



**FY 2016**  
**Performance Budget**  
**Congressional Submission**



**U.S. DEPARTMENT OF JUSTICE**  
**CIVIL RIGHTS DIVISION**



# TABLE OF CONTENTS

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<b>I. CIVIL RIGHTS DIVISION OVERVIEW.....</b>	<b>2</b>
<b>II. SUMMARY OF PROGRAM CHANGES.....</b>	<b>18</b>
<b>III. APPROPRIATIONS LANGUAGE AND ANALYSIS OF APPROPRIATIONS LANGUAGE .....</b>	<b>19</b>
<b>IV. PROGRAM ACTIVITY JUSTIFICATION .....</b>	<b>20</b>
A. Civil Rights Division Decision Unit.....	20
1. Program Description.....	20
2. Performance and Resource Tables .....	21
3. Performance, Resources, and Strategies .....	21
B. Strategies to Accomplish Outcomes .....	38
C. Priority Goals.....	41
<b>V. PROGRAM INCREASES BY ITEM .....</b>	<b>42</b>
A. Protect Victims of Human Trafficking and Prosecute Traffickers .....	42
B. Ensure Effective and Democratically-Accountable Policing .....	46
C. Protect Civil Rights for All.....	51
D. Protect Students from Sexual Assault in Schools.....	54
E. Guarantee Voting Rights for All Americans .....	58
F. Ensure Equal Employment Opportunity.....	61
<b>VI. APPENDIX.....</b>	<b>64</b>
<b>VII. EXHIBITS</b>	
A. Organizational Chart	
B. Summary Of Requirements	
C. FY 2016 Program Changes By Decision Unit	
D. Resources By DOJ Strategic Goal/Objective	
E. Justification For Technical And Base Adjustments	
F. Crosswalk Of 2014 Availability	
G. Crosswalk Of 2015 Availability	
H. Summary Of Reimbursable Resources	
I. Detail Of Permanent Positions By Category	
J. Financial Analysis Of Program Changes	
K. Summary Of Requirements By Object Class	
L. Status Of Congressionally-Requested Studies, Reports, And Evaluations	

# I. CIVIL RIGHTS DIVISION OVERVIEW

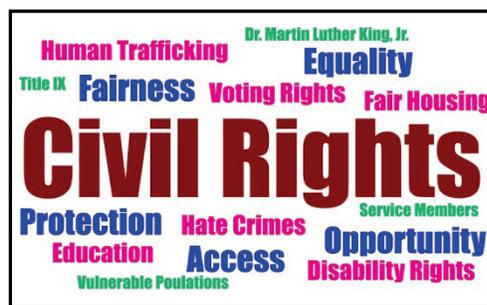
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The Civil Rights Division (Division) is dedicated to preserving the rights enshrined in the Declaration of Independence and the United States Constitution. The Division enforces federal laws that prohibit discrimination and uphold the civil and constitutional rights of all who live in America. Building on a legacy that extends more than fifty years, the men and women of the Division work to:

- Rescue victims from human traffickers and prosecute traffickers;
- Fight for the employment rights of servicemembers who have returned from active duty;
- Ensure effective, accountable policing in our communities; and
- Protect students from sexual assault and harassment in our nation's schools.

This work, which represents just a fraction of the Division's recent accomplishments, continues to answer the call for justice that Dr. Martin Luther King, Jr., made on the steps of the Lincoln Memorial in 1963. While great progress has been made in the five decades since then, the Division's robust caseload reminds us that much work remains. In pursuit of that mission, the Civil Rights Division is committed to advancing three basic principles:

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



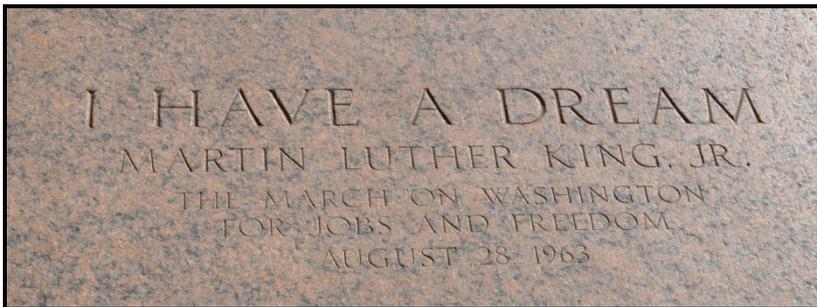
To continue its service to this country in FY 2016, the Civil Rights Division requests a total of \$175,015,000, 893 positions, 697 direct FTE, and 478 attorneys to protect, defend, and advance civil rights in our nation. The Division also requests enhancements to continue to protect victims of human trafficking and prosecute traffickers (\$2,788,000, 30 positions, 15 FTE), ensure that all communities have effective and democratically accountable policing (\$2,519,000, 25 positions, 13 FTE), protect students from sexual assault and harassment in our nation's schools (\$500,000, 5 positions, 3 FTE), ensure that E-Verify is not used to discriminate

against work-authorized immigrants (\$305,000, 3 positions, 2 FTE), protect the right of all Americans to vote (\$1,200,000, 12 positions, 6 FTE), and continue to vigorously protect servicemembers and individuals in institutions (\$8,726,000, 104 positions, 52 FTE). Electronic copies of the Department of Justice’s (DOJ) Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the address: <http://www.justice.gov/02organizations/bpp.htm>.

## **CIVIL RIGHTS CHALLENGES AND OPPORTUNITIES: THE UNFINISHED BUSINESS OF AMERICA**

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Fifty years ago, President Lyndon B. Johnson signed into law the Civil Rights Act of 1964. With its landmark protections against discrimination on the basis of race, color, national origin, sex, and religion, the Act ended the era of legal segregation in America, relegating the age of Jim Crow to the history books. As he prepared to sign the bill, President Johnson announced, “those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public.”



Emerging from the turmoil of the early 1960s, the Civil Rights Act laid the groundwork for other critical federal civil rights statutes, including the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Americans with Disabilities Act of 1990, and

the Shepard-Byrd Hate Crimes Prevention Act of 2009. There is no doubt that our nation has come a long way since 1964. Many of the rights for which civil rights pioneers fought, bled, and gave their lives are now guaranteed by law. Yet the Civil Rights Division’s robust caseload remains a stark reminder that too many in our nation continue to face barriers to equal opportunity.

In 2014, our nation and the Division must confront new, complex, and ever-changing challenges in the ongoing effort to ensure equal opportunity for all. These challenges are the result of external factors such as an increase in hate crimes and a spike in foreclosures resulting from the recent financial crisis, as well as internal factors such as the need to maintain a well-trained, knowledgeable, and motivated staff to meet the Division’s ever-growing workload.

The Division plays a unique role in civil rights enforcement that cannot be performed by any other government agency. In order to continue to protect victims of human trafficking and prosecute traffickers, ensure that all communities have effective and democratically-accountable policing, ensure voting rights for all Americans, and protect students from sexual assault in our nation’s schools, the Civil Rights Division needs to be able to hire, train, and retain talented, dedicated attorneys and staff. Between December 2010 and December 2014, the Division lost 36 attorneys and 107 investigators, paralegals, and support staff. It is essential that the Division be able to replace lost staff to ensure that it can continue to perform this essential work.

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

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The Division's criminal enforcement program protects individuals from exploitation, discrimination, and violence by:

- Prosecuting and preventing human trafficking – a form of modern day slavery – that involves the use of force, threats, or coercion to compel labor, services, or commercial sex acts from victims. Human trafficking can involve migrant farm laborers, sweat-shop workers, domestic servants, and persons forced into prostitution. Victims may be U.S. citizens or non-citizens, adults or children;
- Combating hate crimes, violent and intimidating acts such as beatings, murders, or cross-burnings that are targeted at an individual because of his or her race, color, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability;
- Prosecuting public officials who, unlike the vast majority of law enforcement officers, misuse their positions to willfully deprive individuals of their constitutional rights by engaging in excessive force, sexual assault, illegal arrests or searches, or theft of individuals' property;
- Protecting the right to religious worship by prosecuting violence against churches, synagogues, mosques, and other religious houses of worship;
- Investigating 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 has 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. Attorney's Offices (USAOs) nationwide, the Division leads prosecutions of novel, complex, multi-jurisdictional, and international cases and spearheads coordination initiatives to strengthen the federal law enforcement response to human trafficking crimes. The Division also provides national and international expertise in cases involving forced labor, sex trafficking of adults by force, fraud, and coercion, and international sex trafficking cases.

FY 2013 and FY 2014 were record-breaking years for the Division, in terms of bringing criminal civil rights cases, respectively being the first and second most productive years since counting began in 1993.

**Man convicted of human trafficking gets 34 years in prison**

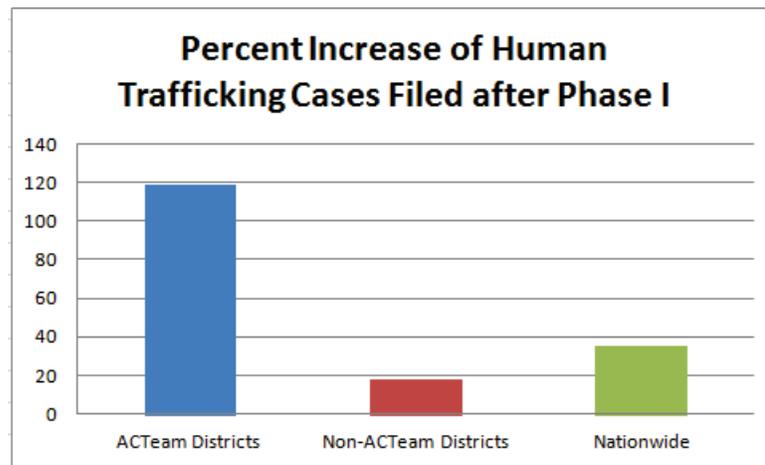
- *The Tampa Bay Times*,  
1/29/14

Human trafficking cases are on the rise and require vigorous, coordinated, and creative efforts to prevent future trafficking, rescue and protect victims, and prosecute traffickers. Over the

past four fiscal years (2011-2014), the Department of Justice brought 236 such cases, compared to 169 in the previous 4-year period (amounting to a 40% increase), and 104 in the 4-year period before that (amounting to a 127% increase).

The Division led the launch of the Anti-Trafficking Coordination Teams (ACTeams) Initiative to streamline federal law enforcement human trafficking investigations and prosecutions. In partnership with the Departments of Homeland Security and Labor, the Federal Bureau of Investigation, and the Executive Office of United States Attorneys, the Division led a competitive, interagency, nationwide selection process to convene ACTeams of federal agents and federal prosecutor in six select Phase I pilot districts beginning in 2011. Throughout Phase I of the Initiative, which ran from 2011-2013, the six Phase I Pilot ACTeams formulated and implemented a coordinated, pro-active, interagency Federal law enforcement strategy to develop high-impact human trafficking investigations and prosecutions.

Phase I of the ACTeam Initiative proved highly successful, with ACTeam Districts increasing the numbers of human trafficking cases filed by 119% over same-district results prior to Phase I, compared to an 18% increase in non-ACTeam Districts and a 35% increase nationwide during the same period.



ACTeam Districts, although constituting less than 7% of the Districts nationwide, accounted for 58% of the nationwide increase in human trafficking prosecutions during the Phase I period of 2011-2013. Based on the demonstrated success of the ACTeam model, by unanimous consensus of the interagency ACTeam partners and the Attorney General’s Advisory Committee of United States Attorneys, the Division will be coordinating the launch of Phase II of the ACTeam Initiative beginning in 2015. It is anticipated that significant CRT resources will be necessary to implement Phase II of the ACTeam Initiative while continuing to support the highly productive Phase I ACTeam Districts.



Human trafficking requires coordination beyond our borders. The Division leads the U.S./Mexico Human Trafficking Bilateral Enforcement Initiative, which has contributed significantly to restoring the rights and dignity of human trafficking victims through outreach, interagency coordination, international collaboration, and capacity-building in both countries. Through this initiative, U.S. and Mexican law enforcement 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

Mexico 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 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 CRT's unique expertise and coordination among multiple districts and multiple law enforcement agencies. The investigation and prosecution of these trafficking cases requires significant CRT resources. Therefore, the Division is seeking a \$2.8 million enhancement for human trafficking enforcement to ensure that it can continue to expand this crucially important work. More information about the Division's human trafficking enforcement and its FY 2016 enhancement request is available on page 41.

### COMBATING HATE CRIMES

Hate crimes remain prevalent across the United States. These crimes include beatings, murders, cross burnings, and other violent acts motivated by a victim's race, color, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability. They have a devastating effect beyond the physical injury inflicted on the victim. They reverberate through families, through entire communities, and across the nation, as people fear that they, too, could be targeted simply for who they are.



Just five years ago, Congress passed the Matthew Shepard-James Byrd, Jr. Hate Crimes Prevention Act (Shepard-Byrd Act). The Act is named after Matthew Shepard, a University of Wyoming student who was killed because he was gay, and James Byrd, an African-American man who was dragged to death by White supremacists. The Shepard-Byrd Act significantly expanded federal jurisdiction to investigate and prosecute crimes that have targeted whole communities. The Shepard-Byrd Act gives law enforcement authorities the tools they need to effectively investigate, prosecute, and deter hate crimes.



Since 2009, the Division has received hundreds of new matters that must be investigated and analyzed. The Division would have been unable to address many of these matters, such as hate crimes based on sexual orientation or gender identity, before the passage of the Shepard-Byrd Act.

Through FY 2014, the Division has brought 28 cases and charged 65 defendants under the Shepard-Byrd Act. The Division has also convicted 47 defendants under the Act. And, in total, the Division has prosecuted 201 defendants for hate crimes under multiple statutes over the last five years. Examples

of recent prosecutions include the murder of an African American man because of his race, the torturing of people because of their mental disabilities, and violent assaults of gay men because of their sexual orientation.

As part of its hate crime enforcement work, the Division leads the Department of Justice's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims, and South Asians. Federal charges have been brought in 47 cases against 61 defendants, yielding the conviction of 52 defendants.

Overall, from FY 2009 to FY 2014, the Division prosecuted 222 defendants in hate crimes cases, including Shepard-Byrd and "backlash" prosecutions, as well as prosecutions under pre-existing hate crimes statutes.

## **PROSECUTING OFFICIALS WHO WILLFULLY VIOLATE INDIVIDUALS' CONSTITUTIONAL RIGHTS**

While the vast majority of law enforcement officers work tirelessly to protect the civil and constitutional rights of the communities they serve, the Division investigates and prosecutes public officials who use their authority to intentionally violate individuals' constitutional rights. These cases most commonly involve allegations that a police officer or corrections officer has used excessive force, but they may also include allegations of a broad range of other types of misconduct, including thefts and sexual misconduct by judges, police officers, corrections officers, and other public officials. From FY 2009 through FY 2014, the Division charged 407 law enforcement officers in 271 indictments, charging willful violations of constitutional rights. This represents a 15% increase in indictments over the prior 6 year period (FY 2003 to FY 2008).

The Division plays an important role in promoting and maintaining public confidence in law enforcement by carefully and thoroughly investigating allegations that law enforcement officials have intentionally violated individuals' constitutional rights. Regardless of whether charges result, and, in fact, most of these investigations do not result in charges, these investigations are important and resource intensive. The Division has devoted four prosecutors (out of approximately 50 non-manager criminal prosecutors) to exclusively handle investigations of deadly law enforcement shootings. Following extensive investigation of each case, the Division writes detailed decision-memoranda on these matters. After a decision is reached, prosecutors and managers are often involved in a "roll out" of the decision that requires extensive planning and coordination with the victim's surviving family members, the U.S. Attorney's Office, FBI, public officials, and community groups.

