



U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties

Fiscal Year 2017 Annual Report to Congress

November 27, 2018



Homeland
Security

Foreword

Pursuant to Congressional requirements 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) presents this Fiscal Year 2017 Annual Report to the following Members of Congress:

The Honorable Michael R. Pence
President of the Senate

The Honorable Richard Shelby
Chairman, U.S. Senate Committee on Appropriations

The Honorable Patrick Leahy
Vice Chairman, U.S. Senate Committee on Appropriations

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

The Honorable Claire McCaskill
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 Mark Warner
Vice Chairman, U.S. Senate Select Committee on Intelligence

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

The Honorable Dianne Feinstein
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 Rodney P. Frelinghuysen
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 Jerry Nadler
Ranking Member, U.S. House of Representatives Committee on the Judiciary

The Honorable Trey Gowdy
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 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.

Message from the Officer, Cameron Quinn



It is my honor to serve as Officer for Civil Rights and Civil Liberties at the Department of Homeland Security. The Office for Civil Rights and Civil Liberties is unique in being the first civil rights oversight office established within a Federal Government agency at its creation. Since the Department's inception in 2003, CRCL has worked throughout the Department to ensure DHS makes the Nation more secure while integrating the core values 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) 2017, 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.

The employees of CRCL are proud of the work accomplished throughout FY 2017. 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.

Respectfully submitted,

Cameron P. Quinn
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 2017. 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 2017 include:

- Implementing CRCL's Enhanced Southern Border Community Engagement Plan;
- Participating in the DHS Detention Standards Working Group;
- Hosting DHS Language Access Symposium; and
- Developing a DHS Disability Employment Fact Sheet.

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 2017

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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 one 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 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, regulations issued by the Department, 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

During the FY 2017 reporting period, **Megan H. Mack** was the CRCL Officer through January 20, 2017, when Veronica Venture became the Acting Officer for Civil Rights and Civil Liberties. Prior to this role, Ms. Venture served in dual positions as the Deputy Officer for EEO and Diversity and DHS's EEO Director. Currently, Ms. Venture serves in dual positions as the Deputy Officer for EEO and Diversity and the Deputy Officer for Programs and Compliance. Prior to joining DHS, Ms. Venture first served as a Trial Attorney for the Equal Employment Opportunity Commission (EEOC), then spent seven years as an EEOC 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.

On September 20, 2017, **Cameron Quinn** joined DHS as Officer for Civil Rights and Civil Liberties. Prior to her appointment, Ms. Quinn served in the Office of the Assistant Secretary for Civil Rights at the U.S. Department of Agriculture. She also served as a senior policy

advisor in the Civil Rights Division of the U.S. Department of Justice (DOJ); as counsel to the Chairman of the Merit Systems Protection Board; and as an Assistant Attorney General for the Commonwealth of Virginia. Among other civil and community activity, Ms. Quinn also served on the Virginia State advisory committee for the U.S. Commission on Civil Rights, and spent much of the past 25 years on boards affiliated with Community Residences, Inc., which focuses on providing community-based alternatives to the institutionalization of people with mental health or intellectual disabilities. Ms. Quinn spent a number of years specializing in election law and administration, including serving as chief State election official for Virginia, and chief local election official for Fairfax County, Virginia; she also served as the U.S. elections advisor for IFES, the International Foundation for Electoral Systems, and was with the Federal Voting Assistance Program at the U.S. Department of Defense (DOD). Ms. Quinn taught election law for more than a decade at George Mason University's Scalia Law School. In addition to Ms. Quinn's civil rights, employment, and elections experience, she spent several years in private practice at Winston & Strawn in Washington, D.C. Ms. Quinn is a graduate of the University of Florida, and earned both her Juris Doctor and a Master's Degree in accounting from the University of Virginia.

