

# U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

FY 2021 Performance Budget



CONGRESSIONAL JUSTIFICATION

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## 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 2021 **the Division requests a total of \$157,332,000 to fund 623 positions including 384 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 2021 funding request. This submission includes an overview of the Division's work, priority areas for the 2021 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 2021

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 2021, 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 275 defendants with hate crimes offenses. Since January 2017, the Department has indicted more than 65 defendants involved in

committing hate crimes. During that same time, the Department has obtained convictions of more than 50 defendants involved in committing hate crimes.

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In the aftermath of the mass murder in New Zealand earlier this month, we are reminded that a diverse and pluralistic community such as ours can have zero tolerance for violence on the basis of race, religion, or association with people of other races and religions. Prosecuting hate crimes is a priority for me as Attorney General.

*ATTORNEY GENERAL, WILLIAM P. BARR MARCH 27, 2019*

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Hate crimes prosecutions are often extremely high-profile with their impact being felt nationally and sometimes internationally. 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 78 defendants accused of interfering with religious exercise through violence against persons or arson, threats or vandalism of houses of worship, and secured 67 convictions on federal charges.

**ORANGE COUNTY MAN CHARGED WITH FEDERAL HATE CRIMES FOR MACHETE ATTACK AT RABBI'S HOME.** On December 30, 2019, Eric Dreiband, Assistant Attorney General for Civil Rights, Geoffrey S. Berman, the U.S. Attorney for the Southern District of New York, and William F. Sweeney Jr., the Assistant Director-in-Charge of the New York Office of the FBI, announced that **Grafton Thomas has been charged with five counts of obstructing the free exercise of religion in an attempt to kill, a federal hate crime**, related to his machete attack during Shabbat and Hanukkah observances at a Rabbi's home in Monsey, New York. On Dec. 28, 2019, Thomas entered a Rabbi's home in Monsey, New York, which is adjacent to the Rabbi's synagogue, during observances related to the end of Shabbat and the seventh night of Hanukkah. Thomas declared to dozens of assembled congregants, "no one is leaving," and attacked the group with an 18-inch machete. Each of the five counts carries a maximum prison term of life.

**Southern Colorado Man Indicted on Federal Hate Crime and Explosives Charges for Plotting to Blow Up Synagogue.** On November 4, 2019, Richard Holzer was charged by criminal complaint with a **federal hate crime for plotting to blow up the Temple Emanuel Synagogue in Pueblo, Colorado**. According to the affidavit in support of the criminal complaint, Holzer planned to destroy Temple Emanuel, a synagogue in Pueblo, Colorado, that is listed on the National Register of Historic Places. The affidavit alleges that Holzer then made additional trips on his own to inspect the Synagogue and coordinated with undercover agents to obtain explosives. On the evening of Nov. 1, 2019, Holzer allegedly met with undercover agents, who provided Holzer with inert explosive devices that had been fabricated by the FBI, including two pipe bombs and 14 sticks of dynamite. According to the affidavit, Holzer planned to detonate the explosives several hours later, in the early hours of Saturday morning, Nov. 2, 2019. If convicted, Holzer faces a maximum penalty of 50 years in prison.

**California Man Indicted for Federal Hate Crimes Related to Poway Synagogue Shooting and Arson of Escondido Mosque.** On May 21, 2019 **John T. Earnest of Rancho Peñasquitos, California was charged with 113 counts including hate crimes resulting in death** for his actions during the April 27 shooting at the Chabad of Poway Synagogue in California and the March 24 arson of the Dar-ul-Arqam Mosque in Escondido. Earnest was charged with 54 counts of obstruction of free exercise of religious beliefs using a dangerous weapon, resulting in death, bodily injury, and attempts to kill; 54 counts of violating the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act; and, one count of damage to religious property by use of fire in relation to the attempted arson of the mosque.

**Louisiana Man Charged with Federal Hate Crimes for Setting Fire to Three St. Landry Parish Churches.** On June 12, 2019, **Holden James Matthews, 21, of Opelousas, Louisiana, was charged by a federal grand jury in an indictment unsealed for setting fire to and destroying three churches in St. Landry Parish**. According to the six-count indictment, in a span of 10 days, Matthews intentionally set fire to St. Mary Baptist Church in Port Barre, Louisiana, on March 26, Greater Union Baptist Church in Opelousas, Louisiana on April 2, and Mount Pleasant Baptist Church in Opelousas, Louisiana on April 4. The indictment alleges that he was motivated to set the fires because of the religious character of these properties. Matthews is charged with

three counts of intentional damage to religious property, hate crime charges that fall under the Church Arson Prevention Act, and with three counts of using fire to commit a felony.

**Ohio Man Indicted for Attempting to Provide Material Support to ISIS and Attempting to Commit a Violent Hate Crime Attack Against a Toledo Synagogue.** On January 29, 2019, [Damon M. Joseph, 21](#), also known as Abdullah Ali Yusuf, of Holland, Ohio, was indicted on three counts for attempting to provide material support to ISIS, attempting to commit a hate crime, and possessing firearms in furtherance of a crime of violence stemming from his plan to attack in a synagogue in the Toledo area. On December 6, Joseph met with an undercover agent in the Toledo area and stated it would be ideal to attack two synagogues, but that it was probably more realistic to only attack one. Joseph also stated specifically that he wanted to kill a rabbi. Joseph also wrote the name and address of the synagogue where the attack was to occur. The two met on December 7 at a predetermined location and Joseph took a black duffel bag containing two semi-automatic rifles, which had been rendered inoperable by law enforcement officers so that they posed no danger to the public. Joseph was then arrested.

**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 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.

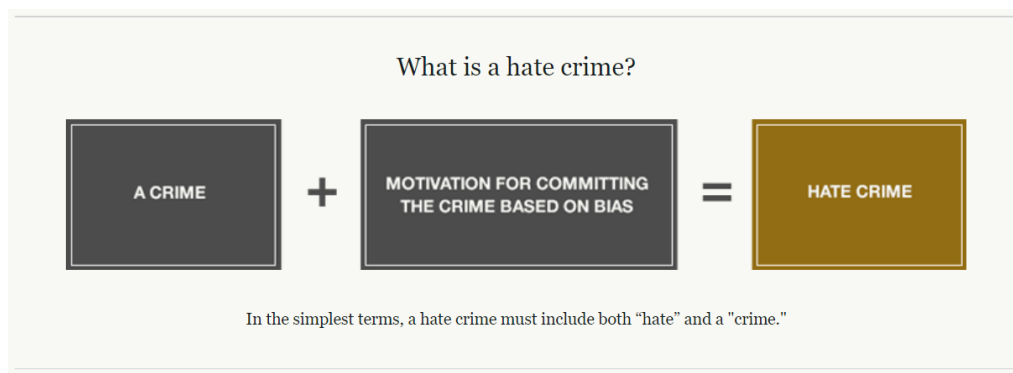
In order to expand and strengthen hate crimes enforcement, the Department has created and launched a number of training and outreach programs in order to enable U.S. Attorney’s Offices, local communities and organizations, and law enforcement to find, identify, investigate, and prosecute hate crimes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



Every year, the FBI produces reports capturing data for different types of crimes including hate crimes. According to the [FBI’s latest Uniform Crime Statistics Report](#), issued in Fall 2019 with data for 2018, hate crimes incidents continued to rise. There were 7,120 single-bias incidents reported involving 8,496 offenses, 8,819 victims, and 6,266 known offenders, and 84 multiple-bias incidents reported involving 169 offenses, 173 victims, and 78 known offenders.

## CIVIL RIGHTS DIVISION – HATE CRIMES WEBSITE

In 2018, the Department launched the [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.



Since its launch, over 270,000 people have visited the hate crimes website. The site has helped over 400 people find their way to the FBI's crime reporting portal.

In FY 2021, the Division will continue to prioritize prosecutions of hate crimes and will continue to cooperate 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 Criminal Section's Human Trafficking Prosecution Unit (HTPU) leads prosecutions of novel, 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 that dismantle transnational organized trafficking networks. In addition, the Division provides anti-trafficking expertise to enforcement partners nationwide and internationally in cases involving forced labor; sex trafficking of adults by force, fraud, and coercion; and international sex trafficking cases.

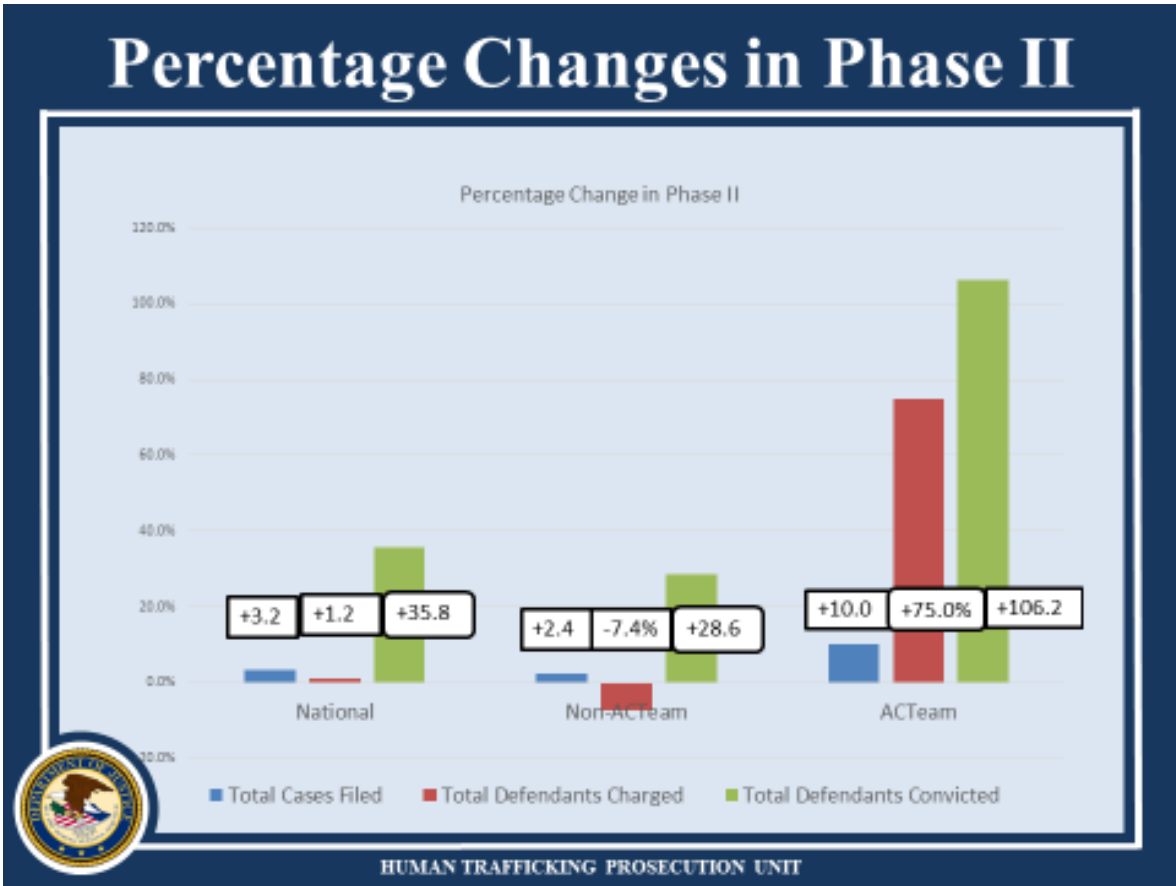
From FY 2014 - 2018, the Division, in partnership with U.S. Attorney's Offices, brought 449 human trafficking cases, compared to 266 in FY 2009 - 2013, a 69 percent increase. Over the past five Fiscal Years, FY 2015-2019, the Division, in partnership with U.S. Attorney's Offices, brought 461 cases against 991 defendants, and secured 1,001 convictions, compared to 288 cases against 650 defendants and 395 convictions in the preceding five Fiscal Years, FY 2011-2014, marking increases of 60 percent, 52 percent, and 153 percent, respectively.