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

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### **PROTECTING THE RIGHTS OF INDIVIDUALS IN INSTITUTIONS**

The Division's civil enforcement work includes extensive efforts to ensure that individuals are protected from exploitation, discrimination, and violence. Much of this civil work is focused on protecting individuals in institutions. The Division's institutional work has focused on significant and systemic problems, such as sexual victimization of women prisoners, use of solitary confinement for inmates with mental illness, and the unmet mental health needs of inmates and pre-trial detainees.

The Division's work on behalf of institutionalized persons includes cases addressing constitutional and legal violations that might lead to the unnecessary incarceration of children. The Division investigates juvenile justice systems, including courts, indigent defense, and probation to ensure that youth involved in the juvenile justice system are afforded their rights to due process, have meaningful assistance of counsel, and are not subject to discrimination based on race or disability. The Division has worked with jurisdictions to create alternatives to incarceration that permit children to be served in their homes and communities rather than in detention facilities.

## **SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY: CIVIL ENFORCEMENT**

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The Division's civil enforcement work seeks to protect rights guaranteed by the Constitution and federal law. This includes:

- Protecting voting rights of all Americans, including minorities, people with disabilities, individuals who need language assistance to vote, servicemembers serving away from home, and American citizens living overseas;
- Protecting those who protect us by vigorously pursuing employment, housing, credit, voting, and other cases on behalf of servicemembers;
- Expanding access to courts by ensuring that individuals who need language assistance receive effective translation and interpretation services;
- Ensuring full and equal access to courts and the justice system for people with disabilities; and,
- Ensuring effective, accountable policing by working to address systemic problems in police departments.

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**

When he signed the Voting Rights Act in 1965, President Lyndon Johnson announced: "Millions of Americans are denied the right to vote because of their color. This law will ensure them the right to vote. The wrong is one which no American, in his heart, can justify. The right is one which no American, true to our principle, can deny."

In 2014, while the right to vote has been enshrined in the Voting Rights Act for nearly 50 years, there are still Americans who are unable to vote or who are hindered in their efforts to vote or who are unable to elect the candidates of their choice because of their race, color, language ability, disability, military service, or overseas residence. Therefore, the Division continues to vigorously protect the right to vote.

The Division's work to protect voting rights has changed substantially since 1965. Most recently, the Division's enforcement of the Voting Rights Act changed when the Supreme Court held in *Shelby County v. Holder* that the coverage formula in Section 4(b) of the Voting Rights Act

can no longer be used as the basis for subjecting jurisdictions to the preclearance requirement of Section 5 of the Voting Rights Act. Before *Shelby*, certain states and localities with a history of voting discrimination were required to obtain “preclearance” from the Department of Justice or the D.C. District Court before changing their voting procedures. As a result of the Court’s ruling, those states and localities are no longer required to seek preclearance. In the wake of the Supreme Court’s decision in *Shelby County*, the Division’s work has shifted to greater affirmative efforts to identify and investigate voting practices that violate federal law and to more affirmative litigation to stop such practices.

The Department is committed to using all the tools still available in the Voting Rights Act to prevent discrimination in voting. This includes Section 2 of the Act, which allows the Justice Department to challenge practices that result in minority 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, claiming in each case that the states were actually engaged in intentional racial discrimination and seeking judicial orders that they again submit voting changes for preclearance before putting them into effect.

By their nature, Section 2 cases are significantly more resource-intensive than the administrative Section 5 procedures used by the Division prior to *Shelby County*. There are many challenges inherent in this shift in how we enforce the Voting Rights Act. Rather than a jurisdiction being affirmatively responsible for identifying new voting changes in advance and providing information to the Division for analysis, as was the case under Section 5, the Division must shift resources into discovering where new voting changes have been adopted, obtaining the necessary information, undertaking analysis, initiating an investigation in the field, and then bringing a lawsuit under Section 2 in a local federal court. Litigation of these Section 2 cases is exceptionally complex since it typically requires hiring multiple experts to analyze and present an extensive array of information, including historical information about the jurisdiction, electoral data, population data, socioeconomic data, and geographic data.

The Division also works to ensure voting rights of Alaska Natives and American Indians, and voters who need language assistance. Over the last five years, the Department has filed several statements of interest and *amicus* briefs in Voting Rights Act cases involving the voting rights of American Indians and Alaska Natives. In November 2014, the Division monitored elections in three counties where there are significant populations of Native American voters: Cibola County, New Mexico; Charles Mix County, South Dakota; and Shannon County, South Dakota. In FY 2012 and 2013, the Division resolved cases against Lorain County, Ohio, Orange County, New York, and Colfax County, Nebraska, to ensure voting access for limited English proficient, Spanish-speaking voters.

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 are 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 that communication with

people with disabilities is as effective as communication with people who do not have disabilities. The Division has reached agreements with the City of Philadelphia and Blair County, PA, and has opened several additional investigations.

## **PROTECTING THOSE WHO PROTECT US**



Servicemembers make tremendous sacrifices for our nation. When their duties call them away from home, the Division stands ready to protect their rights. Over the past five years, the Division has done more civil rights work in more areas on behalf of servicemembers than ever before. The Division vigorously enforces Federal laws that provide servicemembers with the right to vote when stationed away from home, the right to return to work after their military service, the right to be free of 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 for which they otherwise would be unable to find or afford private attorneys.

The Division's work on behalf of servicemembers includes aggressive enforcement of the Uniformed and Overseas Citizens and Absentee Voting Act (UOCAVA), Uniformed Services Employment and Reemployment Rights Act (USERRA), and Servicemembers Civil Relief Act (SCRA).

## **EXPANDING ACCESS TO COURTS AND THE JUSTICE SYSTEM**



Access to state courts is critically important. Individuals who are limited in their ability to communicate in English effectively in court are at risk of 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—are obligated to ensure that people with limited English skills can access the programs or services the recipients offer.

The Division's Courts Language Access Initiative works to ensure that those who cannot speak or understand English have access to justice. During FY 2014, 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 was able to achieve voluntary compliance without resorting to a full investigation or enforcement action.

In addition, the Division has worked closely with DOJ's Access to Justice Initiative to ensure that indigent defendants have access to counsel under the 6<sup>th</sup> Amendment to the United States Constitution. Through statements of interest and policy initiatives, the Division has pursued this priority of the Attorney General.

### **ENSURING EFFECTIVE, ACCOUNTABLE POLICING IN OUR NATION'S COMMUNITIES**

Recent police shootings of unarmed civilians offer a stark illustration of the ongoing need to bolster effective, accountable policing in all communities. Police shootings and tasing of unarmed civilians in cities like Albuquerque, Newark, and New Orleans present modern civil rights challenges that have been a key enforcement area for the Division and the Department of Justice.



The Division is devoting substantial resources to address unconstitutional and discriminatory policing practices throughout the country. The Division is an integral part of the Department's efforts to strengthen community policing and to build strong, collaborative relationships between local police and the communities they serve. Using the considerable expertise of its career staff, the Division works to address systemic problems in police departments. Division staff investigates police departments by interviewing police officials and witnesses about alleged wrongdoing, reviewing numerous records, and evaluating departmental practices. Over the last five years, the Division has opened 20 investigations of the policing practices of law enforcement agencies, which is more than twice as many as were opened in the previous five years, and has secured 15 settlement agreements that will result in meaningful reform of police departments. These agreements amount to almost half of all settlement agreements ever reached by the Division in such cases.

The Division's police accountability work is designed to address constitutional violations, while at the same time repairing community trust in law enforcement. By highlighting systemic deficiencies in police departments, including insufficient accountability, inadequate training and equipment, and ineffective policies, as well as identifying causes and providing transparency in the reform process, communities can work together with their police



departments to ensure public safety and officers' safety. These civil investigations are often conducted in conjunction with or immediately following criminal investigations of law enforcement officers who have been accused of intentionally violating individuals' constitutional rights. In addition, the Division works to promote effective and accountable

policing by examining police hiring and policing services. The Division investigates and litigates allegations of employment discrimination involving hiring by police departments and other state and local law enforcement agencies. These efforts aid in making police departments more representative of the communities they serve which, in turn, increases the trust between the community and the department. Further, the Division works to ensure that police departments meaningfully communicate with limited English proficient individuals. Without such communication, for instance, limited English proficient victims of domestic violence have been forced to use their perpetrators to communicate with police.

Because recent events in Ferguson, Missouri, Staten Island, New York and Cleveland, Ohio, have focused the nation's attention on police practices and reform, the Division anticipates that there will be an increased demand for the review of police departments to ensure that they are engaging in constitutional practices. More information about the Division's police reform efforts is available on page 46.

## **CIVIL ENFORCEMENT: EXPANDING OPPORTUNITY FOR ALL PEOPLE**

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The Division's civil enforcement work also includes enforcement of federal laws that are designed to expand opportunity for all people. This includes:

- Expanding equal opportunity in education;
- Expanding equal opportunity in the workplace;
- Expanding equal opportunity in housing and lending for all Americans; and,
- Expanding equal opportunity for individuals with disabilities.

### **EXPANDING EQUAL OPPORTUNITY IN EDUCATION**

In his opinion in *Brown v. Board of Education*, Chief Justice Earl Warren wrote, "it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." Six decades after this landmark decision, the Civil Rights Division continues to enforce Federal laws designed to ensure equal educational opportunities to all of our nation's students.

The Division aggressively protects students from discrimination because of their race and national origin. In FY 2014, the Division enforced approximately 180 active school desegregation cases. The Division works with school districts operating under desegregation 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 assignment, course offerings, and discipline.

The Division also works to ensure that English Language Learner (ELL) students receive an education that meets their needs. The Division works with school districts to ensure that ELL students receive appropriate language services so that they can participate meaningfully in schools' educational programs. Without direct and effective instruction to help them learn English, ELL students are at risk of failing their classes and dropping out of school.

The Division also seeks equal educational opportunity for students with disabilities. The Division seeks to better integrate students with disabilities into general education programs and eliminate barriers that make it impossible for them to learn, to be in the same classroom as their friends, or to participate in school and community activities. In FY 2013 and 2014, the Division continued to work aggressively to protect the rights of students with disabilities so that all students have equal access to the resources and opportunities they need to learn.

Protecting students from sexual harassment and assault is a high priority for the Division. This problem is becoming more common in K-12 schools as well as on college campuses.

In addition, the Division uses its enforcement tools to stop sexual assault against students. For example, in FY 2013, the Division reached a settlement with the University of Montana, Missoula to ensure that the University responds swiftly and effectively to allegations of sexual assault and harassment by students. More information about the Division's settlement with the University of Montana, Missoula is available at <http://www.justice.gov/crt/about/edu/documents/casesummary.php#montana>.

The Division also uses its enforcement authority to address sexual harassment, including assault, in elementary and secondary schools. For example, the Division is enforcing a consent decree in *Doe v. Allentown*, a Title IX case in which the Division intervened to protect elementary school students from sexual assault at school. More information about *Doe v. Allentown* and the Division's other efforts to protect students from sexual assault is available at <http://www.justice.gov/crt/about/edu/documents/casesummary.php#allentown>.

## **EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE**

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

Race, national origin, and sex discrimination still bar qualified minorities and women from employment. The Employment Litigation Section's large cases challenge artificial hiring barriers that limit the opportunities of women and minorities. Removing these artificial barriers allows qualified individuals the chance to be part of meaningful public employment. For example, in 2009, in *United States v. City of New York*, the United States District Court for the Eastern District of New York found that the City's entry-level firefighter selection practices discriminated against African-Americans, Hispanics, and women. The court found that approximately 293 qualified African-American and Hispanic and job applicants were not selected for entry-level firefighter jobs because of their race or national origin and sex.

Jordan Sullivan, one of the applicants who failed the challenged examination but was hired as a result of the Division's law suit was profiled in a *New York Times* article in 2014 as he waited for his first "real" fire call. Mr. Sullivan decided to apply to be a firefighter after watching the attacks on the World Trade Center on September 11<sup>th</sup>. He did not score well enough on that examination to be considered.

So that was that. He was disappointed, but moved on, didn't just carry around the dream. Soon after, he got a job with the Civil Rights Center at the city comptroller, starting as a clerk and working up to claims investigator. He was not unhappy.

In 2007, he heard on the news about the lawsuit. The Justice Department had sued the Fire Department after the Vulcan Society, an association of black firefighters, complained that the entrance exam was biased against minority applicants. At the time, the department was 90 percent white.

He hadn't personally felt the exam was unfair to him as a black man. He found the suit curious but irrelevant to him, figuring, "I'll be 50-something years old before it's resolved."

Things went quicker. In July 2009, a federal judge ruled that the 1999 and 2002 exams discriminated against black and local Hispanic applicants. Under court-ordered reforms, promising black and Hispanic candidates not appointed from those tests could take a newly created one, regardless of their age, and would receive priority in being hired.

At the beginning of 2012, a full decade since he had that first urge, he was among hundreds of black and Latino candidates who heard from the Fire Department that they could sit for the new exam. He was amazed and unabashedly grateful at this stroke of providence.

N.R. Kleinfield, "Baptism by Fire," *New York Times*, June 20, 2014.

<http://www.nytimes.com/interactive/2014/06/22/nyregion/rookie-new-york-firefighter-faces-first-test.html? r=0>

Firefighter Sullivan made it onto the force and successfully completed his training. On March 16, 2014, Firefighter Sullivan "caught" his first fire. He found and helped rescue a five month-old baby.

The Division also works to protect the rights of immigrants who are legally authorized to work. Some employers deny employment to work-authorized individuals or subject those individuals to discriminatory employment eligibility verification procedures. Such unfair employment practices are devastating for workers—and are prohibited by 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. The result of E-Verify-related discrimination is that qualified, work-authorized individuals are often denied employment or required to jump through several unnecessary hoops to keep their jobs because of their immigration status. Making matters worse, victims tend to be from minority, disadvantaged, and immigrant populations, or marginalized communities. With an average of 1,400 new employers enrolling in E-Verify per week, and with employer enrollment doubling since FY 2011, the Division anticipates that this type of discrimination will become more prevalent. More information is available on the Division's E-Verify responsibilities on page 60.

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 becoming employed, staying employed, and earning the same benefits and privileges offered to all employees. Vestiges of long-outdated attitudes and stereotypes still keep qualified people with disabilities unemployed, as do inaccessible workplaces or failure to provide reasonable accommodations. The Division continues work to ensure that applicants and employees with disabilities are treated fairly and provided the same opportunity to succeed in the workplace.

## **EXPANDING EQUAL OPPORTUNITY IN HOUSING AND LENDING**

A family's access to housing determines far more than whether they have a roof over their heads—it affects their access to good schools, transportation, and jobs. Four 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 are shut out by housing providers' prejudice and stereotypes. Continuing discrimination harms African Americans, Latinos, Arab-Americans, Asian-Americans, people with disabilities, and families with children.

But in 2014, a family's access to housing is often linked to its access to credit. That's why the Division has 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. Much of the Fair Lending Unit's work has focused on mortgage lending. In 2013, however, the Division expanded these efforts into the auto lending market, working with the Consumer Financial Protection Bureau (CFPB) and the U.S. Attorney for the Eastern District of Michigan to reach a \$98 million settlement with Ally Bank and Financial for pricing discrimination in its automobile lending practices. The Division found that between 2011 and 2013, approximately 235,000 African-American, Hispanic, and Asian/Pacific Islander borrowers who obtained loans from Ally were forced to pay higher interest rates than white borrowers—a penalty based not on their creditworthiness or other objective criteria related to borrower risk— but on their race or national origin.

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

Although the Americans with Disabilities Act was passed in 1990, individuals with disabilities still face significant barriers to education, public places, and essential services. The Division works to ensure equal opportunity for people with disabilities to access public accommodations and state and local government services. For example, 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.