During FY 2017, **Dana Salvano-Dunn** was the Acting Deputy Officer for Programs and Compliance. Ms. Salvano-Dunn began her career as an immigration Trial Attorney with DOJ in New York City. Following that, she joined the Department as an Attorney Advisor at U.S. Immigration and Customs Enforcement (ICE) Headquarters for the Office of the Principal Legal Advisor's Enforcement Law Division. Ms. Salvano-Dunn came to CRCL in 2006, where she has served as a Senior Policy Advisor, Immigration Detention Lead, and Deputy Director for the Compliance Branch. Throughout her federal service, Ms. Salvano-Dunn has specialized in the intersection of immigration law and civil rights. Ms. Salvano-Dunn is currently the Director of the Compliance Branch where she oversees CRCL's statutory investigations related to alleged civil rights and civil liberties violations throughout the Department.

Also during FY 2017, **Chrystal R. Young** was the Acting Deputy Officer and Director for Equal Employment Opportunity and Diversity. Ms. Young joined CRCL in 2006, and has worked in various federal sector EEO programs, including the Departments of the Army, Navy, and Justice (legacy U.S. Immigration and Naturalization Service). At CRCL, as well as in her prior leadership positions at DHS with the Transportation Security Administration (TSA) and ICE, Ms. Young created and led EEO complaints and resolution programs and provided EEO and diversity training. Currently, she is the Director of the EEO and Diversity Complaints Management and Adjudication Section where she manages a team of 16 employees and oversees DHS complaints management and reporting and the EEO complaint adjudication program.

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 2017, CRCL had 88 staff and 12 contractors on board. Table 1 details the Office's operating budget and staff for the past five fiscal years.

Table 1: CRCL Operating Budget and Staffing, FY 2013–FY 2017

Fiscal Year	Operating Budget¹	Federal Staff	Contract Staff
2013	\$20,905,443	111	3
2014	\$21,360,000	97	8
2015	\$21,800,000	86	6
2016	\$21,680,000	86	10
2017	\$22,448,822	88	12

The following pages provide an overview of major accomplishments in FY 2017, 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 2017 Highlights

A. Implementing CRCL's Enhanced Southern Border Community Engagement Plan

Community engagement is an essential part of CRCL's mission. Given the increased national attention focused on the southern border, these communities have emerging civil rights and civil liberties concerns.

Common geography, history, language, and aspirations unite border residents. Residents who live in close proximity to the border often have been directly affected by the Department's policies and programs in some way. For example, many have social ties to Mexico, including community leaders in El Paso/Juárez, McAllen/Reynosa, Nogales, and San Diego/Tijuana, who emphasize that they exist as one community and that organizations and stakeholders on both sides of the border should be included in community meetings.

In coordination with DHS' southern border initiative, in FY 2017, CRCL implemented a strategy for expanding CRCL-specific engagement directly with communities in close proximity to the southern border. The "southern border" refers to the 3,201 mile long international land border separating Mexico and the United States (U.S.) and extending from the Pacific Ocean in the west to the Gulf of Mexico to the east and includes a 100-mile zone extending generally inland north of the border.

The primary goals of CRCL's enhanced engagement strategy are to: (1) reach communities that are likely to have civil rights and civil liberties concerns or need clarification of DHS policies and procedures related to DHS programs, but have limited established channels of communication with the Department; and (2) develop trust within these communities and facilitate their understanding of, and compliance with, DHS programs through listening to issues; sharing accurate information; clearing up misinformation; and directing community members to appropriate resources within the Department and to our state and local law enforcement partners as appropriate.

CRCL has implemented this strategy by expanding our community engagement roundtables across the country to include quarterly roundtables in San Diego, California; El Paso, Texas; and Tucson, Arizona. As necessary, CRCL also convenes engagement meetings in Southern Arizona, the Imperial Valley of California, and the Rio Grande Valley of Texas. The topics that have been raised by southern border communities include: detention of undocumented individuals arriving at the border; concerns regarding expansion of detention facilities and the conditions of these detention facilities and hold rooms; expansion of 287(g) by both ICE and CBP in the border region; border wall construction; issues related to language access and limited English proficiency; unauthorized use of force; unauthorized practice of immigration law; and adjudication of credible fear processing and asylum claims.

