

U.S. Department of Justice Civil Rights Division

FY 2018 PERFORMANCE BUDGET Congressional Justification



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I. CIVIL RIGHTS DIVISION OVERVIEW

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

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

To continue these efforts, in FY 2018 the Division respectfully requests a total of \$148,125,000 to fund 593 positions – including 593 direct full time equivalents (FTE) and 369 attorneys – to protect, defend, and advance civil rights in our nation. Electronic copies of the Department's Congressional Budget Justifications, Capital Asset Plan, and Business Case Exhibits are also available online at www.justice.gov/02organizations/bpp.htm.

This budget submission strives to provide detailed information and guidance to assist Congress in evaluating the Division's FY 2018 funding request. This submission provides an overview of the Division's work. Then describes justifications for the various program activities. Throughout this document, the Division illustrates its work with examples. While these examples aim to convey the impact, scope, and approach of the Division's efforts in a comprehensive manner, they do not document the entirety of its efforts.

CIVIL RIGHTS ENFORCEMENT IN FY 2018

The Civil Rights Act of 1964 established landmark protections against discrimination on the basis of race, color, national origin, sex, and religion. The Civil Rights Act built the groundwork for other critical federal civil rights statutes passed by Congress, including the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Americans with Disabilities Act (ADA) of 1990, and the Shepard-Byrd Hate Crimes Prevention Act of 2009.

The Division's robust caseload serves as a stark reminder that discrimination continues to be a reality for many and that the Division plays a unique and critical role in enforcing these statutes.

In order to effectively enforce the law, the Division must constantly change and improve. That means empowering our staff to look for new and better ways of doing their jobs and ensuring that administrative services – personnel support, budget and information technology – align with



our mission. It also means effectively managing our workforce.

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

The Initiative:

- Empowers internal innovation;
- Tackles specific “sticky” challenges using structured problem-solving methods like design thinking, lean, and behavioral science; and
- Connects the Civil Rights Division to the broader community of innovators in government, academia, and industry.

The Initiative brings a strategic vision to the process of making the Civil Rights Division a more impactful, more effective, and more efficient part of government.

PROTECTING INDIVIDUALS FROM EXPLOITATION, DISCRIMINATION, AND VIOLENCE

CRIMINAL ENFORCEMENT

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

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

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

❖ PROSECUTING AND PREVENTING HUMAN TRAFFICKING

The Division plays a lead role in the Department's efforts to enforce laws against human trafficking, including both sex trafficking and forced labor. Working with U.S. Attorneys' Offices nationwide, the

Division leads prosecutions of complex, multi-jurisdictional, and international cases. It also spearheads coordination initiatives to strengthen the federal law enforcement response to human trafficking crimes. In addition, the Division provides national and international expertise in cases involving forced labor; sex trafficking of adults by force, fraud, and coercion; and international sex trafficking cases.

The Division continues to bring an increasing number of human trafficking cases. In fiscal years 2013 – 2016, the Division brought 357 human trafficking cases, compared to 200 in fiscal years 2009 – 2012, marking a 78.5 percent increase. This increase requires vigorous, coordinated, and creative efforts to prevent crimes, protect victims, and prosecute traffickers.

Across the government, the Division aims to bring an innovative, collaborative, and entrepreneurial approach to tackling this heinous crime. In partnership with the Departments of Homeland Security and Labor, the FBI, and the Executive Office of United States Attorneys, beginning in 2011, [the Division helped launch the Anti-Trafficking Coordination Team \(ACTeam\) Initiative](#), an interagency effort to develop high-impact human trafficking investigations and prosecutions. Throughout Phase I of the Initiative, which ran from 2011 – 2013, six Phase I Pilot ACTeams in Atlanta, Georgia; El Paso, Texas; Kansas City, Missouri; Los Angeles, California; Memphis, Tennessee; and Miami, Florida formulated and implemented a coordinated, proactive, interagency federal law enforcement strategy to combat human trafficking. In these ACTeam districts, prosecutions of forced labor, international sex trafficking, and adult sex trafficking rose even more markedly than they did nationally. For example, the number of defendants convicted rose 86 percent in ACTeam districts, compared to 14 percent in non-ACTeam districts, and 26 percent nationwide. To build on this effective program, in December 2015, [the Department announced the locations for six new ACTeams to lead Phase II of the Initiative](#): Cleveland, Ohio; Minneapolis, Minnesota; Newark, New Jersey; Portland, Maine; Portland, Oregon; and Sacramento, California.

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

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

❖ COMBATING HATE CRIMES

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

In 2009, Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. This law added new federal protections against crimes based on gender, disability, gender identity, or sexual orientation and removed unnecessary jurisdictional obstacles that interfered with our prosecution of racially and religiously motivated violence.

In FY 2016 and the first part of FY 2017, the Division charged 10 defendants and won seven convictions under the Shepard-Byrd Act. In FY 2016, prosecutors from the Criminal Section and the United States Attorney's Office for the District of South Carolina obtained convictions in the trial of Dylann Roof, on a 33-count indictment. He was charged with federal hate crimes and firearms charges for killing and attempting to kill African-American parishioners at Emanuel African Methodist Episcopal Church in Charleston, South Carolina, because of their race and in order to interfere with that exercise of their religion. The indictment charges that, on June 17, 2015, while parishioners at Mother Emanuel were engaged in religious worship and Bible study, Roof drew a pistol and opened fire on them, ultimately killing nine church members. Roof was convicted and the jury voted to sentence him to death, a sentence which has been imposed by the court but not yet carried out.

The Division also enforces federal criminal statutes that prohibit violence against houses of worship and against individuals practicing their religion. The Church Arson Prevention Act, 18 U.S.C. 247 (Section 247), criminalizes the intentional obstruction by force, or threat of force of any person in the enjoyment of that person's free exercise of religious beliefs. Other criminal provisions of the United States Code prohibit threats in interstate commerce and threats to kill or destroy property by fire or explosions.

The Division has a long history of enforcing these laws. Over the last decade, the Division has prosecuted approximately 31 cases involving damage to and threats against houses of worship and religious communities. For example, in FY 2016 and 2017, the Division:

- [Charged an Idaho man with arson of a Catholic Church in Bonners Ferry, Idaho;](#)
- [Working with the FBI, the Division investigated a series of threats against Jewish community centers, day schools and synagogues;](#)
- In partnership with U.S. Attorneys' Offices, [convicted a Connecticut man for firing a high-powered rifle at a mosque](#) and [a Florida man for threatening to firebomb two mosques and shoot their congregants.](#)

CIVIL ENFORCEMENT

The Division's civil enforcement work includes extensive efforts to protect individuals in institutions from exploitation, discrimination, and violence, including:

- We investigate and litigate cases involving egregious abuse of prisoners, including the sexual abuse of female prisoners; and,
- We investigate and litigating cases aimed at preventing the unnecessary incarceration of children.

