Department of Homeland Security

Office for Civil Rights and Civil Liberties

Fiscal Year 2015 Annual Report to Congress

June 10, 2016

Homeland Security

Foreword

June 10, 2016

In accordance with 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, I am pleased to present this Report to Congress on the Department of Homeland Security Office for Civil Rights and Civil Liberties: Fiscal Year 2015.

Pursuant to Congressional requirements, this Report is being provided to the following Members of Congress:

The Honorable Joseph R. Biden
President of the Senate

The Honorable Thad Cochran
Chairman, U.S. Senate Committee on Appropriations

The Honorable Barbara Mikulski
Vice Chairwoman, U.S. Senate Committee on Appropriations

The Honorable Ron Johnson
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Thomas R. Carper
Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Richard Burr
Chairman, U.S. Senate Select Committee on Intelligence

The Honorable Dianne Feinstein
Vice Chairman, U.S. Senate Select Committee on Intelligence

The Honorable Charles Grassley
Chairman, U.S. Senate Committee on the Judiciary

The Honorable Patrick J. Leahy
Ranking Member, U.S. Senate Committee on the Judiciary

The Honorable Paul D. Ryan
Speaker of the House, U.S. House of Representatives

The Honorable Hal Rogers
Chairman, U.S. House of Representatives Committee on Appropriations

The Honorable Nita M. Lowey
Ranking Member, U.S. House of Representatives Committee on Appropriations

The Honorable Michael McCaul
Chairman, U.S. House of Representatives Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, U.S. House of Representatives Committee on Homeland Security

The Honorable Devin Nunes
Chairman, U.S. House of Representatives Permanent Select Committee on Intelligence

The Honorable Adam Schiff
Ranking Member, U.S. House of Representatives Permanent Select Committee on Intelligence

The Honorable Bob Goodlatte
Chairman, U.S. House of Representatives Committee on the Judiciary

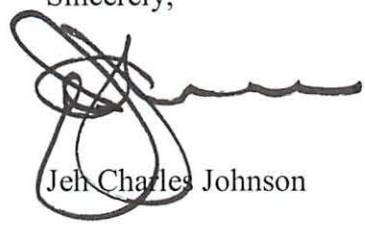
The Honorable John Conyers, Jr.
Ranking Member, U.S. House of Representatives Committee on the Judiciary

The Honorable Jason Chaffetz
Chairman, U.S. House of Representatives Committee on Oversight and Government Reform

The Honorable Elijah E. Cummings
Ranking Member, U.S. House of Representatives Committee on Oversight and Government Reform

Inquiries relating to this Report may be directed to the Office for Civil Rights and Civil Liberties (CRCL) at 866-644-8360 (TTY 866-644-8361) or crcl@hq.dhs.gov. This Report and other information about CRCL are available at www.dhs.gov/crcl.

Sincerely,



Jeh Charles Johnson

Message from the Officer, Megan H. Mack

It is my honor to serve as Officer for Civil Rights and Civil Liberties at the Department of Homeland Security (DHS). The Office for Civil Rights and Civil Liberties is unique in being the first civil rights oversight office established within a Federal Government agency. Since the Department's inception in 2003, CRCL has worked to make the Nation more secure while integrating the core principles of our constitutional rights and liberties—freedom, fairness, and equality under the law—into DHS programs and activities.

I am pleased to present this Annual Report detailing CRCL's priorities and activities in Fiscal Year (FY) 2015, which focused on alignment with the Department's missions: Preventing Terrorism and Enhancing Security; Securing and Managing Our Borders; Enforcing and Administering Our Immigration Laws; Safeguarding and Securing Cyberspace; and Ensuring Resilience to Disasters.

We are proud of the work that we have accomplished throughout FY 2015. As you will see from the highlights and key accomplishments outlined in this Report, CRCL has worked diligently to ensure civil rights and civil liberties protections through community engagement, complaints investigations, training, and a host of other civil rights programs and activities.

More information about CRCL is available at www.dhs.gov/crcl. Please direct inquiries regarding this Report to crcl@hq.dhs.gov or call us at 866-644-8360 (TTY 866-644-8361).

Respectfully submitted,

Megan H. Mack
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Executive Summary

In response to Congressional requirements, this Annual Report details CRCL's priorities and activities in FY 2015. CRCL's activities focused on alignment with the Department's missions: Preventing Terrorism and Enhancing Security; Securing and Managing Our Borders; Enforcing and Administering Our Immigration Laws; Safeguarding and Securing Cyberspace; and Strengthening National Preparedness and Resilience.

Highlights of CRCL's key accomplishments during FY 2015 include:

- Facilitating Engagement with Diverse Communities for DHS Senior Leadership;
- Ensuring that Recipients of DHS Financial Assistance Comply with Civil Rights Requirements;
- Working with U.S. Immigration and Customs Enforcement (ICE) to Improve Care for Transgender Individuals in Custody;
- Monitoring Conditions at Family Detention Centers;
- Publishing a Supplemental Notice of Proposed Rulemaking on Nondiscrimination in Matters Pertaining to Faith-Based Organizations; and
- Recognizing National Disability Employment Awareness Month.

These efforts continue to reflect DHS's dedication to securing the country while protecting our freedoms, including core civil rights and civil liberties values of liberty, fairness, and equality under the law.

DHS Office for Civil Rights and Civil Liberties Annual Report FY 2015

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I. Legislative Language

6 U.S.C. § 345. Establishment of Officer for Civil Rights and Civil Liberties.

Homeland Security Act of 2002 (HSA), Pub. L. No. 107-296, § 705, 116 Stat. 2135, 2219-20, *amended by* Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, §sec. 8303, § 705(a), 118 Stat. 3638, 3867 (amending section 705(a) of the HSA).

(a) In general. The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—

(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;

(2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, the Officer;

(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;

(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;

(5) coordinate with the Privacy Officer to ensure that—

(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

(B) Congress receives appropriate reports regarding such programs, policies, and procedures; and

(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

(b) Report

The Secretary shall submit to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of this section, including the use of funds appropriated to carry out this section, and detailing any allegations of abuses described under subsection (a)(1) of this section and any actions taken by the Department in response to such allegations.

42 U.S.C. § 2000ee-1. Privacy and Civil Liberties Officers.
Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53, sec. 803, § 1062, 121 Stat. 266, 360-362 (amending section 1062 of the National Security Intelligence Reform Act of 2004, Pub. L. No. 108-458, 118 Stat. 3688), as amended by the *Intelligence Authorization Act for Fiscal Year 2014*, Pub. L. No. 113-126, title III, § 329(b)(4), 128 Stat. 1390, 1406.

(a) Designation and functions

... [T]he Secretary of Homeland Security ... shall designate not less than 1 senior officer to serve as the principal advisor to—

> **(1)** assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;
>
> **(2)** periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;
>
> **(3)** ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and
>
> **(4)** in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—
>
> > **(A)** that the need for the power is balanced with the need to protect privacy and civil liberties;
> >
> > **(B)** that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and
> >
> > **(C)** that there are adequate guidelines and oversight to properly confine its use.

(b) Exception to designation authority...

> **(2)** Civil liberties officers
>
> In any department, agency, or element referred to in subsection (a) of this section... which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) of this section with respect to civil liberties.

(c) Supervision and coordination

Each privacy officer and civil liberties officer described in subsection (a) or (b) of this section shall—

> **(1)** report to the head of the department...; and
>
> **(2)** coordinate their activities with the Inspector General of such department... to avoid duplication of effort.

(d) Agency cooperation

The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

(1) has the information, material, and resources necessary to fulfill the functions of such officer;

(2) is advised of proposed policy changes;

(3) is consulted by decision makers; and

(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

...

(f) Periodic reports

(1) In general

The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) of this section shall periodically, but not less than semiannually, submit a report on the activities of such officers—

(A) **(i)** to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

(ii) to the head of such department, agency, or element; and

(iii) to the Privacy and Civil Liberties Oversight Board; and

(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(2) Contents

Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

(A) information on the number and types of reviews undertaken;

(B) the type of advice provided and the response given to such advice;

(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

(g) Informing the public

Each privacy officer and civil liberties officer shall—

(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(h) Savings clause

Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

II. Background

A. Mission

The Office for Civil Rights and Civil Liberties supports the Department of Homeland Security as it secures the Nation while preserving individual liberty, fairness, and equality under the law.

CRCL integrates civil rights and civil liberties into all of the Department's activities by:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel; and
- Leading the Department's equal employment opportunity (EEO) programs and promoting workforce diversity and merit system principles.

B. Authorities

The authorities under which CRCL supports the Department are embodied in a variety of legal sources, including statutes passed by Congress, Executive orders signed by the President, and delegations and directives issued by the Secretary of Homeland Security. Some of those authorities are listed in Appendix A of this Report, and others are posted at www.dhs.gov/crcl.

C. Leadership

On October 23, 2013, **Megan H. Mack** joined the Department as Officer for Civil Rights and Civil Liberties. Prior to her appointment, Ms. Mack was the Director of the American Bar Association Commission on Immigration, a position she held from 2009 to 2013, having also served as Associate Director from 2005 to 2009. Other previous positions include Supervisor of Legal Services for Hogar Hispano, Catholic Charities Diocese of Arlington in Falls Church, Virginia; Litigation Associate at Foley Hoag LLP in Boston; and Law Clerk to Judge Fred I. Parker in the U.S. Court of Appeals for the Second Circuit in Burlington, Vermont.

Tamara Kessler is the Deputy Officer for Programs and Compliance. Prior to her tenure at DHS, Ms. Kessler spent 20 years at the U.S. Department of Justice (DOJ). At DOJ, Ms. Kessler first served as an Assistant U.S. Attorney in Philadelphia; then as a trial attorney in the Criminal Section of the Civil Rights Division; and finally as Investigative Counsel to the Inspector General and Associate Counsel at the Office of Professional Responsibility.

Veronica Venture is the Deputy Officer for EEO and Diversity, and DHS's EEO Director. Ms. Venture first served as a Trial Attorney for the Equal Employment Opportunity Commission (EEOC), then spent seven years as an Administrative Judge, adjudicating complaints of discrimination brought by federal employees. She has spent her career promoting equal employment in the Federal Government, most recently as the EEO Director for the Federal Bureau of Investigation (FBI) from 2002 to 2011.

D. Organization

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Officer for Civil Rights and Civil Liberties reports directly to the Secretary. The Officer is supported by two Deputy CRCL Officers: a Deputy Officer for Programs and Compliance and a Deputy Officer for EEO and Diversity. CRCL's staff is organized into the Programs and Compliance Division (further subdivided into two Branches, one for Programs and one for Compliance); the EEO and Diversity Division; and the Office of Accessible Systems and Technology, a joint endeavor with the DHS Office of the Chief Information Officer.

At the close of FY 2015, CRCL had 88 staff and eight contractors on board. Table 1 details the Office's operating budget and staff for each fiscal year since 2004, the first year for which figures remain available.

Table 1: CRCL Operating Budget and Staffing, FY 2004–FY 2015

Fiscal Year	Operating Budget[1]	Federal Staff	Contract Staff
2004	$13,000,000	20	23
2005	$13,000,000	22	34
2006	$12,870,000	34	31
2007	$13,090,495	39	12
2008	$14,200,000	73	7
2009	$19,311,000	80	10
2010	$21,104,000	80	10
2011	$20,367,056	100	3
2012	$22,011,101	99	3
2013	$20,905,443	111	3
2014	$21,360,000	97	8
2015	$21,800,000	86	6

The following pages provide an overview of major accomplishments in FY 2015, followed by detailed information about each CRCL functional unit's activities during the year.

[1] Operating budget totals are based on the enacted, or revised enacted (where applicable), appropriated funding levels and payroll reimbursement funding from other government entities.

III. FY 2015 Highlights

A. Facilitating Engagement with Diverse Communities for DHS Senior Leadership

CRCL's Community Engagement Section responds to community concerns and provides information regarding DHS programs, activities, and issues by building trust and establishing a routine process for communication and coordination with diverse community leaders and organizations. The Department's senior leadership has regularly participated in CRCL's engagement events across the country, and in FY 2014–15, the Secretary of Homeland Security participated in nearly a dozen such meetings.

Secretary Johnson meets with Syrian American community members in Houston

In June 2015, Secretary Johnson traveled to Houston, Texas to participate in a roundtable with Syrian American community members. During the event, a Syrian refugee shared that he was part of a peaceful rally at the start of the Syrian Revolution, and that he was detained and tortured for nine months before he fled Syria with his family. After listening to the man's horrific account, the Secretary approached him, held his hand, and placed his arm around his shoulder and comforted him with words of welcome to the United States. See page 14 for more examples of how CRCL has worked to successfully build trust and partnerships with diverse communities across the country.

B. Ensuring that Recipients of DHS Financial Assistance Comply with Civil Rights Requirements

In FY 2015, DHS administered several billion dollars in financial assistance to thousands of governmental and nongovernmental organizations (NGO) to support the DHS mission. To ensure that recipients of the financial assistance do not discriminate on the basis of race, color, national origin, disability, sex, or age in the federally assisted programs, CRCL developed a civil rights review process which involves the completion of the "Civil Rights Compliance Form" to demonstrate compliance with various civil rights obligations. The new system, which will be implemented in FY 2016, will help to improve upon several important compliance functions, including advising recipients of their civil rights obligations; obtaining an assurance of compliance from each recipient; and collecting pertinent civil rights information to ascertain whether recipients have in place adequate policies and procedures to achieve compliance. The civil rights review process will enable the Department to proactively address compliance

concerns in recipient programs and prevent federal funds from being used in a discriminatory manner.

C. Working with ICE to Improve Care for Transgender Individuals in Custody

In FY 2015, CRCL was asked to support U.S. Immigration and Customs Enforcement (ICE) by participating in its newly created Transgender Working Group. The working group, which met regularly for six months during FY 2015, was responsible for developing and issuing new guidance on the care of transgender individuals in ICE custody (known as the Transgender Care Memorandum). The working group considered a wide variety of issues important to the care of transgender individuals, as well as detention practices used at a number of other confinement facilities, and its work was informed by, and complements, the protections set forth in DHS's *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities*. The memorandum addresses many elements of custody with regard to the treatment of transgender individuals, including improvements to data systems to better record and track gender identity and enhanced procedures for identifying and processing transgender detainees. The memorandum also created a voluntary ICE detention facility contract modification that calls for the formation of a facility-based multidisciplinary Transgender Care Classification Committee that will be responsible for making decisions related to searches, clothing options, housing assignments, medical care, and housing reassessments for transgender individuals. CRCL staff from the Immigration Section and Compliance Branch continue to staff the working group as it oversees implementation of the memorandum's objectives.

D. Monitoring Conditions at Family Detention Centers

In 2014, the U.S. faced an unprecedented spike in illegal migration from Central America. A substantial share of that migration consisted of adults who brought their children with them. In response to this situation, DHS substantially expanded its capacity to detain apprehended families. In FY 2015, having received numerous complaints from advocacy organizations, CRCL was asked by DHS leadership to conduct oversight and monitoring of ICE's family residential centers. In response, CRCL monitored conditions of detention and investigated complaints at three of the four family residential centers, including those in Artesia, New Mexico; Karnes City, Texas; and Dilley, Texas. Throughout FY 2015, CRCL conducted five onsite investigations with contracted subject matter experts in the areas of corrections, medical and mental health care, and environmental health and safety at the family residential centers. Following each investigation, CRCL made recommendations to DHS and ICE leadership focused on: language access for linguistically isolated populations in family detention, improvements in intake screening, staffing and training, Prison Rape Elimination Act of 2003 (PREA) implementation, compliance, housing, legal access, child care, and medical and mental health care. The Artesia facility closed in December 2014. CRCL's investigations, and ICE's ongoing commitment to quality improvement, have produced substantial changes in the operation of the other two facilities. CRCL continues to work with ICE to implement these recommendations and anticipates further inspections at the family residential centers in

recognition of the particular issues presented by housing this unique and potentially vulnerable population.

E. Publishing a Supplemental Notice of Proposed Rulemaking on Nondiscrimination in Matters Pertaining to Faith-Based Organizations

On August 6, 2015, DHS published a supplemental notice of proposed rulemaking, Nondiscrimination in Matters Pertaining to Faith-Based Organizations (80 Fed. Reg. 47, 284) followed by a 60-day public comment period. The proposed rule would ensure that faith-based organizations may compete on an equal footing with other organizations for direct federal financial assistance for which they are otherwise eligible. These faith-based organizations would also be able to fully participate in federally supported social service programs, while beneficiaries under those programs would also receive appropriate protections. CRCL led development of the proposed rule within DHS, in coordination with an interagency process led by the White House Office of Faith-Based and Neighborhood Partnerships. The rule implements recommendations from an earlier Advisory Council for Faith-Based and Neighborhood Partnerships and Executive Order 13359, Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations, 75 Fed. Reg. 71,319 (Nov. 17, 2010). CRCL looks forward to responding to comments and finalizing the rulemaking in FY 2016.

F. Recognizing National Disability Employment Awareness Month

Deputy Secretary Alejandro Mayorkas leads roundtable discussion on disability employment

The Department strives to be a model of diversity, embracing the talents and contributions of all workers, including those with significant disabilities. DHS works to provide equal access in the workplace to enable individuals with disabilities to be fully included.

In recognition of National Disability Employment Awareness Month, in FY 2015, Deputy Secretary Alejandro Mayorkas and several DHS leaders gathered to discuss disability issues and the homeland security mission. The event, hosted by CRCL, involved disability experts from across the Federal Government and nonprofit sectors, who shared their expertise and insight on improving access and hiring. Deputy Secretary Mayorkas also led a roundtable discussion with leaders to glean their perspectives and ideas on making the DHS workplace more inclusive, with a particular focus on retention of employees with disabilities.

Every individual has a right to dignity, respect, and fair and equal opportunity in the workplace. In 2010, President Obama issued Executive Order 13548, which calls on federal agencies to increase hiring of individuals with disabilities across the federal workforce. At DHS, we are answering that call:

- CRCL's long-standing training course on hiring and retaining individuals with disabilities was adapted by the Office of Personnel Management (OPM) for use throughout the Federal Government. Much like the DHS course, OPM's "A Roadmap to Success: Hiring, Retaining People with Disabilities" provides hiring managers with basic information and resources to successfully hire, retain, and advance employees with disabilities.
- The Department increased its reasonable accommodations trainings for managers and supervisors by 80 percent between FY 2014 (6,751 trained) and FY 2015 (12,221 trained). A reasonable accommodation is any change to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to others in the workplace. The training includes information on various resources available to employees; due to the increased awareness about reasonable accommodations, the Department has significantly increased the number of accommodations provided to employees, resulting in a 7.5 percent increase from FY 2014 (2,981) to FY 2015 (3,202).
- The Department increased its hiring of individuals with disabilities by 1.5 percent between FY 2014 and FY 2015, leveraging the Schedule A hiring process, which allows federal agencies to use a special authority to hire persons with disabilities. Overall, the Department experienced noteworthy increases in hires under Schedule A, specifically, 63 hires in FY 2015, a 53.65 percent increase over the previous year when 41 Schedule A hires were made.
- DHS is participating in the Workforce Recruitment Program (WRP) which connects federal employers with highly motivated students and recent college graduates with disabilities. Since 1995, over 6,000 students and recent graduates have received temporary and permanent employment opportunities through the WRP. The Department is exploring partnerships with innovative programs like Project SEARCH, an internship program that provides young adults with intellectual disabilities the opportunity to acquire work experience along with competitive, marketable, and transferable skills. The goal is for each intern to gain successful paid employment.

IV. Programs Branch: Policy Advice, Training, and Outreach

The Programs Branch provides policy advice to the Department on civil rights and civil liberties issues, conducts training of DHS personnel and state and local law enforcement partners, and coordinates outreach and engagement activities in communities whose civil rights and civil liberties are particularly affected by DHS programs.