This increase has required vigorous, coordinated, proactive 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 was operational from 2012 – 2013, trafficking prosecutions, including cases filed, defendants charged, and defendants convicted increased markedly in ACTeam Districts.

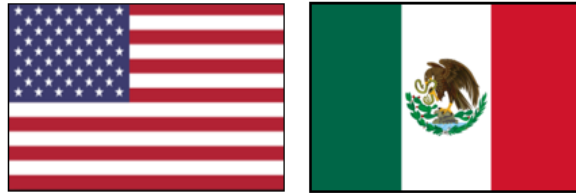
Following on the success of Phase I, in December 2015, the Departments of Justice, Homeland Security, and Labor, designated Cleveland, Ohio; Minneapolis, Minnesota; Newark, New Jersey; Portland, Maine; Portland, Oregon; and Sacramento, California as Phase II ACTeam jurisdictions. During Phase II, which was operational from 2017-2018, ACTeam Districts initiated and advanced increased numbers of high-impact trafficking cases, including complex cases against transnational organized criminal networks. During Phase II, ACTeam Districts significantly outperformed national trends, producing increases of 10 percent, 75 percent, and 106 percent in cases filed, defendants charged, and defendants convicted, respectively, compared to a 2.4 percent increase, a 7.4 percent decrease, and a 28.6 percent increase in non-ACTeam Districts. The ACTeam Districts' performance positively impacted nationwide prosecution performance, resulting in cumulative national increases (ACTeam and non-ACTeam Districts combined) of 3.2 percent, 1.2 percent, and 35.8 percent, respectively.





The Phase II ACTeam Districts produced qualitative as well as quantitative advances in trafficking prosecutions. One Phase II ACTeam District prosecuted a landmark case against 38 defendants who operated an extensive transnational sex trafficking enterprise that exploited hundreds of Thai women throughout the United States, while also simultaneously charging and convicting both a foreign-victim restaurant forced labor case and a foreign-victim domestic servitude case.

Another Phase II ACTeam District, with no prior trafficking prosecutions, charged and convicted two cases against traffickers who operated multi-district opioid-based trafficking schemes that exploited adult and minor U.S. citizen victims struggling with drug addictions, as well as a sex trafficking case against two defendants who operated a transnational trafficking enterprise that compelled multiple Chinese women into sexual servitude in illicit massage parlors in multiple jurisdictions.



## **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.

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The HTPU continued leading the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative, in partnership with DHS, to facilitate exchanges of the leads, evidence, intelligence, and expertise necessary to advance transnational trafficking investigations and prosecutions. The Initiative has led to U.S. federal prosecutions of over 200 defendants in over 50 cases; multiple state and federal prosecutions in Mexico of defendants associated with these trafficking networks; dozens of extraditions; assistance to over 200 victims; and recovery of over 20 victims' children from the traffickers' control. Significant accomplishments in 2019 include securing substantial sentences and restitution orders totaling over \$1.9 million in *United States v. Rendon-Reyes*, a prosecution that dismantled a notorious transnational sex trafficking enterprise through a coordinated, bilateral enforcement operation executed simultaneously by U.S. and Mexican law enforcement, culminating in extraditions and convictions of all eight defendants. *Rendon-Reyes* is just one example of prosecutions developed through this initiative that have resulted in the dismantling of extensive transnational trafficking enterprises. In November 2019, six members of the Granados-Corona Sex Trafficking Organization were convicted of sex trafficking by force, fraud, or coercion and related offenses, following bilateral investigations, enforcement operations, and convictions.

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 program and increased the Division's workload related to prosecuting and preventing human trafficking.

## HUMAN TRAFFICKING PROSECUTION UNIT KEY STRATEGIC PARTNERSHIPS

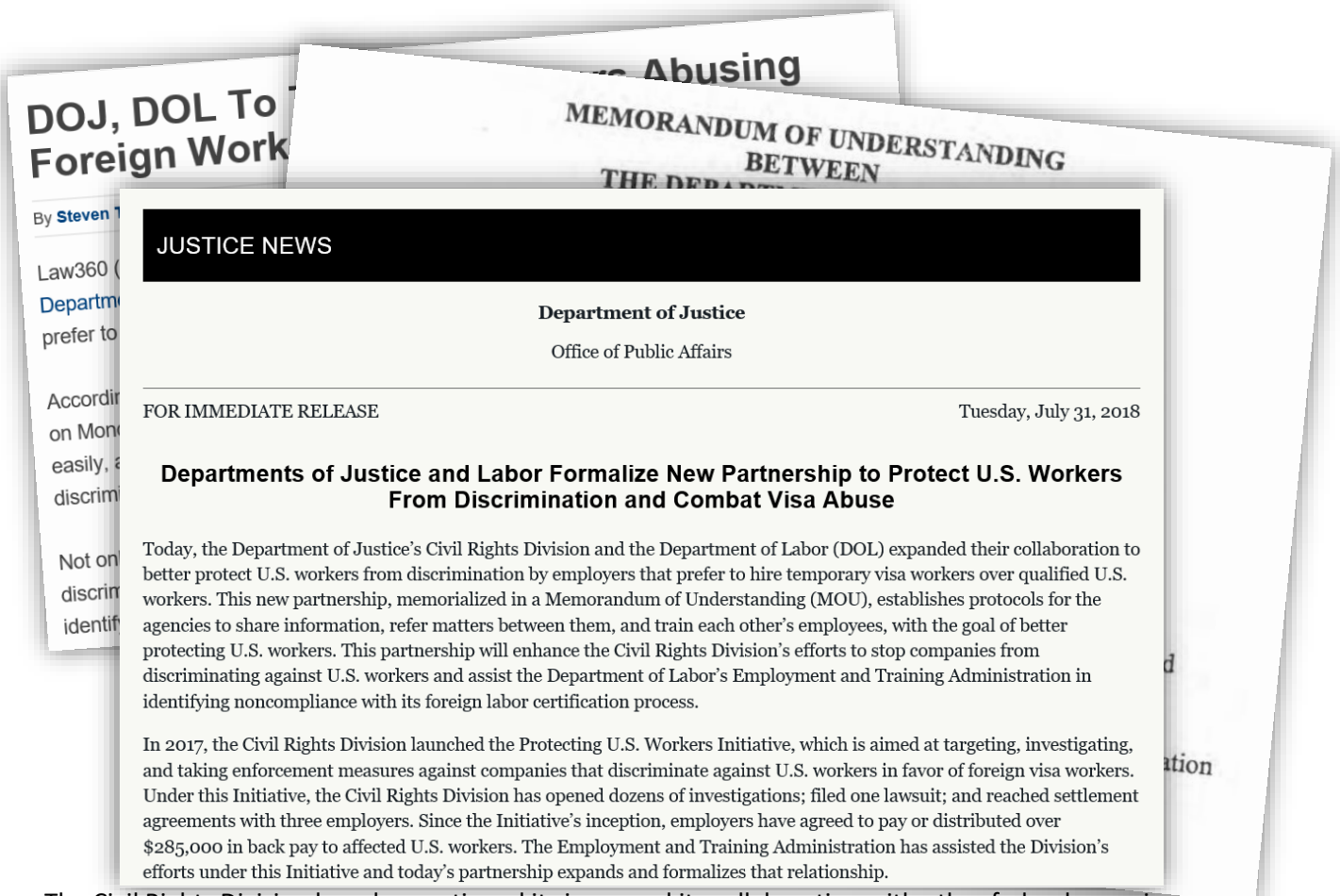


Additionally, the Division's HTPU continues to strengthen key strategic enforcement partnerships to enhance its capacity to combat transnational trafficking networks and other forms of human trafficking. Human trafficking is a cross-cutting crime, and investigations frequently yield evidence of multiple related federal felonies including racketeering, financial crimes, immigration crimes, visa fraud, sexual exploitation, and narcotics distribution. As a result of the extensive cross-over between human trafficking and other violations, HTPU partners extensively with other specialized prosecution and enforcement units to hold traffickers accountable for the full scope of their criminal conduct, and to reduce the litigation risks associated with offenses that require extensive reliance on victim testimony to prove the victim's state of mind. The graphic above shows the strategic enforcement partnerships necessary to address this criminal conduct between human trafficking and other criminal threats, and the resulting partnerships necessary to address these overlapping criminal threats and enforcement challenges.

The HTPU continues to chair the Federal Enforcement Working Group on Human Trafficking (FEWG). The HTPU also continues to work closely with Departmental leadership offices and components to advance DOJ's anti-trafficking legislative, policy, and programmatic priorities, and to ensure Departmental compliance with numerous statutory mandates and directives.

## 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. Under the Protecting U.S. Workers Initiative, employers have agreed to pay or have distributed nearly \$1.1 million in back pay to affected U.S. workers and civil penalties to the United States.



The Civil Rights Division has also continued its increased its collaboration with other federal agencies, including the Departments of State and Homeland Security, and Labor, to combat discrimination and abuse by employers improperly using temporary visa workers.

## 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 FY 2019, the Division initiated 68 formal SCRA investigations to protect servicemembers from a wide range of illegal conduct, including wrongful home foreclosures, auto repossessions, and evictions. That is more than 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 \$20 million in compensation to 2,800 servicemembers and \$560,000 in civil penalties to the United States Treasury including the recent case below.