The Division pursues these cases through enforcement of the Civil Rights of Institutionalized Persons Act (CRIPA). CRIPA, passed by Congress in 1980, 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. The Division brings a variety of cases under CRIPA each year, including those that focus on the sexual abuse of individuals in institutions. For example, in late-FY 2015, the Division entered into a settlement to protect prisoners at the [Julia Tutwiler Prison for Women in Wetumpka, Alabama](#), from sexual victimization by correctional officers. The settlement followed the

Department's issuance of a findings letter, concluding that Tutwiler subjects women prisoners to a pattern and practice of sexual abuse in violation the Eighth Amendment of the U.S. Constitution. The findings identified several systemic failures that led to the pattern of abuse, including ineffective reporting and investigations and no grievance policy. Tutwiler also failed to hold culpable staff accountable for abuses.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY

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

- We protect the voting rights of all Americans, including minorities, people with disabilities, individuals who need language assistance, servicemembers serving away from home, and American citizens living overseas.
- We protect those who protect us by vigorously pursuing employment, housing, credit, voting, and other cases on behalf of service members.

❖ PROTECTING VOTING RIGHTS

The Division enforces several federal statutes that are intended to protect Americans' voting rights. These include the Voting Rights Act of 1965, the National Voter Registration Act (NVRA), the Help America Vote Act (HAVA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and the Military and Overseas Voter Empowerment Act (MOVE Act). It also enforces provisions of the Americans with Disabilities Act (ADA) that seek to ensure that people with disabilities can access voting places.

The Division also monitors elections for compliance with federal law. In the November 2016 general election, [the division coordinated the deployment of more than 500 personnel to monitor elections](#) in 67 jurisdictions in 28 states for compliance with the federal voting rights laws.

Through enforcement of the National Voter Registration Act (NVRA), the Division requires that states comply with federal law by providing voter registration opportunities to citizens applying for or renewing their driver licenses. In FY 2016, the division reached comprehensive settlements with the [state of Alabama](#) and the [state of Connecticut](#) to ensure compliance with the NVRA's voter registration provisions.

The Division also works to protect the voting rights of Alaska Natives and Native Americans, as well as voters who need language assistance. Over the last several years, the Division has taken a number of steps to protect such voters. This has included filing several statements of interest and amicus briefs in cases involving the voting rights of Native Americans



and Alaska Natives. The Division has monitored elections in jurisdictions with significant populations of Native American and Alaska Native voters. The Division has also brought and resolved several lawsuits to ensure voting access for limited English proficient (LEP) Spanish-speaking voters.

The Division continues its efforts to protect the rights of voters with disabilities. In addition to protections under the Voting Rights Act, Title II of the ADA requires jurisdictions to ensure that polling places and voting systems remain accessible to people with disabilities. This obligation extends to all voting activities carried out by jurisdictions, including registration, early voting, and voting at the polls on election day. Election officials must provide physically accessible polling places, modify policies as needed to provide access to the polls, and ensure effective communication with people with disabilities. Jurisdictions also must not implement voter eligibility requirements that disenfranchise voters because of intellectual or mental disabilities.

Finally, the Division vigorously safeguards the voting rights of service members. In 2009 Congress enacted the Military and Overseas Voter Empowerment Act (MOVE Act), which made broad amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Among the new protections was a requirement that states transmit absentee ballots to voters covered under UOCAVA, by mail or electronically at the voter's option, no later than 45 days before federal elections. Since the law's 2010 effective date, the division has obtained numerous court orders or agreements to obtain compliance with the Act throughout the country and help ensure that military service members, their families and U.S. citizens living overseas have the opportunity to participate in all federal elections. For example, for the 2010 federal general election, the Division obtained court orders, court-approved consent decrees or out-of-court letter or memorandum agreements in 11 states, two territories and the District of Columbia. In subsequent cases, the Division obtained favorable judgments in cases against [New York](#), [Alabama](#) and [Georgia](#) to ensure compliance with UOCAVA.

❖ PROTECTING THOSE WHO PROTECT US



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

their right to reasonable accommodation when they have a disability. Many servicemembers rely on the Division to bring cases in situations where they otherwise could not find or afford private attorneys.

The Division's work on behalf of service members includes aggressive enforcement of UOCAVA (described above), the Uniformed Services Employment and Reemployment Rights Act (USERRA), and the Service members Civil Relief Act (SCRA). Congress passed USERRA in 1994 to ensure that service

members can return to their civilian jobs when they complete their military service. The SCRA provides protections in housing, credit, and taxes for military members who are on active duty.

ENSURING EQUAL OPPORTUNITY FOR ALL PEOPLE

The Division's civil enforcement work also includes enforcement of federal laws designed to ensure equal opportunity for all people across a range of areas, from education, to the workplace, to housing.

❖ EXPANDING EQUAL OPPORTUNITY IN EDUCATION



The Division enforces federal laws designed to ensure equal educational opportunities for all of our nation's students, including laws that protect students from discrimination because of their race and national origin, such as Title IV of the Civil Rights Act of 1964. The Division also works with school districts operating under desegregation consent decrees with the United States to

implement the necessary relief to ensure that students of all races have equal access to resources and opportunities and then return schools to the control of local government.

The Division enforces the Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964, which ensure that English Learner (EL) students receive an education that meets their needs. Without direct and effective instruction to help them learn English, EL students risk falling behind in their classes, which can lead to missed opportunities for advanced course offerings, extracurricular activities, on-time graduation, and college readiness.

The Division also seeks equal educational opportunity for students with disabilities. In these cases, the Division seeks to ensure compliance with federal laws that require integration of students with disabilities into general education programs and the elimination of barriers to learning and participating in school and community activities.

❖ PROTECTING U.S. WORKERS FROM DISCRIMINATION

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



The Division works to protect the rights of U.S. workers. This includes protecting native-born and naturalized U.S. citizens from employment discrimination because of their citizenship status. It also includes enforcement actions against companies that deny employment to work-authorized individuals or subject those individuals to discriminatory employment eligibility verification procedures. Such unfair employment practices have a devastating impact on workers and violate the anti-discrimination provision of the Immigration and Nationality Act (INA).

The Division brings a wide range of employment discrimination cases, including those addressing sexual harassment and discrimination on the basis of sex, pregnancy, race and religion. The Division brings these cases under Title VII of the Civil Rights Act of 1964 (Title VII) and the Americans with Disabilities Act (ADA).

❖ PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

In addition to prosecuting violence against houses of worship and religious communities, the Division seeks to protect the right to religious worship through its enforcement of Religious Land Use and Institutionalized Persons Act (RLUIPA). RLUIPA bars local governments from using zoning and land use rules that discriminate against religious communities and houses of worship. It also prohibits state and local institutions like jails, prisons, juvenile facilities, and government institutions housing people with disabilities from placing arbitrary or unnecessary restrictions on religious practice.