B. CRCL Participates in the DHS Detention Standards Working Group

CRCL's Compliance Branch and the Immigration Section of the Programs Branch participated in ICE's working group to develop a new set of detention standards for its over-seven-day, non-dedicated immigration detention facilities. The new standards are a revision of ICE's 2000 National Detention Standards (NDS). The working group focused on updating and streamlining the standards, as well as including critical elements that are not currently part of the NDS. CRCL, with the assistance of its contractual detention subject matter experts, provided feedback on important civil rights and civil liberties issues during the working group's review, such as suicide prevention, mental health care, disability accommodation, and sexual assault.

C. CRCL Hosts DHS Language Access Symposium

In FY 2017, CRCL and the DHS Language Access Working Group hosted the Department's first-ever Language Access Symposium. Over 150 DHS employees attended the day-long event and webinar, which brought together subject matter experts to discuss best practices and resources for providing high-quality language services. John Barsa, then-Acting Assistant Secretary for the Office of Partnership and Engagement, provided opening remarks underscoring the importance of ensuring that limited English proficiency is not a barrier to engaging with DHS. He noted that every day, DHS personnel encounter thousands of individuals with limited English proficiency, from U.S. Customs and Border Protection (CBP) officers engaging with people on our borders and in our airports, to Federal Emergency Management Agency (FEMA) specialists providing critical information to the public after disaster strikes.

Experts from DHS and DOJ spoke about the importance of language access in homeland security and other federal programs and discussed relevant law and policy. In addition, Glenn Nordin, a national expert on the provision of qualified language services to the U.S. government and related fields, spoke about the federal government's standard for foreign language proficiency. He highlighted how knowing a foreign language and/or being "bilingual" does not necessarily qualify an individual to be an interpreter or translator.

Sessions covered a variety of topics, including: language access legal requirements; resources for obtaining high quality language services, for example, through DHS Blanket Purchase Agreements; and innovative uses of technology, such as using machine translations, in supporting language access.

CRCL leads the Department's efforts to provide meaningful access for individuals with limited English proficiency in its



programs and activities. The Department and all Components have published [formal plans](#) that address integrating language access in their collective and individual mission areas. For more information on language access at DHS, and resources and materials, visit: <https://www.dhs.gov/language-access>.

D. CRCL Develops DHS Disability Employment Fact Sheet

DHS is committed to building a diverse and inclusive workforce, including embracing the talents of individuals with disabilities. CRCL provides leadership, guidance, and technical assistance to DHS Components on EEO and diversity initiatives, including hiring, retaining, and advancing employees with disabilities. In FY 2017, CRCL developed and published a Disability Employment Fact Sheet for DHS hiring officials, managers, and employees featuring comprehensive content all about disability employment. Fact sheet highlights include: DHS's commitment to be a model employer for people with disabilities, especially those with targeted/severe disabilities; removing barriers to accessing electronic information in accordance with requirements of Section 508 of the Rehabilitation Act; the Department's FY 2017 disability hiring goals; hiring using the Schedule A appointing authority; disability employment program resources; reasonable accommodations; and DHS disability program management contact information across the Department.



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 affected by DHS programs.

In FY 2017, the Programs Branch consisted of five sections:

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

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 CRCL 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 relating to civil right and civil liberties. 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 that is essential to the success of the Department's mission.

CRCL defines "training" broadly to encompass a range of activities, approaches, and delivery methods designed to improve mission performance and raise awareness about civil rights and civil liberties at DHS. The CRCL Institute has reached virtually every DHS employee through one or more of its programs or products.

