

**U.S. DEPARTMENT OF JUSTICE  
CIVIL RIGHTS DIVISION  
FY 2022 Performance Budget**



CONGRESSIONAL JUSTIFICATION

## TABLE OF CONTENTS

I. DIVISION OVERVIEW .....	3
II. SUMMARY OF PROGRAM CHANGES.....	6
III. APPROPRIATIONS LANGUAGE & ANALYSIS OF APPROPRIATIONS LANGUAGE.....	6
IV. PROGRAM ACTIVITY JUSTIFICATION .....	8
1. PROGRAM DESCRIPTION .....	8
2. PERFORMANCE AND RESOURCE TABLES .....	9
3. PERFORMANCE, RESOURCES, AND STRATEGIES.....	10
V. PROGRAM INCREASES BY ITEM .....	30
VI. APPENDIX .....	39
VII. EXHIBITS.....	43

## I. 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, the Division strives 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 right to vote in our democracy; and
- advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one's community.

For over sixty years, CRT 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. In FY 2020, the Division's attorneys and staff spent more than 775,000 hours advancing these core principles by:

- seeking justice on behalf of victims of civil rights violations in many enforcement areas, which can include initiating court cases, entering into negotiated settlements, or providing legal advice;
- providing outreach and education to state and local government partners, businesses, organizations, and the public; and
- coordination with other Federal agencies to better leverage resources, strengthen overall enforcement, and respond more quickly and ably to civil rights challenges across the country.

Each year, CRT addresses approximately 6,000 civil rights cases and matters. To continue these efforts in FY 2022, the Division requests a total of **\$183,181,000** to fund **724 positions**, including **461 attorneys** to protect, defend, and advance civil rights in our Nation.

This submission includes an overview of the Division's work and priority areas to justify program funding. It provides examples of CRT enforcement work and discusses ways in which it leverages its expertise and partnerships to multiply civil rights protections. 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 2022

Since 1957, the Civil Rights Division has stood as a cornerstone of the national mission to protect the civil rights of all people in the country, particularly the most vulnerable members of our society. It is always working in the background to eradicate discrimination, but there are moments in history that call for a redoubling of those efforts -- a time when the Division's powers of enforcement, education, and coordination are particularly critical. This is one of those moments, a year of overlapping crises and fast-moving changes.

In the last year:

- The Covid-19 public health crisis exacerbated existing inequities in our society and prompted xenophobic backlash;

- The death of a Black man in police custody ignited social protests nationwide;
- A landmark Supreme Court decision expanded the reach of discrimination laws to new territory;
- Technological advancements continued rapidly; and
- Elections were held, shining a spotlight on voting rights.

Each of these are turning points, which will require new innovation and effort by the Civil Rights Division. In order to respond, the Division will prioritize the following in Fiscal Year 2022:

- Responding to the Pandemic’s Impact on Civil Rights, including addressing Hate, Bias, and Xenophobia against the Asian American and Pacific Islander Community
- Promoting Effective, Constitutional, Non-Discriminatory Policing Practices
- Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- Upholding Civil Rights in an Evolving Technological Landscape
- Enforcing Federal Laws Protecting the Right to Vote

In addition, the Division will continue to vigorously pursue core enforcement initiatives, including human trafficking, described on p. 13.

Not only is there a documented problem, but there are also new avenues for us to more fully tackle discrimination against LGBTQI people. As detailed below in the Enhancement Request below, the Civil Rights Division is uniquely positioned to answer the challenges facing vulnerable communities in our current climate. By adding to and recommitting our resources to the initiatives and programs highlighted here, we can continue to do the important work for which the Division was created — work that is especially relevant right now.

## ENFORCEMENT DATA FOR THE CIVIL RIGHTS DIVISION

The Division’s jurisdiction is broad, covering a range of subject matters and issues. In order to help Congress better understand the Division’s work, the Division is providing the following data about its enforcement work.

<b>Cases Filed, Cases Settled, Letters of Findings</b>	<b>FY 2020</b>	<b>FY 2021<sup>1</sup></b>
Criminal	157	59
Disability Rights	14	8
Educational Opportunities	4	4
Employment Litigation	7	7
Federal Coordination & Compliance	5	3
Housing Civil Enforcement	43	15
Immigration & Employee Rights	51	28
Special Litigation	4	6
Voting	8	1
<b>Total</b>	<b>293</b>	<b>131</b>

<b>Settlements, Consent Decrees, or Judgments</b>	<b>FY 2020</b>	<b>FY 2021</b>
Criminal	147	62
Disability Rights	13	7
Educational Opportunities	11	6
Employment Litigation	9	7
Federal Coordination & Compliance	4	3
Housing Civil Enforcement	28	14
Immigration & Employee Rights	52	27
Special Litigation	3	1
Voting	2	0
<b>Total</b>	<b>269</b>	<b>127</b>

<sup>1</sup> FY 2021 through YTD 3/31/2021

## II. SUMMARY OF PROGRAM CHANGES

As detailed in the program increases section, the Civil Rights Division is uniquely positioned to answer the challenges facing vulnerable communities in our current climate. By adding to and recommitting our resources to the initiatives and programs, we can continue to do the important work for which the Division was created. The summary of program changes is below.

Item Name	Description			Page
	Pos.	FTE	Dollars (\$000)	
Investments in Civil Rights Priorities	85	64	\$20,661	31

## III. APPROPRIATIONS LANGUAGE & ANALYSIS OF APPROPRIATIONS LANGUAGE

Proposed Change:

Deleted language is bracketed. New language is italicized and underlined.

### General Legal Activities Salaries and Expenses

*Provided further, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under [section 8 of] the Voting Rights Act of 1965 (52 U.S.C. [10305] 10301 et seq.) and other federal statutes enforced by the Civil Rights Division that protect the right to vote, including the Help America Vote Act of 2002 (Public Law 107-252), the National Voter Registration Act of 1993 (Public Law 103-31), the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99-410), the Civil Rights Act of 1870 (Act of May 31, 1870. ch. 114), Civil Rights Act of 1957 (Public Law 85-315), Civil Rights Act of 1960 (Public Law 86-449), Civil Rights Act of 1964 (Public Law 88-352), and the Americans with Disabilities Act of 1990 (Public Law 101-336), and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, that any funds provided under this heading in prior year appropriations acts that remain available to the Civil Rights Division for the election monitoring program may be used for the purposes in the preceding proviso. Provided further, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended:*

#### Description/Justification

The Civil Rights Division (CRT) seeks to amend the appropriations language above to permit it to field additional individuals to monitor elections for potential violations of the Voting Rights Act and other federal statutes enforced by the Division that protect the right to vote.

CRT receives an annual appropriation to enable it to observe elections in certain State and political subdivisions pursuant to section 8 of the Voting Rights Act. Following the Supreme Court's decision in *Shelby County v.*

*Holder*, CRT's ability to field observers tied to the Voting Rights Act preclearance coverage formula has been severely curtailed, and that formula was the primary source of the Attorney General's authority under Section 8. With this language change, CRT could use these appropriated funds to expand an existing election monitoring program that has never relied on the preclearance formula of the Voting Rights Act.

For 50 years, with the expertise and assistance of the Office of Personnel Management (OPM), the Department has monitored elections around the country for compliance with federal law. Individuals have been deployed to conduct this monitoring in three ways. First, the Department sent its own personnel to watch the voting process. Second, the Department sent specially trained federal observers, from OPM, to jurisdictions that were subject to a pertinent court order. Third, the Department sent specially trained federal OPM observers to jurisdictions with a need certified by the Attorney General, based in part on the Section 4(b) coverage formula. Much of the federal election monitoring before *Shelby County* was in this third category, which is cross-referenced in Section 8(a)(2).

In *Shelby County v. Holder*, the Supreme Court found the coverage formula in Section 4(b) of the Voting Rights Act to be an unconstitutional basis for preclearance. In light of that decision, the Department has not relied on Section 4(b) to field election observers for several years. The *Shelby County* decision did not have any impact on the other authorities that CRT relies on to field election monitors.

Presently, the appropriated funds permit the Division to pay for the CRT and OPM costs related to observers deployed pursuant to Section 8 of the Voting Rights Act, including individuals deployed pursuant to court order and individuals deployed based on the preclearance coverage formula. The Division seeks to delete the phrase "under Section 8" from the appropriations language to enable it to use the appropriated funding to cover the costs of additional election monitors deployed by CRT to jurisdictions around the country, without requiring that the jurisdiction previously have been covered under Section 4. Consistent with the current appropriations language, the funds would be used to pay additional CRT and OPM costs related to this program. CRT will use a common set of criteria to assess the need for election monitors in any state or political subdivision throughout the country. This assessment will be based on current conditions with respect to particular elections. Such conditions include, but are not limited to, significant complaints within the jurisdiction, evidence of tension that might lead to disruption or other impediments to the lawful exercise of the franchise, a need to evaluate current compliance with one or more federal voting rights laws, and recent concerns regarding possible violations of such federal laws.<sup>1</sup> The appropriation of funds in this manner will enable CRT to send monitors and staff who oversee monitoring teams to areas where they are most needed across the country, and to reimburse OPM for assistance including recruiting, training, deployment, and other logistics; to ensure public confidence in the electoral process; and to gather evidence of potential violations of the Voting Rights Act, National Voter Registration Act, Help America Vote Act, Uniformed and Overseas Citizens Absentee Voting Act, Civil Rights Acts, the accessibility provisions of the Americans with Disabilities Act, and other Federal voting rights statutes. In addition, CRT and OPM will continue to field observers pursuant to Section 8 in jurisdictions where a court has authorized their deployment.