The Division has enforced RLUIPA in a wide range of situations involving local governments that have denied religious communities the right to build churches, synagogues and mosques. The Division has also enforced RLUIPA to protect the rights of individuals in institutions to pray, observe kosher diets, and have access to religious publications.

❖ EXPANDING EQUAL OPPORTUNITY IN HOUSING AND LENDING



A family's access to housing determines far more than where it can live. It affects access to strong schools, quality transportation, and good jobs. Almost five decades after the passage of the Fair Housing Act, housing discrimination continues to harm communities across the country. Far too many home seekers encounter prejudice, stereotypes, and discrimination that limit where there can live.

Each fiscal year, the Division brings numerous cases alleging discrimination on the basis of race, sex, national origin, and religion in violation of the Fair Housing Act. Over the last several years, the Division has filed a number of cases involving egregious sexual harassment of female tenants and women seeking public housing assistance. For example, in July 2015, the Division entered into a settlement with Southeastern Community and Family Services,

Inc. (SCFS), a public housing agency that administers the Section 8 voucher program in Scotland County, North Carolina, and two of SCFS' former employees. [The defendants agreed to pay more than \\$2.7 million in monetary damages and civil penalties](#) to settle consolidated Fair Housing Act lawsuits alleging egregious sexual harassment of women seeking public housing assistance. This is the largest settlement ever agreed to in a sexual harassment case brought by the Justice Department under the Fair Housing Act.

The Division also enforces federal law to ensure that all qualified borrowers have equal access to fair lending. The Division pursues this work through enforcement of the Fair Housing Act, the Equal Credit Opportunity Act, and the Service members Civil Relief Act.

❖ PROVIDING OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

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



❖ **BOLSTERING COMPLIANCE THROUGH COLLABORATION, COORDINATION, TECHNICAL ASSISTANCE, AND OUTREACH**

The Division uses collaboration, coordination, technical assistance, and outreach to bolster compliance with federal civil rights laws. The Division uses outreach, technical assistance, and trainings to educate the public about civil rights laws and promote voluntary compliance by companies and state and local governments.

The Division uses collaboration, coordination and outreach to achieve Division and Department priorities. In April 2017, Attorney General Sessions released details about the Department's Task Force on Crime Reduction and Public Safety, which he created on February 27th. The Attorney General highlighted that the Hate Crimes Subcommittee of the task force is one of the four subcommittees through which the Task Force will do its work. In June, the Task Force will hold a summit on violent crime.

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

- The Division's close working relationships with U.S. Attorneys' Offices, in addition to enforcing other federal civil rights laws, have helped rescue human trafficking victims and put traffickers in prison. During FY 2016, the number of human trafficking leads and complaints reviewed by the Division significantly exceeded the target by 70%. Based upon year-to-date information, FY 2017 is likely to end with a similar result.
- The Division has Memoranda of Understanding with the Equal Employment Opportunity Commission (EEOC) to further the goals of [Title VII of the Civil Rights Act of 1964](#), as well as [the ADA and the Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#), in prohibiting employment discrimination in the state and local government sector. The MOUs include provisions for the coordination of the investigation of charges alleging violations of Title VII, the ADA, or GINA, while respecting the distinct responsibilities and enforcement priorities of each agency. Since the agencies began coordinating on charges, the Division has examined more than 300 charges for potential collaboration.
- Since 2015, the Division has entered into several memoranda of understanding (MOUs) with foreign governments aimed at educating work-authorized immigrant workers about anti-discrimination law and creating a system of complaint referrals. Under the MOUs – with [Ecuador](#), [El Salvador](#), [Honduras](#), [Mexico](#), and [Peru](#) – the division will participate in events sponsored by the embassies and consulates aimed at educating workers about their workplace rights and train consular staff on anti-discrimination law so that they can better assist their communities. The embassies, in turn, will establish a system for referring discrimination complaints from consulates to the division. To date, the division has conducted six formal trainings and outreach sessions with consular offices around the country and has received several referrals from embassies and consulates.

The Division uses technical assistance and training to help individuals and organizations understand their rights and responsibilities under federal law. In some circumstances, federal law requires the Division to provide technical assistance to the public to promote voluntary compliance with federal antidiscrimination laws. Examples include:

- The ADA requires the Division to provide technical assistance to businesses, state and local

governments, people with disabilities, non-profit agencies, and others who have responsibilities or rights under Titles II and III of the ADA. To carry out this mandate, the Division creates and disseminates an array of technical assistance materials; operates a nationwide toll-free ADA Information Line and the ADA website; provides educational presentations and training sessions; and engages in outreach targeted to businesses, state and local governments, and people with disabilities. The Division's Technical Assistance Program strives to provide accurate, understandable, and timely information to people across the country, to increase understanding of, and voluntary compliance with, the ADA. In FY 2015 and 2016, the ADA Information Line responded to more than 105,511 calls, and the ADA website received close to 37.8 million hits. The Division provided outreach and education to covered entities and people with disabilities on the requirements of the ADA. In FY 2016, we presented 47 speeches, workshops, and training sessions to a combined audience of more than 11,312 people.

- The Division has conducted an extensive, nationwide public outreach campaign to educate workers, employers, and concerned organizations about the anti-discrimination provision of the INA. In FY 2016, the Division participated in more than 234 public outreach sessions and webinars and handled more than 5,951 calls through its employer and worker hotlines.

II. APPROPRIATIONS LANGUAGE AND ANALYSIS OF APPROPRIATIONS LANGUAGE

Please refer to the General Legal Activities Consolidated Justifications.

Analysis of Appropriations Language

There are no changes in the 2018 General Legal Activities language.

III. PROGRAM ACTIVITY JUSTIFICATION

A. Civil Rights Division Decision Unit

1. Program Description

Civil Rights Division	Permanent Positions	Estimated FTE	Amount
2016 Enacted	714	552	148,239
2017 Continuing Resolution	714	606	\$147,957
Adjustments to Base and Technical Adjustments	-121	-13	168
2018 Current Services	593	593	148,125
2018 Request	593	593	\$148,125
Total Change 2017-2018	-121	-13	\$ 168

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

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

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

- Criminal Section
- Appellate Section
- Disability Rights Section
- Educational Opportunities Section
- Employment Litigation Section
- Federal Coordination and Compliance Section

- Housing and Civil Enforcement Section
- Immigrant and Employee Rights Section (formerly Office of Special Counsel for Immigration-Related Unfair Employment Practices)
- Policy Section
- Special Litigation Section
- Voting Section

