



NONDISCRIMINATION ON THE BASIS OF RACE, COLOR,
NATIONAL ORIGIN, SEX, RELIGION, OR AGE
IN LAW ENFORCEMENT PROGRAMS, SERVICES, AND
ACTIVITIES RECEIVING ASSISTANCE FROM
THE UNITED STATES DEPARTMENT OF JUSTICE

1. Q: What is Title VI of the Civil Rights Act of 1964?

A: Title VI is a civil rights law that prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. Police departments, sheriffs' departments, and other law enforcement agencies receiving assistance from the Department of Justice (DOJ) are subject to the civil rights requirements of this and other civil rights laws.

Simply stated, all persons must be treated equally without regard to their race, color, or national origin. People may not be excluded from participating in, denied the benefits of, or discriminated against in the programs, services, or activities of an agency receiving DOJ assistance. In addition, a law enforcement agency must make sure that its policies and practices do not have the effect of discriminating against people because of their race, color, or national origin.

2. Q: What does the Omnibus Crime Control and Safe Streets Act of 1968 cover?

A: In addition to Title VI, if a law enforcement agency receives Federal financial assistance under the Omnibus Crime Control and Safe Streets Act of 1968, as amended (Crime Control Act), it may not discriminate on the basis of sex or religion in addition to race, color, or national origin. These nondiscrimination prohibitions apply to a recipient's employment practices, as well as to the services it provides.

3. Q: What do you mean by "Federal financial assistance"? Do all police departments and other law enforcement agencies receive this?

A: Federal financial assistance includes funds from DOJ, but it also means more than just money. Law enforcement agencies that receive training and technical assistance from DOJ are considered recipients of Federal financial assistance, as well. For example, if a law

enforcement agency uses the FBI's National Crime Information Center or laboratory facilities; if it sends employees to the National Academy at Quantico, Virginia, or to the training provided by DOJ and others through the National Center for State and Local Law Enforcement Training (a component of the Federal Law Enforcement Training Center, Glenco, Georgia); or if it receives technical assistance for improvement of jails or other correctional facilities from the National Institute of Corrections or the Bureau of Prisons, the agency as a whole, and not just the part of the agency receiving the assistance, is a recipient covered by the statutes. Logistical support from DOJ's Drug Enforcement Administration or receipt of property transferred or sold through the asset forfeiture program is also considered Federal financial assistance. Therefore, even if a law enforcement agency does not receive funds from DOJ, it may still be a "recipient" because it benefits from Federal financial assistance in some other way.

4. Q: How are these laws enforced?

A: Title VI and the Crime Control Act are enforced by the Department of Justice through administrative investigations and, where appropriate, litigation and/or the withdrawal of Federal financial assistance.

An individual who believes that a law enforcement agency receiving Justice Department assistance is discriminating on the basis of race, color, national origin, religion, sex, or age may file an administrative complaint with:

Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
Post Office Box 66560
Washington, D.C. 20035-6560
(202) 307-2222

A complaint may also be filed with:

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
633 Indiana Avenue, N.W., Room 1105
Washington, D.C. 20531
(202) 307-0690

Title VI and Crime Control Act regulations require law enforcement agencies receiving assistance to provide information to the community served about these

laws and the protections they provide against discrimination. We encourage these recipients to post notices on bulletin boards and/or in newspapers to make this information available.

For technical assistance or more information, call the Coordination and Review Section's toll-free Information Line at 1-888-TITLE 06 (voice and TDD).

5. Q: What will the Department of Justice do if it receives a discrimination complaint?

A: Generally, the Department will review complaints received and, where appropriate, investigate to determine whether a law enforcement agency is in compliance with the law. In appropriate cases, the Department will attempt to informally resolve the allegations without engaging in a full-scale investigation. Agencies receiving DOJ assistance are required to permit access by Justice Department investigators to records and any other sources of information as may be necessary to determine compliance with civil rights laws.

6. Q: What if the complaint cannot be resolved?

A: When the Department determines that the facts support a finding of a violation, it will attempt to settle the matter voluntarily. If these efforts are unsuccessful, the Department may seek to terminate its assistance to a recipient and/or file an action in a United States District Court. Even where it has not received a discrimination complaint, the Department has authority to conduct compliance reviews to determine whether recipients are complying with Title VI and the Crime Control Act. An individual may file a complaint under Title VI in United States District Court without first having filed an administrative complaint with the Department of Justice. An individual may elect to file a complaint in court under the Crime Control Act, but he or she must first file an administrative complaint with the Department of Justice.

7. Q: How do Title VI and the Crime Control Act apply to actions of an officer of a police department or other law enforcement agency?

A: A police officer must treat individuals equally without regard to their race, color, national origin, religion, or sex.

Example: A police officer routinely gives traffic citations to African-American drivers for driving twenty-five miles an hour in a twenty-mile speed zone. The same officer ignores drivers of other races who exceed the speed limit. The police officer's conduct may constitute discriminatory treatment of individuals based on their race, which is prohibited by Title VI and the Crime Control Act.

Example: A police officer regularly uses racially and ethnically derogatory remarks when interacting with minorities in the community. This pattern of behavior would violate Title VI and the Crime Control Act.

