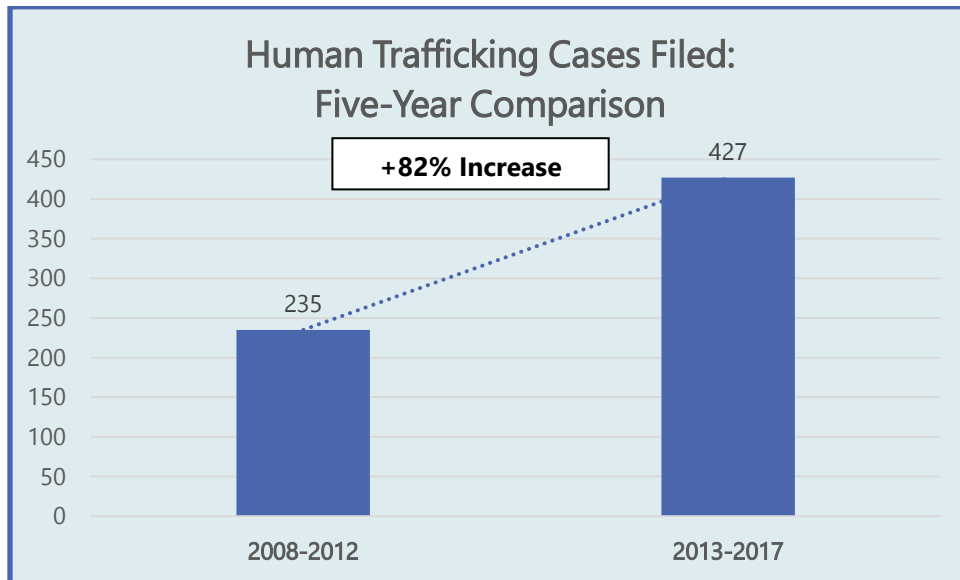
In the four months since its launch, , the Hate Crimes website reported more than twenty thousand hits, with an average of 211 visitors per day.

In FY 2020, the Division will continue to prioritize prosecutions of hate crimes. It will also continue to look for opportunities to support and work with state and local officials involved in hate crimes prosecutions.

## PROSECUTING HUMAN TRAFFICKERS

The Division plays a lead role in the Department’s efforts to enforce laws against human trafficking, including both sex trafficking and forced labor. Working with U.S. Attorneys’ Offices nationwide, the Division’s Human Trafficking Prosecution Unit (HTPU) leads prosecutions of complex, multi-jurisdictional, and international cases. It spearheads enforcement initiatives to strengthen the federal law enforcement response to human trafficking crimes and expand federal law enforcement capacity to bring high-impact prosecutions to dismantle transnational organized trafficking networks. In addition, the Division provides national and international expertise in cases involving forced labor; sex trafficking of adults by force, fraud, and coercion; and international sex trafficking cases.

From FY 2013 - 2017, the Division, in partnership with U.S. Attorney is Offices, brought 427 human trafficking cases, compared to 235 in FY 2008 - 2012, marking an 82 percent increase.

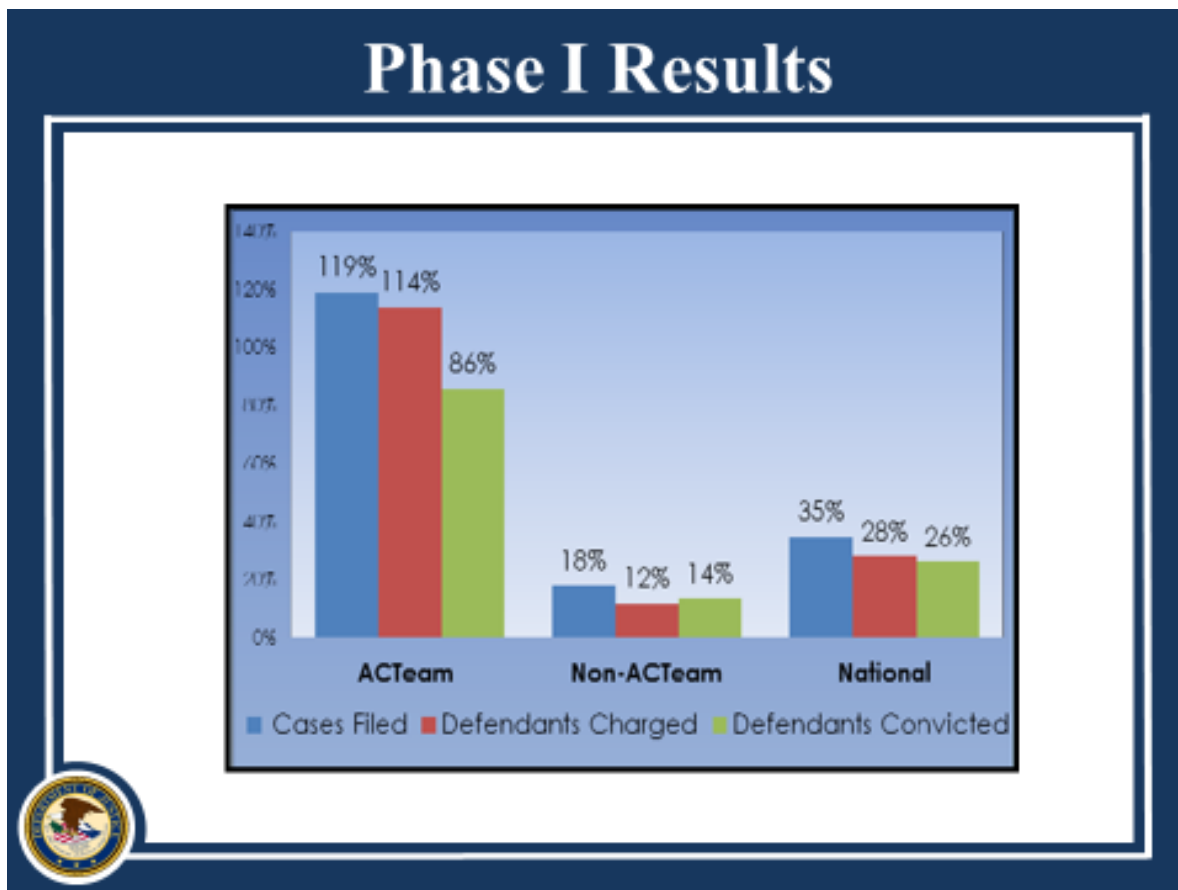


This increase has required vigorous, coordinated, and innovative efforts to detect and prevent crimes, protect victims, and prosecute traffickers. The increased volume of trafficking cases reflects the intensive outreach, training, capacity-building, and strategic coordination the Division and Department have carried out in conjunction with key anti-trafficking partners, including federal, state, local, tribal and international authorities; human trafficking task forces; and non-governmental anti-trafficking organizations.

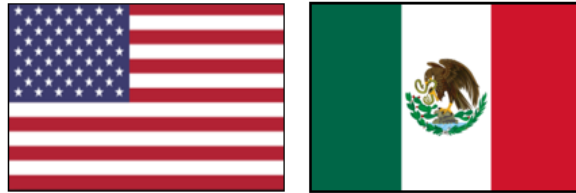
The Division’s goal is to continue using innovative, collaborative and proven strategies to tackle trafficking. The HTPU leads the Anti-Trafficking Coordination Team (ACTeam) Initiative, an interagency enforcement collaboration with the FBI, the Executive Office of United States Attorneys, and the



Departments of Homeland Security (DHS) and Labor. The ACTeam Initiative convenes specialized teams of federal agents and federal prosecutors in competitively selected districts to develop high-impact human trafficking investigations and prosecutions in collaboration with national anti-trafficking subject matter experts. During Phase I of the Initiative, which ran from 2011 – 2013, trafficking prosecutions, including case filed, defendants charged, and defendants convicted increased markedly in ACTeam Districts.



In December 2015, the Departments of Justice, Homeland Security, and Labor, designated Cleveland, Ohio; Minneapolis, Minnesota; Newark, New Jersey; Portland, Maine; Portland, Oregon; and Sacramento, California as Phase II ACTeam jurisdictions. Phase II ACTeams have generated significant momentum in developing and advancing high-impact trafficking cases, including complex cases against transnational organized criminal networks. For example, one notable Phase II ACTeam prosecution charged 38 defendants for their respective roles in a transnational sex trafficking enterprise that exploited hundreds of victims, compelling them into commercial sex in cities across the United States and generating tens of millions of dollars for members of the trafficking enterprise.



### **U.S.-MEXICO BILATERAL HUMAN TRAFFICKING ENFORCEMENT INITIATIVE**

Mexico is the country of origin of the largest number of foreign-born human trafficking victims identified in the United States. In response to numerous U.S. federal investigations and prosecutions of trafficking networks operating across the U.S.-Mexico border, the Departments of Justice and Homeland Security launched the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative in 2009 to enhance collaboration with Mexican law enforcement counterparts in order to more effectively combat transborder trafficking threats. Through this initiative, under the leadership of the Civil Rights Division's Human Trafficking Prosecution Unit, U.S. and Mexican authorities exchange leads and intelligence to strengthen investigations and prosecutions, restore victims, recover victims' children, and dismantle trafficking networks through high-impact prosecutions in both the U.S. and Mexico.

---

The U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative facilitates exchanges of leads, evidence, intelligence, and expertise to advance trafficking investigations and prosecutions. The Initiative has led to U.S. federal prosecutions of over 170 defendants in over 50 cases; prosecutions in Mexico of over 40 defendants associated with these trafficking networks; dozens of extraditions; assistance of over 200 victims; and recovery of over 20 victims' children from the traffickers' control. Strategic law enforcement partnerships such as the ACTeam Initiative and the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative – combined with highly successful outreach, training, and capacity-building efforts – have substantially expanded the Division's trafficking enforcement and increased the Division's workload related to prosecuting and preventing human trafficking.

Additionally, the Division's HTPU continues to expand on key strategic partnerships to enhance its capacity to combat transnational trafficking networks. The graphic below shows the HTPU's key strategic partnerships.

## HUMAN TRAFFICKING PROSECUTION UNIT KEY STRATEGIC PARTNERSHIPS



## COMBATTING UNLAWFUL HIRING PRACTICES AGAINST U.S. WORKERS

When employers abuse temporary visa programs, U.S. workers miss job opportunities. In March 2017, the Division launched its Protecting U.S. Workers Initiative to tackle this issue. The Initiative focuses on combatting employment discrimination against U.S. workers, in line with the President's Buy American and Hire American Executive Order. The Division uses traditional tools of investigation, lawsuits, outreach, and interagency coordination to fight employer preferences for temporary visa holders, while educating U.S. workers on their rights. CRT uses a multi-pronged approach to ensure that U.S. workers can seek and retain jobs without regard for their citizenship status or national origin. The Division holds companies accountable for discriminating against U.S. workers by paying fines, paying affected workers their lost wages, and deterring companies from using illegal preferences.