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

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
DECISION UNIT: CIVIL RIGHTS DIVISION											
RESOURCES		Projected		Actual		Projected		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		FY 2018 Current Services Adjustments		FY 2018 Request	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		699	\$148,239 [\$25,415]	614	\$148,239 [\$13,876]	699	\$147,957 [\$21,405]	0	\$168 [0]	686	\$148,125 [\$22,243]
PERFORMANCE		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Civil Rights		699	\$148,239 [\$25,415]	614	\$148,239 [\$13,876]	699	\$147,957 [\$21,405]	0	\$168 [0]	686	\$148,125 [\$22,243]
Performance Measure (New in FY 2017)	Number of human trafficking leads and complaints reviewed by the Human Trafficking Prosecution Unit	158		268		158		N/A		N/A	
Performance Measure	Number of matters opened concerning human trafficking	N/A		N/A		N/A		N/A		N/A	
Performance Measure	% of criminal cases favorably resolved	85		84.75		85		N/A		85	
Performance Measure	% of civil cases favorably resolved	85		98.25		85		N/A		85	
Data Definition, Validation, Verification, and Limitations: The data source for all measures is an internal system within CRT. Data is compiled on the level of effort that attorneys and professionals dedicate to matters and case-related tasks, senior management is responsible for ensuring the accuracy of the data and reports have been developed to support Division performance.											

PERFORMANCE MEASURE TABLE									
CIVIL RIGHTS DIVISION									
Performance Report and Performance Plan Targets		FY 2013	FY 2014	FY 2015	FY 2016	FY 2017		FY 2018	
		Actual	Actual	Actual	Actual	Target	Actual	Target	
Performance Measure	No. of trainings on human trafficking conducted for federal, state, and local law enforcement, NGOs, and international trafficking partners.				32			NA	
Performance Measure	Number of matters opened concerning human trafficking		161	161	NA	NA	NA	NA	
Performance Measure	Number of human trafficking leads and complaints reviewed by Human Trafficking Prosecution Unit				268	158			
Performance Measure	Percent of criminal cases favorable resolved	94	99	99	85	85		85	
Performance Measure	Percent of civil cases favorable resolved	84	88	90	98	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 2016, the Division filed a record 161 cases. Furthermore, the Division filed 32 percent more criminal civil rights prosecutions in the last six fiscal years (830 indictments in FY 2011 – FY 2016) than the previous six years (628 indictments in FY 2005 – FY 2010), without an increase in staff.

In FY 2015 and FY 2016, the Division exceeded its performance goals.

- During those two years, the Division, in conjunction with United States Attorneys' Offices, charged 623 defendants with criminal civil rights violations.
- In fiscal years 2015 and 2016, the Division filed 312 criminal civil rights cases, the highest number compared with any other two-year period since counting began in 1993.
- In fiscal years 2015 and 2016, the Division filed 192 human trafficking cases, the highest number in any two-year period since counting began in 1993.
- In the eight years since the passage of the Shepard-Byrd Hate Crimes Prevention Act, the Division has charged 74 defendants and won 49 convictions under this statute. In total, the Division has prosecuted 255 defendants for hate crimes under multiple statutes over the last seven years, an eight percent increase over the prior eight year period.
- The Division leads the Department's law enforcement response to threats and intimidation against houses of worship and individuals seeking to exercise their religious beliefs. Over the last decade, the Division has prosecuted 35 defendants accused of interfering with religious exercise through violence against persons or arson, threats or vandalism of houses of worship, and secured 29 convictions.
- Working with our U.S. Attorney colleagues, since 9/11, the Division has investigated more than 1,000 incidents involving acts of violence, threats, assaults, vandalism, and arson targeting Arab, Muslim, Sikh, and South Asian Americans, as well as individuals perceived as members of these groups, prosecuting dozens of these cases to the fullest extent of the law.
- While achieving these record results, the Division's Criminal Section has also operated its cold case initiative, pursuant to the Emmett Till Cold Case Act of 2007, in which Section prosecutors have reviewed voluminous evidence in more than 67 civil rights era

unsolved hate crime homicides.

❖ CASE EXAMPLES: PROSECUTING HUMAN TRAFFICKING

Florida Man Convicted of Sex Trafficking in Connection with Human Trafficking Scheme Targeting Foreign University Students. In November 2016, a Florida man was [convicted on all 11 counts](#) for organizing a scheme to lure foreign university students into the United States under false pretenses of legitimate summer jobs, only to advertise the students to customers of his prostitution and erotic massage enterprise. He was convicted of sex trafficking and attempted sex trafficking by fraud, wire fraud, importation of persons for prostitution or immoral purposes and use of a facility of interstate commerce to operate a prostitution enterprise. A jury in the Southern District of Florida returned the verdict after four days of trial.

Heroin Dealer Convicted by Jury of Sex Trafficking and Drug-Related Offenses. In July 2016, a [Wisconsin man was convicted by a federal jury](#) of three counts of sex trafficking by force, threats of force or coercion; one count of conspiracy to engage in interstate transportation for prostitution; one count of interstate transportation for prostitution; one count of maintaining a property for drug trafficking; one count of using a firearm in furtherance of drug trafficking and one count of witness retaliation. The defendant sold heroin and used violence, threats and coercion to compel three young heroin-addicted women to prostitute for his profit in Wisconsin and Minnesota.

❖ CASE EXAMPLES: COMBATING HATE CRIMES

Prosecuted First Case under Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act Where Victim was Targeted Because of Gender Identity. In December 2016, Joshua Brandon Vallum, 29, of Lucedale, Mississippi, [pleaded guilty to a federal hate crime for assaulting and murdering Mercedes Williamson because she was a transgender woman](#). Williamson was 17 years old and resided in Alabama at the time of her death. Vallum was charged with violating the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act.

Convicted Defendant for Setting Fire to Missouri Mosque. In April 2016, a man [pleaded guilty to a federal hate crime for setting a fire that destroyed the Islamic Society of Joplin mosque](#). The defendant admitted that he set fire to the mosque because he does not like the Islamic religion. As a direct result of the fire, many donations made during the Muslim holy period of Ramadan were destroyed.

Secured a guilty plea from Klamath, Oregon man who threatened a family because they were Vietnamese. In May 2016, John Blayne Vangastel pleaded guilty to one count of using threats of force to injure, intimidate and interfere with his neighbors in the enjoyment of their housing rights because they are a family of Vietnamese descent. Vangastel admitted that he forcibly blocked the family's front gate to block them from parking on their property, told a family member to "push [him] off the property" and raised his balled up his fist as though he was going to assault one of the female family members. He further admitted that he repeatedly tried to instigate a fight with the rest of the family, threatening to hit them and making comments like, "You are trash;" "You are not even white;" and "You smell like salmon-fish." He also told the family something to the effect of, "I'll beat you because you are Asian," and "You [expletive] Vietnamese – you don't deserve to live here." The incident was the culmination of Vangastel's repeated intimidation of his neighbors, who had lived at their residence for 20 years without incident. As a result of Vangastel's conduct, the family became so fearful that they moved out of their home.