The Division also works to enforce the Supreme Court's decision in *Olmstead v. L.C.*, a ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to serve persons with disabilities in the community rather than in segregated facilities whenever appropriate. In FY 2013 and 2014, the Division litigated *Olmstead* cases against the states of New Hampshire and Texas. Those cases involved the right of approximately 2,000 persons with mental illness in New Hampshire and the rights of approximately 635 Texans with intellectual and developmental disabilities. In each case, individuals were being served in state institutions or nursing homes or were at risk of being placed in institutions rather than receiving services in their communities. More information about the Division's work on *Olmstead* cases is available at [www.ADA.gov/Olmstead](http://www.ADA.gov/Olmstead).

Since 2012, the Division's enforcement activities have resulted in three consent decrees that will bring relief to approximately 16,000 people with disabilities. Through its ongoing

litigation, the Division seeks to continue the trend of ensuring that people with disabilities have meaningful opportunities to receive services in integrated, community-based settings.

In 2014, the Division entered into a settlement agreement with the State of Rhode Island to enforce the rights of people with intellectual and developmental disabilities who were unnecessarily segregated into sheltered workshops and facility-based day programs. This agreement will provide relief to approximately 3,200 individuals over a ten-year period. In July 2013, the Division reached a settlement agreement with New York remedying discrimination in the administration of its service system for approximately 4,000 adults with psychiatric disabilities who were unnecessarily institutionalized in large, for-profit adult homes. And in August 2012, the Division reached a settlement agreement with the State of North Carolina, providing community-based supported housing to 3,000 individuals unnecessarily segregated in, or at risk of entry into, adult care homes.

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

The Division's criminal and civil enforcement programs are complemented by a variety of non-litigation activities including development of regulations and policies, coordination and cooperation with other government actors, technical assistance, and outreach to the public.

**Policy, regulations, and legislation:** The Division develops initiatives that are designed to more fully realize the promise of federal civil rights laws. Examples of the Division's work include:

- Work on a legislative package to strengthen servicemembers' civil rights. In FY 2011, based on years of experience enforcing 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 work to refine those proposals and has worked to provide extensive technical assistance to Members of Congress considering servicemember-related legislation. During both the 112th and 113th Congresses, the Senate introduced legislation drawn from the Division's legislative proposals.
- Development of new ADA regulations to provide guidance to individuals, businesses, and organizations about compliance with the Americans with Disabilities Act. In FY 2013 and FY 2014, the Division developed proposed ADA rules related to movie captioning and video description and the definition of disability under the ADA Amendments Act.
- Participation in the federal agency Reentry Council, chaired by the Attorney General. The Council represents twenty 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:** Partnerships with other federal enforcement agencies, United States Attorneys' Offices, state, local, tribal, and foreign governments, and international organizations are important to the Division's criminal and civil enforcement work.

- The Division's partnership with the CFPB has been critical to 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 State Department program designed to educate foreign governments on legal tools they can create to promote and realize religious freedom within their own countries. Specifically, the tri-agency effort holds trainings and workshops in foreign countries to educate foreign officials and civil society about how religious freedom is implemented in the United States through law enforcement and other methods utilized by the Division.
- The Division's close working relationships with United States Attorneys' Offices (USAOs) have been crucial to rescuing human trafficking victims and putting traffickers in prison.

**Guidance documents, technical assistance, training, and outreach:** The Division recognizes that individuals and organizations sometimes need assistance in understanding their rights and responsibilities under federal law.

- 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 Department of Education issued joint guidance regarding schools' obligations not to discriminate in the administration of student discipline.
- The Americans with Disabilities Act (ADA) requires the Division to provide technical assistance (TA) to businesses, state and local governments, people with disabilities, non-profit agencies, architects and builders, attorneys, 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 goal of the Division's TA Program is 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, the ADA Information Line responded to over 48,000 calls and the ADA web site received over 16 million hits.
- In FY 2014, the Division brought together key courts stakeholders to discuss efforts to improve language access in the courts. At that event, the Division released its [Language Access Planning and Technical Assistance Tool for Courts](#), designed to help courts prevent national origin discrimination and ensure access to justice for all. The Division's technical assistance efforts have helped to ensure expanded access for limited English proficient individuals in state courts from Hawaii to Maryland.
- The Division has conducted an extensive, nationwide public outreach campaign to educate workers, employers, and concerned organizations about the anti-discrimination provision of the Immigration and Nationality Act (INA). In FY 2014, the Division participated in more than 200 public outreach sessions and webinars, and handled more than 4,000 calls through its employer and worker hotlines.

- In FY 2014, the Division collaborated with the Equal Employment Opportunity Commission 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, in great part by informing workers of the ways in which federal law protects them. Together, these agencies planned listening sessions with AAPI workers and stakeholders in different U.S. cities to hear about the employment and labor challenges those communities face and to share information about the federal agency resources available to assist them.

## II. SUMMARY OF PROGRAM CHANGES

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
<b>Protect Victims of Human Trafficking and Prosecuting Traffickers</b>	Protect victims of human trafficking and prosecute traffickers.	30	15	2,788	42
<b>Ensure Effective and Democratically-Accountable Policing</b>	Ensure that all communities engage in effective, accountable policing.	25	13	2,519	46
<b>Protect Civil Rights for All</b>	Expand civil rights enforcement.	104	52	8,726	51
<b>Protect Students from Sexual Assault in Schools</b>	Protect students from sexual assault and harassment in schools.	5	3	500	54
<b>Guarantee Voting Rights of All Americans</b>	Protect the voting rights of all Americans.	12	6	1,200	58
<b>Ensure Equal Employment Opportunity</b>	Ensure that E-Verify is not used to discriminate against work-authorized immigrants.	3	2	305	61
<b>Total</b>		<b>179</b>	<b>91</b>	<b>16,038</b>	

### III. APPROPRIATIONS LANGUAGE AND ANALYSIS OF APPROPRIATIONS LANGUAGE

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Please refer to the General Legal Activities Consolidated Justifications.

#### Appropriations Language

The 2016 Budget request includes proposed changes in the appropriations language listed and explained below. Language proposed for deletion is bracketed and new language is *italicized*.

#### General Legal Activities Salaries and Expenses

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [~~\$885,000,000~~] *\$1,037,386,000*, of which not to exceed [~~\$15,000,000~~] *\$20,000,000* for litigation support contracts shall remain available until expended: Provided, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section [~~505~~] *504* of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under [section 8 of] the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: *Provided further*, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [~~\$7,833,000~~] *\$9,358,000*, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### 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 Department's election monitoring program operates under numerous sections of the Act, not just Section 8. The change ensures that the appropriations language will cover the expenses of the election monitoring program.

## IV. PROGRAM ACTIVITY JUSTIFICATION

### A. Civil Rights Division Decision Unit

#### 1. Program Description

<i>Civil Rights Division</i>	<b>Perm Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2014 Enacted	714	573	\$144,173
2015 Enacted	714	606	147,239
Adjustments to Base	0	0	11,738
2016 Current Services	714	606	158,977
2016 Program Increases	179	91	16,038
2016 Request	893	697	175,015
<b>Total Change 2015-2016</b>	179	91	\$ 27,776

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 CRT'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. Five 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 (149 positions, \$25,918,000). The Appendix on page 64 provides a summary of each of the criminal statutes enforced by the Division's Criminal Section.

The Division's Civil Enforcement program area (744 positions, \$149,097,000) includes the Division's remaining 10 program-related sections:

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

The Appendix on page 64 provides a summary of each of the civil statutes and Executive Orders 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 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 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	\$144,173 [\$11,709]	601	\$144,173 [\$8,662]	635	\$147,239 [\$10,058]	91	\$27,776 [\$17]	726	\$175,015 [\$10,075]
STRATEGIC OBJECTIVE: 2.5	PERFORMANCE	FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		635	\$144,173 [\$10,041]	601	\$144,173 [\$8,662]	635	\$147,239 [\$10,058]	91	\$27,776 [\$17]	726	\$175,015 [\$10,075]
Performance Measure	Number of matters opened concerning human trafficking	150		161		154		0		154	
Performance Measure	% of criminal cases favorably resolved	85		90		85		0		85	
Performance Measure	% of civil cases favorably resolved	85		98.75		85		0		85	
<p><b>Data Definition, Validation, Verification, and Limitations:</b> 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 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
	2.5	Performance Measure	Number of matters opened concerning human trafficking					150		154
2.5	Performance Measure	% of criminal cases favorably resolved	89	84	94	94	85		85	85
2.5	Performance Measure	% of civil cases favorably resolved	95	97	98	84	85		85	85

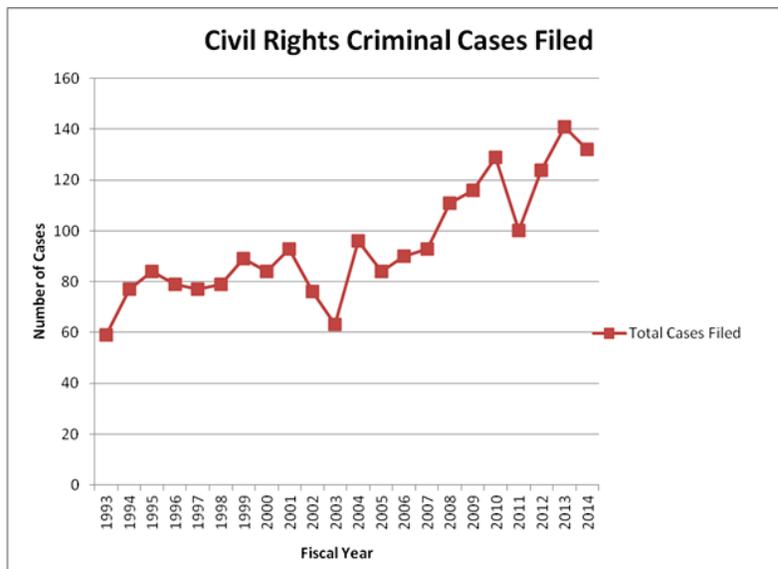
### 3. Performance, Resources, and Strategies

## 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 2013, the Division filed a record 141 cases. In FY 2014, the Division filed its second-highest number of cases, 132. Further, the Division filed 38% more criminal civil rights prosecutions in the last six fiscal years (742 indictments in FY 2009 - FY 2014) than the previous six years (537 indictments in FY 2003 - FY 2008), without an increase in staff.

In FY 2013 and FY 2014, the Division exceeded its performance goals:



- During each of those two years, the Division, in conjunction with the United States Attorneys' Offices, charged more defendants with criminal civil rights violation than in any prior year since counting began in 1993 (279).
- In FY 2013 and 2014, the Division filed the highest number of criminal civil rights cases compared with any other two year period since counting began in 1993 (273).
- In FY 2013 and 2014, the Division filed the highest number of human trafficking cases in any two-year period since counting began in 1993 (138).
- In the five years since the passage of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009, the Division has brought 27 cases and charged 61 defendants under the Act. Of those 61 defendants, 47 have been convicted. In total, the

Division has prosecuted 222 defendants for hate crimes under multiple statutes over the last six years, a 31% increase over the prior six years.

- The Division leads the Department of Justice's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims, and South Asians. Federal charges have been brought in 48 cases against 65 defendants, yielding the conviction of 52 defendants.
- 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 over 100 unsolved hate crime homicides dating back to the Civil Rights Movement.

#### **CASE EXAMPLE: PROSECUTING HUMAN TRAFFICKING**

*U.S. v. Kalu, et al.*: The defendant was indicted for visa fraud, forced labor, and trafficking into forced labor, as well as mail fraud and money laundering. The defendant lured individuals from abroad to come to the United States with promises of jobs as nursing teachers. The defendant required the recruits to pay him fees for arranging work visas and to sign contracts to repay him those fees and other costs. When the recruits arrived, however, there were no teaching jobs for them. Instead, the defendant either arranged lesser paying jobs for them in nursing homes or required them to find their own positions while still forcing them to repay their fees to him under the threat of cancelling their visas and having them deported. The defendant was sentenced to 130 months incarceration and was ordered to pay \$3,790,338.55 in restitution to the victims.

#### **CASE EXAMPLES: COMBATING HATE CRIMES**

*U.S. v. Dedmon, et al.*: The federal investigation revealed that beginning in the spring of 2011, a total of ten defendants conspired to harass and assault African Americans in and around Jackson, Mississippi. On numerous occasions, the co-conspirators used dangerous weapons, including beer bottles, sling shots, and motor vehicles to cause, and attempt to cause, bodily injury to African Americans. They would specifically target African Americans they believed to be homeless or under the influence of alcohol because they believed that such individuals would be less likely to report an assault. The co-conspirators would often boast about these racially motivated assaults. The defendants' actions culminated in the brutal death of James Anderson, an African-American man, on June 25, 2011. The defendants were driving around Jackson looking for victims when they spotted Anderson in a motel parking lot. Two of the defendants physically assaulted Anderson by knocking him to the ground and then attacking him while he lay on the ground. The defendants then got back into the truck, yelling "White Power!" After that, one defendant deliberately used his two-ton truck to run over Anderson, causing fatal injuries. A total of ten defendants were convicted for their role in this conspiracy, with the final two defendants pleading guilty in January 2015.

*U.S. v. Beebe*: In 2011, two men admitted that they brought the victim—a Navajo man with a development disability—to an apartment and branded the impression of a swastika into his skin using a wire hanger heated on a stove. They also shaved a swastika into the back of his head and wrote "KKK" and "White Power" on his body. In 2014, the two defendants pleaded guilty to committing a hate crime and were sentenced to eight-and-a-half and five years in prison.

*U.S. v. Johnson*: In June 2014, defendant Brice Johnson pled guilty to a kidnapping charge in connection with the 2013 assault of A.K., a gay man whom Johnson attacked and severely injured. Johnson met his victim on the website “MeetMe.com,” where the two men engaged in communications, and the defendant expressed an interest in engaging in sexual activity with A.K. The defendant invited A.K. to his home, but when A.K. arrived, Johnson attacked him, severely beat him, and bound his wrists with an electrical cord. Johnson then locked the victim into the trunk of his own car and drove the car to a family friend’s house, where other individuals threatened to call the police unless Johnson took A.K. to a hospital. Johnson eventually transported A.K. to an Emergency Medical Services station in Springtown, Texas, where A.K. was diagnosed with multiple skull and facial fractures. A.K. was hospitalized for 10 days because of his injuries. Johnson was sentenced to 183 months in prison, in part because the court applied a sexual orientation hate crime enhancement.

*U.S. v. Hammett, et al.*: Three white supremacist defendants were charged with committing a racially-motivated attack on a white man and an African-American woman. The victims drove to a convenience store parking lot where defendant Perry Jackson called the white man a “n----- lover.” Defendant Billy Hammett then approached the driver's side of the car and called the African-American female victim a “n-----,” drawing the attention of the two victims, while defendants Jackson and Anthony Tyler attacked the victims from the other side of the car. Defendants Hammett and Jackson punched and kicked the two victims and defendant Tyler smashed the victims' car windshield with a crowbar. On March 25, 2014, defendant Hammett was sentenced to 87 months in prison. On April 29, 2014, defendant Jackson was sentenced to 70 months of incarceration. Defendant Tyler was sentenced in October 2014.

*United States v. Cannon*: On April 24, 2014, the Fifth Circuit Court of Appeals affirmed defendants’ convictions for violating the Shepard-Byrd Act. The evidence showed that Charles Cannon and two other defendants assaulted an African-American man who was waiting at a bus stop in downtown Houston. The defendants were shirtless, tattooed with white supremacist symbols, and some of them were yelling racial slurs at the victim. On appeal, the defendants challenged the constitutionality of the Shepard-Byrd Act, arguing that Congress exceeded its power in passing the law. The Fifth Circuit rejected that argument and affirmed the constitutionality of the Shepard-Byrd Act.

