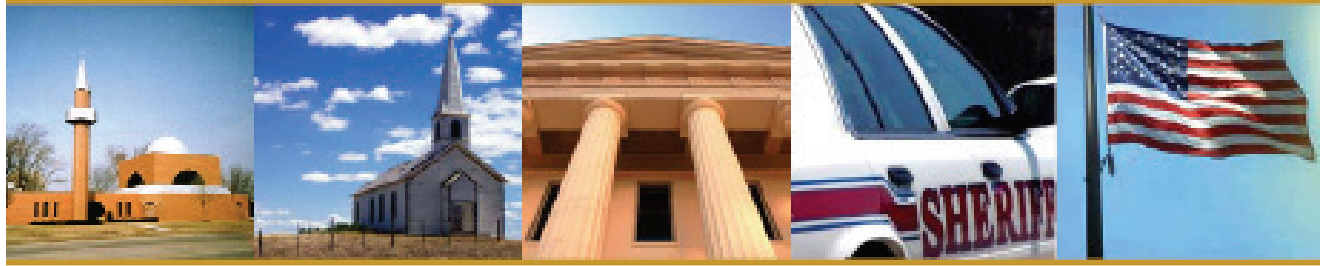


U.S. Department of Justice
Civil Rights Division



U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION



**FY 2017 Performance Budget
Congressional Submission**
February 2016



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I. CIVIL RIGHTS DIVISION OVERVIEW

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

- *Protect the most vulnerable among us* by ensuring that all in America can live free from fear of exploitation, discrimination, and violence.
- *Safeguard the fundamental infrastructure of democracy* by protecting the right to vote and access to justice, ensuring that communities have effective and democratically-accountable policing, and protecting those who protect us.
- *Expand opportunity for all people* by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one’s community.

To continue these efforts, in FY 2017 the Division respectfully requests a total of \$155,621,000 to fund 750 positions – including 625 direct full time equivalents (FTE) and 407 attorneys – to protect, defend, and advance civil rights in our nation. This request outlines the need for enhancements to protect the rights of children and people with disabilities in their interactions with the criminal justice system, as well as to prevent children’s unnecessary contact with the criminal justice system, (\$2,700,000, 24 positions, 12 FTE); to defend the rights of our nation’s servicemembers (\$587,000, 5 positions, 3 FTE); and to reduce technological and educational barriers for people with disabilities (\$983,000, 7 positions, 4 FTE). Electronic copies of the Department’s Congressional Budget Justifications, Capital Asset Plan, and Business Case Exhibits are also available online at www.justice.gov/02organizations/bpp.htm.

This budget submission strives to provide detailed information and guidance to assist Congress in evaluating the Division’s FY 2017 funding request. First, this submission provides an overview of the Division’s work. Second, it presents a summary of program changes. Third, it describes justifications for the various program activities. And fourth, it itemizes the different program increases with annotated tables and charts. Throughout this document, the Division illustrates its work with examples. While these examples aim to convey the impact, scope, and approach of the Division’s efforts in a comprehensive manner, they do not document the entirety of its efforts.

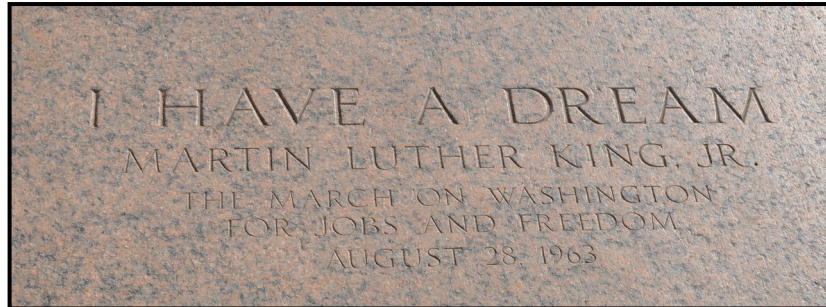
CIVIL RIGHTS CHALLENGES AND OPPORTUNITIES: THE UNFINISHED BUSINESS OF AMERICA



The Civil Rights Act of 1964 established landmark protections against discrimination on the basis of race, color, national origin, sex, and religion. But when President Lyndon B. Johnson signed the law more than half a century ago, he reminded the American people about the ever-evolving quest to bring our nation closer to its founding values. “Those who founded our country,” he said, “knew that freedom would be secure only if each generation fought to renew and enlarge its meaning.” The Civil Rights Act built the groundwork for other critical federal

civil rights statutes passed by Congress, including the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Americans with Disabilities Act (ADA) of 1990, and the Shepard-Byrd Hate Crimes Prevention Act of 2009. In the Civil Rights Division, our capacity to effectively enforce these statutes, and the others described in this document, directly correlates with our country's ability – to paraphrase the words of President Johnson – to secure and reaffirm America's meaning of freedom in the 21st century.

The Division's robust caseload serves as a stark reminder that too many people and communities across America continue to face discrimination. Each year, we confront new challenges and face evolving threats to public safety. And during the last year in particular, we experienced a surging demand of cases related to policing practices.



❖ ENSURING DEMOCRATICALLY-ACCOUNTABLE AND CONSTITUTIONAL POLICING

Ensuring effective, constitutional, and democratically-accountable policing helps advance public safety. For that reason, the Division remains dedicated to rebuilding trust where it has eroded in community-police relations. When area residents trust the police, they become more likely to cooperate with investigations, enhancing the ability of police to solve crimes, making all of us – police officers and private citizens – safer.

Criminal Investigations of Officer Misconduct

In approximately 18,000 law enforcement agencies across the country, the vast majority of law enforcement officers work tirelessly to protect the communities they serve. But when officers do violate an individual's constitutional rights, our laws provide measures to hold them accountable. From FY 2010 – FY 2015, in collaboration with U.S. Attorneys' Offices around the country, the Division has charged 404 law enforcement officers in 270 indictments for willful violations of constitutional rights. These cases cover a broad range of issues – from allegations that a police officer or corrections officer used excessive force, to allegations of sexual misconduct.

Regardless of whether or not charges result, these investigations require intensive resources. Following comprehensive and objective investigations, the Division produces detailed decision-memoranda. After reaching a decision, prosecutors and managers often help coordinate the announcement of the decision, which requires extensive planning with the victim's surviving family members, the local U.S. Attorney's Office, the FBI, other public officials, and community groups.

Careful and thorough investigations into allegations of unconstitutional conduct by police officers help maintain public confidence in law enforcement. The Division's criminal investigation into the fatal shooting of Michael Brown by Ferguson, Missouri, Police Officer Darren Wilson presents an important example. In the midst of widespread community unrest, the Division opened an independent investigation to determine whether sufficient evidence existed to prove beyond a reasonable doubt that Officer Wilson's actions willfully violated federal civil rights laws. The Division's investigation reviewed ballistic, forensic, and crime scene evidence; medical reports and autopsy reports; personnel records; audio and video recordings; and interviews with dozens of

witnesses. After an exhaustive review of all available evidence, the [Division issued a public report](#) explaining its findings that the evidence did not establish that Officer Wilson violated federal civil rights laws. Because of the Division’s thoughtful and objective approach, even during a time of intense community strife and tension, the Division’s investigation helped reassure many concerned community members that the Department of Justice had fairly reviewed the facts of the case.

Civil Pattern-or-Practice Investigations

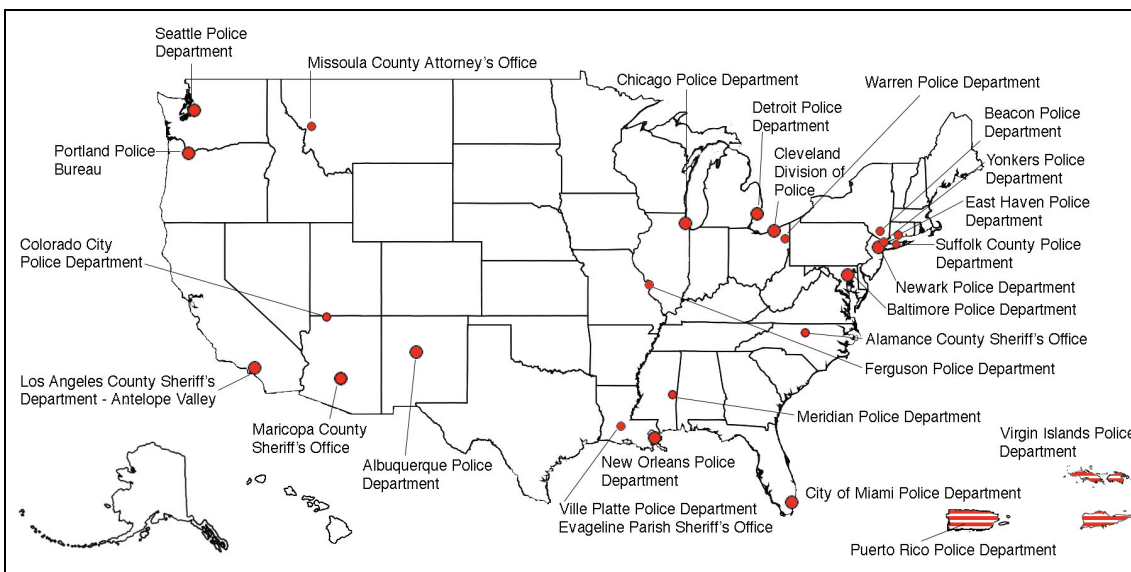
The Division also works to reform departments engaged in a pattern-or-practice of behavior that violates the Constitution or federal law. Each investigation often includes review of hundreds of pages of policies and procedures; assessment of tens of thousands of pages of incident reports; analysis of stop, arrest and other data; interviews with dozens of command and line staff; ride-alongs; community meetings; and interviews with hundreds of stakeholders.

Since the start of the administration, the Division has opened 23 investigations into police departments, including one most recently involving the Chicago Police Department. These investigations have involved agencies across the country, both large and small, and cover a range of issues, including the use of excessive force; racial, ethnic, gender, and religious discrimination; discrimination against individuals with disabilities; protected speech; and community trust and legitimacy.

The Department is currently conducting eight open investigations, including several that have resulted in findings or technical assistance letters, as listed below.

- *Findings:* Ferguson, Missouri Police Department; Miami, Florida Police Department; and Newark, New Jersey Police Department
- *Technical Assistance Letters:* Yonkers Police Department
- *Ongoing Investigations:* Chicago, Illinois Police Department; Baltimore, Maryland Police Department; Ville Platte, Louisiana Police Department; and Evangeline Parish, Louisiana Sheriff’s Office.

Current Pattern-or-Practice Matters Pursuant to the Violent Crime Control and Law Enforcement Act



In March 2015, the Division [published a report of its findings](#) following its pattern-or-practice investigation into the Ferguson Police Department. The report exposed a system pervaded by racial bias, demonstrating how policing and court practices disproportionately impacted African-American residents. It also highlighted the consequences of the City's decision to impose excessive fines and



fees on its residents, often prioritizing the collection of revenue over the protection of public safety. In several instances, we observed how even minor code violations could result in multiple arrests, jail time, and payments that

exceeded the cost of the original ticket many times over. The findings of this report helped to amplify a national conversation about policing and criminal justice reform.

Even after it announces findings, the Division continues extensive engagement with various stakeholders – including line officers, police unions, and community leaders – to help shape the remedies that it negotiates. For example, following the release of our findings letter in Ferguson, Missouri, Division attorneys met with several community groups at an open forum to better understand the reforms that area residents wanted to see in their police department and court system.

After concluding these investigations, the Division aims to negotiate innovative resolutions to address serious and systemic problems. The Division currently enforces 17 agreements with law enforcement agencies, including consent decrees in New Orleans, Louisiana; Puerto Rico; Seattle, Washington; Portland, Oregon; the Virgin Islands; East Haven, Connecticut; Warren, Ohio; Albuquerque, New Mexico; Cleveland, Ohio; and Los Angeles, California. Through strategic priority setting, the Division has selected cases and crafted remedies to address issues that will have the broadest impact both in the communities affected and across the nation.

Effective, sustainable implementation of these reforms takes years, and the Division remains actively involved to ensure the reforms take hold. Enforcement of these agreements takes up an enormous amount of the Division's resources, even with a court monitor and, at times, the assistance of the local United States Attorney's Office.

This critical enforcement work, combined with the rapid pace at which the Division has opened new matters, has translated into a significantly larger workload in recent years. Moreover, not all jurisdictions cooperate throughout the process. When this occurs, the Division must engage in complex, intensive litigation to ensure the effective implementation of reforms. Over the last few years, the Division's Special Litigation Section has been involved in more cases in litigation than at any other time in its enforcement of the pattern-or-practice provisions of the Violent Crime Control and Law Enforcement Act, including the first-ever trial against a law enforcement agency in *U.S. v. Johnson*, a case involving discrimination against Latinos. Other active litigation has included cases against the Maricopa County Sheriff's Office, the Colorado City Marshal's Office, and the Meridian Police Department. This litigation requires intensive resources.

As detailed later in this budget submission, other dimensions of the Division's work include efforts to protect some of our most vulnerable populations, including children, people with disabilities, and limited English proficient (LEP) individuals who interact with police and the justice system. When community members have negative interactions with police officers, it impedes trust and can lead to a series of devastating consequences that harm effective policing. To address these critical public safety challenges, the Division respectfully requests an enhancement in these areas.

CRIMINAL ENFORCEMENT: PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

The Division's criminal enforcement program protects individuals from exploitation, discrimination, and violence through a range of efforts, including the following.