## DOJ, DOL To T Foreign Work

By **Steven Trader**

Law360 (July 31, 2018, 10:0

Depart  
prefer

Accor  
on M  
easi  
discr

Not  
disc  
ider

## Employers Abusing

### MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION IMMIGRANT AND EMPLOYEE RIGHTS

#### JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, July 31, 2018

### Departments of Justice and Labor Formalize New Partnership to Protect U.S. Workers From Discrimination and Combat Visa Abuse

Today, the Department of Justice's Civil Rights Division and the Department of Labor (DOL) expanded their collaboration to better protect U.S. workers from discrimination by employers that prefer to hire temporary visa workers over qualified U.S. workers. This new partnership, memorialized in a Memorandum of Understanding (MOU), establishes protocols for the agencies to share information, refer matters between them, and train each other's employees, with the goal of better protecting U.S. workers. This partnership will enhance the Civil Rights Division's efforts to stop companies from discriminating against U.S. workers and assist the Department of Labor's Employment and Training Administration in identifying noncompliance with its foreign labor certification process.

In 2017, the Civil Rights Division launched the Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking enforcement measures against companies that discriminate against U.S. workers in favor of foreign visa workers. Under this Initiative, the Civil Rights Division has opened dozens of investigations; filed one lawsuit; and reached settlement agreements with three employers. Since the Initiative's inception, employers have agreed to pay or distributed over \$285,000 in back pay to affected U.S. workers. The Employment and Training Administration has assisted the Division's efforts under this Initiative and today's partnership expands and formalizes that relationship.

The Civil Rights Division has also increased its collaboration with other federal agencies, including the Departments of State and Homeland Security, to combat discrimination and abuse by employers improperly using temporary visa workers. In 2017, the Division entered into a similar ongoing partnership with DOL's Wage and Hour Division to combat discrimination and violations of other federal worker protection laws by facilitating the agencies' information sharing.

#### PROTECTING THE RIGHTS OF SERVICEMEMBERS

Servicemembers defend the security and freedom of our nation at great personal sacrifice. While they carry the burdens of this nation, they should not have to worry that the financial sacrifices they are making will result in lenders foreclosing on their homes or repossessing their cars, or businesses wrongfully obtaining default judgements against them that damages their credit. Similarly, servicemembers and their families should not be prevented from voting while stationed away from home or face employment discrimination because of their military service. The Division vigorously protects servicemembers' civilian employment rights by enforcing the Uniformed Services Employment and Reemployment Rights Act (USERRA), voting rights by enforcing the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and financial and housing security through the Servicemembers Civil Relief Act (SCRA). The Division also strives to protect the rights of servicemember spouses, dependents, and veterans eligible for certain

protections under the SCRA and UOCAVA. Finally, the Division works to protect the rights of veterans with disabilities and conducts outreach to educate servicemembers, military family members, veterans, legal professionals, and advocates about these federal protections.

During the period covering FY 2017, FY 2018 and the first half of FY 2019, the Division initiated 53 formal SCRA investigations to protect servicemembers from a wide range of illegal conduct, including wrongful home foreclosures, auto repossessions, and evictions. That is almost three times the number of SCRA investigations that were initiated during the period FY 2014-2016. Since the beginning of FY 2017, the Division has reached SCRA settlements providing over \$16 million in compensation to 1,700 servicemembers and \$376,000 in civil penalties to the United States Treasury.



Additionally, in FY 2017 and 2018, the Division reviewed dozens of claims involving employment rights of servicemembers and veterans and filed five complaints on their behalf. It entered three court-approved consent decrees/settlements and facilitated 15 additional settlements. The grand total for these settlements is over \$340,000 in cash payments, pension credits, sick leave, backdated promotions and one job reinstatement.

The Division closely monitored UOCAVA compliance in special, primary and general elections for federal office throughout the country to ensure that Americans serving in our uniformed services, their families and U.S. citizens living overseas have a meaningful opportunity to request and receive their absentee ballots in time to vote and have their votes counted. Before federal elections in 2017 and 2018, the Division monitored each State and Territory to determine whether there were obstacles to timely transmission of UOCAVA absentee ballots and then confirmed that these ballots were timely sent. The Division engages in continuous follow-up on ballot transmission issues, review of possible structural impediments to compliance, and other UOCAVA obligations. The Division also regularly coordinates with the Federal Voting Assistance Program at the Department of Defense. As part of that nationwide enforcement effort, in 2018 the Division filed suit to enforce UOCAVA and obtained consent decrees in two States. Through the last two fiscal years, the Division has also worked out other informal resolutions with States to protect the rights of military and overseas voters.

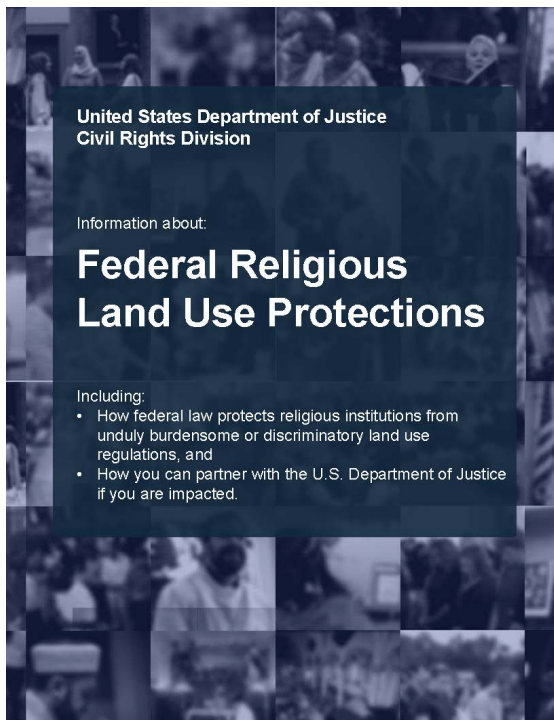
The Division continually looks for new ways to protect the rights of servicemembers, veterans and military family members. For example, the Division launched a Veterans' Access Initiative to increase access to community life for our nation's veterans with disabilities. The Division routinely receives complaints that public programs and services are inaccessible to veterans with disabilities because of architectural or programmatic barriers. Such barriers can impede or prevent veterans with disabilities from returning to school, accessing a polling place, or even going to a park or restaurant with their family. The Initiative also addresses widespread discrimination against veterans with disabilities who use service animals. The Americans with Disabilities Act (ADA) generally requires public entities and public accommodations to provide access to individuals with disabilities who use service animals. Yet, many public accommodations across the country prohibit individuals with disabilities from entering with a service animal. Indeed, the Division receives more citizen complaints alleging service animal-related discrimination than any other issue, and a large percentage of those are from veterans with disabilities, for whom the ability to use a service animal is critical to re-integration into their communities. As a result of this new emphasis on access for veterans with disabilities, the Division and U.S. Attorneys' Offices have dozens of active investigations of alleged discrimination against veterans with disabilities. To complement this enforcement work, the Division is engaging in outreach to covered entities, trade organizations, and veterans—both to educate stakeholders on the ADA's service animal requirements and to hear their perspectives on perceived barriers to compliance.

The Division uses its Servicemembers and Veterans Initiative (SVI) ([www.servicemembers.gov](http://www.servicemembers.gov)) to conduct outreach, assistance, and training for servicemembers, veterans, and military families. The SVI facilitates and coordinates listening sessions between the Department and military members to identify the legal issues impacting today's servicemembers. The SVI educates military members and legal practitioners about the federal laws protecting servicemembers, as well as the Department's work on behalf of servicemembers, veterans, and military family members. Following these listening sessions, the SVI relays matters with litigation potential to the Division's litigating components. The SVI's referrals have enabled the Division to initiate a number of investigations and cases.

## PROTECTING RELIGIOUS FREEDOM

The right to practice one's faith freely, to participate in civic life without discrimination, and to be free from violence based on one's faith are fundamental American values protected by our Constitution and civil rights laws. The Division is working to advance these three core areas of religious freedom in a number of ways.

First, the Division enforces the Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA protects religious communities from zoning laws or decisions that discriminate against places of worship. It also helps ensure that individuals in institutions such as jails can practice their faith without undue burden.



In FY 2017, the Division filed six cases and settled six lawsuits involving discriminatory zoning laws or decisions and places of worship or religious schools or centers. In 2018, the Division initiated a Title VII lawsuit against a County in Wisconsin alleging that the influenza vaccination exemption policy implemented by one of its senior living centers discriminated on the basis of religion.

The Division has a Religious Discrimination Initiative in conjunction with U.S. Attorney Office partners to combat religious discrimination in schools, including harassment against minority faith groups. Since 2017, the Division in coordination with the U.S. Attorney's Offices has opened a number of new investigations in this area.

The Civil Rights Division also has been active in filing amicus briefs and statements of interest in cases involving a wide range of religious liberty issues including school choice, religious expression on college campuses, and other

religious expression issues.

Recognizing that the right to practice one's faith without fear of violence is critical to the exercise of religious freedom, the Division has been very active in prosecuting hate crimes involving attacks or threats against places of worship or against individuals based on their religion. In recent years, the Division has obtained numerous indictments and convictions in cases involving arson or other physical attacks, or conspiracy or threats to commits such attacks, against places of worship. Religious hate crimes constitute a significant number of hate crimes, second only to racial hate crimes, and the Division is committed to vigorously prosecuting such crimes.

## ENSURING ACCESS TO TREATMENT FOR OPIOID ADDICTION BY ENFORCING THE AMERICANS WITH DISABILITIES ACT

*I made a promise to the American people to take action to keep drugs from pouring into our country and to help those who have been so badly affected by them. This is an epidemic that knows no boundaries and shows no mercy, and we will show great compassion and resolve as we work together on this important issue.*

PRESIDENT TRUMP, EXECUTIVE ORDER ESTABLISHING THE PRESIDENT'S COMMISSION ON COMBATING DRUG ADDICTION AND THE OPIOID CRISIS

The opioid epidemic is a crisis of epic proportions, impacting nearly every community across the country. On November 1, 2017, the President's Commission on Combating Drug Addiction and the Opioid Crisis issued a report calling for comprehensive action by the federal government. The Division and the U.S. Attorney Program are responding, working to ensure that individuals who have completed, or are participating in, treatment for opioid use disorder (OUD) do not face unnecessary and discriminatory barriers to recovery. People with OUD who are in treatment or recovery may experience discrimination in settings such as employment or the receipt of state and local programs and services. Businesses that seek

“Sexual harassment in housing is illegal, immoral, and unacceptable. It is all too common today, as too many landlords, managers, and their employees attempt to prey on vulnerable women. We will not hesitate to pursue these predators and enforce the law.”