Newly appropriated funds, not based on the Section 8 language, would be used to cover all costs to field and support a robust election monitoring program that could be used in any jurisdiction, including those where a court has authorized deployment, including salaries and expenses for staffing and supervising monitoring work undertaken by CRT and OPM and CRT's complaint system, which collects complaints from voters that can inform the need for monitoring.

For the reasons detailed above, CRT plans to use funds to deploy additional individuals to monitor elections, without relying on the preclearance coverage formula addressed in *Shelby County*.

---

<sup>1</sup> The Attorney General has assigned the Assistant Attorney General for the Civil Rights Division to handle "[e]nforcement of all Federal statutes affecting civil rights, including those pertaining to elections and voting." 28 C.F.R. § 0.50(a).

## IV. PROGRAM ACTIVITY JUSTIFICATION

### CIVIL RIGHTS DIVISION – DECISION UNIT

#### 1. PROGRAM DESCRIPTION

<b>Enforcing Federal Civil Rights Law</b>	<b>Direct Positions</b>	<b>Estimated FTEs</b>	<b>Amount (000)</b>
2020 Enacted	593	557	\$148,239
2021 Enacted	639	584	158,167
Adjustments to Base and Technical Adjustments	0	9	4,353
2022 Current Services	639	593	162,520
Enhancement	85	64	20,661
2022 Request	724	657	183,181
<b>Total Change 2021-2022</b>	<b>85</b>	<b>73</b>	<b>\$25,014</b>

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 is a single decision unit within the General Legal Activities appropriation.

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

- Administrative Management Section
- Appellate Section
- Disability Rights Section
- Educational Opportunities Section
- Employment Litigation Section
- Federal Coordination and Compliance Section
- Housing and Civil Enforcement Section
- Immigrant and Employee Rights Section
- Policy and Strategy Section
- Special Litigation Section
- Voting Section

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.



## 2. PERFORMANCE AND RESOURCE TABLES

PERFORMANCE AND RESOURCES TABLE											
DECISION UNIT: CIVIL RIGHTS DIVISION											
RESOURCES		Projected		Actual <sup>/1</sup>		Projected		Changes		Requested (Total)	
		FY 2020		FY 2020		FY 2021		FY 2022 Current Services Adjustments		FY 2022 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
		619	\$148,239 [\$15,154]	597	\$148,239 [\$11,645]	651	\$158,167 [\$14,419]	73	\$25,014 [\$0]	724	\$183,181 [\$14,419]
PERFORMANCE		FY 2020		FY 2020		FY 2021		FY 2022 Current Services Adjustments		FY 2022 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		619	\$148,239 [\$15,154]	597	\$148,239 [\$11,645]	651	\$158,167 [\$14,419]	73	\$25,014 [\$0]	724	\$183,181 [\$14,419]
<b>Performance Measure (New in FY 2017)</b>	Number of human trafficking leads and complaints reviewed by the Human Trafficking Prosecution Unit	158		158		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		93		85		N/A		85	
<b>Performance Measure</b>	% of civil cases favorably resolved	85		100		85		N/A		85	
<b>Performance Measure</b>	Increase number of statements of interest involving first amendment or religious liberty (in percentage)	10		50		10		N/A		10	
<b>Performance Measure</b>	Increase number of RLUIPA matters opened (in percentage) <sup>2</sup>	10		3		10		N/A		10	
<b>Data Definition, Validation, Verification, and Limitations:</b> 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.											

<sup>/1</sup> Performance measures are reported through the fourth quarter of FY 2020 .

<sup>/2</sup> Religious Land Use and Institutionalized Persons Act (RLUIPA) matters YTD are below the target. The pandemic likely impacted the number of matters opened based on a slowdown of expansion activity by places of worship and a slowdown in local zoning processes, resulting in a decline in religious organizations and their attorneys contacting DOJ for assistance and our ability to identify conflicts.

PERFORMANCE MEASURE TABLE										
CIVIL RIGHTS DIVISION										
Performance Report and Performance Plan Targets				FY 2017	FY 2018	FY 2019	FY 2020		FY 2021	FY 2022
				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			253	252	219	158	158	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	100	100	75	100	75	75
<b>Performance Measure</b>	% of criminal cases favorably resolved			98.3	87.4	88.6	85	93	85	85
<b>Performance Measure</b>	% of civil cases favorably resolved			97.3	95.9	93.23	85	100	85	85
<b>Performance Measure</b>	Increase the number of statement of interest involving first amendment or religious liberty (in percentage)			NA	NA	166.6	10	50	10	10
<b>Performance Measure</b>	Increase number of RLUIPA matters opened (in percentage) <sup>/2</sup>			NA	NA	5.7	10	3	10	10

<sup>/1</sup> Performance measures are reported through the fourth quarter of FY 2020 .

<sup>/2</sup> Religious Land Use and Institutionalized Persons Act (RLUIPA) matters YTD are below the target. The pandemic likely impacted the number of matters opened based on a slowdown of expansion activity by places of worship and a slowdown in local zoning processes, resulting in a decline in religious organizations and their attorneys contacting DOJ for assistance and our ability to identify conflicts.

### 3. PERFORMANCE, RESOURCES, AND STRATEGIES

## PROTECTING INDIVIDUALS FROM VIOLENCE, DISCRIMINATION, AND EXPLOITATION

### 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 seven 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.

**Prosecuting Hate Crimes.** Since January 2017, the Division’s hate crimes prosecutors have handled a number of high-profile investigations and cases, including cases in Charlottesville, VA, Pittsburgh, PA, New York, NY, and El Paso, TX. 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.

**Combating Human Trafficking.** Human trafficking is a form of modern slavery; it takes many forms and can involve exploitation of both adults and children for labor and sex. Millions are estimated to be trafficked around the world each year – including into and within the United States. The Division’s Human Trafficking Prosecution Unit (HTPU) was formed in 2007 to consolidate the expertise of some of the nation’s top human trafficking prosecutors. HTPU prosecutes novel, complex, multi-jurisdictional and international human trafficking cases involving forced labor, international sex trafficking, and sex trafficking of adults through force, fraud, or coercion, in collaboration with USAOs nationwide. In addition to its prosecutions, HTPU plays a leading role in:

- formulating and implementing path-breaking enforcement initiatives,
- strengthening strategic partnerships, and
- developing and delivering capacity-building programs on best practices in survivor-centered human trafficking investigations and prosecutions.

In FY 2019, HTPU, together with the DOJ’s Criminal Division and USAOs, brought 220 human trafficking cases, charged 343 defendants, and obtained 475 convictions. During FY 2020, CRT led or participated in several critical enforcement actions described below.

**Prosecuting Color of Law Violations.** The Division continues to vigorously investigate and prosecute 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. These investigations and prosecutions have lessened the negative impact that these incidents have had on communities, thereby reducing the potential local and national unrest.

**Emmett Till Cold Case Act.** The Division operates its Cold Case initiative pursuant to the Emmett Till Cold Case Act of 2007. Following the Act’s reauthorization in 2016, more than 23 additional cold cases were referred to the Division for evaluation. Thus far, the Division has opened 132 matters for review and fully resolved 119. The Division makes its closing memos publicly available on its website at [Civil Rights Division Emmett Till Act \(Cold Case Closing Memoranda\) | CRT | Department of Justice](#). In addition, the Division is working to comply with the Cold Case Records Collection Act, which requires agencies within two years to identify and digitize

materials pertaining to civil rights cases dated 1940 to 1980, and transfer redacted information to the National Archives for eventual release to the public.

## **CASE EXAMPLES: PROTECTING INDIVIDUALS FROM VIOLENCE, DISCRIMINATION, AND EXPLOITATION**

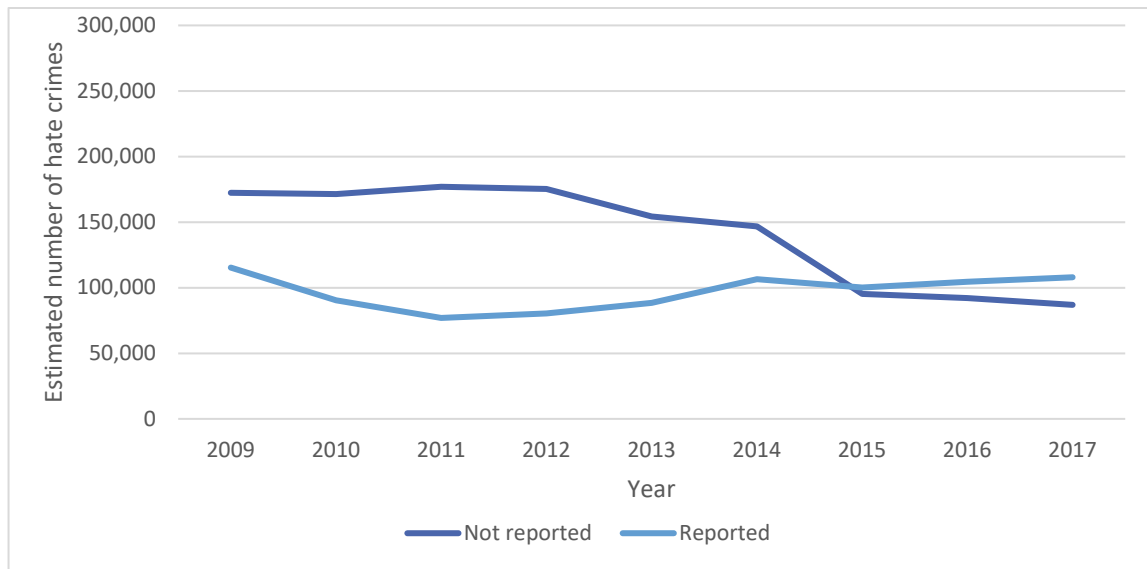
***United States v. Earnest***: On April 29, 2019, John Earnest shot and killed one congregant and wounded three others when he attacked the Poway Chabad in Poway, CA. Earnest is charged in a 113-count indictment with violations of Section 249 and 247 for the murder of one congregant and attempted murder of the other 54 congregants worshipping inside. Earnest was also charged with attempting to set fire to a mosque in Escondido, CA, on March 24, 2019.