In FY 2015, the Programs Branch consisted of four sections:

1. Civil Rights and Civil Liberties Institute;
2. Community Engagement;
3. Immigration; and
4. Security, Intelligence, and Information Policy (formerly Intelligence, Security, and Information Sharing).

The following pages discuss the structure of these sections and accomplishments in addition to those already described in the Highlights section.

A. Civil Rights and Civil Liberties Institute

The Civil Rights and Civil Liberties Institute leads efforts across CRCL and DHS Components in support of actionable and job-specific training for DHS employees and our federal, state, and local partners. The Institute focuses on developing and delivering targeted and meaningful training on civil rights and civil liberties that improves the Department's capacity to protect America, while respecting liberty, fairness, and equality under the law. Effective training on civil rights and civil liberties issues helps to build public trust, operationalize policy, and promote partner cooperation; it is essential to the success of the Department's mission.

CRCL deems "training" to be a broad term that encompasses a range of activities, approaches, and delivery methods designed to improve mission performance and ultimately change attitudes. The Institute reaches virtually every DHS employee through one or more of its programs or products.

Accomplishments in FY 2015

Fusion Center Training Program
State and major urban area fusion centers serve as focal points for the receipt, analysis, gathering, and sharing of threat-related information among the Federal Government and state, local, tribal, territorial, and private sector partners. The Institute partners with the DHS Office of Intelligence and Analysis (I&A), DHS Privacy Office (PRIV), and DOJ Office of Justice Programs in the development and delivery of civil rights, civil liberties, and privacy training for personnel at these centers, in fulfillment of the Department's obligation under the Implementing

Recommendations of the 9/11 Commission Act of 2007. During FY 2015, the Institute undertook the following training projects in support of the national network of fusion centers:

- ***Training and Technical Assistance for Privacy, Civil Rights, and Civil Liberties Officers:*** The Institute provides regular one and a half day Training of Trainers sessions to fusion center Privacy, Civil Rights, and Civil Liberties Officers (PCRCL). The program was created in 2010 to assist these officers in providing ongoing training to fusion center staff and/or fusion liaison officers. Sessions were held in November 2014, March 2015, and June 2015. Attendees are expected to conduct at least one training at their fusion center within four to six months following the session. The Institute has trained PCRCL Officers from 70 of the 78 fusion centers. The Institute piloted the draft "Technology and Privacy/ Civil Rights and Civil Liberties issues in the Information Sharing Environment (ISE)" module at the Training of Trainers session in November and June. The module is designed to address how each of the 10 enumerated investigative technologies work, the privacy and civil liberties red flags associated with use of the new technologies, and how fusion centers mitigate the privacy, civil rights, and civil liberties risks by adopting privacy-enhancing policies and privacy-by-design mechanisms.

  In FY 2015, CRCL disseminated its extensive Privacy, Civil Rights, and Civil Liberties Officer Module Series, which includes training modules, Power Point presentations, exercises, redacted intelligence products, and trainer notes. This series was developed to allow PCRCL Officers to present the material in customizable workshops to personnel at their own centers with emphasis on the local privacy policy, procedures, and issues.

  Also in FY 2015, the Institute responded to 28 technical assistance requests from PCRCL Officers across the national network of fusion centers. The Institute researched and answered inquiries on a range of topics from implementation of social media policies to queries on professional development training on privacy, civil rights, and civil liberties issues in the ISE.

  The Institute also provided a biweekly "In the News" newsletter to PCRCL Officers through our Technical Assistance and Training Program. The Institute produced 24 editions of the digital newsletter, which has a subscription base of 1,329 (an increase of 445 readers). The program includes a biweekly open source newsletter on privacy, civil

rights, and civil liberties issues of interest to fusion centers, periodic webinars, training design and materials support, over-the-phone assistance, and web-based resources.

The Institute conducted seven webinars and at the conclusion of each, Institute-developed evaluations were distributed to participants. The webinars have averaged a 4.34 on a five-point scale of effectiveness. Topics included: Social Media, Destruction of Records, Privacy Impact Assessment and Privacy Threshold Analysis, Case Trends in the ISE, Suspicious Activity Reports and Sovereign Citizens Adherents, Fair Information Practice Principles in the ISE, and Countering Violent Extremism.

- ***Major Expansion of Privacy and Civil Liberties Officers Web Portal:*** During FY 2015, the Institute completed a significant addition to the privacy and civil liberties web portal, which provides one-stop access for information and core curriculum for PCRCL Officers at fusion centers. New content was featured on over 50 new pages, existing pages were updated, and new sections to support the PCRCL Officers core curriculum were completed. The website now features over 175 pages.

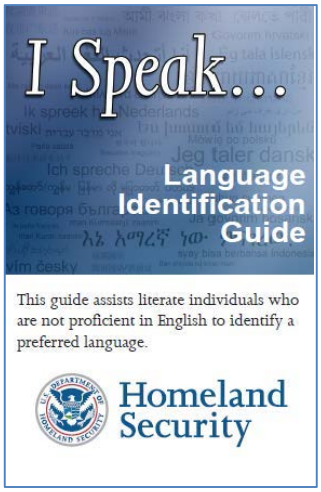
- ***Privacy, Civil Rights, and Civil Liberties Audit Guidance Published:*** The Institute made significant contributions to the *Privacy, Civil Rights, and Civil Liberties Audit Guidance for the State, Local, Tribal, and Territorial Intelligence Component.* The Audit Guidance is designed to help state, local, tribal, and territorial agencies, including state and major urban area fusion centers, conduct a privacy, civil rights, and civil liberties audit of records within the agency's intelligence component. The audit will support agency leadership in ensuring the protection of community members' privacy, civil rights, and civil liberties in the agency's intelligence-related activities, including intelligence collection, analysis, and dissemination. Since early 2015, the Institute put forth a significant effort in revising, researching, writing, vetting, and developing the Audit Guidance in partnership with PRIV, I&A, and the Criminal Intelligence Coordinating Council Task Team. The final product was sent to the National Network of Fusion Centers after approval by the Criminal Intelligence Coordinating Council on September 30, 2015. The document was published under three seals: DHS, DOJ, and the Global Justice Information Sharing Initiative (Global), which serves as a Federal Advisory Committee and advises the U.S. Attorney General on justice information sharing and integration initiatives.

- ***"Building Communities of Trust" Roundtables in the Field:*** CRCL has partnered with I&A to present at Building Communities of Trust community-based meetings with fusion centers across the country. The goal of the roundtables is to develop trust among law enforcement, fusion centers, and the communities they serve to address the challenges of crime and terrorism prevention, ideally serving as a catalyst for local sponsorship of an ongoing series of meetings. As part of these preparations, the Institute works with local fusion center PCRCL Officers to review and discuss progress and hurdles in fusion center privacy policy implementation. Staff from the Institute presented at five Building Communities of Trust roundtables in Camden and Newark, New Jersey (April 2015), Buffalo, New York (June 2015), Montgomery, Alabama (August 2015), and Ft. Lauderdale, Florida (August 2015). In addition, when travel funds were not available,

the Institute's staff conducted a series of briefings for the local PCRCL Officers, provided notes, and conducted policy reviews to assist the PCRCL Officers.

- ***Pre–Deployment Training for DHS I&A Intelligence Officers:*** To meet statutory requirements for pre–deployment training of I&A Intelligence Officers, the Institute and PRIV provided individualized half-day training on critical privacy, civil rights, and civil liberties issues in the ISE to the 13 newly appointed I&A deployed field personnel assigned to fusion centers in New Hampshire, Rhode Island, Wyoming, Maine, Nebraska, Georgia, Florida, Massachusetts, Arizona, Illinois, Virgin Islands, Puerto Rico, and South Carolina.

- ***"I Speak" Materials:*** In FY 2015, the Institute continued to deploy its "I Speak" materials (first developed in FY 2011). The "I Speak" products include multi-lingual posters, pocket guides, and job aids that individuals with limited English proficiency can use to identify the languages they speak. The materials have been used by the DHS Blue Campaign, CBP, ICE, and the Transportation Security Administration (TSA). Upon request, CRCL will provide external partners with customized, digital versions of the "I Speak" materials. In FY 2015, CRCL's dissemination efforts reached more than 1,000 state and local law enforcement agencies.



B. Community Engagement Section

Public engagement with diverse American communities remains a top priority for CRCL as it supports the Department's mission to secure our nation while protecting the civil rights and civil liberties of those who may be affected by DHS programs and activities. CRCL's Community Engagement Section responds to community concerns and provides information regarding DHS programs, activities, and issues by building trust and establishing a routine process for communication and coordination with diverse community leaders and organizations. Since 2005, CRCL has regularly convened roundtable meetings with American Arab, Muslim, Sikh, South Asian, and Middle Eastern community leaders in multiple cities across the country. In recent years, the Community Engagement Section has expanded their demographic profile to include Latino, Somali, Jewish, and Asian/Asian Pacific Islander communities, and leads a wide variety of outreach endeavors, with core programs in 16 cities working with diverse communities.

The Community Engagement Section aims to:

- Communicate and share reliable information about federal programs and policies, including avenues for redress and complaints;
- Obtain information and feedback about community concerns and on-the-ground impact of DHS activities;
- Incorporate community ideas and issues relating to civil rights and civil liberties into the policymaking process; and

- Deepen channels of communication between communities, regional DHS leadership, and other federal officials to facilitate solutions to problems.

Accomplishments in FY 2015

Community Roundtables and Other Engagement Activities
Community engagement roundtables provide community leaders an opportunity to meet routinely and directly with DHS and other federal, state, and local partners on issues most important to them. Roundtables are held quarterly in cities throughout the country, and are hosted by federal agencies and community organizations on an alternating basis. Attendees are informed that they may submit questions beforehand so officials are prepared to respond, and topics of discussion are focused on concerns specific to each city's participants.

Information gathered at roundtables can play a vital role in helping to inform policy decisions and improve the effectiveness of policies and programs. For example, discussion and feedback from roundtable meetings have resulted in improvements to CRCL's complaints process and improvements in several DHS Components' training programs, as well as have gathered feedback on travel experiences to share with a DHS task force.

In 2015, CRCL conducted community engagement events and led or played a significant role in regular roundtable meetings among community leaders and federal, state, and local government officials in 16 cities across the country including: Washington, D.C.; Chicago, Illinois; Los Angeles, California; Boston, Massachusetts; Detroit, Michigan; Tampa/Orlando, Florida; Columbus, Ohio; Seattle, Washington; Atlanta, Georgia; Denver, Colorado; Houston, Texas; New York, New York; Phoenix, Arizona; and Minneapolis/St. Paul, Minnesota. Overall, CRCL coordinated and participated in well over 100 engagement events in 2015, encompassing approximately 60 standing roundtables, 26 secondary meetings and events associated with standing roundtables, and 14 individual engagement events.

DHS Leaders Participate in Engagement Activities
In FY 2014–2015, the Secretary of Homeland Security participated in several community engagement meetings, emphasized the importance of community partnerships, and encouraged Department senior leadership to participate in future events. Specifically, the Secretary participated in community engagement events in Chicago, Illinois; Columbus, Ohio; Minneapolis, Minnesota; Los Angeles, California; Boston, Massachusetts; New York, New York; Houston, Texas;

DHS Secretary Jeh Johnson and CRCL Officer Megan Mack attend roundtable meeting in New York City

Philadelphia, Pennsylvania; and Northern Virginia. Other members of Department senior leadership, including the Deputy Secretary, have participated in several dozen engagement events across the country in the last several years.

CRCL Activates the ICCT

The Incident Communication Coordination Team (ICCT) is a conference call mechanism for rapid communication with national community leaders when a particular incident calls for speedy engagement of this type. These calls are used to inform leaders about the Department's position and actions, and also to receive immediate feedback regarding civil rights and civil liberties concerns of community members. The ICCT nationwide call is the only tool of its kind available for rapid incident communications between the Federal Government and diverse communities in the immediate aftermath of an incident of national significance. In FY 2015, CRCL activated the ICCT following these incidents of national significance:

- On February 13, 2015, CRCL activated the ICCT in response to the shootings of three young Muslim Americans in Chapel Hill, North Carolina on February 10, 2015. Soon after the shootings, CRCL heard from trusted community partners that they feared the possibility of additional violence against the American Arab, Muslim, Sikh, and South Asian communities. In response to the concerns, CRCL initiated the call and discussed a statement the President had issued the same day.
- On May 5, 2015, CRCL activated the ICCT as a result of the May 3, 2015, shootings in Garland, Texas at a controversial event sponsored by the American Freedom Defense Initiative that displayed cartoons of the Prophet Muhammed. Soon after the incident, CRCL heard from trusted community partners that they feared the possibility of threats and violence against the American Arab, Muslim, Sikh, and South Asian communities.
- On June 18, 2015, CRCL activated the ICCT as a result of the June 17, 2015, shootings at the historic Emanuel AME Church in Charleston, South Carolina. CRCL initiated the call after hearing from trusted community partners who expressed concerns and requested information and points of contact as a result of this incident.

Expanded Syria-Related Engagement

Given the events in Syria, in late FY 2013, CRCL created the Strategic Syria Outreach Plan at the request of the DHS Counterterrorism Advisory Board. The plan outlines a number of concrete short-term and long-term initiatives aimed at expanding Syria-specific engagement with communities demonstrating, or likely to have, strong equities in a variety of topics surrounding the conflict in Syria or the greater region. In FY 2015, CRCL continued to successfully implement these initiatives, including holding community engagement town halls with the Syrian American community in five cities across the U.S., providing community awareness briefings focused on the foreign fighter threat and the threat of recruitment by Islamic State of Iraq and the Levant (ISIL), conducting youth engagement initiatives, collaborating with partner countries to identify best practices, and involving senior DHS leadership in community engagement events.

Implementing the Somali American Community Strategic Engagement Plan

In FY 2015, CRCL continued to implement its Somali American Community Strategic Engagement Plan with marked success. The plan, approved and implemented starting in 2011,

was developed to address a well-documented and unique assortment of civil rights and civil liberties complaints which, at the time, resulted in a deepening schism between government agencies and the Somali American community. In 2014 and 2015, the Secretary, the Deputy Secretary, and other Department senior leadership visited with Somali American communities across the country and participated in roundtables, town halls, issue specific meetings, women's and youth summits, and countering violent extremism (CVE) programming.

Roundtables with Young Leaders

CRCL has hosted five "Roundtables on Security and Liberty: Perspectives of Young Leaders Post–9/11" with representatives from the American Arab, Muslim, Sikh, South Asian, and Middle Eastern communities. These events took place in Los Angeles, California; Houston, Texas; and Washington, D.C. The goal of the roundtables is to receive input on DHS policies and activities from a future generation of community leaders. In 2015, CRCL led similar efforts with young leaders, hosting several such successful events across the country, including a Youth Summit in Minneapolis, Minnesota. The Secretary of Homeland Security also participated in a June 2015 meeting with young leaders representing Muslim Students Associations chapters around the country in the Philadelphia, Pennsylvania area.

Countering Violent Extremism

Much of CRCL's engagement work benefits efforts to counter violent extremism in the United States and abroad. CRCL roundtables and other engagement activities are models of the good governance programs called for expressly in the National CVE Strategy, "including those that promote immigrant integration and civil engagement, protect civil rights, and provide social services, [and] which may also help prevent radicalization that leads to violence." CRCL implements CVE programs primarily by conducting Community Awareness Briefings (CAB) and the Community Resilience Exercises (CREX).

CRCL, with the National Counterterrorism Center, developed and implemented the CAB, designed to share unclassified information with communities regarding the threat of violent extremism. The CAB is designed to help communities and law enforcement develop the necessary understanding of al-Qa'ida and ISIL recruitment tactics and explore ways to collectively and holistically address these threats before they become a challenge at the local level. In late FY 2015, the Department started to expand the CAB to include more content on domestic terrorism, including information on violent sovereign citizens, violent white supremacists, violent militia members, and other groups posing a similar threat to homeland security, and information on how to counter the violent extremist threat; this effort will continue in FY 2016. In the past year, DHS led CABs in 17 domestic cities and eight foreign locations, reaching approximately 1,375 influential community members.

The CREX is a half-day tabletop exercise designed to improve communication between law enforcement and communities and to share ideas on how best to build community resilience against violent extremism. The CREX uses an unfolding scenario of possible violent extremist activity with two threads: one thread disclosing what the police have learned and the other thread sharing what the community experiences. The scenario is revealed in several stages, with participants breaking into small groups after each stage to discuss potential responses and how they should work together. The scenario is hypothetical, but based on the behaviors exhibited by

past violent extremists prior to their arrest. At the end of the exercise, the facilitators help the participants create a local action plan focused on prevention and intervention. CREXs focus on building trust and empowering communities against violent extremism domestically, a theme that directly supports the domestic CVE Strategy and Strategic Implementation Plan. In the last half of FY 2014 through FY 2015, DHS has led CREXs in six cities.

CRCL plays a key role with the Department's CVE efforts internationally. Since 2011, CRCL has coordinated a bilateral CVE Exchange Program in partnership with the U.S. Department of State. The program involves pairing two cities in the U.S. with two cities in a European country, and they exchange delegations representing civil society and local government to address community engagement best practices that support CVE and also promote immigrant integration, youth empowerment, resolution of grievances, and protection of rights and liberties.

In 2014, CRCL hosted a CVE Exchange Program delegation from Vilvoorde, Belgium. The delegation participated in a series of CVE programs and initiatives in Washington, D.C., and in Columbus, Ohio, culminating in a roundtable event at the Noor Islamic Center in Columbus, hosted by the Secretary of Homeland Security. In subsequent visits to Belgium in 2014 and 2015, CRCL provided training for law enforcement agencies and community awareness briefings. In 2015, the Mayor of Vilvoorde attributed the city's success in stemming the flow of foreign fighters from Vilvoorde to Syria and Iraq, to lessons learned from CRCL engagement practices and CRCL-inspired programs the city has implemented since the beginning of the exchange program. Prior to 2014, Vilvoorde had the largest per capita number in Europe of foreign fighters departing for the conflict zone.

In 2015, CRCL, in partnership with the U.S. Department of State, prepared for the FY 2016 exchange program with Sweden, which began with a visit to Angered, Sweden in November 2015. Additionally in 2015, CRCL participated in dozens of international conferences, meetings, workshops, Department of State–sponsored speakers' tours, and International Leadership Visitors Programs throughout Europe and Asia.

UNHRC Resolution 16/18 Country-to-Country Implementation Program

In 2013, CRCL partnered with the DOJ Civil Rights Division in conducting a training program on religious tolerance designed to promote the country-to-country implementation of United Nations Human Rights Council (UNHRC) Resolution 16/18. UNHRC Resolution 16/18 focuses on "Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence Against, Persons Based on Religion and Belief," and identifies concrete, positive measures that nation states can take to combat religious bias and intolerance rather than legal measures to restrict speech. CRCL has co-led the country-to-country implementation of Resolution 16/18 starting in Sarajevo, Bosnia, in June 2013. CRCL continued its trainings in FY 2014 in Indonesia and Greece, along with a follow up training program in Bosnia. In early FY 2016, CRCL continued to participate in the implementation of UNHRC Resolution 16/18 in Uzbekistan.

C. Immigration Section

Civil rights and civil liberties issues can arise in the Department's dual mission to foster lawful international travel, commerce, and immigration while preventing unlawful immigration and enforcing immigration laws. The Immigration Section works with DHS Components to ensure that civil rights and civil liberties are considered in and incorporated into immigration and border policies and programs, as well as other programs utilizing immigration-related data. The Section also communicates with the public and with the nongovernmental and civil society community about civil rights and civil liberties issues in the Department's immigration activities; provides training to DHS Components; drafts, edits, and provides comments on issue papers, testimony, speeches, legislative proposals, and regulations; and supports the Officer in her capacity, under Executive Order 13107, as the Department's single point of contact for international human rights treaty responsibilities. The Section works closely with the Compliance Branch, providing subject-matter expertise on complaints raising immigration issues and advancing policy development in DHS Components.