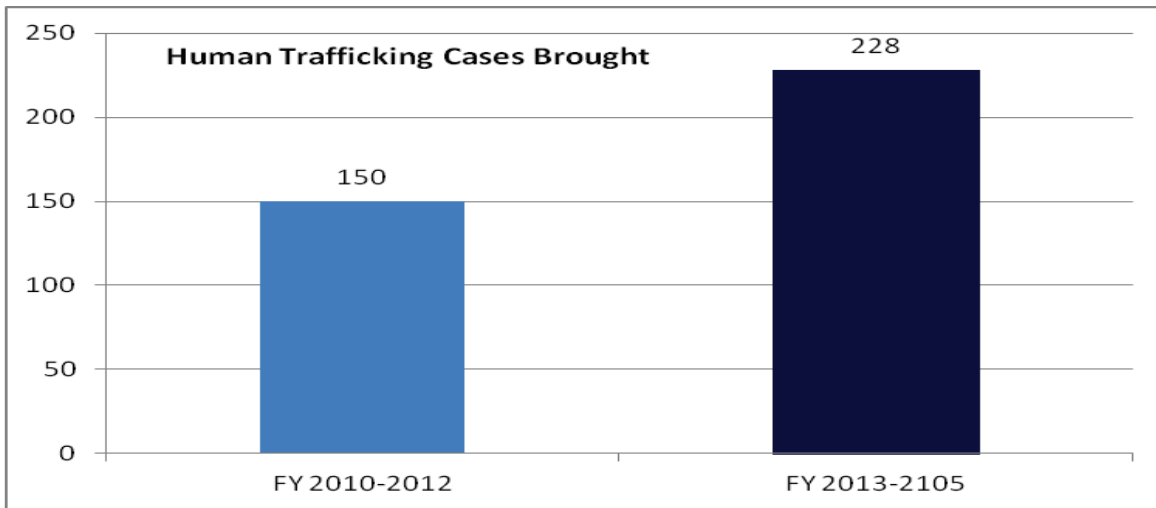
- We prosecute and prevent human trafficking – a form of modern day slavery against U.S. citizens, non-citizens, adults, and children – that involves the use of force and threats as well as coercion to compel labor, services, or commercial sex acts from victims.
- We combat hate crimes – violent and intimidating acts such as beatings, murders, or cross-burnings – that target an individual because of his or her race, color, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability.
- We prosecute the small minority of law enforcement officers who abuse their positions to willfully deprive individuals of their constitutional rights by engaging in excessive force, sexual assault, illegal arrests or searches, or property theft.
- We protect the right to religious freedom by prosecuting violence against churches, synagogues, mosques, and other houses of worship.
- We investigate unsolved civil rights era homicides under the Emmett Till Unsolved Civil Rights Crime Act of 2007.

In addition to prosecuting cases in district courts, the Division also participates in litigation in the federal courts of appeals and the U.S. Supreme Court to advance and defend its criminal enforcement work.

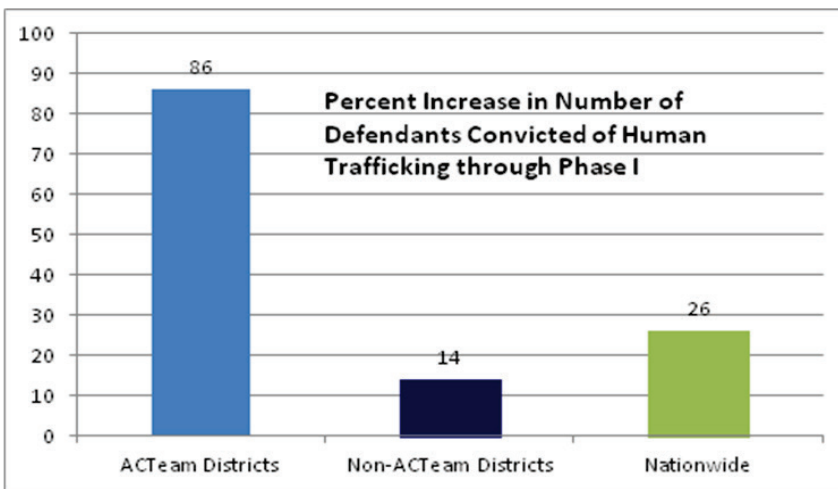
❖ PROSECUTING AND PREVENTING HUMAN TRAFFICKING

The Division plays a lead role in the Department's efforts to enforce laws against human trafficking, including both sex trafficking and forced labor. Working with U.S. Attorneys' Offices nationwide, the Division leads prosecutions of complex, multi-jurisdictional, and international cases. It also spearheads coordination initiatives to strengthen the federal law enforcement response to human trafficking crimes. In addition, the Division provides national and international expertise in cases involving forced labor; sex trafficking of adults by force, fraud, and coercion; and international sex trafficking cases.

The Division continues to bring an increasing number of human trafficking cases. In fiscal years 2013 – 2015, the Division brought 228 human trafficking cases, compared to 150 in fiscal years 2010 – 2012, marking a 52 percent increase. This increase requires vigorous, coordinated, and creative efforts to prevent crimes, protect victims, and prosecute traffickers.



Across the administration, we aim to bring an innovative, collaborative, and entrepreneurial approach to tackling this heinous crime. In partnership with the Departments of Homeland Security and Labor, the FBI, and the Executive Office of United States Attorneys, beginning in 2011, [the Division helped launch the Anti-Trafficking Coordination Team \(ACTeam\) Initiative](#), an interagency effort to develop



high-impact human trafficking investigations and prosecutions. Throughout Phase I of the Initiative, which ran from 2011 – 2013, six Phase I Pilot ACTeams in Atlanta, Georgia; El Paso, Texas; Kansas City, Missouri; Los Angeles, California; Memphis, Tennessee; and Miami, Florida formulated and implemented a coordinated, proactive, interagency federal law

enforcement strategy to combat human trafficking. In these ACTeam districts, prosecutions of forced labor, international sex trafficking, and adult sex trafficking rose even more markedly than they did nationally. For example, the number of defendants convicted rose 86 percent in ACTeam districts, compared to 14 percent in non-ACTeam districts, and 26 percent nationwide. To build on this effective program, in December 2015, [the Department announced the locations for six new ACTeams to lead Phase II of the Initiative](#): Cleveland, Ohio; Minneapolis, Minnesota; Newark, New Jersey; Portland, Maine; Portland, Oregon; and Sacramento, California.

We also recognize that human trafficking requires coordination beyond our borders. The Division leads the U.S.-Mexico Human Trafficking Bilateral Enforcement Initiative, which has contributed significantly to protecting the rights and dignity of victims through outreach, interagency coordination, international collaboration, and capacity building in both countries. U.S. and Mexican law enforcement authorities have worked together to dismantle sex trafficking networks operating across the U.S.-Mexico border, prosecuting members of those networks and securing substantial sentences under both U.S. and Mexican law, while rescuing victims and recovering victims' children from the trafficking networks' control. This initiative has established enduring partnerships, bringing together law enforcement agencies and non-governmental organizations across international lines to vindicate the rights of dozens of sex trafficking victims.

Strategic law enforcement partnerships such as the ACTeam Initiative and the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative – combined with highly successful outreach, training, and capacity-building efforts – have substantially increased the Division’s workload related to prosecuting and preventing human trafficking. In particular, these coordination initiatives and outreach efforts have enhanced case identification capacity, generating a high volume of complex trafficking cases that often require the Division’s unique expertise and coordination among multiple districts and law enforcement agencies.

❖ COMBATING HATE CRIMES

Hate crimes leave a devastating effect beyond the physical injury inflicted on the victim. They reverberate through families, communities, and the entire nation, as others fear that they too could suffer criminal threats or violence simply because of what they look like, where they worship, whom they love, or whether they have a disability.

In 2009, Congress passed, and President Obama signed, the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, expanding the federal definition of hate crimes, enhancing the legal toolkit available to prosecutors, and increasing the ability of federal law enforcement to support our state and local partners. This law added new federal protections against crimes based on gender, disability, gender identity, or sexual orientation. And it removed unnecessary jurisdictional obstacles that interfered with our prosecution of racially and religiously-motivated violence.

Through FY 2015, the Division has charged 68 defendants and won 43 convictions under the Shepard-Byrd Act. These cases range from indicting a defendant for firebombing a Hindu temple in New York, to prosecuting defendants for beating a Sikh cab driver in Washington State, vandalizing churches in California, and firing a gun at a synagogue in Utah.

Following heinous acts of terrorism in particular, too many Muslim Americans – and those communities perceived as Muslim – suffer a backlash of violence and discrimination. Since the 9/11 attacks, the Justice Department has investigated more than 1,000 incidents involving acts of violence, threats, assaults, vandalism, and arson targeting against Arab, Muslim, Sikh, and South-Asian Americans, as well as individuals perceived to be members of these groups, prosecuting dozens of these cases to the fullest extent of the law. And following deeply tragic events in 2015 – from San Bernardino to Paris – similar to what we saw after 9/11, community members and advocates continue to report a backlash of hate-related incidents targeting Muslim Americans, and other groups perceived as Muslim. We continue to investigate many of these incidents.



In addition to our criminal prosecutions, the Division also engages directly with local communities to combat hate violence. The Justice Department organized a series of regional trainings earlier this year in Mississippi, California, Oregon, Kansas, and Florida. We aim to train local and federal law enforcement in how to recognize, investigate and prove hate crimes; to educate communities and help

them promote public safety; and to encourage better hate crime reporting and data collection. When we bring together a diverse group of stakeholders – from different professions, backgrounds, and walks of life – we see law enforcement and community leaders commit to work together to prevent and respond more effectively to hate-motivated violence.

To combat religious discrimination, in 2016 the Division will partner with other federal agencies – including the Departments of Education, Homeland Security, and Labor; the Equal Employment Opportunity Commission (EEOC); and within the Justice Department – the FBI, Office of Justice Programs (OJP), Executive Office for United States Attorneys, and Community Relations Service (CRS) – to host a series of community roundtables and discussions. Through this initiative, Division staff will engage with individuals from across the country so that we can better understand how the scourge of religious discrimination continues to undermine opportunity.

CIVIL ENFORCEMENT: PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

The Division’s civil enforcement work includes extensive efforts to protect individuals in institutions from exploitation, discrimination, and violence. Much of this civil work focuses on systemic problems, such as sexual abuse of female prisoners, use of solitary confinement for inmates with mental illness, and unmet mental health needs.

“We must change our approach and view solitary confinement as a last resort to protect public safety rather than a first response to inflict punishment.”

– Head of the Civil Rights Division Vanita Gupta (January 26, 2016)

The Division’s work on behalf of institutionalized individuals includes cases addressing constitutional and other legal violations that may lead to the unnecessary incarceration of children. We investigate juvenile justice, court, indigent defense, and probation systems to ensure that youth receive their due process rights – including meaningful legal representation – and do not face discrimination because of their race or disability. We ensure that school districts do not discriminate against students based on their race or disability in referring students to law enforcement or juvenile justice facilities. We also ensure that school police officers focus on public safety and not on criminalizing minor misbehavior. In addition, the Division works with local jurisdictions to create alternatives to incarceration that permit children to remain in their homes and communities, rather than in detention facilities.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY: CIVIL ENFORCEMENT

The Division's civil enforcement work strives to protect rights guaranteed by the Constitution and federal laws across a range of areas critical to maintaining the legitimacy of our democracy, including the following.

- We protect the voting rights of all Americans, including minorities, people with disabilities, individuals who need language assistance, servicemembers serving away from home, and American citizens living overseas.
- We protect those who protect us by vigorously pursuing employment, housing, credit, voting, and other cases on behalf of servicemembers.
- We expand access to courts by ensuring that individuals who need language assistance receive effective translation and interpretation services.
- We help ensure full and equal access to courts and the justice system for children and people with disabilities.
- We protect the rights of LGBTI Americans to the maximum extent possible under existing laws and the Constitution.

In addition to litigating cases in district courts, the Division also participates in litigation in the federal courts of appeals and the U.S. Supreme Court to advance and defend its civil enforcement work.

❖ PROTECTING VOTING RIGHTS

New Challenges after the Supreme Court's Shelby County Decision

In 2016, even more than 50 years after the Voting Rights Act, too many Americans still face obstacles at the voting booth, unable to elect the candidates of their choice because of their race, color, language ability, disability, military service, or overseas residence. The right to vote stands as the most fundamental right in our democracy, and the Division continues its vigorous enforcement efforts.

Since 1965, the Division's work to protect voting rights has changed substantially. Following the Supreme Court's 2013 decision in *Shelby County v. Holder*, where the Court ruled that the Voting Rights Act no longer requires jurisdictions not subject to a court order to obtain preclearance before implementing new voting procedures, our work has shifted to include critical efforts to proactively identify and investigate voting practices that violate federal law.

The Department continues to use all of the Voting Rights Act's available tools and measures to prevent discrimination in voting. This includes Section 2 of the Act, which allows the Department to challenge racially discriminatory practices that result in citizens having less opportunity to participate in the political process. In the months after the *Shelby County* decision, the Division filed three new statewide Section 2 challenges, alleging in each case that states had engaged in intentional racial discrimination and seeking judicial orders that they submit voting changes for preclearance before implementing them.