#### **CASE EXAMPLE: PROSECUTING OFFICIALS WHO INTENTIONALLY VIOLATE INDIVIDUALS’ CONSTITUTIONAL RIGHTS**

*U.S. v. Cates*: The Division successfully prosecuted a Milwaukee police officer who sexually assaulted and raped a woman after responding to a 911 call at her home. While they were alone together in the victim’s home, the officer coerced and intimidated the victim into committing sexual acts before forcibly raping her. Local officials declined to prosecute the officer. The defendant was convicted of violating the victim’s civil rights and sentenced to 24 years in prison.

*U.S. v. Bloodsworth*: On May 8, 2013, Wilcox County Sheriff Stacy Bloodsworth was sentenced to 10 years of incarceration for his role in a July 23, 2009 prison beating at Wilcox County Jail in Abbeville, Georgia. Sheriff Bloodsworth—along with his son Austin Bloodsworth, Jailer Casey Owens, Drug Task Force Officer Timothy King, Jr., and inmate-trustee Willie James Caruthers—assaulted three inmates because the inmates had a cell phone, in violation of the jail’s regulations. All three inmates were injured. One of the inmates suffered a broken jaw, which Sheriff Bloodsworth attempted to “fix” by hitting the inmate in the face with a wrench. Following the assault, Sheriff Bloodsworth made up a false cover story, which he instructed others to tell investigators. Austin Bloodsworth and Caruthers were each sentenced to 18

months in prison. King was sentenced to six months incarceration. Owens was sentenced to three years of probation.

## **CIVIL ENFORCEMENT**

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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. In FY 2014, the Special Litigation Section continued its work protecting the rights of individual in institutions.

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

*Ohio Juvenile Justice:* In November 2013, the Section learned that youth in custody at juvenile justice facilities in Ohio were experiencing significant amounts of unlawful solitary confinement. In March 2014, the Section sought leave to supplement its complaint to challenge Ohio's use of disciplinary solitary confinement. That same day, the Section filed a motion for a temporary restraining order to curtail Ohio's use of solitary confinement of youth with mental health disorders. Thereafter, the parties engaged in extensive settlement negotiations, with a goal of ending disciplinary solitary confinement of Ohio youth. The court entered that agreement as its order, and the Section is now monitoring the reforms required by the agreement.

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

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### **PROTECTING VOTING RIGHTS**

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The Division's Voting Section brings affirmative litigation to enforce federal voting laws and defends the United States when it is sued over voting matters. Despite the resource-intensive nature of its cases and setbacks from the Supreme Court's 2013 decision in *Shelby County v. Holder*, the Voting Section remains highly productive in safeguarding voting rights. For example, from FY 2012 to FY 2014, the Voting Section:

- Represented the United States in 64 new cases;
- Filed three new suits under Section 2 of the Voting Rights Act;
- Filed eight new Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) cases to ensure military and overseas voters the opportunity to vote (Virgin Islands, Alabama, Georgia, Vermont, Wisconsin, California, Michigan, and Illinois). The Section obtained favorable resolutions or orders granting preliminary relief in each of these UOCAVA cases; and
- Defended 35 new cases brought under various provisions of the Voting Rights Act or the United States Constitution; and,
- Monitored 160 elections using 1,865 federal observers and Department staff.

In addition, the Division's Disability Rights Section enforces the Americans with Disabilities Act's (ADA) requirements to ensure equal access to polling places and the election process for people with disabilities.

### **CASE EXAMPLES: PROTECTING VOTING RIGHTS**

*Veasey v. Perry*: In August 2013, the Division filed a lawsuit against the State of Texas to block the implementation of a new law that imposed a highly restrictive photographic identification law on citizens voting in person at the polls. Originally, a three-judge federal district court had blocked implementation of the law on the grounds that the State had not met its burden under Section 5 of the Voting Rights Act to show that the law had neither a racially discriminatory purpose nor a racially discriminatory effect. But after the Supreme Court's decision in *Shelby County v. Holder*, Texas immediately put the law into effect. The Civil Rights Division's case under Section 2 of the Voting Rights Act, along with several cases brought by private parties alleging both constitutional and Voting Rights Act violations, went to trial in September 2014.

In October 2014, the federal district court held that Texas's voter ID law violated Section 2 of the Voting Rights Act both because it had a racially discriminatory purpose and because it had a racially discriminatory result. After finding that Texas's voter ID law was comparatively the strictest voter ID law in the country – rejecting at least sixteen kinds of ID that even other states with “strict” voter ID law accepted – the district court found that more than 608,000 registered voters in Texas lacked the kind of ID Texas required. Black and Latino voters were far more likely to lack the newly required forms of photo ID. And they were also likely to face greater obstacles to obtaining them. In explaining how the Texas law “effectively makes some poor Texans choose between purchasing their franchise or supporting their family,” the district court quoted one witness, an African-American retiree living on \$321 a month for whom saving the \$42 she needed to obtain the birth certificate necessary to obtain a photo ID took months:

*I had to put the \$42.00 where it was doing the most good. It was feeding my family, because we couldn't eat the birth certificate ... [a]nd we couldn't pay rent with the birth certificate, so, [I] just wrote it off.*

The district court further found that the discriminatory burden the law placed on African American and Latino voters served no legitimate purpose: it did not address any demonstrated in-person voter fraud and it did not increase public confidence in the election system. To the contrary, the court held that the legislators who enacted Texas's voter ID law “were motivated, at the very least in part, *because of* and not merely *in spite of* the voter ID law's detrimental effects on the African-American and Hispanic electorate.” Although the Supreme Court allowed the law to remain in effect for the 2014 general election, the case is now before the court of appeals on the underlying merits appeal. The Department will continue to defend the district court's judgment.

*United States v. North Carolina*: In September 2013, the Justice Department also filed a lawsuit against the State of North Carolina over voting rules adopted by House Bill 589, which was signed into law in August 2013. The North Carolina law includes troubling new restrictions, such as provisions that will significantly reduce early voting days; eliminate same-day registration during early voting; impose a restrictive photo identification requirement for in-person voting; and prohibit the counting of otherwise legitimate provisional ballots that are mistakenly cast in the right county but at the wrong precinct. The Justice Department expects to show that these cutbacks in opportunities to vote will disproportionately affect African

American voters, who were more likely than the white counterparts to take advantage of early voting and same-day registration. Moreover, the Department also expects to show that the changes in North Carolina were intended to have precisely this racially discriminatory result. After a federal district court denied a request from the Department and private plaintiffs to prevent implementation of the law before the November 2014 general election, the Division filed a brief as *amicus curiae* in the court of appeals in order to ensure that Section 2 of the Voting Rights Act is properly interpreted and applied in the context of restrictive voting practices that provide minority voters less opportunity than other members of the electorate to cast a ballot that will be counted. The court of appeals then entered a partial injunction that was later stayed by the Supreme Court. The State has recently filed a petition for certiorari in the Supreme Court. A full trial on the merits in the district court is scheduled for the summer of 2015.

*Amicus briefs and statements of interest involving the voting rights of native peoples:* In FY 2013 and 2014, the Division filed amicus briefs/statement of interest briefs in *Toyukak v. Treadwell* and *Wandering Medicine v. McCulloch*, two cases brought by Alaska Native and American Indian private plaintiffs under the Voting Rights Act. *Toyukak* involves a challenge under the language minority provisions of Section 203 of the Act regarding the translation of election information into the Alaska Native languages in the Dillingham, Wade Hampton, and Yukon-Koyokuk Census Areas in Alaska. The *Wandering Medicine* plaintiffs allege that the lack of early voting and late registration opportunities for Native American voters in Big Horn, Blaine, and Rosebud Counties in Montana is a violation of Section 2 of the Act.

*City of Philadelphia, Pennsylvania:* In April 2009, the Division entered into a comprehensive settlement agreement with the City of Philadelphia, Pennsylvania, resolving complaints that the City's polling places were inaccessible. Many of Philadelphia's 1,200 polling places are located in inaccessible private residences, local stores, restaurants, and other small businesses. People with mobility disabilities were frequently denied the opportunity to vote in person at the polls and had to vote by alternative ballots because of the inaccessibility of polling places. The agreement required the City to conduct an assessment of all polling places. If a polling place cannot be made accessible, the City is obliged to try to find an alternative location. Accessibility will be a major criterion in the City's selection of new polling places.

*Blair County, Pennsylvania:* In March 2014, the Division reached a settlement agreement with Blair County, Pennsylvania, to resolve the lack of accessibility of the County's polling places for voters who use wheelchairs and other mobility devices. The agreement requires the County to relocate polling places to accessible facilities or use temporary measures to make existing polling places accessible.

## **PROTECTING THOSE WHO PROTECT US**

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Three sections of the Civil Rights Division—Employment Litigation, Housing and Civil Enforcement and Voting—enforce statutes that are designed to protect servicemembers from civil rights violations. In addition, the Disability Rights Section brings cases involving servicemembers who are discriminated against on the basis of disability.

In FY 2014, the Division took the following actions to protect the rights of servicemembers:

- The Housing and Civil Enforcement Section obtained a \$60 million lending discrimination settlement under the SCRA;

- The Employment Litigation Section, on its own and in concert with several United States Attorneys' Offices, filed five suits to vindicate the employment rights of servicemembers who have returned from active duty and reached settlement in 11 cases; and,
- 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.:* The Housing and Civil Enforcement Section sued three separate owners or servicers of private and federally guaranteed student loans (collectively, "Sallie Mae") alleging that they violated the rights of servicemembers eligible for benefits and protections under the SCRA. The complaint alleged that Sallie Mae charged approximately 60,000 servicemembers more than six percent interest on student loans even though the SCRA established a six percent interest rate cap on the loans at issue. The complaint also alleged that defendants improperly obtained default judgments against servicemembers who were unable to make their loan payments while on active duty. The Division resolved the case by consent order, which required Sallie Mae to pay \$60 million to compensate about 60,000 servicemembers for the alleged violations and \$55,000 to the United States as a civil penalty. The Secretary of Education joined the Attorney General when the settlement was filed, to announce plans to expand the opportunities for servicemembers to obtain the interest rate benefit for Department of Education student loans.

*Delee v. City of Plymouth:* In 2014, due to the work of the Employment Litigation and Appellate Sections as well as the United States' Attorney's Office, the Seventh Circuit Court of Appeals overruled a lower court and gave the Robert Delee, a servicemember returning from active duty the longevity payment he deserved. The court found that the City of Plymouth violated USERRA when it reduced Robert Delee's longevity payment while he was serving on active duty military leave. This important decision will protect servicemembers in all types of employment and ensure that they are not penalized for the service to the nation.

*Mann v. Penske Truck Leasing Co.:* In 2014, the Division collaborated with the United States Attorney's Office for the Eastern District of Virginia on behalf of William Mann, an Air Force Reserve member. Mr. Mann's employer refused to re-employ him when he returned from his military leave with a service-related injury. Mr. Mann ultimately received \$85,000 in lost wages.

*Collins v Key Safety Systems, Inc.:* In 2014, the Division collaborated with the United States Attorney's Office for the Middle District of Florida to protect the rights of Ronald Collins, an Army National Guard soldier who was demoted when he informed his employer that he would be taking military leave. Ronald Collins was ultimately paid \$20,000, including \$10,000 in lost wages.

*Alabama UOCAVA litigation:* In 2014, the Voting Section continued its litigation against Alabama to protect the voting rights of hundreds of military and overseas voters in federal elections. The suit alleges that Alabama failed to send ballots to UOCAVA voters at least 45 days before the 2012 Federal primary election and failed to ensure ballots would be sent by the 45th day before any needed Federal primary runoff election. In early 2014, the court entered the parties' proposed remedial order to resolve issues aside from the runoff question and granted the United States' motion for summary judgment on its runoff election claim. Thereafter, the court adopted the State's proposed "consent order" authorizing Alabama to use an instant runoff system to comply with UOCAVA in primary runoff elections for the 2014 election cycle and,

beginning with the 2016 election cycle, ordering Alabama to hold any Federal runoff elections nine weeks (63 days) after the Federal primary election. On March 25, 2014, Alabama appealed the court's order granting summary judgment to the United States on its runoff claim. That appeal is currently pending in the United States Court of Appeals for the Eleventh Circuit.

## **ENSURING EFFECTIVE AND DEMOCRATICALLY ACCOUNTABLE POLICING**

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The Division's Special Litigation, Employment Litigation, and Federal Coordination and Compliance Sections work to ensure effective, accountable policing. In FY 2014, the Special Litigation Section's enforcement of the pattern and practice provisions of the Violent Crime Control and Law Enforcement Act of 1994 has continued to expand. Over the last year, the Section has completed several comprehensive investigations and negotiated innovative resolutions to address serious and systemic problems in large police departments including: New Orleans; Portland, Oregon; Albuquerque, New Mexico; and Puerto Rico. Through strategic priority setting, the Section has selected cases and fashioned remedies to address issues that will have the broadest impact both in the communities affected and across the Nation. The Employment Litigation Section works to ensure that police departments use fair and equitable hiring and promotions processes. Such hiring and promotion processes help to ensure that police departments hire highly qualified individuals from a broad range of backgrounds. 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, or national origin.

### **CASE EXAMPLES: ENSURING EFFECTIVE ACCOUNTABLE POLICING**

*Portland Police Bureau:* The Special Litigation Section issued findings that the Portland Police Bureau engages in a pattern or practice of excessive use of force during interactions with people who are, or are perceived to be, in mental health crisis. This investigation was conducted parallel to the Section's investigation of Oregon's mental health system. The Portland findings letter, and the remedies Special Litigation negotiated, will hopefully address not only the issues in Portland, but also provide guidance to police departments across the nation.

In December 2014, Portland Police officers were called to an apparent burglary attempt by a man on a hotel window ledge in the middle of the night.

“‘The man was crying, sobbing.’ [Officer] DeLong said. That’s when DeLong’s Crisis Intervention Training [required by the Division’s settlement agreement] kicked in, he said. There was no crime being committed; it was time for compassion.

He began to calmly talk to the man, assuring him from the start that he was not in trouble.... Paramedics from the Portland Fire Bureau were also in the room and later took the man to a hospital for mental health treatment, police officials said. He was not charged with any crime.”

-*Oregonian*, December 4, 2014

([http://www.oregonlive.com/portland/index.ssf/2014/12/officers\\_who\\_coaxed\\_intoxicate.html](http://www.oregonlive.com/portland/index.ssf/2014/12/officers_who_coaxed_intoxicate.html))

*Alamance County Sheriff, North Carolina:* The Special Litigation Section issued a findings letter asserting that the Alamance County Sheriff engages in a pattern or practice of discrimination against Latinos. The investigation revealed that Latinos are ten times more likely to be stopped on the roads than white traffic law violators, that they will receive harsher treatment than similarly situated whites, and that these practices are the direct result of racial and ethnic bias. After negotiations failed, the Section filed suit against the Sheriff in December 2012, and proceeded to trial in 2014.

*United States v. State of New Jersey:* The United States alleged the State-developed police sergeant promotional examination used in numerous local jurisdictions across the State was unlawful and excluded qualified African-American and Hispanic police officers from competing for promotions on a level playing field. Following years of litigation and work developing a new promotional exam pursuant to a settlement, a group of black and Hispanic police officers who were previously excluded based on the unlawful exam began receiving promotions to police sergeant in 2014. In some jurisdictions across New Jersey, implementation of this relief is historic. For example, the first African-American police sergeants in the Hamilton Township Police Division were promoted as a result of this case.