***United States v. Garza*** (W.D. Wash): On March 31, 2021, Ashley Parker-Dipeppe faces sentencing after he pleaded guilty to conspiracy charges related to criminal conduct that he engaged in with other members of the neo-Nazi group Atomwaffen Division. Parker-Dipeppe and three other members of the Atomwaffen Division were charged with a plot to threaten and intimidate journalists and advocates who worked to expose anti-Semitism. In their plea agreements, Garza and Parker-Dipeppe admitted that they conspired with the two other defendants via an encrypted online chat group to identify journalists and advocates to threaten in retaliation for the victims' work exposing anti-Semitism. The group focused primarily on those who were Jewish or people of color. On the night of January 25, 2020, Garza placed a poster on the bedroom window of a prominent Jewish journalist that depicted a figure in a skull mask holding a Molotov cocktail in front of a burning home. The poster contained the victim's name and address, and warned, "Your actions have consequences. Our patience has its limits . . . You have been visited by your local Nazis." On the same night, Parker-Dipeppe affixed a poster on the window of a home he believed belonged to a Puerto Rican newscaster. The poster featured several swastikas and read "we know where you live . . . we are watching" and "do not fuck with us." Garza was sentenced to 16 months in prison on December 10, 2020. Parker-Dipeppe faces a sentence of 33-41 months.

## **STRATEGIES: COMBATING HATE CRIMES**

**Hate Crimes Enforcement and Prevention Initiative.** CRT leads the Department's Hate Crimes Enforcement and Prevention Initiative. The Initiative coordinates DOJ efforts to eradicate hate crimes by facilitating training, outreach and education to law enforcement agencies and the public at the Federal, state, local and tribal levels. Statistics show that most hate crimes are not reported to law enforcement, which hampers progress in combating these crimes.

## HATE CRIMES BEING REPORTED MORE FREQUENTLY



Source: DOJ Office of Justice Programs, Barbara Oudekerk, Hate Crime Statistics, March 2019. Estimates are based on three-year rolling averages centered on the most recent year. For example, 2017 estimates are based on 2015, 2016, and 2017.

To build trust between communities and law enforcement and encourage hate crime reporting, CRT and its partners are bringing together DOJ agents, prosecutors, outreach specialists, funders, and victim advocates to determine how best to combat hate violence in a comprehensive manner. For example, approximately 60 subject matter experts, community and faith leaders gathered in 2018 for a Hate Crimes Summit in Washington DC to develop recommendations for enhancing hate crimes investigation and reporting. Based on those recommendations, CRT led the creation of a model hate crimes outreach training for DOJ components to give in their communities. The ultimate goal of the program is to further hate crimes prevention efforts, and improve the accuracy of hate crime statistics, as more people become willing to report hate crimes to law enforcement. The training was set to be piloted in FY 2020, and was placed on hold due to the pandemic.



**Hate Crimes Website.** In 2018, the Division collaborated with other DOJ offices to launch 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 in October 2018, over a million people have visited the site, and the site has helped many of those find their way to the FBI’s hate crimes reporting portal. CRT has made recent improvements to the website, including translating pages into Spanish and adding a page that summarizes the most recently available FBI statistics on reported hate crimes at the national level. Improvements to the State-specific page feature, including graphics and flyers displaying that information at a state level, will be available later in FY 2021.

## STRATEGIES: COMBATING HUMAN TRAFFICKING

CRT’s Human Trafficking Prosecution Unit (HTPU) leads a number of domestic and international initiatives aimed at dismantling trafficking networks, prosecuting traffickers, and helping victims of human trafficking.

**Anti-Trafficking Coordination Teams (ACTeam).** 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. DOJ completed Phase II of the Initiative in September 2018. During Phase II, the six ACTeam Districts increased the number of defendants charged by 75 percent and more than doubled the number of defendants convicted, compared to a 1 percent increase in the number of defendants charged and a 36 percent increase in defendants convicted nationwide during the same period of time. The Department is currently analyzing the resource demands and the commitment of working partners required for a Phase III ACTeam launch.

**Federal Enforcement Working Group on Human Trafficking.** The Division's Human Trafficking Prosecution Unit (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. HTPU meets with delegations of international law enforcement and governmental officials to provide anti-trafficking expertise and training through programs organized by the Department of State (DOS) and DOJ's Office of Overseas Prosecutorial Development Assistance and Training (OPDAT).

HTPU conducted 32 domestic and international trainings from April 2019 to March 2020 to more than 7,700 international, federal, state, and local law enforcement officers, prosecutors, service providers, survivors, NGO staff members, and others working against human trafficking throughout the United States. Training topics included proactive case identification; victim-centered, trauma-informed investigations and prosecutions; proving coercion; defeating common criminal defenses; financial investigations; and obtaining victim restitution.

A particular area of focus has been ensuring appropriate restitution is provided to victims. Under federal law, trafficking victims must receive criminal restitution. However, the Human Trafficking Legal Center estimates that Federal courts order restitution in only 27 percent of cases. HTPU has incorporated specialized restitution training into its human trafficking prosecution trainings, produced video-on-demand distance learning programs specifically on the issue of restitution, collaborated with EOUSA to conduct webinars for USAOs, and published an authoritative article on best practices in securing restitution. In FY 2019, over \$7.8 million in restitution was awarded to victims of sex trafficking.

## CIVIL ENFORCEMENT

### **SAFEGUARDING THE FUNDAMENTAL RIGHT TO VOTE IN OUR DEMOCRACY**

**Enforcing the Voting Rights Act (VRA).** The Division enforces the non-discrimination provisions of the Voting Rights Act. Section 2 of the VRA makes it illegal to deny or abridge the right to vote because of a person's race. Historically, the Division has focused much of its VRA work on local jurisdictions. The Division investigates jurisdictions that conduct redistricting and those that use at-large election methods. Every ten years, the Census releases a new set of redistricting data that we use for VRA enforcement. We use that data throughout each decade.

**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 absent with them, and American citizens residing outside the United States. UOCAVA applies to every election for federal office, e.g., general, primary, runoff or special. UOCAVA provides for a Federal Post Card Application that UOCAVA voters can use to register to vote and request an

absentee ballot simultaneously. UOCAVA also provides for a "back-up" ballot, called the Federal Write-In Absentee Ballot. This ballot may be cast by voters covered by UOCAVA who have made timely application for, but have not received, their regular ballot, subject to certain conditions. UOCAVA provides that states must transmit validly-requested absentee ballots to UOCAVA voters no later than 45 days before an election for a federal office.



**Enforcing the Americans with Disabilities Act (ADA).** In addition, the Division enforces the ADA's requirements to ensure equal access to polling places and the election process for people with disabilities. In 2015, the Department, partnering with U.S. Attorneys across the

*"The Tarrant County Elections Administration Department welcomes representatives from the Department of Justice. Observation of polls is common practice for the DOJ and should not be a sign of concern for anyone. The DOJ will conduct an independent observation of the process, with no presence of Elections Administration personnel."*

Written Statement Issued by Heider Garcia, Tarrant County, TX Elections Administrator

nation, launched the ADA Voting Initiative to ensure that people with disabilities have an equal opportunity to participate in the voting process, including in the 2016 presidential elections. The ADA Voting Initiative covers all aspects of voting, from voter registration to casting ballots, including absentee, early, and in-person voting at neighborhood polling places. Through this initiative, more than 2,200 polling places have been surveyed to identify barriers to access. The Initiative also engages in outreach to inform public entities about their responsibilities to provide accessible voting under the ADA. CRT staff have worked with the National Association of Secretaries of State and National Association of Election Officials and will continue to conduct outreach in FY 2020.

## **CASE EXAMPLES: SAFEGUARDING THE FUNDAMENTAL RIGHT TO VOTE IN OUR DEMOCRACY**

**City of Eastpointe, Michigan.** In June 2019, the Division reached a settlement that changed the method of election for the city council for the City of Eastpointe in Michigan. The settlements provides black voters with the opportunity to elect candidates of their choice.

**Chamberlain School District, South Dakota.** In June 2020, the Division entered into a settlement that changed the method of election for the school board of the Chamberlain School District in South Dakota. The settlement provides American Indian voters with the opportunity to elect candidates of their choice.

**Wisconsin.** In June 2018, the Division reached a settlement with Wisconsin which sought to remedy the fact that the State did not provide all of the protections of UOCAVA to those voters who are residing overseas temporarily.

**Arizona.** In February 2018, CRT entered a settlement with Arizona to address the fact that the State was not able to transmit final absentee ballots to UOCAVA voters at least 45 days in advance of a special primary election for a congressional seat.

**Lackawanna and York Counties, Pennsylvania.** During FY 2020, the United States Attorney's Office for the Middle District of Pennsylvania, in collaboration with the Division, entered into settlement agreements with Lackawanna County and York County, Pennsylvania to resolve two investigations of the accessibility of their polling place programs under Title II of the ADA. Lackawanna and York Counties will begin to remediate their voting programs before the next elections by employing temporary measures, such as portable ramps and signage,

as needed; training poll workers; surveying polling places for accessibility; and revising policies and procedures to select accessible polling places to be used in future elections.

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

**Election Monitoring.** Every year, the Division monitors elections in jurisdictions around the country. The Civil Rights Division conducts monitoring of polling places on election day using federal observers, as well as monitoring using Division attorneys and staff, to help assess compliance with the federal voting rights laws around the country. The Division can engage Office of Personnel Management (OPM) federal observers where there is a court order under Section 3(a) of the Voting Rights Act authorizing their presence. In addition, one or more attorneys and staff members from the Division may be assigned to monitor elections in other localities around the country. In FY 2021, so far, the Division monitored elections under the federal voting rights laws in 44 jurisdictions in 18 states in the November 2020 general election.