Civil Enforcement

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

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

Reached Settlement to Reform Criminal Justice System in Hinds County, Mississippi. In June 2016, the division [reached a landmark settlement agreement to reform the criminal justice system in Hinds County, Mississippi](#). The agreement resolves the division's findings that the Hinds County Adult Detention Center and the Jackson City Detention Center – which together form the Hinds County Jail – failed to protect prisoners from violence and excessive force and held them past their court-ordered release dates, in violation of the Civil Rights of Institutionalized Persons Act (CRIPA).

[Announced a Statewide Investigation into Conditions in Alabama's Prisons for Men.](#) In October 2016, the Division opened a statewide investigation into the conditions in Alabama's prisons for men. The investigation focuses on whether prisoners are adequately protected from physical harm and sexual abuse at the hands of other prisoners; whether prisoners are adequately protected from use of excessive force and sexual abuse by correctional officers; and whether the prisons provide sanitary, secure and safe living conditions.

SAFEGUARDING THE FUNDAMENTAL INFRASTRUCTURE OF DEMOCRACY

Protecting the Right to Vote

The Division's Voting Section brings affirmative litigation to enforce federal voting laws and defends the United States when it faces lawsuits over voting matters. Every year, the Voting Section also monitors elections in jurisdictions around the country. In FY 2016, the Division sent over 500 election observers to 26 jurisdictions for the November general election.

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

❖ CASE EXAMPLES: PROTECTING VOTING RIGHTS

[Reached major National Voting Registration Act Settlement with State of Connecticut.](#) In August 2016, the Division entered into a settlement agreement with the State of Connecticut to require the State to ensure that voter registration opportunities are provided to citizens applying for or renewing their drivers' licenses, or updating their addresses for drivers' license purposes, whether in person or remotely, in the manner required by the NVRA.

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

Reached Agreement to Protect the Rights of Spanish-Speaking Voters in Napa County, California.

In June 2016, the division [reached an agreement with Napa County, California](#), to ensure compliance with provisions of the Voting Rights Act that required the county to provide bilingual election materials and information in Spanish to voters. The Voting Rights Act requires that jurisdictions determined by the Census Bureau to have a substantial population of minority-language citizens with limited English proficiency, like Napa County through 2016, provide voting materials and assistance in the minority language as well as in English. The division has reached similar types of agreements with other jurisdictions in recent years to protect the rights of limited English proficiency voters.

Protecting Those Who Protect Us

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

❖ CASE EXAMPLES: PROTECTING THOSE WHO PROTECT US

Brought Enforcement Actions to Protect the Employment Rights of Service members. In FY 2016, the Division brought a number of enforcement actions to protect the employment rights of service members. The Division reached a settlement agreement with [Laborers Local No. 1149, based in Wheeling, West Virginia](#), resolving claims that the union violated the Uniformed Services Employment and Reemployment Rights Act (USERRA) when it failed to reinstate U.S. Army National Guardsman Elliot Ferrell as an apprentice laborer after his return from three months of basic training in 2014. In February 2016, it entered into a settlement with the [Commonwealth of Massachusetts and the City of Somerville, Massachusetts](#) to resolve claims that the city violated the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) when it failed to re-employ U.S. Marine Corps Reservist Sean Keane at the level he should have been in following his multiple military deployments, including tours of duty to Afghanistan. In September 2016, it sued [BioFusion Health Products Inc., a business with headquarters in Rapid City, South Dakota](#), for violating the employment rights of former South Dakota Air National Guard Senior Airman Amber M. Ishmael. The Division alleged that Ishmael’s military service was a motivating factor in BioFusion’s decision to both deny her request for reemployment and ultimately terminate her employment.

[Obtained over \\$4.1 million to resolve allegations that Wells Fargo Dealer Services illegally repossessed 413 cars owned by protected service members.](#) The department launched an investigation after it received a complaint in March 2015 from the U.S. Army’s Legal Assistance Program alleging that Wells Fargo had repossessed Army National Guardsman Dennis Singleton’s used car in Hendersonville, North Carolina, while he was preparing to deploy to Afghanistan to fight in Operation Enduring Freedom. After Wells Fargo repossessed the car, it sold it at a public auction and then tried to collect a deficiency balance of over \$10,000 from Singleton and his family. In October 2014, while seeking assistance with debt consolidation, Army National Guardsman Singleton met with a National Guard attorney, who informed him of his rights under the SCRA. The attorney requested information from Wells Fargo about the original loan and repossession, and asked for copies of the correspondence and payment history. The attorney never received a response from Wells Fargo. The department’s subsequent investigation corroborated Singleton’s complaint and found a pattern of unlawful repossessions spanning over more than seven years.

[Obtained \\$200,000 in relief against housing provider that unlawfully evicted active-duty service members and their families in violation of the SCRA.](#) The Division sued Lincoln Military Housing, which owns and operates dozens of on-base and off-base military housing communities throughout Southern California, for unlawfully evicting active-duty service members and their families. This is the

first case that the Justice Department has filed alleging the unlawful eviction of service members from their homes.

EXPANDING OPPORTUNITY FOR ALL PEOPLE

Expanding Equal Opportunity in Education

In FY 2015 and 2016, the Educational Opportunities Section continued its vigorous efforts to protect students from discrimination and harassment in public schools and universities. The Section's accomplishments include the following.

- We resolved 25 cases to protect the rights of students.
- We opened 28 investigations of alleged discrimination on the basis of race, national origin, sex, religion, disability, and language services.
- We negotiated 9 agreements to protect the rights of English learner students.
- We enforced, and/or monitored, approximately 163 school desegregation cases involving the United States as a party.

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

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN EDUCATION

In September 2016, the Division announced that it has terminated its [January 2012 settlement agreement with the Mercer County, West Virginia, School District](#) following the district's successful implementation of programs and services for its English Learner (EL) students. After entering into the settlement agreement under the Equal Educational Opportunities Act (EEOA) of 1974, the district implemented a process whereby every new student completed a home language survey so that all students with non-English speaking backgrounds were timely identified; had their English proficiency assessed; and if they were not proficient, were provided with individualized English language services and supports. The district also implemented a new curriculum for the instruction of EL students, improved its teacher training, carefully monitored the academic progress of current and former EL students and enhanced its communications with limited-English proficient families.

Ensuring Equal Opportunity in the Workplace

Three sections of the Division – Employment Litigation, Disability Rights, and Immigration and Employee Rights (formerly Office of Special Counsel for Immigration-Related Unfair Employment Practices) – work to prevent and address workplace discrimination on the basis of race, national origin, sex, religion, disability, and immigration status. During FY 2016, the Division continued its ongoing efforts to ensure equal employment opportunity for all individuals. The Division's employment enforcement activities include the following.