“I wanted to express my sincere gratitude to all of the individuals and entities who took part in this monumental task. . . . [s]pecifically, those who participated in the litigation for an oversight of the new testing process.” Sergeant James Walters, Detective Sergeant, Hamilton Township Police Division

*Torres v. City of New York:* The Federal Coordination and Compliance Section has worked with the United States Attorney’s Office in the Eastern District of New York and the Department’s Office of Justice Programs to ensure that the New York City Police Department provides meaningful language access to limited English proficient individuals. In *Torres*, the Department filed a statement of interest in a case brought by private plaintiffs alleging that the New York City Police Department refused to communicate in Spanish with Spanish-speaking victims of domestic violence, leaving them either unable to report crimes against them, forcing them to relying on their abusers to explain incidents to police, and even arresting the victims. The Section argued that the allegations, if true, constitute national origin discrimination under Title VI and, therefore, the police department’s motion to dismiss should be denied. The full Statement of Interest can be found [here](http://www.justice.gov/crt/about/cor/cases/112213_SOI_Padilla_v_New_York_EDNY.pdf). ([http://www.justice.gov/crt/about/cor/cases/112213\\_SOI\\_Padilla\\_v\\_New\\_York\\_EDNY.pdf](http://www.justice.gov/crt/about/cor/cases/112213_SOI_Padilla_v_New_York_EDNY.pdf))

## **EXPANDING OPPORTUNITY FOR ALL PEOPLE: CIVIL ENFORCEMENT**

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### **EXPANDING EQUAL OPPORTUNITY IN EDUCATION**

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In FY 2013 and 2014, the Educational Opportunities Section continued its efforts to vigorously protect students from discrimination and harassment in public schools and universities. The Section’s accomplishments include:

- Resolving 37 cases to protect the rights of students;
- Opening 21 investigations of alleged discrimination on the basis of race, national origin, sex, religion, disability, and language services;

- Negotiating 11 agreements to protect the rights of English Language Learner (ELL) students, including a significant out-of-court settlement to ensure that Navajo-speaking ELLs in a school district receive appropriate services under the Equal Educational Opportunities Act (EEOA); and
- Monitoring approximately 180 active school desegregation cases in which the United States is a party.

In addition, the Disability Rights Section works to protect the rights of students with disabilities. And the Division's Appellate Section, which is responsible for handling criminal and civil appeals in federal courts, works with the Educational Opportunities Section to protect the rights of students.

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

*Pine Bush, New York:* The section supported the United States Attorney's Office in the filing of a brief in a case involving anti-Semitic peer-on-peer harassment in Pine Bush, New York. The brief supports the plaintiffs' argument that there was sufficient evidence that the school district was deliberately indifferent to known incidents of harassment that the court should permit the case to proceed.

*Barnhardt and U.S. v. Meridian Municipal School District:* In 2010, as part of efforts to enforce an existing desegregation order, the Division began investigating complaints that the District had implemented a harsh and punitive student discipline policy that resulted in the disproportionate suspension, expulsion, and school-based arrest of African-American students in Meridian schools. The Division found that African Americans were suspended, expelled, and arrested at vastly greater rates than white students even when comparing students at the same schools, of the same age, and with similar disciplinary histories. The Division filed suit alleging that:

- The school district suspended African-American students for dress code infractions such as wearing the wrong color socks or undershirt, having a shirt untucked, tardiness, flatulence in class, using vulgar language, yelling at teachers, and going to the bathroom or leaving the classroom without permission;
- School officials routinely called police to arrest students who were suspended and that, regardless of age, the police handcuffed children, placed them in the back of a police car, and transported them to the police department or juvenile center; and
- Many students were incarcerated as a result of school suspensions.

In May 2013, a federal court in Mississippi approved a consent decree requiring the school district to take steps to create safe and inclusive learning environments in all Meridian schools, including providing students with supports and interventions before excluding them from school; limiting the use of discipline measures that remove students from the classroom; ensuring that discipline consequences are fair and consistent; establishing clear guidelines for when law enforcement intervention is appropriate; providing training to give teachers and administrators the tools necessary to manage their schools in a safe, effective and positive manner; and building data-driven monitoring and accountability systems.

*Crestwood School District, Michigan:* The majority of the Crestwood School District's ELL Learner students are native Arabic speakers. Working with the United States Attorney's Office,

the Division conducted an investigation of the school district's ELL program and found that the district was not providing adequate services and materials to ELL students. In FY 2014, the Division entered into a comprehensive settlement agreement with the Crestwood School District to resolve violations of the EEOA related to the district's ELL program, its employment policies and practices, and allegations of unlawful retaliation. The settlement agreement will, among other things, ensure that all ELL students receive appropriate English language instruction taught by teachers who are properly qualified and trained and it requires the district to provide ELL students and limited English proficient parents with meaningful access to important information, including discipline and special education materials and procedures.

*Delran Township School District:* In June 2014, the Division entered a settlement with the Delran Township School District in New Jersey to resolve allegations that the school district refused to allow a student with autism and encephalopathy to have his service dog in school or at school-related activities. The service dog alerts the boy of impending seizures, provides mobility and body support, and mitigates the symptoms of his autism. The student's mother spent six months responding to burdensome requests for information and documentation and even offered to provide a handler for the dog, but the school district refused to allow the student to be accompanied by his service dog. The student was prevented from bringing his service dog with him on the bus for his school's year-end field trip. Instead, his mother followed the school bus with the service dog in her car. Under the agreement, the school district will adopt a lawful service animal policy, provide training to staff, and pay \$10,000 in damages.

*Milwaukee Montessori School:* In September 2014, the Division entered into a consent decree with Milwaukee Montessori School, a private day school serving over 400 children from 18-months-old through eighth grade, to resolve allegations that the school failed to accommodate and then impermissibly dis-enrolled a young child whose disability caused him to stumble and fall more frequently than his peers. Under the agreement, the school will adopt a disability nondiscrimination policy, pay \$50,000 in damages, and pay a \$5,000 civil penalty.

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

Protecting students from sexual assault and harassment is a priority of the Civil Rights Division. 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:

*Hill v. Madison:* The Division's Appellate Section filed an *amicus* brief in *Hill v. Madison* urging the Eleventh Circuit Court of Appeals to reverse summary judgment against the plaintiff in a sexual assault case brought under Title IX of the Education Amendments Act of 1972 (Title IX). In *Hill*, a school employee used a 14-year-old female student as bait to entrap a student who was accused of sexual misconduct involving multiple other students. The entrapment failed and the defendant raped the female student in a school bathroom. The District Court dismissed charges against the school district under the reasoning that, despite a history of sexual misconduct against multiple students, school administrators were not on notice that the defendant was a serious threat to other students. The court also found that while the plan to entrap the defendant was a bad idea, school administrators were not deliberately indifferent for failing to stop the entrapment plan. The Division's brief argued that the school district had actual notice that the defendant was a serious threat to others because it knew of his extensive history of sexual and physical misconduct, and that the school district was deliberately indifferent to the risk to the female student for failing to take any steps to stop the entrapment plan once they knew about it.

*Carmichael v. Galbraith*: The Appellate Section filed an *amicus* brief in *Carmichael v. Galbraith*, urging the Fifth Circuit Court of Appeals to reverse the district court's dismissal of plaintiff's Title IX claim involving student-on-student sexual harassment. A 13-year-old middle school student committed suicide after a group of boys accosted and stripped him naked and then uploaded to YouTube a video of the final attack. The plaintiff alleged that the harassment of the boy violated Title IX, but the district court dismissed the claim, concluding that the harassment was not "because of sex." The Fifth Circuit agreed with the Division's position, ruling that "removal of a person's underwear without consent on numerous occasions plausibly constitutes pervasive harassment of a sexual character" in violation of Title IX.

*Arcadia, California*: In FY 2013, the Division and the Department of Education entered into a landmark agreement with the Arcadia Unified School District to address discrimination against a transgender student. The student, a transgender boy, had presented as a boy at school and in all aspects of his life for several years. Yet before the federal investigation, the district had prohibited the student from accessing facilities consistent with his gender identity, including restrooms and locker rooms at school. Under the agreement, the district agreed to treat the student like other male students in all activities and to adopt policies to ensure nondiscrimination for all students going forward.

*Junior Doe, et al. & United States v. Allentown School District*: Four students sued the Allentown School District under Title IX and other laws. They alleged that, as six- and seven-year-old students, they were sexually assaulted in multiple incidents by an older student in the bathrooms at Central Elementary School. The Division intervened and alleged that sexual assaults occurred on at least five separate occasions; that the district was made aware of each incident immediately after it occurred; and that despite this notice, the district did not take appropriate action, and in some circumstances took no action, to prevent the harassment from recurring. The Division is actively enforcing the consent decree in this case, which requires the school district to implement a comprehensive plan for addressing and preventing sexual harassment in all district schools; implement a sexual harassment policy and procedures; and provide training to administrators, faculty, staff, students, and parents on sex-based harassment.

**University of Montana, Missoula.** During fall 2011, the University of Montana, Missoula received reports that two female students had been sexually assaulted on campus by male students. In an effort to fulfill its Title IX obligations, the University hired an independent investigator. During that investigation, the University received seven additional reports of student-on-student sexual assault. The independent investigator concluded that the University "has a problem with sexual assault on and off campus and needs to take steps to address it to insure the safety of all students as well as faculty, staff, and guests."

On May 1, 2012, the Division launched an investigation of the University's handling of sexual assault and harassment involving students. During its investigation, the Division reviewed thousands of pages of documents, conducted site visits to the University and community, and interviewed witnesses.

While the University took several positive steps to address sexual assault and harassment beginning in December 2011, the Division found the University needed to take additional steps to meet its legal obligations. The letter of findings found that the University's policies, procedures and response to sexual harassment, sexual assault, and retaliation against complainants, all needed improvement. Moreover, the Division found that the University needed to better coordinate its Title IX enforcement, provide more training to staff, develop a system to track Title IX complaints, and revise its notice of nondiscrimination. The Division and the University reached an agreement to expand the reforms initiated by the University President, to keep students safe, and to resolve the United States' findings. (A copy of the letter of findings and agreement are available at <http://www.justice.gov/crt/about/spl/findsettle.php#police>).

## **EXPANDING EQUAL OPPORTUNITY IN HOUSING AND LENDING**

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In FY 2014, the Division's Housing and Civil Enforcement Section devoted significant resources to fair lending and fair housing cases. In FY 2013 and FY 2014, the Division expanded fair housing opportunities for all by filing 77 lawsuits, including 49 pattern or practice lawsuits, to combat housing and lending discrimination. Further, during that time period, the Division settled 83 housing and lending cases, including 56 pattern or practice cases.

Many of these cases involved significant, groundbreaking settlements. These include:

- 23 settlements in matters involving an allegation that the defendant was engaged in a widespread pattern or practice of discrimination;
- \$993 million in monetary relief from FY 2012 to the present; and
- Relief to hundreds of thousands of victims of housing and lending discrimination.

### **CASE EXAMPLES: PROMOTING EQUAL OPPORTUNITY IN HOUSING**

*United States v. VanderVennen*: The United States alleged that Dale VanderVennen, manager at Alger Meadow Apartments, sexually harassed female tenants. The complaint alleged that VanderVennen made unwelcome sexual comments and advances to female tenants, touched female tenants in a sexual manner without their consent, entered the apartments of female residents without permission and notice, conditioned or offered tangible housing benefits in exchange for sexual acts, and took adverse housing actions against female tenants who refused to grant him sexual favors. The consent decree includes \$510,000 in damages for at least 13 victims, a \$40,000 civil penalty, and various injunctive measures, including prohibiting VanderVennen from managing any residential rental property.

*United States v. City of San Jacinto*: The United States alleged that the City of San Jacinto discriminated against the residents and providers of group homes for persons with disabilities when it passed an ordinance restricting the location and operation of such homes and targeted those homes for enforcement actions, including highly intrusive warrantless searches of the homes performed in conjunction with law enforcement. The residents of the homes targeted were primarily persons with mental illnesses in need of the support provided by group housing. As a result of the settlement, the City will pay nearly \$760,000 in damages. It also rewrote its zoning code and revised its process for providing persons with disabilities exceptions to its zoning and land use requirements.

*United States v. St. Bernard Parish*: The United States alleged that St. Bernard Parish engaged in a multi-year campaign to limit rental housing opportunities for African Americans through exclusionary zoning practices in the aftermath of Hurricane Katrina. These practices included the establishment of a restrictive permit-approval process for single-family rentals, the elimination of multi-family zoning from most of the Parish zoning map, and repeated attempts to block the construction of multi-family affordable-housing developments on pretextual grounds. The complaint alleged that the Parish's actions disproportionately disadvantaged African-American renters in St. Bernard Parish. The settlement, which is valued at more than \$2.5 million in relief, included monetary payments to eight aggrieved persons, a rental land grant program, an Office of Fair Housing for the parish, and civil penalties.

***DOJ applies legal muscle to St. Bernard Parish fair housing battle***

*The Times - Picayune, 1/31/12*

## **CASE EXAMPLES: PREVENTING DISCRIMINATORY LENDING**

*United States v. Synchrony Bank, f/k/a GE Capital Retail Bank:* The United States alleged that GE Capital Retail Bank discriminated against 108,000 individuals who wished to participate in two credit card debt repayment programs. The Division alleged that GE Capital refused to allow those who indicated that they preferred communications to be in Spanish or had a mailing address in Puerto Rico to participate in the credit card repayment programs. The consent order provides \$169 million in relief to affected borrowers. This investigation was conducted jointly with the Consumer Financial Protection Bureau (CFPB).

**GE Capital arm to pay record credit card settlement**

- USA Today, 6/20/14

## **EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE**

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Three sections of the Division—Employment Litigation, Disability Rights, and Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC)—work to prevent discrimination on the basis of race, national origin, sex, religion, disability, and immigration status. During FY 2014, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division’s employment enforcement activities include:

- Filing seven new suits and initiating 13 new investigations under Title VII, covering a wide range of claims including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring;
- Resolving 15 matters through a combination of consent decrees, court-approved settlement agreements, and out-of-court settlements;
- Collecting a record \$1.44 million (in back pay and civil penalties) from employers for violations of the anti-discrimination provision of the Immigration and Nationality Act (INA);
- Receiving 490 referrals of potential E-Verify related discrimination or document abuse pursuant to a Memorandum of Agreement (MOA) with United States Citizenship and Immigration Services. This is more than double the prior year’s number of referrals; and
- Executing a consent decree with the State of Rhode Island and the City of Providence, which will provide relief to more than 3,200 people with intellectual and developmental disabilities who are unnecessarily segregated into sheltered workshops and facility-based programs.

## **CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE**

*United States v. Life Generations Healthcare:* In September 2014, OSC won a case alleging that an employer discriminated against workers who were born abroad by requiring them to produce a specific document to establish their work authorization and refusing to hire them if they could not present the document. OSC alleged that foreign-born individuals were prevented from working for the company even though they had sufficient proof of work authorization. After the court’s ruling, the parties reached a settlement, in which the employer agreed to pay more than \$200,000 in civil penalties and back pay to resolve the case.

*United States v. Autobuses Ejecutivos*: In September 2014, OSC settled a case against Autobuses Ejecutivos in which OSC alleged that the bus company discriminated against qualified U.S. workers by preferring to hire workers on temporary H-2B visas for its bus driver positions. Under the settlement, Autobuses Ejecutivos agreed to pay \$208,000 to victims of its discriminatory practices and \$37,800 in civil penalties.