By their nature, Section 2 cases require significantly more resources than the administrative Section 5 review process used by the Division prior to the *Shelby County* decision. Previously, under Section 5, a jurisdiction had to affirmatively identify new voting changes in advance and provide information to the Division for analysis. Today, the Division has shifted resources to discover where new voting

changes occur, obtain the necessary information, undertake an analysis of that information, initiate an investigation in the field, and then, when warranted, bring a lawsuit under Section 2 in a local federal court. Litigation of these Section 2 cases presents exceptional complexities since it typically requires hiring multiple experts to analyze and present an extensive array of information, including historical information and data about the jurisdiction, electorate, population, socioeconomic demographics, and geography.

Ensuring Access to the Ballot for Native Americans and LEP Individuals

The Division also works to protect the voting rights of Alaska Natives and Native Americans, as well as voters who need language assistance.

Over the last six years, the Division has taken a number of steps to protect such voters. This



has included filing several statements of interest and amicus briefs in cases involving the voting rights of Native Americans and Alaska Natives. The Division has monitored elections in jurisdictions with significant populations of Native American and Alaska Native voters. The Division has also brought and resolved several lawsuits to ensure voting access for LEP Spanish-speaking voters. And in May 2015, [the Department proposed new legislation](#) to improve access to voting for Alaska Natives and Native Americans living on tribal lands.

Protecting the Right to Vote for People with Disabilities

The Division also continues its efforts to protect the rights of voters with disabilities. In addition to protections under the Voting Rights Act, Title II of the ADA requires jurisdictions to ensure that polling places and voting systems remain accessible to people with disabilities. This obligation extends to all voting activities carried out by jurisdictions, including registration, early voting, and voting at the polls on election day. Election officials must provide physically accessible polling places, modify policies as needed to provide access to the polls, and ensure effective communication with people with disabilities. Jurisdictions also must not implement voter eligibility requirements that disenfranchise voters because of intellectual or mental disabilities. The Division has reached agreements with the City of Philadelphia; Blair County, Pennsylvania; and Augusta County, Virginia. We have also opened several additional investigations. The Division published two technical assistance documents providing information on [federal laws protecting people with disabilities](#) and [how to remove common barriers that exist at polling places](#).

❖ PROTECTING THOSE WHO PROTECT US

Servicemembers defend the security and freedom of our nation at great personal sacrifice. When their duties call them away from home, the Division stands ready to protect their rights. We vigorously enforce federal laws that protect servicemembers' right to vote when stationed away from home, their right to return to work after their military service, their right to live free from



financial exploitation while on active duty, and their right to reasonable accommodation when they have a disability. Many servicemembers rely on the Division to bring cases in situations where they otherwise could not find or afford private attorneys. The Division's work on behalf of servicemembers includes aggressive enforcement of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Servicemembers Civil Relief Act (SCRA).

❖ EXPANDING ACCESS TO COURTS AND THE JUSTICE SYSTEM

Ensuring Language Access in the Courts

The Division continues to prioritize protecting the rights of all people – whatever level of English proficiency they hold – to participate meaningfully, fully, and fairly in state court proceedings. Barriers to language access can interfere with the capacity of our courts to accurately evaluate the facts and fairly administer justice. And they can also place unfair and unconstitutional burdens on individuals – from litigants, to criminal defendants, to witnesses – who participate in court proceedings.

Without adequate language assistance services, individuals with limited English proficiency (LEP) may struggle to communicate effectively in court, failing to obtain restraining orders in domestic violence cases, losing homes in foreclosure proceedings, losing custody of their children, or losing their liberty in a criminal proceeding. Under Title VI of the Civil Rights Act, recipients of federal financial assistance – including state courts that receive funds from the Department of Justice – must ensure that LEP individuals can access the programs or services the recipients offer.

The Division's Courts Language Access Initiative ensures that all people – regardless of how proficiently they speak English – have equal access to justice. During FY 2015, the Courts Language Access Initiative worked to ensure that courts in 18 states do not deny individuals access to important court proceedings and operations because of their national origin. In several instances, the Division managed to achieve voluntary compliance without resorting to a full investigation or enforcement action.

Ensuring Fairness in the Juvenile Justice System

The Division also works to ensure fairness in the juvenile justice system – both at the front end to prevent children from ending up in the system in the first place, and to protect their rights when they do. At every stage – from school-based arrests, to detention hearings, to confinement conditions – the Division has continued its steadfast efforts to protect the civil and constitutional rights of all children – particularly the most vulnerable among us: children of color, poor children, and children with disabilities – who come into contact with our juvenile justice system. In many ways, our work highlights both the national challenges we face and the local solutions we need to provide a blueprint for reform.

In addition to the case work detailed later in this budget submission, the Division has worked closely with the Department's Office for Access to Justice to ensure that indigent defendants have access to counsel under the Sixth Amendment, filing statements of interest and launching policy initiatives to advance this critical work and priority of the Attorney General. In a March 2015 case, *N.P. v. Georgia*, for example, [the Division filed a statement of interest](#) emphasizing that due process requires every child facing a loss of liberty to receive legal representation – from their first appearance through, at least, the disposition of their case – by an attorney with the training, resources, and time to effectively advocate for him or her. Shortly after our filing, the local court reached a settlement that

included enhanced resources for defenders and a specialization requirement for attorneys representing children in juvenile court.

CIVIL ENFORCEMENT: EXPANDING OPPORTUNITY FOR ALL PEOPLE

The Division’s civil enforcement work also includes enforcement of federal laws designed to expand opportunity for all people – including our most vulnerable populations, such as people with disabilities and LGBTI individuals – across a range of areas, from education, to the workplace, to housing and lending.

❖ EXPANDING EQUAL OPPORTUNITY IN EDUCATION

The Division enforces federal laws designed to ensure equal educational opportunities for all of our nation’s students, including laws that protect students from discrimination because of their race and national origin, such as Title IV of the Civil Rights Act of 1964. The Division also works with school districts operating under desegregation consent decrees with the United States to ensure that students of all races have equal access to resources and opportunities, particularly in the areas of qualified faculty and staff, facilities, extracurricular activities, transportation, student assignments, and course offerings.

The Division also works to combat the school-to-prison pipeline and eliminate discriminatory discipline practices that impede students’ equal access to educational opportunities. Through enforcement efforts, policy guidance, and technical assistance, the Division helps school districts to implement discipline practices consistent with federal law and to minimize exclusionary discipline. We investigate discipline practices that discriminate on the basis of race, disability, sex, national origin, and language status.



In addition, the Division enforces the Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964, which ensure that English Learner (EL) students receive an education that meets their needs. This includes working directly with school districts to ensure that EL students receive appropriate language services so that they can participate meaningfully in a school’s educational programs. Without direct and effective instruction to help them learn English, EL students risk falling behind in their

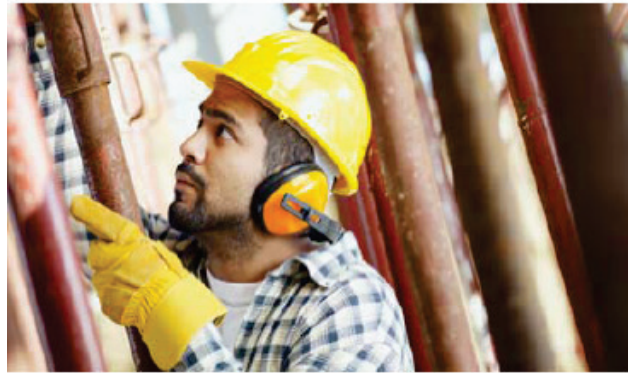
classes, which can lead to missed opportunities for advanced course offerings, extracurricular activities, on-time graduation, and college readiness.

The Division also seeks equal educational opportunity for students with disabilities. We strive to better integrate students with disabilities into general education programs and eliminate barriers that make it impossible for them to learn in the same classrooms as their peers without disabilities, or to participate in school and community activities. In FY 2014 and 2015, the Division continued to aggressively protect the rights of students with disabilities so that all students have equal access to the resources and opportunities they need to reach their full potential.

The Division investigates and resolves allegations of harassment based on race, national origin, religion, sex, and disability in K-12 schools and institutions of higher education. The Division's settlement agreements require, among other measures, that schools inform parents and students about how to report incidents of harassment and train faculty and staff on how to respond promptly and effectively to such reports. Protecting students from harassment, including sexual harassment and sexual assault, also remains a central priority. The Division continues to dedicate resources to its enforcement work to combat sexual assault, both through new investigations and active enforcement of existing settlement agreements.

❖ EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE

The ability to earn a living and climb the economic ladder defines the American dream. Yet in too many cases, employees still face unequal treatment due to their race, sex, national origin, citizenship or immigration status, religion, or disability.



The Division brings suits utilizing the full array of theories of discrimination available under Title VII. This includes allegations of disparate treatment – or intentional discrimination – and disparate impact, where an employer may not intentionally discriminate against applicants or employees, but its actions may have the effect of adversely and unnecessarily affecting an individual's employment opportunities, revealing implicit or structural bias. This typically arises when an employer uses a facially neutral criterion, such as a written or physical examination, which has a disproportionate and unwarranted impact on a protected group.

The Division also 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. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects servicemembers from discrimination in hiring, promotion, and job retention on the basis of past, present, and future membership in the armed services, or military obligations.

In addition, the Division works to protect the rights of immigrants with legal work authorization. Some employers deny employment to work-authorized individuals or subject those individuals to discriminatory employment eligibility verification procedures. Such unfair employment practices have a devastating impact on workers and violate the anti-discrimination provision of the Immigration and Nationality Act (INA).

This type of discrimination often occurs because employers misuse or misunderstand E-Verify, an Internet-based verification system operated by the Department of Homeland Security that allows employers to confirm an individual's employment eligibility. E-Verify-related discrimination can result in qualified, work-authorized individuals losing their jobs or encountering excessive hurdles to maintain their jobs simply because of their immigration status. Victims tend to come from minority, disadvantaged, and immigrant populations or marginalized communities. With an average of more than 1,000 new employers enrolling in E-Verify per week in FY 2016 – and with employer enrollment more than doubling since FY 2011 and totaling more than 600,000 enrolled employers by the beginning of FY 2016 – the Division anticipates that this form of discrimination will continue to remain prevalent. The Division also protects native-born and naturalized U.S. citizens from

employment discrimination because of their citizenship status.

And finally, the Division works to challenge employment discrimination by state and local government employers against people with disabilities. People with disabilities still face barriers to getting a job, maintaining a job, and earning the same benefits and privileges offered to all employees. Vestiges of outdated attitudes and stereotypes still keep qualified people with disabilities unemployed, as do inaccessible workplaces that fail to provide reasonable accommodations. The Division continues its efforts to ensure that job applicants and employees with disabilities receive fair treatment and the same opportunity to succeed in the workplace as those people without disabilities.

❖ EXPANDING EQUAL OPPORTUNITY IN HOUSING AND LENDING



A family's access to housing determines far more than where it can live. It affects access to strong schools, quality transportation, and good jobs. Almost five decades after the passage of the Fair Housing Act, housing discrimination and segregation continue to taint communities across the country. Far too many home seekers encounter prejudice, stereotypes, and discrimination that limit where there can live. Continuing discrimination has a particularly harmful impact on African Americans, Latinos, Arab Americans, Asian Americans, people with disabilities, and families with children.

The Division has also reinvigorated its efforts to ensure that all qualified borrowers have equal access to fair and responsible lending. In 2010, the Division created a Fair Lending Unit that aggressively pursues lending

discrimination, and since then, through our settlement agreements, we have now obtained more than \$1.4 billion in relief for individual victims and impacted communities. We focus on all potentially discriminatory action by creditors and all forms of lending – from personal and car loans, to credit cards and mortgages.

In the Division, we utilize a set of three powerful tools to combat lending discrimination. First, statutes such as the Fair Housing Act, the Equal Credit Opportunity Act, and the Servicemembers Civil Relief Act authorize the Justice Department to bring lawsuits in order to ensure a level playing field for borrowers. Second, we rely on federal court decisions that cement the bedrock principles of fair lending enforcement. In this year's *Inclusive Communities* decision, for example, the Supreme Court sided with the Justice Department's argument that the Fair Housing Act authorizes disparate impact claims. Third, we work in partnership with other agencies, including the Consumer Financial Protection Bureau (CFPB), the Department of Housing and Urban Development, the Federal Trade Commission, U.S. Attorneys' Offices, state attorneys general, and bank regulatory agencies. The close cooperation we share with our federal and state partners enables us to expand our capacity to root out and purge discriminatory lending practices. These tools have helped the Division continue with its robust and meaningful record of fair lending enforcement.

❖ PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Even 25 years after the passage of the ADA, individuals with disabilities still face significant barriers to education, public places, and essential services. And the need for vigorous enforcement of this landmark law remains urgent. The Division protects the rights of students, including those at colleges and universities; individuals seeking access to hotels, restaurants, and movie theaters; as well as individuals who need sign language or other services when at a doctor, hospital, or local government agency. We also ensure that parents and prospective parents with disabilities have equal access to parenting opportunities.



The Division also works to enforce the Supreme Court's decision in *Olmstead v. L.C.*, a ruling that requires states, whenever appropriate, to avoid unnecessary segregation of persons with disabilities and to serve them in the community setting rather than in segregated settings. The Division's settlements of *Olmstead* cases are impacting more than 50,000 people with disabilities to ensure that they have meaningful opportunities to receive services in integrated, community-based settings. In FY 2014, the Division had *Olmstead* cases in litigation against the states of New Hampshire, Florida, Oregon, and Texas. We settled the New Hampshire and Oregon cases on favorable terms. Those cases involved the rights of approximately 2,000 persons with mental illness in New Hampshire, approximately 7,000 people with intellectual and developmental disabilities in Oregon, approximately 4,000 Texans with intellectual and developmental disabilities, and approximately 200 children with disabilities living in nursing homes in Florida.