## JUSTICE DEPARTMENT REACHES \$3 MILLION SETTLEMENT WITH NISSAN MOTOR ACCEPTANCE CORPORATION FOR VIOLATING THE SERVICEMEMBERS CIVIL RELIEF ACT

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Men and women in uniform risk their lives to serve our country, and Congress enacted the Servicemembers Civil Relief Act to protect them when they serve our nation. The U.S. Department of Justice will continue to enforce the Act vigorously in order to protect servicemembers and to ensure that all covered industries comply fully with the law.

*ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION,*

*ERIC S. DREIBAND*

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The Department of Justice announced on August 1, 2019, that Nissan Motor Acceptance Corporation (Nissan MAC) has agreed to pay \$3 million to resolve allegations that it violated the Servicemembers Civil Relief Act (SCRA). The suit alleges that Nissan MAC repossessed 113 vehicles owned by SCRA-protected servicemembers without first obtaining the required court orders, and failed to refund up-front capitalized cost reduction (CCR) amounts to servicemembers who lawfully terminated their motor vehicle leases early after receiving military orders. This settlement is the Justice Department's 10th settlement with an auto finance provider since 2015 and exemplifies continued efforts to enforce the SCRA's motor vehicle repossession and lease termination provisions.

Additionally, in FY 2017, 2018 and 2019, the Division reviewed dozens of claims involving employment rights of servicemembers and veterans and filed eight complaints on their behalf. It entered four court-approved consent decrees/settlements and facilitated 29 additional settlements. The grand total for these settlements in excess of \$850,000 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 each year, 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

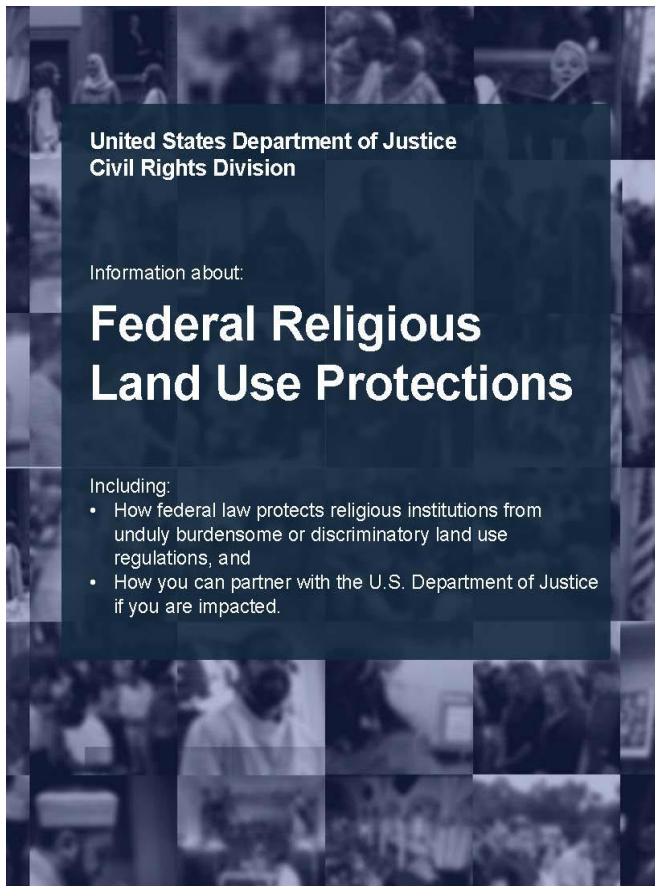
school, accessing a polling place, or even going to a park or restaurant with their family. The Initiative also addresses widespread discrimination against veterans with disabilities who use service animals. The Americans with Disabilities Act (ADA) generally requires public entities and public accommodations 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 2019 and 2020 thus far, the Division filed two cases and six statements of interest involving discriminatory zoning laws or decisions and places of worship or religious schools or centers. Since FY 2018, the Division has resolved three investigations regarding the religious rights of prisoners and recently opened a statewide investigation. The Division has ensured access to religious diets, access to religious group practice, and the right to wear religious head coverings.

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.

In 2019, after several years of litigation and as a result of Division enforcement, the Florida Department of Corrections modified its policies and practices to provide religious diets to prisoners whose request for the diet was based on a sincere religious belief.

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 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 2021, 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 opened a record number of investigations and filed thirteen complaints alleging a pattern or practice of sexual harassment in housing.

"Abusing power and control over housing and credit by committing acts of sexual harassment is an abhorrent and intolerable violation of every woman's right to equal housing and credit opportunities. The Justice Department will continue to aggressively enforce federal anti-discrimination laws against property managers and owners who cause women to feel unsafe in their homes."

*ASSISTANT ATTORNEY GENERAL ERIC DREIBAND, APRIL 25, 2019*

One recent case highlights the nature and importance of the Initiative's work. On August 8, 2019, the United States settled *United States v. Waterbury (N.D.N.Y.)*. The settlement with Douglas Waterbury and his co-defendants resolves a lawsuit alleging that, since 1990, he violated the Fair Housing Act by sexually harassing female tenants. The lawsuit alleged that he made sexual advances and comments

to women, demanded or pressured them to engage in sex with him to obtain or keep rental housing; touched and groped them; offered to reduced rent or deposit payments in exchange for sex; and refused maintenance services of women who refused his harassment. Under the settlement, the defendants agreed to pay a total of \$450,000, which includes \$400,000 to 17 former and prospective residents, as well as a \$50,000 civil penalty. The settlement also permanently bars Douglas Waterbury from participating in any property management responsibilities or from entering the premises of any rental properties in which any of the defendants has an interest. The defendants also paid \$400,000 in damages to compensate nine plaintiffs in a related private suit.

On February 28, 2018, the Division announced the formation of the *Sexual Harassment in the Workplace Initiative (SHWI)*, which addressed sexual harassment in the public sector workplace and builds on the Division's already robust enforcement in this area. Since the SHWI began, the Division has filed *United States v. City of Houston*, a suit alleging sex harassment in the Houston Fire Department, and *United States v. Allegan Area Educational Service Agency*.

The SHWI 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 SHWI, 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.

In November 2018, members of the SHWI created and presented an informational webinar to several dozen Assistant United States Attorneys at an outreach event hosted by the Executive Office of United States Attorneys. The webinar generated AUSA interest in conducting further anti-sexual harassment outreach efforts in order to establish additional contact points for identifying appropriate sexual harassment cases for litigation consideration. In early 2019, SHWI members worked with AUSAs from the United States Attorney's Office for the District of New Jersey in planning and executing a presentation on sexual harassment prevention for community stakeholders in that jurisdiction.

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 2021, 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 FY 2019, the Division issued a CRIPA Notice Letter to Alabama, after finding reasonable cause to believe that there are systemic, statewide patterns or practices of prisoner-on-prisoner violence and sexual abuse in Alabama's prisons for men. In addition, the Division continues to enforce approximately 12 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

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.

### **Justice Department Settles Suit Against Indiana Bank to Resolve Lending Discrimination Claims.**

On June 13, 2019, the Justice Department announced that it filed a complaint and settlement agreement resolving allegations that First Merchants Bank engaged in lending discrimination by redlining predominantly African-American neighborhoods within Indianapolis, Indiana. "Redlining" is a term describing an illegal practice in which lenders intentionally avoid providing services to individuals living in predominantly minority neighborhoods because of the race of the residents in those neighborhoods. To

remedy the harm to those living in the redlined areas, the Bank agreed to, among other things, invest \$1.12 million in a loan subsidy fund to increase credit opportunities to residents of predominantly African-American neighborhoods, and devote \$500,000 toward advertising, community outreach, and credit repair and education.

## 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.** Prior to August 2019, the Division employees were spread in four buildings across Washington, D.C. CRT recently completed the consolidation of 95 percent of our workforce into a single location in Northeast D.C. This is the first time the majority of Division staff have been located in a single building in more than two decades.

There is an inextricable link between space, culture, and performance. The Initiative used 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.

**Improving How We Engage the Public.** The Division continues to work on a project that will streamline the process for members of the public who want to connect with the Civil Rights Division. We partnered with 18F, a digital services unit within the General Services Administration, to design a web-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. We anticipate launching this portal in during FY 2020.

**Capturing High Value Knowledge and Insights.** As a legal organization, we are built on our intellectual capital, legal research and analysis. During the past fiscal year, we introduced a new system to capture our most critical pieces of work product. This system gives the Division a more reliable repository for maintaining our most critical legal analyses.

**Community Relations Service Consolidations.** The President's FY 2021 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). The Budget provides 15 positions and \$5 million to CRT to support this proposal.

## II. SUMMARY OF PROGRAM CHANGES

Item Name	Description			Page	
		Pos.	FTE		Dollars (\$000)
Strengthen DOJ's Anti-Human Trafficking Efforts	To enhance CRT's anti-trafficking enforcement program.	5	5	1,334	48

## 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

Enforcing Federal Civil Rights Law	Direct Positions	Estimated FTEs	Amount (000)
2019 Enacted	593	494	\$148,239
2020 Enacted	603	557	148,239
Adjustments to Base and Technical Adjustments	15	15	7,759
2021 Current Services	618	572	155,998
2021 Program Increases	5	5	1,334
2021 Request	623	577	157,332
<b>Total Change 2020-2021</b>	<b>20</b>	<b>20</b>	<b>9.093</b>

Established in 1957, the Division is comprised of 11 program-related sections, 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 2019		FY 2019		FY 2020		FY 2021 Current Services Adjustments		FY 2021 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
		614	\$148,239 [\$16,024]	504	\$148,239 [\$14,270]	575	\$148,239 [\$15,154]	25	9093 [\$692]	600	\$157,332 [\$15,846]
PERFORMANCE		FY 2019		FY 2019		FY 2020		FY 2021 Current Services Adjustments		FY 2021 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		614	\$148,239 [\$16,024]	504	\$148,239 [\$14,270]	575	\$148,239 [\$15,154]	25	9093 [-\$692]	600	\$157,332 [\$15,846]
<b>Performance Measure (New in FY 2017)</b>	Number of human trafficking leads and complaints reviewed by the Human Trafficking Prosecution Unit	158		219		158		N/A		158	
<b>Performance Measure</b>	% Immigration & Nationality Act Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved	75		100		75		N/A		75	
<b>Performance Measure</b>	% of criminal cases favorably resolved	85		88.6		85		N/A		85	
<b>Performance Measure</b>	% of civil cases favorably resolved	85		93.2		85		N/A		85	
<b>Performance Measure</b>	Increased number of statements of interest involving first amendment or religious liberty (in percentage)	10		166.7		10		N/A		10	
<b>Performance Measure</b>	Increase number of RLUIPA matters opened (in percentage)	10		5.7		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.