*Burnett v. City of Philadelphia-Free Library*: The United States filed a Statement of Interest supporting Plaintiff Bobbie Burnett, a transgender female, who alleged that her coworkers and supervisors subjected her to harassment, including commenting that she was a freak, a man in women's clothing, people couldn't be fooled by her wig, and that she did not act in a lady-like manner. The brief argued that transgender individuals may show that discrimination grounded in gender stereotypes is discrimination because of a person's sex. The National Center for Transgender Equality hailed the filing of the brief, noting that "The Justice Department's brief in Burnett's case is another example of the resounding consensus among federal agencies that transgender people are protected by sex discrimination laws."  
<http://transgenderequality.wordpress.com/2014/05/01/ncte-welcomes-philadelphia-settlement-with-trans-worker-lauds-feds-for-supporting-case/>

*Murphy-Taylor and United States v. Queen Anne's County, et al*: The United States intervened in this sexual harassment case and alleged that the facts showed egregious sexual harassment and brazen retaliation by supervisors and the Sheriff at the Queen Anne's County Sheriff's Office. The United States alleged that the Sheriff fired Kristy Murphy-Taylor, a female deputy sheriff, after the Sheriff's brother pleaded guilty to sexually assaulting Ms. Murphy-Taylor in a Sheriff's Office vehicle. Under the terms of the settlement between the United States and the County, the County will revise several personnel policies to prevent this type of harassment and retaliation, and will act as the point for receiving complaints of sex discrimination regarding the Sheriff's Office. The County also agreed to pay \$620,000 in back and front pay for Ms. Murphy-Taylor.

*United States v. City of Birmingham*: The City of Birmingham's Police Department refused to allow Renee Gunn to change her schedule to observe the Jewish Sabbath even though the City allowed for schedule changes for non-religious reasons. Faced with a choice between honoring her religious beliefs and her job, Ms. Gunn resigned. As a result, Ms. Gunn was out of work and suffered severe financial hardship. The United States brought a lawsuit on her behalf. The settlement agreement required the City to pay Ms. Gunn \$80,000 in damages and reemploy her with a work schedule that did not conflict with her Sabbath observance. The City was also required to develop and implement a lawful religious accommodation policy and provide mandatory training on religious accommodation to all Police Department employees.

*United States v. City of Austin*: In 2014, the Division settled a case against the City of Austin, resolving the United States' claims that the City's 2012 entry-level firefighter hiring practices unlawfully discriminated against African-American and Hispanic applicants, similar to the allegations in the case against the City of New York's Fire Department. The decree requires the City to hire 30 qualified African Americans and Hispanics, to pay \$780,000 in back pay, and replace its discriminatory hiring practices.

*Louisiana Supreme Court*: In August 2014, the Division entered into a settlement agreement with the Louisiana Supreme Court, following an investigation that found that during the Louisiana bar admissions process, licensing entities based recommendations about bar admission on mental health diagnosis and treatment, rather than conduct that would warrant denial of admission to the bar. Under the agreement, the court will revise its character and fitness screening questions, re-evaluate prior and pending applications of applicants who

disclosed mental health disabilities, and pay \$200,000 to compensate a number of affected bar applicants and attorneys.

## PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

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The Division's Disability Rights Section continued its efforts to provide opportunities for people with disabilities through implementation of the Americans with Disabilities Act (ADA). In FY 2014, the Division:

- Reached three statewide *Olmstead* settlements, filed one *Olmstead* lawsuit, and filed five statements of interest on *Olmstead* issues. Since 2009, the Division's settlements are affecting the lives of over 46,000 people with disabilities.
- Reached the Division's first-ever settlement agreement to resolve complaints that two medical schools revoked the acceptances of admitted applicants after the schools learned that the applicants have hepatitis B.
- Entered a consent decree in *DFEH v. LSAC Inc.*, to resolve a lawsuit against the Law School Admissions Council (LSAC), which administers the LSAT, alleging that LSAC discriminates against test takers who have disabilities.
- Continued its 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. In FY 2014, the Program:
  - ADA Specialists responded to more than 95,000 calls to the ADA Information Line;
  - The ADA Home Page—[www.ada.gov](http://www.ada.gov)—was the Department's fourth-most visited web destination. The site was visited more than 9.7 million times and more than 12 million pages were viewed;
  - Published three new technical assistance documents: (1) *Questions and Answers About the Lesley University Agreement and Potential Implications for Individuals with Food Allergies*; (2) *Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices*, and (3) *Effective Communication*;
  - Assisted in the development and publication of the Division's Best Practices to Reform HIV-Specific Criminal Laws to Align with Scientifically-Supported Factors; and,
  - Presented 65 speeches, workshops, and training sessions to an audience of approximately 10,000.

### **CASE EXAMPLE: ENFORCING THE SUPREME COURT'S DECISION IN *OLMSTEAD V. LC***

*State of Rhode Island:* In April 2014, the Division entered into the nation's first statewide settlement agreement to enforce the civil rights of individuals with intellectual and developmental disabilities who are unnecessarily segregated in sheltered workshops and

facility-based day programs in the state of Rhode Island. The agreement resolves the Division's findings that the State's day activity service system over-relies on segregated settings to the exclusion of integrated alternatives. The agreement provides relief to approximately 3,250 individuals over a ten year period.

*State of New York:* In July 2013, the Division and the United States Attorney's Office for the Eastern District of New York, along with plaintiff adult home residents, entered into a comprehensive settlement agreement with the state of New York under the ADA. The settlement agreement will provide relief to approximately 4,000 people with mental illness unnecessarily segregated in 23 adult homes in New York City. Adult homes are institutional, segregated settings that house large numbers of people with mental illness. Under the settlement agreement, New York will offer supported housing to people with mental illness currently residing in adult homes. Supported housing is apartments scattered throughout the community for which the state provides rental assistance and housing-related support services. Supported housing residents have access to community-based services and supports that promote their inclusion, independence, and full participation in community life.

#### **CASE EXAMPLE: ENSURING ACCESSIBILITY OF TECHNOLOGY**

*HRB Digital LLC and HRB Tax Group Inc.:* In March 2014, the Division entered into a consent decree with HRB Digital LLC and HRB Tax Group Inc., subsidiaries of H&R Block Inc., to resolve allegations that H&R Block failed to code its website in a manner that would make it accessible to individuals who have vision, hearing, and physical disabilities. Individuals with disabilities often use common assistive technologies to access the Internet, including screen reader software, refreshable Braille displays, keyboard navigation, and captioning. H&R Block's website was not compatible with these technologies. Under the consent decree, H&R Block is required to make its website and mobile apps accessible, provide training to relevant staff, and pay \$22,500 to each of the two named plaintiffs, and pay a \$55,000 civil penalty to vindicate the public interest.

## **B. Strategies to Accomplish Outcomes**

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The Division's work directly supports the Department of Justice's 2014-2018 strategic plan. Specifically, the Division's criminal and civil enforcement work supports the **DOJ Strategic Objective 2.5, promote and protect Americans' civil rights by preventing and prosecuting discriminatory practices.**

The Department is committed to upholding 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—equal treatment and 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, persons 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: 1) protecting the most vulnerable among us by ensuring that all in America can live free from fear of exploitation, discrimination, and violence; 2) safeguarding the fundamental infrastructure of democracy by protecting the right to vote and access to justice, by ensuring that communities have effective and democratically accountable policing, and by protecting those who protect us; and 3) expanding opportunity for all people by advancing the opportunity to learn, the

opportunity to earn a living, the opportunity to live where one chooses, and the opportunity to worship freely in one's community.

The Division 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 seeks to ensure that it is positioned to take on both existing and emerging civil rights challenges.

## **CRT'S 2016 STRATEGIC FOCUS AREAS**

**Protect Victims of Human Trafficking and Prosecute Traffickers:** Trafficking in humans is the equivalent of modern-day slavery and it stands among the most offensive moral scourges in America. The victims endure sexual assault, brutality, and fear, and the perpetrators engage in criminal conduct that often lasts for months or years, and can involve international organized criminal networks. There are unique challenges in prosecuting such cases, as each requires the dedication of time, resources, and specialized skill in jurisdictions across the country and around the globe. The Division will continue to expand its already successful human trafficking program by coordinating the launch of Phase II of the ACTeam Initiative beginning in 2015. It is anticipated that significant CRT resources will be necessary to implement Phase II of the ACTeam Initiative while also continuing to support the highly productive Phase I ACTeam Districts.

**Ensure Effective and Democratically Accountable Policing in Our Communities:** The Division will continue to make effective and accountable policing a key priority enforcement area. This includes both criminal and civil enforcement. The Division will continue to investigate and, when necessary, prosecute law enforcement officers who engage in excessive force or intentionally violate individual's rights. The Division's civil enforcement work is designed to address systemic problems in police departments by securing agreements that provide for meaningful reform. The Division is continually examining its enforcement work to ensure that it is encouraging departments to use the best practices. In fact, the Division calls its enforcement program "2.0" because it has learned a lot from the previous decade and half of enforcement work, and has incorporated lessons learned into our current reform efforts. To protect individual rights and ensure communities' trust in law enforcement, the Division will continue to commit substantial resources to these important cases. In light of recent events, there has been increased national attention focused on police practices and police reform. Accordingly, CRT anticipates that there will be an increased demand to review police departments across the country to ensure that they are engaging in constitutional practices.

**Safeguard Voting Rights for All Americans:** The Department will continue to place a high priority on 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 all throughout the country each year. One of these high priorities is to detect and challenge practices that violate Section 2 of the Voting Rights Act, which is the permanent



nationwide prohibition against voting practices that are intended to be racially discriminatory, or that have a racially discriminatory result.

**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. Over the past five years, the Division has done more civil rights work in more areas on behalf of servicemembers than ever before. Last year, the Civil Rights Division achieved significant victories in its efforts to ensure that our men and women in uniform have access to meaningful employment as they come home from war. CRT plans to continue this work in FY 2016.

**Protect Students from Sexual Assault in Schools and on College Campuses:** The Department will continue to use all tools available to protect students from sexual assault in school. This includes enforcing Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, including sexual assault and harassment, in schools, colleges, and universities that receive federal funds. This also includes the Department's contributions to the White House Task Force to Protect Students from Sexual Assault, which provides information and resources for the public on how to respond to and prevent sexual assault on college and university campuses as well as in our K-12 schools. CRT will continue to take enforcement action against schools that discriminate on the basis of sex in their responses to sexual harassment against students. The Department will also continue to fulfill its obligations under Executive Order 12250 to coordinate Title IX enforcement across federal agencies. The Department is seeking additional funding to support a team to coordinate and engage in Title IX enforcement, guidance, and technical assistance. The team would serve as a central and dedicated force to combat sexual assault and harassment, and would enable the Department to address these issues in a manner consistent with the priorities of the Administration and the nation.



**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 ruling that requires states to eliminate unnecessary segregation of persons with disabilities and to serve persons with disabilities in the community rather than in segregated facilities whenever appropriate. The Division will pursue existing cases, ensure community services required by our settlement agreements are readily available and high quality, and seek new opportunities to advance the rights of individuals in and at risk of entering institutions through a combination of litigation, technical assistance, and interagency coordination.

**Promote fair lending and fair housing:** Access to housing influences a family's access to good schools, transportation, and jobs, and is closely linked to access to credit. In FY 2013 and FY 2014, the Division opened a number of investigations and filed several lawsuits seeking to expand fair housing opportunities for all. The Division will continue those efforts and seek new enforcement opportunities.

## C. Priority Goals

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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 is on track to exceed its performance targets in this area. (See Performance and Resources Tables at 21)

The Administration is committed to the aggressive investigation and prosecution of human trafficking cases in support of this goal, and the Division has led a number of initiatives which contribute to the restoration of the rights and dignity of human trafficking victims.

## V. PROGRAM INCREASES BY ITEM

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### A. Protect Victims of Human Trafficking and Prosecute Traffickers

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AG Targeted Priority Options: Protecting the Most Vulnerable Members of Society  
Strategic Goal 2: Prevent Crime, Protect the Rights of the American People,  
and Enforce Federal Law  
Strategic Objective 2.5: Promote and Protect Americans' Civil Rights  
Budget Decision Unit(s): Civil Rights Division  
Organizational Program: Civil Rights Division

Program Increase: Positions 30 Agt/Atty 18 FTE 15 Dollars \$2,788,000

#### Description of Item

The Civil Rights Division is requesting additional resources for its human trafficking (HT) programs.

#### Justification

Trafficking in humans stands among the most offensive moral scourges in America. Many trafficking victims are young and undocumented women who are compelled into commercial sex or compelled to labor in sweat shops, in agricultural fields, or as domestic servants. While the actual numbers of victims are difficult to quantify, the complexity, magnitude, and increased volume of both investigations and prosecutions requires the need for an increased dedication of resources as we continue to advance a rigorous, multi-disciplinary, rights-based enforcement program. An increase in resources is necessary to continue enhancing our victim-centered approach in which survivors of human trafficking are empowered as active participants in the criminal justice process. Our multi-faceted enforcement strategy has not only returned record prosecution results in terms of bringing traffickers to justice, it has simultaneously built partnerships with survivors and survivor advocates to restore the rights and dignity of some of the most vulnerable and marginalized members of our society, and developed innovative coordination structures to increase the efficacy of our anti-trafficking programs.

Recent prosecution results have reached unprecedented levels, but these are levels that cannot be sustained absent additional resources. In FY 2013, federal authorities brought 161 HT cases, a record number. During this time, the Civil Rights Division in partnership with United States Attorney's Offices, brought a record 71 cases involving sex trafficking of adults by force, fraud, coercion, and labor trafficking, a 28% increase over the previous record.

This increase in human trafficking extends beyond the past year. Over the past four years (FYs 2010-2013), for example, DOJ has brought 221 cases involving sex trafficking of adults by force, fraud, coercion, and/or forced labor, compared to 149 in the previous 4-year period (a 48% increase), and compared to 82 such cases in the 4-year period before that (a 173% increase).

Labor cases have increased to a total of 91 over the past four FYs, as compared to 55 in the four fiscal years before that, a 65% increase. Adult and international sex trafficking cases similarly have increased from 94 to 130, a 38% increase.

The Division is not only bringing more prosecutions than ever before, it also is bringing path-breaking cases that have led to new legal precedent supporting innovative theories of coercion. The Division has secured the first convictions under recently-enacted extraterritorial jurisdiction statutes, and brought more organized crime cases. Additional resources are needed to continue advancing the development of these groundbreaking, resource-intensive prosecutions.

The increased resource level will lead to an increase in the number of investigations opened, the number of cases brought, and the number of defendants charged.

Recent success is directly attributable to strategic partnerships built over the past four years. The Division has launched and expanded the U.S.-Mexico Bilateral Human Trafficking Enforcement Initiative, which has significantly enhanced the capacity to dismantle human trafficking networks operating across the U.S.-Mexico border. By exchanging leads and evidence between United States and Mexican law enforcement counterparts, the Division has been able to locate additional victims and apprehend additional targets. To act upon the additional leads identified through this partnership and to sustain the momentum generated through this initiative, additional resources will be required.

In 2011, DOJ partnered with FBI, DHS, and DOL to launch the Anti-Trafficking Coordination Team (ACTeam) Initiative, a federal law enforcement strategic partnership structure designed to streamline human trafficking investigations and prosecutions. Through this Initiative, DOJ and federal investigative agency partners convened ACTeams in six Phase I Pilot Districts and collaborated with other federal investigative agency headquarters to implement a coordinated, interagency strategy to identify and develop high-impact human trafficking investigations and prosecutions.