ATTORNEY GENERAL SESSIONS, APRIL 12, 2018

to provide treatment to affected individuals may encounter discriminatory zoning restrictions. The Division focuses on addressing and removing these barriers. Through outreach, technical assistance, and enforcement under the ADA, the Division aims to increase the number of people in treatment and recovery who succeed and re-engage with their communities and the workforce.

Conducting outreach is a crucial part of this work. Through analysis of federally-collected data, the Division has identified cities, counties, and states with the highest numbers of opioid overdoses. In FY 2020, the Division will conduct

targeted outreach in many of these communities. Through this outreach, the Division will educate public employers, public entities, and public accommodations about the ADA’s protections for people in treatment for or recovery from OUD. The Division will also inform health care workers, social workers, members of faith-based organizations, and other professionals in these communities—about the ADA’s protections for people with OUD. To complement this outreach, the Division and U.S. Attorneys Offices are investigating complaints from people with OUD who are in treatment or recovery.

## COMBATting SEXUAL HARASSMENT AND SEXUAL ABUSE

Sexual harassment in housing, employment, and education, as well as sexual assaults in prisons and nursing homes are long-standing civil rights challenges that the Division is making a renewed commitment to address.

Sexual harassment in housing, including harassment of tenants by landlords, property managers, and maintenance staff, affects an untold number of vulnerable people. It often involves unrelenting, unwanted sexual advances or requests for sexual acts in exchange for a place to live, home repairs, reduced rents or delayed evictions.

The Division launched the Sexual Harassment in Housing Initiative in order to increase awareness and reporting of sexual harassment in housing. The Division seeks to combat sexual harassment by driving more referrals to the Department, enabling it to bring more lawsuits to enforce the Fair Housing Act’s prohibition on sexual harassment. Since the launch of the Initiative in FY 2018, the Division has opened a record number of investigations and filed twice as many sexual harassment in housing complaints (4) as it filed in all of FY17 (and as many as the highest total number of complaints it has filed in any of the last five fiscal years).

One recent case highlights the nature and importance of the Initiative’s work. On April 11, 2018, the United States filed *United States v. Waterbury* (N.D.N.Y.). The complaint alleges that Douglas Waterbury, a residential property owner and landlord in the Oswego, New York area, sexually harassed female tenants and potential tenants. The suit alleges that, in one instance, Waterbury locked a prospective tenant—who



was a teenager at the time—in a rental unit, lifted her shirt and felt her breasts, pushed her onto a couch, engaged in unwelcome and painful sexual intercourse and oral sex with her, and instructed her not to tell anyone what had just happened. This case is in active litigation.

On February 28, 2018, the Division announced the formation of the Sexual Harassment in the Workplace Initiative (SHWI), which will address sexual harassment in the public sector workplace and build on the Division’s already robust enforcement in this area. The initiative seeks to increase litigation of sexual harassment claims against state and local government employers by taking a more aggressive approach to the investigation of charges referred by the Equal Employment Opportunity Commission. Since the initiative began, the Division has filed *United States v. City of Houston*, a suit alleging sex harassment in the Houston Fire Department.

The initiative seeks to develop tools to hold state and local government employers accountable for sexual harassment, including by identifying changes to existing practices and policies that will result in work environments free from sex harassment and discrimination. As part of the initiative, the Division will conduct outreach to state and local government employers. Outreach will focus on:

- creating trusted and safe avenues for employees to report sexual harassment;
- ensuring management support for anti-discrimination policies and practices;
- implementing accountability measures to ensure the timely and effective resolution of sexual harassment complaints;
- adopting comprehensive anti-sexual harassment policies and procedures that include regular, tailored, and interactive training for employees; and
- providing safeguards against retaliation for persons who report sexual harassment and for employees who support them.

The Division’s Educational Opportunities Section will continue its work to protect students from sexual harassment and assault in K-12 schools and institutions of higher learning, including through new investigations and through the monitoring of existing settlement agreements.

Finally, the Division is increasing its efforts to protect individuals in correctional facilities from exploitation, discrimination, and violence. In FY 2020, the Division will focus efforts on an initiative to redress sexual abuse of prisoners, pretrial detainees, and juveniles in custodial settings. This initiative will protect the constitutional rights of people in custody and help further the goals of the Prison Rape Elimination Act (PREA) by preventing, detecting, and responding to custodial sexual abuse. In line with these priorities, in FY 2018, the Division opened two investigations of alleged sexual abuse of women prisoners. In addition, the Division continues to enforce approximately 15 agreements with state and local governments concerning a variety of civil rights concerns in conditions in adult jails and prisons.

## WORKING TO ELIMINATE RACIAL DISCRIMINATION

Last year, the Division and the Department commemorated the 50<sup>th</sup> anniversary of the tragic assassination of Dr. Martin Luther King, Jr. The Division enforces numerous civil and criminal statutes that protect against discrimination on the basis of, or violence motivated by, race. Since the passage of the Fair Housing Act, the Division has been at the forefront of enforcing its protections, eliminating discrimination on the

basis of race in housing, and vindicating the rights of people across the country. The Division seeks to eliminate race, color, and other forms of workplace discrimination through enforcement of Title VII of the Civil Rights Act of 1964. The Division vigorously pursues criminal prosecutions of those who, motivated by race, engage in acts of violence and intimidation. The Division likewise continues to enforce vigorously the race-discrimination protections of the Voting Rights Act. The Division is committed to continuing its efforts to eliminate race discrimination in this Country.

## TRANSFORMING DIVISION OPERATIONS TO PROMOTE EFFICIENCY AND IMPROVE SERVICE TO THE PUBLIC AND OUR EMPLOYEES

To enforce the law effectively, the Division must constantly adapt and improve. That means empowering our staff to look for new and better ways of doing their jobs and ensuring that administrative services – personnel support, budget and information technology – align with our mission. It also means effectively managing our workforce.

In May 2015, the Division launched its Innovation Initiative. The initiative focuses on improving the Division’s ability to enforce federal civil rights laws by developing and launching new ideas and actions that fundamentally improve how we do business. The Initiative:

- Empowers internal innovation by encouraging employees to develop and implement innovative solutions to common challenges and making innovation a key principle of new Division-level management initiatives;
- Solves “sticky” challenges using structured methods like design thinking, lean, and behavioral science; and
- Connects the Civil Rights Division to the broader community of innovators in government, academia, and industry.

The Initiative brings a strategic vision to the process of making the Civil Rights Division a more effective and efficient part of government. Here are some examples of how we are transforming the way we work.

**Consolidating Our Workforce.** Currently, the Division works out of four buildings spread across Washington, D.C. In mid-2019, the Division will consolidate 95% of our workforce in a single location in Northeast D.C. This will be the first time Division staff has been located in the building in more than two decades.

There is an inextricable link between space, culture, and performance. The Initiative is using our move to a single location to transform how the Division works. This includes:

- Enhancing our identity as one Division by creating a space that reflects our core values and promotes collegiality and collaboration between colleagues; and,

- Enhancing how we work by adopting user-centered approaches to delivering shared services (IT, litigation support, etc.), and managing documents through digitization.

**Concept Lab.** The Concept Lab is an idea incubator that puts employees in a fast-paced, entrepreneurial setting as they tackle tough problems. In 2017 and 2018, one Concept Lab team challenged themselves to help women who experience sexual harassment by housing providers. Under the federal Fair Housing Act, it is illegal for a housing provider to sexually harass tenants and housing applicants. Available data suggests that up to 80% of women who experience such harassment do not report it. This team wanted to change that dynamic. The team focused on exploring new approaches that would help increase the likelihood that victims of sexual harassment would file complaints. The team spoke with and researched the accounts of survivors of sexual assault. They spoke with organizations and experts with extensive expertise on the issue and conducted small but meaningful tests to see what approaches might actually encourage women to come forward to report harassment. Eventually, the team launched a national campaign that leverages a nationwide network of U.S. Attorneys Offices. In just a few months, the campaign showed results in with a several-fold increase in the number of women who have come forward to DOJ with reports of sexual harassment. The team's progress has enabled the Division to expand its efforts in a critical civil rights area.

**Online Complaint Portal.** The Division has initiated a project that will streamline the process for citizens wanting to connect with the Civil Rights Division. The Division intends to build an internet-based portal that: 1) offers a unified and efficient means for citizens to report discrimination; and, 2) improves the Division's ability to assess and respond to complaints.

**Community Relations Service Consolidations.** The President's FY 2020 Budget is not requesting an appropriation for the Community Relations Service (CRS), and instead proposes to consolidate those functions within the Civil Rights Division (CRT). This consolidation would appropriately rightsize the Federal role in local conflict resolutions, while eliminating duplicative functions and improving efficiency. The Budget transfers 15 positions and \$5 million to CRT to support this proposal.

## II. SUMMARY OF PROGRAM CHANGES

No program changes are proposed for FY 2020.

## III. APPROPRIATIONS LANGUAGE & ANALYSIS OF APPROPRIATIONS LANGUAGE

Please refer to the General Legal Activities Consolidated Justification.

## IV. PROGRAM ACTIVITY JUSTIFICATION

### ENFORCING FEDERAL CIVIL RIGHTS LAW

#### PROGRAM DESCRIPTION

<b>Enforcing Federal Civil Rights Law</b>	<b>Direct Positions</b>	<b>Estimated FTEs</b>	<b>Amount (000)</b>
2018 Enacted	593	540	\$148,239
2019 Continuing Budget Resolution	593	552	148,239
Adjustments to Base and Technical Adjustments	15	15	4,984
2020 Current Services	608	567	153,223
2020 Request	608	567	153,223
<b>Total Change 2019-2020</b>	<b>15</b>	<b>15</b>	<b>4,984</b>

Established in 1957, the Division is comprised of 11 program-related sections, as well as the Professional Development Office, the Office of Employment Counsel, and the Administrative Management Section. A description of the Division's responsibilities and activities, as well as accomplishments for its program-related sections, is presented below.

The Division is a single decision unit within the General Legal Activities appropriation. The Assistant Attorney General (AAG) for Civil Rights leads the Division. A principal deputy assistant attorney general and four deputy assistant attorneys general work with the AAG to supervise the Division's criminal and civil enforcement.

The Division's workforce is organized into the following units:

- Criminal Section (CRM)
- Appellate Section (APP)
- Disability Rights Section (DRS)
- Educational Opportunities Section (EOS)
- Employment Litigation Section (ELS)
- Federal Coordination and Compliance Section (FCS)
- Housing and Civil Enforcement Section (HCE)
- Immigrant and Employee Rights Section (IER)
- Policy Section (POL)
- Special Litigation Section (SPL)
- Voting Section (VOT)

The Division is responsible for criminal and civil enforcement under a number of statutes. The Appendix provides a summary of each of the criminal and civil statutes enforced by the Civil Rights Division and identifies the litigating section responsible for enforcing each statute.