PERFORMANCE MEASURE TABLE											
CIVIL RIGHTS DIVISION											
Performance Report and Performance Plan Targets					FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021
					Actual	Actual	Actual	Target	Actual <sup>1</sup>	Target	Target
<b>Performance Measure</b>	Number of human trafficking leads and complaints reviewed by Human Trafficking Prosecution Unit				NA	253	252	158	219	158	158
<b>Performance Measure</b>	% Immigration & Nationality Act Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved				NA	NA	100	75	100	75	75
<b>Performance Measure</b>	% of criminal cases favorably resolved				85	98.3	87.4	85	88.6	85	85
<b>Performance Measure</b>	% of civil cases favorably resolved				98	97.3	95.9	85	93.2	85	85
<b>Performance Measure</b>	Increase the number of statement of interest involving first amendment or religious liberty (in percentage)				NA	NA	NA	10	166.7	10	10
<b>Performance Measure</b>	Increase number of RLUIPA matters opened (in percentage)				NA	NA	NA	10	5.7	10	10

<sup>1</sup> Performance measures are reported through the fourth quarter of FY 2019.



## PROTECTING INDIVIDUALS FROM VIOLENCE, DISCRIMINATION, AND EXPLOITATION

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### CRIMINAL ENFORCEMENT

The Division's prosecutors continue to achieve remarkable results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. The Division filed nearly 60 percent more criminal civil rights prosecutions in the last six fiscal years (1,060 indictments in FY 2013 – FY 2019) than the previous six years (674 indictments in FY 2007 – FY 2012). In FY 2019, the Division filed 159 cases. 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. Moreover, working with U.S. Attorneys Offices, 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. Following the Act's reauthorization in 2016, more than 20 additional cold cases were referred to the Section for evaluation. To date, the Section has opened 132 matters for review and fully resolved 116. In addition, the Section is working to comply with the recently enacted Cold Case Records Collection Act, which requires agencies within two years to identify in its possession all civil rights cases from 1940 to 1980, digitize the case file materials, redact the information as required by law, and then transfer the material to the National Archives for eventual release to the public.

The Section continues to vigorously investigate and, where the evidence permits, prosecute those government officials, including law enforcement officers and correctional officers, who willfully violate individuals' constitutional rights. The investigations most often involve alleged uses of excessive force, but also include sexual misconduct, theft, false arrest, and deliberate indifference to serious medical needs or a substantial risk of harm to a person in custody. The importance of these fair, thorough, and impartial investigations and prosecutions is evidenced by the impact that these incidents have on communities and the potential local and national unrest.

As discussed on pages 10 to 13, the Division's Human Trafficking Prosecution Unit (HTPU) has continued to partner with United States Attorney's Offices to bring record numbers of human trafficking cases. Since the Unit's creation in 2007 through the end of Fiscal Year 2019, the Division and USAOs have brought 866 trafficking cases against 1,925 defendants, and have secured 1,623 convictions in cases involving forced labor, adult sex trafficking or transnational trafficking. These cases include complex, high-impact prosecutions to dismantle transnational criminal enterprises, often requiring stabilization of multiple traumatized victim-witnesses, and often involving related racketeering, money laundering, immigration, visa fraud, sexual exploitation, and narcotics offenses. The 866 trafficking cases against 1,925 defendants brought by the Division and USAOs and the 1,623 convictions secured do not include domestic minor sex trafficking cases brought by the Criminal Division and USAOs.

## CASE EXAMPLES: COMBATING HATE CRIMES

**Dallas, Texas:** On December 13, 2019, Daryl Henry and Pablo Cenicerros-Deleon pleaded guilty to federal hate crime charges in connection with their involvement in a scheme to target gay men for violent crimes. Both Henry and Cenicerros-Deleon admitted using Grindr, a social media dating platform primarily used by gay men, to lure gay men to a vacant apartment and other areas in and around Dallas for robbery, carjacking, kidnapping, and hate crimes. Henry admitted that he and others held the victims against their will in the vacant apartment. Cenicerros-Deleon admitting that he and others traveled to local ATMs to withdraw cash from the victims' accounts. Both Henry and Cenicerros-Deleon admitted that while the victims were being held captive they were subjected to taunts based upon their perceived sexual orientation. In addition, Cenicerros-Deleon admitted to being the gunman in a December 7, 2017 carjacking where he and others used Grindr to lure a man to a location and then forced the man, at gunpoint, to drive the conspirators to local ATMs to withdraw cash from the man's account.

### OHIO MAN SENTENCED TO LIFE IN PRISON FOR FEDERAL HATE CRIMES RELATED TO AUGUST 2017 CAR ATTACK AT RALLY IN CHARLOTTESVILLE, VIRGINIA

**Charlottesville, Virginia:** On June 28, 2019, James Alex Fields, Jr., the Ohio man who drove his car into a diverse crowd of counter-protestors at the "Unite the Right Rally" on Aug. 12, 2017, killing one woman and injuring dozens, was sentenced to life in prison for his crimes. Fields had previously pleaded guilty to 29 counts of violating the federal Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, 18 U.S.C. § 249.

**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 also charges Bush for using and discharging a firearm during and in relation to those crimes of violence. The indictment alleges that Bush committed the offenses after substantial planning and premeditation, that he killed more than one person in a single criminal episode, and that he knowingly created a grave risk of death to others on the scene. The maximum penalty for the charges in the indictment is life imprisonment or the death penalty. The Justice Department will determine at a later date whether, in this particular case, it will seek the death penalty.

## CASE EXAMPLES: PROSECUTING & PREVENTING HUMAN TRAFFICKING

**Kentucky Woman Sentenced to 180 Months in Prison for Sex Trafficking Two Victims.** On December 19, 2019, Cleoretta Allen, 41, of Louisville, Kentucky, was sentenced serve 180 months in prison and 20 years of supervised release. Allen used violence, threats, and intimidation to coerce two young women to provide commercial sex acts for Allen's clients in the Louisville area. Some of Allen's violent conduct against one of the victims was so severe as to require medical treatment at a hospital. Allen posted commercial sex advertisements for the victims on the internet, and on one occasion transported the two women from Kentucky to Georgia to engage in prostitution.

**South Carolina Man Sentenced to 10 Years in Prison for Forcing Man with Intellectual Disability to Work at Restaurant.** On November 6, 2019, a U.S. District Court judge sentenced Bobby Paul Edwards, 54, of Conway, South Carolina, to ten years in prison and ordered him to pay roughly \$275,000 in restitution to a labor trafficking victim. Edwards previously pleaded guilty on June 4, 2019, to one count of forced labor for coercing an African-American man with an intellectual disability to work extensive hours at a restaurant for no pay. Edwards used violence and other coercive means to compel the victim to work between 2009 and 2014 for more than 100 hours a week for no pay at a restaurant Edwards' managed. Edwards heaped physical and emotional abuse upon the victim whenever he made a mistake or failed to work fast enough. The physical abuse included beating the victim with a belt, fists, and pots and pans. On one occasion, Edwards dipped metal tongs into hot grease and burned the victim's neck. Edwards further yelled at the victim and used racial slurs to belittle and demean him. State authorities removed the victim from Edwards' restaurant in October 2014 after a concerned citizen notified them of the abuse.

**Vermont Man Who Exploited Opioid Addictions of Young Women Convicted of Multiple Counts of Sex and Drug Trafficking and Related Offenses.** On May 9, 2019, a federal jury, after a three-week trial, found Brian Folks, 44, guilty of 13 federal felonies arising from his operation of a violent sex and drug trafficking enterprise that sold heroin and forced young, drug-addicted women to prostitute through the greater Burlington, Vermont, area. Folks targeted young, vulnerable women who were either addicted to drugs or homeless between June 2012 and March 2016. After recruiting victims and forcing them to perform commercial sex acts, he inflicted serious consequences if they "violated" one of his many strict rules. He beat the victims, often in front of others, creating a climate of fear, and he sexually assaulted them. He also videotaped them performing explicit and humiliating sex acts, and threatened to expose the videos to the public. He withheld heroin from the victims as well, causing them to suffer painful physical and mental withdrawal symptoms. Folks, who previously imprisoned for over ten years following a conviction for involuntary manslaughter, is scheduled to be sentenced on February 3, 2020. He faces a minimum sentence of 15 years' imprisonment and a maximum sentence of life imprisonment, as well as mandatory restitution to the sex trafficking victims.

**Texas Couple Each Sentenced to Seven Years in Prison for Forced Labor and Related Offenses.** On April 22, 2019, a U.S. District Court Judge sentenced defendants Mohamed Toure, 58, and Denise Cros-Toure, 58, of Southlake, Texas, to seven years in prison each and ordered them to pay \$288,620 in restitution. A federal jury convicted the defendants of forced labor, conspiracy to commit alien harboring, and alien harboring on January 11, 2019 following a four-day trial. The defendants arranged for the victim, then a young child from a rural Guinean community, to travel alone from her home in West Africa to the defendants' home in Southlake, Texas, in early 2000. Once in the United States, the defendants forced the victim to cook, clean, and take care of their biological children, some of whom were close in age to the victim, without pay for the next 16 years. As a consequence of their convictions, the defendants, who are citizens of Guinea and lawful permanent residents of the United States, may lose their U.S. immigration status and be removed to Guinea pursuant to law.

**Five Members of Mexican Sex Trafficking Organization Sentenced to Prison.** In January 2019, a U.S. District Court Judge sentenced eight members of a notorious international criminal organization, known as the Rendon-Reyes Trafficking Organization, to prison terms of 15 to 25 years. Five of the eight defendants were arrested in Mexico and extradited to the U.S. The defendants pled guilty to racketeering, sex trafficking, and other federal charges following their arrests in Mexican and the United States, where they

were residing illegally. For over a decade, the Rendon-Reyes Trafficking Organization, based in Tenancingo, Tlaxcala, Mexico, smuggled numerous young women and girls from Mexico and Central America into the United States and forced them to engage in prostitution for the Organization's profit, generating hundreds of thousands of dollars in criminal proceeds that were then laundered back to Mexico. In some instances, the Organization forcibly abducted the victims, and on one occasion, a victim's child. The Organization brutally utilized different methods to force the victims to engage in prostitution, including severe and repeated beatings, sexual assault, forced abortions, threats to the victims, their families and children, and psychological harm.