The Division remains involved in statewide litigation in Florida and Texas and has issued letters of findings in Mississippi, West Virginia, and Georgia.

❖ PROVIDING OPPORTUNITY THROUGH POLICY DEVELOPMENT, COLLABORATION, COORDINATION, TECHNICAL ASSISTANCE, AND OUTREACH

We also complement our criminal and civil enforcement programs with a variety of other activities and initiatives, including development of regulations and policies, coordination and cooperation with other government agencies, development of technical assistance and trainings, holding convenings, and conducting public outreach.

Policy, Regulations, and Legislation

The Division develops initiatives designed to more fully realize the promise of federal civil rights laws. Examples of the Division's work in this area include the following.

- *We worked on a legislative package to protect servicemembers' civil rights.* In FY 2011 and FY 2016, based on years of experience enforcing the UOCAVA, SCRA, and USERRA, the Division drafted and formally transmitted to Congress a [package of legislative proposals to strengthen these statutes](#). Since that time, the Division, in close consultation with other federal agencies, has continued to refine those proposals and worked to provide extensive technical assistance to Members of Congress considering servicemember-related legislation. During both the 112th and 113th sessions of Congress, the Senate introduced legislation

drawn from the Division's legislative proposals.

- *We proposed federal legislation to improve access to voting for Native Americans and Alaska Natives.* In May 2015, the Division sent a [legislative proposal](#) to Congress that would require states or localities whose territory includes part or all of an Indian reservation, an Alaska Native village, or other tribal lands to locate at least one polling place in a venue selected by the tribal government.
- *We developed new ADA regulations to provide compliance guidance to individuals, businesses, and organizations.* In FY 2014 and FY 2015, the Division developed proposed ADA rules related to movie captioning and video description and the definition of disability under the ADA Amendments Act; web accessibility under the ADA; and revised Section 504 of the Rehabilitation Act regulations.
- *We participated in the Federal Agency Reentry Council, chaired by the Attorney General.* The Council represents 20 federal agencies working to make communities safer by reducing recidivism and victimization, assist those who return from prison and jail to become productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

Collaboration with Other Federal Agencies and Other Governmental Actors

The Division's criminal and civil enforcement work relies on critical partnerships with other federal enforcement agencies; United States Attorneys' Offices; state, local, tribal, and foreign governments; and international organizations. Examples of our work in this area include the following.

- The Division has two new Memoranda of Understanding with the Equal Employment Opportunity Commission (EEOC) to further the goals of [Title VII of the Civil Rights Act of 1964](#), as well as [the ADA and the Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#), in prohibiting employment discrimination in the state and local government sector. The MOUs include provisions for the coordination of the investigation of charges alleging violations of Title VII, the ADA, or GINA, while respecting the distinct responsibilities and enforcement priorities of each agency. Since the agencies began coordinating on charges, the Division has examined more than 300 charges for potential collaboration.
- The [Division entered into a Memorandum of Understanding with the Republic of Ecuador](#), creating a formal partnership between the embassy and its consulates and the Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices. The MOU seeks to empower work-authorized Ecuadorians in the United States by educating them about their rights under the anti-discrimination provision of the INA and providing them with the resources to protect those rights. The MOU also promotes training for employers on their responsibilities under the law.
- Working closely with the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP), the Division filed a lawsuit in 2014, alleging that the utility company Entergy and its several subsidiaries violated Executive Order 11246 and federal law by refusing to comply with federal contractor requirements to submit proof of required affirmative action programs to the OFCCP. When the court denied Entergy's motion to dismiss, the parties reached a favorable settlement in which Entergy agreed to immediately comply with Executive Order 11246. The executive order prohibits certain federal contractors from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. It also requires contractors to take affirmative action to ensure that they provide equal opportunity in all aspects of their

employment.

- The Division's partnership with the CFPB continues to play a critical role in recovering millions of dollars in damages for victims of discriminatory lending.
- The Division has partnered with the Departments of State and Homeland Security in a program designed to educate foreign governments about the legal tools they can create to promote and realize religious freedom within their own countries. Specifically, the interagency effort includes trainings and workshops in foreign countries to educate foreign officials and civil society about the protection of religious freedom in the United States through law enforcement and other methods utilized by the Division.
- The Division's close working relationships with U.S. Attorneys' Offices, in addition to enforcing other federal civil rights laws, have helped rescue human trafficking victims and put traffickers in prison.
- In a transformative and historic step on criminal justice reform, President Obama recently announced that he will adopt the recommendations in a Justice Department report to reform the use of restrictive housing, including solitary confinement, in our federal prison system. The [report](#) also establishes more than 50 "Guiding Principles," or best practices, designed to serve as a roadmap for reform as correctional systems across the country confront this issue. Working alongside other Justice Department components and offices, staff in the Civil Rights Division played a key role in shaping, informing, and contributing to the report.

Guidance Documents, Technical Assistance, Training, and Outreach

Across a wide range of areas, the Division recognizes that individuals and organizations sometimes need assistance in understanding their rights and responsibilities under federal law.

Education

- In January 2015, the Division and the Office for Civil Rights at the Department of Education issued a [joint guidance package](#) to all public school districts, schools, and state education agencies regarding their federal obligations toward EL students and LEP parents.
- In FY 2014, the Division, in cooperation with the Department of Education, issued [supplemental guidance on *Plyler v. Doe* and related obligations](#) to ensure that all students can enroll in elementary and secondary schools regardless of race, national origin, or immigration or citizenship status.
- Also in 2014, the Division and the Office for Civil Rights at the Department of Education [issued joint guidance](#) regarding schools' obligations not to discriminate on the basis of race, color, or national origin in the administration of student discipline.
- In December 2014, in partnership with the Department of Education, the Division released a [guidance package](#) on juvenile correctional education. We included a [Dear Colleague Letter](#) that established clear guidelines on how federal civil rights laws apply to the 60,000 youth in our country's juvenile justice residential facilities. The letter covered a range of areas, including equal opportunities to access academic coursework, administration of discipline, and effective communication for students with disabilities, among others.

Disability Rights

- In 2014 and 2015, the Division issued new technical assistance documents addressing: [parental rights](#) (with the Department of Health and Human Services); [the provision of effective communication](#) in public elementary and secondary schools (with the Department of Education); [a primer](#) for Title II entities; [a frequently asked questions guide](#) about service animals and the ADA; [street resurfacing supplemental guidance](#) (with the Department of Transportation); the [rights of voters with disabilities](#); [testing accommodations](#); and the [rights of people living with HIV/AIDS](#).
- The ADA requires the Division to provide technical assistance to businesses, state and local governments, people with disabilities, non-profit agencies, and others who have responsibilities or rights under Titles II and III of the ADA. To carry out this mandate, the Division creates and disseminates an array of technical assistance materials; operates a nationwide toll-free ADA Information Line and the ADA website; provides educational presentations and training sessions; and engages in outreach targeted to businesses, state and local governments, and people with disabilities. The Division's Technical Assistance Program strives to provide accurate, understandable, and timely information to people across the country, to increase understanding of, and voluntary compliance with, the ADA. In FY 2014 and 2015, the ADA Information Line responded to more than 101,000 calls, and the ADA website received close to 33 million hits.
- The Division provided outreach and education to covered entities and people with disabilities on the requirements of the ADA. In FY 2015, we presented 53 speeches, workshops, and training sessions to a combined audience of more than 6,000 people.

Language Access in the Courts

- In FY 2014, the Division brought together key stakeholders to discuss efforts to improve language access in the courts, releasing a "[Language Access Planning and Technical Assistance Tool for Courts](#)" designed to help courts prevent national origin discrimination and ensure equal access to justice for all.
- The Division's technical assistance efforts have helped to ensure expanded access for LEP individuals in state courts from Hawaii to Maryland. In March 2015, the Division closed its review of the Hawaii Judiciary's Language Access Program following the Department's successful provision of technical assistance to the Hawaii Judiciary. Hawaii Courts now have measures in place to help ensure that people have equal access to justice, regardless of the language they speak or the English proficiency they possess.

Combating Workplace Discrimination

- The Division has conducted an extensive, nationwide public outreach campaign to educate workers, employers, and concerned organizations about the anti-discrimination provision of the INA. In FY 2015, the Division participated in more than 200 public outreach sessions and webinars and handled more than 4,500 calls through its employer and worker hotlines.
- In FY 2014, the Division collaborated with the EEOC and the Department of Labor on the Vulnerable Workers Project, which focuses on strengthening employment and labor protections and enforcement for vulnerable Asian-American and Pacific Islander (AAPI) workers in high-risk and low-wage industries. Together, these agencies organized listening sessions with AAPI workers and stakeholders in different U.S. cities to hear about the employment and labor challenges they face and to share information about the federal agency

resources available.

- In December 2015, with the Department of Homeland Security (DHS), the Division issued joint [Guidance for Employers Conducting Internal Employment Eligibility Verification Form I-9 Audits](#). The two agencies developed the joint guidance with significant input from DHS's Office of Civil Rights and Civil Liberties, U.S. Citizenship and Immigration Services, the Department of Labor, the National Labor Relations Board, the EEOC, and stakeholders around the country.

Policing

- In December 2015, the Division collaborated with the Department's Office on Violence Against Women (OVW) and Office of Community Oriented Policing Services (COPS Office) to [issue new gender bias policing guidance](#), aiming to help law enforcement agencies prevent gender bias in their response to sexual assault and domestic violence, highlighting the need for clear policies, robust training, and responsive accountability systems.

II. SUMMARY OF PROGRAM CHANGES

Item Name					Page
	Description	POS	FTE	Dollars (\$000)	
Policing and Criminal Justice	Protect the rights of children and people with disabilities in interactions with the criminal justice system.	24	12	\$2,700	37
Civil Rights of Servicemembers	Defend the civil rights of our active duty military servicemembers and veterans.	5	3	587	41
Protect the Rights of People with Disabilities	Ensure fair access to technology and education for people with disabilities.	7	4	983	44
Total		36	19	\$4,270	

III. APPROPRIATIONS LANGUAGE AND ANALYSIS OF APPROPRIATIONS LANGUAGE

Please refer to the General Legal Activities Consolidated Justifications.

Analysis of Appropriations Language

The Civil Rights Division directs and manages federal enforcement of the provisions of the Voting Rights Act, including the election monitoring provisions of the Act. The Division reimburses the Office of Personnel Management for salaries and expenses that it incurs for federal observers for elections. The language change ensures that the appropriations language fully covers the election monitoring program, which operates under numerous provisions of the Voting Rights Act – not just Section 8. Travel is the single biggest cost associated with DOJ's own election monitoring work.

IV. PROGRAM ACTIVITY JUSTIFICATION

A. Civil Rights Division Decision Unit

1. Program Description

Civil Rights Division	Permanent Positions	Estimated FTE	Amount
2015 Enacted (FTE is actual)	714	565	\$147,239
2016 Enacted	714	606	148,239
Adjustments to Base	0	0	3,112
2017 Current Services	714	606	151,351
2017 Program Increases	36	19	4,270
2017 Request	750	625	\$155,621
Total Change 2016-2017	36	19	\$ 7,382

Civil Rights Division <i>Information Technology Breakout</i>	Direct Positions	Estimated FTE	Amount
2015 Enacted (FTE is actual)	15	15	\$10,922
2016 Enacted	15	15	11,727
Adjustments to Base and Technical Adjustments	0	0	187
2017 Current Services	15	15	11,914
2017 Request	15	15	\$11,914
Total Change 2016-2017	0	0	\$ 187

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

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

The Division's Criminal Section falls under the Criminal Enforcement program area (90 positions, \$19,199,000). The Appendix provides a summary of each of the criminal statutes enforced by the Division's Criminal Section.

The Division's Civil Enforcement program area (660 positions, \$136,422,000) includes the Division's remaining 10 program-related sections:

- Appellate
- Disability Rights
- Educational Opportunities
- Employment Litigation
- Federal Coordination and Compliance Section
- Housing and Civil Enforcement
- Office of Special Counsel for Immigration-Related Unfair Employment Practices
- Policy
- Special Litigation
- Voting

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

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
DECISION UNIT: CIVIL RIGHTS DIVISION											
RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2015		FY 2015		FY 2016		Current Services Adjustments and FY 2017 Program Changes		FY 2017 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
		635	\$147,239 [\$10,058]	635	\$147,239 [\$12,468]	699	\$148,239 [\$25,415]	2	\$3,112 [-\$3,315]	701	\$155,621 [\$22,100]
STRATEGIC OBJECTIVE: 2.5	PERFORMANCE	FY 2015		FY 2015		FY 2016		Current Services Adjustments and FY 2017 Program Changes		FY 2017 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		635	\$147,239 [\$10,058]	635	\$147,239 [\$12,468]	699	\$148,239 [\$25,415]	2	\$3,112 [-\$3,315]	701	\$155,621 [\$22,100]
Performance Measure (New in FY 2017)	Number of human trafficking leads and complaints reviewed by the Human Trafficking Prosecution Unit	N/A		N/A		154		NA		158	
Performance Measure	Number of matters opened concerning human trafficking	154		143		154		NA		N/A	
Performance Measure	% of criminal cases favorably resolved	85		86.25		85		NA		85	
Performance Measure	% of civil cases favorably resolved	85		99		85		NA		85	
<p>Data Definition, Validation, Verification, and Limitations: The data source for all measures is the Civil Rights Division's (CRT) Interactive Case Management System (ICM). The ICM is the official workload system of record for CRT and is used to generate key data for both internal and external inquiries. The ICM captures and reports on the level of effort that attorneys and professionals dedicate to matters and case-related tasks. Senior managers of CRT are responsible for ensuring the accuracy of the data contained in the ICM.</p>											

PERFORMANCE MEASURE TABLE										
CIVIL RIGHTS DIVISION										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015		FY 2016	FY 2017
			Actual	Actual	Actual	Actual	Target	Actual	Actual	Target
			2.5	Performance Measure	Number of trainings on human trafficking conducted for federal, state, and local law enforcement, NGOs, and international trafficking partners					
2.5	Performance Measure	Number of matters opened concerning human trafficking				161	150	143	154	N/A
2.5	Performance Measure	% of criminal cases favorably resolved	84	94	94	99	85	86.25	85	85
2.5	Performance Measure	% of civil cases favorably resolved	97	98	84	90	85	99	85	85

3. Performance, Resources, and Strategies

PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

Criminal Enforcement

The Criminal Section's career prosecutors continue to achieve remarkable results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. Each year, the Division receives more than 10,000 complaints alleging criminal interference with civil rights. In FY 2015, the Division filed a record 146 cases. In FY 2013, the Division filed its second-highest number of cases, 141. Furthermore, the Division filed 31 percent more criminal civil rights prosecutions in the last six fiscal years (772 indictments in FY 2010 – FY 2015) than the previous six years (590 indictments in FY 2004 – FY 2009), without an increase in staff.