PERFORMANCE AND RESOURCE TABLES

PERFORMANCE AND RESOURCES TABLE											
DECISION UNIT: CIVIL RIGHTS DIVISION											
RESOURCES		Projected		Actual <sup>/1</sup>		Projected		Changes		Requested (Total)	
		FY 2018		FY 2018		FY 2019		FY 2020 Current Services Adjustments		FY 2020 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		686	\$147,232 [\$19,755]	614	\$148,239 [\$19,501]	614	\$148,239 [\$16,024]	15	\$4,984 [\$1,843]	629	\$153,223 [\$14,181]
PERFORMANCE		FY 2018		FY 2018		FY 2019		FY 2020 Current Services Adjustments		FY 2020 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		686	\$147,232 [\$19,755]	614	\$148,239 [\$19,501]	614	\$148,239 [\$16,024]	15	\$4,984 [\$1,843]	629	\$153,223 [\$14,181]
Performance Measure (New in FY 2017)	Number of human trafficking leads and complaints reviewed by the Human Trafficking Prosecution Unit	158		243		158		N/A		158	
Performance Measure	% Immigration & Nationality Act Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved	90		100		75		N/A		75	
Performance Measure	% of criminal cases favorably resolved	85		87.4		85		N/A		85	
Performance Measure	% of civil cases favorably resolved	85		95.9		85		N/A		85	
Performance Measure	Increase number of statements of interest involving first amendment or religious liberty (in percentage)	N/A		N/A		10		N/A		10	
Performance Measure	Increase number of RLUIPA matters opened (in percentage)	N/A		N/A		10		N/A		10	

Data Definition, Validation, Verification, and Limitations: The data source for all measures is an internal system within CRT. Data is compiled on the level of effort that attorneys and professionals dedicate to matters and case-related tasks, senior management is responsible for ensuring the accuracy of the data and reports have been developed to support Division performance.

/1 Performance measures are reported through the fourth quarter of FY 2018.

PERFORMANCE MEASURE TABLE								
CIVIL RIGHTS DIVISION								
Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018		FY 2019	FY 2020
		Actual	Actual	Actual	Target	Actual <sup>/1</sup>	Target	Target
Performance Measure	Number of human trafficking leads and complaints reviewed by Human Trafficking Prosecution Unit	NA	NA	253	158	243	158	158
Performance Measure	% Immigration & Nationality Act Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved	NA	NA	NA	90	100	75	75
Performance Measure	% of criminal cases favorably resolved	99	85	98.25	85	87.4	85	85
Performance Measure	% of civil cases favorably resolved	90	98	97.25	85	95.9	85	85
Performance Measure	Increase the number of statement of interest involving first amendment or religious liberty (in percentage)	NA	NA	NA	NA	NA	10	10
Performance Measure	Increase number of RLUIPA matters opened (in percentage)	NA	NA	NA	NA	NA	10	10

/1 Performance measures are reported through the fourth quarter of FY 2018.

## PROTECTING INDIVIDUALS FROM VIOLENCE, DISCRIMINATION, AND EXPLOITATION

---

### CRIMINAL ENFORCEMENT

The Criminal Section’s prosecutors continue to achieve remarkable results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. Each year, the Division receives more than 10,000 complaints alleging criminal interference with civil rights. In FY 2018, the Division filed 123 cases. Furthermore, the Division filed 60 percent more criminal civil rights prosecutions in the last six fiscal years (1,009 indictments in FY 2011 – FY 2017) than the previous six years (628 indictments in FY 2005 – FY 2010), without an increase in staff.

In FY 2016 and FY 2017, the Division exceeded its performance goals. During those two years, the Division, in conjunction with United States Attorney’s Offices:

- Charged 681 defendants with criminal civil rights violations;
- Filed 322 criminal civil rights cases, the highest number compared with any other two-year period since counting began in 1993; and
- Filed 199 human trafficking cases, the highest number in any two-year period since counting began in 1993.

In the nine years since the passage of the Shepard-Byrd Hate Crimes Prevention Act (“Act”), the Division has charged 92 defendants with violating or conspiring to violate the Act. Of the 85 defendants charged with violating or conspiring to violate the Act and whose cases have been resolved, 79 have been convicted of at least one federal violation in connection with the prosecution (although not necessarily an Act related charge); 59 of the 85 defendants have been convicted of either violating or conspiring to violate the Act.

The Division leads the Department’s law enforcement response to threats and intimidation against houses of worship and individuals seeking to exercise their religious beliefs. Over the last decade, the Division has prosecuted 44 defendants accused of interfering with religious exercise through violence against persons or arson, threats or vandalism of houses of worship, and secured 40 convictions. Working with our U.S. Attorney colleagues, since 9/11 the Division has investigated more than 1,000 incidents involving acts of violence, threats, assaults, vandalism, and arson targeting Arab, Muslim, Sikh, and South Asian Americans, as well as individuals perceived as members of these groups, prosecuting dozens of these cases.

While achieving these record results, the Division’s Criminal Section has also operated its Cold Case initiative, pursuant to the Emmett Till Cold Case Act of 2007, in which Section prosecutors have reviewed voluminous evidence in more than 67 civil rights era unsolved hate crime homicides.

## CASE EXAMPLES: COMBATING HATE CRIMES

**Man Sentenced to Life in Prison Without Parole for Racially Motivated Shooting at Olathe Bar.** Adam W. Purinton, of Olathe, Kansas, was sentenced on August 7, 2018 to life in prison without the possibility of parole for the February 2017 killing of Indian national Srinivas Kuchibhotla, and shooting of two other men – Indian national Alok Madasani and Kansas resident Ian Grillot – at Austin’s Bar & Grill in Olathe. Earlier this year, Purinton pleaded guilty in federal court to hate crime and firearm offenses arising out of the shooting. At his federal guilty-plea hearing, Purinton admitted in open court that he targeted and shot Kuchibhotla and Madasani because of their race, color, and national origin, and that he shot Grillot during an attempt to flee the scene of the crime. Purinton has also pleaded guilty in state court to charges of murder and attempted murder, and has been sentenced to a term of life imprisonment in state prison.

**Missouri Man Sentenced to Two Years for Hate Crimes.** On July 24, 2018, Preston Q. Howard, 50, of Wright City, Missouri, was sentenced to 24 months in prison for obstructing persons in the free exercise of religious beliefs. The judge enhanced the sentence because Mr. Howard chose his victims based on their religion, thereby committing a hate crime. Between June and August of 2017, Howard made numerous telephone calls to the Islamic Society of Augusta, during which he threatened to “kill,” “bomb,” “shoot,” “behead,” “slaughter,” “execute,” “light on fire,” and “murder” members of the mosque, to “hunt down” and “zone in” on Muslims, and to “blow up the mosque.” Howard admitted committing these acts and obstructing or attempting to obstruct the mosque members’ free exercise of their religious beliefs. In addition to his prison sentence, Howard was ordered to pay almost \$30,000 in restitution to cover costs incurred by the Islamic Society for building security enhancements.

## CASE EXAMPLES: PROSECUTING & PREVENTING HUMAN TRAFFICKING

**Defendants Charged With Multiple Counts Related to Interstate Prostitution and Sex Trafficking Enterprise.** On December 13, 2018, Shou Chao Li and Derong Miao of Concord, New Hampshire, were charged with one count of conspiracy to engage in interstate transportation and travel for prostitution, two counts of sex trafficking by fraud and coercion, and five counts of interstate transportation for prostitution. The defendants targeted Chinese women and recruited them to travel to Maine, where the defendants caused them to engage in prostitution, controlled their movements, and isolated them.

**Thirty-Six Defendants Guilty for Their Roles in International Thai Sex Trafficking Organization.** Five defendants (Michael Morris, 65, of Seal Beach, California; Pawinee Unpradit, 46, of Dallas, Texas; Saowapha Thinram, 44, of Hutto, Texas; Thoucharin Ruttanamongkongul, 35, of Chicago Illinois; and Waralee Wanless, 39, of The Colony, Texas) were convicted by a federal jury for their roles in operating a massive international sex trafficking organization that was responsible for coercing hundreds of Thai women to engage in commercial sex acts across the United States. This criminal organization compelled hundreds of women from Bangkok, Thailand, to engage in commercial sex acts in various cities across the United States. Thirty-one defendants previously pleaded guilty for their roles in the sex trafficking organization.

**Massachusetts Man Pleads Guilty to Sex Trafficking Women by Exploiting their Opioid Addiction.** On December 6, 2018, Rashad Sabree of Boston, Massachusetts, was convicted in the District of Maine to 17 years imprisonment for forcing two young women to engage in commercial sex acts by exploiting



their heroin addictions. Such exploitation was “particularly cruel,” said Acting Attorney General Matthew Whitaker, who praised a Good Samaritan for reporting what he saw.

**Two Defendants Sentenced to Prison For Roles in Alien Harboring Scheme Involving Labor Exploitation of Domestic Servant.** On November 20, 2018, defendants Michael and Mary Wood were sentenced to 20 months in prison and in excess of a \$46,000 fine for harboring an alien for financial gain and conspiracy for recruiting a young Kenyan woman to care for their minor children. The two arranged for the young woman to enter the country illegally using a fraudulent British passport and required her to perform domestic work at their home, seven days a week, for minimal pay. They prohibited her from leaving the house except to take the children to school, and forbade her to talk to anyone outside the house and the defendants’ family. Six other defendants had previously been convicted in the scheme. Assistant Attorney General Eric Dreiband stated that the sentence demonstrates the Department’s “commitment to seeing justice for vulnerable individuals across the country and holding defendants who commit these despicable and unconscionable crimes accountable.”

**South Carolina Man Pleads Guilty to Forced Labor for Compelling Man with Intellectual Disability to Work at Restaurant.** On June 5, 2018, Defendant Bobby Paul Edwards, 53, of Conway, South Carolina, pleaded guilty Monday in United States District Court to one count of forced labor, admitting that he used violence, threats, isolation and intimidation to compel a man with an intellectual disability to work for over 100 hours a week without pay. Edwards faces a maximum of 20 years in prison for forced labor, a \$250,000 maximum fine, and mandatory restitution to the victim.

---

## CIVIL ENFORCEMENT

The Division works to protect the rights of children and adults in institutional settings, including nursing homes, mental health institutions, juvenile detention centers, and prisons.

### STRATEGIES: PROTECTING THE RIGHTS OF CHILDREN AND ADULTS IN INSTITUTIONS

**Redress of Sexual Abuse of Prisoners, Pretrial Detainees, and Juveniles in Custodial Settings.** The Division will focus efforts on an initiative to redress sexual abuse of prisoners, pretrial detainees, and juveniles in custodial settings. This initiative would protect the constitutional rights of people in custody and help further the goals of the Prison Rape Elimination Act (PREA) to prevent, detect, and respond to custodial sexual abuse. Although PREA does not provide for any enforcement mechanism other than the risk of losing certain funds, the PREA Standards can provide a framework for Civil Rights of Institutionalized Persons Act (CRIPA) investigations and often help guide and structure the aspects of our settlements that are designed to eradicate custodial sexual abuse.