## **CASE EXAMPLES: COLOR OF LAW INVESTIGATIONS AND PROSECUTIONS**

**Jury Convicts St. Paul Police Officer of Excessive Force.** On November 26, 2019, a federal jury convicted Brett Palkowitsch, 32, an officer with the St. Paul Police Department, of using excessive force against an unarmed civilian. The evidence presented at trial established that the Defendant and other officers responded to a 911 call alleging that an unidentified black male with dreadlocks and a white t-shirt had been involved in a street fight and was carrying a gun. Upon their arrival on scene, officers found no evidence of any street fight, but they noticed one man who matched that general description, sitting in his car talking on a cellphone. One of the responding officers, along with his police K-9, approached the man's car and, without identifying himself as a police officer, yelled at the man to get out. The man, later identified as Frank Baker, got out of the car, as the officer yelled commands and the police K-9 barked loudly at him. Seven seconds later, the officer released the K-9, which took Mr. Baker to the ground and began mauling his leg. While Mr. Baker was on the ground, screaming in pain, the Defendant arrived and kicked Mr. Baker three times in the ribs. The defendant's kicks broke seven of Mr. Baker's ribs and caused both of his lungs to collapse, putting him in critical condition. Officers found no gun at the scene and no evidence that Mr. Baker, a 52-year-old grandfather who lived in the neighborhood, had been involved in any fight. The Defendant faces a maximum sentence of 10 years in federal prison.

**Two Former Houston Police Department Officers Indicted in Connection to Fatal Raid.** On November 14, 2019, a federal grand jury returned the nine count indictment against Gerald M. Goines, 55, and Steven M. Bryant, 46, both former Houston Police Department (HPD) officers. The federal indictment stems from the January 28 narcotics raid HPD conducted on the 7800 block of Harding Street in Houston. The enforcement action resulted in the deaths of two residents at that location. Goines is charged with two counts of depriving the victims' constitutional right to be secure against unreasonable searches. The indictment alleges Goines made numerous materially false statements in the state search warrant he obtained for their residence. The execution of that warrant containing these false statements resulted in the death of the two individuals as well as injuries to four other persons, according to the indictment. Goines and Bryant are charged with obstructing justice by falsifying records, and Goines is further charged with three separate counts of obstructing an official proceeding.

**Former Westminster Police Officer Pleads Guilty to Sexually Assaulting an Individual.** On November 18, 2019, Curtis Arganbright, 42, a former Westminster Police Department (WPD) Officer, pleaded guilty in federal court in Denver, Colorado, to one count of violating the civil rights of a female in his care whom he sexually assaulted. According to court documents, Arganbright worked as a police officer for WPD in August 2017. While on duty in the early morning hours of August 24, 2017, Arganbright responded to a call

of a theft at St. Anthony Hospital. After hospital personnel declined to press charges against the victim, Arganbright agreed to drive the victim home. During the transport home, Arganbright pulled off the main road and sexually assaulted the victim. Arganbright admitted that his contact resulted in bodily injury to the victim. As part of the plea agreement, Arganbright agreed to never again seek employment as a police officer and to register as a sex offender.

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## 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 continue to focus efforts on an initiative to redress sexual abuse of prisoners, pretrial detainees, and juveniles in custodial settings. This initiative helps 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 and Adults 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 2019, the Division successfully resolved an investigation of a juvenile detention facility in Mississippi, where juveniles in need of special education services are now properly identified and provided appropriate educational services.

### 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 Alleges Conditions in Alabama’s Prisons for Men Violate the Constitution.** After an investigation into the conditions in 13 prisons for men in Alabama, the Justice Department concluded that there is reason to believe that the conditions in Alabama’s prisons violate the Eighth Amendment. The Department concluded that there is reasonable cause to believe that the prisons fail to protect prisoners from prisoner-on-prisoner violence and prisoner-on-prisoner sexual abuse, and fail to provide prisoners with safe conditions.

**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.** In FY 2018, 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**

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

The Division enforces the civil provisions of the federal voting rights laws and defends the United States when it faces lawsuits over voting matters. Every year, the Division also monitors elections in jurisdictions around the country. In FY 2019, the Division deployed personnel to elections in 90 jurisdictions in 21 states to monitor compliance with federal voting rights laws. Much of this monitoring occurred on election day for the November 2018 election, when we monitored elections in 35 jurisdictions in 19 states, including monitoring in Alaska with OPM federal observers. Thus far in FY 2020, the Division has deployed personnel to 19 jurisdictions in 7 states to monitor elections.

In addition, the Division 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 states covered by the NVRA requesting information regarding their efforts to comply with 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. In February 2019,

the Department reached another settlement under Section 8 as a result of additional follow up on 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 U.S. citizens, 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 is ongoing and includes plans for the 2020 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 2,000 polling places have been surveyed to identify barriers to access. Since January 20, 2017, the Department has reached 21 settlement agreements with jurisdictions to improve polling place accessibility.

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

**Justice Department Resolves Voting Rights Suit Against City of Eastpointe, Michigan.** In 2019, the Justice Department reached a settlement of its lawsuit challenging the at-large method of electing the city council of Eastpointe, Michigan. Under the agreement, approved by the federal court, the at large method of election will be replaced by a system under which voters will rank city council candidates in their order of preference. The complaint, filed in 2017, alleged 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 alleged 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 candidates for local office, no black individual had ever served on the Eastpointe City Council before our lawsuit was filed. Under Eastpointe's prior at large system, voting patterns combined with other local factors to dilute the black community's voice and lead to a discriminatory result.

**Agreement Reached with Harris County, Texas, to Ensure Accessible Voting.** On March 12, 2019, after almost three years of litigation, the Justice Department reached an agreement to resolve its lawsuit alleging Harris County, Texas violated Title II of the Americans with Disabilities Act (ADA) by failing to provide an accessible voting program to voters with disabilities, including individuals with mobility and vision impairments. Harris County's voting program—the third largest in the country—includes over 750 polling places. Under the terms of the agreement, Harris County will create and implement policies, practices, and procedures to bring its voting program into compliance with the ADA, including: surveying polling places to identify accessibility barriers; implementing accessibility remedies; and providing effective curbside voting.

Harris County began remediating polling places in time for its 2019 elections and will ensure that all of its polling places have been surveyed for accessibility by the spring of 2020.

**Agreement Reached with Connecticut to Ensure Compliance with Voter Registration List Maintenance Requirements.**

On February 15, 2019, the Department entered into an agreement with the State of Connecticut to help ensure compliance with federal law requirements in the maintenance of its voter registration lists. Section 303 of Help America Vote Act of 2002 (HAVA) requires states to implement a computerized statewide voter registration list and, along with Section 8 of the NVRA, includes requirements for maintaining this computerized list. As part of these requirements, a state must coordinate its voter registration lists with state agency records on death for purposes of removing the names of deceased voters from its voter rolls. Under the agreement, Connecticut will coordinate its statewide voter registration database with Connecticut Department of Public Health records to identify registered voters who have died.

**Agreement Reached with Concord, NH, Ensuring Accessible Ballots for Voters who are Blind.**

In February 2019, the Department reached agreement with the City of Concord, New Hampshire, to provide an accessible ballot to voters who are blind or have vision impairments in all city elections. Under the terms of the Agreement, the City of Concord will provide an accessible voting machine in each voting ward in all city elections. The city agreed to have accessible machines at its polling places for upcoming city elections. In addition, the city will provide training to poll workers on the use of the accessible voting machines and will develop educational materials regarding the availability of the machines in city elections.

**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 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 agreement also required the State to take steps to assure these protections for all future Federal elections. In late 2018, Wisconsin adopted a permanent legislative remedy to address the structural impediments to compliance in future elections.

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## PROTECTING THOSE WHO PROTECT US

The Civil Rights Division enforces statutes designed to protect servicemembers in critical aspects of American life such as work, credit, housing, and voting. The Division also 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 \$474 million in monetary relief for 120,000 servicemembers and \$725,000 in civil penalties through its enforcement of the SCRA. During the period 2017 through 2019, the Division dramatically increased the number of SCRA



investigation authorized to 68 compared to 19 in the prior three-year period (FY 2014-2016), and investigations closed with favorable outcomes to 21 compared to 2 in FY 2014-2016.

**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. Since the Division assumed USERRA enforcement authority in 2004, it has filed 107 USERRA lawsuits and favorably resolved 195 USERRA complaints either through consent decrees obtained in those suits or through facilitated private settlements.

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

##### **PRG Real Estate Management to Pay \$1.59 Million for Alleged Violations of the SCRA**

*When landlords violate the SCRA, it causes disruption in the lives of servicemembers and their families. Our men and women in uniform deserve all the protections the SCRA provides them against civil lawsuits while they are defending our nation.*

*ASSISTANT ATTORNEY GENERAL ERIC DREIBAND*

**Justice Department Obtains Its Largest Ever Settlement Against Property Management Company for Alleged Violations of the Servicemembers Civil Relief Act.** The Justice Department announced on March 15, 2019, that PRG Real Estate Management and several related entities agreed to pay up to \$1,590,000 to resolve allegations that they violated the Servicemembers Civil Relief Act (SCRA) by obtaining unlawful court judgments against military tenants and by charging improper lease termination fees. This settlement is the largest ever obtained by the Department against a landlord or property management company for violations of the SCRA. Under the settlement, PRG will pay up to \$1,490,000 million to compensate 127 servicemembers who had 152 unlawful default judgments entered against them and \$34,920.39 to compensate 10 servicemembers who were charged early lease termination fees in violation of the SCRA. PRG will also pay a civil penalty of \$62,029 to the United States. The settlement also requires PRG to repair the credit of affected servicemembers, provide SCRA training to its employees and develop new policies and procedures consistent with the SCRA.

**Justice Department Settles Lawsuit Against Warren County North Carolina Board of Education to Enforce the Employment Rights of United States Army Reservist.** On August 8, 2019, the Department of Justice announced that it has reached a settlement agreement with the Warren County, North Carolina, Board of Education (Warren County) that resolves a federal lawsuit brought under the Uniformed Services Employment and Reemployment Rights Act (USERRA) on behalf of Dwayne Coffey, a Command Sergeant Major (CSM) in the Army Reserve. In its complaint, the United States alleged that Warren County violated USERRA by eliminating Sergeant Major Coffey's employment position while he was on active duty with the military and failed to re-employ him in a comparable position when he returned. Under the terms of the

settlement agreement, Warren County will reinstate Coffey to the position of Dean of Students at Warren County Middle School, and provide him with back pay and pension benefits. The reinstatement position is the one that Coffey held before his period of active duty with the Army.

**Justice Department Settles Lawsuit against Glendale, Arizona, for violating the USERRA rights of Arizona Air National Guard Member.** On April 1, 2019, the Department of Justice announced a settlement of its USERRA lawsuit against the City of Glendale, Arizona, alleging that the City violated the employment rights of Arizona Air National Guard member Captain Rebecca Cruz by terminating her employment because of her military service. In resolution of the servicemembers claims claim, the City agreed to compensate Captain Cruz for \$45,000 for lost wages and to provide to her benefits of her employment that included pension credits.