## **PROTECTION 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. CRT investigates matters and files a number of cases to protect servicemembers from a wide range of illegal conduct, including wrongful home foreclosures and evictions, wrongful employment and reemployment actions and failures to provide qualified uniformed services voters, their family members and overseas American citizens to register and vote absentee for federal offices. The Division also brings cases involving servicemembers who face discrimination because of their disability. In Fiscal Year 2020, the Division filed a record-setting number of cases under the Servicemembers Civil Relief Act (SCRA).

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

**United States v. Conn Credit I, LP, et al.** (S.D. Tex.). In FY 2020, defendants settled a case alleging that a chain of furniture, electronics, and appliance stores headquartered in The Woodlands, Texas violated the Servicemembers Civil Relief Act by failing to lower the interest rate on consumer retail installment contracts to 6% for at least 184 servicemembers. The settlement requires the defendants to refund all of the excess interest they charged and to pay an additional \$500 to each servicemember. The defendants must also pay a \$50,000 civil penalty. The defendants must also hire an independent consultant to identify all affected servicemembers.

**Lindsay Hunger v. Wal-Mart.** In January 2020, the Division resolved a lawsuit in which the plaintiff alleged that Walmart, Inc. violated USERRA when it failed to offer her employment at one of its stores because of her upcoming Naval Reserve commitments. As part of the settlement, which includes \$15,000 in backpay, Walmart agreed to review and revise its corporate-wide employment and internal hiring policies. It also agreed to add to its policies the following language: “Walmart prohibits discrimination against individuals, including applicants, based on their military service (including required military training obligations) or membership in the uniformed services.”

## STRATEGIES: PROTECTING THOSE WHO PROTECT US

**Servicemembers and Veterans Initiative.** The Division uses its Servicemembers and Veterans Initiative (SVI)



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.

During 2019, staff from CRT and other DOJ components provided information on the SCRA and the Initiative's work

at 24 events across the country. At these events, CRT and other Department staff conducted trainings on the SCRA for legal professionals (including military attorneys), know-your-rights presentations for enlisted servicemembers, and presentations for law school clinics and outside legal assistance organizations.

**Collaboration with Department of Labor.** The Department and DOL work collaboratively to meet the goal of ensuring servicemembers' USERRA rights are protected. CRT leads USERRA-related outreach on military bases, and facilitates the forwarding of individual complaints from active and former servicemembers to DOL for initial determinations. If DOL cannot resolve a servicemember's USERRA claim against a private, State, or local government employer, the servicemember may ask DOL to refer the servicemember's claim to the Attorney General for review. DOJ collaborates with DOL to ensure that referrals are promptly and carefully processed and that each meritorious referral is resolved to the satisfaction of the servicemember and the government and seeks to resolve meritorious referrals without contested litigation whenever possible, in order to achieve the best possible result for the service member. DOJ works closely with the Solicitor's Office at DOL to train its investigators, discussing case trends, and collaborating on USERRA strategy.

**Servicemembers.gov** CRT also manages a one-stop website ([www.servicemembers.gov](http://www.servicemembers.gov)) that provides servicemembers, veterans and military family members as well as legal practitioners a wealth of resources to help them become informed about and protect their rights. The website has received about 20,000 monthly hits so far in FY 2020.

### EXPANDING OPPORTUNITIES FOR ALL PEOPLE

#### PROTECTING INDIVIDUALS FROM DISCRIMINATION BASED ON RACE, NATIONAL ORIGIN, SEX, RELIGION, DISABILITY AND CITIZENSHIP STATUS



The Division is committed to addressing long-standing civil rights challenges in housing, employment, and education. CRT staff work to protect some of the most fundamental rights of individuals, including the right to access housing free from discrimination, the right to access credit on an equal basis, and the right to patronize places of business that provide public accommodations. The Division works to protect the right of every student to attend school free from discrimination, including segregation or harassment. The Division works to aggressively combat discrimination against people with disabilities, and the Division works to make sure that entities that receive federal financial assistance do not discriminate.

Additionally, the Division works to achieve environmental justice by addressing discriminatory environmental and health impacts through its enforcement and agency coordination authorities. The Division conducts investigation, leads the Title VI Committee of the Environmental Justice Interagency Working Group, and collaborates with the Environmental Protection Agency, the Department of Transportation, the Department of Health and Human Services, and other key agencies to ensure consistent enforcement of Title VI and to bring the breadth of federal resources to resolve complaint investigations.



## PROTECTING INDIVIDUALS FROM DISCRIMINATION IN EMPLOYMENT

The Division works to prevent and address workplace discrimination on the basis of race, national origin, sex, religion, and disability. The Division also 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 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 three complaints and entering into three 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.

## CASE EXAMPLES: PROTECTING INDIVIDUALS FROM DISCRIMINATION IN EMPLOYMENT

**U.S. v. Pennsylvania:** In April 2021, ELS settled its Title VII pattern or practice sex discrimination lawsuit against the Pennsylvania State Police (PSP) for \$2.2 million and 65 priority hires. Our complaint alleged that PSP's use of physical tests as part of its entry level hiring process discriminated against female applicants. PSP must use an exam that complies with Title VII.

**U.S. v. Baltimore County:** In November 2020, ELS obtained \$2 million and 20 job offers for qualified claimants in settlement of its race discrimination pattern or practice Title VII lawsuit against Baltimore County, Maryland. The complaint alleged that the County and its Police Department discriminated against Black applicants for entry level police officer and cadet positions by using written exams that were not sufficiently related to the jobs and

disproportionately screened out Black candidates. The settlement requires Baltimore County, under ELS review, to replace those exams with selection procedures that comply with Title VII.

**Lanier Technical College, Georgia.** In 2019, the Division settled an ADA Title I suit against Lanier Technical College in Georgia. The complainant, Mary Queen, worked part-time as an emergency medical technician lab assistant for Lanier Technical College, while also working full-time as a paramedic for another employer. She has multiple sclerosis. The United States' complaint alleged that after Ms. Queen took three days of sick leave because of her multiple sclerosis, Lanier Technical College removed her from the teaching schedule for the entire semester, reducing her hours and pay to zero, and then terminated her. The complaint also alleged that when Ms. Queen questioned her removal from the schedule, her supervisor stated that she needed "time to heal" and raised liability concerns. Under the settlement agreement, the college agreed to revise its policies to ensure compliance with the ADA, implement new policies to ensure it does not discriminate on the basis of disability in its scheduling practices, train staff on the ADA, file periodic reports with the Department on implementation of the agreement, and pay back pay and compensatory damages to its former employee.

**Fleetlogix.** In November 2020, CRT signed a settlement agreement with Fleetlogix, Inc. resolving claims that the company routinely asked the non-U.S. citizens it hired in Phoenix to provide documents issued by the Department of Homeland Security to prove their employment eligibility. However, the company did not specify the types of documents that U.S. citizens had to provide. Under the settlement agreement, Fleetlogix paid a civil penalty of \$627,00 to the United States, committed up to \$100,000 in back pay to compensate discrimination victims that would be identified through a backpay claims process. It also committed to train its employees on the requirements of the INA's anti-discrimination provision and be subject to departmental reporting requirements.

## **STRATEGIES: PROTECTING EMPLOYEES FROM DISCRIMINATION**

**Sexual Harassment in the Workplace.** In 2018, the Department launched the Sexual Harassment in the Workplace Initiative (SHWI). The Sexual Harassment in the Workplace Initiative (SHWI) seeks to develop tools to hold state and local government employers accountable for sexual harassment. As part of the SHWI, the Division conducts outreach to state and local government employers focusing 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.

**Outreach and Education.** To help prevent violations of the law, CRT conducts an outreach and education program aimed at educating employers, potential victims of discrimination, and the general public about their rights and responsibilities under the INA's anti-discrimination provisions. In FY 2019, Division staff participated in over 100 in-person events and webinars reaching nearly 6,000 employees, employers and other stakeholders. In an effort to increase accessibility to its services and resources, the Division has over 60 memoranda of

understanding with numerous federal, state and municipal fair employment practice agencies and with foreign governments. Through these partners, individuals can obtain information and file charges of immigration related employment discrimination. These agreements also provide for the referral of discrimination charges and training for agency and consular staff.

**Employer and Worker Hotlines.** CRT also operates an employer and worker hotline to quickly address questions and resolve problems and assists thousands of callers each year. Workers and employers are encouraged to call the respective hotlines to seek assistance with immigration-related employment issues. The hotline and CRT's other outreach activities have helped to resolve workplace problems before charges are filed or a legal violation occurs. Each year, the Division conducts about 200 interventions in which it, as a result of an employee call to the hotline, contacts an employer directly to correct an employer's understanding of employment eligibility documentation. This typically leads not only to the hire, retention, or rehire of the employee who called the hotline but helps employers improve their understanding of the eligibility verification procedures, and prevents costly litigation. CRT estimates these interventions preserved the jobs of 215 U.S. citizens and other callers with authorization to work in the United States in fiscal year 2020, generating an estimated \$3.9 million in economic value CRT also answers questions from job applicants, employees, and employers regarding rights and responsibilities under Title I of the Americans with Disabilities Act via its ADA Information Line.

## OPPORTUNITIES IN EDUCATION

The Division continues 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) combating segregation in schools; (2) addressing hate and harassment based on race, national origin, and religion; and (3) enforcing prohibitions on sex discrimination.