**Protecting the Rights of Children with Mental Illness, Intellectual Disabilities, and Developmental Disabilities.** The Division will also continue to focus efforts on protecting the rights of children with mental illness or intellectual and developmental disabilities to ensure that they receive services in the most integrated setting appropriate so they can continue to live in their communities, if they so choose, rather than in institutions. These efforts help ensure that their constitutional and statutory rights are upheld in the administration of juvenile justice; that they are free from abuse, neglect, and other unsafe conditions, and, that they receive appropriate mental health and medical care when held in institutional and juvenile

justice settings. In FY 2017, the Section opened an investigation of the conditions in South Carolina’s juvenile justice facilities.

## **CASE EXAMPLE: PROTECTING THE RIGHTS OF CHILDREN AND ADULTS IN INSTITUTIONS**

**Justice Department Alleges Conditions at Hampton Roads Regional Jail Violate the Constitution and Federal Law.** After an investigation into the conditions at the Hampton Roads Regional Jail in Portsmouth, Virginia, the Justice Department concluded that there was reason to believe that those conditions violate the Constitution, specifically rights of prisoners protected by the Eighth and Fourteenth Amendments. The Department concluded that there is reasonable cause to believe that the Jail fails to provide constitutionally adequate medical and mental health care to prisoners, and places prisoners with serious mental illness in restrictive housing for prolonged periods under conditions that violate the Constitution. The Department also concluded that the Jail’s restrictive housing practices discriminate against prisoners with mental health disabilities in violation of the Americans with Disabilities Act (ADA).

**Justice Department Reaches Agreement to Resolve Americans with Disabilities Act Investigation of Louisiana’s Use of Nursing Facilities to Serve People with Serious Mental Illness.** The Justice Department announced on June 6, 2018 that it reached an agreement with the Louisiana Department of Health (Louisiana) to resolve its lawsuit alleging that Louisiana fails to serve people with serious mental illness in the most integrated setting appropriate to their needs in violation of the Americans with Disabilities Act (ADA). The Justice Department’s complaint alleges that Louisiana places undue reliance on providing services in institutionalized settings such as nursing facilities, instead of in the community, for people with serious mental illness. Under the agreement, Louisiana will create and implement a plan to expand community-based services like mobile crisis, case management, assertive community treatment, and supported housing to meet people’s needs in the community. In addition, Louisiana will assess all existing nursing facility residents with mental illness and all new referrals for admission to determine whether they can be served appropriately in the community.

## **SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY**

---

### **PROTECTING THE RIGHT TO VOTE**

The Division’s Voting Section enforces federal voting laws and defends the United States when it faces lawsuits over voting matters. Every year, the Voting Section also monitors elections in jurisdictions around the country. In FY 2016, the Division sent over 500 election observers to 26 jurisdictions for the November general election. During the elections in November 2018, the Division deployed personnel to 35 jurisdictions in 19 states to monitor compliance with federal voting rights laws.

In addition, the Division’s Disability Rights Section enforces the ADA’s requirements to ensure equal access to polling places and the election process for people with disabilities.

### **STRATEGIES: PROTECTING THE RIGHT TO VOTE**

**Enforcing National Voter Registration Act (NVRA).** On June 28, 2017, the Justice Department sent letters to all 44 states covered by the NVRA requesting information regarding their efforts to comply with the list maintenance requirements of Section 8 of the NVRA. The NVRA includes requirements for maintaining voter registration lists in elections for federal office. One of these NVRA requirements is that states make a reasonable effort to remove registrants who have become ineligible due to having died or moved. At the same time, the NVRA contains protections to ensure that eligible voters remain on the rolls, including specific procedures that states must follow before removing voters who have moved to a new jurisdiction. In July 2018, the Department reached its first resolution of a Section 8 matter since it sent the letters.

**Working to Ensure Compliance with Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).** The Division continues to enforce UOCAVA, which protects the voting rights of absent uniformed service members, their family members, and U.S. citizens residing outside the U.S. in elections for federal office. UOCAVA requires states to allow all UOCAVA voters to receive their blank absentee ballots by mail or electronically, at the voters' option. UOCAVA also requires States to allow all UOCAVA voters to use a federal write-in absentee ballot as a back-up measure for voting, if the voters have applied on time for an absentee ballot but have not received the ballot from their state. These protections extend to all overseas voters, regardless of whether the voter resides overseas indefinitely or temporarily.

**Launched ADA Voting Initiative.** In 2015, the Division, partnering with U.S. Attorneys across the nation, launched the [ADA Voting Initiative](#) to ensure that people with disabilities have an equal opportunity to participate in the voting process, including in the 2016 presidential elections. The ADA Voting Initiative covers all aspects of voting, from voter registration to casting ballots at neighborhood polling places. Through this initiative, more than 1,300 polling places have been surveyed to identify barriers to access.

## **CASE EXAMPLES: PROTECTING THE RIGHT TO VOTE**

**Settlement with Kentucky Ensuring Compliance with Voter Registration List Maintenance Requirements.** In July 2018, [the Division entered into a settlement with the Commonwealth of Kentucky](#), the Kentucky State Board of Elections, and the Kentucky Secretary of State, resolving the Department's claims that Kentucky was not complying with the voter registration list maintenance procedures set forth in Section 8 of the National Voter Registration Act of 1993 (NVRA). Under the terms of the settlement, Kentucky will develop and implement a general program of statewide voter list maintenance that makes a reasonable effort to remove the names of registrants who have become ineligible due to a change in residence in accordance with Section 8 of the NVRA and state law.

**Agreement Reached with Wisconsin to Protect the Voting Rights of U.S. Citizens Residing Temporarily Overseas.** On June 21, 2018, [the Division announced that it had entered into an agreement with the State of Wisconsin](#) to ensure that Wisconsin voters who temporarily reside overseas receive voting protections to which they are entitled under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Under this agreement, Wisconsin election officials will ensure that U.S. citizens residing overseas temporarily can receive their ballots electronically and utilize a Federal write-in absentee ballot to vote, if necessary, like other UOCAVA voters. Wisconsin state election officials have agreed to take steps to implement these protections prior to the Federal primary election and Nov. 6 Federal general

election, and to notify local election officials and the public about these requirements. The state is also required to take steps to assure these protections for all future Federal elections.

**Agreement Reached with Coconino County, Arizona, to Ensure Accessible Voting.** On May 21, 2018, the Justice Department reached a settlement under the Americans with Disabilities Act (ADA) with Coconino County, Arizona, to make the County's polling places accessible to individuals with mobility and vision impairments. Under the terms of the agreement, Coconino County will start remediating polling places in time for its next election and will ensure that all of its polling places are accessible during elections to people with disabilities by no later than the November 2020 election.

This settlement is part of the Department's ADA Voting Initiative, which focuses on protecting the voting rights of individuals with disabilities. A hallmark of the ADA Voting Initiative is its collaboration with jurisdictions to increase accessibility at polling places. Through this Initiative, the Department has surveyed more than 1,500 polling places and increased polling place accessibility in more than 35 jurisdictions, including Chicago; Richland County, South Carolina; and Dauphin County, Pennsylvania.

**Justice Department Files Voting Rights Suit Against City of Eastpointe, Michigan.** On January 11, 2017, the Justice Department filed a lawsuit to challenge the at-large method of electing the city council of Eastpointe, Michigan. The complaint alleges that the election system in Eastpointe violates Section 2 of the Voting Rights Act by denying black citizens in the city the equal opportunity to elect representatives of their choice. Among other important factors highlighted in the case law, the lawsuit alleges that Eastpointe has racially polarized voting patterns, with white voters consistently opposing and defeating the preferred candidates of Eastpointe's sizable black community. Although black residents comprise roughly one-third of the electorate and consistently support black candidates for local office, no black individual has ever served on the Eastpointe City Council. With Eastpointe's current system, voting patterns combined with other local factors dilute the black community's voice and lead to a discriminatory result.

---

## PROTECTING THOSE WHO PROTECT US

Three sections of the Civil Rights Division – Employment Litigation, Housing and Civil Enforcement, and Voting – enforce statutes designed to protect servicemembers in critical aspects of American life such as work, credit, housing, and voting. In addition, the Disability Rights Section brings cases involving servicemembers who face discrimination because of their disability.

### STRATEGIES: PROTECTING THOSE WHO PROTECT US

**Servicemembers Civil Relief Act (SCRA) Initiative.** Since 2011, the Division has obtained \$469 million in monetary relief for 119,000 servicemembers and \$541,000 in civil penalties through its enforcement of the SCRA. In FY 2017 and FY 2018, the Division dramatically increased the number of SCRA matters initiated (61 compared to 23 in FY 2015-2016), investigations authorized (44 compared to 16 in FY 2015-2016) and investigations closed with favorable outcomes (21 compared to 2 in FY 2015-2016).

**Servicemembers Civil Relief Act (SCRA) Initiative.** Since 2011, the Housing and Civil Enforcement Section has provided \$450 million in monetary relief to 117,000 servicemembers through its enforcement of the SCRA. Through the end of FY 2017, the Division reached all-time highs in the number of SCRA matters initiated (41 in FY 2017 compared to 13 in all of FY 2016), investigations authorized (27 in FY 2017

compared to 11 in all of FY 2016) and investigations closed with favorable outcomes (7 in FY 2017 compared to 2 in FY 2016)

**Protecting the Ability of Veterans with Disabilities to Work.** The Division vigorously protects the rights of servicemembers returning home, including those with service-connected disabilities. Servicemembers expect and are entitled to participate fully in the activities of civilian life, including employment, education, recreation, and access to all public accommodations. On seeking to reenter the workforce, however, some veterans face unfounded assumptions and generalizations about combat-related disabilities such as Post Traumatic Stress Disorder (PTSD) or traumatic brain injury. The Division challenges those barriers to employment to ensure that veterans with disabilities are not denied employment opportunities due to stereotypes or a failure to provide reasonable accommodations.

**Protecting the Employment Rights of Servicemembers.** The Division continues to enforce USERRA to protect the employment rights of reservists and veterans.

#### **CASE EXAMPLES: PROTECTING THOSE WHO PROTECT US**

**Justice Department Obtains Over \$2 Million for Servicemembers Who Terminated Their Motor Vehicle Leases With BMW Financial Services.** On February 22, 2018, the Justice Department announced that BMW Financial Services agreed to pay over \$2 million to resolve allegations that it violated the Servicemembers Civil Relief Act (SCRA) by failing to refund a type of up-front lease payment to 492 servicemembers who lawfully terminated their motor vehicle leases early. This is the first case brought by the Department involving a motor vehicle lessor's failure to refund lease amounts to servicemembers who exercised their SCRA rights to terminate their leases. The SCRA provides servicemembers with protections that permit them to terminate motor vehicle leases early without penalty after entering military service or receiving qualifying military orders for a permanent change of station or to deploy.