In FY 2014 and FY 2015, the Division exceeded its performance goals.

- During those two years, the Division, in conjunction with United States Attorneys' Offices, charged 472 defendants with criminal civil rights violations.
- In fiscal years 2014 and 2015, the Division filed 278 criminal civil rights cases, the highest number compared with any other two-year period since counting began in 1993.
- In fiscal years 2014 and 2015, the Division filed 157 human trafficking cases, the highest number in any two-year period since counting began in 1993.
- In the seven years since the passage of the Shepard-Byrd Hate Crimes Prevention Act, the Division has charged 68 defendants and won 43 convictions under this statute. In total, the Division has prosecuted 236 defendants for hate crimes under multiple statutes over the last seven years, a 23 percent increase over the prior seven year period.
- The Division leads the Department's law enforcement response to address post 9/11 "backlash" violence. Working with our U.S. Attorney colleagues, since 9/11, we have 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 to the fullest extent of the law.
- While achieving these record results, the Division's Criminal Section has also operated its cold case initiative, pursuant to the Emmett Till Cold Case Act of 2007, in which Section prosecutors have reviewed voluminous evidence in more than 100 civil rights era unsolved hate crime homicides.

❖ CASE EXAMPLES: PROSECUTING HUMAN TRAFFICKING

United States v. Cadena – [The Department secured a 5-year prison sentence](#) against a Mexican national for supporting a brutal family-run sex trafficking organization that lured vulnerable undocumented Mexican women and girls to the United States on false promises of legitimate jobs, raped them repeatedly, and forced them – under the threat of violence – to engage in prostitution. In

recent years, other family members have pled guilty and received sentences ranging from 2-15 years.

United States v. Serrano, et. al – The Department [won a conviction against the leader of a human trafficking ring](#), alleging that he lured Guatemalan minors and adults into the United States on false pretenses and then used threats of physical harm to compel their labor at egg farms in Ohio. The defendant forced the victims to work at physically demanding jobs for minimal pay and live in dilapidated trailers.

❖ CASE EXAMPLES: COMBATING HATE CRIMES

United States v. Dedmon, et al. – In a Mississippi case stretching from an investigation in 2011, 10 people conspired to harass and assault African Americans in the Jackson, Mississippi area, disparagingly calling it “Jafrica.” One night, their terror culminated in the death of an African-American man, who several of the individuals assaulted and then ran over in a pickup truck as they yelled “White Power.” [The Department won convictions against each of the 10 defendants](#), including against two defendants who plead guilty in January 2015.

United States v. Dylann Storm Roof – Following a night of unspeakable violence that left nine parishioners dead during a Bible study group in their South Carolina church, [the Department brought federal hate crime charges](#) against the defendant, alleging that he murdered African Americans because of their race.

❖ CASE EXAMPLES: PROSECUTING OFFICIALS WHO INTENTIONALLY VIOLATE INDIVIDUALS’ CONSTITUTIONAL RIGHTS

United States v. Hinton, et al. – The Department [secured federal prison sentences](#) against four former Georgia correctional officers for offenses relating to beating multiple inmates – including one who suffered a traumatic brain injury during an assault – and then covering up the practice by turning in false reports and providing misleading statements to investigators.

United States v. Worrell – The [Department won a conviction against a former prosecutor](#) for the St. Louis Circuit Attorney’s Office for concealing her knowledge of a local police officer’s assault upon an arrestee. The prosecutor acknowledged that she filed charges without disclosing knowledge of the assault to her colleagues, supervisors, or the judge assigned to setting bond.

Civil Enforcement

The Division’s Special Litigation Section works to protect the rights of children and adults in institutional settings, including nursing homes, mental health institutions, juvenile detention centers, and prisons. These efforts continued in FY 2015.

❖ CASE EXAMPLES: PROTECTING THE RIGHTS OF CHILDREN AND ADULTS IN INSTITUTIONS

United States v. Ohio, et al. – Following years of thorough investigation, effective litigation, and independent monitoring, the [Department terminated its consent decree with Ohio](#) in December 2015 after the state successfully implemented transformative reforms in its juvenile correctional facilities and policies. These reforms spanned an array of areas and included eliminating the use of solitary confinement for punishment, ensuring individualized mental health care, and dramatically reducing the population of incarcerated children from a system that once incarcerated more than 2,000 children to one that holds fewer than 500 today.

United States v. Leflore County – Following a Justice Department investigation, we reached an [agreement](#) in March 2015 with Leflore County, Mississippi, to improve security and facility conditions at the Leflore County Juvenile Detention Center in Greenwood, Mississippi. Leflore County committed to numerous reforms to protect children in its care from abuse and self-harm, to improve its security and emergency preparedness, and to improve its medical and mental health care. Leflore County also pledged to end the use of solitary confinement as a form of discipline and to limit solitary confinement to a cool-down period not to exceed one hour.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY

Protecting the Right to Vote

The Division’s Voting Section brings affirmative litigation to enforce federal voting laws and defends the United States when it faces lawsuits over voting matters. Despite the resource-intensive nature of its cases and setbacks from the Supreme Court’s 2013 *Shelby County* decision, the Voting Section remains highly productive in safeguarding voting rights. From FY 2012 to FY 2015, the Voting Section represented the United States in 67 new voting cases. This includes having filed three new statewide complaints under Section 2 of the Voting Rights Act; filed and obtained favorable resolutions in 10 new UOCAVA cases to ensure military and overseas voters the opportunity to vote; defended 35 new cases brought under various provisions of the Voting Rights Act or the Constitution; and monitored 200 elections in jurisdictions around the country.

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

❖ CASE EXAMPLES: PROTECTING VOTING RIGHTS

Veasey v. Abbott – Following a [lawsuit filed by the Department](#), in October 2014, a federal district court found a Texas Voter ID law racially discriminatory – both in purpose and in result. The court quoted one witness – an African-American retiree living on \$321 per month, struggling to save the \$42 she needed to obtain her birth certificate and photo ID – to demonstrate how the discriminatory law forced some in poverty to “choose between purchasing their franchise or supporting their family.” More than 600,000 voters in Texas, including a disproportionate number of African-American and Hispanic voters, lacked the type of ID required by this law. In August 2015, the Fifth Circuit issued a unanimous opinion upholding the district court’s finding that the law had a discriminatory result, in violation of Section 2 of the Voting Rights Act.

United States v. North Carolina – The Division went to trial following its [lawsuit filed against the State of North Carolina](#), alleging that a new state law adopted in 2013 violates the Voting Rights Act. The law’s troubling restrictions include provisions that will significantly reduce early voting days, eliminate same-day registration during early voting, eliminate safeguards that allowed provisional ballots to be counted when cast in the right county but incorrect precinct, and impose a restrictive photo ID requirement for in-person voting. The Department argued at trial that such measures will disproportionately impact African-American voters and that the law intentionally discriminates on the basis of race.

Protecting Those Who Protect Us

Three sections of the Civil Rights Division – Employment Litigation, Housing and Civil

Enforcement, and Voting – enforce statutes designed to protect servicemembers from civil rights violations. In addition, the Disability Rights Section brings cases involving servicemembers who face discrimination because of their disability.

In FY 2015 the Division took the following actions to protect the rights of servicemembers.

- The Housing and Civil Enforcement Section [obtained a \\$10 million settlement](#) under the SCRA against one of the nation’s largest retail auto lenders for unlawfully repossessing the automobiles of more than 1,000 servicemembers.
- The Employment Litigation Section, individually and in concert with several United States Attorneys’ Offices, filed seven suits to vindicate the employment rights of servicemembers who have returned from active duty and reached settlements in 12 cases.
- The Voting and Appellate Sections continued litigating two UOCAVA cases on behalf of servicemembers.

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

United States v. Sallie Mae, Inc. – Following a \$60 million dollar settlement with the Division for failing to reduce interest rates on servicemembers’ student loans to 6 percent, [Sallie Mae began distributing those funds to nearly 78,000 servicemembers](#), and the groundbreaking settlement triggered systemic changes to the student loan industry. The Department of Education now requires the servicers of federally-owned and federally-guaranteed student loans to proactively use the Defense Manpower Data Center to identify servicemembers entitled to the 6 percent benefit, rather than waiting for these servicemembers to send in their orders.

United States v. Missouri National Guard – In March 2015, the [Department settled its lawsuit with the Missouri National Guard \(MNG\)](#) alleging that the MNG had violated the USERRA rights of its dual service technicians by forcing them to resign their civilian employment prior to entering into active duty. The Department alleged that MNG’s refusal to place dual service technicians on furlough or leave of absence from their civilian jobs, by forcing a separation, resulted in the loss of paid military leave. Under the terms of the settlement agreement, MNG has agreed to rescind its current policy requiring separation in order to enter active duty and to compensate 138 total members of the Missouri National Guard over 2,000 days of paid leave for past alleged USERRA violations.

Ensuring Effective and Democratically-Accountable Policing

The Division’s Special Litigation, Employment Litigation, and Federal Coordination and Compliance Sections work to ensure effective, constitutional, and accountable policing. As described earlier in this budget submission, in FY 2015, the Special Litigation Section’s enforcement of the pattern-or-practice provisions of the Violent Crime Control and Law Enforcement Act of 1994 continued to expand.

To maximize its resources, the Section has also actively pursued opportunities to file statements of interest in private lawsuits around the country that bear upon its practice. Over the last two years, the Section has filed several statements of interest related to its authority under the Violent Crime Control and Law Enforcement Act, including statements on the criminalization of homelessness; the monitoring of the New York City Police Department’s stop and frisk practices; the right to record public police activity; national origin discrimination and language access; and appropriate injunctive relief for Fourteenth Amendment equal protection violations. These statements of interest not only

influence particular lawsuits, but they also impact state and local governments and law enforcement agencies across the country.

In addition, the Employment Litigation Section (ELS) works to ensure that police departments use fair and equitable hiring and promotion processes, helping to ensure that police departments hire highly qualified individuals from a broad range of backgrounds. The Section's enforcement of pattern-or-practice Title VII cases has included investigations and lawsuits filed against numerous police departments nationwide. In particular, in 2014 ELS filed a lawsuit against the Pennsylvania State Police alleging discrimination against women, and in 2015, ELS filed a lawsuit against the City of Lubbock, Texas, alleging that the city's police department engaged in a pattern-or-practice of employment discrimination against women and Hispanics. Both cases seek to redress systemic discrimination in entry level-hiring.

Finally, the Federal Coordination and Compliance Section works to ensure that law enforcement recipients of federal funds do not discriminate on the basis of race, color, and national origin.

❖ CASE EXAMPLES: ENSURING EFFECTIVE AND DEMOCRATICALLY-ACCOUNTABLE POLICING

Cleveland, Ohio – In May 2015, as a result of cooperation between a wide range of public officials and stakeholders in Cleveland – including the city's mayor, police chief, police union leaders, and community members – the Division reached an [innovative and comprehensive consent decree](#) to reform police policies and practices. The agreement will help provide officers with the equipment they need to perform their jobs safely as well as the training and employee assistance they deserve. The agreement also includes both formal and informal mechanisms to ensure greater community engagement with the police department and strengthen the type of trust so vital to advancing public safety.

Lubbock, Texas – In December 2015, the Division [filed a lawsuit](#) challenging two separate hiring practices by the Lubbock Police Department (LPD). We charged that LPD's use of an entry-level written examination had a statistically significant disparate impact on Hispanic applicants and that a physical fitness test had a statistically significant disparate impact on women. We also alleged neither selection device was job related nor consistent with business necessity.

EXPANDING OPPORTUNITY FOR ALL PEOPLE: CIVIL ENFORCEMENT

Expanding Equal Opportunity in Education

In FY 2014 and 2015, the Educational Opportunities Section continued its vigorous efforts to protect students from discrimination and harassment in public schools and universities. The Section's accomplishments include the following.