- We are litigating 12 suits and enforcing 24 settlements that cover a wide range of claims, including discrimination based on race, national origin, sex, religion, retaliation, and discrimination in compensation and hiring.
- We collected a record-breaking \$29 million in back pay and civil penalties from employers for violations of the anti-discrimination provision of the INA. We are litigating 5 cases and monitoring 155 settlement agreements.
- Under Title I of the ADA, we are litigating 12 cases and entered into 6 settlements enforcing the rights of individuals with disabilities to be hired free of discrimination and to receive reasonable accommodations to perform their jobs.

❖ CASE EXAMPLES: EXPANDING EQUAL OPPORTUNITY IN THE WORKPLACE

In March 2016, the division [reached a settlement with Barrios Street Realty Inc., which contained unprecedented relief](#). The agreement resolved claims that the company and a third party agent discriminated against U.S. workers by failing to consider them for positions and hiring temporary foreign workers under the H-2B visa program instead. Under the agreement, Barrios Street Realty was required to create a back pay fund of \$115,000 to compensate U.S. workers and pay \$30,000 in civil penalties. In addition, the company agreed to a voluntary three-year debarment from the H-2B visa program – the first time in its history that division has secured such relief.

In June 2016, the Division entered into a [settlement with 121 podiatry residency programs and the American Association of Colleges of Podiatric Medicine \(AACPM\)](#), effectively stopping an entire industry from engaging in discriminatory job advertising. The division’s investigation found that between 2013 and 2015, more than 100 podiatry residency programs and AACPM published discriminatory postings for podiatry residents through AACPM’s online podiatry residency application and matching service. The division determined that hundreds of job postings limited podiatry residency positions to U.S. citizens even though there was no legal authorization for the citizenship requirement. In addition to securing over \$200,000 in civil penalties, the settlement agreement required all of the programs and AACPM to change their hiring practices, policies and procedures to ensure non-discrimination.

In December 2015, a federal jury in Honolulu found that the state of Hawaii and the [Hawaii Department of Transportation’s Airports Division \(HDOT\) discriminated against former employee Sherry Valmoja by subjecting her to sexual harassment](#). The evidence presented at trial showed that during her employment as an explosives detection canine handler at the Honolulu International Airport, Valmoja was subjected to sexual harassment in the form of lewd and unwelcome comments and physical intimidation by a co-worker. The jury awarded Valmoja \$38,000 to compensate her for the pain and suffering she endured because of the harassment.

Brought several suits to protect women from sex and pregnancy discrimination. Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex and pregnancy. In August 2016, the division filed a lawsuit alleging that [New Mexico State University and its Board of Regents discriminated against a female former assistant track coach](#) on the basis of sex by paying her less than similarly-situated men. In 2016, the Division entered into a consent decree with [Niagara County, New York, resolving allegations that the county discriminated against Corrections Officer Carisa Boddecker](#) when it revoked her restricted duty assignment and forced her to take an extended leave of absence during her pregnancy, although she was able to work. In May 2016, the Division sued the [Palm Beach, Florida, County School Board for discriminating](#) against Anne Williams Dorsey, an Assistant Principal at Turning Points Academy, a public school in the Palm Beach County School District. The Division

alleged that when Dorsey went on maternity leave, the principal reassigned her to a position with a lower salary and fewer assigned days, and then replaced her with a male employee whom she had previously trained. The complaint also alleges that the principal retaliated against Dorsey because she reported another female employee's sexual harassment allegations against the male employee who eventually replaced her. [In December 2015, the Division reached a settlement with the Chicago Board of Education](#), which oversees the third largest school district in the United States, to resolve allegations that the board discriminated against pregnant teachers in violation of federal law. The lawsuit alleged that the board fired several teachers from Scammon Elementary School because they were pregnant. Finally, in [October 2016, the Division resolved a suit against the City of Florence, Kentucky](#) for discriminating against a pregnant employee. The Florence, Kentucky, Police Department had a policy that allowed workers to take light duty when necessary. After a female police officer took light duty while pregnant pursuant to this policy, Florence changed its policy to one that was much more restrictive – and which discriminated against pregnant employees.

❖ PROTECTING THE RIGHT OF RELIGIOUS FREEDOM

Won Religious Discrimination Lawsuit Against Colorado City, Arizona, and Hildale, Utah. [In March 2016, a federal jury returned a verdict finding that the towns of Colorado City, Arizona, and Hildale, Utah](#), and their joint water company systematically discriminated against individuals who are not members of the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS) in the provision of housing, utility and policing services in violation of the Fair Housing Act (FHA). Prior to the jury verdict, the parties reached an agreement that the defendants will pay \$1.6 million to resolve the monetary claim under the FHA. The jury also issued a separate advisory verdict on the division's claims under Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994. In its advisory verdict, the jury found that the Colorado City Marshal's Office, the cities' joint police department, operated as an arm of the FLDS church in violation of the establishment clause of the First Amendment; engaged in discriminatory policing in violation of the equal protection clause of the 14th Amendment and the establishment clause; and subjected individuals to unlawful stops, seizures and arrests in violation of the Fourth Amendment.

Continued to Protect the Rights of Religious Communities to Build and Construct Places of Worship Free from Unlawful Barriers. In recent years, [the division has increased its enforcement of the land use protections in the Religious Land Use and Institutionalized Persons Act \(RLUIPA\)](#), which [protects religious communities from discriminatory or unjustifiably burdensome application of zoning laws against places of worship, religious schools and other uses of land for religious purposes](#). For the period from 2010 to the present, RLUIPA investigations per year rose 60 percent compared to the period from 2000 to 2010. RLUIPA cases brought per year increased by 160 percent. In 2016, the division filed suit against [Bernard's Township, New Jersey](#); [Culpeper County, Virginia](#); and [Sterling Heights, Michigan](#), for violating RLUIPA, alleging that the jurisdictions unlawfully blocked the construction of mosques, and against [Port Jervis, New York over the blocking of location of a church](#) in a downtown area. In December 2016, the [division sent a letter](#) to municipalities reminding them about RLUIPA's requirements.

Ensuring Equal Opportunity in Housing and Lending

In FY 2016, the Division's Housing and Civil Enforcement Section devoted significant resources to fair housing and lending cases. In this area, the Division is:

- Litigating 46 cases, including pattern and practice cases involving both housing and lending discrimination;
- Conducting over 100 investigations; and,

- Enforcing 147 settlements.

Over the last five years, the Division has closed 161 settlement agreements.

❖ **CASE EXAMPLES: PROMOTING EQUAL OPPORTUNITY IN HOUSING AND LENDING**

[Reached a settlement with the Bossier City, Louisiana Housing Authority \(BCHA\) for discrimination](#) against elderly African-American and residents with disabilities. The complaint alleges that from 2007 to 2014, BCHA assigned elderly residents to housing on the basis of race, rather than by their place on the waiting list, and restricted residents with disabilities primarily to one of BCHA's seven apartment complexes.