**Justice Department Reaches Settlement with Northwest Trustee Services for Illegally Foreclosing on Servicemembers' Homes.** On September 27, 2018, a settlement was reached with Northwest Trustee Services Inc. of Bellevue, Washington, to resolve a lawsuit alleging that the foreclosure services company violated the Servicemembers Civil Relief Act (SCRA). Northwest Trustee Services foreclosed on homes owned by servicemembers without obtaining the required court orders. Under the terms of the settlement, servicemembers who had their homes illegally foreclosed on may each receive compensation of up to \$125,000, with a total payout to servicemembers of up to \$750,000.

**Justice Department Reaches Settlement Agreement with Native American Community Health Center Resolving the USERRA Claims of United States Navy Reservist.** On August 13, 2018, the Department of Justice announced that it had reached a settlement agreement with Native American Community Health Center (Native Health), a private corporation located in Phoenix, Arizona. The settlement agreement resolves allegations that Native Health violated the employment rights of Commander Mario L. Islas, a Navy Reservist, under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Under the terms of the settlement, Native Health has agreed to pay Commander Islas \$25,000 in monetary relief for lost wages and benefits. In addition, Native Health will provide training on servicemembers' rights to its managers, supervisors and administrative staff, and will review and revise, if necessary, its employee handbook to ensure that current and future employees are aware of their USERRA rights.

---

## DEFENDING FIRST AMENDMENT RIGHTS TO EXERCISE RELIGION AND FREE SPEECH

The Division will continue to combat religious discrimination under the Religious Land Use & Institutionalized Persons Act (RLUIPA). In FY 2018, the Division filed three RLUIPA lawsuits and initiated several investigations.

### STRATEGIES: PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

**Place of Worship Initiative.** On June 13, the Attorney General announced the Place to Worship Initiative, focused on protecting the ability of houses of worship and other religious institutions to build, expand, buy, or rent facilities as provided by RLUIPA. The Place to Worship Initiative involves increased enforcement of RLUIPA and public education efforts to inform religious communities and public officials about this important law. More information and links to resources, including questions and answers about RLUIPA and a new web portal for filing complaints, are available on the Initiative website, [www.justice.gov/crt/placetoworship](http://www.justice.gov/crt/placetoworship).

**Filing Statements of Interest and Amicus Briefs with First Amendment rights.** The Division continues to file statements of interest and amicus briefs supporting plaintiffs who are seeking to defend their First Amendment rights to free speech or freedom of worship. Since January 2017, the Division has filed a number of statements of interest and amicus briefs in First Amendment cases.

### CASE EXAMPLES: PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

**Justice Department Files Statement of Interest in First Amendment Case in Support of a Church's Right to Rent Space at a Community Civic Center.** On November 20, 2018, the Justice Department filed a [Statement of Interest](#) in U.S. District Court in South Carolina supporting a church's claim that the Town of Edisto Beach violated its rights under the First Amendment when the town barred it from renting space at the Town's Civic Center.

**Lawsuit Filed Against Borough of Woodcliff Lake, New Jersey, Over Denial of Zoning Approval for Orthodox Jewish House of Worship.** The Division announced on June 13, 2018 that it had filed a lawsuit against the Borough of Woodcliff Lake, New Jersey, alleging that the borough and its zoning board violated the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) when it denied zoning approval to allow the Valley Chabad, an Orthodox Jewish congregation located in Woodcliff Lake, to build a new place of worship on its land in the borough.

**Department of Justice Files Statement of Interest in Defense of Campus Free Speech.** The Department of Justice on September 26, 2018 filed a [Statement of Interest in Uzuegbunam v. Preczewski](#). The lawsuit was filed by students at Georgia Gwinnett College to challenge a school policy that limited student expressive activity to two small "free-speech zones" that totaled 0.0015% of the campus. Additionally, these students were required to obtain prior authorization from campus officials, to limit their expressive activity to a specified date and time, and to comply with the Student Code of Conduct's prohibition of speech that "disturbs the...comfort of person(s). The Justice Department primarily argues that the plaintiffs' allegations have adequately represented violations of their First and Fourteenth Amendment rights.

*The First Amendment freedoms of association, speech, and religion prohibit public colleges and universities from suppressing the expression and beliefs of student groups that officials disagree with. The University of Iowa in this case de-registered Business Leaders in Christ because university officials did not like its message. That is forbidden by the Constitution.*

ASSISTANT ATTORNEY GENERAL, ERIC DREIBAND

**Justice Department Files Statement of Interest in Student Group's First Amendment Case Against University of Iowa.** On December 21, 2018, the Justice Department filed a Statement of Interest in the U.S. District Court for the Southern District of Iowa supporting the claim of a student group, Business Leaders in Christ, that the University of Iowa violated its First Amendment rights when it de-registered the group for requiring its student group leadership to sign a statement of faith. The government argues in its Statement of Interest that the University violated BLinC's First Amendment rights to free association and free speech.

## EXPANDING OPPORTUNITIES FOR ALL PEOPLE

---

### PROTECTING U.S. WORKERS FROM DISCRIMINATION BASED ON CITIZENSHIP OR IMMIGRATION STATUS

The Immigrant and Employee Rights Section (IER), in the Civil Rights Division enforces the anti-discrimination provision of the Immigration and Nationality Act (INA), which protects U.S. citizens and certain other work-authorized individuals from employment discrimination based upon citizenship or immigration status. The INA also protects all work-authorized individuals from national origin discrimination, unfair documentary practices relating to the employment eligibility verification process, and from retaliation.

#### STRATEGIES: PROTECTING U.S. WORKERS FROM DISCRIMINATION BASED ON CITIZENSHIP OF IMMIGRATION STATUS

The Division conducts an outreach and education program aimed at educating employers, potential victims of discrimination, and the public about their rights and responsibilities under the INA's anti-discrimination provisions. The Division develops and holds seminars and conferences to disseminate information about the program, and conducts a national public awareness campaign, which includes wide distribution of educational materials. Additionally, the Division operates employer and worker hotlines to quickly address questions and resolve problems. The Division's early intervention program has proved a successful and cost-effective means of resolving workplace problems before charges are filed. Under this program, Division staff resolve questions concerning proper employment eligibility verification procedures, and ensure that workers are not refused hire, or fired, based upon misunderstanding of this law.

In addition to the Department of Labor partnership announced by the Justice Department earlier this year, the Division signed a memorandum of understanding with the Department of State in October 2017. The two agencies agreed to work together to protect U.S. workers from discrimination and to combat fraud by companies that may be engaging in unlawful discrimination, or making other misrepresentations in their

use of employment-based visas, such as H-1B, H-2A, and H-2B visas. The agencies will also provide each other with technical assistance and training to encourage complaint referrals and effective collaboration.

#### **CASE EXAMPLES: PROTECTING U.S. WORKERS FROM DISCRIMINATION ON THE BASIS OF CITIZENSHIP AND IMMIGRATION STATUS**

**Settlement Reached in Immigration-Related Discrimination Claim Against International Law Firm.** On August 29, 2018, the Division reached a settlement agreement with Clifford Chance US LLP, a large, international law firm with its U.S. headquarters located in New York. The law firm agreed to pay lost wages, pay a \$132,000 civil penalty to the United States, provided training on the anti-discrimination provision of the INA, and comply with departmental monitoring and reporting requirements.

**Immigration-Related Discrimination Claim Against Nation’s Second Largest Egg Producer Settled.** On August 6, 2018, the Division announced that it had reached a settlement with Rose Acre Farms Inc. (Rose Acre), one of the largest egg producers in the United States. The settlement resolves a long-standing lawsuit alleging that Rose Acre violated the Immigration and Nationality Act (INA). The company agreed to pay a civil penalty of \$70,000; train its employees on the INA’s anti-discrimination provision; and comply with departmental monitoring requirements.

**Settlement Reached on Immigration-Related Discrimination Claims Against J.C. Penney.** The Division announced on June 25, 2018 that it had reached a settlement agreement with J.C. Penney Corporation, Inc. (J.C. Penney). The agreement resolves an investigation into whether the company violated the Immigration and Nationality Act (INA). J.C. Penney is required to pay a civil penalty of \$14,430, provide \$11,177 in back pay, train its staff and corporate human resources personnel, post notices informing workers about their rights, and comply with departmental monitoring requirements.

---

#### **PROTECTING EMPLOYEES FROM DISCRIMINATION BASED ON RACE, NATIONAL ORIGIN, SEX, RELIGION, AND DISABILITY**

Three sections of the Division – Employment Litigation, Disability Rights, and Immigration and Employee Rights – work to prevent and address workplace discrimination on the basis of race, national origin, sex, religion, disability, and immigration status. During FY 2018, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division’s employment enforcement activities include the following:

- Litigating 5 suits and enforcing 6 settlements that cover a wide range of claims, including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring;
- Collecting a record-breaking \$781,739 in back pay and civil penalties from employers for violations of the anti-discrimination provision of the INA. The Division is litigating 3 cases and monitoring 43 settlement agreements.



- Filing 2 complaints and entering into 4 settlements under Title I of the ADA. Through these cases, we are enforcing the rights of individuals with disabilities to be hired free of discrimination and to receive reasonable accommodations to perform their jobs.

*Note: Efforts to address discrimination against **Servicemembers and Veterans** can be found in other sections of the Performance Budget.*

**CASE EXAMPLES: PROTECTING EMPLOYEES FROM DISCRIMINATION BASED ON RACE, NATIONAL ORIGIN, SEX, RELIGION, AND DISABILITY.**

**Sexual Harassment Lawsuit Filed Against Michigan School District.** The Division filed a lawsuit on August 15, 2018 against the Allegan Area Educational Service Agency (AAESA), a government agency providing support, cooperative educational programs, and services to local school districts in Allegan County, Michigan. The lawsuit alleges that AAESA subjected two female teachers to sexual harassment and a hostile work environment. The complaint alleges that AAESA discriminated against two female teachers when they were subjected regularly to sexual harassment in the workplace by their supervisor, a former principal at the school where they all worked. According to the complaint, the sexual harassment of the teachers included verbal abuse as well as unwanted physical touching that escalated to physical assaults. The principal was convicted later of criminal assault of the teachers. The complaint alleges that AAESA did not take reasonable steps to prevent his unlawful acts. Through this lawsuit, the United States seeks monetary relief for each of the teachers and injunctive relief to require AAESA to develop and implement policies that would prevent sex discrimination and harassment in the future.

**Settlement of Race Discrimination Lawsuit Against Mississippi Delta Community College Reached.** The Division announced on August 13, 2018 that it had reached a settlement with Mississippi Delta Community College (MDCC) to resolve allegations that MDCC discriminated against Pamela Venton on the basis of race, as amended. Under the terms of the settlement agreement, MDCC agreed to pay \$75,000 in back pay and compensatory damages, and to implement appropriate training on identifying and correcting unlawful wage discrimination.