Accomplishments in FY 2015

Segregated Detainee Housing

As described in last year's CRCL annual report, the Immigration Section and Compliance Branch have continued to regularly review ICE's implementation of its September 2013 directive "Review of the Use of Segregation For ICE Detainees" and other policies applicable to uses of segregated (or special) housing units in immigration detention. Throughout the year, CRCL provided regular feedback to ICE on the placement of individual detainees in segregated housing. Per the Directive, in September 2015, CRCL participated in the convening of the ICE Detention Monitoring Council segregation subcommittee, which included representatives from several offices within ICE, including the Office of Detention Policy and Planning, Enforcement and Removal Operations, ICE Health Service Corps, and the Office of the Principal Legal Advisor. CRCL also continued to work throughout the year to develop further policy approaches to recognize and respond to the needs of detainees in segregated housing and, in particular, of vulnerable populations, including detainees with serious health concerns, mental health conditions or disabilities, or detainees who may be more susceptible to harm in general population due in part to their sexual orientation or gender identity.

Priority Enforcement Program

On November 20, 2014, the Secretary of Homeland Security issued a memorandum titled *Secure Communities*, directing ICE to discontinue the Secure Communities program and to put in its place the Priority Enforcement Program (PEP). PEP leverages fingerprint-based biometric data, submitted during bookings by state and local law enforcement agencies (LEA) to the FBI, to identify priority aliens in LEA custody for potential enforcement action. PEP implements the Department's immigration enforcement priorities, and directs ICE to seek the transfer of aliens in state or local custody in accordance with those priorities. The Secretary's memorandum directed ICE to replace many requests for detention (i.e., requests that an agency hold an individual beyond the point at which they would otherwise be released) with requests for notification (i.e., requests that state or local law enforcement notify ICE of a pending release during the time that person is otherwise in custody under state or local authority). The Secretary's memorandum also

directed ICE to issue detainers pursuant to PEP, that seek continued detention by a LEA, when DHS has established probable cause to believe the subject is removable.

CRCL worked closely with ICE in the development and implementation of PEP, including in the development of revised detainer and notification forms. As directed by Secretary Johnson in the November 20, 2014 memorandum, CRCL developed a plan to monitor and collect data on transfers from LEAs to ICE to detect any inappropriate use of PEP to support or engage in biased policing, and to establish effective remedial measures to stop any such misuse. As PEP began deployment in June 2015, CRCL coordinated with ICE to develop the data structures and analysis techniques to be used for statistical monitoring of PEP transfers, and CRCL remains closely involved in the rollout and related policy development.

DHS Implementation of the 2014 DOJ Guidance on Use of Race, Ethnicity, and Other Characteristics

Since its beginning, the Department has had policies and procedures in place to ensure fair and equitable treatment of individuals and to guard against discrimination, including DHS' adoption of anti–profiling guidelines issued by DOJ in 2003, in an updated DHS policy issued by then–Secretary Napolitano in 2013. In December 2014, DOJ issued new Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity. CRCL has led the Department's efforts to implement the Guidance across DHS's varied missions.

The new Guidance applies to a range of activities that were not as comprehensively covered by prior policy, such as interior immigration enforcement, and for the first time creates uniform standards for the use of religion, sexual orientation, and gender identity in law enforcement activities. While several key DHS mission areas are excluded from the scope of the Guidance, including interdiction activities in the vicinity of the border and certain protective, inspection, and screening activities, the Department is reviewing all of those activities to ensure that all appropriate safeguards and civil rights protections are applied to those activities as a matter of DHS policy. CRCL will continue its work in this area into FY 2016.

Outreach and Liaison Activity

The Immigration Section leads CRCL's participation in quarterly meetings of the DHS Civil Rights/Civil Liberties Committee, an NGO-led group that provides a forum to share information on CRCL's activities and receive NGO input on matters of concern. In addition to four meetings of the Committee this year, CRCL was engaged in numerous stakeholder and communications events, including the Department's outreach on implementation of the DOJ Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity and interagency consultations with NGOs in connection with the Universal Periodic Review, the Convention Against Torture, and other international human rights treaties.

Ongoing Efforts to Strengthen and Protect Confidentiality of Victims

In FY 2015, CRCL continued to take the lead in an ongoing Department-wide effort to develop internal Departmental governance documents to implement the confidentiality provisions of 8 U.S.C. §1367, as amended, by the Violence Against Women Reauthorization Act of 2013, a

provision generally known as "VAWA confidentiality" after its initial inclusion in the Violence Against Women Act of 1994. In September 2013, the Acting Secretary delegated to the CRCL Officer the authority to implement those confidentiality provisions throughout the Department. Throughout FY 2015, CRCL continued to lead several implementation efforts, including close collaboration with numerous DHS Components to develop their individualized policies to protect Section 1367–protected information, several of which were finalized in FY 2015. Staff from CRCL's Immigration and Security, Intelligence, and Information Policy Sections led a DHS working group to develop additional Departmental governance documents, now in final Departmental clearance, and worked closely with the DHS Council on Combating Violence Against Women to collect reports from Components to track compliance with the Department-wide training mandates on the confidentiality provisions.

International Human Rights Treaties

The Immigration Section supports the Officer in her role as coordinator for the Department's activities in providing education and outreach about, processing complaints under, and reporting information to the international bodies responsible for human rights treaties to which the U.S. is a party.

Officer Megan Mack presents before the UN Human Rights Council in Geneva

This year, the U.S. participated in the United States' intermittent reports under the Convention Against Torture and as part of the Universal Periodic Review process under the United Nations Human Rights Council. Officer Mack led the DHS delegation to the Universal Periodic Review hearing in Geneva, Switzerland in May 2015. As the DHS representative, Officer Mack presented the Department's efforts to ensure civil and human rights considerations while carrying out its mission, especially in the areas of immigration policy and border security. The Department works to ensure that state and local law enforcement agencies and others do not implement laws in a manner that discriminates against any community; that individuals who are facing removal from the U.S. receive due process, with DHS taking steps to encourage legal representation; and that individuals who are detained are treated humanely and in a manner consistent with the U.S. Constitution, federal laws, and applicable international obligations. Officer Mack also noted the significant progress the Department has made in addressing all aspects of human trafficking through investigating and prosecuting traffickers, promoting public awareness, and improving methods for identifying and providing services to victims of trafficking.

CRCL also coordinated DHS responses to inquiries from other international organizations and treaty bodies, including the Inter–American Human Rights Commission.

Assisting in the Development of a Southwest Border Land Migration Contingency Plan
CRCL actively participated in a multi–Component Operational Planning Team that developed and finalized the *DHS Southwest Border Land Migration Contingency Plan* (Contingency Plan). The Contingency Plan was informed by, and is consistent with, earlier Departmental efforts to plan for a migration surge of unaccompanied children, as well as potential large-scale migrations of family units and single adults. The Contingency Plan provides detailed roles and responsibilities for DHS Components, and establishes the oversight and coordination architecture for a land migration surge, reporting processes, and detailed indications and warnings. CRCL participated in numerous meetings to help develop the Contingency Plan and worked to successfully ensure CRCL equities were built into the plan.

Review of Computer Matching Agreements under the Data Integrity Board
The Officer for Civil Rights and Civil Liberties is a member of the DHS Data Integrity Board, which oversees agency matching programs pursuant to the requirements of the Computer Matching and Privacy Protection Act, an amendment to the Privacy Act of 1974. CRCL's Immigration Section supports the Officer in her responsibility to review and approve the creation or renewal of agency computer matching agreements (CMA).

Many CMAs reviewed by CRCL involve a federal or state agency that seeks data from DHS to determine an applicant's eligibility for specific public benefits, including under the Patient Protection and Affordable Care Act of 2010. For example, U.S. Citizenship and Immigration Services (USCIS) may, through a CMA, provide an agency with electronic access to immigrant, nonimmigrant, and naturalized or derived citizenship status information contained within or accessed by the USCIS Verification Information System.

The Officer's review includes consideration of whether the CMA protects an individual's privacy, due process, and equal protection rights, and whether the sharing of information is authorized by law. For example, failure to provide individuals with an appropriate process to contest and resolve mismatches may result in an individual's loss of government benefits based upon an inaccurate computer match. An essential part of the review process includes discussions and negotiation with DHS's CMA partners on CMA language to best protect the rights of persons subject to verification.

In FY 2015, the Officer reviewed and voted to approve or extend the following CMAs:

- Recertification of the CMA between USCIS and the Department of Health and Human Services Centers for Medicare and Medicaid Services for verification of immigration and naturalized or derived U.S. citizen status under the Patient Protection and Affordable Care Act of 2010, as amended, by the Health Care and Education Reconciliation Act of 2010;
- A CMA between USCIS and the Social Security Administration to disclose information identifying non–citizens who leave the U.S. voluntarily and non–citizens who are removed from the U.S. for determining eligibility for Supplemental Security Income, retirement and disability insurance benefits, and auxiliary or survivors benefits under the Social Security Act;

- Recertification of the CMA between USCIS and the California Department of Social Services for verification of immigration and naturalized or derived U.S. citizen status under the Social Security Act and California Welfare and Institutions Code;
- Recertification of the CMA between USCIS and the Texas Workforce Commission for verification of immigration and naturalized or derived U.S. citizen status under the Social Security Act and Texas Labor Code;
- Recertification of the CMA between USCIS and the Massachusetts Division of Unemployment Assistance for verification of immigration and naturalized or derived U.S. citizen status under the Social Security Act and Massachusetts General Laws;
- Recertification of the CMA between USCIS and the New York Department of Labor for verification of immigration and naturalized or derived U.S. citizen status under the Social Security Act and New York Unemployment Insurance Law;
- Recertification of the CMA between USCIS and the New Jersey Department of Labor and Workforce Development (NJ-LWD) for verification of immigration and naturalized or derived U.S. citizen status under the New Jersey Unemployment Compensation Program administered by the NJ-LWD; and
- Recertification of the CMA between the Federal Emergency Management Agency (FEMA) and the U.S. Small Business Administration for verification to ensure that applicants for Small Business Administration Disaster Loans and FEMA Individuals and Households Program/Other Needs Assistance do not receive duplicate benefits for the same disaster.

Enhancing Civil Rights Protections in E-Verify and Form I-9 Compliance

CRCL actively works with the USCIS Verification Division, ICE Homeland Security Investigations (HSI), and DOJ's Office of Special Counsel for Immigration-Related Unfair Employment Practices to ensure that civil rights and civil liberties protections are incorporated into the processes by which employers verify employee identity and employment authorization. In FY 2015, this work included participating in the development of an enhanced Form I-9, development of employer guidance and the I-9 Central website, reviewing E-Verify employee notices, developing a new mobile app for E-Verify, and coordinating stakeholder engagement on employment verification, including with the EEOC. CRCL also worked with USCIS to respond to state-law developments that could mandate use of E-Verify in a prohibited manner.

Implementing the REAL ID Act

CRCL works closely with the DHS Office of Policy on implementation of the REAL ID Act of 2005, particularly as the Department seeks to move toward full implementation in a measured, fair, and responsible manner. CRCL assists in the development of roll-out plans and public guidance, seeking to ensure the fair treatment of all persons who may be affected by implementation, particularly low income persons and other vulnerable groups. CRCL worked with USCIS and ICE to respond to stakeholder requests for technical assistance and developed public Q&As to provide guidance to employers and workers to make clear that non–REAL ID compliant driver's licenses are acceptable Form I-9 identity documents; that ICE will not bring enforcement actions against employers for knowingly hiring undocumented workers based solely upon employer acceptance of non–REAL ID compliant documents; and that employers are prohibited from rejecting Form I-9 documentation based on a worker's ethnicity.

Ensuring Consistent Enforcement of Federal Labor, Employment, and Immigration Laws
CRCL is an active participant in the Interagency Working Group for the Consistent Enforcement of Federal Labor, Employment and Immigration Laws, created early in FY 2015. The working group is composed of federal immigration enforcement agencies and federal agencies responsible for worker protections, including the U.S. Department of Labor (DOL), DHS, DOJ, EEOC, and the National Labor Relations Board. The working group seeks to:

- Ensure agencies' immigration enforcement and worker protection policies promote workers' cooperation with labor and employment law enforcement authorities without fear of retaliation;
- Ensure federal enforcement authorities are not used by parties seeking to undermine worker protection laws by enmeshing immigration authorities in labor disputes; and
- Ensure the consistent enforcement of federal labor, employment, and immigration laws.

To achieve these objectives the working group seeks to:

- Develop policies and procedures to ensure consistent enforcement of labor, employment, and immigration laws;
- Develop consistent standards and procedures for immigration agencies to contact labor agencies when they encounter a potential labor dispute;
- Provide greater clarity to workers, worker representatives, advocates, and employers regarding processes and procedures on the intersection between immigration law enforcement and labor and employment law enforcement;
- Strengthen processes for staying the removal of, and providing temporary work authorization for, undocumented workers asserting workplace claims and for cases in which a workplace investigation or proceeding is ongoing; and
- Provide stakeholders open and transparent modes of communication with enforcement authorities.

The working group will provide opportunities for communication with external stakeholders, including workers, worker representatives, advocates, and employers as appropriate.

D. Security, Intelligence, and Information Policy Section

The Security, Intelligence, and Information Policy Section (SIIP) (previously known as the Intelligence, Security, and Information Sharing Section) provides guidance and oversight designed to preserve civil rights and civil liberties in the execution of homeland security programs and activities. SIIP works with Components and offices to ensure that appropriate protections and safeguards are incorporated into the Department's screening and vetting programs, information sharing and safeguarding activities, cybersecurity efforts, security technologies, and intelligence programs and products.

Accomplishments in FY 2015

Information Sharing
CRCL actively worked with the DHS Information Sharing and Safeguarding Governance Board and its subordinate bodies, including the Information Sharing Coordinating Council, the Information Safeguarding and Risk Management Council, and the Data Access Review Council to ensure that civil rights and civil liberties protections are incorporated into the Department's information sharing and safeguarding policies, agreements, and programs. CRCL set new milestones for improving the agreement review process and promoting civil rights and civil liberties training as part of the FY 2016 DHS Information Sharing and Safeguarding Strategy Implementation Plan. CRCL also assisted the Privacy and Civil Liberties Subcommittee of the Information Sharing and Access Interagency Policy Committee in drafting a framework for the development of such agreements and an accompanying checklist, published in May 2015, which for the first time provides detailed guidance to all federal departments and agencies.

DHS Data Framework
CRCL continues its collaboration with PRIV, Office of the General Counsel (OGC), I&A, and the Office of the Chief Information Officer (OCIO) in the development of the DHS Data Framework—a scalable information technology program with built-in capabilities to support advanced data architecture and governance processes while protecting civil rights and civil liberties. CRCL is an active participant in the Data Framework Working Group and has provided guidance regarding appropriate civil rights and civil liberties safeguards for the ingestion and uses of new data sets and the development and approval of user case scenarios. In addition, CRCL has worked with its DHS partners in meeting leadership's accelerated timeframe for the ingestion into the Data Framework of identified datasets, including the successful establishment of limited use production capability facilitating live use of ingested data by DHS users.

Nationwide Suspicious Activity Reporting Initiative
CRCL continued training personnel responsible for analyzing and sharing terrorism-related Suspicious Activity Reports on the importance of adhering to the restraints in the "Information Sharing Environment Functional Standard for Suspicious Activity Reporting" document that protects civil rights and civil liberties. CRCL also worked closely with other agencies within the Information Sharing Environment to ensure updates to the "Functional Standard (v. 1.5.5)" continue to protect individual rights.

Intelligence and Analysis Product Review
Since FY 2009, CRCL has worked with I&A to review classified and unclassified products. CRCL's product review function is an ongoing real-time operational service for the Department, requiring round-the-clock monitoring of communications and quick response to I&A's requests for review of intelligence products drafted to respond to immediate threats and planned intelligence requirements. CRCL reviewed more than 1,000 products in FY 2015, ensuring that the intelligence delivered to state and local partners was appropriately sensitive to and protective of civil rights and civil liberties.

Reports Officers Course
CRCL continued its participation in I&A's Reports Officers Course, teaching reports officers how to draft unevaluated raw intelligence information reports that are protective of civil rights and civil liberties.

Insider Threat Program Oversight
CRCL participates in the Department's Insider Threat Oversight Group, by ensuring that activities designed to detect and prevent this threat comply with Department policy and do not constitute retaliation against whistleblowers or others who have filed employee grievances or EEO complaints. In FY 2015, CRCL began oversight activities under newly approved Department directives.

Cybersecurity
CRCL supported continuing implementation of Executive Order 13636, Improving Critical Infrastructure Cybersecurity, and provided advice and oversight to other DHS cybersecurity programs and activities, which included: advising the Department on civil liberties protections in cybersecurity activities to ensure appropriate protections of individual rights were built into pre–existing programs and activities as well as those activities directed by the Executive order; leading (with PRIV) interagency coordination and conducted the required privacy and civil liberties assessments of DHS activities conducted under the Executive order; and providing guidance and oversight to those programs working to secure the .gov domain and to protect critical infrastructure, including assistance in operations of the EINSTEIN program, Continuous Diagnostics and Mitigation, and the Automated Indicator Sharing program.

Automated Targeting System Rules
CRCL, in partnership with PRIV and OGC, continued conducting quarterly reviews of CBP's and TSA's real-time, threat-based intelligence scenarios run by the Automated Targeting System, to ensure that civil rights, civil liberties, and privacy protections are in place. The system is an intranet-based decision support tool used by CBP to improve the collection, use, analysis, and dissemination of information that is gathered for the primary purpose of targeting, identifying, and preventing potential terrorists and terrorist weapons from entering the U.S.

Aviation Security
CRCL's continued involvement in reviewing and advising on proposed aviation security efforts ensured that policymakers considered civil rights and civil liberties concerns at the outset. CRCL's work in this area, in partnership with TSA, includes reviews of standard operating procedures and policymaking on risk-based domestic screening, including the TSA Pre✓® program, and guidance on preserving individual rights in those activities.

Watchlist Guidance
CRCL, in collaboration with the DHS Screening Coordination Office, engaged in the interagency comment process during the review and revision of Federal Government policy governing watchlisting. During that engagement, CRCL provided civil rights and civil liberties focused comments and advice as part of the discussion of those revisions.

V. Compliance Branch: Public Complaints

The Compliance Branch investigates complaints from the public alleging violations of civil rights or civil liberties by DHS personnel, programs, or activities. Such complaints may include allegations about:

- Racial, ethnic, or religious profiling;
- Disability discrimination prohibited by the Rehabilitation Act of 1973;
- Discrimination based on race, ethnicity, national origin, religion, sexual orientation, or gender identity;
- Inappropriate use of force by DHS officers or agents;
- Inadequate conditions of detention;
- Violation of the right to due process, such as the right to timely notice of charges or access to a lawyer;
- Violation of the confidentiality requirements of 8 U.S.C. § 1367, relating to the Violence Against Women Act (VAWA), T visas, and U visas; or
- Any other civil rights or civil liberties violation related to a Department program or activity, including human rights complaints.

CRCL's incoming correspondence, most of which contains allegations that are considered for potential investigation, increased 170 percent in FY 2015, which also resulted in a significant increase in the number of investigations conducted. In FY 2015, CRCL processed 2,310 pieces of correspondence. Based largely on that correspondence, CRCL opened 716 complaints (an increase of 72 percent) and closed 444 complaints (an increase of 69 percent). CRCL staff continued to process, investigate, and close these matters efficiently, without a commensurate increase in workforce or other resources. Additionally, CRCL received a 93 percent concurrence rate with Component recommendation responses and issued many important recommendations that remain outstanding and under review throughout DHS.

Accomplishments in FY 2015

Below are select, highlighted Compliance Branch accomplishments from FY 2015. These accomplishments are also compiled in the 444 complaints successfully investigated and closed during the fiscal year.