[Filed suit against a Lakeland, Florida mobile home park for discrimination](#) against African-American. The Division sue James C. Goss, the owner, and Cathy Plante and Joey Gwozdz, the managers, of May Grove Village Mobile Home Park, an 81-lot property in Lakeland, Florida. The lawsuit alleges that the managers falsely told African Americans that no mobile homes, or fewer mobile homes, were immediately available for sale, but told similarly situated white persons that more mobile homes were available. According to the complaint, the managers also quoted prospective African-American purchasers higher prices and worse financial terms than similarly situated white purchasers.

Sued to protect women from sexual harassment in housing. In August 2016, [the Division sued two St. Louis landlords for sexual harassment and retaliation](#) in violation of the Fair Housing Act. The lawsuit alleged that Hezekiah Webb, while serving as the property manager for rental properties that he owned with Jameseva Webb, sexually harassed female tenants at their properties. The complaint alleges that Webb conditioned housing or housing benefits on female tenants' agreement to engage in sexual acts; coerced female tenants to engage in unwelcome sexual acts; subjected female tenants to unwanted sexual touching and other unwanted sexual acts; made unwelcome sexual comments and advances to female tenants and taking adverse actions against female residents when they refused the sexual advances. In October 2015, [the Division sued the Kansas City, Kansas, Housing Authority \(KCKHA\)](#) and its former hearing officer, Victor L. Hernandez for sexual harassment of a female public housing applicant and a female public housing tenant, in violation of the Fair Housing Act. The lawsuit alleged that while employed by KCKHA, Hernandez subjected two women to unwanted sexual conduct as a condition for favorable hearing decisions, including asking them sexual questions, showing pornographic pictures and videos, making explicit sexual comments and exposing himself.

[Reached a settlement with the owners and operators of seven Michigan apartment complexes](#) to resolve allegations that they discriminated against families with children in violation of the Fair Housing Act. The lawsuit alleged that the defendants, including the rental manager Sudi Hopper, as well as the corporate entities that own the complexes, Parkside East Inc., Holt Manor Inc. and Kelly Manor Inc., discriminated against families with children by prohibiting them from renting one-bedroom units in the defendants' apartment complexes.

Providing Opportunities for People with Disabilities

The Division's Disability Rights Section continued its steadfast efforts to expand opportunities for people with disabilities through implementation of the ADA. In FY 2016, in addition to a number of investigations and bringing suits involving disability discrimination, the Section:

- Continued its impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2016, the ADA Mediation Program referred 353 matters,

completed 291 matters, and successfully resolved 79 percent of these cases. Since inception, the program has an overall success rate of 78 percent.

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

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

[Reached Settlement with Greyhound Lines to Resolve ADA Violations.](#) In February 2016, as part of a settlement agreement reached with the division, Greyhound Lines Inc. – the nation’s largest provider of intercity bus transportation – agreed to implement a series of systemic reforms to resolve allegations that it repeatedly violated the ADA. Under the terms of the agreement, Greyhound – which serves more than 3,800 destinations and more than 18 million passengers each year across North America – will compensate several classes of passengers who faced barriers because of their disabilities.

[Settled with the YMCA of the Triangle in Raleigh, North Carolina](#) to resolve allegations that it violated the Americans with Disabilities Act (ADA) by denying a child with Type 1 diabetes the opportunity to participate in an after-school program. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, including private camps and childcare programs. Under the ADA, such entities generally must make reasonable modifications to their policies, practices or procedures when necessary to provide equal access to a child with a disability. When a parent and a child’s physician determine that it is appropriate for a trained layperson to assist a child with diabetes care, a camp or childcare program must provide this as a reasonable modification under the ADA, unless doing so would fundamentally alter the program. YMCA of the Triangle refused to perform diabetes related tasks, including administering glucagon in the event of a low blood glucose level emergency. YMCA of the Triangle serves Wake, Durham, Lee, Johnston, Orange, Chatham and Pamlico counties in North Carolina, with 13 branches and three overnight camps. It administers after-school programs at 53 sites to nearly 5,000 children.

[Fostered Successful Reform of Delaware Service System for People with Mental Illness.](#) In October 2016, a federal court terminated the remedial settlement agreement governing the state of Delaware’s service system for people with serious and persistent mental illness. The state significantly expanded and enhanced community-based mental health services for individuals with serious and persistent mental illness under the agreement, as required by the ADA and the Supreme Court’s *Olmstead* decision.

[Found South Dakota Unnecessarily Relies on Nursing Facilities to Provide Services to People with Disabilities.](#) Following a comprehensive investigation, in May 2016 the division released its findings that South Dakota unnecessarily relies on nursing facilities to provide services to people with disabilities, in violation of the community integration mandate of the ADA and the Supreme Court’s *Olmstead* decision.

B. Strategies to Accomplish Outcomes

The Division’s work promotes and Protect American Civil Rights by Preventing and Prosecuting Discriminatory Practices.”

The Department works to uphold the civil and constitutional rights of all Americans, including the most vulnerable members of society. Federal civil rights statutes reflect some of America’s highest ideals and aspirations of equal justice under law. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also of members of religious groups, women, people with disabilities,

servicemembers, individuals housed in public institutions, and individuals who come from other nations and speak other languages.

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

The Division further supports this area by engaging in a variety of activities including criminal and civil enforcement and litigation, prevention efforts, outreach initiatives, and technical assistance. The Division works with the Department, Congress, and other federal agencies and partners on legislative, regulatory, and policy developments.

CRT'S 2018 STRATEGIC FOCUS AREAS

Combat Human Trafficking. In order to support the Attorney General's FY 2018 key priorities, the Division will continue to expand its already successful human trafficking program. Prosecuting human trafficking presents unique challenges. In these cases, victims have endured sexual assault, brutality, and fear, and perpetrators have engaged in criminal conduct that often involves international organized criminal networks. These circumstances mean that each case requires a dedication of time, resources, and specialized skill in jurisdictions across the country and around the globe.

Prosecute Hate Crimes: The Division will prioritize hate crimes enforcement to ensure that individuals and communities are protected from crimes that are motivated by racial, religious or other bias.

Protect the Rights of U.S. Workers: The Division will continue to vigorously combat workplace discrimination. In FY 2018, the Division will prioritize enforcement of the Immigration and Nationality Act to ensure that companies do not discriminate against U.S. workers in favor of foreign visa holders.

Expand Efforts to Protect Those Who Protect Us: Service members make tremendous sacrifices for our nation. When their duties call them far away from home, the Division stands ready to protect their rights, specifically with regard to employment, voting, and fair lending. Last year, the Division achieved significant victories in its efforts to ensure that our men and women in uniform have access to meaningful employment when they return home from war, as well as asserting financial and housing protections. CRT plans to build on its successes as it continues these efforts on behalf of the nation's military servicemen and women, and veterans in FY 2018.