### CASE EXAMPLES: EQUAL OPPORTUNITY IN EDUCATION

**Challenging Discriminatory Discipline of Black Students and Students with Disabilities.** On July 31, 2020, the Division and the U.S. Attorney's Office for the Northern District of Ohio announced a settlement agreement with Toledo Public Schools to address and prevent discrimination based on race, disability, and national origin. The investigation found a pattern of racially disparate discipline, including in suspensions, expulsions, and referrals to law enforcement. When Black students and white students engaged in similar behavior, the district disciplined Black students more severely and for longer periods of time than similarly situated white students. The settlement agreement requires the district to stop removing Black students from their schools and classrooms based on race.

**Ending Reliance on Seclusion Rooms and other Segregation of Students with Disabilities.** On December 31, 2020, the Division reached a settlement agreement with an Indiana school district to address and prevent the discriminatory secluding and restraining of students with disabilities. The Division's investigation found that students as young as five years old were placed in isolation and restrained improperly and repeatedly, resulting in days, and sometimes weeks, of lost instructional time. The investigation also found that the school district regularly and inappropriately sent students with disabilities home early from school, placed them on abbreviated school days, and assigned them to homebound instruction rather than provide them the educational services they were entitled to.

**Combating Hate and Harassment.** On November 12, 2020, the Division and the U.S. Attorney's Office for the Western District of Washington reached a settlement agreement with Federal Way Public Schools to resolve an investigation into religion and national origin discrimination, including complaints that students repeatedly called Muslim students "terrorists," pulled off their hijabs, and physically assaulted them, and told a Latina student to "Go back to Mexico," threatened to kill her, and physically assaulted her. The Department also investigated complaints that the district failed to properly communicate with parents and guardians who were not fluent in

English. Under the agreement, the school district will take proactive steps to improve its response to peer-on-peer harassment based on religion and national origin.

**Protecting K-12 Students from Sexual Assault.** In July 2020, the Division and the U.S. Attorney’s Office for the Northern District of Georgia filed a Statement of Interest in a Title IX case involving a middle school student with disabilities who suffered an escalating series of sexual assaults and rape at the hands of other students while riding a district special needs school bus, with no intervention by the bus driver. On March 23, 2021, the U.S. District Court for the Northern District of Georgia denied the school district’s motion to dismiss the lawsuit, relying heavily on the Division’s Statement of Interest.

**Ending Campus Sexual Assault.** In February 2020, the Division reached a settlement agreement to make sure that Utah State University responds appropriately to sexual harassment, including sexual assault, of students. The settlement followed an exhaustive, multi-year investigation that found the university did not comply with Title IX in key respects, often failing to do any investigation of reported sexual harassment and assaults, and in some cases missing patterns of assaults committed by the same perpetrator against multiple victims. As a result, severe sexual harassment, including rapes and other forcible sexual assaults, went unaddressed, with serious, lasting consequences for student-victims. The agreement includes specific steps the university will take to improve its handling of sexual harassment complaints, help students, faculty, and staff understand their reporting options, duties, and obligations with respect to sexual harassment, and ensure that members of the campus community know where to go for resources and support.

## STRATEGIES: EQUAL OPPORTUNITY IN EDUCATION

**Combating Segregation in Schools:** The Division furthers its core mission to combat segregation in schools by representing the United States in approximately 140 desegregation cases and bringing new investigations to challenge modern-day forms of segregation across the country. As part of its work, the Division ensures that school policies do not remove students from classrooms or isolate students based on race, disability, or other protected classifications.

CRT WORKS TO RESOLVE DISPARITIES IN SCHOOLS UNDER DESEGREGATION ORDERS



CRT enforces long-standing desegregation lawsuits against public elementary and secondary school districts to ensure that state-sponsored segregation is eradicated. Investigations have revealed disparities in educational facilities that are part of desegregation orders. The school weight room on the left is in an integrated high school and the school weight room on the right is in a school with predominately Black students located 5 miles away in the same Louisiana parish.

## CRT WORKS TO END SEGREGATION OF STUDENTS WITH DISABILITIES



**Addressing Hate and Harassment Based on Race, National Origin, and Religion.** The Division's work includes investigations into pandemic-related harassment targeting AAPI individuals and xenophobic harassment and violence targeting students. Where the incidents involve both criminal conduct and discriminatory harassment, Division staff coordinate with the local U.S. Attorney's Offices and law enforcement to ensure that schools respond appropriately.

**Enforcing Prohibitions on Sex Discrimination.** In coordination with the Department of Education, the Division's enforcement efforts focus on ensuring that schools address and respond to sex discrimination on campus and in school programs and activities. EOS's work protects all students from discrimination, including sexual harassment and sexual assault, based on sex (including sexual orientation and gender identity).

## ENSURING EQUAL OPPORTUNITY IN HOUSING AND LENDING

The Division devotes significant resources to fair housing and lending cases.

## STRATEGIES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND LENDING

**Sexual Harassment in Housing.** Sexual harassment in housing, including harassment of tenants by landlords, property managers, and maintenance staff, 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 2017 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, the Division opened a record number of investigations and

filed 20 complaints alleging a pattern or practice of sexual harassment in housing. In 2018, CRT created a public service announcement video message aimed at raising awareness and reaching victims of sexual harassment in housing. The video features three women who were injured parties in sexual harassment lawsuits brought by the Department under the Fair Housing Act. In the PSA, the women, in their own words, share the stories of how they were harassed and the impact the experience has on their lives. DOJ and the U.S. Department of Housing and Urban Development (HUD) have worked together to share the video, and it has been viewed thousands of times.



DOJ PSA: Sexual Harassment in Housing Is Illegal

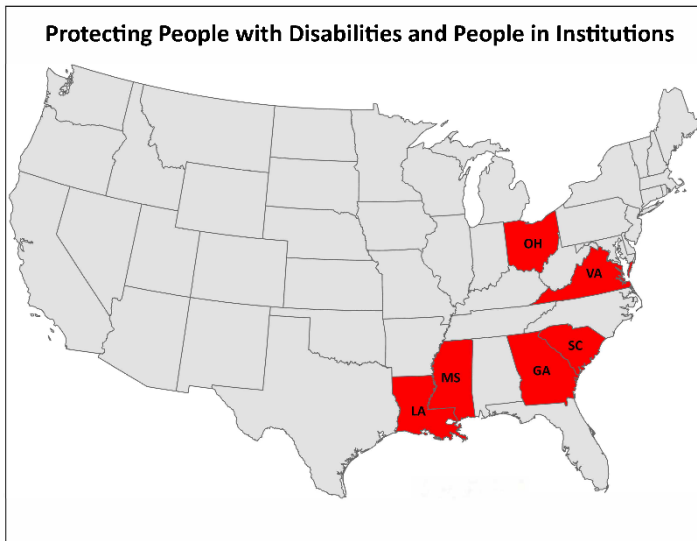
In Fiscal Years 2019 and 2020, the Department held 21 roundtables about sexual harassment in housing with U.S. Attorney's Offices across the country. At these events, the Department creates opportunities for collaboration with local community partners, including engaging local law enforcement officers, legal aid offices, fair housing organizations, civil rights organizations, housing authorities, and other groups. In October 2019, CRT presented a 3-day course for Assistant United States Attorneys on Investigating Complaints of Sexual Harassment in Housing. Participants learned practical strategies for handling a sexual harassment in housing matter from the receipt of a referral or complaint through the process for seeking authorization to file a lawsuit. The course was intended to leverage the Justice Department's nationwide network of U.S. Attorney's Offices, enabling U.S. Attorney's Offices to lead or assist CRT with sexual harassment in housing investigations.

**Combating Redlining Initiative.** Redlining occurs when banks and other lenders avoid providing credit in communities of color. The Division has initiated a Combating Redlining Initiative that will identify, investigate and redress the unlawful redlining practices of lenders across the country, particularly in those neighborhoods where historic patterns of residential racial segregation and lack of equal access to credit among people of color remain entrenched. The Division will partner with 8-10 U.S. Attorney's Offices to initiate redlining investigations across the country. The Division has developed and filed over a dozen redlining cases over the years and has significant in-house expertise. For example, in *United States v. First Merchants Bank* (S.D. Ind. 2019), the Division settled its claims that the bank had redlined Black neighborhoods in Indianapolis. As a result of the settlement, the bank has opened a branch and a loan production office in the previously redlined areas, invested in marketing and community outreach to Black neighborhoods, and hired a director of community lending. Under the settlement the bank also established a loan subsidy fund to increase credit opportunities for residents of the redlined neighborhoods.

## PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES AND PEOPLE IN INSTITUTIONS

CRT enforces a number of statutes that prohibit discrimination against individuals with disabilities as well as individuals receiving services in institutions.

**Enforcing the Americans with Disabilities Act.** CRT works to achieve equal opportunity for people with disabilities by implementing and enforcing the Americans with Disabilities Act (ADA), including the right to receive services in the most integrated setting appropriate. CRT uses a number of tools to implement the ADA, including investigation, litigation, regulations, coordination, and technical assistance activities. It also has an innovative ADA mediation program, an effective alternative dispute resolution process for resolving complaints under the ADA.



Institutionalized Persons Act (CRIPA), which protects the rights of people in state or local correctional facilities, juvenile justice facilities, nursing facilities, mental health facilities, and institutions for people with intellectual and developmental disabilities.

**Fair Housing Act Enforcement.** CRT also enforces the Fair Housing Act (FHA), which prohibits discrimination on the basis of disability, in addition to a number of other bases. The FHA covers those who provide housing, such as landlords and real estate companies. It also covers municipalities, lending institutions and homeowners' insurance companies.

**Civil Rights of Institutionalized Persons Act.** The Division also enforces the Civil Rights of

**Through its ADA-related work, CRT affects millions of businesses and non-profit agencies, over 90,000 units of state and local government, over 55 million people with disabilities, and over 100 Federal agencies and commissions in the Executive Branch.**

## CASE EXAMPLES: PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES AND PEOPLE IN INSTITUTIONS

In FY 2020 and more recently, CRT undertook a number of enforcement actions to protect the rights of those with disabilities and those in institutions.