- We resolved 19 cases to protect the rights of students.
- We opened 26 investigations of alleged discrimination on the basis of race, national origin, sex, religion, disability, and language services.
- We negotiated eight agreements to protect the rights of EL students, including a [comprehensive consent decree](#) benefitting more than 16,000 EL students in the historic *Lau v. Nichols* case and a significant out-of-court settlement to ensure that Navajo-speaking EL

students in a school district receive appropriate language support services under the Equal Educational Opportunities Act.

- We enforced, and/or monitored, approximately 180 school desegregation cases involving the United States as a party.

In addition, the Educational Opportunities Section works independently and with the Disability Rights Section to protect the rights of students with disabilities, and the Special Litigation Section works to protect the rights of youth in juvenile justice institutions. The Division's Appellate Section, which handles criminal and civil appeals in federal courts, also works with the Educational Opportunities Section to protect the rights of students.

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN EDUCATION

Hereford and United States v. Huntsville Board of Education – In April 2015, [a federal court in Alabama approved a consent order](#) filed by the Division and the Huntsville, Alabama, Public Schools with the capacity to eliminate – root and branch – the devastating impact of longstanding racial segregation in local schools. The consent order revises attendance zones and strengthens magnet offerings across the school district; expands access to pre-K education, gifted programs, advanced course offerings, academic after-school programs and college counseling; and includes comprehensive remedies to address racial discrimination in student discipline.

United States v. Georgia Department of Education – After an extensive investigation regarding the unnecessary segregation of students with behavior-related disabilities in so-called “special” schools in Georgia, the Division [issued a letter of findings](#) in July 2015. The letter about the Georgia Network for Educational and Therapeutic Support (GNETS) Program emphasized that the ADA does not permit states to unnecessarily place students with behavior-related disabilities in separate, unequal, schools when they could learn in regular schools and classrooms.

❖ CASE EXAMPLES: PROTECTING STUDENTS FROM SEXUAL ASSAULT AND HARASSMENT IN SCHOOL

The Division works tirelessly to protect students from sexual assault and harassment. In order to maximize its ability to protect students from sexual assault, the Division brings enforcement actions and participates in suits filed by private plaintiffs. Examples of the Division's work in this area include the following cases.

Hill v. Madison County School Board – The Division's Appellate Section [filed an amicus brief](#) in *Hill v. Madison County School Board*, a Title IX sexual assault case where a school employee used a 14-year-old female student as bait to entrap a student accused of multiple incidents of sexual misconduct. The entrapment plain failed and the defendant raped the female student in the school bathroom. When the district court dismissed charges against the school district, the Division filed a brief arguing that the school district knew the defendant posed a substantial risk to others because of his extensive history of sexual misconduct. In August 2015, the Eleventh Circuit reversed the district court's ruling, agreeing with much of the reasoning in the Division's amicus brief.

Junior Doe, et al. & United States v. Allentown School District – The Division continued its vigorous enforcement of a [consent decree](#) reached with the Allentown, Pennsylvania, School District to resolve allegations that the district failed to take appropriate action after it learned about repeated reports of sexual assault against six and seven-year old students. The consent decree requires the district to implement a comprehensive plan – along with policies and procedures – for addressing and

preventing sexual harassment. It also requires the district to provide sex-based harassment training for administrators, faculty, staff, students, and parents. After conducting a review in early 2015, the Division found that the school district has not yet complied with the terms of the consent decree and consequently negotiated an extension until July 2016.

Expanding Equal Opportunity in Housing and Lending

In FY 2015, the Division's Housing and Civil Enforcement Section devoted significant resources to fair lending and fair housing cases. From FY 2014 to the present, the Division expanded fair housing and lending opportunities by filing 80 lawsuits, including 57 pattern-or-practice lawsuits, to combat housing and lending discrimination. Furthermore, during that time period, the Division settled 83 housing and lending cases, including 67 pattern-or-practice cases. Many of these cases involved significant, ground-breaking settlements. The lending cases alone have resulted in more than \$1.4 billion in monetary relief since the Fair Lending Unit's inception in 2010, and relief to hundreds of thousands of victims.

❖ CASE EXAMPLES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND PREVENTING DISCRIMINATORY LENDING

United States v. Southeastern Community and Family Services, Inc. – The Division sued a public housing agency in Scotland County, North Carolina and two now-former employees for violating the Fair Housing Act. Among other violations, the Division alleged that the agency's former housing coordinator and housing inspector had conditioned or offered Section 8 voucher benefits in exchange for sexual acts and taken adverse actions against women who rebuffed their sexual advances. For example, we alleged that the defendants made unwelcome sexual comments, subjected female applicants to unwanted sexual touching, and advanced female applicants on the Section 8 waiting list in exchange for sexual acts. In July 2015, [we reached a \\$2.7 million settlement](#) – the largest settlement ever achieved by the Division in a sexual harassment case under the Fair Housing Act.

United States v. American Honda Finance Corporation – The Division and the CFPB [achieved a groundbreaking settlement](#) to resolve a lawsuit alleging that American Honda Finance Corporation – the nation's ninth-largest auto lender – engaged in a pattern-or-practice of discrimination against black, Hispanic, and Asian borrowers. Of particular importance in the settlement, Honda agreed to significantly limit the discretion of car dealers to charge interest rate markups on Honda loans. The settlement provides \$24 million in compensation for alleged victims of past discrimination, and Honda will pay \$1 million to fund a financial education program that seeks to benefit African-American, Hispanic, and Asian populations. Compliance is underway and is projected to last five years.

Expanding Equal Opportunity in the Workplace

Three sections of the Division – Employment Litigation, Disability Rights, and the Office of Special Counsel for Immigration-Related Unfair Employment Practices – work to prevent workplace discrimination on the basis of race, national origin, sex, religion, disability, and immigration status. During FY 2015, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division's employment enforcement activities include the following.

- We filed four new suits and launched 16 new investigations under Title VII that cover a wide range of claims, including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring.

- We resolved four matters under Title VII through a combination of consent decrees, court-approved settlement agreements, and out-of-court settlements.
- We collected a record-breaking \$1.6 million in back pay and civil penalties from, and entered into 18 settlement agreements with, employers for violations of the anti-discrimination provision of the INA.
- Under Title I of the ADA, we filed two consent decrees enforcing the rights of individuals with disabilities to be hired free of discrimination and to receive reasonable accommodations to perform their jobs. We also reached seven settlement agreements with state and local government employers to remove impermissible disability-related questions from their online employment applications and to make those online applications accessible.
- The Division's [settlement agreement with the State of Oregon](#) calls for 1,115 people in sheltered workshops to receive jobs in the community at competitive wages over the next seven years. In addition, 7,000 people will receive employment services that will afford them the opportunity to work in the community, including at least 4,900 youth ages 14 to 24 years old, who are exiting school.

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE

United States v. City of New York – In 2009, [after a lawsuit brought by the Department](#), a federal court found that New York City's entry-level firefighter selection practices discriminated against African Americans, Hispanics, and women. This past year, the Division oversaw the City's distribution of \$99 million to 1,400 victims of discrimination – the largest award ever obtained by the Division in a pattern-or-practice employment case. In 2014, one of those victims, Firefighter Jordan Sullivan – a man driven to serve his community after 9/11 but who initially failed the City's discriminatory entrance exam – rescued a five month old baby from the fifth floor of a burning housing project in Brooklyn, according to a June 2014 *New York Times* story, "Baptism by Fire."

United States v. South Dakota Department of Social Services – In a November 2015 [lawsuit](#), we alleged that the South Dakota Department of Social Services (DSS) had engaged in a pattern-or-practice of employment discrimination against Native Americans by imposing arbitrary and subjective criteria that resulted in discriminatory hiring for a series of Employment Specialist jobs at the state agency's Pine Ridge Reservation office. Our investigation revealed a pattern of vacancies in which DSS either passed over qualified Native Americans to select less qualified candidates or closed vacancies rather than select a qualified Native American candidate.

Settlement with McDonald's USA, LLC – The Department reached a settlement with McDonald's USA, LLC and its corporate affiliates and subsidiaries to resolve allegations that the company discriminated against immigrant employees of McDonald's-owned restaurants. The Division's investigation found that McDonald's had a longstanding practice of requiring lawful permanent residents to show a new permanent resident card when their original document expired, even though the law prohibits this practice. Under the settlement agreement, McDonald's will pay \$355,000 in civil penalties to the United States, undergo monitoring for 20 months, and train its employees on the INA's anti-discrimination provision.

Providing Opportunities for People with Disabilities

The Division's Disability Rights Section continued its steadfast efforts to expand opportunities for

people with disabilities through implementation of the ADA. In FY 2015, the Section accomplished the following results.

- We reached the Division’s first-ever settlement agreement to ensure that Massive Open Online Courses (MOOCs) and online learning platforms are accessible to people with disabilities. The [agreement](#), between the United States and edX Inc., will help expand access for individuals with vision, hearing, and manual dexterity disabilities to the more than 450 courses offered by edX.
- We entered a [consent decree](#) in *United States v. Riverside County, California*, resolving allegations that the county had discriminated by failing to hire a probation officer because he had controlled epilepsy. The officer was qualified for the job but was not hired based on outdated stereotypes and attitudes about people with epilepsy.
- In March 2015, the Division launched its [new online ADA complaint form](#), allowing individuals to file ADA complaints completely electronically, saving countless hours of staff time entering this data by hand. The new system will allow the Section to more quickly process the more than 9,000 complaints we receive each year.
- The Division has built an impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2015, the ADA Mediation Program referred 435 matters, completed 328 matters, and successfully resolved 74 percent of these cases. Since inception, the program has an overall success rate of 78 percent.
- We continued our robust ADA Technical Assistance Program to promote voluntary compliance with the ADA and provide free information and technical assistance directly to businesses, state and local governments, people with disabilities, and the general public.

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

Lane v. Brown – In December 2015, a federal court approved a [settlement agreement](#) among the Justice Department, a class of private plaintiffs, and the state of Oregon to ensure that approximately 7,000 people with intellectual and developmental disabilities will no longer have to work in segregated subminimum-wage sheltered workshops in order to receive employment services. Instead, adults will receive employment support in competitive integrated jobs in their own communities. The Division’s work helped a young man transition from his \$1.70 per hour job assembling company parts in a sheltered workshop, to a teacher’s aide position at the local YMCA, where today he helps kids complete their homework and resolve their conflicts.

Massachusetts DCF Letter of Findings – In collaboration with the Department of Health and Human Services, the Division [issued a letter of findings](#) determining that the Massachusetts Department of Children and Families (DCF) discriminated against a parent with an intellectual disability by failing to provide equal reunification services and failing to reasonably modify its service policies. After the child welfare agency removed a two-day old infant from her home simply because of her mother’s intellectual disability, the Division helped reunite the baby girl with her family. She continues to laugh, play, and smile – surrounded by the loving care of her grandparents and mother.

B. Strategies to Accomplish Outcomes

The Division’s work directly supports the Justice Department’s 2014 – 2018 Strategic Plan. Specifically, the Division’s criminal and civil enforcement work, as well as policy work, supports

DOJ Strategic Objective 2.5: “Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.”

The Department works to uphold the civil and constitutional rights of all Americans, including the most vulnerable members of society. Federal civil rights statutes reflect some of America’s highest ideals and aspirations of equal justice under law. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also of members of religious groups, women, people with disabilities, servicemembers, individuals housed in public institutions, and individuals who come from other nations and speak other languages.

The Division supports Strategic Objective 2.5 by advancing three basic principles, as outlined earlier in this budget submission: first, protecting the most vulnerable among us by ensuring that all in America can live free from fear of exploitation, discrimination, and violence; second, safeguarding the fundamental infrastructure of democracy by protecting the right to vote and access to justice, ensuring that communities have effective and democratically-accountable policing, and protecting those who protect us; and third, expanding opportunity for all people by advancing the opportunity to learn, earn a living, live where one chooses, and worship freely in one’s community.

The Division further supports Strategic Objective 2.5 by engaging in a variety of activities including criminal and civil enforcement and litigation, prevention efforts, outreach initiatives, and technical assistance. The Division also supports Strategic Objective 2.5 by working with the Department, Congress, and other federal agencies and partners on legislative, regulatory, and policy developments. The Division’s multifaceted approach to civil rights work seeks to ensure that we address both existing and emerging civil rights challenges.

CRT'S 2017 STRATEGIC FOCUS AREAS

Ensure Constitutional Policing, Advance Criminal Justice Reform, and Combat Human Trafficking. Through both criminal and civil enforcement, the Division will continue to prioritize its efforts to advance effective, constitutional, and accountable policing. In cities across the country – from Ferguson, to Baltimore, to Chicago – our pattern-or-practice investigations continue to examine whether policing practices effectively serve communities and productively support police officers. Through a variety of means – including enforcement, guidance, and litigation – the Division will continue to advance efforts that reform our criminal justice system with more just, more effective, and more efficient policies. In addition, we will continue to combat the scourge of human trafficking – where victims endure sexual assault, brutality, and fear, and perpetrators engage in criminal conduct that often involves international organized criminal networks. Prosecuting these cases presents unique challenges, as each requires a dedication of time, resources, and specialized skill in jurisdictions across the country and around the globe. Because we recognize the profound impact of these issues on public safety, we strive to expand these areas of our work in FY 2017.

Promote Fair Lending and Fair Housing. Access to housing influences a family's access to good schools, transportation, and jobs and correlates closely with access to credit. The Division has opened a number of investigations and filed numerous lawsuits seeking to expand fair housing and fair lending opportunities for all. In FY 2017, the Division will continue those efforts and seek new enforcement opportunities.