Transport, Escort, Detention, and Search (TEDS)
For the past two years, CRCL has actively participated in the development of a CBP-wide policy that sets forth standards that govern CBP's interaction with detained individuals. The policy, "U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search," was the result of a collaborative effort with representatives from the CBP Offices of Border Patrol, Field Operations, Air and Marine, and Chief Counsel, among other CBP offices, and the DHS Office of Policy. CRCL provided guidance for this policy from a civil rights perspective, based on its complaints investigations experience, including the impact the procedures may have on vulnerable populations. The new policy incorporates best practices developed in the field, and it reflects key legal and regulatory requirements. In addition to

transport, escort, detention and search provisions, the policy also includes requirements related to sexual abuse and assault prevention and response, care of at-risk individuals in custody, and personal property. Based on the issuance of the TEDS policy, CRCL was able to close a number of complaints which raised issues covered by the policy.

Credible Fear Process and Treatment of Asylum Seekers

CRCL has received numerous complaints regarding the treatment of asylum seekers by DHS. The issues covered in the allegations include: failure to refer individuals for credible fear interviews despite the request of the individual or the individual's counsel; lack of communication or response to requests for asylum in a language that the individual could understand; and inappropriate responses to individuals' assertions of credible fear. In FY 2015, CRCL opened over 30 complaints related to these issues, and has issued final recommendations to ICE. ICE is processing its responses to the recommendations. The investigation involving CBP continues and CRCL expects to issue final recommendations in FY 2016.

Federal Protective Service Internal Complaints Process

Since 2013, CRCL has assessed the need to develop a public complaints process for the Federal Protective Service (FPS) and National Protection and Programs Directorate. This assessment has included policy and document review, onsite investigation at FPS facilities in Philadelphia, Pennsylvania, and interviews with Headquarters and field employees. In January 2015, CRCL officially retained two complaints that highlight the shortcomings of the current complaints resolution process. Using these investigations as a reference, CRCL is drafting recommendations to enhance the FPS complaint process, including intake, classification, investigation, resolution, and integration.

ICE Enforcement Actions in New Orleans

CRCL received a number of complaints in FY 2014 and 2015 related to ICE enforcement actions in the New Orleans, Louisiana metropolitan area. The complaints allege: racial profiling; inconsistent application of prosecutorial discretion; insufficient access to language services for individuals with limited English proficiency (LEP); inappropriate coordination between ICE and local law enforcement for the purposes of immigration enforcement; and inappropriate collateral and non-target arrests. CRCL conducted an onsite investigation in the New Orleans area in August 2015. Based on its findings, CRCL plans to make national policy, practice, and training recommendations in areas that include language access, collateral arrests, the use of mobile biometrics, and collaboration with local law enforcement.

Super-Recommendations Memorandum

CRCL issued the first of a new type of recommendations memorandum in FY 2015 to address long-standing concerns about specific detention facilities used by ICE. This new type of memorandum, colloquially termed a "super-recommendations memorandum," is an avenue to inform Component leadership of areas where there has been no significant implementation of CRCL recommendations despite repeated follow-up, CRCL continues to receive complaint allegations on the issues raised in the recommendations, and the issues presented raise serious civil rights concerns. In this instance, the memorandum addressed a detention facility in Alabama. CRCL highlighted the seriousness of problems found in previous investigations, the continued receipt of additional correspondence raising similar concerns, and CRCL's belief that

additional fact-finding is unnecessary as the prior recommendations are likely not being fully implemented. In these limited circumstances, CRCL made significant and far-reaching recommendations to fix identified problems, including a request that ICE no longer use the facility to house detainees.

Prison Rape Elimination Act
In March 2014, DHS issued a final rule implementing the Prison Rape Elimination Act (PREA) as it applies to many DHS confinement facilities. While ICE and CBP have continued to implement the Department's standards to prevent, detect, and respond to sexual abuse and assault in confinement facilities, CRCL took the lead on developing the audit instruments and methodology that will be used to audit implementation of the standards in DHS immigration detention facilities and holding facilities. The process, which began with initial drafts of the instruments, was followed over the course of the year by group review, multiple revisions, and pilot testing (with CBP and ICE) of the holding facility audit instrument. The process continues in FY 2016 with finalizing the holding facility audit instrument and completing the development of the immigration detention facility audit instrument, while ICE and CBP put in place the remaining parts of the audit process. Beyond the work on the audit instruments, CRCL also continues to coordinate a Department-wide working group tracking PREA implementation.

Customs Form for Same-Sex Couples
In March 2014, CRCL received a referral email from the CBP INFO Center regarding allegations that a man and his husband were discriminated against based on their sexual orientation by CBP officers at the Dallas/Fort Worth Airport when they were not allowed to proceed through the inspection process together. In March 2015, CBP issued policy guidance and a muster informing all personnel of the requirement that all legally married couples—including same-sex couples—arriving at a port of entry or otherwise being inspected or processed by CBP personnel must be treated in the same manner. With the issuance of a policy statement and muster directly addressing the main issue in this complaint, CRCL closed this matter.

A. FY 2015 Investigations

CRCL receives complaints and information regarding issues and incidents that may merit investigation from a variety of sources, including the general public, Members of Congress, NGOs, other DHS Offices and Components, the DHS Office of the Inspector General (OIG), and other governmental agencies. For example, HHS' Office of Refugee Resettlement sends CRCL reports regarding treatment of unaccompanied children (UC) by DHS personnel. DOJ forwards public complaints that raise concerns that may fall within CRCL jurisdiction. Since October 1, 2009, ICE has notified CRCL whenever a person has died in ICE custody, and CBP sends CRCL reports of non-employee deaths.

Pursuant to 6 U.S.C. § 345(a)(6) and internal DHS policies, CRCL begins the complaint process by referring all complaints opened by CRCL to the DHS OIG, which then determines whether or not it will investigate the complaint. If the OIG declines to investigate the complaint, it is returned to CRCL, which determines whether the complaints should be retained for CRCL's own investigation or referred to the relevant DHS Component(s) for investigation. If CRCL keeps the

complaint for investigation, CRCL requests information from the Component and conducts its own factual investigation.[2] If a complaint is referred, the Component issues a Report of Investigation to CRCL at the completion of its factual investigation. CRCL reviews the Report of Investigation and determines whether additional investigation is warranted and/or whether recommendations should be issued to the Component. Although the recommendations made as a result of individual investigations are generally made confidentially to the affected Component, CRCL notifies complainants of the general results whenever possible.

During FY 2015, CRCL opened 714 complaints, 17 of which the OIG retained for investigation. CRCL also closed 444 complaints. Tables 2 and 3 summarize complaints CRCL opened and closed in FY 2015. Appendix B includes tables detailing complaints retained and closed by the OIG. The tables also describe the number of CRCL complaints received per quarter, by Component, and issue. Summaries of complaints that CRCL closed during the reporting period are provided in Sections C and F.

During FY 2015, CRCL added 1,592 matters into its information layer.[3] Table 4 summarizes the matters CRCL included in its information layer in FY 2015.

B. Investigative Processes

Expert Recommendations from Onsite Investigations at Immigration Detention Facilities
Each year, CRCL's Compliance Branch conducts onsite investigations at ICE and ICE-contracted detention facilities to investigate alleged violations of civil rights and civil liberties related to immigration detention. In FY 2015, CRCL conducted onsite investigations at 11 facilities where ICE holds immigration detainees.[4] For these reviews, CRCL utilized the assistance of competitively awarded contract subject matter experts in the areas of medical care, mental health care, correctional security and operations, use of force, and environmental health and safety.

Following each investigation, CRCL reviews the subject matter experts' recommendations and provides, in consultation with the experts, those recommendations that it deems significant in an initial report (ICE Expert Recommendations Memorandum). ICE is asked to review the recommendations and provide a written response regarding concurrence or non-concurrence, and to provide evidence of implementation of the concurred-with recommendations within a defined timeframe. If ICE non-concurs, it must provide an explanation, which CRCL reviews to determine whether to continue discussions on the substance of the disagreement with ICE or

[2] Retained cases may be subject to a *full investigation* or *short-form* resolution. CRCL has implemented "short-form" complaint processing procedures to facilitate swift action on urgent complaints and expeditious resolution of allegations that are narrowly focused and require limited investigation. The short-form process makes it easier to open and close complaints, allowing speedier resolution. Cases that subsequently require additional work are converted to standard investigations.

[3] The information layer is used to track issues and identify potential patterns of civil rights or civil liberties allegations that may result in CRCL review. CRCL does not investigate the matters entered into its information layer.

[4] These onsite investigations involved facilities in Illinois, New Mexico, Texas, Virginia, and New Jersey.

consider raising to DHS leadership. Summaries of complaints for which CRCL submitted an expert recommendations memorandum to ICE in FY 2015 are provided in Section D.

Onsite Investigations in Locations Other than Detention Facilities

CRCL frequently goes onsite to investigate matters outside of the immigration detention context. These investigations often involve CRCL subject matter experts, such as policing or use of force experts, and often result in a "draft recommendations memorandum" (see below for description). They may involve any Component, and often involve a group of complaints which present a serious policy concern. In FY 2015, the Compliance Branch completed four of these investigations:

- In response to complaints challenging the legality of CBP checkpoints, and allegations of mistreatment at checkpoints by Border Patrol agents, CRCL conducted onsite investigations at five Border Patrol checkpoints in the Tucson and Yuma sectors. Tucson Sector leadership also provided a comprehensive briefing on checkpoint operations and the use of canines.
- CRCL investigated complaints alleging inadequate conditions of detention in hold rooms and mistreatment of UC at three Border Patrol stations in the El Centro and San Diego Sectors.
- CRCL investigated complaints at two ports of entry alleging mistreatment and inadequate conditions of detention for individuals in CBP custody, and that a pedestrian traveler was subjected to disability discrimination in violation of Section 504 of the Rehabilitation Act of 1973. The investigation regarding the pedestrian traveler's experience resulted in an informal resolution of his complaint. The other allegations were not substantiated.
- CRCL conducted an onsite investigation into a variety of complaints regarding the enforcement activities of the ICE New Orleans Field Office. During our onsite, CRCL was able to interview supervisors and agents in Enforcement and Removal Operations (ERO) and Homeland Security Investigations to address the specific allegations and to gather general information about ICE operations in the New Orleans metro area. Based on our time onsite, CRCL found areas of concern and plans to make policy, practice, and training recommendations. Most, if not all, of these recommendations will be applicable nationally.

Draft Recommendations Memorandum

For complaints in which CRCL determines that operational recommendations should be issued to Components, CRCL provides the Components with draft copies of recommendations memoranda. This gives the Components an opportunity to review and comment on the drafts within designated time frames. If CRCL receives comments from the Component within designated timeframes, CRCL will then generally finalize the memorandum with recommendations after receiving that Component's feedback, in order to ensure that any areas of disagreement can be resolved prior to issuance and that collaborations can begin as early as possible in the process. Providing the opportunity for Components to review the draft memorandum also enables Components to inform CRCL of steps they may have taken or may intend to take to implement the recommendations.

Component Responses to CRCL Expert and Recommendations Memoranda

CRCL requests Component responses to experts and final recommendations memoranda within the specified timeframe provided at issuance. However, over the past few years CRCL had overdue pending recommendations with ICE, and to a lesser extent CBP, for various complaints

involving a wide range of civil rights and civil liberties issues including medical care and mental health care for detainees, deaths in detention, sexual abuse, disability accommodation, religious accommodation, language access, other conditions of immigration detention, Fourth Amendment, due process, and other issues. Some of these matters were pending for almost three years. In FY 2015, however, CRCL received 33 ICE responses to complaints. CRCL is pleased at the efforts undertaken by ICE to improve the timeliness of its responses and looks forward to a more efficient process moving forward. Summaries of complaints for which CRCL submitted an expert memorandum or recommendations memorandum and received Component responses in FY 2015 are provided in Section E.

Complaints Closed through Informal Resolutions

Most CRCL complaints are investigated and closed without the issuance of recommendations. This typically occurs when allegations are unsubstantiated; when existing policy, procedures, and training are found to be sufficient; or when the Component has already addressed the concerns that we identified through the complaint. When appropriate, however, CRCL may conclude its investigation of a complaint through an informal resolution rather than a formal recommendation or a more typical closure without recommendations. An informal resolution is appropriate for a narrow concern or request that is best addressed by communication directly from CRCL leadership to the leadership of the involved Component. These communications explain the issue and often also include proposed resolutions. During FY 2015, CRCL transmitted proposed informal resolutions to ICE and CBP addressing issues arising in six complaints. Summaries of complaints that CRCL closed with informal resolutions in the reporting period are provided in Section F.

TABLE 2: COMPLAINTS OPENED FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCG			USCIS			Multi-Component			Sub-Totals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	3		6	3		10			1							3	1	1	9	1	18	**28**
Conditions of detention	2		15	11	23	40												1	13	23	56	**92**
Disability accommodation (Section 504)			1		1	6			4						4			1		1	16	**17**
Discrimination/profiling	1	1	9		2	3			1						1	1		1	2	3	15	**20**
Due process		1	4	1	1	20									2	1	8	2	2	10	28	**40**
Excessive force or inappropriate use of force	5		20	4	3	16										1		3	10	3	39	**52**
First Amendment (free speech/association)			1			1					1										3	**3**
Fourth Amendment (search and seizure)	1		4		1	2												2	1	1	8	**10**
Hate speech	1																		1			**1**
Human rights																		13			13	**13**
Inappropriate questioning/ inspection conditions			3																		3	**3**
Inappropriate touch/ search of person (non-TSA)			4			2															6	**6**
Intimidation/threat/ improper coercion	1		7	2		3									1				3		11	**14**
Language access			3		1															1	3	**4**
Legal access					3	9														3	9	**12**
Medical/mental health care	1		12	5	10	331												1	6	10	344	**360**
Privacy			1										1		2				1		3	**4**
Religious accommodation				1	2	9	1												2	2	9	**13**
Retaliation	1				2	2													1	2	2	**5**
Sexual assault/abuse			3		4	8										1			1	4	11	**16**
TSA AIT and TSA pat-downs									1												1	**1**
Total	**16**	**2**	**93**	**27**	**53**	**462**	**1**	**0**	**7**	**0**	**1**	**0**	**1**	**0**	**10**	**7**	**9**	**25**	**52**	**64**	**598**	**714**

TABLE 3: COMPLAINTS CLOSED FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCG			USCIS			Multi-Component			Sub-Totals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred		Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	3		3		1	4												1	3	1	8	**12**
Conditions of detention	4		11	3	11	19												1	7	11	31	**49**
Disability accommodation (Section 504)			1			4			3			1			2						11	**11**
Discrimination/profiling	2	1	2		1	3			2						3			1	2	2	11	**15**
Due process		1	4			10										1		1	1	1	15	**17**
Excessive force or inappropriate use of force	3	1	21	4	1	14												1	7	2	36	**45**
First Amendment (free speech/ association)						1															1	**1**
Fourth Amendment (search and seizure)				2		3													2		3	**5**
Human rights																		13			13	**13**
Inappropriate questioning/ inspection conditions	2		2																2		2	**4**
Inappropriate touch/ search of person (non-TSA)				1		1													1		1	**2**
Intimidation/threat/ improper coercion			2			2															4	**4**
Language access			1		1															1	1	**2**
Legal access					3	9														3	9	**12**
Medical/mental health care	2		4	2	17	192										1		2	5	17	198	**220**
Privacy						1										1			1		1	**2**
Religious accommodation				2	3	4	1		1										3	3	5	**11**
Retaliation				1		3												1	1		4	**5**
Sexual assault/abuse			6		4	4														4	10	**14**
Total	**16**	**3**	**57**	**15**	**42**	**274**	**1**	**0**	**6**	**0**	**0**	**1**	**0**	**0**	**5**	**3**	**0**	**21**	**35**	**45**	**364**	**444**

C. Complaints Resolved by CRCL with Operational Recommendations

The following summary describes the complaints closed in FY 2015 with recommendations from CRCL.

ICE

Conditions of Detention in Alabama: As a result of numerous complaints, CRCL conducted site visits to a detention facility in Alabama in 2006, 2008, and 2012, and has made numerous recommendations for changes to the facility. ICE responded to these recommendations in August 2015, concurring with 42 and non-concurring with seven recommendations. Since its 2012 site visit CRCL has opened more than 50 additional complaints related to conditions at this facility. As a result, in May 2015 CRCL sent a "super-recommendations" memorandum to ICE formally notifying them of our long-standing and continuing concerns. This memorandum also recommended that ICE develop a comprehensive plan to address the deficiencies at the facility, address the issues raised in complaints opened since the 2012 site visit, and either transition the facility to the 2011 Performance Based National Detention Standards or cease use of the facility. CRCL intends to close the complaint associated with the 2012 site visit, and has asked ICE to address the facility's ongoing deficiencies in its response to the 2015 memorandum.

Accommodation of Detainee Disability: In a May 2013 decision, CRCL found that ICE violated Section 504 of the Rehabilitation Act of 1973 by failing to provide reasonable accommodations for almost three years to a detainee who is deaf and unable to speak. Following this, CRCL issued a separate decision in January 2015 finding that ICE initially failed to provide reasonable accommodations to a detainee who used a wheelchair and needed assistance with activities of daily living. ICE responded to CRCL's investigation by taking action to accommodate his disability. However, the investigation revealed that ICE had not taken adequate steps to address CRCL's May 2013 recommendations that ICE create policies, procedures, systems, and training to ensure compliance with Section 504 and the related DHS regulations. CRCL believes that the lack of appropriate policies contributed to the issues that arose in these two complaints, and potentially affects numerous other people with disabilities who have contact with ICE. When issuing its January 2015 decision, CRCL reiterated its earlier recommendations regarding the need for a uniform set of Section 504 policies to ensure these violations do not occur. ICE submitted its draft disability nondiscrimination policy to CRCL to review in February 2016. CRCL provided ICE with its comments in March 2016, and the comments are currently being reviewed by ICE.

CBP

Violation of Medical Privacy Rights: In September 2014, CRCL received a complaint alleging that CBP violated the medical privacy rights of an HIV positive transgender woman by disclosing her condition in the CBP port of entry's holding area. Based on CRCL's investigation, CRCL issued four recommendations to CBP designed to better protect detainees' private health information, including implementing limits on information sharing, providing additional officer training, and developing new policy. CRCL received CBP's official response

in November 2015, and is working with CBP to adequately respond to and implement its recommendations.

D. Expert Recommendations from Onsite Investigations at Immigration Detention Facilities

The following summaries describe complaints in which CRCL completed an onsite investigation and subsequently provided to ICE the CRCL subject matter expert reports along with a cover memorandum outlining CRCL's final recommendations.[5] These recommendations aim to improve conditions of detention for individuals in ICE custody to enhance compliance with the applicable detention standards at the facilities involved in the complaints.

Conditions of Detention in Pennsylvania: In response to a number of complaints, CRCL conducted a site review at a Pennsylvania facility in June 2014. To assist with the review, CRCL engaged the assistance of four subject matter experts in the areas of medical, mental health, corrections, and environmental health and safety. Following completion of our site review, the subject matter experts identified concerns regarding medical and mental health care, as well as general conditions of detention. In January 2015, CRCL sent ICE a memorandum outlining the CRCL recommendations and best practices. ICE responded to the recommendations in October 2015; CRCL is currently reviewing that response.

Conditions of Detention in Texas: In response to the death of a detainee and several complaints about the conditions of detention, CRCL conducted a site review at a facility in Texas in April 2014. To assist with its review, CRCL engaged the assistance of three subject matter experts: two medical consultants and a corrections consultant. Following the completion of the site review, the subject matter experts identified concerns regarding corrections and medical care in the facility. In January 2015, CRCL sent ICE a memorandum outlining recommendations and best practices. ICE sent CRCL a response to its recommendations in October 2015; CRCL is currently reviewing the response.