**Amtrak.** In December 2020, the Division resolved its complaint alleging that Amtrak violates the ADA by failing to make its existing intercity rail stations readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. The settlement agreement requires Amtrak to fix its inaccessible stations and pay \$2.25 million to victims hurt by its inaccessible stations. The ADA allowed Amtrak 20 years from the law's 1990 enactment to make its stations accessible, but Amtrak failed to comply by July 26, 2010.

**State of North Dakota.** In December 2020, the United States entered into a settlement agreement with the State of North Dakota resolving complaints alleging that the State unnecessarily institutionalizes individuals with disabilities in nursing facilities. Under the agreement, North Dakota will expand services to individuals with physical disabilities in, or at risk of entering, a nursing facility to allow them to live in their homes. The State will provide these services to more than 2,500 people with disabilities, helping them to assess their options, decide



where they would like to live, and arrange for community-based services. These services include assistance in finding accessible housing and home health aides to help with daily activities such as bathing and dressing. As part of the agreement, North Dakota will also increase access to community-service providers.

**Massachusetts Department of Children and Families.** In November 2020, the United States recently reached a landmark **agreement** with the Massachusetts Department of Children and Families (DCF). The agreement resolves findings that DCF discriminated against parents with disabilities in the administration of its child welfare program and requires that DCF take critical steps to ensure the ADA’s protections extend to parents with disabilities throughout the Commonwealth of Massachusetts. This includes appointing statewide and regional coordinators to oversee DCF’s efforts to comply with Title II and Section 504; creating a new Parents with Disabilities Policy, including processes for requesting disability-based accommodations and filing disability-based complaints; training staff on DCF’s obligations to parents with disabilities and its new policies and procedures; and periodically reporting to the Department of Justice and HHS on its handling of accommodation requests and disability-related complaints.

**Hampton Roads Regional Jail.** On August 31, 2021, the Division entered into a consent decree with the Hampton Roads Regional Jail in Portsmouth, Virginia to resolve allegations that the jail’s medical care, mental health care, and restrictive housing practices violated the Eighth and Fourteenth Amendments, and the restrictive housing practices violated the Americans with Disabilities Act. Under the consent decree, the jail will develop and implement policies, procedures, and training regarding adequate medical and mental health care and appropriate housing for prisoners with serious mental illness. These measures include appropriate screening and assessment by qualified professionals, adequate treatment planning and suicide prevention practices, specialized mental health housing units, and a quality assurance program. Compliance with the consent decree is assessed by an independent monitor who will also provide technical assistance to the jail.

**United States v. Heritage Senior Living.** On June 25, 2020, the Division entered into a settlement resolving *United States v. Heritage Senior Living, LLC* (E. D. Pa.). The complaint alleged that the owners and operators of a senior living facility violated the Fair Housing Act by requiring residents:

- who use wheelchairs to transfer from their wheelchairs into a dining room chair,
- who use motorized and non-motorized wheelchairs to pay a non-refundable deposit, and
- to sign a lease that required an initial physical assessment as a requirement of tenancy and potential eviction if they later developed certain health conditions.

The complaint also alleged that the transportation defendants provided was inaccessible to people who used wheelchairs. Under the settlement, defendants will pay between \$250,000 and \$325,000 into a settlement fund to compensate residents and prospective residents who were harmed by these policies. Defendants will also pay a \$55,000 civil penalty to the United States.

## **STRATEGIES: PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES**

The year 2020 marked the 30th anniversary of the ADA, and the Division continues to work toward making the promise of the ADA a reality, enabling all Americans with disabilities to achieve their dreams and reach their full potential. The Division’s ADA efforts in 2020 included landmark resolutions to ensure equality of access and opportunity in areas ranging from transportation to health care to parental rights. Commemorative anniversary events, including the inaugural episode of the Department’s podcast series, “Justice Beat,” and an anniversary webpage, offered opportunities both to highlight the Division’s ADA work and envision the future of disability rights enforcement and the Division’s place in it.

Pursuant to the ADA’s requirement to educate the public, the Department provides technical assistance to businesses, State and local governments, and individuals to encourage voluntary compliance with the law. Activities include providing free direct technical assistance and guidance to the public through [www.ada.gov](http://www.ada.gov) and

the ADA Information Line, developing and disseminating technical assistance materials to the public, and undertaking outreach initiatives.

**ADA.gov.** ADA.gov, along with the ADA Information phone line, serve as the primary points of contact by the nation’s general public, including millions of businesses, more than 90,000 units of state and local government, and more than 50 million people with disabilities who turn regularly to the Department for accurate and timely information about complying with the ADA. ADA.gov is consistently one of the top ten most-viewed websites managed by the Department, with about 10 million views in FY 2020. Individuals with disabilities and advocacy groups can use ADA.gov to learn about their rights or to file a complaint. In fact, for much of FY 2020, the Department received about 250 complaints via ADA.gov per week. (In June of 2020, the Division opened a new online portal to receive complaints and now the Department receives about 600 complaints per week via the portal to handle under the ADA.) Businesses—small to large—use ADA.gov to find technical assistance so that they can understand how to meet their accessibility requirements and avoid litigation for lack of compliance with the law. Lawyers and other legal professionals can use the website to stay up to date on the legal ADA landscape and to prepare better cases for their clients. In FY 2020, CRT launched an effort to give ADA.gov a more contemporary look and feel, improve mobile functionality and enhance user experience.

**ADA Information Line.** In FY 2020, call-takers on the ADA Information Line answered almost 35,000 calls from people seeking information on the ADA and other disability rights laws. CRT staff also spoke to representatives of state and local governments, businesses, people with disabilities, disability rights advocates, and others, providing information on the ADA to a total of more than 4,300 people. The Division provided extensive technical assistance to people with disabilities and covered entities seeking information relating to the Covid -19 pandemic and disability rights. Since the beginning of March 2020, CRT ADA Specialists have answered more than 5,800 Covid-related calls from members of the public.

---

**ADA INFORMATION LINE**

The U.S. Department of Justice provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Information Line.  
800-514-0301 (voice)  
800-514-0383 (TTY)

---

**ADA Mediation Program.** The Department of Justice’s ADA Mediation Program (the Program) informally resolves ADA complaints, allowing parties – the person who filed the complaint and the business or local government named in the complaint – to develop mutually agreed upon solutions that comply with the ADA. The Program greatly expands the reach of the ADA and the speed with which alleged violations are resolved at minimum expense through a partnership between the Department of Justice and the mediation contractor, the Key Bridge Foundation (KBF). The cooperative, voluntary approach can preserve relationships between parties and produce win-win results: increased access for people with disabilities and saving businesses and State and local governments time and money as they avoid court proceedings. Since its inception in 1994, the Program has mediated more than 5,000 complaints nationwide, with about 80 percent of them resulting in successful resolutions.

## PROVIDING MEANINGFUL ACCESS FOR PEOPLE WITH LIMITED ENGLISH PROFICIENCY

For people with limited English proficiency, not getting the language services they need to participate meaningfully in a court proceeding can result in devastating consequences. The inability to understand a court

proceeding can render an individual virtually absent, result in inaccurate testimony, or compromise a judge's ability to evaluate all the facts.

### **CASE EXAMPLES: PROVIDING MEANINGFUL ACCESS FOR PEOPLE WITH LIMITED ENGLISH PROFICIENCY**

**Colorado Office of Administrative Courts.** In March 2021, the Division reached a settlement agreement with the Colorado Office of Administrative Courts to help people with limited English proficiency access timely and competent language assistance in the court system. As a result, hundreds of thousands limited English proficient people in Colorado can now participate meaningfully in cases involving a wide variety of important rights including, workers' compensation, civil rights, environmental justice, education, and transportation.

### **STRATEGIES: PROVIDING MEANINGFUL ACCESS FOR PEOPLE WITH LIMITED ENGLISH PROFICIENCY**

**LEP.gov.** In addition to enforcement, the Division has created tips and tools to assist agencies as they work to make their programs and services accessible to people who have limited English skills. The website, [www.lep.gov](http://www.lep.gov), contains a wealth of resources, including mapping and procurement tools, examples of language access plans, "I speak" cards, and much more.



## Leading a Coordinated Civil Rights Response to Coronavirus (COVID-19)

April 2, 2021- Principal Deputy Assistant Attorney General for Civil Rights Pamela S. Karlan: "Civil rights protections and responsibilities continue to apply even during emergencies. They cannot be waived."

[Español](#) | [簡體字](#) | [简体字](#) | [Tiếng Việt](#) | [한국어](#) | [Tagalog](#)

### [USING INNOVATION TO FURTHER OUR MISSION](#)

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.

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. A recent examples of how we are transforming the way we work is the launch of the Civil Rights Reporting Portal.

## STRATEGIES: USING INNOVATION TO FURTHER OUR MISSION

**Civil Rights Reporting Portal.** In June 2020, the Division launched a new Civil Rights Reporting Portal to serve as a centralized, online location to file and process civil rights concerns from all members of the public. The Division receives approximately 130,000 contacts about potential civil rights violations from individuals and groups each year. Prior to the launch of the Reporting Portal, CRT staff spent an estimated 35,000 hours per year intaking, assigning, evaluating, and responding to individuals about those allegations. The new **Civil Rights Reporting Portal** consolidates over 30 different reporting pathways, making it much simpler for the public to provide the needed information and address the concern quickly and accurately.

**Have you or someone you know experienced unlawful discrimination?**

**The Civil Rights Division may be able to help.** We enforce federal laws that protect you from discrimination based on your race, color, national origin, disability status, sex, religion, familial status, and more.