8. **Q: There have been a number of cases in the news in which police are alleged to have filed fraudulent reports or fabricated evidence against persons of a particular race or national origin. Is this a violation of Title VI?**

A: The fabrication of evidence and/or filing of false charges against any person is a crime. Persons who believe this has occurred should contact the FBI. If a law enforcement officer is targeting persons of a particular race, color, national origin, sex, or religion for harassment, unfair treatment, denial of services, or other discriminatory actions, he or she is also violating Title VI and the Crime Control Act. Every law enforcement agency is responsible for ensuring that its employees carry out their duties in a nondiscriminatory manner. Failure by an agency's management to take appropriate action concerning an employee engaged in discriminatory treatment of individuals or groups based upon their race, color, national origin, sex, or religion would also be a violation of Title VI and/or the Crime Control Act and could jeopardize the agency's assistance from DOJ.

9. **Q: How do Title VI and the Crime Control Act apply to a law enforcement agency's policies and practices?**

A: A law enforcement agency must review its policies, procedures, and practices to ensure that they do not have the effect of discriminating against individuals because of their race, color, national origin, religion, or sex. Actions that have a disparate impact on minorities may nonetheless be permissible if an agency has a legitimate law enforcement-related necessity for the use of the practice at issue.

Example: A police department develops new policies for assigning foot patrols to different neighborhoods within its jurisdiction. The department must assess whether neighborhoods comprised primarily of members of particular racial or national origin groups are served equitably as compared to other neighborhoods and, if not, whether there is a nondiscriminatory reason for any difference in treatment.

Example: A police department's practice of failing to respond promptly to 9-1-1 calls in a minority neighborhood, when it responds promptly to 9-1-1 calls in nonminority neighborhoods, would violate Title VI and the Crime Control Act, unless the police department can establish a nondiscriminatory reason for its practice.

Example: It is important for law enforcement agencies to review their policies, procedures, and practices to ensure that they can provide effective law enforcement to communities that have a significant number or proportion of residents who are members of non-English-speaking national origin groups. Title VI and Crime Control Act concerns might be raised where an agency cannot communicate with such individuals, particularly with respect to the delivery of emergency services through the use of a 9-1-1 telephone number.

10. Q: What about discrimination on the basis of sex?

A: Under the Crime Control Act, law enforcement officers and agencies may not harass individuals based on the individual's sex or subject individuals to other forms of discrimination on the basis of sex.

Example: It would be a violation for a police officer to suggest or request that a woman, whom he has stopped for speeding or placed under arrest, provide sexual favors in order to receive preferential treatment.

Example: A police department's failure to promote a female officer because of her sex would be a violation.

11. Q: Are there any other Federal nondiscrimination laws that apply to law enforcement agencies?

A: Yes. There are other laws prohibiting discrimination in the operations of law enforcement agencies receiving Department of Justice assistance. These include the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in training and educational programs; and, Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

In addition, there are several laws prohibiting discrimination that apply regardless of whether a law enforcement agency receives Department of Justice assistance. These include Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, national origin, sex, and religion; and the Age Discrimination in Employment Act of 1967, which prohibits employment discrimination on the basis of age against persons 40 years of age and older. In addition, Titles I and II of the Americans with Disabilities Act prohibit discrimination on the basis of disability. For information and technical assistance concerning disability issues, call the Civil Rights Division's Disability Rights Section toll-free Information Line at (800) 514-0301 (voice) or (800) 514-0383 (TDD).

12. Q: Are employment practices covered by civil rights laws?

A: Yes. Under both the Crime Control Act and Title VII of the Civil Rights Act of 1964, law enforcement agencies are required to treat individuals in a nondiscriminatory manner in all of their employment decisions, including recruitment, hiring, promotion, and all other terms and conditions of employment.

13. Q: Aren't there also Federal criminal or other civil rights statutes that protect individuals from having their rights denied by law enforcement officers or agencies?

A: Yes. Federal criminal civil rights statutes prohibit the deprivation of a person's Federal rights by individuals acting under color of law. This prohibition covers law enforcement officers who use their positions, either alone or in conspiracy with others, to deprive individuals of their federally protected rights. Criminal prosecutions are based on evidence which proves the deprivation beyond a reasonable doubt. Among the Federal rights covered by these statutes is the right to be free from the willful use of excessive force. These laws apply to law enforcement agencies regardless of whether they receive Federal financial assistance and violations need not be based on race, color, national origin, etc.

In addition, an amendment to the Crime Control Act also allows the Department of Justice to file civil lawsuits against law enforcement agencies that violate constitutional or other rights of any individual by engaging in a pattern or practice of abuse or misconduct. Violations of this provision need not be based on race, color, national origin, etc., and this law applies to law enforcement agencies whether they are recipients or not.

Title VI and the nondiscrimination requirements of the Crime Control Act, on the other hand, apply to actions of law enforcement agencies that may not rise to a level that warrants either a criminal prosecution or a lawsuit because of a pattern and practice of abuse. For example, a police department may be in violation of Title VI and the Crime Control Act if its policies and practices have the effect of discriminating based on race, color, national origin, sex, or religion, even where there is no intent to do so and even if only one individual victim is involved.

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