Conditions of Detention in Virginia: In July 2015, CRCL went to an ICE detention facility in Virginia to examine medical care, mental health care, conditions of detention, and environmental health and safety. Following this visit in September 2015, CRCL made 22 recommendations to ICE. ICE sent CRCL a response to its recommendations in March 2016; CRCL is reviewing these responses.

[5] There are a number of situations in FY 2015 where CRCL conducted an onsite investigation and received an ICE response. In those situations, we have included them in Section E.

E. Component Responses to CRCL Expert and Recommendations Memoranda

CRCL received a large volume of Component responses to recommendations in FY 2015.[6] CRCL considers some of these responses satisfactory and consequently has closed or will close the related complaint(s). In some instances, however, CRCL does not consider some or all of the Component response to be adequate and, in those instances, continues to keep the complaint open and work to improve the Component response.

The following summaries describe those complaints in which CRCL received responses to recommendations from DHS Components in FY 2015.

ICE

Conditions of Detention in Texas: In 2013 and 2014, CRCL received notification of four deaths of detainees in ICE custody at a detention facility in Texas. CRCL staff went to the facility in August 2014 to examine medical care and conditions of detention. Following this visit, CRCL made 23 recommendations to ICE to improve medical care, mental health care, and conditions of detention. ICE responded to the recommendations in September 2015, concurring with 13 of the recommendations, partially concurring with four of the recommendations, and non-concurring with six. CRCL continues to work with ICE concerning its response and implementation of the recommendations.

Conditions of Detention in Ohio: In April 2015, after receiving multiple complaints, CRCL conducted an onsite investigation at a facility in Ohio and issued 38 recommendations in the areas of medical care, environmental health and safety, and corrections. In May 2015 ICE responded to the recommendations, stating that they no longer house detainees at the facility and would reassess the substance of the recommendations if they were to ever house detainees at the facility again.

Conditions of Detention in Virginia: As a result of numerous complaints, CRCL conducted multiple onsite investigations at an ICE detention facility in Virginia. CRCL visited the facility in 2011 to examine conditions of detention at the facility, and again in 2012 to examine medical care. Following those visits, CRCL made 29 recommendations to ICE to improve conditions of detention, environmental health and safety, and medical care at the facility. ICE responded to the memorandum in January 2015, indicating that ICE concurred with all of the recommendations and highlighting specific changes made at the facility following our site visits. Prior to receiving the ICE response, however, CRCL began planning an additional site visit for February 2015, as a result of receiving new complaints. We learned shortly before our onsite investigation that ICE had pulled all detainees from the facility. Despite the absence of ICE detainees, CRCL found serious issues with the facility's medical and mental health care, use and conditions of segregation, and the use of force against non-ICE detainees, which CRCL

[6] The consideration of, response to, and implementation of CRCL recommendations often takes significant time and resources on the part of the relevant Component. As a result, Components often respond to recommendations in a different fiscal year from when they were transmitted.

communicated to the facility and ICE during the exit briefing. ICE agreed to inform CRCL, and let it inspect the facility, should it plan to house any detainees at the facility in the future.

Sexual Assault in Montana: In November 2013, CRCL received a complaint alleging that an ICE detainee was inappropriately housed with known violent and sex offenders while in a Montana detention facility, resulting in the detainee being sexually assaulted. CRCL performed an onsite investigation at the facility in April 2014 with an expert in conditions of detention and PREA. While CRCL did not substantiate that a sexual assault occurred, we did make 12 recommendations. ICE concurred with seven of these recommendations, which included improving access to telephones and legal and language services. CRCL plans to close the complaint in FY 2016 based on the ICE response.

Conditions of Detention in Illinois: CRCL conducted a site review in January 2013 in response to allegations of inadequate conditions of detention at a facility in Illinois. With the assistance of subject matter experts, CRCL reviewed medical care, mental health care, conditions of detention, and environmental health and safety at the facility. In March 2013, CRCL sent 32 recommendations to ICE to address issues in these areas. In April 2015, ICE responded and concurred or partially concurred with 30 of the 32 recommendations, and non-concurred with two recommendations involving searches and grievances. CRCL found that the ICE response was generally sufficient to close the complaint and demonstrated that the vast majority of the recommendations were accepted and implemented. CRCL did, however, note its disagreement with ICE on the two outstanding issues in its memorandum closing the complaint.

***Conditions of Detention in Georgia*:** In February 2013, CRCL conducted an onsite investigation at a facility in Georgia following the receipt of complaints alleging inadequate conditions, medical care, and mental health care. In March 2013, CRCL provided ICE with a memorandum detailing 17 recommendations made following the site visit, which addressed medical care, electronic medical records, continuity and coordination of care, mental health care, segregation, religious meal requests, grievances, law library and legal materials, overall corrections matters, and environmental health and safety. In a March 2014 memorandum, ICE responded to the recommendations made by CRCL's subject-matter experts and concurred or partially concurred on all 17 recommendations. CRCL concluded in October 2014 that ICE adequately addressed the recommendations and closed these matters.

Provision of Kosher Meals: Over the course of several years, CRCL has received complaints concerning the provision of kosher meals in various ICE detention facilities. Many of the complaints were investigated during site visits and CRCL has made relevant recommendations on the issue to specific facilities. However, because of the overall number and geographic diversity of the complaints, CRCL also addressed the issue nationally. In May 2013, CRCL made recommendations to ensure the consistent implementation of ICE policy regarding the availability of and access to kosher meals, the process for denial of requests for kosher meals, and the provision of religious meals on religious holidays. In November 2014, ICE responded and confirmed that they would take the steps recommended by CRCL, including issuing a bulletin to all of its facilities regarding the provision of religious meal accommodations, and adding stronger monitoring of denials of accommodation requests and removal from religious meal programs. CRCL closed this complaint as it was satisfied with the ICE response.

Conditions of Detention in New Jersey: In October 2011, CRCL received a complaint about a facility in New Jersey alleging inadequate food service, medical care, and grievance procedures. In February 2012, CRCL reviewed medical care, environmental health and safety, and other conditions of detention at the facility. In May 2012, CRCL made nine recommendations to ICE in these areas. In April 2015, ICE responded and concurred or partially concurred with eight of the nine recommendations. Regarding the one recommendation where ICE did not fully concur, ICE indicated that the facility made a change that addressed the substance of the recommendation. As a result, CRCL determined that ICE had adequately addressed the issues raised and closed the matter.

Conditions of Detention in Washington: CRCL conducted an investigation into a number of complaints alleging that ICE violated the civil rights or civil liberties of individuals in custody at a facility in Washington State. The complaints included allegations involving use of force, inadequate medical care, and other general facility operations. CRCL conducted an onsite investigation in February 2014, and in July 2014 sent ICE 18 recommendations regarding its findings. ICE responded in July 2015 that it concurred with 17 of the 18 recommendations. For the remaining recommendation, ICE responded with information that made the recommendation moot. As a result, CRCL determined that ICE had adequately addressed the issues raised and closed the matter.

Conditions of Detention in Georgia: In September 2012, CRCL conducted an onsite investigation at a facility in Georgia, in response to complaints about conditions of detention. CRCL issued 17 recommendations in November 2012 concerning the facility's medical care and correctional operations. ICE responded in December 2014 and concurred with all of the recommendations. As a result of CRCL's work on this complaint, for example, ICE worked with the facility to enhance its medical quality management program and implement a tracking system to assume timely access to nursing staff, medical staff, mental health staff, laboratory testing, and outside specialty care. In March 2015, CRCL closed this complaint.

Sexual Assault of an Unaccompanied Minor in Detention: In January 2012, CRCL received an allegation that an unaccompanied minor was sexually abused by three older UC in an ICE ERO field office holding cell. After the sexual abuse incident was substantiated by an FPS investigation, CRCL further investigated the incident to determine if there were any breaches in policy or procedure that may have affected the outcome. CRCL provided 11 recommendations to ICE in April 2013 regarding increased care and monitoring of UC in custody, improved record keeping, and field office staff training regarding the Department's obligations toward care and custody of UC. The field office made several improvements during the onsite investigation when CRCL verbally relayed its findings and, in May 2015, ICE concurred with CRCL's recommendations. CRCL continues to work with ICE to ensure the recommendations are consistently and thoroughly implemented and anticipates closing the complaint in FY 2016.

Provision of Medication during Ramadan: In September 2012, CRCL received a complaint from a Muslim detainee alleging that facility medical staff were requiring Muslim detainees to take their medication with the rest of the detainee population, even though the distribution period fell during the fasting period of Ramadan. After investigating the complaint, CRCL concluded

that the complainant raised legitimate legal and policy concerns about the failure to accommodate his religious belief by requiring that he take prescribed medication—which could have been moved to a different distribution time without negative health effects—during the Ramadan fasting period. Based on those conclusions, CRCL recommended that prior to the start of the 2013 Ramadan season ICE should, among other things, inform all detention facilities that Muslim detainees must be allowed to take medication during non-fasting hours, medical requirements permitting. In response, on the same date, the ICE Immigration Health Service Corps (IHSC) Assistant Director drafted a memorandum to all health service administrators of IHSC and contract facilities addressing our recommendations. In September 2013, CRCL sent ICE a recommendations memorandum summarizing the complaint investigation and resolution up to that point, and further recommended that ICE send a memorandum on an annual basis to all facilities, similar to the one sent during the 2013 Ramadan season. ICE responded and concurred with the recommendation in November 2014, and also stated that while it failed to send a memorandum to its facilities in 2014, it would do so in 2015 and on an annual basis thereafter. ICE sent a memorandum in 2015 in advance of Ramadan.

Conditions of Detention in New Jersey: In February 2012, CRCL investigated complaints about conditions of detention at a facility in New Jersey. CRCL reviewed medical care, environmental health and safety issues, and other conditions at the facility, and subsequently sent 60 recommendations to ICE. After failing to receive a response from ICE to the recommendations, but continuing to receive complaints about the conditions at the facility, CRCL conducted a second onsite investigation in September 2013. During the second onsite CRCL determined that some, but not all, of its earlier recommendations had been implemented. In addition, during the second onsite, CRCL investigated new complaints related to medical care, mental health care, environmental health and safety, and other conditions of detention. Following the 2013 site visit, CRCL made 56 recommendations to ICE related to its findings. ICE responded to these recommendations in August 2015. CRCL is reviewing the response and determining how to proceed.

Conditions of Detention in Louisiana: In June 2012, CRCL investigated allegations of inadequate conditions of detention at a facility in Louisiana. With the assistance of subject matter experts, CRCL reviewed medical and mental health care, general conditions, and environmental health and safety. CRCL found numerous deficiencies at the facility and sent ICE 46 recommendations in August 2012. ICE responded to the recommendations in January 2015; a large number of the responses were deemed to be either incomplete or unresponsive by CRCL. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved, and plans to revisit the facility.

***Conditions of Detention in Massachusetts*:** In September 2012, CRCL visited a facility in Massachusetts to investigate allegations of inadequate conditions of detention and medical care, and to follow up on recommendations made in December 2009 resulting from a prior investigation at the facility. With the assistance of subject matter experts, CRCL found problems including inadequate suicide prevention measures, a lack of documentation demonstrating that female detainees were consistently provided information about the Sexual Assault Prevention Policy, inadequate legal access, and inadequate dental care. Furthermore, CRCL discovered that its recommendations from December 2009 had never been provided to the facility by ICE and

multiple earlier recommendations had not been addressed. In January 2013, CRCL issued a new recommendations memorandum detailing this and providing 29 additional recommendations. ICE responded to the recommendations in January 2015; 23 of the 29 responses were deemed to be either incomplete or insufficient by CRCL to address concerns. Recommendations involving medical care, mental health care, dental care, legal access, and suicide risk were among those not adequately addressed. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

***Conditions of Detention in Massachusetts*:** In February 2013, CRCL issued 13 recommendations in the area of medical care and five recommendations regarding disciplinary and law library policies at a facility in Massachusetts. In September 2013, CRCL identified additional concerns regarding administrative and disciplinary segregation practices at the facility and issued two additional recommendations involving serious medical concerns; including critical deficiencies with its chronic care program and recording practices, and the lack of due process in the use of segregation. In particular, the facility was not crediting detainees, as it ought to have been, with time served in administrative segregation while waiting to serve time in disciplinary segregation. This recommendation was listed in the initial memorandum from February 2013. In its response, in May 2015, ICE responded to this allegation, stating it is not a requirement of 2000 NDS to deduct time in pre-hearing, but a discretionary matter, decided on a case-by-case basis. ICE submitted some non-concurrences and partial concurrences. CRCL has not yet received a response from ICE to its September 2013 memorandum, but will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in Kentucky: In January 2013, CRCL conducted a site visit to a facility in Kentucky. In March 2013, CRCL issued 29 recommendations in the areas of medical and mental health care and environmental health and safety. In April 2015, ICE responded to the recommendations. In several circumstances, ICE disagreed with the CRCL recommendations and did not make the recommended changes, including refusing to ensure that detainee health requests are handled by medical staff and not corrections officers. ICE responded that it is not a requirement of the NDS that detainee requests for health care should not be handled by officers. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in Florida: In May 2013, CRCL conducted an onsite investigation at a facility in Florida concerning medical care, mental health care, sexual assault prevention and intervention, and conditions of detention. In October 2013, CRCL sent 24 recommendations to ICE based on findings that covered the areas of: medical care, mental health care, suicide prevention and intervention, sexual assault prevention and intervention, and other conditions of detention. ICE responded adequately to all but two of the 24 recommendations. However, CRCL believes the remaining are both critical to preventing future sexual assaults at this facility and intends to work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in Michigan: In March 2010 CRCL conducted site visits at two facilities in Michigan. In August 2012, CRCL issued 16 recommendations regarding the first facility in the areas of corrections, medical and mental health care. CRCL also issued 20 recommendations regarding the second facility in the areas of corrections and medical care. In

March 2015, ICE responded to the recommendations. While the majority of the responses were satisfactory to CRCL, ICE disagreed with the recommendation that medical staff at the second facility should always be involved in the decision to segregate a detainee. In its response, ICE agreed only that medical staff should be engaged in the decision to segregate based on a medical condition. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in Florida: In April 2013, CRCL visited a facility in Florida to investigate allegations of inadequate conditions of detention, medical and mental health care, legal access, food, staff-detainee communication, and use of force. With the assistance of subject matter experts, CRCL found problems at the facility, including in the areas of medical and mental health care, suicide prevention, legal access, staff-detainee communication, grievances, use of force, religious access, and language access. In September 2013, CRCL issued 27 recommendations. ICE responded in December 2014; CRCL considers 18 of the responses to be adequate. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in New Mexico: CRCL visited a facility in New Mexico to investigate medical and mental health care and environmental health and safety conditions. Subsequently, CRCL sent ICE 50 recommendations based on our findings in December 2012. ICE responded in January 2015 and concurred with all of the CRCL recommendations for improvements in medical and mental health care and CRCL considers these resolved. However, CRCL disagreed with the ICE responses to many of the 21 recommendations in the areas of food, laundry, and facility cleanliness and will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

Conditions of Detention in New York: In July 2012 CRCL conducted on onsite investigation at a facility in New York in response to complaints. In November 2012 CRCL sent ICE 12 recommendations in the areas of medical care, use of force, grievances, and suicide prevention. Based on the responses from ICE, CRCL considers 10 of 12 issues to be resolved. However, CRCL disagrees with ICE's position on grievances and believes that the facility's grievance system violates the 2011 Performance-based National Detention Standards (PBNDS). CRCL will continue to work with ICE in FY 2016 to address this unresolved substantive issue.

Inadequate Medical Care as a Result of Frequent Transfers: In April 2009, CRCL received a complaint alleging that ICE failed to identify and treat a detainee's latent tuberculosis. CRCL substantiated the allegations and sent ICE 14 recommendations in November 2012, designed to, among other things, limit the placement of detainees with serious health problems at under 72-hour detention facilities, and to improve the identification of serious health concerns upon intake into a detention facility. ICE responded in April 2015 by stating that its current processes regarding under 72-hour facilities are adequate and that the development of a new policy to limit placement of detainees with serious health concerns was not needed. ICE also stated that the guidance it follows includes protocols for facilitating transnational referrals for TB continuity of care. In addition, ICE stated, that it did not need to implement an intake health classification system to better and more quickly identify and treat detainees with significant medical needs

because the current processes address the concern. CRCL is working with ICE in FY 2016 to resolve these differences.

Transfers of Detainees with Serious Medical Issues: In March 2013, CRCL received a complaint alleging that a detainee received inadequate medical care while in ICE custody, at least partially because he was repeatedly transferred between facilities. CRCL substantiated his allegations of inadequate medical care and found that ICE failed to provide the detainee with appropriate medical care during the more than two years he was in custody, at least in part, as a result of numerous transfers between facilities. CRCL sent ICE three recommendations designed to reduce the transfers of detainees with serious medical and mental health conditions and improve the continuity of care for detainees who are transferred between facilities. ICE responded in September 2015. Two of the responses are inadequate and CRCL strongly disagrees with them. CRCL will work in FY 2016 with ICE to resolve these issues.

Safe Repatriation and Travel Documents: In July 2010, CRCL received a complaint alleging that two men were removed to Iraq without being provided with appropriate identity documentation, and without their safety being ensured. CRCL issued recommendations regarding the provision of travel documents to repatriated aliens and the creation of a policy to ensure reasonably safe repatriation within operational confines. ICE responded formally to these recommendations in December 2014. While ICE concurred with the CRCL recommendations, the actions supporting the concurrence are undefined and the response to the second recommendation is inadequate. In January 2015, CRCL asked that ICE clarify its position on the recommendations. ICE has provided follow-up information as requested and CRCL is working with ICE to resolve any remaining differences.

HSI Surveillance of First Amendment Activity: In April 2009, CRCL received a complaint alleging that several guest workers who were also victims of human trafficking were subject to covert surveillance by ICE, impinging on their First Amendment right to free speech as they met with their attorneys and engaged in protest. After a significant amount of discussion with ICE, CRCL sent a memorandum in May 2013, agreeing that no First Amendment violation occurred, but recommending that they create better institutional safeguards to protect protestors' First Amendment rights. ICE non-concurred with the recommendation in May 2015, indicating that it believed it already had appropriate protections in place. CRCL is working with ICE in FY 2016 to resolve these differences.

Accommodation of Detainees with Disabilities and Section 504 Compliance: In May 2013, CRCL issued a decision finding that ICE had violated Section 504 of the Rehabilitation Act of 1973 by failing to provide reasonable accommodations for almost three years to a detainee who is deaf and unable to speak. Based on the findings in this complaint, CRCL recommended that ICE create policies, procedures, systems, and training for the entire agency to ensure compliance with Section 504 and the related DHS regulations. In May 2015, ICE sent CRCL a memorandum stating that its reasonable accommodation policies are under development and the process for drafting the documents will consider the issues in CRCL's recommendations. In February 2016, ICE sent the draft policy to CRCL for review. The draft policy was reviewed by CRCL and returned to ICE for review and editing in March 2016. CRCL will work with ICE in FY 2016 to gain greater transparency and expedite the program's development.

Fourth Amendment and Consent to Searches: In December 2011, CRCL became aware of complaints alleging that during an ICE enforcement operation in Alabama, ICE officials entered people's homes without permission and "terrorized" the families. CRCL conducted an investigation in conjunction with ICE which revealed language access challenges and conflicting accounts on how and whether people provided consent to enter a residence. In May 2013, CRCL sent ICE a memorandum recommending the creation of a form to document consent to enter a home during service of an administrative warrant; that the form be translated into multiple languages; that ICE avoid the use of family members, in particular children, as interpreters; and that ICE should document how language services will be provided prior to an enforcement operation. ICE responded to the recommendations in June 2015 and agreed to recommend, but not require, that the field use an optional form. In addition, ICE placed limitations on the use of children as interpreters in its language access plan. CRCL expects to close this complaint in FY 2016.