[Start a report](#)

The Division is leveraging the Portal to address emerging civil rights issues. In late-April 2021, the Division will launch several translations of the Portal, including in the Asian languages most commonly spoken in the United States:

- Chinese (simplified and traditional)
- Vietnamese
- Korean
- Tagalog (including Filipino)

The Portal is just one example of how the Division is using innovation to strengthen and further its enforcement mission.

## V. PROGRAM INCREASES BY ITEM

### ENFORCING CIVIL RIGHTS LAW

#### **ITEM NAME: INVESTMENTS IN CIVIL RIGHTS PRIORITIES**

Budget Decision Unit(s): Civil Rights Enforcement

Program Increase: Positions 85 Atty 60 FTE 64 Dollars \$20,661,000

#### Description of Item

Since 1957, the Civil Rights Division has stood as a cornerstone of the national mission to protect the civil rights of all people in the country, particularly the most vulnerable members of our society. It is always working in the background to eradicate discrimination, but there are moments in history that call for a redoubling of those efforts -- a time when the Division's powers of enforcement, education, and coordination are particularly critical. This is one of those moments, a year of overlapping crises and fast-moving changes.

In the last year:

- The Covid-19 public health crisis exacerbated existing inequities in our society and prompted xenophobic backlash;
- The death of a Black man in police custody ignited social protests nationwide;
- A landmark Supreme Court decision expanded the reach of discrimination laws to new territory;
- Technological advancements continued rapidly; and
- Elections were held, shining a spotlight on voting rights.

Each of these are turning points, which will require new innovation and effort by the Civil Rights Division.

As detailed below, the Civil Rights Division is uniquely positioned to answer the challenges facing vulnerable communities in our current climate. By adding to and recommitting our resources to the initiatives and programs highlighted here, we can continue to do the important work for which the Division was created — work that is especially relevant right now.

#### **Responding to the Pandemic's Impact on Civil Rights**

The Covid-19 pandemic is a civil rights issue. In its wake, we have seen:

- A rise in hate crimes and hate incidents aimed at the Asian American and Pacific Islander (AAPI) community;
- Communities of color, as well as people with disabilities and those living in congregate settings, suffering disproportionately high rates of infection, hospitalization, and death;
- Housing insecurity for millions of American households, especially Black and Hispanic households, and households with annual incomes under \$75,000; and
- Increased inequalities in healthcare, education, housing, and employment.

- Challenges and risks associated with nursing homes, other long-term care facilities, and correctional facilities.

Justification

The Civil Rights Division is already responsible for enforcing our nation's non-discrimination laws. With those tools, we can address the crises that have been magnified by Covid-19.

<b>Pandemic-Related Challenges to Civil Rights</b>	<b>Relevant Enforcement Areas Covered by the Civil Rights Division</b>
Anti-AAPI discrimination	<p><u>Hate crimes</u> –prosecutors from the Civil Rights Division work with the FBI and local law enforcement officials to investigate and prosecute hate crimes. The Division also leads the Justice Department's Hate Crimes Enforcement &amp; Prevention Initiative.</p> <p><u>Civil discrimination laws</u> – our civil litigation teams enforce laws to combat anti-AAPI discrimination in many contexts, including:</p> <ul style="list-style-type: none"> <li>• Housing</li> <li>• Lending</li> <li>• Education</li> <li>• Employment</li> <li>• Public accommodations (restaurants, hotels, entertainment venues)</li> <li>• Federally funded activities</li> </ul>
Closing opportunity gaps in education	We enforce laws that prohibit discrimination on the basis of race, color, sex, national origin, language barrier, religion, or disability. Schools must comply with several federal laws that give students an equal opportunity for an education.
Equal access for people with disabilities	We work to protect the rights of people with disabilities, both independently and in cooperation with various partner agencies, such as HHS). Governments, healthcare providers, public accommodations, and care facilities must comply with the Americans with Disabilities Act and, where applicable, Section 504 of the Rehabilitation Act.
Segregation of people with disabilities and conditions in nursing homes, long-term care facilities, and correctional facilities.	We enforce the integration mandate of the ADA to prevent and address the segregation of individuals with disabilities in institutional settings. We also investigate and take action under CRIPA regarding conditions in nursing homes, long-term care facilities, prisons, juvenile facilities, and jails.
Housing insecurity	Working with various partner agencies (including HUD), we hold lenders and housing providers accountable if they discriminate against renters, homeowners, and home seekers.
Language access	We ensure that recipients of federal funding, and federal, state, and local governments, are complying with their obligations to translate and interpret vital information for limited English proficient individuals.

The multi-faceted nature of the civil rights issues exacerbated by Covid-19 calls for a significant scaling up of our work. Without abandoning our existing docket, we aim to increase our presence across each of the areas outlined above, adding additional attorney and professional staff resources. This includes:

- Coordinating the Department's focus on AAPI hate crimes and incidents, as well as working with other federal agencies to support state and local efforts to prevent discrimination against AAPI communities.
- Increasing our work with governments, healthcare providers, and care facilities. We will do this, in part, by expanding our ADA enforcement work to safeguard the rights of people living in nursing homes.
- Working to address inequalities in education as schools reopen. We will work to make sure schools meet the needs of students most impacted by the pandemic, including English learners, students of color, students with disabilities, and students facing pandemic-related trauma and other mental health challenges.
- Striving to ensure correctional staff and incarcerated people have adequate resources and take the steps necessary to prevent and treat Covid-19. Protecting vulnerable populations facing increased housing instability due to Covid-19.
- Ensuring equal access for people with disabilities as governments, employers, and businesses reopen. We will do this by, where appropriate, enforcing the requirement to provide reasonable accommodations and modifications to people with disabilities.
- Ensuring that federal, state, and local public messaging on pandemic safety measures and recovery efforts are provided in an array of languages and are accessible to people with disabilities.
- Exercising our leadership role to advance a coordinated federal civil rights response to address the inequities and discrimination that arise in the wake of emergencies, including health and environmental emergencies.

### Impact on Performance

With the increased resources, attorneys and professional staff, the Division will work to address all of the areas identified above. Specifically, CRT's response to these pandemic-related challenges supports the following Administration priorities documents:

- [White House Fact Sheet: President Biden Announces Additional Actions to Respond to Anti-Asian Violence, Xenophobia and Bias](#)
- [National Strategy for the Covid-19 Response and Pandemic Preparedness](#)
- [Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States](#)
- [Executive Order on Ensuring an Equitable Pandemic Response and Recovery](#)
- [Approaching Policy with Equity in Mind](#)

### **Promoting Effective, Constitutional, Non-Discriminatory Policing Practices**

In March 2020, George Floyd, a 46-year-old Black man, was killed by Minneapolis Police Department officers during the course of his arrest. His death sparked a new wave of protests across the nation, exposing continuing and significant public concern that law enforcement agencies treat all individuals equally under the law. Calls to investigate and hold agencies accountable for unlawful or discriminatory practices have never been more urgent.

### Justification

We are uniquely positioned to address individual and systemic issues in policing that violate people's constitutional rights.



<b>Challenges to Constitutional Policing</b>	<b>Relevant Enforcement Areas Covered by the Civil Rights Division</b>
Criminal Violations	Our prosecutors work with the FBI and local law enforcement officials to investigate and prosecute law enforcement officials who violate the Constitutional rights of others. This includes, for example, physical assaults, sexual misconduct, acting with deliberate indifference to a substantial risk of harm, and failing to intervene in a Constitutional violation.
Systemic Violations	Our civil litigation teams investigate state and local law enforcement agencies that are accused of systematically violating people's federal rights.

Our civil litigation teams investigate law enforcement agencies that are accused of systematically violating people's federal rights, including the Fourth Amendment-protected right to be free for the use of excessive force, the Fourteenth Amendment-protected right to equal protection of the laws, and the First Amendment-protected right to engage in peaceful protests.

Using our enforcement authority, we have investigated dozens of law enforcement agencies. We are currently monitoring 18 settlements and court orders that require changes in police practices, provide significant systemic relief, increase community confidence in law enforcement, and improve officer and agency accountability. The reforms we obtain through our enforcement including those below, promote effective and constitutional policing nationwide:

- Improving the investigation and review of uses of force;
- Establishing safeguards to prevent discriminatory policing;
- Engaging in meaningful community-police partnerships;
- Creating more effective training and supervision of officers to ensure that police actions are legal and fair;
- Implementing independent oversight, including data collection and analysis; and
- Increasing transparency.

The Division's range of expertise also allows us to address civil rights violations involving law enforcement in other contexts, such as in K-12 schools and higher education settings or in enforcing local ordinances that affect access to housing.

Additional funding will provide the staff and resources we need to:

- Continue investigating and prosecuting law enforcement officers who violate the Constitutional rights of others, and
- Open new investigations of law enforcement agencies that may engage in unlawful policing practices, such as:
  - using excessive force;
  - stopping, searching, or arresting individuals without proper justification;

- engaging in discrimination based on race, color, national origin, disability, religion, and sex (including sexual orientation and gender identity); and
- responding improperly to people who observe, record, or object to police actions.

Additional funding will also expand our capacity to work on criminal justice policy reforms, such as bail reform, fines and fees reform, and the use of excess military equipment by law enforcement.

### Impact on Performance

The Division will use the additional resources to pay for attorneys and professional staff, enabling CRT to respond to the needs in both constitutional policing and addressing police reform. Specifically, the Division's work in these areas supports the following Administration priorities documents:

- [The Biden-Harris Administration Immediate Priorities – Racial Equity/Criminal Justice Reform](#)
- [White House Statement of Administration Policy in support of H.R. 1280 George Floyd Justice in Policing Act](#)
- [Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#)

### **Combating Discrimination on the Basis of Gender Identity or Sexual Orientation**

Discrimination faced by LGBTQI people has long been a pressing concern. For example, in 2013, HUD conducted a wide-ranging study that showed same-sex couples experience discrimination in the online rental housing market, relative to heterosexual couples.<sup>2</sup> We have also prosecuted several hate crimes motivated by the victim's sexual orientation or gender identity.