**Lawsuit Filed Against Ozaukee County, Wisconsin, for Religious Discrimination.** The Division announced on March 6, 2018, the filing of a lawsuit against Ozaukee County, Wisconsin, alleging that the County discriminated against Ms. Barnell Williams, a former nursing assistant at the Lasata Care Center, on the basis of religion. Lasata Care Center is a County-owned nursing home. The complaint alleges that Lasata unlawfully denied Williams a reasonable accommodation of her religious objection to the flu shot by denying her a request for an exemption without the requisite showing that doing so would cause an undue hardship. Through this lawsuit, the United States is seeking compensatory damages for Ms. Williams, in addition to injunctive and other appropriate relief.

**Settlement of Pregnancy Discrimination Lawsuit Against the University of Baltimore.** The Division announced on March 5, 2018, that it had entered into a settlement agreement with the University of Baltimore (University) to resolve allegations that the University discriminated against a female employee, based upon her pregnancy, in violation of Title VII of the Civil Rights Act of 1964. The University agreed to pay \$115,000 in back pay and compensatory damages. In addition, the University has agreed to review and revise, if necessary, its anti-discrimination policies and procedures to ensure that it protects its

employees from discrimination on the basis of sex, including pregnancy, and unlawful retaliation and provide training on its anti-discrimination policies and procedures.

---

## OPPORTUNITIES IN EDUCATION

In FY 2018, the Educational Opportunities Section continued its vigorous efforts to protect students across the country from discrimination based on race, color, national origin, sex, religion, and disability in schools. Looking forward, the Section is focusing resources to advance three key areas of its work: (1) enforcing the promise of *Brown v. Board of Education* through its school desegregation cases; (2) combating religious discrimination in public schools; and (3) addressing prohibited harassment and hate incidents in educational settings.

### STRATEGIES: EQUAL OPPORTUNITY IN EDUCATION

**Enforcing Brown’s Promise.** The Educational Opportunities Section (EOS) continues its core mission to desegregate schools by representing the United States in approximately 160 desegregation cases. EOS monitors school districts’ compliance with desegregation orders and works with districts to identify practicable remedies to eliminate the vestiges of segregation. As part of its monitoring, the Section ensures that schools are desegregated to the extent practicable, their facilities are equitable, their employment practices are nondiscriminatory, and their programs and course offerings are available to all district students regardless of race.

**Combating Religious Discrimination.** EOS launched its Religious Discrimination Initiative, which partners the Section with U.S. Attorney Offices around the country to address incidents of religious discrimination in their communities. As part of the Initiative, the Section works with Assistant U.S. Attorneys and supports engagement with school leaders to address civil rights violations. These partnerships allow the Department to be more responsive to diverse religious communities, especially communities facing surges in harassment, bigotry, and violence. Through collaboration with U.S. Attorney’s Offices, the Section’s work benefits from ongoing community contacts and outreach to isolated or discrete religious communities.

**Addressing Harassment and Hate Incidents.** EOS has jurisdiction to address certain complaints of harassment based on race, color, national origin, sex, religion, and disability in public elementary and secondary schools and institutions of higher education. Where the incidents involve both criminal conduct and discriminatory harassment, the Section works in coordination with the Division’s Criminal Section, local U.S. Attorney’s Offices, and law enforcement to ensure that schools respond appropriately.

### CASE EXAMPLES: EQUAL OPPORTUNITY IN EDUCATION

**Addressing Ongoing Segregation in Concordia Parish, Louisiana.** In October 2018, in *Smith and United States v. Concordia Parish Sch. Bd.*, the U.S. Court of Appeals for the Fifth Circuit affirmed a ruling that the Division won at the trial level to further desegregation in the Concordia Parish School District in Louisiana. The litigation arose out of the segregative impact of a new charter school, housed in a former white segregation academy in a predominantly black neighborhood in Concordia Parish. The Division continues its work to further desegregation in the school district and resolve this longstanding case.

**Ensuring Equal Opportunities for English Learner Students in the Providence Public Schools.** On August 13, 2018, the [Division and the United States Attorney's Office for the District of Rhode Island](#) announced a [settlement](#) agreement with the Providence public school district that will provide English language services to the district's 8,000 students who currently lack fluency in English. The agreement, which stems from the United States' investigation under the Equal Educational Opportunities Act of 1974, will ensure that these English Learner students, including those with disabilities, receive the services they need to succeed in the district's educational programs. Under the agreement, the district will:

**Resolving School Desegregation Issues in Jackson County, FL.** In February 2018, the Division reached an agreement with the Jackson County School Board in Florida that paves the way for the district to complete desegregation. The consent order puts the district on a path to full unitary status provided it takes steps including: formalizing and implementing a plan to attract a diverse pool of applicants for faculty, administrator, and staff vacancies; revising the District's code of conduct to ensure fairness and consistency in the handling of student disciplinary offenses; and providing district staff with additional tools to address student misbehavior and promote positive behavior. The court's order declared that the district has achieved partial unitary status in the areas of student assignment (between schools); transportation; extracurricular activities; and facilities.

---

## ENSURING EQUAL OPPORTUNITY IN HOUSING AND LENDING

In FY 2017 and 2018, the Division's Housing and Civil Enforcement Section (HCE) devoted significant resources to fair housing and lending cases.

### STRATEGIES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND LENDING

The Division has launched several significant new enforcement initiatives that will greatly improve its ability to ensure fair housing and lending for all Americans.

**Sexual Harassment in Housing Initiative.** The Sexual Harassment in Housing Initiative is designed to increase reporting and referrals of sexual harassment cases in housing to the Division. The Division works with law enforcement, direct service providers, federal and state agencies, and public housing authorities to identify sexual harassment housing cases throughout the country.

The Division started the initiative nationwide in April 2018. It includes three major components: 1) a U.S. Department of Housing and Urban Development (HUD)-DOJ Task Force; 2) an outreach toolkit to leverage U.S. Attorney's Offices; and, 3) a public awareness campaign, including a partnership package with relevant stakeholders and launch of a social media campaign.

In July 2018, the Department released a public service announcement (PSA) aimed at raising awareness and reaching victims of sexual harassment in housing. The Department is distributing the PSA through the [Department's YouTube channel](#), [HUD's YouTube channel](#), Public Housing Agencies across the United States, fair housing groups, legal aid organizations, and other related partners across the country.

Since its launch, the Division has filed several new pattern and practice lawsuits challenging alleged sexual harassment in housing, including:

- *United States v. Tjoelker*,
- *United States v. Cao Properties and Rentals*,
- *United States v. Klosterman*,
- *United States v. Waterbury*,
- *United States v. Hames*,
- *United States v. Pelfrey*.

## CASE EXAMPLES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND LENDING

**Justice Department Files Sexual Harassment Lawsuit Against Owners of Oklahoma City Rental Properties.** On September 27, 2018, the Justice Department announced that it filed a lawsuit alleging female tenants and applicants in residential rental properties in or around Oklahoma City were subjected to sexual harassment, coercion, intimidation, and threats in violation of the federal Fair Housing Act. The complaint names four defendants: the Executor of the Estate of Walter Ray Pelfrey; Rosemarie Pelfrey, as Trustee of the W. Ray Pelfrey Revocable Trust and the Rosemarie Pelfrey Revocable Trust; Omega Enterprises, LLC; and Pelfrey Investment Company, LLC. From at least 2001 through 2017, Walter Ray Pelfrey sexually harassed female tenants and applicants of rental properties by making unwelcome sexual advances and comments, engaging in unwanted sexual touching, demanding or pressuring female applicants to engage in sexual acts to obtain rental housing, offering to reduce rent and overlooking or excusing late or unpaid rent in exchange for sex, evicting or threatening to evict female tenants who objected to or refused sexual advances, and entering the homes of female tenants without their consent.

**Sexual Harassment Lawsuit Filed Against Owner of Cullman, Alabama, Rental Property.** The Division announced on July 9, 2018 that it had filed a lawsuit alleging that Randy Hames, a residential property owner and landlord in Cullman, Alabama, subjected female tenants to egregious sexual harassment in violation of the Fair Housing Act. Along with Randy Hames, the Department's complaint names his residential property company, Hames Marina, LLC, as a defendant. The complaint, filed in the U.S. District Court for the Northern District of Alabama, alleges that since at least 2011, Hames sexually harassed numerous women who lived in the defendants' residential property. The suit alleges that Hames's conduct included demanding or pressuring female tenants to engage in sexual acts with him in exchange for rent or to prevent eviction; evicting female tenants when they refused his advances; making female tenants feel unsafe by stalking them and entering their residences without permission; and making unwelcome sexual comments and advances. The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order barring future discrimination.

---

## PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

The Division's Disability Rights Section, Special Litigation Section, as well as Housing and Civil Enforcement continued CRT's efforts to expand opportunities for people with disabilities through implementation of the ADA.

## STRATEGIES: PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

**Combating the Opioid Epidemic.** As discussed above, the Division is working to ensure that individuals in treatment for substance abuse disorders do not face unnecessary and discriminatory barriers to recovery. Through outreach, technical assistance, and enforcement under the ADA, the Division's work in this area affects both the public and private sectors, in settings such as zoning, employment, or drug courts so that those in treatment can succeed and reengage with their communities and the workforce.

**Mediation to Resolve Disability Complaints Effectively & Efficiently.** The Disability Rights Section continued its mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2017, the ADA Mediation Program referred 195 matters, completed 143 matters, and successfully resolved 83 percent of these cases. Since inception, the program has an overall success rate of approximately 78 percent.

**Technical Assistance on the ADA.** The Disability Rights Section promoted voluntary compliance with the ADA by continuing its robust ADA Technical Assistance Program. The program provides free information and technical assistance directly to businesses, state and local governments, people with disabilities, and the general public.

**Mental Health and Substance Abuse Services Planning.** Jails around the country face programmatic and fiscal pressures as they are faced with large numbers of prisoners who have mental health and substance abuse needs. Ensuring that these prisoners receive constitutionally sufficient mental health care in jail and, if appropriate, are transitioned to needed mental health and substance abuse services in the community when they are released, can reduce the likelihood of recidivism and further costly jail stays. In its work with local jails, the Special Litigation Section will focus on ensuring that release planning complies with the Constitution and the Americans with Disabilities Act. This effort will dovetail with the crisis intervention and diversion focus identified above.