Safeguard Voting Rights for All Americans: The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections throughout the country each year.

Promote Fair Housing: Access to housing influences a family's access to good schools, transportation, and jobs and correlates closely with access to credit. The Division has opened a number of investigations and filed numerous lawsuits seeking to expand fair housing and fair lending opportunities for all. In FY 2018, the Division will continue those efforts and seek new enforcement opportunities.

Promote Equal Educational Opportunities: The Division will continue to work collaboratively with the Department of Education’s Office of Civil Rights to review regulatory materials. The Division will also to continue to prioritize the review of approximately 170 longstanding consent decrees.

IV. APPENDIX

DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION STATUTES ENFORCED

Statute	Enforcing Section	Type of Case
Official Misconduct, 18 U.S.C. §§ 241, 242	CRM	Section 242 makes it a crime for any person acting under color of law – using or abusing government authority – to willfully deprive any person of rights protected by the constitution or federal law. Section 241 is the civil rights conspiracy statute, applying to color-of-law violations committed by two or more people in concert.
The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	CRM	The Shepard Byrd Act makes it a federal crime to willfully cause bodily injury, or attempt to do so using a dangerous weapon, because of actual or perceived race, color, religion, or national origin, and such crimes committed because of gender, sexual orientation, gender identity, or disability under certain circumstances. The Shepard-Byrd Act is the first statute allowing federal criminal prosecution of hate crimes committed because of sexual orientation or gender identity.
Federally Protected Activities, 18 U.S.C. § 245	CRM	This provision makes it a crime to use or threaten to use force to willfully interfere with any person because of race, color, religion, or national origin and because a person is involved in a federally protected activity, such as public education, employment, jury service, travel, or enjoyment of public accommodations.
Criminal Interference with Right to Fair Housing, 18 U.S.C. § 3631	CRM	This provision makes it a crime to use or threaten to use force to interfere with housing rights because of race, color, religion, sex, disability, familial status, or national origin.
Damage to Religious Property, 18 U.S.C. § 247	CRM	This criminal statute protects religious real property from being targeted for damage because of the religious nature of the property or because of the race, color, or ethnic characteristics of the people associated with the property. The statute also criminalizes the intentional obstruction by force or threatened force of any person in the enjoyment of religious beliefs.
Trafficking Victims Protection Act (TVPA)	CRM	The TVPA criminalizes the use of force, fraud, or coercion to compel a person to engage in labor, services, or commercial sex. The Division also enforces a number of related criminal statutes that address forced labor and commercial sex, peonage, and involuntary servitude.
Freedom of Access to Clinics Entrances Act (FACE)	CRM & SPL	The FACE Act protects the exercise of free choice in obtaining reproductive health services and the exercise of First Amendment religious freedoms. The law makes it a crime to intimidate a person obtaining or providing reproductive health services or to damage a facility for providing such services. The law also makes it a crime to damage a facility because it is a place of worship.
Criminal Protection for Voting Rights, 18 U.S.C. § 594	CRM	18 U.S.C. § 594 criminalizes the use of intimidation, threats or coercion to interfere with the right to vote in federal elections. The NVRA, 42 U.S.C. § 20511, criminalizes such interference with respect to voter registration.
Americans with Disabilities Act, Title I	DRS	Title I of the Americans with Disabilities Act prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in recruiting, hiring, termination, promotion, compensation, job training, and other terms,

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

Act (ECOA)		discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age, because an applicant receives income from a public assistance program, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act.
Religious Land Use and Institutionalized Persons Act (RLUIPA)	HCE & SPL	The Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits local governments from adopting or enforcing land use regulations that discriminate against religious assemblies and institutions or which unjustifiably burden religious exercise. It also requires that state and local institutions (including jails, prisons, juvenile facilities, and government institutions housing people with disabilities) not place arbitrary or unnecessary restrictions on religious practice.
Servicemembers Civil Relief Act (SCRA)	HCE	The Servicemembers Civil Relief Act (SCRA) provides protections in housing, credit, and taxes for military members who are on active duty. It also temporarily suspends judicial and administrative proceedings while military personnel are on active duty.
Immigration and Nationality Act § 274B	OSC	This section of the Immigration and Nationality Act (INA) prohibits: 1) citizenship status discrimination in hiring, firing, or recruitment or referral for a fee; 2) national origin discrimination in hiring, firing, or recruitment or referral for a fee; 3) document abuse (unfair documentary practices) during the employment eligibility verification process; and 4) retaliation or intimidation.
Civil Rights of Institutionalized Persons Act (CRIPA)	SPL	The Civil Rights of Institutionalized Persons Act (CRIPA) protects the rights of people in state or local correctional facilities, nursing homes, mental health facilities, and institutions for people with intellectual and developmental disabilities.
Violent Crime Control and Law Enforcement Act § 14141	SPL	Section 14141 of the Violent Crime Control and Law Enforcement Act prohibits law enforcement officials or government employees involved with juvenile justice from engaging in a pattern-or-practice of deprivation of constitutional rights, privileges, and immunities.
Omnibus Crime and Safe Streets Act	SPL	The Omnibus Crime Control and Safe Streets Act of 1968 prohibits discrimination on the ground of race, color, religion, national origin, or sex by law enforcement agencies receiving federal funds.
Voting Rights Act	VOT	The Voting Rights Act of 1965 protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. It stands for the principle that everyone's vote is equal, and that neither race nor language should shut any of us out of the political process.
Voting Accessibility for the Elderly and Handicapped Act	VOT & DRS	The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections.
Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)	VOT	The Uniformed and Overseas Citizens Voting Act (UOCAVA) requires that the states and territories allow certain U.S. citizens who are away from their homes, including members of the uniformed services and the merchant marine, their family members, and U.S. citizens who are residing outside the country, to register and vote absentee in federal elections.
National Voter Registration Act (NVRA)	VOT (civil provisions)	The National Voter Registration Act (NVRA) requires states to make voter registration opportunities for federal elections available through the mail and when people apply for or receive driver licenses, public assistance, disability services, and other government services, and also imposes certain requirements for maintaining voter registration lists.
Genetic Information Nondiscrimination Act	DRS	The Genetic Information Nondiscrimination Act (GINA) prohibits employers from using genetic information in making employment decisions,

(GINA), Title II		restricts the acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information.
Help America Vote Act (HAVA)	VOT	The Help America Vote Act (HAVA) requires states to follow certain minimum standards in the conduct of federal elections, in areas such as voting system standards, statewide voter registration databases, provisional ballots, identifying first time registrants by mail, and voter information postings.
Civil Rights Acts of 1870, 1957, 1960, & 1964	VOT (civil provisions)	The Civil Rights Acts include protections against discrimination and intimidation in voting and also authorize the Attorney General to seek elections records.

V. EXHIBITS