The structure has proven highly effective. In one Pilot District, where the ACTeam had never before brought a HT case, federal authorities, within the span of two years, secured the conviction of ten defendants in a multi-district, multi-defendant sex trafficking and labor trafficking case; developed two indictments in gang-related sex trafficking case; tried and won their first international sex trafficking case; and simultaneously initiated multiple international sex trafficking and labor trafficking investigations. DOJ, DHS, and DOL then collaborated to develop an intensive Advanced Human Trafficking Training Program piloted on the six Phase I ACTeams at the Federal Law Enforcement Training Center. The curriculum proved so effective it is now being expanded and adapted for local law enforcement task forces. The increased case identification opportunities generated by these capacity-building trainings can only be translated into additional victims rescued and additional traffickers apprehended and brought to justice if the Division attains concomitant increases in resources to handle these new investigations.

There are unique challenges in prosecuting human trafficking cases. Each of these investigations is time and labor intensive. The victims themselves are critical witnesses, but are often deeply traumatized, requiring a protracted, multi-disciplinary process to prepare a victim to confide their victimization. The duration of the offense may have spanned an extended period of months or years, and the complexity of the crime often calls for expertise in the prosecution of violent crimes, sex crimes, financial crimes, immigration offenses, and labor exploitation.

Accordingly, CRT's Criminal Section urgently needs additional resources to continue its anti-trafficking enforcement program, as well as to expand its ability to effectively coordinate and expand it throughout the nation.

The projected workload associated with the resources being requested is as follows:

	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17
Number of Trafficking Cases Filed	43	71	75	77	91	105
Number of Trafficking Defendants Charged	120	163	167	173	215	257
Number of Trafficking Matters Opened	153	223	161	165	241	318

Increasing the number of CRM personnel is essential to developing an effective coordination structure to ensure that these larger, more complex human trafficking cases are investigated and prosecuted efficiently and effectively in a systematic, proactive fashion. As we bring more complex cases involving trafficking networks, we anticipate that the United States will be able to more effectively seize greater assets from these criminal organizations.

We anticipate this increased staffing will enable us to respond to the increased volume of leads generated by our outreach and capacity-building efforts, and will also allow us to continue our outreach to further raise awareness and case identification capacity among stakeholders who may come into contact with potential victims and other vulnerable populations.

Estimated productivity increase associated with an additional 18 attorneys:

	Total	Per Attorney
Estimated increase in law enforcement/NGO outreach/training events for victim identification	36	2
Estimated increase in investigations initiated	153	8.5
Estimated increase in number of cases	36	2
Estimated increase in defendants charged	108	6

#### Impact on Performance

This initiative supports the Attorney General's Priority Goal to protect the most vulnerable members of society.

## Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
22	19	21	\$3,994	22	19	21	\$4,087	22	19	21	\$4,189

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys – Senior (0905)	\$114	10	\$1,140	\$ 933
Attorneys (0905)	89	8	712	537
Investigators (010-099)	76	2	152	127
Paralegals (0900-0999)	68	8	544	432
Clerical (300-399)	\$ 48	2	96	67
<b>Total Personnel</b>		<b>30</b>	<b>\$2,644</b>	<b>\$2,096</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Litigative Consultants	\$0	0	\$144	\$4

### Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Current Services	22	19	21	\$4,189	\$ 0	\$4,189	\$ 0
Increases	30	18	15	2,644	144	2,788	2,100
<b>Grand Total</b>	<b>52</b>	<b>37</b>	<b>36</b>	<b>\$6,833</b>	<b>\$144</b>	<b>\$6,977</b>	<b>\$2,100</b>

### Affected Crosscuts

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

## B. Ensure Effective and Democratically Accountable Policing

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

Strategic Objective 2.5: Promote and Protect Americans' Civil Rights

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Program Increase: Positions 25 Agt/Atty 13 FTE 13 Dollars \$2,519,000

### Description of Item

Protecting the public's trust in the integrity of law enforcement is critical to effective policing. The public and the law enforcement community recognize the need to establish the highest levels of confidence in the integrity and full accountability of police work. In the past year, the Division initiated the most inquiries into systemic deficiencies in police departments in the Division's history. The request for \$2,519,000 will provide for 25 new positions, including 13 attorneys, 6 paralegals, and 6 investigators to provide the capacity to effectively address this expanded workload.

### Support of the Department's Strategic Goals

This enhancement links to the FY 2012-2016 Strategic Plan, Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American's Civil Rights.

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 law enforcement work is designed to target unconstitutional conduct, while at the same time increasing community confidence in the police and improving public safety. Building on the experience of prior cases, the Division's investigations are more comprehensive, the findings are more thorough, and the remedies sought more detailed than ever before.

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 Criminal, Special Litigation, and Employment Litigation Sections as follows:

### Criminal (CRM)

CRM enforces the Nation's criminal laws penalizing law enforcement misconduct, hate crimes, and human trafficking, among other crimes. Criminal indictments and criminal prosecutions address the most egregious incidents of individual police misconduct, and can effect widespread, positive change across entire departments. The Section's total attorney staffing ceiling is 60 attorneys who devote approximately 40% of their time to police misconduct enforcement. The program increase will add four attorneys, two investigators, and two paralegals in support of CRM's police misconduct enforcement efforts.

Section investigators prepare case files for attorney review by working with the FBI to ensure proper evidence has been collected and ensuring that case files are complete. The addition of two investigators will increase productivity by allowing the investigative staff to carry a more manageable docket of about 100 cases each. The reduced docket size enables more efficiency in preparing files for prosecutor review and handling, resulting in a four percent increase in attorney productivity for each additional staff investigator. Currently, a shortage of investigative staff has created backlogs as investigators struggle to develop the case files for prosecutor review.

Along with the increased productivity resulting from the additional investigative and paralegal staff, the three new attorney positions funded through the increase should help return the Section to an overall 2.4 case/attorney ratio, reducing attorney burn-out and resulting in the Section bringing nine additional police prosecutions each fiscal year.

### Special Litigation (SPL)

SPL's law enforcement work focuses on patterns or practices of police misconduct, including broad investigations of departments with deeply-rooted and/or widespread structural breakdowns and targeted, issue-focused initiatives. Investigations always involve the use of police experts; often require reviewing tens of thousands of pages of documents; and routinely involve repeated site-visits and hundreds of interviews with police officials, line officers, victims of civil rights violations, community leaders and elected officials. If SPL finds violations, SPL seeks durable, sustainable remedies, often embodied in an injunction. Implementing reforms is a long-term and time-intensive process often lasting a decade. The Section is currently enforcing injunctions or agreements in nine law enforcement-related cases. SPL's total attorney staffing level is 43 line attorneys, who devote approximately 33% of their time to police misconduct enforcement. The program increase will add four attorneys, three investigators, and two paralegals in support of SPL's police misconduct litigation efforts.

As with CRM, the addition of investigative staff increases efficiency in producing more timely and complete case files. The increased productivity gained through additional support staff will enhance the level of police misconduct cases the attorneys will be able to initiate. In SPL, statistics show that for each additional attorney, one additional large investigation is possible in the first year. Resource needs diminish as the emphasis shifts from investigations to enforcement; however, as the docket of cases with consent decrees grows, the Section must commit more resources to ensure compliance. Over time, equilibrium is reached resulting in a smaller ratio of attorneys to cases after the first year of an investigation.

### Employment Litigation (ELS)

The Employment Litigation Section (ELS) enforces Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., (Title VII) against state and local government employers. As such, part of ELS's mandate is to increase the diversity and representativeness of police departments. While diversity alone is not enough to ensure fair policing practices, it is a critical component to improving trust between the community and the police department. As stated by a comprehensive report on police misconduct:

A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and

communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.<sup>1</sup>

ELS is a recognized leader in bringing challenges to public employer practices that unnecessarily screen out minorities and women. These large cases usually result in the employer changing its employment processes so that the new examinations or criteria actually evaluate candidates for what is necessary for the job and have less disparate impact on minorities and women. ELS's total attorney staffing ceiling is 45 attorneys and a substantial number of ELS's cases and investigations involve police departments. The program increase will add one attorney, one investigator, and one paralegal in support of ELS's mission to reduce police misconduct through equity in hiring practices. Cases that challenge a department's hiring or promotion policies are significant undertakings that require a large commitment of resources. Because of the large volume of documents and data that ELS must analyze, the Section usually assigns two attorneys and a paralegal to this type of investigation and may increase the team to three attorneys if the case moves to litigation. These investigations can take over a year to complete and during that year can take approximately half of an attorney's time. One additional attorney position will permit ELS to increase its caseload regarding police hiring and promotion practices and increase its ability to find, investigate, and litigate potential violations. The added attorney position will allow the Section to investigate a minimum of two additional police departments a year and expect to resolve two-to-three cases annually.

ELS will fill the additional investigator position with an individual who can conduct statistical analyses of departments' workforces and hiring practices to assist in identifying and investigating police departments for enforcement actions. This analysis would include reviewing a department's hiring practices at issue to see if it actually evaluates candidates on job-related criteria. Currently, ELS is forced to rely on consultants for some of these types of analyses. Having the capacity to conduct this work in-house would significantly increase ELS's efficiency.

In summary, the additional resources will allow CRT to make changes in policies and practices related to the use of force; stops, searches and arrests; custodial interrogations; photographic line-ups; prevention of discriminatory policing; community engagement; recruitment; training; officer assistance and support; performance evaluations and promotions; supervision; and misconduct investigations. The work will encourage greater civilian oversight and will foster community interaction and partnerships.

Effective policing and constitutional protections go hand in hand. We owe it to the communities, and to the law-abiding officers who put their lives on the line every day, to address the serious challenges confronting too many police departments. The Division is committed to working alongside its law enforcement partners in a spirit of fairness and professionalism, to ensure that all necessary reforms are achieved and the public is effectively and honorably served.

### Justification

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<sup>1</sup> Lorie Fridell, Robert Lunney, Drew Diamond and Bruce Kubu, Racially Biased Policing: A Principled Response, Police Executive Research Forum, 68-69 (2001), <http://www.policeforum.org/library/?folderPath=/library/racially-biased-policing/a-principled-response/#documents>.

The Civil Rights Division enforces both the criminal and civil statutes that protect the civil rights of persons in their interactions with law enforcement officers. As a result of the complexity of these matters, the lack of private right of action under Section 14141, and the cost of investigation and litigation, the Civil Rights Division plays a unique and critical role in ensuring that police practices across the United States are constitutional. CRT's unique mission within the Department also alleviates conflict of interest in the prosecution of local police departments by the U.S. Attorneys' Offices, and protects their role as partners in local enforcement.

Over the last three years, the Division has increased its overall workload in both complexity and scope while staffing ratios have dramatically reduced. The Criminal Section (CRM) maintained a robust docket of color of law cases. Allegations of police abuse and other official misconduct, which comprise the majority of complaints that CRM reviews, continue to be a high priority. In FY 2013, CRM charged 83 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, with using their positions to deprive individuals of their constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches. The number of cases that CRM has indicted has grown from a low in 2003 of 63 cases (of which 27 were police cases) to 141 in 2013 (of which 47 were police cases). From 2003 to 2013, the Section essentially doubled its case load with the same staff. In FY 2014, the number of defendants charged in this area was 10.

The Special Litigation Section's (SPL's) investigations have similarly increased in both number and scope. The Section has more active police pattern or practice investigations of law enforcement agencies now than during any other time in the Division's history. The Section has 25 active law enforcement pattern or practice cases: nine open investigations, five matters in litigation, and 11 matters that have been resolved by an agreement that SPL is enforcing.

With the combined growth in the overall docket, the increased demand for action on police misconduct matters has outstripped the Division's available resources. On average, each large, civil police investigation or enforcement matter requires 1,900 hours of attorney time in the first year of an investigation. From initiation to conclusion, these cases often take years to complete. While the workload requirements fluctuate over time, each matter requires a significant resource commitment throughout. On at least a weekly basis, community groups, public officials, or, in some cases, police leaders contact the Division asking SPL to open a pattern or practice investigation. Preliminary reviews of these matters have identified very serious concerns that would benefit from the Division's intervention.

## Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
71	52	71	\$11,928	71	52	71	\$11,928	71	52	71	\$12,174

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorneys (0905)	\$121	13	\$1,573	\$1,489
Investigators (010-099)	74	6	444	324
Paralegals (0900-0999)	\$ 65	6	390	270
Total Personnel		25	\$2,407	\$2,083

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2015 Request (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Litigative Consultants	\$0	0	\$112	\$3

### Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	71	52	71	\$12,174	\$ 0	\$12,174	\$ 0
Increases	25	13	13	2,407	112	2,519	2,086
Grand Total	96	65	84	\$14,581	\$112	\$14,693	\$2,086

### Affected Crosscuts

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

## C. Protect Civil Rights for All

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

Program Increase: Positions 104 Agt/Atty 50 FTE 52 Dollars \$8,762,000

### Description of Item

The Department is requesting additional resources of 104 positions (50 attorneys) and \$8.7 million to strengthen the civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal and for other programs that require renewed emphasis. While the requested increase would benefit all programmatic areas, it would specifically allow CRT to increase its efforts against civil rights violations associated with human trafficking, hate crimes, and enforcement of the Civil Rights of Institutionalized Persons Act (CRIPA). In addition, CRT would be able to expand opportunities for people with disabilities and broaden overall protections for equal education, equal housing, and equal employment. These are areas that the Attorney General has determined warrant specific attention and has identified as part of his Vulnerable People Priority Goal.

### Support of the Department's Strategic Goals

The Attorney General's Strategic Goal 2 and Vulnerable People Priority Goal correlate directly with CRT's request to restore and strengthen civil rights enforcement. The Attorney General is strongly committed to providing civil rights protections for all people, especially those who are part of the Nation's most vulnerable populations. Increased efforts to eradicate discrimination play an integral role in DOJ's Strategic Plan.

### Justification

**Human Trafficking.** Trafficking in humans stands among the most offensive moral scourges in America and is equivalent to a modern-day slave trade. Each year, an estimated six to eight hundred thousand victims, many of them children, are brutalized, traumatized, and isolated, leaving them bereft of hope of escape or rescue. There are unique challenges in prosecuting such investigations, as each is time and labor intensive; demanding of both specialized skills and the ability to conduct the investigations across jurisdictions and international borders.

**Hate Crimes.** Hate crimes enforcement is one of the Administration's and the Department's top civil rights priorities. Perpetrators of these crimes victimize not only individuals but families and even entire communities. Prosecuting persons committing these crimes has remained at the core of the Civil Rights Division since its inception in 1957. The incidence of these hate crimes continues to rise and additional resources are desperately needed to investigate and prosecute those who engage in these atrocious acts. Additionally, CRT must extend its outreach efforts to mitigate these crimes and their impacts through education, awareness, and intervention.

Institutionalized Persons. Enhanced enforcement efforts will combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention and correctional facilities, and address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will enhance significantly our law enforcement efforts by increasing the number of investigations, settlements, and cases, as well as by strengthening our monitoring of settlements to ensure compliance.

## Funding

### Base Funding

2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
714	383	573	\$144,173	714	383	606	\$147,239	714	383	606	\$158,977

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys (905)	\$101	50	\$5,050	\$3,964
Civil Rights Analyst (160)	77	5	385	317
EO Specialist (010-099)	77	9	693	571
Economist (110)	77	1	77	63
Statistician (1529)	77	6	462	381
Investigator (010-099)	71	12	852	614
Personnel Specialist (010-099)	77	2	154	127
Budget Analyst (500-599)	77	1	77	63
Paralegal (900-998)	52	10	520	469
Clerical (300-399)	\$ 48	8	384	270
Total Personnel		104	\$8,654	\$6,839

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Litigative Consultants	\$0	0	\$72	\$1

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	714	383	606	\$158,977	\$ 0	\$158,977	\$ 0
Increases	104	50	52	8,654	72	8,726	8,726
Grand Total	818	433	658	\$167,631	\$72	\$167,703	\$8,726

### Affected Crosscuts

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

## D. Protect Students from Sexual Assault in Schools

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

Program Increase: Positions 5 Agt/Atty 4 FTE 3 Dollars \$500,000

### Description of Item

Program Increase requested to support the hiring of a team (Team) to coordinate and engage in enforcement, guidance, and technical assistance under Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex, including sexual assault and harassment, in schools, colleges and universities that receive federal funds.