Continuing Efforts to Protect Those Who Protect Us. Servicemembers make tremendous sacrifices for our nation. When their duties call them far away from home, the Division stands ready to protect their rights, specifically with regard to employment, voting, and fair lending. Last year, the Division achieved significant victories in its efforts to ensure that our men and women in uniform have access to meaningful employment when they return home from war. The Division plans to continue this work in FY 2017.

Protect the Rights of People with Disabilities. The Division will continue to expand enforcement of the Supreme Court's decision in *Olmstead v. L.C.*, a landmark ruling that requires states to eliminate unnecessary segregation of persons with disabilities and, whenever appropriate, to serve them in the community rather than in segregated settings. The Division will pursue existing cases; ensure community services required by our settlement agreements remain readily available and of high quality; and through a combination of litigation, technical assistance, policy guidance, and interagency coordination, the Division will seek new opportunities to advance the rights of individuals in – and at risk of entering – institutions.

Safeguard Voting Rights for All Americans. The Division will continue to prioritize the protection of voting rights through efforts to detect and investigate voting practices that violate the federal laws it enforces, through affirmative litigation to enjoin such practices, and through monitoring of elections across the country each year. This includes detecting and challenging practices that violate Section 2 of the Voting Rights Act, the permanent nationwide prohibition against voting practices intended to impose racial discrimination or practices that have a racially discriminatory result.

Protect LGBTI Individuals from Discrimination, Harassment, and Violence. Across several sections and through both civil and criminal enforcement, the Division continues to vigorously protect the rights of LGBTI individuals to live free from discrimination, harassment, and violence. In education, employment, housing, policing practices, the juvenile justice system, and state and local institutions, LGBTI individuals of all ages face unique challenges. Even after the Supreme Court's landmark ruling on same-sex marriage in 2015, the LGBTI community continues to face painful challenges each day, and the Division stands ready to respond. In FY 2017 – through guidance, litigation, and enforcement – we strive to continue building on existing efforts and expand our work

to protect the dignity and safety of LGBTI individuals.

C. Priority Goals

The Civil Rights Division contributes to the Department’s Vulnerable People Priority Goal, which states that the Department will “improve the federal response to the needs of vulnerable populations, specifically children, the elderly, and victims of human trafficking.” The Division remains on track to exceed its performance targets in this area. The administration continues its aggressive investigation and prosecution of human trafficking cases in support of this goal, and the Division has led a number of initiatives that contribute to the restoration of the rights and dignity of human trafficking victims. Please refer to the Performance and Resources Tables for additional information.

V. PROGRAM INCREASES BY ITEM

A. POLICING AND CRIMINAL JUSTICE – PROTECTING THE RIGHTS OF CHILDREN, PEOPLE WITH DISABILITIES, AND PEOPLE IN INSTITUTIONS

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Strategic Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Program Increase: Positions 24 Agt/Atty 17 FTE 12 Dollars \$2,700,000

Description of Item

The Civil Rights Division’s policing and criminal justice work encompasses a wide range of cases involving the rights of children and people with disabilities who interact with police and the justice system. Because of the profoundly influential effects that negative interactions with police and the justice system have on individuals and police-community relations, the Division seeks to expand these areas of its work. The request for \$2,700,000 will provide for 24 new positions, including 17 attorneys and 7 paralegals to provide the capacity to effectively address this expanded workload.

Justification

The Civil Rights Division already actively investigates and litigates cases involving the rights of children and individuals with disabilities to interact with law enforcement and the criminal justice system. With the combined growth in the Division’s overall docket, the increased demand for action on cases involving interaction of individuals with police and the criminal justice system has outstripped the Division’s available resources. On average, Division attorneys spend 6,000 hours on each large school-to-prison pipeline, juvenile justice, and corrections investigation or enforcement matter. From initiation to conclusion, these cases often take years to complete. While the workload requirements fluctuate over time, each matter requires a significant commitment of resources throughout.

Support of the Department’s Strategic Goals and the Attorney General’s Funding Priorities

This enhancement links to the FY 2014 – 2018 Strategic Plan, Goal 2: “Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.” Consistent with the Attorney General’s Funding Priority for Vulnerable People, this enhancement emphasizes investigating and prosecuting civil rights violations as well as conducting outreach and technical assistance to law enforcement agencies and complainants.

The federal government has a compelling interest in establishing and maintaining trust in the country’s public institutions, especially those vested with the mission to protect and defend its citizens. The Division’s policing and criminal justice work aims to target discriminatory and unconstitutional conduct, while at the same time increasing community confidence in the police and improving public safety.

The additional positions funded through the program increase will allow the Division to enhance its multi-faceted approach to enforcement, specifically through improved performance capabilities in the Division's Special Litigation, Disability Rights, and Educational Opportunities Sections.

Protecting the Rights of Children

The school-to-prison pipeline has been aptly described as an epidemic that starts in the classroom. And increasingly, a teacher's decision to refer students for discipline can increase the likelihood that they leave the classroom and enter the criminal justice system. The Division pursues cases involving schools' decisions to have children suspended, sent to alternative settings, expelled, and arrested, as well as cases involving how juvenile courts, detention centers, and prisons treat children. Some of the Division's cases involve the arrest and incarceration of extremely young children. For example, in Meridian, Mississippi, across a host of due process violations, we found students suspended from school – and some later incarcerated in a juvenile detention facility – for behavior as mundane as dress code violations like wearing the wrong color socks or leaving their shirts untucked. These actions disproportionately impacted children of color and children with disabilities. The Division's other cases involve children in solitary confinement and other harsh penalties for children, particularly those with disabilities or LEP children.

Using the additional positions funded by this enhancement, the Division will prioritize investigation, litigation, and enforcement activities that explore novel issues of juvenile indigent defense, challenges to the school-to-prison pipeline, and race and disability discrimination in juvenile courts. To ensure that the Division attacks this systemic problem on all fronts, the Division will also prioritize creating internal resources to increase attorneys' capacity to pursue these cases, interagency coordination on enforcement, technical assistance and guidance, and outreach.

Law Enforcement and the Rights of People with Disabilities

For several years, the Division's work has highlighted the need for law enforcement agencies to take a different approach to interactions with people with disabilities, including those with mental illness. Poor interactions between police and people with disabilities can lead to the unnecessary use of force, often with tragic consequences. Community-based mental health treatment, such as assertive community treatment (ACT) or supported housing, and community supports for people with intellectual or developmental disabilities, often exist only sporadically across a state. As a result, local law enforcement must respond when behavioral crises occur. Even when community support services do exist, law enforcement often responds first in a crisis. Many officers lack the training they need to address mental health crises or the needs of people with intellectual disabilities. They may inadvertently escalate an interaction that initially did not involve criminal behavior. This imposes burdens on law enforcement officers, corrections officials, and individuals with disabilities.

The lack of community-based resources also results in jails becoming the de facto mental health treatment system in many communities and a primary institution that segregates people with disabilities. Serious mental illness affects an estimated 14.5 percent of men and 31 percent of women in jails – rates four to six times higher than in the general population. Similarly, 4-10 percent of the prison population has an intellectual disability, compared with only 2-3 percent of the general population. Some states have almost 10 times more people with serious mental illness in jails and prisons than in hospitals. With the goal of diverting individuals with serious mental illness or intellectual disabilities from the criminal justice system, the Division will investigate the interactions of police, jails, and people with disabilities.

The reforms we negotiated in our settlement agreement with the Portland, Oregon, Police Bureau (PPB) – particularly regarding the use of force against residents with actual or perceived mental

illness – present a prime example about the important impact of this work. In December 2014, *The Oregonian* reported on a police officer responding to an apparent burglary attempt but who instead found a man in behavioral distress on a fifth floor hotel room window ledge. The crisis intervention training mandated by the settlement agreement helped the officer calm the man down before paramedics transported him to a hospital for mental health treatment, according to the local news story.

Utilizing the additional resources from this enhancement, the Division will prioritize technical assistance to police departments and individual complainants. The Division will also seek new enforcement opportunities, as well as opportunities to file statements of interest to address the requirement to provide effective communication – including sign language interpreters – in the context of detention, arrest, and incarceration.

Policing and Criminal Justice (Corrections)

The Division seeks to expand its work protecting vulnerable individuals incarcerated or at risk of incarceration. The Division intends to expand investigation, litigation, and active enforcement in areas such as isolation of mentally ill prisoners; protecting prisoners, including women and youthful offenders, from sexual assault; protecting LGBTI prisoners from harm and ensuring that they receive adequate medical treatment; and vigorously pursuing enforcement of comprehensive consent decrees regarding conditions in correctional facilities that have serious systemic problems. In addition to pursuing its own cases, the Division plans to continue seeking additional opportunities to file statements of interest on cutting-edge correctional issues, and to engage in extensive outreach – both generally and on individual cases – about our corrections priorities. For example, last year, when the Georgia Department of Corrections terminated a transgender woman’s hormone therapy, confiscated her female clothing, and placed her in a male facility, we filed a statement of interest. Our statement of interest argued that freeze-frame policies prohibiting treatment beyond the care that a prisoner received prior to incarceration violate the Eighth Amendment’s ban on cruel and unusual punishment. Less than a week after our filing, the state abandoned its freeze-frame policy.

Funding

Base Funding

FY 2015 Enacted				FY 2016 President's Budget				FY 2017 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
80	57	72	\$16,651	80	57	72	\$16,674	80	57	72	\$17,133

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Attorneys -- (0905)	\$104	17	\$1,768	\$ 1,326
Paralegals (0900-0999)	61	7	427	245
Total Personnel		24	\$2,195	\$2,096

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2017 Request (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Litigation Support/Litigation Consultants	\$505	\$508

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	80	57	72	\$15,437	\$1,696	\$17,133	\$ 0
Increases	24	17	12	2,195	505	2,700	2,604
Grand Total	104	74	84	\$17,632	\$2,201	\$19,833	\$2,604

Affected Crosscuts

This program increase will be reported as part the Department of Justice's Civil Rights crosscut.

B. PROTECTING THE RIGHTS OF SERVICEMEMBERS

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law
Strategic Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices
Budget Decision Unit(s): Civil Rights Division
Organizational Program: Civil Rights Division

Program Increase: Positions 5 Agt/Atty 3 FTE 3 Dollars \$587,000

Description of Item

Servicemembers make tremendous sacrifices for our nation. When their duties call them away from home, the Division stands ready to protect their rights. The Division plans to expand its enforcement of three federal statutes that provide protections for servicemembers – the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), Uniformed Services Employment and Reemployment Rights Act (USERRA), and Servicemembers Civil Relief Act (SCRA).

The request for \$587,000 supports the Department’s capacity to effectively address this expanded workload.

Justification

The Division’s request supports the Attorney General’s Servicemembers and Veterans Initiative. The Initiative is designed to further the Department’s existing efforts by coordinating and expanding enforcement, outreach, and training efforts on behalf of servicemembers, veterans, and their families. The Division’s request for additional resources to expand enforcement of the USERRA, SCRA, and UOCAVA supports the Initiative’s effort to address the unique challenges that servicemembers face while on active duty, that veterans face upon returning home, and that families face when a loved one is deployed overseas.

Support of the Department’s Strategic Goals and the Attorney General’s Funding Priorities

This enhancement links to the FY 2014 – 2018 Strategic Plan, Goal 2: “Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.” Consistent with the Attorney General’s Funding Priority for Vulnerable People, this enhancement emphasizes our investigations and prosecutions of civil rights violations.

The federal government has a compelling interest in protecting the rights of servicemembers. The Division vigorously enforces federal laws that provide servicemembers with the right to vote when stationed away from home, the right to return to civilian work after their military service, the right to live free from financial exploitation while on active duty, and the right to reasonable accommodation when they have a disability. Many servicemembers rely on the Division to bring cases where they otherwise could not find or afford private attorneys.

Enforcement of Laws Protecting Servicemembers

First, through its enforcement of the USERRA, the Division protects the rights of uniformed servicemembers to retain their civilian employment following absences due to military service obligations. It also provides that servicemembers shall not face discrimination because of their

military obligations. Our settlement with the Missouri National Guard (MNG), described earlier in this document, provides a key example of effective USERRA enforcement. In March 2015, we reached a settlement with the MNG, alleging that it had violated the USERRA rights of its dual service technicians by forcing them to resign their civilian employment prior to entering into active duty.

Second, we also enforce the SCRA, which provides for the temporary suspension of judicial and administrative proceedings and civil protections in areas including housing, credit, and taxes for military personnel on active duty. The Division has used this statute to protect deployed servicemembers from eviction and from having their belongings sold by self-storage companies. After a San Diego storage company auctioned off vintage and valuable car parts owned by a master chief petty officer deployed overseas in the U.S. Navy – while still collecting storage fees – the Division filed a lawsuit and [crafted a settlement that provides thousands of dollars in relief](#).

Third, the Division also enforces the UOCAVA, which requires that states and territories allow servicemembers, their family members who are away from home, and U.S. citizens who reside outside the country, to register and vote absentee in federal elections. The Division's Voting Section has brought a number of UOCAVA enforcement actions against states, including in *United States v. State of Illinois*. In April 2015, a federal court approved an [agreement between the Justice Department and Illinois officials](#) to help ensure that military servicemembers, their family members, and U.S. citizens living overseas had an opportunity to participate fully in a special primary election and special election to fill a seat in the state's 18th Congressional District.

The additional positions funded through the program increase will allow the Division to enhance its enforcement of the USERRA, UOCAVA, and SCRA and will improve performance capabilities in its Employment Litigation, Housing and Civil Enforcement, and Voting Sections.