Not only is there a documented problem, but there are also new avenues for us to more fully tackle discrimination against LGBTQI people. Last year, the Supreme Court held that employers cannot discriminate on the basis of gender identity and sexual orientation in employment. While the decision, *Bostock v. Clayton*, only interprets one civil rights law, President Biden subsequently issued an Executive Order (13988) that broadly applies *Bostock's* reasoning to the federal government's enforcement of other civil rights laws that similarly prohibit sex discrimination, including in housing and education.

### Justification

The Civil Rights Division has decades of expertise in investigating and litigating cases that involve sex discrimination across multiple civil rights statutes. We also are responsible for coordinating federal agencies' enforcement of certain nondiscrimination laws under Executive Order 12250. Both of these roles are rapidly growing in the wake of *Bostock*, which shifted the legal landscape and expanded our enforcement duties to reach more claims of discrimination involving gender identity and sexual orientation.

With additional resources, the Division will work toward realizing the promise of *Bostock* and Executive Order 13988: that all people should be treated equally, regardless of their gender identity or sexual orientation. To advance this goal, we will:

- Expand our capacity to investigate and litigate claims of discrimination against individuals based on gender identity and sexual orientation in the contexts of housing, employment, and education;

---

<sup>2</sup> U.S. Department of Housing and Urban Development, *An Estimate of Housing Discrimination Against Same-Sex Couples* (2013).

- Extend our outreach capabilities as we consider the implications of Bostock in other areas and to promote robust and effective enforcement; and
- Coordinate with and provide technical assistance to federal agencies on nondiscrimination and other policies to safeguard these protections.

Impact on Performance

CRT will use these critical new resources for additional attorneys, professional staff and litigation support to address the goals identified above. This part of the enhancement request supports the following:

- Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity
- Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government
- Approaching Policy with Equity in Mind

**Upholding Civil Rights in an Evolving Technological Landscape**

Decision-making that is automated or augmented by technology is transforming our lives. More and more, tools such as artificial intelligence and machine learning are influencing:

- how employers hire,
- how banks decide who gets a loan,
- how police departments monitor individuals or groups,
- how courts determine risk (pre-trial and beyond),
- how colleges and universities make admissions and financial aid decisions,
- how businesses target advertisements to consumers, and more.

These tools are neither inherently good nor inherently bad with respect to civil rights. They have the potential to reduce discrimination. But they also have the potential to violate the law by cementing bias into the decision-making process. In the face of these tools' rapid growth, we should act now to ensure that they are used in ways that comply with our nation's civil rights laws.

Justification

The Civil Rights Division has authority to enforce laws that touch on all the areas described above. Because of this wide-ranging coverage, we are positioned to evaluate the impact of augmented decision-making across multiple contexts.

<b>Emerging Uses of Automated and Augmented Decision-Making</b>	<b>Relevant Enforcement Areas Covered by the Civil Rights Division</b>
Education	Title IV of the Civil Rights Act of 1964 Title VI of the Civil Rights Act of 1964 Equal Educational Opportunities Act Americans with Disabilities Act Individuals with Disabilities in Education Act

Healthcare	Americans with Disabilities Act
Employment	Title VII of the Civil Rights Act Americans with Disabilities Act Genetic Information Nondiscrimination Act Immigration and Nationality Act's Anti-Discrimination Provision
Housing	Fair Housing Act
Credit	Equal Credit Opportunity Act
Policing & Criminal Justice	Violent Crime Control and Law Enforcement Act Omnibus Crime Control and Safe Streets Act Title VI of the Civil Rights Act Americans with Disabilities Act
Access to goods and services	Americans with Disabilities Act Title II of the Civil Rights Act Title VI of the Civil Rights Act

This budget enhancement would help us tackle the growth of automated and augmented decision-making without weakening our ability to counter traditional forms of discrimination. Additional funding will provide the staff and resources we need to:

- Develop new investigations in the areas outlined above;
- Make subject matter experts available to work with our legal teams;
- Expand our coordination with other federal agencies that are also tackling the implications of augmented decision-making.

With this enhancement, we can work to see that these tools mature in ways that are consistent with federal civil rights laws.

Impact on Performance

In an effort to address the types of biases that can occur in the use of these types of technological tools, the Division will use the increased resources for attorneys, professional staff, and expert contractor support. Our work in this area will further the following Administration priorities:

- [Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#)
- [Approaching Policy with Equity in Mind](#)
- [Fact Sheet: U.S. Efforts to Combat Systemic Racism](#)

**Enforcing Federal Laws Protecting the Right to Vote**

We expect this to be an especially active year in our voting rights protection work for two reasons.

First, in 2021, the Census Bureau plans to release new redistricting data from the 2020 Census for every state and local jurisdiction. This will start the redistricting process for congress, states and localities around the country. CRT will monitor redistricting using its authority under the Voting Rights Act (VRA). Also in 2021, the Census Bureau plans to release new determinations of which jurisdictions are covered by the VRA's minority language requirements. CRT will engage in nationwide outreach and monitoring.

Second, the 2020 election cycle was a time of significant activity and change in the elections processes around the

country. Following these elections, the country has a heightened awareness of election practices and the ways in which people vote. States are considering hundreds of bills related to voter registration, voting and elections processes. CRT is monitoring these possible changes.

We also expect this year to be one of the most challenging ever in terms of voting rights enforcement. This redistricting cycle, unlike the cycles for the last fifty years, will occur in the absence of the preclearance process under the VRA. That process required jurisdictions with a history of racial discrimination to show that their proposed redistricting would not be discriminatory. This creates a new challenge for the Division, which has been deprived of its most effective and efficient tool for preventing the dilution of minority voting strength. The Department will therefore need to rely on costlier statutory tools to protect voting rights.

The Civil Rights Division enforces the nation’s voting rights laws, summarized below:

<b>Federal Voting Rights Law</b>	<b>Purpose</b>
Voting Rights Act	Prohibits voting practices that discriminate on the basis of race, color or membership in a language minority group. Protects voters who need help voting because of blindness, disability, or inability to read or write. Requires that certain jurisdictions offer bilingual written voting materials and voting assistance in covered minority languages, in addition to English.
National Voter Registration Act	Requires states to offer voter registration to eligible applicants through the mail, and when they apply for or renew a driver's license, public assistance, disability services, or other governmental services. Also sets requirements for how states maintain voter registration rolls.
Uniformed and Overseas Citizens Absentee Voting Act	Sets minimum requirements for absentee voting in federal elections by members of the uniformed services, their families and Americans residing overseas.
Help America Vote Act	Sets minimum requirements in several key areas of election administration for federal elections, including voting systems, voter registration databases, and provisional ballots.
Voting Accessibility for the Elderly and Handicapped Act	Sets minimum requirements for making polling places used in federal elections accessible for people with disabilities.
American with Disabilities Act	Sets minimum requirements for making polling places accessible for people with disabilities. Applies to polling places used in federal elections.

These laws provide basic guardrails for state and local authorities as they administer elections.

Using additional resources, our legal team will work to identify new investigations. When supported by the facts and the law, we will use our enforcement authority to achieve compliance with the federal laws outlined above. Additional resources will allow us to respond to this expanded activity without compromising our existing levels of civil rights enforcement and outreach in other areas.

Impact on Performance

In an effort to realize the actions above, the Division will use the additional resources for new attorneys, professional staff and expert contractor support. CRT’s work on voting rights under this request supports the following Administration priorities documents:

- Executive Order on Promoting Access to Voting
- Fact Sheet: President Biden to Sign Executive Order to Promote Voting Access

FUNDING

Base Funding

2020 Enacted				2021 Enacted				2022 Current Services			
POS	Agt/Atty	FTE	\$(000)	POS	Agt/Atty	FTE	\$(000)	POS	Agt/Atty	FTE	\$(000)
603	377	557	\$148,239	639	401	584	\$158,167	639	401	593	\$162,500

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2022 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Attorney (905)	60	\$278	\$131	\$250	\$16,693	\$3,735	\$0
Paralegals/ Other Law (0900-0999)	13	173	74	125	2,244	592	0
Clerical and Office Services (0300-0399)	12	136	72	119	1,724	431	0
<b>Total Personnel</b>	<b>85</b>				<b>\$20,661</b>	<b>\$4,758</b>	<b>\$0</b>

\*Additional non-personnel costs are not included in this request.

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2023 (net change from 2022)	FY 2024 (net change from 2023)
Current Services	639	401	593	\$162,500	\$0	\$162,500	\$0	\$0
Increases	85	60	64	20,661	0	20,661	4,758	0
<b>Grand Total</b>	<b>724</b>	<b>461</b>	<b>657</b>	<b>\$183,181</b>	<b>\$0</b>	<b>\$183,161</b>	<b>\$4,758</b>	<b>\$0</b>

## VI. APPENDIX

### DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AUTHORITIES 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.	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.
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.
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 Educational 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 FCS	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 (VRA) 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 (VAEHA) 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.
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.
Executive Order 12,250	FCS, EOS, DRS	EO 12,250 charges DOJ with ensuring the consistent and effective enforcement of Title VI, Title IX, Section 504, and related laws across the federal government. The Division plays a lead role in how the other federal grant funding agencies implement these laws with respect to their recipients, including state and local governments, and community, nonprofit, and other organizations, and vests the Department of Justice with the authority to review and approve regulations implementing Title VI, Title IX, Section 504 and related provisions of Federal statutory law, and related policy documents interpreting any of these statutes.

## VII. EXHIBITS

---

---