### Justification

This Administration has made the prevention and elimination of sex-based discrimination, specifically sexual assault and violence, one of its top priorities. With the creation of the White House Task Force to Protect Students from Sexual Assault (Task Force) and the growing public demand for the Department of Justice to use Title IX to address sexual assault on college campuses, there is a renewed awareness of the Civil Rights Division's authority to protect vulnerable populations from sexual assault. The Task Force's first report, *Not Alone*, highlighted the prevalence of sexual assault on campus and laid out concrete steps to address problems such as inadequate prevention and education programming; challenges in reporting and confidentiality; and the role of campus law enforcement. To fully enforce Title IX in primary and secondary schools, and institutions of higher learning, including meeting its mandate to address sexual assault against students, CRT needs additional resources.

The Educational Opportunities Section (EOS) enforces prohibitions on discrimination in public schools and institutions of higher learning on the basis of race, color, national origin, sex, disability, and religion. Because of EOS's large docket, which includes more than 200 cases and other matters involving discrimination and harassment, EOS can only dedicate approximately 10% of its enforcement time to matters involving sexual assault and/or harassment.<sup>2</sup> Currently, EOS has seven open matters focused on sexual assault and/or sexual harassment, with only two cases on college campuses and six cases in K-12 institutions. The need for EOS to initiate more enforcement actions in this area is clear, but EOS currently lacks the staff and resources necessary to expand its efforts. Notably, resources are imperative at the investigation stage, where EOS is tasked with evaluating the scope of the problem in districts and on campuses with tens of thousands of students, as well as in the compliance monitoring phase following resolution.

In addition to its enforcement work, CRT is tasked under Executive Order 12250 with coordinating Title IX enforcement across federal agencies. CRT provides technical assistance to federal agencies as they address sexual assault and harassment matters within the context of

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<sup>2</sup> While the U.S. Department of Education's Office for Civil Rights also enforces Title IX and works with schools to secure voluntary compliance with Title IX, it does not litigate cases.

Title IX. CRT also reviews policy and guidance documents issued under and/or related to Title IX. In 2000, CRT coordinated the drafting and issuance of Title IX regulations for all federal agencies except for the Department of Education. Agencies then used these regulations to combat sex-based discrimination in the activities that they funded, including education programs.

The requested program increase is critical to CRT's Title IX enforcement and coordination work. First, the program increase would support – for the first time – a team to coordinate and engage in Title IX enforcement, guidance, and technical assistance. The team would serve as a central and dedicated force to combat sexual assault and harassment, and would enable the Department to address these issues in a manner consistent with the priorities of the Administration and the nation.

A central team that can fully enforce Title IX and, simultaneously, track and monitor Title IX programs and enforcement activity across the federal government is critical. At present, however, the Department lacks the resources to fully achieve the goals identified by the Task Force. The public's recognition of the need for broader enforcement of Title IX and the Task Force's efforts to address sexual assault on campus highlight the need for a CRT team of five full-time employees with Title IX expertise.

#### Impact on Performance

The Team would strengthen CRT's Title IX enforcement work by reviewing and analyzing all Title IX complaints filed with CRT, by investigating significantly more cases and matters under Title IX, and by pursuing cases referred to CRT by other agencies.

In response to the nation's renewed focus on sexual assault and harassment, the number of Title IX complaints that CRT receives has increased dramatically. Even with this development, however, CRT has not been able to transition an attorney to focus exclusively on Title IX enforcement work. The program increase would provide needed resources to ensure appropriate review, investigation, and response to these complaints. Moreover, CRT could bring more actions against schools and higher education institutions for violations of Title IX. From FY 2013 to the present, CRT has only engaged in two Title IX compliance reviews for sexual assault and harassment against institutions of higher education. Robust enforcement of Title IX will protect students from sexual assault and signal to schools nationwide the importance of compliance with the requirements of Title IX.

The Division is responsible for coordinating Title IX enforcement across the U.S. Government. The Team at CRT can fulfill this obligation by: coordinating a review of all executive agencies' policies, procedures, and programs regarding Title IX; providing Title IX guidance and technical assistance to federal agencies; and reviewing Title IX-related draft guidance from federal agencies. CRT has already fielded numerous requests for assistance from agencies as part of their ongoing review of Title IX policies, procedures, and programs, but staffing and resource constraints have limited CRT's ability to respond to this growing demand for assistance. With greater resources, CRT also could update the Title IX manual, a vital resource for all federal agencies.

The Team would engage in much-needed outreach and assistance to students, families, communities, and schools to raise awareness and address inquiries regarding Title IX. Moreover, through such outreach and technical assistance, CRT will be more aware of concerns and issues arising in the field, so that CRT can help all agencies respond effectively and efficiently.

The Team would continue CRT's work with the Task Force, whose work includes drafting and reviewing model policies and guidelines that educational institutions can use to respond to and address sexual harassment and assault on campus, as well as interagency partnership and collaboration.

The program increase would support the expansion and strengthening of CRT's Title IX work. To monitor the impact of the program increase, CRT will continue to track and report new and open cases and matters, policy and guidance efforts, and outreach and technical assistance.

## Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
0	0	2	\$446	0	0	2	\$446	0	0	2	\$446

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys - Senior (0905)	\$114	3	\$342	\$280
Attorneys (0905)	89	1	89	67
Paralegals (0900-0999)	\$ 68	1	68	54
Total Personnel		5	\$499	\$401

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Litigative Consultants	\$0	0	\$1	\$1

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Current Services	0	0	2	\$446	\$0	\$446	\$ 0
Increases	5	4	3	499	1	500	402
Grand Total	5	4	5	\$945	\$1	\$946	\$402

### Affected Crosscuts

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

## E. Guarantee Voting Rights for All Americans

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

Program Increase: Positions 12 Agt/Atty 8 FTE 6 Dollars \$1,200,000

### Description of Item

The Civil Rights Division is requesting additional resources for enforcement of the Voting Rights Act.

### Justification

The Civil Rights Division is charged by Congress with enforcement of the federal voting rights statutes that protect the right to vote for all American citizens.

The Division's voting rights work changed significantly on June 25, 2013 when the Supreme Court, in *Shelby County v. Holder*, held that the coverage formula in Section 4(b) of the Voting Rights Act can no longer be used as a basis for subjecting jurisdictions to the preclearance requirement of Section 5 of the Voting Rights Act (VRA). As a consequence, the Division has ceased reviewing administrative submissions under Section 5.

Because of the *Shelby County* decision, the Division's voting rights work is necessarily shifting to greater affirmative efforts to detect and investigate voting practices that violate federal law, to more affirmative litigation to enjoin such practices, and to additional efforts to monitor elections throughout the country each year. Resources previously devoted to Section 5 reviews have been shifted to monitoring, identifying, and investigating voting practices that may violate federal law, as well as assisting with litigation challenging such practices around the country. These monitoring, investigative, and litigation efforts are very resource intensive.

The Division will place emphasis going forward on affirmative enforcement of Section 2 of the VRA, which prohibits voting practices that are racially discriminatory in purpose or effect. The Division will also continue its emphasis on the enforcement of the language minority requirements of the VRA, which require certain jurisdictions to provide ballots, voting information, and voting assistance in minority languages to affected communities.

The Division will also continue to place emphasis going forward on the enforcement of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended in the 2009 Military and Overseas Voter Empowerment Act (MOVE). UOCAVA protects the ability of uniformed services voters and their families who are away from home, and U.S. citizens who are overseas, to register and vote absentee in federal elections. The Division seeks to monitor ballot transmission to UOCAVA voters by states all around the country in all federal elections, including special elections, primary elections, runoff elections, and general elections for federal office. This is a very resource-intensive effort to collect and analyze the relevant information from states around the country throughout the election calendar for federal elections, and to take appropriate enforcement action where needed to ensure that UOCAVA voters can cast a ballot that can be counted.

The Division also seeks to detect and address violations of the National Voter Registration Act and the Help America Vote Act. Each of these statutes set forth specific procedures for states to follow with respect to registration and voting in elections for federal office.

The requested enhancement will provide for additional attorneys and professional staff who will investigate potential violations of the federal voting rights laws and assist in preparing and bringing enforcement action to address violations.

#### Impact on Performance

The Attorney General has identified protecting the right to vote as one of the Department of Justice's highest priorities. The Civil Rights Division is charged by Congress with enforcement of the federal voting rights statutes that protect the right to vote for all American citizens. In practice, these statutes often ensure that the most vulnerable members of our society can vote. This includes voters such as those who are members of the uniformed services who are serving away from home, U.S. citizens residing overseas, voters with disabilities, voters who speak a language other than English, and voters who are subject to racial discrimination. The requested enhancement will support and advance the objective of protecting vulnerable members of society in the exercise of their right to vote, which is among the most fundamental of our freedoms.

## Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
73	38	65	\$14,921	73	38	65	\$15,234	73	38	65	\$15,579

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)
Attorneys (0905)	\$114	8	\$ 912	\$746
Civil Rights Analyst (160)	76	1	76	63
Paralegals (0900-0999)	\$ 68	3	204	162
Total Personnel		12	\$1,192	\$971

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Litigative Consultants	\$0	0	\$8	\$8

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)
Current Services	73	38	65	\$15,579	\$0	\$15,579	\$ 0
Increases	12	8	9	1,192	8	1,200	979
Grand Total	85	46	74	\$16,771	\$8	\$16,779	\$979

### Affected Crosscuts

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

## F. Ensure Equal Employment Opportunity

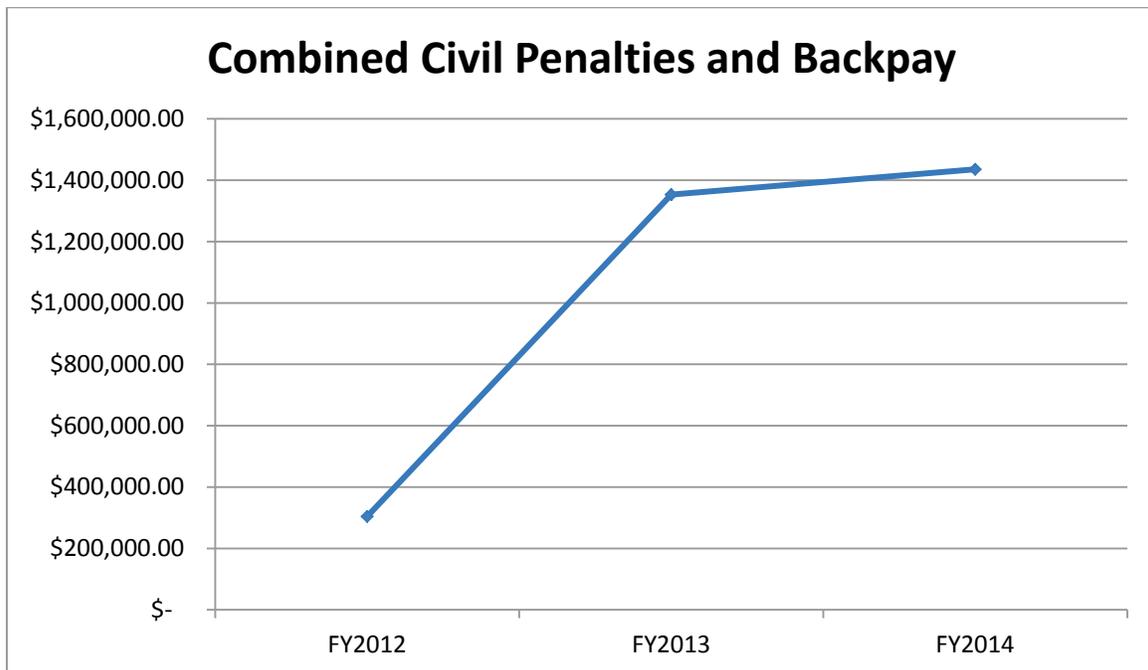
Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law  
 Strategic Objective 2.5: Promote and Protect Americans' Civil Rights  
 Budget Decision Unit(s): Civil Rights Division  
 Organizational Program: Civil Rights Division

Program Increase: Positions 3 Agt/Atty 2 FTE 2 Dollars \$305,000

### Description of Item

To date, more than 570,000 employers throughout the United States use E-Verify, an Internet-based program administered by the Department of Homeland Security that allows employers to confirm an individual's employment eligibility. With an average of 1,400 new employers enrolling in E-Verify per week, E-Verify enrollment has doubled since FY 2011. This growth has caused E-Verify-related discrimination against work-authorized employees to increase at a staggering rate.

The Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) enforces the anti-discrimination provision of the Immigration and Nationality Act (INA). This provision prohibits employers from discriminating on the basis of national origin and citizenship or immigration status in the employment eligibility verification process, which includes the E-Verify process. In large part because of the increase in E-Verify-related enforcement work, OSC collected more than \$1.3 million in combined back pay and civil penalties in FY13, and more than \$1.4 million in combined back pay and civil penalties in FY14. As illustrated in the graph below, this represents a significant jump from FY12, during which OSC collected a total of \$304,425.



Pursuant to a Memorandum of Agreement entered into by U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security and OSC in 2010, USCIS has been referring to OSC an increasing number of matters involving E-Verify-related discrimination over the past two years. However, the Division is unable to investigate the vast majority of cases referred. Moreover, OSC has received an increasing number of E-Verify-related charges in recent years and has had to devote significant resources to E-Verify-related policy work and hotline calls, through which OSC staff provides assistance and information to the public regarding the INA. The additional resources requested would be used to enforce the laws that protect employees from E-verify-related discrimination and supplement its enforcement efforts with critical E-Verify policy and hotline work.

The Civil Rights Division's request includes a program enhancement of 3 positions (including 2 attorneys and 1 paralegal) and \$305,000. These resources will enable the Department to open more investigations and hold more employers accountable for violating the INA.

#### Support of the Department's Strategic Goals

The Division's enhancement request seeks to direct greater resources to fighting discrimination that violates the INA, including E-Verify-related discrimination, which relates directly to the Attorney General's Strategic Goal 2. This type of discrimination disproportionately affects minority, disadvantaged and immigrant populations, and increased resources are necessary to investigate, prosecute and seek redress on behalf of those who are harmed.

#### Justification

The Civil Rights Division will expand civil enforcement efforts, including investigations and cases of E-verify-related discrimination, in order to protect work-authorized employees from being discriminated against in violation of the anti-discrimination provision of the INA.

## Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
11	7	8	\$1,298	11	7	8	\$1,345	11	7	8	\$1,397

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 206) (\$000)
Attorneys (0905)	\$121	2	\$242	\$115
Paralegal (900-998)	\$ 63	1	63	\$45
Total Personnel		3	\$305	\$161

### Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	11	7	8	\$1,397	\$0	\$1,397	\$ 0
Increases	3	2	2	305	0	305	161
Grand Total	14	9	10	\$1,702	\$0	\$1,702	\$161

### Affected Crosscuts

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

## 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	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 or 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	DRS	Title I of the Americans with Disabilities Act prohibits private

Disabilities Act, Title I		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	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	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	Section 1703(f) of the EEOA requires state educational agencies and school districts to take action to overcome language barriers that impede English Language Learner students from participating equally in school districts' educational programs.
Individuals with Disabilities in Education Act (IDEA)	EOS	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	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 or 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 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 as they enter 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 and Law Enforcement Act § 14141	SPL	Section 14141 of the Violent Crime 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 Voting Act (UOCAVA)	VOT	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 portions)	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.

## VII. EXHIBITS

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