Accomplishments in FY 2017

Law Enforcement Awareness Briefing on Terrorism Prevention: In FY 2017, with funding and support from the DHS Office of Terrorism Prevention Partnerships (OTPP), CRCL partnered with the Counterterrorism Division of the Federal Law Enforcement Training Centers (FLETC) to lead and complete the development and pilot phase of a major new terrorism prevention training program designed for a national state and local audience: "The Law Enforcement Awareness Briefing (LAB) on Terrorism Prevention." This critical new program is designed to complement and leverage the existing "Community Awareness Briefing" on

Terrorism Prevention. Over 80 federal, state and local entities, including tribes and fusion centers, participated in the development process.

The LAB is a locally, customizable, three to five hour brief designed to be delivered by state and local law enforcement to state and local law enforcement peers. The program is designed to position the federal role as support and coordination of a state and locally driven implementation effort. This “for official use only” (FOUO) brief is embedded in a two and one-half-day Training-of Trainers course. It is supplemented by videos, FOUO intelligence products, reference aids, and research materials intended to be regularly updated.

To ensure a successful national training program that is scalable and sustainable, CRCL focused on developing both technical infrastructure and external partnerships. In collaboration with OTPP, CRCL implemented a strategy for the practical unification of the Department’s Countering Violent Extremism (CVE) messaging and the centralization of DHS CVE-related training via the CVE Homeland Security Information Network web site, which required a significant overhaul of the previous CVE web portal.

Significantly in FY 2017, CRCL conducted three pilots of the program to train state and local law enforcement to deliver the LAB in their own jurisdictions. The first Training-of-Trainers program was conducted in Glynnco, Georgia at the FLETC facility for 12 small to mid-size police departments, tribes, and fusion centers. Following the feedback from that session, two additional LAB pilots were conducted—each with a dual purpose.

- CRCL and FLETC traveled to Denver to present the LAB to a major urban area law enforcement audience selected by the Denver Police Department. This session provided an opportunity to leverage federal resources through supporting the DHS Countering Violent Extremism grant received by the Denver Police Department; thereby allowing the Denver Police Department to cost-effectively repurpose training development funds to support further implementation of the grant.
- CRCL and FLETC also traveled to California, where the California Peace Officer Standards and Training (POST) program hosted over 30 participants from the fusion centers, including the State Threat Assessment Center, the Central California Intelligence Center, and the Northern California Regional Intelligence Center, the governor’s Office of Emergency Services, the California Highway Patrol, DOJ, and the DHS Intelligence Officer assigned to the California fusion centers. This session provided an opportunity for CRCL to hold preliminary discussions with state organizational representatives on integrating the LAB into the POST and fusion center training curriculum, thereby institutionalizing the LAB in a fashion that will support ongoing LAB delivery by the state.
- Response to an early, preliminary announcement of the LAB training course availability at a major law enforcement conference was strong, with over 50 jurisdictions expressing interest at one workshop alone.

- The development partnership among CRCL, FLETC, and OTPP provided a unique opportunity to design a course that provides practical and actionable information to law enforcement while also ensuring that information on operationalizing civil rights and civil liberties protections is interwoven throughout the course. Building and maintaining community trust is the foundation for effective state, local, tribal and territorial law enforcement activities in the area of prevention of violent extremism. Addressing rights and liberties protections is essential to trust between law enforcement and communities and is key importance in the violent extremism prevention arena in the U.S.

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 CRCL Institute leads the partnership among the DHS Office of Intelligence and Analysis (I&A), DHS Privacy Office (PRIV), and the DOJ Office of Justice Programs to develop and deliver 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.



In FY 2017, CRCL presented at the National Fusion Center Association Conference plenary on the issue of terrorism prevention partnerships and the role that the fusion center terrorism liaison officer (TLO) networks (consisting primarily of state and local law enforcement) might play in that effort. Due to the strong positive response at that event, CRCL will be seek to adapt the LAB to support the roll out of this key training to the state and major urban area fusion center TLO networks.

