

# Office for Civil Rights and Civil Liberties Compliance Branch



# Homeland Security

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Compliance Branch reviews and investigates civil rights and civil liberties complaints filed by the public regarding DHS policies, programs, and activities.<sup>1</sup> The investigations may lead to recommendations to develop, change, or improve implementation of policies to enhance civil rights and civil liberties protections guaranteed by federal and constitutional law, including addressing:

- Discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability;
- Violation of rights while in immigration detention or as a subject of immigration enforcement;
- Violation of confidentiality provisions of the Violence Against Women Act; and
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency.

Since FY 16, CRCL has received 10,877 allegations.<sup>2</sup>

CRCL also reviews and investigates human rights complaints under Executive Order 13107 and disability accommodation complaints under Section 504 of the Rehabilitation Act of 1973.

## U.S. Customs and Border Protection (CBP)

Allegations involve the apprehension, processing, and short-term custody of individuals by U.S. Border Patrol. CRCL also investigates allegations involving the Office of Field Operations related to profiling, improper search, collection and use of personal data, and the handling of asylum seekers at ports of entry. Investigations frequently review compliance with the *National Standards on Transport, Escort, Detention, and Search*.

## U.S. Immigration and Customs Enforcement (ICE)

Allegations involve the detention of individuals held in ICE detention facilities across the United States, and issues that arise during immigration enforcement activities. Detention issues include access to medical and mental health care, religious accommodation, use of force, and sexual abuse. In FY18, CRCL conducted 10 onsite investigations that examined adherence to the relevant detention standards, the facility's medical and mental health care, and various aspects of the conditions of detention. Enforcement issues include Fourth Amendment violations, racial profiling, and due process.

## Cybersecurity and Infrastructure Security Agency (CISA) / Federal Protective Service (FPS)

Issues include allegations of abuse of authority/misuse of official positions by security officers at Federal government buildings.

## Federal Emergency Management Agency (FEMA)

Allegations include discriminatory activities, practices, or conduct following a natural or man-made disaster (i.e., disparate treatment based on a protected class or limited English proficiency).

## Transportation Security Administration (TSA)

Issues include allegations of discrimination related to passenger screening at airports across the United States.

## U.S. Citizenship and Immigration Services (USCIS)

Allegations include the denial of meaningful access to immigration related benefits or services, including asylum and violations of the confidentiality provisions of the Violence Against Women Act.

## U.S. Coast Guard (USCG)

Allegations relate to the apprehension, processing, and short-term custody of individuals by USCG.

## U.S. Secret Service (USSS)

Issues typically involve allegations of excessive or inappropriate use of force, improper search and seizure, and infringement of free speech/association.

## Section 504

Complaints allege disability discrimination in DHS programs and activities in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504). These complaints may involve allegations that DHS failed to provide reasonable accommodations to individuals with disabilities (i.e., requiring an individual who is blind to relinquish her white cane while being screened).

## Deaths in Detention

Death reviews examine all non-employee deaths that occur when individuals are in the custody of DHS Components. Once CRCL receives all initial information relating to the death, Compliance staff discuss the information and determine if a detailed investigation is warranted.

<sup>1</sup> Due to resource constraints, as well as to curtail duplication of component investigations, CRCL does not investigate every allegation it receives. Generally, Compliance prioritizes the following: a widespread or systemic issue or fact pattern; an egregious issue; a novel issue or fact pattern; an issue where existing avenues may not be suited to address the civil rights or civil liberties issues presented.

<sup>2</sup> The term "allegation" is used for all information related to a potential civil rights or civil liberties violation that Compliance considers for investigation, including processing and adding to the database. The term "complaint" is used when Compliance opens a full investigation into the matter.