Language Access: In April 2010, CRCL received a complaint alleging violations of civil rights and civil liberties by ICE related to the implementation of the 287(g) program. CRCL conducted a site visit to the 287(g) program office, and in April 2013, provided ICE with recommendations relating to language access. ICE responded in July 2015, and concurred or partially concurred with the recommendations. Specifically, ICE stated that in FY 2016, it will assess the use of qualified interpreters as part of its development of an ERO language access plan.

Secondary Exposure to Oleoresin Capsicum Spray: In February 2014, CRCL received a complaint from an ICE detainee alleging that officers discharged oleoresin capsicum spray against someone else in his housing unit, which adversely affected his breathing. After investigating the complaint, CRCL recommended that ICE develop and issue guidance to the field regarding secondary exposure to the spray. ICE did not concur with this recommendation since, according to the response, an offender is isolated from other detainees during a calculated use of force, mitigating secondary exposure. CRCL concluded that this intended isolation is not enough to ensure that other medically compromised detainees will be safe from the secondary effects of the spray. CRCL will work with ICE in FY 2016 to address this unresolved substantive issue.

Sensitive Locations in Detroit: In October 2012, CRCL received a report of racial profiling during an enforcement operation in Michigan. The complaint also alleged that the operation violated ICE's Sensitive Locations Policy by taking place near schools. CRCL did not find evidence of racial profiling, but did conclude that ICE officers did not fully follow the ICE Sensitive Locations Policy. In September 2014, CRCL submitted recommendations to ICE regarding the importance of officer knowledge about and awareness of the Sensitive Locations Policy. ICE responded in September 2015 indicating that ICE had reissued the policy and guidance. As a result, CRCL has closed this complaint.

Conditions of Detention in Nevada: In response to several complaints, including an attempted suicide, CRCL conducted a site visit at a facility in Nevada in September 2013. With the assistance of mental health and corrections experts, CRCL made recommendations in February 2014 regarding suicide prevention, mental health care, and use of force. ICE responded in

September 2015, concurring with some of the recommendations and non-concurring with others. CRCL will work with ICE in FY 2016 to address the substantive issues that remain unresolved.

***Treatment of LGBTI Detainees*:** In April 2011, CRCL received allegations regarding the treatment of 14 LGBTI individuals in various facilities in ICE custody. In response to these complaints, CRCL conducted six separate site reviews at four facilities. To assist with the review, CRCL engaged the assistance of four subject matter experts in the areas of medical, mental health, corrections, and environmental health and safety. Many of the issues identified during the course of the investigation were seen at multiple facilities and during separate investigations. Based on its findings during the investigation, CRCL sent ICE a recommendations memorandum in December 2013. ICE responded in August 2015, indicating that numerous policies and practices had been implemented to address the recommendations. Notably, ICE issued a guidance memorandum, *Further Guidance Regarding the Care of Transgender Detainees*, which covered initial processing, housing placements, and transfers of transgender individuals, to ensure better care in accordance with PREA and PBNDS standards. CRCL's recommendations also led to significant improvements being made to several other areas, including: the policies and procedures for the provision of medical care for transgender detainees; clinical guidelines for the treatment of gender dysphoria; the implementation of a toolkit designed to ensure a qualitative review of medical care, including HIV care; the provision of appropriate undergarments for transgender detainees; and updated guidance on ICE's privacy obligations, in accordance with PREA regulations. Following a collaborative review of the recommendations, CRCL concluded that ICE appropriately addressed the recommendations and closed the complaint.

Conditions of Detention in Wisconsin: In April 2011, CRCL received a complaint regarding the treatment of 14 LGBTI individuals in various facilities in ICE custody (discussed immediately above). In response to these complaints, CRCL conducted a site review of a detention facility in Wisconsin. In December 2011, CRCL submitted recommendations to ICE regarding concerns about medical care, mental health care, and conditions of detention at the facility. ICE responded in June 2015, and provided CRCL with information showing that significant changes were made at the facility and to policy affecting other facilities. CRCL concluded that ICE's response was sufficient and anticipates closing the complaint in FY 2016.

Conditions of Detention in Arizona: Between October 2012 and April 2013, CRCL was notified of three deaths (including two suicides) at a facility in Arizona. Additionally, CRCL had received several other complaints regarding conditions of detention at the facility. In June 2013, CRCL conducted an onsite investigation with expert consultants in medical and mental health care and conditions of detention. Based on the investigation, CRCL sent ICE 49 recommendations in June 2013. ICE responded in September 2015. Of the 49 recommendations, ICE concurred with 19, agreeing to make improvements to intake screening and record-keeping, and improvements to patient care, including staff training on psychiatric emergencies and application of preventative psychiatric measures. ICE also agreed to make improvements in staffing and timeliness of care. CRCL does not believe that ICE responded appropriately to the other 30 recommendations, including recommendations for intake screening, a written housing plan considering detainee backgrounds and intake screening information, and investigation protocols relevant to sexual assault and abuse. CRCL will work with ICE in FY

2016 to address the substantive issues that remain unresolved and plans on conducting an additional site visit in FY 2016.

Law Enforcement Involvement with U Visa Petitions: In March 2013, CRCL received a complaint alleging that ICE personnel had: violated the confidentiality provisions of 8 U.S.C. § 1367(a)(2) (VAWA); and attempted to dissuade local law enforcement from certifying the necessary documents in connection with a U visa petition. Because of factual uncertainties and insufficient internal DHS guidance, CRCL could not conclude whether ICE violated the law or DHS's implementing policies, but recommended in April 2014 that ICE provide guidance and training to everyone who handles information protected under the confidentiality provisions in 8 U.S.C. § 1367 to clarify the scope and practical applicability of the law enforcement exception. ICE responded to this recommendations memorandum in July 2015, concurred with the recommendations, and provided information about how it was developing and implementing the new guidance and training. CRCL plans to close this complaint in FY 2016.

***Conditions of Detention in Ohio*:** CRCL conducted two site visits to a facility in Ohio in July and August 2009. After the two site visits, CRCL provided ICE with recommendations related to medical care, general corrections, and environmental health and safety. After ongoing conversations with ICE, ICE responded in March 2014 to six of the most critical medical recommendations. CRCL determined that these changes were sufficient to address the most serious health and safety concerns. Given the length of time since the opening of the complaint and provision to ICE of recommendations, and because CRCL has not received additional, newer complaints from this facility, CRCL closed the complaint in October 2014.

CBP

Access to Medication during Transport: A Canadian citizen was separated from her luggage and medication while being escorted by CBP from Chicago Midway International Airport to Chicago O'Hare International Airport for an immigration inspection. As a result, CRCL recommended that CBP issue a muster to personnel at Chicago Midway to remind them that passengers and their luggage are to travel together, and to be particularly aware of a passenger's need for medication or any necessary medical device. CBP concurred with this recommendation. Additionally, CBP's new National Standards on Transport, Escort, Detention, and Search policy issued October 2015, states that "all appropriate medical records and medication" must stay with the traveler, which would apply in situations like the one in this complaint, and that all medications will generally be maintained with the traveler's personal property. CRCL closed this complaint after receiving an action plan addressing the recommendation.

F. Complaints Resolved by CRCL with Informal Resolutions

The following summaries describe complaints in which CRCL concluded its investigation through an informal resolution, which included real-time communications from CRCL leadership to the leadership of the involved Component on the issues of concern. During FY 2015, CRCL transmitted information resolutions to ICE and CBP to resolve issues arising in six complaints.

CBP

Use of Force in Secondary Inspection: The complainant alleged that she was racially profiled and subjected to excessive use of force after being referred for secondary inspection. While CRCL found that the use of force in this instance was appropriate, CRCL was concerned that CBP's response to CRCL's information request mischaracterized the difference between active and passive resistance. As a result, CRCL highlighted to CBP the apparent confusion with these terms and suggested that the fact pattern in the complaint be used as a scenario in future training.

Inappropriate Questioning and Invasive Search: The complainant alleged that her mentally disabled aunt was screamed at by CBP officers and treated like she was "stupid" during CBP inspection. In secondary inspection, the complainants' shoe laces, belts, and earrings were removed at the request of CBP officers, and they were both subjected to an allegedly over-invasive search. CBP reported that the women's referral to secondary and pat downs upon arrival in the secondary inspection area were conducted in a manner consistent with CBP policy. CRCL reviewed video of the inspection and did not find that CBP officers screamed at either woman. However, the removal of personal items such as jewelry and shoelaces was more consistent with processing someone CBP planned to place in a hold room without direct CBP supervision. CRCL communicated to CBP that CBP officers must remain vigilant in their efforts to be sensitive to the needs of vulnerable populations and requested that CBP take any appropriate action to ensure that individuals are not processed in a manner that would include the excessive removal of personal items.

Inappropriate Questioning and Treatment of LGBTI Passenger: The complainant alleged that CBP officers mocked and humiliated him during his inspection at an airport because of his sexual orientation. Further, he alleged that CBP officers threatened to call his parents to let them know he was in New York City visiting his partner. At CRCL's request, CBP investigated his allegations. Neither CBP nor CRCL could substantiate the complainant's allegations that he was mocked or that a CBP officer threatened to call the complainant's parents. However, the CBP officer who conducted the inspection implied that he might contact the traveler's parents for the traveler's safety and to verify the source of funds the applicant would use to support himself in the U.S. CRCL was concerned that the agent was not clear about his reason for questioning and was implicating sensitive issues that might be raised for the traveler if CBP contacted the family. Accordingly, CRCL informed CBP of our concern that CBP may place adults in CBP custody at risk if they are "outed" to their families as LGBTI during the inspections process, given that many LGBTI individuals are not open about their sexual orientation in their home countries due to safety concerns. CRCL recognizes that there may be legitimate law enforcement reasons for officers to speak with an adult traveler's family about the traveler's sexual orientation; therefore, CRCL did not make any formal findings in this matter. However, CRCL highlighted the issues of concern to CBP for any action it deemed appropriate.

ICE

Disability Accommodation: In September 2014, CRCL received a complaint on behalf of a deaf man who alleged that his request for a sign language interpreter for an upcoming appointment with ICE was denied, and that he was told that ICE did not provide sign language interpreter services. CRCL opened a Section 504 complaint, requested information from ICE, and

interviewed the complainant. To assist with his issues, CRCL provided the complainant with contact information to obtain assistance when he has future meetings or communications with DHS. Both ICE and the complainant accepted this informal resolution, and CRCL closed the complaint. In September 2015, CRCL received an update from ICE, stating that the complainant's next report date had been rescheduled and that an American Sign Language interpreter had been reserved for the appointment.

Use of Restraints in ICE Custody: In February 2014, CRCL received a complaint regarding a detainee in ICE custody at an ICE detention facility in Louisiana, alleging that ICE had used restraints on him for 10 days during his hospitalization for a chronic illness that was worsened by the use of the restraints. CRCL opened an investigation into the allegation, and confirmed that ICE personnel did use restraints on the detainee for the entirety of his hospitalization. In July 2015, CRCL requested that ICE review its use of restraints policy, and suggested changes to better protect both officers and individuals with serious medical conditions that may contraindicate the use of restraints. CRCL continues to work with ICE to improve these policies.

Medical Care in ICE Detention: In June 2013, CRCL received a complaint alleging that a detainee had received inadequate medical care while in detention which led to blindness in his right eye. As a result of its investigation, CRCL did not find evidence of inadequate medical care, but did conclude that the facility where he was housed had not maintained appropriate documentation regarding the detainee's care. The matter was sent to ICE IHSC leadership to assist them with oversight of the facility's medical care.

G. Complaints Investigated by CRCL without Operational Recommendations

Many CRCL complaints are investigated and closed without the issuance of formal recommendations to the involved DHS Component. This occurs as a result of various circumstances such as when allegations are unsubstantiated; when existing policy, procedures, and training are found to be sufficient to address the allegations; and when the Component has already addressed the concerns identified or reviewed by CRCL. The following complaints did not result in formal recommendations to DHS Components for the reasons indicated below.

CBP

Use of Force: In August 2014, CRCL received a referral regarding an individual who alleged that a CBP officer used excessive force against him, resulting in a neck injury, when he applied for admission to the U.S. The individual previously had a spinal fusion in his neck and alleged that, as a result of the force used, it became "un-infused." Based on a review of documents provided by CBP and video/audio surveillance of the incident, CRCL concluded that the allegation of excessive force was unfounded. In secondary inspection, the complainant requested to and spoke with a supervisor about his treatment and complained of neck pain. He was evaluated by a CBP Emergency Medical Technician and cleared of the need for any further medical attention. However, the complainant insisted that he wanted transport to the hospital via ambulance because he was in pain, which the supervisor arranged. A CRCL medical consultant reviewed the records provided and found there was a fusion failure, but that there was no

definitive evidence from the records provided that the fusion failure indicated in the hospital documents resulted from the alleged incident.

Conditions of CBP Detention: In March 2014, CRCL received correspondence on behalf of an individual who alleged that she had been mistreated by Border Patrol agents following her apprehension in September 2013. She stated that agents denied her food for two days, and that she subsequently became ill and was transported to the hospital. CRCL opened an investigation into the allegations, and requested information from CBP regarding the individual's access to food and medical care while in CBP custody. CRCL reviewed the information provided by CBP and agreed that the allegations were unsubstantiated, finding that she was fed regularly and was not taken to the hospital while in CBP custody.

Inappropriate Separation of Parent and Child: CRCL received a complaint on behalf of a 15-year-old who alleged that Border Patrol inappropriately separated him from his father after they crossed the border together into Arizona and were apprehended. The minor alleged that he asked Border Patrol agents to be sent back to Mexico with his father but was denied and sent back to Mexico alone while his father was returned to Mexico at a different, far away location, resulting in the minor's placement into child protective services for several days before his father could locate him. CRCL received documentation from Border Patrol demonstrating that the minor and his father were apprehended on different dates, rather than together as the complaint alleges. Further, the records demonstrate that the minor was already removed to Mexico when his father was apprehended five days later. CRCL closed the complaint with no recommendations, noting the allegations were unfounded.

USCIS

Disability Accommodation: In June 2014, CRCL received a complaint from an individual alleging that USCIS had failed to grant a family member, who was applying to become a naturalized U.S. citizen, an appropriate accommodation for his disability. CRCL opened an investigation into the allegations, and requested that USCIS resolve the issue with the complainant. In July 2014, USCIS informed CRCL that it granted the complainant's request for an accommodation. CRCL assisted the complainant with securing the documentation requested by USCIS. CRCL also confirmed with USCIS that the information submitted was sufficient to proceed with the naturalization process, and the complainant later confirmed to CRCL that her family member became a naturalized citizen in November 2014.

ICE

Medical Care in ICE Custody: In July 2014, CRCL received a complaint from a detainee at an ICE detention facility in Florida. The detainee claimed that he had received inadequate medical care for a heart valve complication. CRCL opened a complaint, and referred the information to ICE under CRCL's medical referral process. ICE provided its report to CRCL, which indicated that the detainee had seen a cardiologist on three occasions and received an echocardiogram. Based on the results of the echocardiogram, the cardiologist recommended that the detainee should receive conservative treatment, and the records indicated that the detainee agreed to this treatment approach. Accordingly, CRCL closed the complaint.

Use of Force: In November 2013, CRCL received a complaint on behalf of a detainee alleging that ICE officers at an ICE detention center in Alabama used excessive force against him in order to obtain fingerprints on travel documents. The complaint further alleged that ICE did not provide adequate medical care for the injuries the detainee sustained as a result of that incident. CRCL reviewed audio and video recording of the incident, records regarding the use of force, and medical records. Based on this review, CRCL concluded the allegation of excessive use of force and the allegation of inadequate medical care was unfounded, and closed the complaint.

Conditions of Detention: In July 2014, CRCL received a complaint from an ICE detainee at a facility in Texas. The detainee alleged that facility staff had impeded his legal case by denying him access to paper, working printers, and copies. CRCL conducted an onsite investigation at the facility in August 2014. During this investigation, members of the investigative team interviewed the detainee, examined equipment and logs, and interviewed staff responsible for the law library and mail service. CRCL found that the detainee had appropriate legal access under the detention standards, and were unable to substantiate the detainee's allegations. Accordingly, CRCL closed the complaint.

Religious Accommodation in ICE Custody: In February 2015, CRCL received a complaint from a detainee at an ICE detention facility in Virginia, alleging that the detainee had been inappropriately removed from his religious diet. CRCL opened an investigation into the allegations, and members of the investigative team interviewed the detainee during an onsite investigation at the facility in July 2015. At that time, the complainant indicated to CRCL that all issues regarding his diet had been resolved with the kitchen manager. Accordingly, CRCL closed the complaint.

Alleged Sexual Assault in ICE Custody: In November 2013, CRCL received notification of an alleged sexual assault and physical abuse of a detainee at an ICE detention facility in Florida. CRCL learned that ICE's Office of Professional Responsibility was investigating these allegations and requested that ICE provide CRCL with a copy of its investigative report when the investigation was completed. ICE provided CRCL with its report, which indicated that ICE immediately acted when the detainee's allegations of physical and sexual abuse were reported to the facility personnel. Following an administrative and criminal investigation, the detainee's allegations were determined to be unfounded. Based on the information received, CRCL concluded that the facility followed proper policy and procedure in responding to and investigating the sexual assault. CRCL also ensured that ICE provided the detainee with a letter regarding the outcome of the investigation into his complaints. CRCL closed the complaint.

Death of an ICE Detainee: In February 2014, CRCL received notification from ICE of the death of a detainee at an ICE detention center in California. CRCL conducted an onsite investigation into the death, during which our medical expert found no issues with the medical care received, or violations of policy or procedure that contributed to the death.

FPS

Excessive Use of Force: In March 2013, CRCL received a complaint alleging that two FPS officers used excessive force against the complainant when they arrived at his apartment by hitting him over the head and using pepper spray on him. The complainant alleged that the use

of force was an attempt to kill him so the federal government would not have to pay him social security. In August 2015, CRCL received a report of investigation from FPS. After reviewing the report, CRCL could not substantiate the complainant's allegations. CRCL closed the complaint.

VI. Antidiscrimination Group

The Antidiscrimination Group (ADG) coordinates, provides oversight, and supports DHS implementation of civil rights mandates to carry out federally assisted or conducted activities in a nondiscriminatory manner regardless of race, color, national origin, disability, age, and sex. ADG's policy work supports integration and meaningful access for individuals across DHS mission areas, including preventing terrorism and enhancing security managing our borders, administering our immigration laws, and ensuring disaster resilience.

Accomplishments in FY 2015

Nondiscrimination for Individuals with Disabilities across DHS Programs and Activities
CRCL continued its Department-wide work to implement Directive 065-01, "Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities," by issuing an Instruction and developing a draft Reference Guide to support Components in undertaking a comprehensive self-evaluation of their programs and activities to identify areas for improvement in providing access and reasonable accommodation for individuals with disabilities in compliance with Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act commits the Federal Government to ending discrimination against persons with disabilities in federal employment and in federally conducted and federally assisted programs and activities. In FY 2015, Components appointed Disability Access Coordinators, received training and technical assistance from CRCL to support implementation, and began to take steps to prepare for the formal self-evaluation of their programs that will occur in FY 2016. Learn more about disability access at DHS.

Oversight and Coordination on Disability Access in Detention Facilities
CRCL provided expert advice and recommendations to ICE on the requirements of Section 504 of the Rehabilitation Act, which requires programmatic and physical access to individuals with disabilities in ICE detention. In addition, CRCL initiated a structured process to monitor placement, auxiliary aids and services, and other reasonable accommodations or modifications for detainees with disabilities and to offer technical assistance on accommodating detainees with disabilities.