**Justice Department Obtains \$750,000 From PHH Mortgage Corp. for Unlawfully Foreclosing on Servicemembers' Homes.** On February 6, 2019, the Justice Department announced that PHH Mortgage Corporation (PHH) agreed to pay \$750,000 to six servicemembers to resolve allegations that it violated the Servicemembers Civil Relief Act (SCRA) by unlawfully foreclosing on their homes without obtaining the required court orders. The Department's investigation revealed that PHH foreclosed on six homes of SCRA-protected servicemembers between 2010 and 2012. The agreement requires PHH, one the largest mortgage loans servicers in the country, to pay \$125,000 to each servicemember whose home was unlawfully foreclosed upon, provide training to staff and take other actions to ensure that servicemembers do not face unlawful foreclosures in the future.

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

The Division will continue to defend First Amendment rights to religious freedom and free speech by enforcing the Religious Land Use & Institutionalized Persons Act (RLUIPA), and filing statements of interest and amicus briefs in cases involving religious freedom and free speech. In FY 2019 and 2020 thus far, the Division has filed two RLUIPA lawsuits, filed five statements of interest, and initiated several investigations involving First Amendment rights

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

**Place of Worship Initiative.** On June 13, 2018, 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 to Protect 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 AND FREE EXPRESSION

**Justice Department Settles Claims Against Farmersville, Texas Involving Denial of Islamic Cemetery.** The Department of Justice and the U.S. Attorney's Office for the Eastern District of Texas announced on April 16, 2019, an agreement with the City of Farmersville, Texas, to resolve allegations that the City violated the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) when, in July 2017, it denied an application by the Islamic Association of Collin County (Islamic Association) to build a cemetery. The settlement agreement resolves a lawsuit the United States filed after its investigation into the city's actions. In September 2018, the City and the Islamic Association entered into a separate agreement allowing for the approval of the cemetery and in December 2018, the City approved the Islamic Association's application to develop the land as a cemetery.

**Justice Department Files Statement of Interest in New York Church Religious Land Use Case.** On March 26, 2019, the Justice Department filed a Statement of Interest in U.S. District Court for the Northern District of New York supporting a church's claim that the Village of Canton, New York, violated its rights under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) by barring it from locating its church in the Village's commercial zoning district. The case involves a congregation that purchased property in the Village's commercial zoning district to use for worship. After the Village denied zoning approval, the church filed a lawsuit alleging that the Village violated RLUIPA because the Village permits other assemblies in the commercial district, including theaters, fraternal organizations and social clubs.

**Justice Department Files Statement of Interest in Michigan Church Religious Land Use Case.** On March 19, 2019, the Justice Department filed a Statement of Interest in U.S. District Court for the Western District of Michigan supporting a church's claims that the City of St. Ignace, Michigan, violated its rights under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) by barring it from locating a church and coffee shop in the City's downtown zoning district. After the City denied approval, the church filed a lawsuit, alleging that the City barred it from operating in the business district even though the City permits other similarly situated secular assembly uses to operate in the district, including municipal buildings, assembly halls, and theaters.

**Justice Department Files Statement of Interest Supporting Campus Free Speech.** On December 9, 2019, the Justice Department announced it had filed a Statement of Interest in a federal lawsuit in Mississippi, explaining that public colleges cannot trample on their students' First Amendment rights to free speech. The lawsuit is brought by a student organization and J. Michael Brown, a former student at Jones County Junior College, a public institution of higher education in Mississippi. The college's policies require campus administrators to preapprove all "meetings or gatherings," and Mr. Brown alleges that college officials called the campus police on him when he sought to engage on campus with fellow students about topics such as free speech and civil liberties.

**United States Files Brief Explaining That Maryland Improperly Excluded Christian School from Scholarship Program.** The Department of Justice and the U.S. Department of Education today filed a Statement of Interest in federal court in Maryland, explaining that the Maryland State Department of Education discriminated against Bethel Christian Academy when it excluded the school from its BOOST Scholarship program due to the school's beliefs regarding marriage and gender set forth in its Parent-Student Handbook. The United States' brief explains that the school is likely to succeed on its claims under the First Amendment's Free Speech and Free Exercise Clauses, and thus may be entitled to a preliminary injunction from the United States District Court for the District of Maryland.

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

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### PROTECTING WORKERS FROM DISCRIMINATION BASED ON CITIZENSHIP OR IMMIGRATION STATUS

The Division's Immigrant and Employee Rights Section (IER), 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 retaliation. During FY 2018 and 2019, the Division collected \$914,147 in back pay and civil penalties from employers for violations of the anti-discrimination provision of the INA.

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 provision. The Division develops and holds seminars and speaks at conferences to disseminate information about this law. The Division 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.

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

In March 2017, the Division launched the Protecting U.S. Workers Initiative, which targets, investigates, and takes enforcement actions against companies that discriminate against U.S. workers in favor of temporary visa workers. Since launching the Initiative, the Division has opened dozens of investigations, filed one lawsuit, and reached settlement agreements with seven employers. Under the Initiative, employers have

distributed or agreed to pay nearly \$1 million in back pay to affected U.S. workers and civil penalties to the United States.

The Division also continues to work together with other agencies to protect U.S. workers. Through the Division's partnerships, with agencies such as the Departments of State, Homeland Security, and Labor, the agencies work together to protect U.S. workers from discrimination and to combat fraud and abuse 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 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**

### **JUSTICE DEPARTMENT ANNOUNCES SEVENTH SETTLEMENT UNDER THE CIVIL RIGHTS DIVISION'S PROTECTING U.S. WORKERS INITIATIVE**

The June 2019 settlement resolves the Department's investigation into whether Sam Williamson Farms Inc. (SWF), a strawberry farm in Dover, Florida, violated the anti-discrimination provision of the Immigration and Nationality Act (INA) by preferring to hire H-2A visa holders to harvest its strawberry crop instead of U.S. workers. The Department of Justice's independent investigation concluded that at the end of the 2016-2017 strawberry picking season, SWF informed its existing U.S. workers that it would rely instead on H-2A workers from a farm labor contractor to harvest its strawberries for the next season, and retained a farm labor contractor for the express purpose of obtaining workers with H-2A visas. Ultimately, the strawberry picking positions were filled by more than 300 H-2A workers and no U.S. workers. Refusing to recruit or hire available and qualified U.S. workers because of their citizenship status violates the INA. Under the settlement, SWF will pay \$60,000 in civil penalties to the United States, pay up to \$85,000 in back pay to eligible U.S. workers, and conduct enhanced U.S. worker recruitment and advertising for future positions. The settlement also requires SWF to train employees on the requirements of the INA's anti-discrimination provision and be subject to departmental monitoring and reporting requirements.

While H-2A workers can provide employers with necessary labor when there are insufficient numbers of interested U.S. workers, employers cannot deter or overlook qualified and available U.S. workers based on their citizenship status. This agreement reflects the Civil Rights Division's continued commitment to protecting U.S. workers from discrimination.

*ASSISTANT ATTORNEY GENERAL ERIC DREIBAND OF THE CIVIL RIGHTS DIVISION.*

service, headquartered in Houston, Texas. The agreement resolves the Department of Justice's investigation into whether El Expreso unlawfully denied employment to qualified and available U.S. workers because it preferred to hire temporary visa workers with H-2B visas. This agreement is the sixth settlement under the Civil Rights Division's Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking

**Justice Department  
Announces Settlement Under  
the Civil Rights Division's  
Protecting U.S. Workers  
Initiative.** On May 29, 2019,  
the Department of Justice  
reached a settlement  
agreement with El Expreso  
Bus Company (El Expreso), a  
company that provides  
intercity passenger bus

enforcement actions against companies that discriminate against U.S. workers in favor of temporary visa workers.

**Justice Department Settles Claims Against International Financial Association for Discriminating Against U.S. Workers.** On February 25, 2019, the Justice Department announced that it had reached a settlement agreement with CFA Institute (CFAI), an international association of investment professionals, headquartered in Charlottesville, Virginia. CFAI offers a global certification for Chartered Financial Analysts who pass an exam that CFAI administers annually. The settlement resolves the Department’s investigation into whether CFAI violated the anti-discrimination provision of the Immigration and Nationality Act (INA) by preferring to hire H-1B visa holders over U.S. workers when it selected CFAI exam graders from its members. This is the fifth settlement under the Civil Rights Division’s Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking enforcement actions against companies that discriminate against U.S. workers in favor of temporary visa workers. It is the first of those settlements to involve the H-1B visa program.

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

The Division works to prevent and address workplace discrimination on the basis of race, national origin, sex, religion, and disability. During FY 2018 and 2019, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division’s employment enforcement activities include the following:

- Litigating six suits and enforcing nine settlements that cover a wide range of claims, including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring for a total recovery of \$6.3 million;
- Filing two complaints and entering into four 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 in the Workplace Initiative: Justice Department Settles Discrimination Lawsuit Against an Educational Service Agency in Michigan.**

The Justice Department announced on July 3, 2019, that it had reached a settlement with 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, resolving allegations that AAESA subjected two female teachers to sexual harassment and a hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended. The complaint, filed last year in the U.S. District Court for the Western District of Michigan, alleged that AAESA discriminated against two female teachers when they were regularly subjected to sexual harassment in the workplace by their supervisor, a former principal at the

school where they worked. As alleged in the complaint, the sexual harassment included verbal abuse as well as unwanted physical touching that escalated to physical assaults. The principal was later convicted of criminal assault of the teachers. The complaint alleged that AAESA did not take reasonable steps to prevent the principal's unlawful acts. Under the terms of a consent decree, which still must be approved by the court, AAESA has agreed to pay \$450,000 in total monetary relief to the two teachers. As part of the settlement, AAESA will also implement policies and provide training to prevent sex harassment and discrimination in the future.

**Lawsuit Filed Against Baltimore County, Maryland.** On August 27, 2019, [the United States filed a lawsuit under Title VII against Baltimore County, Maryland](#). The lawsuit alleges that since Jan. 1, 2013, the Baltimore County Police Department (BCPD) engaged in unintended employment discrimination against African American applicants for entry-level police officer and cadet positions by making hiring decisions based on the results of hiring examinations that were not job-related and that disproportionately excluded African American applicants. Through this lawsuit, the United States seeks a Court order that would require BCPD to utilize selection procedures that comply with Title VII, and to provide individual remedies to African American former applicants who are shown to be entitled to them.