## **CASE EXAMPLES: PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES**

### **Justice Department Reaches Settlement with Selma Medical Associates Inc. to Resolve ADA Violations.**

On January 31, 2019, the Justice Department reached a settlement agreement with Selma Medical Associates Inc. (Selma Medical), a privately owned medical facility located in Winchester, Virginia. The settlement agreement resolves a complaint under Title III of the Americans with Disabilities Act (ADA) that Selma Medical refused to accept a prospective new patient for an appointment because he takes Suboxone, a medication used to treat opioid use disorder. The Justice Department's investigation concluded that Selma Medical regularly turned away prospective new patients who lawfully take controlled substances to treat their medical conditions. Under the agreement, Selma Medical will not deny services on the basis of disability, including opioid use disorder, or apply standards or criteria that screen out individuals with disabilities. The agreement also requires Selma Medical to adopt non-discrimination policies, train staff on its non-discrimination obligations, and report on compliance. Selma Medical will also pay \$30,000 in damages to the complainant and a \$10,000 civil penalty to the United States.

**Settlement of Disability Discrimination Allegations Related to Opioid Use Disorder at Skilled Nursing Facility.** On May 10, 2018, the Department of Justice reached a settlement agreement with Charwell House, a skilled nursing facility in Norwood, to resolve allegations that the facility violated Title III of the Americans with Disabilities Act (ADA) by refusing to accept a patient because they were being treated for

Opioid Use Disorder (OUD). Charlwell House is a 124-bed health and rehabilitation center that provides skilled nursing services and rehabilitation programs. According to a complaint filed with the United States Attorney's Office, an individual seeking admission for treatment at Charlwell House was denied because they were being treated with Suboxone, a medication used to treat OUD. Individuals receiving treatment for OUD are generally considered disabled under the ADA, which among other things prohibits private healthcare providers from discriminating on the basis of disability. Under the terms of the agreement, Charlwell House will, among other things, adopt a non-discrimination policy, provide training on the ADA and OUD to admissions personnel, and pay a civil penalty of \$5,000 to the United States.

**Justice Department Reaches Agreement with the City of Minneapolis to Resolve Disability and Genetic Information Discrimination Complaint.** The Division announced on August 14, 2018, that it reached an agreement with the City of Minneapolis to resolve its lawsuit alleging discrimination on the basis of disability and genetic information. The Justice Department's complaint alleges that the Minneapolis Police Department failed to hire a veteran because of his post-traumatic stress disorder (PTSD) in violation of the Americans with Disabilities Act (ADA). The complaint also alleges that Minneapolis violated Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) by routinely requesting and obtaining genetic information from applicants for police officer positions during the pre-employment examination process. Under the three-year agreement, Minneapolis will pay \$189,338 in back pay and other damages to the complainant. In addition, Minneapolis will implement policies, practices, procedures and training to ensure that it does not discriminate in its hiring practices on the basis of disability, and does not request, require, or unlawfully obtain information in violation of the ADA or GINA.

**Justice Department Sues St. Bernard Parish, Louisiana, for Discrimination Against Persons With Disabilities.** On December 6, 2018, the Justice Department filed a lawsuit alleging that St. Bernard Parish, Louisiana, had discriminated against persons with disabilities in violation of the Fair Housing Act. The lawsuit, filed in the U.S. District Court for the Eastern District of Louisiana, alleges that St. Bernard Parish failed to provide reasonable accommodations to its zoning ordinance by repeatedly refusing to allow two proposed group homes for children with disabilities to operate. The two group homes had satisfied all of the relevant licensing requirements of the State of Louisiana.

*The Fair Housing Act prohibits municipalities from applying their zoning laws in a manner that discriminates against persons with disabilities.*

ASSISTANT ATTORNEY GENERAL, ERIC DREIBAND

## V. APPENDIX

### DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION STATUTES ENFORCED

Statute	Enforcing Section	Type of Case
Official Misconduct, 18 U.S.C. §§ 241, 242	CRM	Section 242 makes it a crime for any person acting under color of law – using or abusing government authority – to willfully deprive any person of rights protected by the constitution or federal law. Section 241 is the civil rights conspiracy statute, applying to color-of-law violations committed by two or more people in concert.
The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	CRM	The Shepard Byrd Act makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of actual or perceived race, color, religion, or national origin, and such crimes committed because of gender, sexual orientation, gender identity, or disability under certain circumstances. The Shepard-Byrd Act is the first statute allowing federal criminal prosecution of hate crimes committed because of sexual orientation or gender identity.
Federally Protected Activities, 18 U.S.C. § 245	CRM	This provision makes it a crime to use or threaten to use force to willfully interfere with any person because of race, color, religion, or national origin and because a person is involved in a federally protected activity, such as public education, employment, jury service, travel, or enjoyment of public accommodations.
Criminal Interference with Right to Fair Housing, 18 U.S.C. § 3631	CRM	This provision makes it a crime to use or threaten to use force to interfere with housing rights because of race, color, religion, sex, disability, familial status, or national origin.
Damage to Religious Property, 18 U.S.C. § 247	CRM	This criminal statute protects religious real property from being targeted for damage because of the religious nature of the property or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force or threatened force of any person in the enjoyment of religious beliefs.
Trafficking Victims Protection Act (TVPA)	CRM	The TVPA criminalizes the use of force, fraud, or coercion to compel a person to engage in labor, services, or commercial sex. The Division also enforces a number of related criminal statutes prohibiting peonage, involuntary servitude, and related violations.
Freedom of Access to Clinics Entrances Act (FACE)	CRM & SPL	The FACE Act protects the exercise of free choice in obtaining reproductive health services and the exercise of First Amendment religious freedoms. The law makes it a crime to intimidate a person obtaining or providing reproductive health services or to damage a facility for providing such services. The law also makes it a crime to damage a facility because it is a place of worship.

Criminal Protection for Voting Rights, 18 U.S.C. § 594	CRM	18 U.S.C. § 594 criminalizes the use of intimidation, threats or coercion to interfere with the right to vote in federal elections. The NVRA, 52 U.S.C. § 20511, criminalizes such interference with respect to voter registration.
Americans with Disabilities Act, Title I	DRS	Title I of the Americans with Disabilities Act prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in recruiting, hiring, termination, promotion, compensation, job training, and other terms, conditions, and privileges of employment.
Americans with Disabilities Act, Title II	DRS, EOS, & SPL	Title II of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local government entities.
Americans with Disabilities Act, Title III	DRS & EOS	Title III of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination with regards to use and enjoyment of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. "Public accommodations" include stores, restaurants, hotels, inns, and other commercial spaces open to the public.
Rehabilitation Act of 1973	DRS & EOS	Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion, the denial of benefits, and discrimination by reason of disability in programs or activities receiving federal funds. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.
Civil Rights Act of 1964, Title VII	ELS	Title VII of the Civil Rights Act makes it unlawful to discriminate against someone on the basis of race, color, national origin, sex (including pregnancy), or religion. The Act also makes it unlawful to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	ELS	The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) seeks to ensure that servicemembers are entitled to return to their civilian employment upon completion of their military service.  Servicemembers should be reinstated with the seniority, status, and rate of pay that they would have obtained had they remained continuously employed by their civilian employer.
Civil Rights Act of 1964, Title IV	EOS	Title IV of the Civil Rights Act prohibits discrimination on the basis of race, color, sex, religion, or national origin by public elementary and secondary schools and public institutions of higher learning.
Equal Education Opportunities Act of 1974 (EEOA)	EOS	Among other aspects of the statute, Section 1703(f) of the EEOA requires state educational agencies and school districts to take action to overcome language barriers that impede English Learner students from participating equally in school districts' educational programs.
Individuals with Disabilities in Education Act (IDEA)	EOS & SPL	The Individuals with Disabilities in Education Act (IDEA) requires states and local education agencies to provide free and appropriate public education to children with disabilities.



Civil Rights Act of 1964, Title VI	FCS, SPL, & EOS	Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
Education Amendments of 1972, Title IX	FCS & EOS	Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
Civil Rights Act of 1964, Title II	HCE	Title II prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs, and theaters.
Fair Housing Act (FHA)	HCE	The Fair Housing Act prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks and other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.
Equal Credit Opportunity Act (ECOA)	HCE	The Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.
Religious Land Use and Institutionalized Persons Act (RLUIPA)	HCE & SPL	The Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits local governments from adopting or enforcing land use regulations that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise. It also requires that state and local institutions (including jails, prisons, juvenile facilities, and government institutions housing people with disabilities) not place arbitrary or unnecessary restrictions on religious practice.
Servicemembers Civil Relief Act (SCRA)	HCE	The Servicemembers Civil Relief Act (SCRA) provides protections in housing, credit, and taxes for military members who are on active duty. It also temporarily suspends judicial and administrative proceedings while military personnel are on active duty.
Immigration and Nationality Act § 274B	IER	This section of the Immigration and Nationality Act (INA) prohibits: 1) citizenship status discrimination in hiring, firing, or recruitment or referral for a fee; 2) national origin discrimination in hiring, firing, or recruitment or referral for a fee; 3) unfair documentary practices during the employment eligibility verification process; and 4) retaliation or intimidation.
Civil Rights of Institutionalized Persons Act (CRIPA)	SPL	The Civil Rights of Institutionalized Persons Act (CRIPA) protects the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.
Violent Crime Control and Law Enforcement Act § 14141	SPL	Section 14141 of the Violent Crime Control and Law Enforcement Act prohibits law enforcement officials or government employees involved with juvenile justice from engaging in a pattern-or-practice of deprivation of constitutional rights, privileges, and immunities.

Omnibus Crime and Safe Streets Act	SPL	The Omnibus Crime Control and Safe Streets Act of 1968 prohibits discrimination on the ground of race, color, religion, national origin, or sex by law enforcement agencies receiving federal funds.
Voting Rights Act	VOT	The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many Americans who have limited English skills. It stands for the principle that everyone's vote is equal, and that neither race nor language should shut any of us out of the political process.
Voting Accessibility for the Elderly and Handicapped Act	VOT & DRS	The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections.
Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)	VOT	The Uniformed and Overseas Citizens Voting Act (UOCAVA) requires that the states and territories allow certain U.S. citizens who are away from their homes, including members of the uniformed services and the merchant marine, their family members, and U.S. citizens who are residing outside the country, to register and vote absentee in federal elections.
National Voter Registration Act (NVRA)	VOT (civil provisions)	The National Voter Registration Act (NVRA) requires states to make voter registration opportunities for federal elections available through the mail and when people apply for or receive driver licenses, public assistance, disability services, and other government services, and also imposes certain requirements for maintaining voter registration lists.
Genetic Information Nondiscrimination Act (GINA), Title II	DRS	The Genetic Information Nondiscrimination Act (GINA) prohibits employers from using genetic information in making employment decisions, restricts the acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information.
Help America Vote Act (HAVA)	VOT	The Help America Vote Act (HAVA) requires states to follow certain minimum standards in the conduct of federal elections, in areas such as voting system standards, statewide voter registration databases, provisional ballots, identifying first time registrants by mail, and voter information postings.
Civil Rights Acts of 1870, 1957, 1960, & 1964	VOT (civil provisions)	The Civil Rights Acts include protections against discrimination and intimidation in voting and also authorize the Attorney General to seek elections records.