Language Access Planning
Building off the DHS Language Access Plan published in February 2012, CRCL worked with Components to develop and finalize Component Language Access Plans to implement the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency August 11, 2000). These plans describe the efforts of individual Components to provide meaningful access to eligible LEP persons consistent with the requirements of the Executive order. Learn more about language access at DHS.

Stakeholder Engagement on Language Access

Language Access in Family and Residential Facilities
In its oversight of conditions in ICE family and residential facilities, CRCL made recommendations to ICE aimed at improving language access for LEP residents, including those whose primary language is an indigenous language, to ensure that all families have meaningful access and can communicate effectively during intake screening, orientation, medical and mental health care, and other important interactions during their time in ICE facilities. Subsequently, ICE made significant progress in developing tools and resources to identify speakers of indigenous languages and provide appropriate language services for this population. Most significantly, ICE's Juvenile and Family Residential Management Unit compliance officers at the facilities now coordinate with ICE field offices and the family facility management to implement ICE's Indigenous Language Protocol in compliance with the ICE Language Access Plan that was issued in 2015 and covers the provision of language services for speakers of indigenous languages.

Marking the 15th Anniversary of Executive Order 13166
In marking the 15th anniversary of the signing of Executive Order 13166, DHS surveyed and confirmed improvements and increased efficiencies in the provision of language access across the agency in these and other areas: improving access to critical disaster information; providing meaningful access to complaint processes; increasing multilingual access to information about immigration benefits; engaging new immigrants in their primary language while they learn English; and strengthening screening and law enforcement operations by making interpretation and translation services more readily available to frontline personnel.

VII. Equal Employment Opportunity and Diversity Division

The Equal Employment Opportunity and Diversity Division leads the Department's efforts to ensure that all employees and applicants are provided equal opportunity by maintaining effective EEO programs and diversity management under various federal laws, regulations, Executive orders and Directives, including:

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.;*
- Section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791 *et seq.;*
- The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.;*
- The Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1);

- Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff *et seq.;*
- Executive Order 11478, (as amended by Executive Orders 13087 and 13152) prohibiting discrimination based on sexual orientation or status as a parent;
- 29 C.F.R. § 1614;
- EEOC Management Directive 110; and
- EEOC Management Directive 715.

The Division is responsible for adjudicating EEO complaints for all DHS Components; developing and monitoring EEO and diversity program policies, plans, and guidance; and delivering training, conducting oversight, and administering EEO and diversity programs for DHS Headquarters and its 7,250 employees. In addition, the Division also prepares and submits a variety of annual progress reports relating to the Department's diversity and EEO activities.

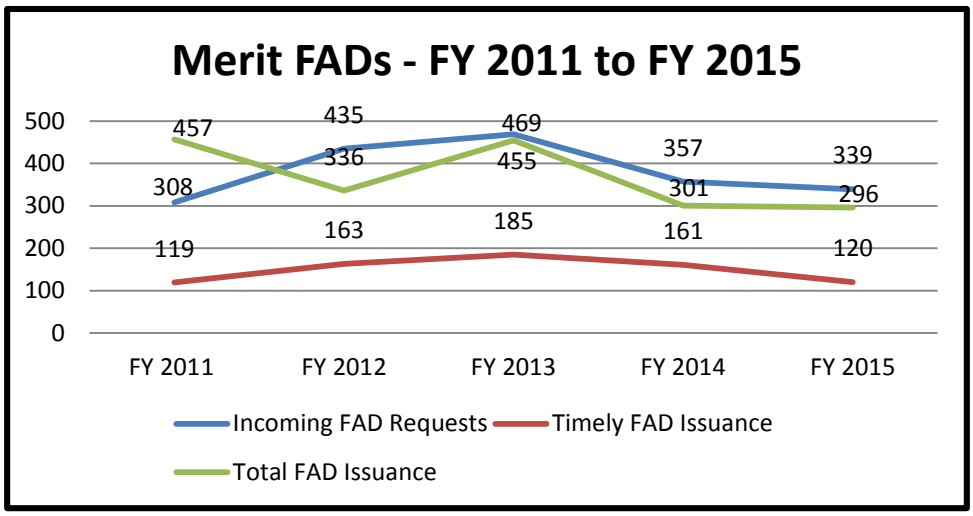
A. Complaints Management and Adjudication Section

The Complaints Management and Adjudication Section (CMAS) leads the administrative processing and adjudication of EEO complaints throughout the Department. CMAS prepares final actions on all formal EEO complaints filed by DHS employees, former employees, and applicants for employment who allege discrimination in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Genetic Information Nondiscrimination Act of 2008, and/or executive orders prohibiting discrimination on the bases of parental status and sexual orientation. CMAS also prepares the following Departmental reports:

- Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report;
- Quarterly No FEAR Act data postings; and
- Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

Accomplishments in FY 2015

Issuance of Final Agency Decisions
During FY 2015, CRCL managed a robust complaints adjudication program, receiving 713 incoming requests for final agency action and issuing decisions or otherwise administratively closing 709 cases. CRCL continued to place emphasis on adjudicating merit Final Agency Decisions (FAD) and issuing decisions within regulatory timeframes. Merit FADs are issued only after a complainant files a formal complaint alleging discrimination, the agency conducts an investigation, and the complainant requests the agency to issue a decision as to whether the discrimination occurred. The EEOC requires merit FADs to be issued within 60 days of election of, or failure to elect, a FAD. The following chart shows CRCL's five-year trend in merit FAD issuances.



As shown in the chart above, during FY 2015 the rate of incoming FAD requests decreased from FY 2014 as did both the overall number of FADs issued and the number of timely FADs issued. Likewise, the overall percentage of timely merit FAD issuances decreased between FY 2014 (53 percent) and FY 2015 (41 percent). Despite continued utilization of digital resources to streamline case reviews, preparation, review, and transmission, a decrease in available personnel for this specialized work impacted the ability to issue FADs at the level of the prior year.

Collaboration with DHS Components

CMAS led and otherwise participated in a number of collaborative initiatives in FY 2015, and continued to strengthen partnerships between CRCL and other DHS Components. CMAS refined and issued guidance to Component EEO offices, which included best practices for conducting effective EEO investigations. CMAS also developed an electronic tool that will enable CRCL to provide more detailed feedback about the quality of Components' investigations, which is scheduled to be piloted and launched in FY 2016.

CMAS also led quarterly meetings of the DHS EEO Complaint Managers, where topics of discussion included the updated guidance on EEO complaint management and reporting, training on the DHS enterprise EEO database and document management system, legal updates from CRCL attorney-advisors, and the DHS Alternative Dispute Resolution program. Additionally, CMAS staff are participating in working groups formed to implement goals of the EEO and Diversity Council's Strategic Plan. These collaborative efforts will continue in FY 2016 and beyond.

Several CMAS members contributed articles for the quarterly EEOD digital publication "Focus on EEO and Diversity." This publication is provided Department-wide to EEO and Diversity managers and staff and includes articles on EEO and diversity and inclusion initiatives, dispute resolution. Additionally, the publication provides case law updates that highlight court decisions and appellate decisions issued by the Equal Employment Opportunity Commission.

Leaning Forward with Technology
CMAS hosted two enterprise EEO database user forums for EEO personnel across the Department. These sessions were opportunities for personnel to enhance their knowledge, effectively use the comprehensive tracking and reporting system, and receive individualized coaching from the CMAS staff.

Additionally, CMAS coordinated with the EEOC's Office of Federal Operations in a pilot program to implement the new Federal Sector Portal for digital case submission. This new portal enhanced EEOC's existing web-based reporting portal by adding a hearings and appeals section, which allows agencies to upload documents directly to EEOC. CMAS tested this section of the portal prior to full implementation and provided valuable input and feedback to EEOC on shaping the design features and usability of the portal; much of which was applied by EEOC.

B. Diversity Management Section

The Division's Diversity Management Section (DMS) provides leadership, guidance, and technical assistance to DHS Components on the Department's EEO and diversity initiatives, consistent with federal laws, regulations, executive orders, and management directives. Specifically, DMS prepares EEO and diversity policy guidance for Department personnel, supports special emphasis programs that increase awareness of diversity issues throughout the Department, and conducts workforce trend analysis, including utilizing Department-wide workforce data to identify anomalies that may be tied to EEO or diversity issues.
On behalf of the Department, DMS also prepares and submits mandated annual EEO and diversity reports to the EEOC and to the U.S. Department of Education's White House Initiatives Office. DMS staff members actively participate on various committees and working groups, including the Department's Office of Academic Engagement, OPM's Applicant Flow Data working group, the White House Council on Native American Affairs, the Intelligence Community's EEO Council, and the inter–departmental Women Veterans Initiative.

Accomplishments in FY 2015

Departmental Special Emphasis Program
Special Emphasis Programs (SEP) are integral to the success of the Department's EEO and diversity efforts to identify, mitigate, and eliminate potential barriers for employees from groups that have historically been underrepresented in a given occupation, grade, or organization. In FY 2015, DMS finalized the framework and began implementing a Departmental special emphasis program. The DHS SEP features a new DHS-wide LGBT Employment Program, the Federal Women's Program, the Black Employment Program, the Hispanic Employment Program, the American Indian/Alaska Native Employment Program, the Asian American/Pacific Islander Employment Program, and the Disability Employment Program. The DHS SEP will allow better Component collaboration and a unified and consistent guidance for Component SEP delivery.

In FY 2015, DMS sponsored the annual Department-wide Women's History Month commemorative program, which featured a diverse panel of senior-level women who shared their career experiences. In addition, DMS supported and collaborated with Components on

programs in recognition of LGBT Pride Month, Asian American and Pacific Islander Heritage Month, African-American History Month, Native American Indian Heritage Month, and National Hispanic Heritage Month.

Women in Law Enforcement Study
DMS conducted a Department-wide study on women in law enforcement during FY 2015. The study includes observations and recommendations from women in law enforcement across the Department; identifies perceived barriers to EEO and diversity; provides recommendations and strategies to achieve a model workplace; and highlights best practices from within the Department and from other federal law enforcement agencies. Complete findings and potential recommendations are scheduled to be released in FY 2016.

Disability Employment Program
The Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Disabilities continued to be a major effort within every Departmental Component during FY 2015. Overall from FY 2014 to FY 2015, the Department saw an increase in the employment of employees with disabilities. DMS organized Operation Warfighter referrals of service member candidates with disabilities for Department internships, and increased visibility of the Operation Warfighter Program via briefings throughout the Department.

Reporting Requirements
DMS analyzed workforce trends, including various personnel actions regarding the recruiting of diverse new hires, separations, awards, and promotions. DMS also examined women in leadership in the workforce and women in law enforcement, providing metrics for inclusion in briefings to the Department's Women Executives Employee Association. Further, DMS conducted a separate review of the participation of women in the intelligence occupational series across the Department.

DMS partnered with the Office of the Chief Human Capital Officer (OCHCO) to secure common methods to track applicant data, and in support of the Diversity and Inclusion Strategic Plan and the Federal Equal Opportunity Recruitment Plan. DMS also collaborated with OCHCO to contribute to the "Employment of Women Veterans in the Federal Government," a federal interagency report commissioned and published by OPM.

DMS ensured the complete delivery and analysis of all statutory and regulatory EEO and diversity reports, including the FY 2014 EEO Management Directive 715 Report and the Department's Annual Federal Performance Report on Executive Agency Actions to Assist Minority Serving Institutions.

C. Headquarters Equal Employment Opportunity Office

The Headquarters EEO Office (HQ EEO) supports 7,250 DHS Headquarters employees by enforcing compliance with the EEO laws, regulations, and mandates; providing guidance to Headquarters management officials and employees on EEO and diversity; preventing and addressing unlawful employment discrimination; and ensuring that all Headquarters employees

have a working environment free from unlawful discrimination and supports them in fulfilling the homeland security mission.

Accomplishments in FY 2015

Complaints Processing
In FY 2015, HQ EEO improved the timely processing of EEO complaints and investigations within regulatory timeframes. HQ EEO counseled 69 cases, with 98 percent processed timely. Similarly, HQ EEO investigated 42 cases, 100 percent of them timely. Employees (and former employees or applicants for employment) who believe they have been discriminated against on the basis(es) of race, color, religion, sex, national origin, age, physical or mental disability, reprisal, sexual orientation, status as a parent, or genetic information may file an EEO complaint. At Headquarters, the top bases for complaints in FY 2015 were reprisal, race (Black), and age. Issues in EEO complaints include a myriad of personnel decisions and other matters affecting an individual's employment. During FY 2015, the top issues filed in Headquarters EEO complaints were non–sexual harassment, promotion/non–selection, and time and attendance.

Reasonable Accommodations at DHS
DHS is committed to providing reasonable accommodations to employees and applicants for employment to ensure that individuals with disabilities enjoy full access to equal employment opportunity. DHS provides reasonable accommodations for the known physical or mental limitations of qualified employees and applicants with disabilities, unless DHS can demonstrate that a particular accommodation would impose an undue hardship on the operation of its programs. A reasonable accommodation enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment.

In FY 2015, HQ EEO processed 241 accommodation requests, serving 149 employees, applicants for employment, and contractors. In addition, in FY 2015, HQ EEO processed 303 requests for sign language interpretation services.

VIII. Office of Accessible Systems and Technology

Every DHS employee and customer, including individuals with disabilities, must be able to readily access information and data relevant to their job or needs. Section 508 of the Rehabilitation Act of 1973, as amended, requires all Federal departments and agencies to ensure that their electronic information technology is accessible to people with disabilities. To meet these requirements, the OCIO and CRCL jointly created the Office of Accessible Systems and Technology (OAST).

OAST is dedicated to guiding and supporting all DHS Components in removing barriers to information access and employment of qualified individuals with disabilities in accordance with Section 508 requirements. OAST strives to ensure that all electronic information and technology procured, developed, maintained, or used is accessible to DHS employees and customers with disabilities through a range of policy, training, technical assistance, and compliance activities.

Accomplishments in FY 2015

Federal Shared Services
OAST promotes equal access to information and data for employees and customers with disabilities. Over this past year OAST worked with several federal shared services programs, including the Financial Systems Modernization project, the Human Resources Information Technology program, and the e-Travel program with the General Services Administration. In each case a combination of information technology (IT) governance to ensure accessibility, certified Trusted Testers to set baselines of Section 508 conformance, and Trusted Tester training to enable federal partners to continue with accessibility responsibilities moving forward was used for successful outcomes.

DHS Accessibility Helpdesk
The DHS Accessibility Helpdesk serves as a single point of contact for all electronic and information technology accessibility and accommodation needs. In FY 2015, OAST processed 2,739 requests through the DHS Accessibility Helpdesk. Requests came to the Help Desk from across the Department, as well as eight from outside federal agencies and public entities.

Document Accessibility: OAST reviewed and remediated 28,510 pages (631 document files) of content. Of those, 49 documents were initially compliant while the remaining 582 were initially non-compliant.

Training: Through the Section 508 Awareness Training Program, OAST trained 2,504 personnel across DHS and other government agencies. These included: introductory Section 508 courses, Section 508 for Contract Officer Representatives trainings, Program and Project Managers trainings, Section 508 Standards for Applications trainings, Section 508 for Documents Testing trainings and Trusted Tester trainings.

Application Testing: During FY 2015, OAST personnel tested 214 IT and web-based applications. These consisted of 205 non-mobile and nine mobile (iOS and Android) applications.

Reasonable Accommodations Services: OAST processed 66 reasonable accommodation requests during FY 2015.

Unified Testing for Accessibility Project (UTAP)
During FY 2015, OAST partnered with four federal agencies to promote adoption of the Trusted Tester process as a pilot effort to learn how best to integrate IT accessibility testing within varying organizational structures. The Department of Labor, the Department of Education, the Federal Deposit Insurance Corporation, and the United States Mint all participated in UTAP pilot that focused on integrating the DHS Trusted Tester testing processes into their organization to ensure Section 508 conformance of electronic and information technology. OAST is currently documenting the lessons learned, case studies for each agency, and developing a UTAP guide, all of which are key resources for expanding the Trusted Tester process to other federal partners.

Governance
The OAST Governance Division ensures that DHS programs fulfill Section 508 accessibility requirements, by monitoring and enforcing Section 508 compliance through DHS governance activities.

The OAST Governance Division took responsibility for DHS-wide website scanning and quarterly delivery of the scores of DHS websites to the OAST Executive Director for presentation to the Component Chief Information Officers. Additionally, OAST prepared and delivered DHS Accessibility Assessments bi–annually to meet the Office of Management and Budget's requirement for each agency's Section 508 Maturity and Activity Statistics.

During FY 2015, OAST performed 4,993 Section 508 related compliance reviews for a number of governance bodies within DHS. Additionally, OAST introduced new OCIO IT hires to Section 508 in the quarterly IT Immersion Sessions.

The Accessibility Compliance Center of Excellence
The primary mission of OAST's Accessibility Compliance Center of Excellence (ACCOE) is to support the DHS major programs in meeting Section 508 accessibility requirements in accordance with the 1973 Rehabilitation Act, as amended, which states that information technology products and services shall be accessible to people with disabilities. The ACCOE personnel accomplish this by participating in various departmental program reviews and stakeholder meetings offering consultation and expert advice on DHS accessibility best practices, tools, and processes to various program management personnel. In FY 2015, the ACCOE conducted seven Accessibility Compliance Reviews with various DHS Component program management teams. The ACCOE enhanced the Accessibility Compliance Reviews in FY 2015 by implementing the "Accessibility Scorecard" and the "Findings and Recommendations" documents that provided more clarity and specification of program successes and shortcomings.

IX. Conclusion

The staff of the Office for Civil Rights and Civil Liberties works with dedication and vigor each day to secure the country while protecting our freedoms, including core civil rights values of liberty, fairness, and equality under the law. For much more information, including prior congressional reports, testimony, training materials, civil rights and civil liberties impact assessments, and many other items, see the Office's website at www.dhs.gov/crcl.

Appendix A: DHS Civil Rights and Civil Liberties Authorities

Statutes:

- **6 U.S.C. § 111; Section 101, Homeland Security Act of 2002 (as amended)—DHS Mission.** Requires that the Department ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.

- **6 U.S.C. § 113; Section 103, Homeland Security Act of 2002 (as amended)—Other Officers.** The Officer for Civil Rights and Civil Liberties is appointed by the President.

- **6 U.S.C. § 345; Section 705, Homeland Security Act of 2002 (as amended)—Establishment of Officer for Civil Rights and Civil Liberties.** Authorizes the CRCL Officer to investigate complaints, provide policy advice to Department leadership and Components on civil rights and civil liberties issues, and communicate with the public about CRCL and its activities. The statute also requires coordination with the DHS Chief Privacy Officer and Inspector General, and directs submission of this annual Report to Congress.

- **42 U.S.C. § 2000ee-1; Section 803, Implementing Recommendations of the 9/11 Commission Act of 2007—Privacy and Civil Liberties Officers.** Provides additional authority to investigate complaints, review Department activities and programs for their civil liberties impact, and communicate with the public about CRCL and its activities. This statute also ensures CRCL's access to information and individuals needed to carry out its functions, forbids reprisal against complainants, requires general coordination with the Inspector General, and directs the Officer for Civil Rights and Civil Liberties to report, quarterly, to Congress.

- **20 U.S.C. § 1681 et seq. ("Title IX")** Education Amendments Act of 1972—Nondiscrimination Based on Sex. Under Delegation 19003 (see below), CRCL is responsible for ensuring all federally-assisted and federally-conducted programs or activities of the Department comply with Title IX.

- **29 U.S.C. § 794; ("Section 504") Rehabilitation Act of 1973 (as amended)—Nondiscrimination Under Federal Grants and Programs.** Prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance or under any program or activity conducted by DHS. Under Delegation 19003 (see below), CRCL is responsible for ensuring all federally-assisted and federally-conducted programs or activities of the Department comply with the Rehabilitation Act of 1973, as amended.