CRCL also completed the online core curriculum for Privacy/Civil Rights and Civil Liberties (P/CRCL) Officers at fusion centers and oversaw the creation and publication of two online toolkits for P/CRCL Officers: “Auditing Implementation of Your Center’s P/CRCL Policy” and “Conducting a Privacy/CL Impact Assessment.”

CRCL also disseminated its extensive Privacy, Civil Rights, and Civil Liberties Officer Module Series, which includes training modules, PowerPoint presentations, exercises, redacted intelligence products, and trainer notes. This series was developed to allow P/CRCL officers to present the material in customizable workshops to personnel at their own centers with emphasis on the local privacy, policy, procedures, and issues. The Institute responded to technical assistance requests from P/CRCL officers across the national network of fusion centers, answering inquiries on a range of topics from integration of P/CRCL policies on handling suspicious activity reports to queries on professional development training on P/CRCL issues in the Information Sharing Environment.

Supporting the Criminal Intelligence Coordinating Council (CICC): Upon invitation, CRCL provided expert leadership and support to the various working groups convened by I&A on behalf of the CICC. In FY 2017, CRCL worked in collaboration with other DHS offices, the

Bureau of Justice Assistance, and numerous federal, state, and local partners to complete four key products for state and local law enforcement partners, including fusion centers:

1. *Real-Time and Open Source Analysis (ROSA) Resource Toolkit (July 2017)*: The [ROSA toolkit](#) builds upon the 2013 guidance on the use of social media in intelligence and investigative activities and is designed to help law enforcement agencies and fusion center personnel understand the potential tools and resources available to support law enforcement operational and analytic activities, while ensuring P/CRCL concerns are addressed.
2. *Facial Recognition Policy Development Template*: Face recognition technology can be a valuable investigative tool to detect and prevent criminal activity and reduce an imminent threat to health or safety. While the purpose of face recognition technology is not new one (performing the same function as mug shot books), it has been the subject of much scrutiny regarding concerns about the accuracy of the technology, use at First Amendment-protected events, and assertions that these systems are being used without appropriate privacy and civil liberties safeguards. This policy development template offers guidance on developing strong control and oversight of face recognition technology use in a fashion that enhances mission effectiveness but also safeguards the privacy and civil rights and civil liberties of individuals. This [template](#) is published on the DOJ Justice Information Sharing website.
3. *Update to the Privacy/Civil Liberties Policy for Fusion Centers*: These policies are required of all 79 fusion centers to qualify for DHS funding. CRCL played a significant role in the first update since 2010, which is due to be finalized and published during the first quarter of calendar year 2018. The purpose of a P/CRCL policy is to provide internal guidance for the fusion centers and their information-sharing partners and to publicly articulate that the center will adhere to legal requirements, policies, and procedures that enable the gathering and sharing of information in a manner that protects constitutional rights, including personal privacy and other civil liberties, and civil rights.
4. *License Plate Reader Policy Development Template Guidance (February 2017)*: Justice entities are turning to automated license plate readers (ALPR) technology to help solve crimes, recover abducted children, detect trafficking rings, and support terrorism investigations. This policy guidance resource was designed for law enforcement entities and fusion centers to assist their efforts developing and implementing comprehensive privacy, civil rights, and civil liberties policies regarding the use of ALPR in intelligence and investigative activities.

“I Speak” Materials: CRCL 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 TSA. Upon request, CRCL will provide external partners with digital versions of the “I Speak” materials.

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 convened regular 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 its demographic profile to include Latino, Somali, Jewish, and Asian/Asian Pacific Islander and other communities, and leads a wide variety of outreach endeavors, with core programs in 18 cities working with all segments of society.