**Lawsuit Filed Against Ozaukee County, Wisconsin, for Religious Discrimination.** [The Division announced on March 3, 2019 that it had settled a religious discrimination lawsuit brought against a Wisconsin Nursing Home based on the failure to provide a religious accommodation to an employee](#). Our complaint alleged that providing a reasonable accommodation to the employee's request that she not be required to take a flu shot in the face of her religious objections would not have proposed an undue hardship on the employer. Under the settlement agreement, the County made payments of \$18,000 in compensatory damages to the claimant and clarified its process for requesting religious exemptions by its employees as a reasonable accommodation to workplace rules.

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## OPPORTUNITIES IN EDUCATION

In FY 2019, the Division 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 Division 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 Division continues its core mission to desegregate schools by representing the United States in approximately 150 desegregation cases. The Division monitors school districts' compliance with desegregation orders and works with districts to identify remedies to eliminate the vestiges of segregation. As part of its monitoring, the Division 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.** The Division continued 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 Division 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 Division's work benefits from ongoing community contacts and outreach to isolated or discrete religious communities.

**Addressing Harassment and Hate Incidents.** The Division 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 Division works with local U.S. Attorney's Offices, and law enforcement to ensure that schools respond appropriately.

#### **CASE EXAMPLES: EQUAL OPPORTUNITY IN EDUCATION**

**Ensuring Equal Opportunities for English Learners in Arlington Public Schools.** On June 3, 2019, the Division and the U.S. Attorney's Office for the Eastern District of Virginia announced a settlement agreement with Arlington Public Schools that will bolster English language services to the district's approximately 5,000 students who are not proficient 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 receive the services they need to succeed in the district's educational programs.

**Pennsylvania Department of Education Agrees to Resolve Federal Civil Rights Investigation into Complaints about Alternative Education Programs.** The Division and the United States Attorney's Offices for the Western, Middle, and Eastern Districts of Pennsylvania announced a settlement agreement on March 25, 2019 with the Pennsylvania Department of Education (PDE) to resolve a federal civil rights investigation into complaints about PDE's statewide system of alternative education programs, known as Alternative Education for Disruptive Youth (AEDY).

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All students should be provided an opportunity to succeed and are entitled to learn in an educational environment free from discrimination. We commend PDE's cooperation throughout our investigation and for its commitment to ensure that students with disabilities and English learners are not prevented from learning opportunities afforded to other students. All students should receive the lawfully-required help they need to participate equally in schools.

*ASSISTANT ATTORNEY GENERAL, ERIC S. DREIBAND*

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**Resolving School Desegregation Issues in Choctaw County, MS.** In April 2019, the United States District Court for the Northern District of Mississippi granted the United States' and Choctaw County School District's Joint Motion for Declaration of Unitary Status and Dismissal, fully resolving this nearly 50-year old school desegregation case. The order followed months of discovery and settlement negotiations between the parties, during which time the school district worked to resolve issues identified by the United States' desegregation review. Specifically, the school district revised policies and trained staff to ensure non-discriminatory student discipline and identification of gifted and talented students. The district also took steps to increase applications from qualified Black teachers, including through recruitment trips at historically



Black colleges and universities, advertising in publications that target diverse populations, and participating in statewide job fairs.

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## ENSURING EQUAL OPPORTUNITY IN HOUSING AND LENDING

In FY 2018 and 2019, the Division devoted significant resources to fair housing and lending cases including targeting sexual harassment in housing.

### 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 launched the initiative nationwide in April 2018, including 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. Since that time, the initiative has continued to focus on outreach and on building DOJ capacity to handle these matters.

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 held 38 roundtables in 33 judicial districts and has filed a number of pattern and practice lawsuits challenging alleged sexual harassment in housing.

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

#### **Justice Department Files Lawsuit against Toledo Landlord who Subjected Women to Sexual Harassment.**

On December 23, 2019, [the Department of Justice filed a lawsuit in federal court alleging that a landlord violated the Fair Housing Act by sexually harassing several female tenants of rental properties in Toledo, Ohio. This is the 12th lawsuit alleging a pattern or practice of sexual harassment in housing that the Department has filed since it launched its Sexual Harassment in Housing Initiative in late 2017.](#) The lawsuit, filed in the U.S. District Court for the Northern District of Ohio, alleges that from at least 2007 through the present, Anthony Hubbard sexually harassed female tenants of rental properties that he either owned or co-owned with three other defendants. The complaint alleges that Anthony Hubbard engaged in severe and pervasive sexual harassment that included making unwelcome sexual advances and comments and sending sexual text messages, videos, and photos to female tenants; offering to grant benefits — such as reducing security deposits, rent amounts, and waiving late fees — in exchange for sex or sexual acts; refusing to provide maintenance services or taking other adverse housing actions such as eviction against female tenants who objected to or refused his sexual advances; entering the homes of female tenants without their consent,

and expressing a preference for renting to single female tenants. The lawsuit seeks monetary damages to compensate the victims, civil penalties, and a court order barring future discrimination.

**Justice Department Files Sexual Harassment Lawsuit Against New London Landlords.** On February 28, 2019, the Justice Department and the U.S. Attorney's Office filed a lawsuit in the District of Connecticut alleging that female tenants and applicants of residential rental properties in and around New London, Connecticut, were subjected to sexual harassment, coercion, intimidation and threats, in violation of the federal Fair Housing Act. The lawsuit alleges that from at least 2011 through 2016, Richard Bruno sexually harassed female tenants and applicants of rental properties owned or co-owned by Bruno, Domco LLC, and Domco II LLC. According to the complaint, Bruno engaged in harassment that included making unwelcome sexual advances and comments; engaging in unwanted sexual touching; demanding or pressuring female applicants to engage in sexual acts to obtain rental privileges; evicting or threatening to evict female tenants who objected to or refused sexual advances; entering the homes of female tenants without their consent; asking to take and taking pictures and videos of the bodies of his tenants and their female children; and establishing, maintaining and forcing his tenants and their minor female children to view "dungeons" or "sex rooms" in the rental properties. Bruno, a former resident of Waterford, Connecticut, has been incarcerated at the Federal Correctional Institute at Otisville since 2017. On May 8, 2017, Bruno pleaded guilty and was sentenced on Sept. 28, 2017, to 16 years in federal prison in the United States District Court for the District of Connecticut for producing child pornography in one of the properties owned by defendant Domco II, with one of the minors who resided in one of properties owned by defendant Domco. The lawsuit seeks monetary damages to compensate the victims, civil penalties and a court order barring future discrimination.

**Justice Department Files Sexual Harassment Lawsuit Against Owner and Manager of Rental Property in Dayton, Kentucky.** On March 6, 2019, the Justice Department announced that it filed a lawsuit alleging that Gus Crank, manager of a residential rental property in Dayton, Kentucky, sexually harassed female tenants in violation of the federal Fair Housing Act. The lawsuit alleges that Gus Crank engaged in sexual harassment of female tenants from approximately 2008 through 2016, by, among other things, demanding that female tenants engage in sexual acts to keep their housing, engaging in unwelcome sexual touching, offering to reduce monthly rental payments in exchange for sex, making unwelcome sexual comments and advances, making intrusive and unannounced visits to female tenants' homes to further his sexual advances, and evicting or threatening to evict female tenants who objected or refused his sexual advances.

**The Department of Justice Files Amended Sexual Harassment Lawsuit Against Owner and Manager of Rental Properties in Lexington, Tennessee.** On April 15, 2019, the Department of Justice announced that it filed an amended complaint in a lawsuit against a Lexington, Tennessee, landlord, Chad David Ables, alleging that he violated the Fair Housing Act by subjecting female tenants of his rental properties to sexual harassment and retaliation. According to the government's complaint, Ables conditioned housing or housing benefits on female tenants' agreement to engage in sexual acts; subjected at least one female tenant to unwanted sexual touching; made unwelcome sexual comments and advances to female tenants; and took adverse housing-related actions against female residents when they refused his sexual advances.

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## 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 Division continued its mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2019, the ADA Mediation Program referred 283 matters, completed 115 matters, and successfully resolved 87 percent of these cases. Since inception, the program has an overall success rate of approximately 78 percent. The Program is funded through the Department's Fees and Expenses of Witnesses account.

**Technical Assistance on the ADA.** The Division 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 Division will focus on ensuring that release planning complies with the Constitution and the Americans with Disabilities Act.

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

**Justice Department Settles Housing Discrimination Lawsuit Against St. Bernard Parish, Louisiana.** The Justice Department announced a settlement in which *St. Bernard Parish, Louisiana*, agreed to pay more than \$1 million to settle a lawsuit alleging that the Parish violated the Fair Housing Act when it refused to allow two small group homes for up to five children with disabilities to open in single-family neighborhoods. The suit alleged that St. Bernard Parish violated the Fair Housing Act when it denied requests for reasonable accommodations to its zoning ordinance to allow the two group homes to operate in single-family neighborhoods of the Parish. Shortly after learning that the homes were planning to open, the Parish amended its zoning code to prohibit group homes of any size in single-family neighborhoods. Under the settlement, St. Bernard Parish will pay \$975,000 in monetary damages and attorneys' fees to the two group home operators, and a \$60,000 civil penalty to the United States. The Parish amended its zoning ordinance to permit small group homes in single-family residential districts, amended its reasonable accommodation policy, and will take a number of actions to guard against further housing discrimination.

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*The Fair Housing Act prohibits local governments from applying their zoning laws in a manner that discriminates against persons with disabilities. This settlement underscores the Civil Rights Division's commitment to ensure that children with disabilities have access to housing in all communities.*

ASSISTANT ATTORNEY GENERAL, ERIC DREIBAND

**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.

**Justice Department Reaches Settlement with York County, South Carolina, to Resolve Disability Discrimination in Employment.** On June 10, 2019, the Department reached a settlement agreement with York County, South Carolina, under the Americans with Disabilities Act (ADA). The agreement resolved the Department's lawsuit alleging that the county discriminated against an applicant on the basis of his disability, dwarfism, when he sought to apply for a Purchasing Manager position. The complaint alleged that York County required applicants for the Purchasing Manager position to possess a driver's license even though having a driver's license is not essential to performing the job functions of the position. By requiring a driver's license, the county unfairly screened out the applicant, who because of his disability does not possess a driver's license, but who was otherwise qualified for the position. The settlement agreement required York County to revise its policies to ensure compliance with the ADA, designate an ADA Coordinator, ensure that its job listings list only essential job functions as mandatory requirements, train relevant employees on the ADA, and report to the Department of Justice on implementation of the agreement. York County also paid the applicant \$20,000 in compensatory damages.