- **42 U.S.C. §§ 2000d to 2000d-7 ("Title VI")** Civil Rights Act of 1964—Prohibition Against Exclusion From Participation In, Denial of Benefits of, and Discrimination Under Federally Assisted Programs on Ground of Race, Color, or National Origin. Under Delegation 19003

(see below), CRCL is responsible for ensuring all federally-assisted and federally-conducted programs or activities of the Department comply with Title VI.

Regulations:

- **6 C.F.R. pt. 15.** Forbids discrimination on the basis of disability in programs or activities conducted by the Department of Homeland Security. This regulation effectuates Section 504 of the Rehabilitation Act of 1973 (as amended), 29 U.S.C. § 794.

- **6 C.F.R. pt. 17.** Forbids discrimination on the basis of sex in education programs or activities receiving federal financial assistance. This regulation effectuates Title IX of the Education Amendments of 1972 (as amended), 20 U.S.C. § 1681 et seq.

- **6 C.F.R. pt. 21.** Forbids discrimination on the basis of race, color, or national origin (including Limited English proficiency) in programs or activities receiving federal financial assistance from the Department of Homeland Security. This regulation effectuates the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Executive Orders:

- **Executive Order 11478 (as amended by Executive Orders 11590, 12106, 13087, and 13152),** ***Equal Employment Opportunity in the Federal Government*** **(August 8, 1969).** Prohibits federal employment discrimination on the basis of race, color, religion, sex, national origin, handicap, age, sexual orientation, or status as a parent.

- **Executive Order 12898,** ***Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*** **(February 11, 1994).** Requires each federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the U.S.

- **Executive Order 13107,** ***Implementation of Human Rights Treaties*** **(December 10, 1998).** Requires the Secretary to designate a single official as the interagency point of contact for human rights treaties; the Secretary has so designated the Officer for Civil Rights and Civil Liberties.

- **Executive Order 13145,** ***To Prohibit Discrimination in Federal Employment Based on Genetic Information*** **(February 10, 2000).** Prohibits federal employment discrimination on the basis of protected genetic information.

- **Executive Order 13160,** ***Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs*** **(June 23, 2000).** Holds the Federal Government to the same nondiscrimination principles relating to educational opportunities as

those that apply to the education programs and activities of state and local governments, and to private institutions receiving federal financial assistance.

- **Executive Order 13163, *Increasing the Opportunity for Individuals with Disabilities to be Employed in the Federal Government* (July 28, 2000).** Promotes increasing opportunities for individuals with disabilities to be employed at all levels and occupations of the Federal Government, and supports the goals articulated in section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791.

- **Executive Order 13164, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation* (July 26, 2000).** Requires federal agencies to establish procedures to facilitate the provision of reasonable accommodation, and to submit a plan to do so to EEOC within one year.

- **Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000).** Requires federal agencies to take reasonable steps to promote meaningful access to federally-conducted and federally funded programs and activities for people with Limited English proficiency.

- **Executive Order 13256, *President's Board of Advisors on Historically Black Colleges and Universities* (February 12, 2002).** CRCL reports and plans for DHS.

- **Executive Order 13270, *Tribal Colleges and Universities* (July 3, 2002).** CRCL reports and plans for DHS.

- **Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* (July 26, 2004).** Promotes the safety and security of individuals with disabilities in emergency and disaster situations. The Executive order also created an Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities, which is chaired by the Secretary of the Department of Homeland Security. The Officer for Civil Rights and Civil Liberties was designated by the Secretary to carry out these duties from 2004–2012. In January 2012, the Secretary transferred the leadership from CRCL to FEMA's Administrator and designee, the Office of Disability and Integration Coordination.

- **Executive Order 13515, *Increasing Participation of Asian Americans and Pacific Islander in Federal Programs* (October 19, 2009).** Establishes an Advisory Commission as well as a White House Initiative on Asian Americans and Pacific Islanders, and requires participating agencies, including DHS, to prepare plans to increase those populations' participation in federal programs where they may be underserved.

- **Executive Order 13688, *Federal Support for Local Law Enforcement Equipment Acquisition* (January 16, 2015).** Creates a Law Enforcement Equipment Working Group as well as overarching policy to coordinate executive branch efforts to provide controlled equipment and funds for controlled equipment to state and local law enforcement agencies. A report and plan created by the working group guides efforts to realize the Executive order's goals.

Delegations and Directives:

- **Management Directive 3500,** Operational Roles of the Officer for Civil Rights and Civil Liberties and the Office of the Chief Counsel.

- **Management Directive 4010.2,** Section 508 Program Management Office and Electronic and Information Technology Accessibility.

- **Delegation 19000,** Delegation to the Deputy Officer for Equal Opportunity Programs.

- **Delegation 19001,** Delegation to the Deputy Officer for Civil Rights and Civil Liberties Programs and Compliance.

- **Delegation 19003**, Delegation to the Officer for CRCL for Matters Involving CRCL, Including EEO and Workplace Diversity.

- **Delegation 19004,** Delegation of Authority To Issue Guidance and Implement 8 U.S.C. 1367.

- **Delegation 19005,** Delegation of Authority To Disclose Section 1367 Information to National Security Officials for National Security Purposes.

- **Directive 002-02,** Implementation of Section 1367 Information Provisions.

- **Directive 046-01,** Directive, Office for Civil Rights and Civil Liberties

- **Directive 065-01,** Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment).

- **Directive 065-02,** Equal Employment Opportunity Special Emphasis Programs.

- **Directive 256-01,** Anti–Harassment Policy.

Appendix B: Complaints Tables

In FY 2015, CRCL opened 716 new complaints (compared to 417 opened in FY 2014) and closed 444 complaints (compared to 263 closed in FY 2014). Data tables B-1A and B-1B describe matters retained by the OIG during FY 2015 and complaints closed and returned to CRCL from the OIG during FY 2015, by quarter. Data tables B-2A through B-5B summarize complaints retained by CRCL and referred to DHS Components by quarter in FY 2015.

As of September 30, 2015, the Compliance Branch had 779 open complaints. Of those, 135 were retained by CRCL for investigation, 538 were addressed using "short form" investigations to facilitate swift action on urgent complaints and expeditious resolution of allegations that are narrowly focused and therefore require a more limited investigation. Short form investigations that prove to require additional work may be converted to standard investigations. 80 complaints were referred to a DHS Component for investigation, and 26 were retained by OIG for investigation.

For a tally of all CRCL's complaints by Component and primary allegation from 2003 to 2014, please visit www.dhs.gov/complaints.

Office of the Inspector General

CRCL initially refers all complaints to DHS OIG, which retains a relatively small number of those complaints for its own investigation. (See 6 U.S.C. § 345(a)(6)). As of September 30, 2015, the CRCL Compliance Branch had 26 open complaints that were retained by OIG; of these, 17 complaints were opened in FY 2015.

In FY 2015, CRCL closed two complaints returned by the OIG, which included one matter retained by the OIG in FY 2013, and one matter retained by the OIG in FY 2014. CRCL closed these complaints based upon either the conclusions reached from the OIG's investigation or further investigation by CRCL which did not result in the issuance of recommendations.

TABLE B-1A: CRCL COMPLAINTS OPENED AND RETAINED BY OIG, FY 2015

Primary Allegation	CBP				ICE				Subtotals				Total
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	All
Abuse of authority/ misuse of official position							1				1		1
Excessive force or inappropriate use of force		1					1	1		1	1	1	3
Fourth Amendment (search and seizure)							1				1		1
Language access				1								1	1
Medical/mental health care		3	1					7		3	1	7	11
Total	**0**	**4**	**1**	**1**	**0**	**0**	**3**	**8**	**0**	**4**	**4**	**9**	**17**

TABLE B-1B: CRCL COMPLAINTS CLOSED BY OIG, FY 2015

Primary Allegation	CBP				Subtotals				Total
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	All
Conditions of detention				1				1	**1**
Excessive force or inappropriate use of force			1				1		**1**
Total	**0**	**0**	**1**	**1**	**0**	**0**	**1**	**1**	**2**

First Quarter FY 2015

TABLE B-2A: COMPLAINTS OPENED Q1 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position				1		3								1		1	1	3	**5**
Conditions of detention	1		10	2	7	16									1	3	7	27	**37**
Disability accommodation (Section 504)			1			1						1				0	0	3	**3**
Discrimination/profiling			3			1						1				0	0	5	**5**
Due process		1		1		4								8		1	9	4	**14**
Excessive force or inappropriate use of force	1		5	1	1	4							1		1	3	1	10	**14**
Fourth Amendment (search and seizure)			2												1	0	0	3	**3**
Human rights															3	0	0	3	**3**
Inappropriate questioning/ inspection conditions			1													0	0	1	**1**
Inappropriate touch/ search of person (non–TSA)			2			2										0	0	4	**4**
Intimidation/threat/improper coercion						2										0	0	2	**2**
Language access			2		1											0	1	2	**3**
Legal access					2	2										0	2	2	**4**
Medical/mental health care			1	2	4	80										2	4	81	**87**
Religious accommodation						6	1									1	0	6	**7**
Retaliation	1															1	0	0	**1**
Sexual assault/abuse			1		2	5										0	2	6	**8**
Total	**3**	**1**	**28**	**7**	**17**	**126**	**1**	**0**	**0**	**0**	**0**	**2**	**1**	**9**	**6**	**12**	**27**	**162**	**201**

TABLE B-2B: COMPLAINTS CLOSED Q1 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1				1	1							1	1	1	**3**
Conditions of detention			3		2	5						1		2	9	**11**
Disability accommodation (Section 504)						1									1	**1**
Discrimination/profiling	1	1				1			2				1	1	3	**5**
Due process			1									1			2	**2**
Excessive force or inappropriate use of force	1		13	1		2							2		15	**17**
Human rights												4			4	**4**
Inappropriate questioning/ inspection conditions			1												1	**1**
Intimidation/threat/improper coercion			2												2	**2**
Medical/mental health care				1	4	20							1	4	20	**25**
Privacy										1			1			**1**
Religious accommodation				2	1	2							2	1	2	**5**
Retaliation						3									3	**3**
Sexual assault/abuse			1			1									2	**2**
Total	**3**	**1**	**21**	**4**	**8**	**36**	**0**	**0**	**2**	**1**	**0**	**6**	**8**	**9**	**65**	**82**

Second Quarter FY 2015

TABLE B-3A: COMPLAINTS OPENED Q2 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1		3			4										1		7	**8**
Conditions of detention			3	3	5	6										3	5	9	**17**
Disability accommodation (Section 504)									3			2						5	**5**
Discrimination/profiling		1	3			1											1	4	**5**
Due process						7							1			1		7	**8**
Excessive force or inappropriate use of force	1		6	1	1	6									2	2	1	14	**17**
Fourth Amendment (search and seizure)			1			1												2	**2**
Hate speech	1															1			**1**
Human rights															5			5	**5**
Inappropriate touch/ search of person (non–TSA)			1															1	**1**
Intimidation/threat/ improper coercion			3	2		1										2		4	**6**
Legal access						4												4	**4**
Medical/mental health care			6	1		79									1	1		86	**87**
Religious accommodation				1		1										1		1	**2**
Retaliation					1												1		**1**
Sexual assault/abuse			1															1	**1**
Total	**3**	**1**	**27**	**8**	**7**	**110**	**0**	**0**	**3**	**0**	**0**	**2**	**1**	**0**	**8**	**12**	**8**	**150**	**170**

TABLE B-3B: COMPLAINTS CLOSED Q2 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCG			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Referred	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1		1			1													1		2	**3**
Conditions of detention			3			3															6	**6**
Disability accommodation (Section 504)						1			1			1			1						4	**4**
Discrimination/profiling	1		1		1				1										1	1	2	**4**
Due process			1			5															6	**6**
Excessive force or inappropriate use of force	2	1	3			1													2	1	4	**7**
First Amendment (free speech/ association)						1															1	**1**
Human rights																		5			5	**5**
Inappropriate questioning/ inspection conditions	2		1																2		1	**3**
Inappropriate touch/ search of person (non–TSA)						1															1	**1**
Language access			1																		1	**1**
Legal access						2															2	**2**
Medical/mental health care	1		3		2	31												2	1	2	36	**39**
Religious accommodation						1			1												2	**2**
Retaliation																		1			1	**1**
Sexual assault/abuse			1			2															3	**3**
Total	**7**	**1**	**15**	**0**	**3**	**49**	**0**	**0**	**3**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**8**	**7**	**4**	**77**	**88**

Third Quarter FY 2015

TABLE B-4A: COMPLAINTS OPENED Q3 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1		3	1		3			1				2		1	4		8	**12**
Conditions of detention			1	2	11	9										2	11	10	**23**
Disability accommodation (Section 504)					1	4			1						1		1	6	**7**
Discrimination/profiling	1		2		1				1						1	1	1	4	**6**
Due process			2		1	4						1			2		1	9	**10**
Excessive force or inappropriate use of force	3		7		1	4										3	1	11	**15**
Fourth Amendment (search and seizure)	1				1	1									1	1	1	2	**4**
Human rights															3			3	**3**
Inappropriate touch/ search of person (non–TSA)			1															1	**1**
Intimidation/threat/ improper coercion	1											1				1		1	**2**
Legal access					1	3											1	3	**4**
Medical/mental health care			5	2	5	94										2	5	99	**106**
Privacy			1									2						3	**3**
Religious accommodation					2	2											2	2	**4**
Retaliation					1	1											1	1	**2**
Sexual assault/abuse			1		2	2											2	3	**5**
Total	**7**	**0**	**23**	**5**	**27**	**127**	**0**	**0**	**3**	**0**	**0**	**4**	**2**	**0**	**9**	**14**	**27**	**166**	**207**

TABLE B-4B: COMPLAINTS CLOSED Q3 FY 2014: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			Multi–Component			Subtotals			Subtotals
	Referred	Retained	Short Form	Referred	Retained	Referred	Retained	Referred	Retained	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position			1												1	**1**
Conditions of detention	4		1			3							4		4	**8**
Disability accommodation (Section 504)			1			1									2	**2**
Discrimination/profiling									1						1	**1**
Due process		1	2			4								1	6	**7**
Excessive force or inappropriate use of force			3	1		4							1		7	**8**
Fourth Amendment (search and seizure)				2		2							2		2	**4**
Human rights												4			4	**4**
Intimidation/threat/ improper coercion						1									1	**1**
Legal access						1									1	**1**
Medical/mental health care	1				2	30				1			2	2	30	**34**
Sexual assault/abuse			3												3	**3**
Total	**5**	**1**	**11**	**3**	**2**	**46**	**0**	**0**	**1**	**1**	**0**	**4**	**9**	**3**	**62**	**74**

Fourth Quarter FY 2015

TABLE B-5A: COMPLAINTS OPENED Q4 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCG			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1			1													1		3			**3**
Conditions of detention	1		1	4		9													5		10	**15**
Disability accommodation (Section 504)						1									1						2	**2**
Discrimination/profiling			1		1	1											1		1	1	2	**4**
Due process			2			5									1						8	**8**
Excessive force or inappropriate use of force			2	2		2													2		4	**6**
First Amendment (free speech/association)			1			1						1									3	**3**
Fourth Amendment (search and seizure)			1																		1	**1**
Human rights																		2			2	**2**
Inappropriate questioning/ inspection conditions			2																		2	**2**
Intimidation/threat/ improper coercion			4																		4	**4**
Language access			1																		1	**1**
Medical/mental health care	1				1	78													1	1	78	**80**
Privacy													1						1			**1**
Retaliation						1															1	**1**
Sexual assault/abuse						1											1		1		1	**2**
TSA AIT and TSA pat-downs									1												1	**1**
Total	**3**	**0**	**15**	**7**	**2**	**99**	**0**	**0**	**1**	**0**	**0**	**1**	**1**	**0**	**2**	**0**	**3**	**2**	**14**	**2**	**120**	**136**

TABLE B-5B: COMPLAINTS CLOSED Q4 FY 2015: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP			ICE			TSA			USCIS			Multi–Component			Subtotals			Total
	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1		1			2									1	1		4	**5**
Conditions of detention			4	3	9	8										3	9	12	**24**
Disability accommodation (Section 504)						1			2			1						4	**4**
Discrimination/profiling			1			2						1			1			5	**5**
Due process						1							1			1		1	**2**
Excessive force or inappropriate use of force			2	2	1	7									1	2	1	10	**13**
Fourth Amendment (search and seizure)						1												1	**1**
Inappropriate touch/ search of person (non–TSA)				1												1			**1**
Intimidation/threat/improper coercion						1												1	**1**
Language access					1												1		**1**
Legal access					3	6											3	6	**9**
Medical/mental health care			1	1	9	111										1	9	112	**122**
Privacy						1												1	**1**
Religious accommodation					2	1	1									1	2	1	**4**
Retaliation				1												1			**1**
Sexual assault/abuse			1		4	1											4	2	**6**
Total	**1**	**0**	**10**	**8**	**29**	**143**	**1**	**0**	**2**	**0**	**0**	**2**	**1**	**0**	**3**	**11**	**29**	**160**	**200**

TABLE 4: FY 2015: INFORMATION LAYER - PRIMARY ALLEGATION

Primary Allegation	Total
Abuse of authority/misuse of official position	**95**
Conditions of detention	**507**
Disability accommodation (Section 504)	**8**
Discrimination/profiling	**94**
Due process	**333**
Excessive force or inappropriate use of force	**141**
First Amendment (free speech/association)	**10**
Fourth Amendment (search and seizure)	**3**
Hate speech	**5**
Human rights	**1**
Inappropriate questioning/inspection conditions	**10**
Inappropriate touch/search of person (non–TSA)	**4**
Intimidation/threat/improper coercion	**79**
Language access	**14**
Legal access	**46**
Medical/mental health care	**137**
Privacy	**7**
Religious accommodation	**21**
Retaliation	**15**
Sexual assault/abuse	**55**
TSA AIT and TSA pat-downs	**7**
Total	**1,592**

Appendix C: Abbreviations

ACCOE	DHS Accessibility Compliance Center of Excellence
ADG	CRCL Antidiscrimination Group
CAB	CRCL Community Awareness Briefing
CBP	U.S. Customs and Border Protection
CMA	Computer Matching Agreements
CMAS	CRCL Complaints Management and Adjudication Section
CRCL	DHS Office for Civil Rights and Civil Liberties
CREX	CRCL Community Resilience Exercise
CVE	Countering Violent Extremism
DHS	U.S. Department of Homeland Security
DMS	CRCL Diversity Management Section
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
ERO	Enforcement and Removal Operations
FAD	Final Agency Decision
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FPS	Federal Protective Service
FY	Fiscal Year
HQ EEO	DHS Headquarters Equal Employment Opportunity Office
HSI	Homeland Security Investigations
I&A	DHS Office of Intelligence and Analysis
IT	Information Technology
ICCT	CRCL Incident Communication Coordination Team
ICE	U.S. Immigration and Customs Enforcement
IHSC	Immigration Health Service Corps
ISE	Information Sharing Environment
ISIL	Islamic State of Iraq and the Levant
LEA	Law Enforcement Agency
LEP	Limited English Proficiency
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
NGO	Non–Governmental Organization
NO FEAR	Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
OAST	Office of Accessible Systems & Technology
OCHCO	DHS Office of the Chief Human Capital Officer
OCIO	DHS Office of the Chief Information Officer
OIG	DHS Office of the Inspector General
OPM	Office of Personnel Management
PBNDS	Performance-based National Detention Standards
PEP	DHS Priority Enforcement Program

PREA	Prison Rape Elimination Act of 2003
PRIV	DHS Privacy Office
SEP	DHS Special Emphasis Program
SIIP	CRCL Security, Intelligence, and Information Policy Section
TSA	Transportation Security Administration
UC	Unaccompanied Child
UNHRC	UN Human Rights Council
USCG	U.S. Coast Guard
USCIS	U.S. Citizenship and Immigration Services
UTAP	Unified Testing for Accessibility Project
VAWA	Violence Against Women Act