The Community Engagement Section aims to:

- Serve as a credible source for sharing timely, relevant information about federal programs and policies including redress and compliance processes with stakeholders;
- Obtain information and feedback about community concerns and the perceived concerning impacts of DHS activities on communities in order to facilitate discussions, mutual understanding and resolution;
- Incorporate community ideas and input relating to civil rights and civil liberties into the policymaking process;
- Assist Department leadership and the Officer for Civil Rights and Civil Liberties, in making informed policy decisions that ensure the protection of civil rights and liberties and advance American values; and
- Contribute to the homeland security mission of building resilient communities by deepening trusted channels of communication and an understanding of federal policies, programs, and resources, between communities, regional DHS and Federal leadership, and state and local governments and public officials.

Accomplishments in FY 2017

Community Roundtables and Other Related Engagement: Community engagement roundtables provide community leaders an opportunity to interface 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. Regular participants include representatives from diverse communities and nongovernmental organizations (NGO), federal, state, and local government and law enforcement partners, academics, and congressional staff. Attendees 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 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 in training improvements in several DHS Components, as well as solicitation of impressions on travel experiences for a DHS task force.

In 2017, CRCL conducted community engagement events and led or played a significant role in regular roundtable meetings with community leaders and Federal, State, and local government officials in 18 cities across the country, including: Washington, DC; Chicago, Illinois; Los Angeles, California; Boston, Massachusetts; Detroit, Michigan; Tampa and Orlando, Florida; Columbus, Ohio; Seattle, Washington; Atlanta, Georgia; Denver, Colorado; Houston, Texas; New York, New York; Phoenix, Arizona; Portland, Oregon; Minneapolis, Minnesota; San Diego, California; and Tucson, Arizona. Overall, CRCL coordinated and participated in well over 150 engagement events in 2017, encompassing over 68 standing roundtables and several dozen secondary meetings and events associated with standing roundtables and individual engagement events.

Facilitating High-level Engagement for the Department's Senior Leadership: In FY 2017, DHS senior leadership participated in several community engagement meetings, emphasized the importance of community partnerships, and encouraged other senior leadership participation at these events. In the last several years, DHS Secretaries and Deputy Secretaries have participated in dozens of engagement events across the country, including the following locations: Chicago, Illinois; Columbus, Ohio; Minneapolis, Minnesota; Los Angeles, California; Boston, Massachusetts; New York, New York; Houston, Texas; Philadelphia, Pennsylvania; and Northern Virginia.

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 on 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 2017, CRCL activated the ICCT following this incident of national significance:

- On March 03, 2017, CRCL activated the ICCT as a result of violent incidents, including suspected hate crimes, acts of vandalism, and bomb threats against diverse communities, with a focus on Jewish and Muslim communities, across the U.S. CRCL had repeatedly heard from a number of trusted community partners who had expressed concerns and requested information and resources as a result of these incidents. In addition, the Department's Counterterrorism Advisory Board (CTAB) leadership contacted CRCL about activating the ICCT. A total of 365 callers representing diverse communities, and federal, state, and local government partners participated in the call.

Expanded Syria-related Engagement: Given the events in Syria, CRCL created the Strategic Syria Outreach Plan at the request of DHS leadership and the CTAB in late FY 2013. 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 region writ large. In FY 2017, CRCL continued to successfully implement these initiatives, including holding community engagement meetings on topics with a focus on Syrian refugees, providing community awareness briefings focused on the foreign fighter threat and the threat of recruitment by Islamic State of Iraq and Levant (ISIL), youth engagement initiatives, collaboration with partner countries to identify best practices, and senior DHS leadership participation in community engagement events.

Continuing to Implement the Somali American Community Strategic Engagement Plan. In FY 2017, CRCL continued to implement the Somali American Community Strategic Engagement Plan with marked success. The plan, approved and implemented in 2011, was developed to address a well-documented and unique assortment of civil rights and civil liberties issues and complaints from this segment of the community which, at the time, resulted in a deepening schism between government agencies and the Somali American community. In 2017, DHS and U.S. Government senior leadership have visited with Somali American communities across the country and participated in roundtables, town halls, issue specific meetings, and women's and youth summits, and CVE programming.