Funding

Base Funding

FY 2015 Enacted				FY 2016 President's Budget				FY 2017 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
17	10	15	\$3,424	17	10	15	\$3,446	17	10	15	\$3,498

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Attorneys -- (0905)	\$104	3	\$312	\$234
Paralegals (0900-0999)	61	2	122	70
Total Personnel		5	\$434	\$304

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2017 Request (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Litigation Support/Litigation Consultants	\$153	\$155

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	17	10	15	\$3,141	\$357	\$3,498	\$ 0
Increases	5	3	3	434	153	587	459
Grand Total	30	18	21	\$3,575	\$510	\$4,672	\$459

Affected Crosscuts

This program increase will be reported as part the Department of Justice's Civil Rights crosscut.

C. PROTECTING THE RIGHTS OF PEOPLE WITH DISABILITIES

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Strategic Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Program Increase: Positions 7 Agt/Atty 4 FTE 4 Dollars \$983,000

Description of Item

The Division takes a multi-faceted approach to implement the ADA, including through enforcement, technical assistance activities, and the issuance of regulations and guidance documents. The Division respectfully requests \$983,000 to provide the capacity to effectively address this expanded workload.

Justification

The Civil Rights Division already actively investigates and litigates cases involving accessible technology, campus safety, and the employment rights of individuals with disabilities. The Division expects significant increases in these enforcement areas in FY 2017 and beyond. With increases in other enforcement areas, the Division does not have adequate resources to expand these enforcement areas without additional resources.

Support of the Department's Strategic Goals and the Attorney General's Funding Priorities

This enhancement links to the FY 2014 – 2018 Strategic Plan, Goal 2: “Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.” This enhancement is also consistent with the Attorney General's Funding Priority for Vulnerable People through its emphasis on investigating and prosecuting civil rights violations and its emphasis on technical assistance and outreach.

The federal government has a compelling interest in fulfilling the promise of the ADA to protect the rights of individuals with disabilities. The Division's disability rights and *Olmstead* enforcement work aims to combat discrimination, while at the same time provide technical assistance to individuals with disabilities, advocates, and institutions and organizations that interact with individuals with disabilities.

The additional positions funded through the program increase will allow the Division to enhance its multi-faceted approach to ADA enforcement in our Disability Rights and Educational Opportunities Sections.

Ensuring Accessible Technology in Education and Accessible Websites and Mobile Applications

The Division plans to continue expanding its enforcement work regarding accessible technologies, including websites, mobile sites and other technologies, such as touch screen payment devices and touch screen information kiosks. The Division intends to prioritize enforcement actions involving accessible technology in education, including building on the success of its recent efforts to ensure accessibility in Massive Open Online Courses (MOOCs) and online learning platforms for K-12 schools and universities. It also intends to prioritize enforcement actions involving accessibility of

websites and other technologies of public accommodations with a nexus to a physical location open to the public.

In addition, the Division plans to coordinate and oversee the development of ADA Technical Assistance Applications. To meet the ADA mandate that federal agencies with enforcement authority provide technical assistance to those with rights and responsibilities under the Act, the Division plans to develop a series of additional applications to address ADA topics both large and small. We hope to produce a series of applications on specific ADA rights and responsibilities and to make them available to anyone with a smart phone or tablet. For example, the Division plans to develop applications explaining how specific provisions of the ADA Standards for Accessible Design apply, how people with disabilities move within their environments, and something as simple as how a restaurant employee should respond when a customer with a service animal shows up.

Mental Health Initiative: Post-Secondary Education

Equal access to postsecondary education remains critical to fulfilling the promise of the ADA. In the 25 years since the law took effect, physical, programmatic, and other barriers have fallen and continue to fall at colleges and universities across the country. As a result, we see more students with disabilities – including students who self-identify as having mental health disabilities – on college campuses today than ever before. The Division recognizes the important interests at stake and the need to balance postsecondary institutions’ legitimate interests in student health and safety with the civil rights of students with disabilities. Against this backdrop, the Division plans to prioritize interagency coordination on enforcement, technical assistance and guidance, and outreach to ensure that the federal government plays a central role in establishing clear, effective, and consistent standards in this area.

Olmstead: Integrated Employment Task Force

The Division has identified a number of opportunities to address policies in the integrated employment arena. Division staff participate in the Community Employment Working Group (CEWG), which includes representatives from multiple federal agencies. Several policy opportunities emanating from the CEWG will require additional staffing in the near and long term, including the following.

- *Implement the Workforce Innovation and Opportunities Act (WIOA).* The WIOA helps job applicants with disabilities access the services they need to succeed in employment. The Division will provide technical assistance on an ongoing basis as new regulations come out and as the Advisory Committee completes its reporting work.
- *Develop connections to business.* As a result of the Division’s enforcement efforts, states are now required to expand opportunities for integrated employment. The Division will work to link these states with major employers interested in partnering to provide work opportunities for individuals with disabilities.

Additional staff will also allow the Division to pursue policymaking initiatives to better leverage federal dollars to promote integrated employment services for adults and integrated transition services for youth, including:

- Drafting a protocol for collaborative enforcement between the Department of Labor’s (DOL)’s Wage and Hour Division and the Department of Justice (DOJ) on Title II of the Americans with Disabilities Act (ADA) and the Fair Labor Standards Act (FLSA);

- Developing joint DOJ-DOL trainings of national and field office staff;
- Working to ensure that the Centers for Medicare and Medicaid Services (CMS) and the Social Security Administration (SSA) provide technical assistance to states about Medicaid Buy-in and Ticket to Work programs to promote benefits planning;
- Revising the AbilityOne Program to use federal dollars to incentivize integrated settings or prevent people from unnecessarily going into the program without first being introduced to integrated alternatives; and
- Developing DOJ guidance on *Olmstead* and integrated employment or day service programs, highlighting best practices for ADA-compliant models.

Funding

Base Funding

FY 2015 Enacted				FY 2016 President's Budget				FY 2017 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
11	5	9	\$2,210	11	5	9	\$2,225	11	5	9	\$2,287

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Attorneys – (0905)	\$104	4	\$416	\$312
EO Specialist	69	1	69	43
Paralegals (0900-0999)	61	2	122	70
Total Personnel		7	\$607	\$425

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2017 Request (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Litigation Support/Litigation Consultants	\$376	\$382

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	11	5	9	\$1,696	\$591	\$2,287	\$ 0
Increases	7	4	4	607	376	983	807
Grand Total	18	9	12	\$2,303	\$967	\$3,270	\$807

Affected Crosscuts

This program increase will be reported as part the Department of Justice's Civil Rights crosscut.

VI. APPENDIX

DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION STATUTES ENFORCED

Statute	Enforcing Section	Type of Case
Official Misconduct, 18 U.S.C. §§ 241, 242	CRM	Section 242 makes it a crime for any person acting under color of law – using or abusing government authority – to willfully deprive any person of rights protected by the constitution or federal law. Section 241 is the civil rights conspiracy statute, applying to color-of-law violations committed by two or more people in concert.
The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	CRM	The Shepard Byrd Act makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of actual or perceived race, color, religion, or national origin, and such crimes committed because of gender, sexual orientation, gender identity, or disability under certain circumstances. The Shepard-Byrd Act is the first statute allowing federal criminal prosecution of hate crimes committed because of sexual orientation or gender identity.
Federally Protected Activities, 18 U.S.C. § 245	CRM	This provision makes it a crime to use or threaten to use force to willfully interfere with any person because of race, color, religion, or national origin and because a person is involved in a federally protected activity, such as public education, employment, jury service, travel, or enjoyment of public accommodations.
Criminal Interference with Right to Fair Housing, 18 U.S.C. § 3631	CRM	This provision makes it a crime to use or threaten to use force to interfere with housing rights because of race, color, religion, sex, disability, familial status, or national origin.
Damage to Religious Property, 18 U.S.C. § 247	CRM	This criminal statute protects religious real property from being targeted for damage because of the religious nature of the property or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force or threatened force of any person in the enjoyment of religious beliefs.
Trafficking Victims Protection Act (TVPA)	CRM	The TVPA criminalizes the use of force, fraud, or coercion to compel a person to engage in labor, services, or commercial sex. The Division also enforces a number of related criminal statutes that address forced labor and commercial sex, peonage, and involuntary servitude.
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, 42 U.S.C. § 20511, criminalizes such interference with respect to voter registration.

Americans with Disabilities Act, Title I	DRS	Title I of the Americans with Disabilities Act prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in recruiting, hiring, termination, promotion, compensation, job training, and other terms, conditions, and privileges of employment.
Americans with Disabilities Act, Title II	DRS, EOS, & SPL	Title II of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by state and local government entities.
Americans with Disabilities Act, Title III	DRS & EOS	Title III of the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination with regards to use and enjoyment of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. "Public accommodations" include stores, restaurants, hotels, inns, and other commercial spaces open to the public.
Rehabilitation Act of 1973	DRS & EOS	Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion, the denial of benefits, and discrimination by reason of disability in programs or activities receiving federal funds. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.
Civil Rights Act of 1964, Title VII	ELS	Title VII of the Civil Rights Act makes it unlawful to discriminate against someone on the basis of race, color, national origin, sex (including pregnancy), or religion. The Act also makes it unlawful to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
Uniformed Services Employment and Reemployment Rights Act (USERRA)	ELS	The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) seeks to ensure that servicemembers are entitled to return to their civilian employment upon completion of their military service. Servicemembers should be reinstated with the seniority, status, and rate of pay that they would have obtained had they remained continuously employed by their civilian employer.
Civil Rights Act of 1964, Title IV	EOS	Title IV of the Civil Rights Act prohibits discrimination on the basis of race, color, sex, religion, or national origin by public elementary and secondary schools and public institutions of higher learning.
Equal Education Opportunities Act of 1974 (EEOA)	EOS	Among other aspects of the statute, Section 1703(f) of the EEOA requires state educational agencies and school districts to take action to overcome language barriers that impede English Learner students from participating equally in school districts' educational programs.
Individuals with Disabilities in Education Act (IDEA)	EOS & SPL	The Individuals with Disabilities in Education Act (IDEA) requires states and local education agencies to provide free and appropriate public education to children with disabilities.
Civil Rights Act of 1964, Title VI	FCS, SPL, & EOS	Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
Education Amendments of 1972, Title IX	FCS & EOS	Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Civil Rights Act of 1964, Title II	HCE	Title II prohibits discrimination in certain places of public accommodation, such as hotels, restaurants, nightclubs, and theaters.
Fair Housing Act (FHA)	HCE	The Fair Housing Act prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks and other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.
Equal Credit Opportunity Act (ECOA)	HCE	The Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.
Religious Land Use and Institutionalized Persons Act (RLUIPA)	HCE & SPL	The Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits local governments from adopting or enforcing land use regulations that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise. It also requires that state and local institutions (including jails, prisons, juvenile facilities, and government institutions housing people with disabilities) not place arbitrary or unnecessary restrictions on religious practice.
Servicemembers Civil Relief Act (SCRA)	HCE	The Servicemembers Civil Relief Act (SCRA) provides protections in housing, credit, and taxes for military members who are on active duty. It also temporarily suspends judicial and administrative proceedings while military personnel are on active duty.
Immigration and Nationality Act § 274B	OSC	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) document abuse (unfair documentary practices) during the employment eligibility verification process; and 4) retaliation or intimidation.
Civil Rights of Institutionalized Persons Act (CRIPA)	SPL	The Civil Rights of Institutionalized Persons Act (CRIPA) protects the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.
Violent Crime Control and Law Enforcement Act § 14141	SPL	Section 14141 of the Violent Crime Control and Law Enforcement Act prohibits law enforcement officials or government employees involved with juvenile justice from engaging in a pattern-or-practice of deprivation of constitutional rights, privileges, and immunities.
Omnibus Crime and Safe Streets Act	SPL	The Omnibus Crime Control and Safe Streets Act of 1968 prohibits discrimination on the ground of race, color, religion, national origin, or sex by law enforcement agencies receiving federal funds.
Voting Rights Act	VOT	The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. It stands for the principle that everyone's vote is equal, and that neither race nor language should shut any of us out of the political process.
Voting Accessibility for the Elderly and Handicapped Act	VOT & DRS	The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)	VOT	The Uniformed and Overseas Citizens Voting Act (UOCAVA) requires that the states and territories allow certain U.S. citizens who are away from their homes, including members of the uniformed services and the merchant marine, their family members, and U.S. citizens who are residing outside the country, to register and vote absentee in federal elections.
National Voter Registration Act (NVRA)	VOT (civil provisions)	The National Voter Registration Act (NVRA) requires states to make voter registration opportunities for federal elections available through the mail and when people apply for or receive driver licenses, public assistance, disability services, and other government services, and also imposes certain requirements for maintaining voter registration lists.
Genetic Information Nondiscrimination Act (GINA), Title II	DRS	The Genetic Information Nondiscrimination Act (GINA) prohibits employers from using genetic information in making employment decisions, restricts the acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information.
Help America Vote Act (HAVA)	VOT	The Help America Vote Act (HAVA) requires states to follow certain minimum standards in the conduct of federal elections, in areas such as voting system standards, statewide voter registration databases, provisional ballots, identifying first time registrants by mail, and voter information postings.
Civil Rights Acts of 1870, 1957, 1960, & 1964	VOT (civil provisions)	The Civil Rights Acts include protections against discrimination and intimidation in voting and also authorize the Attorney General to seek elections records.

VII. EXHIBITS