**Justice Department Reaches Settlement with Thomas Jefferson University Hospitals, Inc. and Outpatient Imaging Affiliates, LLC, to Resolve ADA Violations in Health Care.** On April 18, 2019, the Justice Department reached a settlement agreement with Thomas Jefferson University Hospitals, Inc. and Outpatient Imaging Affiliates LLC, collectively the owners and operators of Jefferson Outpatient Imaging and Radiology (Jefferson Outpatient) to resolve a Title III investigation, which substantiated a complaint that Jefferson Outpatient refused to perform a scan on the complainant because he uses a wheelchair. Specifically, the complainant alleged that Jefferson Outpatient denied him a bone scan because they lacked staff or equipment to assist him with transferring from his wheelchair to the x-ray equipment. Under the two-year agreement, Jefferson Outpatient will pay \$5,000 to the complainant; and ensure that individuals with disabilities are afforded equal access to its facilities and services, including walk-in services. Jefferson Outpatient will train its staff who interact with patients on the requirements of Title III of the ADA as they apply to healthcare facilities and on

techniques for safely assisting individuals with mobility disabilities to transfer to imaging equipment or examination tables.

**Justice Department Reaches Settlement with Hawaii Department of Public Safety to Resolve Discrimination in Furlough Programs.** On March 20, 2019, the Justice Department reached a settlement agreement to resolve the investigation of complaints from inmates with mobility disabilities that substantiated allegations that the Hawaii Department of Public Safety (HDPS) denied inmates with mobility disabilities the opportunity to participate in furlough programs at its Hale Nani Correctional Facility and that five HDPS correctional facilities contain architectural and programmatic barriers to access for persons with disabilities. The Agreement provides for monetary damages for the complainants and injunctive relief, including changes to HDPS furlough policies and architectural changes to all five facilities. The agreement expires March 20, 2022.

## V. PROGRAM INCREASES BY ITEM

### ENFORCING FEDERAL CIVIL RIGHTS LAW

ITEM NAME: **STRENGTHENING CRT'S ANTI-HUMAN TRAFFICKING EFFORTS**

Budget Decision Unit(s): Civil Rights Enforcement

Program Increase: Positions 5 Atty 5 FTE 5 Dollars \$1,334,000

#### Description of Item

In 2007, CRT created the Human Trafficking Prosecution Unit (HTPU) within the Criminal Section to consolidate the expertise of some of the nation's top human trafficking (HT) prosecutors. The Division plays a lead role in the Department's efforts to enforce laws against HT, including both sex trafficking and forced labor. HTPU prosecutors work closely with Assistant United States Attorneys (AUSAs) and law enforcement agencies to streamline fast-moving trafficking investigations, ensure consistent application of trafficking statutes, and identify multijurisdictional trafficking networks.

Anti-Human Trafficking efforts are a key element to the Department's 2018-2022 Strategic Plan and an area of focus for the Attorney General. On March 1, 2019, Attorney General Barr directed the Office of the Deputy Attorney General to identify gaps in the Department's anti-trafficking efforts and present recommendations, in consultation with relevant components, to enhance the Department's efforts. To support HT enforcement, the Division proposes a program enhancement for the FY 2021 Budget. CRT is seeking five new trial attorney positions. This proposal is essential to maintaining, increasing, and strengthening:

- investigations and prosecutions of HT crimes;
- interagency anti-trafficking enforcement initiatives;
- victim assistance, outreach, training, detection, and prevention programs;
- anti-trafficking legislative and policy priorities; and
- strategic partnerships.

The proposal includes additional resources for the HTPU with additional staffing to enable it to support the Department's law enforcement partners and allow CRT to participate fully in the HT activities described below.

- Partnering and coordinating with United States Attorneys' Offices (USAOs) to Initiate Targeted Case Identification Efforts in Response to Identified Enforcement Gaps, including:
  - Transnational criminal organizations, including Mexican sex trafficking enterprises;
  - Gang-based, multi-district domestic sex trafficking;
  - Human trafficking in Indian Country and/or involving tribal victims;

- Forced labor, involving peddling and begging, cult-based and "religious-ruse" coercion schemes, diplomat-subject forced labor, holders of H2A, H2B, J1, and other migrant/seasonal guest workers visas who are exploited for sex or labor;
  - Pursuit of financial benefit liability for entities including importers, hotels, agricultural enterprises; and,
  - Interconnected networks of illicit massage businesses engaged in or facilitating forced labor and sex trafficking
- Increase Engagement and Coordination with USAOs to increase HT Prosecutions.
    - Develop and implement external messaging and public engagement strategy, including supporting leadership offices (AAG, DAG, and AG) to message priority placed on combatting HT;
    - Provide subject matter expertise, technical advice, and guidance to USAOs to increase and maintain HT investigations and prosecutions;
    - Provide additional assistance, and where appropriate, co-staffing of cases, to those districts who have not done, or have done few, HT cases; and,
    - Develop mechanisms to disseminate subject matter expertise to USAOs and law enforcement partners through live trainings, video-on-demand resources, webinars, and an HTPU duty attorney to respond to question.
  - Advance DOJ-led Interagency Enforcement Initiatives Aimed at Dismantling HT Transnational Organized Crime Enterprises.
    - Advance US-Mexico Bilateral Initiative by continued and expanded coordination with internal DOJ partners (e.g., the Office of Overseas Prosecutorial Development, Assistance & Training (OPDAT) and the Office of International Affairs (OIA), as well as with the Department of Homeland Security (DHS), the Department of State (DOS), and the Government of Mexico to combat and dismantle transnational organized crime;
    - Advance Anti-Trafficking Coordination Team (ACTeam) Initiative by publicizing Phase II results, engaging leadership to reconvene Federal Enforcement Working Group, and developing timeline for initiation of Phase III; and,
    - Provide leadership and coordination for significant DOJ-led enforcement actions, e.g., HTPU and MLARS (Money Laundering and Asset Recovery Section), targeting of interconnected networks of illicit massage businesses engaging in human trafficking.
  - Continue Efforts to Increase FBI Engagement on HT.
    - Continue strengthening new partnership with FBI's Crimes Against Children and Human Trafficking Unit (CATCHU) following recent transfer of human trafficking program from the FBI Civil Rights Unit to CATCHU;
    - Work with CATCHU to support development of CATCHU's subject matter expertise and provide necessary training and programmatic expertise to FBI Program Coordinators and Field Offices;

- Coordinate with CATCHU and the Criminal division's Child Exploitation and Obscenity Section (CEOS) regarding CATCHU's new roles and responsibilities across HT and child exploitation program areas; and,
- Resume Labor Trafficking Initiative with FBI.
- Streamline Victim Services and Programs to Support Enforcement Efforts.
  - Work with the Office of the Victims of Crime (OVC) to align grant programs toward supporting enforcement priorities;
  - Establish coordination among the HTPU, CEOS, and FBI victim witness coordinators and expand HTPU victim assistance capacity to meet current case-related victim stabilization and assistance demands;
  - Expand access to Emergency Witness Assistance Program (EWAP) and Federal Expert Witness (FEW) funds for HT victims; and,
  - Continue advocacy on implementing the Trafficking Victims Protection Act (TVPA) victim protections, including coordination with the DHS, Department of Health and Human Services, and the State Department's Office to Monitor and Combat Trafficking in Persons.
- Coordinate with Other Program Areas to Increase Investigations and Prosecutions.
  - Engage USAO opioid coordinators and the Drug Enforcement Agency (DEA) to partner on identifying, investigating, and prosecuting drug-based coercion schemes; and,
  - Increase coordination with Criminal Division components, including, e.g.
    - CEOS on cases involving child exploitation,
    - Organized Crime and Gang Section (OCGS) on cases involving organized crime,
    - MLARS on cases involving money laundering and asset recovery,
    - Human Rights and Special Prosecution Section (HRSP) on cases involving special maritime and extraterritorial jurisdiction and alien smuggling and visa fraud, and
    - Fraud on cases involving corporate liability.
- Streamline Departmental Legislative and Policy Advocacy on HT.
  - Develop package of affirmative legislative and policy proposals in consultation with subject matter experts, the Office of Legal Policy (OLP), Office of the Associate Attorney General (OASG), Office of Legislative Affairs (OLA), and Office of the Deputy Attorney General (ODAG); and,
  - Compile and maintain compendium of all HT-related legislative mandates and directives imposed on DOJ and components (Congressional reports, Office of Management and Budget reporting, studies, interagency engagements, etc.) and designate points of contact responsible for coordinating compliance among relevant DOJ components.



Justification

The enhancement would expand the HTPU by five attorneys in FY 2021. Since January 2017, the Division has reallocated existing resources to increase the HTPU's staffing, in response to continually expanding and accelerating Departmental and government-wide anti-trafficking efforts, which have significantly increased the demands placed on HTPU. The rapid expansion of U.S. government anti-trafficking efforts has increased the demands on all aspects of CRT's HT program, necessitating additional trial attorneys, supervisors, policy counsels, and non-attorney program professionals. Since the start of FY 2017, the Division has nearly doubled the size of the HTPU.

Despite efforts to re-direct existing resources to HT enforcement, the Division needs additional resources to bolster its HT program. This program enhancement would fill significant gaps to enable the Division to advance mission-critical anti-trafficking enforcement efforts, and to meet the demands on new HT initiatives.

FUNDING

Base Funding

FY 2019 Enacted				FY 2020 Enacted				FY 2021 Current Services			
Pos	Agt/ Atty	FTE	\$0	Pos	Agt/ Atty	FTE	\$0	Pos	Agt/ Atty	FTE	\$0
14	11	14	\$2,603	20	17	17	\$3,325	20	17	20	\$4,075

Personnel Increase Cost Summary

	Full-year Modular Cost per Position	Number of Positions Requested	FY 2021 Request	FY 2022 Net Annualization (change from 2021)
Attorneys (0905)	\$219	5	\$1,093	\$14
<b>Total Personnel</b>	\$219	5	\$1,093	\$14

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (000)	FY 2022 Net Annualization (Change from 2021) (\$000)
Travel	N/A	N/A	\$36	\$0
Contractor Services	N/A	N/A	\$96	\$0
Equipment and Supplies	N/A	N/A	\$109	(\$69)
<b>Total Non-Personnel</b>	N/A	N/A	\$241	(\$69)

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel	Non-Personnel	Total	FY 2022 Net Annualization (change from 2021)
Current Services	20	17	20	\$4,075	\$0	\$4,075	\$0
Increases	5	5	5	1,093	241	\$1,334	(55)
<b>Grand Total</b>	25	22	25	\$5,168	\$241	\$5,409	(\$55)

## VI. 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 based on 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.