Campus/Youth Engagement Program. CRCL continued its Campus/Youth Engagement program, initiated in FY 2016. The program outlines engagement events with young adults across the country, often held in CRCL's roundtable cities. This program is a way for CRCL to obtain feedback from the young adult population regarding the on-the-ground impact of DHS activities. A variety of topics are covered at these engagement events; however, young adults tend to focus on issues of immigration enforcement, immigration policy, travel screening, watchlisting, and the No-Fly list. In FY 2017, CRCL hosted several youth engagement events, and as a part of its Somali American engagement plan, CRCL spearheaded similar efforts with the Somali American youth, and held several successful events across the country. Through this ongoing work, CRCL encourages young adults towards civic participation and leadership and to

use social media and other forms of cost-effective communication and engagement to connect with the Department, as well as other government agencies.

Community Engagement Benefiting Terrorism Prevention: Much of CRCL's community engagement work benefits efforts to counter violent extremism in the U.S. and abroad. CRCL implements countering terrorism prevention 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 terrorism. The CAB is designed to help communities and law enforcement develop the necessary understanding of al-Qa'ida and ISIL recruitment tactics as well as domestic terrorists and explore ways to collectively and holistically address these threats before they become a challenge at the local level.

The CREX is a half-day table-top exercise designed to improve communication between law enforcement and communities and to share ideas on how to best prevent terrorism. The CREX uses an unfolding scenario of possible terrorist activity with two threads: one thread disclosing what the police have learned and the other thread 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 terrorists 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 trusted partnerships with and empowering communities against terrorism domestically, a theme that directly supports the domestic CVE Strategy and Strategic Implementation Plan.

International Engagement: CRCL plays a key role in training international partners in the DHS methods of community engagement and the benefit those efforts bring to preventing terrorism. CRCL's community engagement efforts include participation in international meetings, conferences, and trainings throughout Europe, Canada, and Central Asia in coordination with the U.S. Department of State. In addition to sharing best practices on community engagement and CVE, these efforts promote immigrant integration, youth empowerment, resolution of grievances, and protection of civil rights and liberties.

A highlight of CRCL's international engagement is its annual community engagement exchange program, the City Pair program, which is coordinated with and funded by the U.S. Department of State. The City Pair program connects cities in the U.S. with cities in European countries, and each sends a delegation representing civil society and local government to exchange best practices on community engagement and its benefits to CVE. The City Pair Program started in 2011, and has been conducted with Germany, Belgium, Sweden, France, and the Netherlands. The program has been successful due to the participation of key stakeholders who incorporate community engagement best practices in their day-to-day responsibilities in their various fields of work.

In FY 2017, CRCL participated in the City-Pair program between Phoenix, Arizona and Arnhem, Netherlands. The first leg of this program was hosted in the Netherlands where law

enforcement officials, civil society members, and local government offices visited The Hague, Arnhem, and Amsterdam to engage in a series of meetings and events pertaining to civil rights and community engagement. Participants spent one week meeting with government officials, civil society groups, and law enforcement agencies. The second leg of the program took place in Washington D.C. and Phoenix, where the same delegation participated in a series of meetings organized by CRCL to learn best practices in civil rights and community engagement at the national and local level. CRCL also participated in a City Pair exchange between the cities of Tampa/Orlando, Florida, and Marseille, France.

UNHRC Resolution 16/18 Country to Country Implementation Program: In 2012, CRCL partnered with DOJ, Civil Rights Division in conducting a training program on religious tolerance. The program was designed to promote the country-to-country implementation of United Nations Human Rights Council (UNHRC) Resolution 16/18 adopted in March 2011. UNHRC Resolution 16/18 is focused on “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence Against, Persons Based on Religion and Belief.” The Resolution focuses on 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. In FY 2017, CRCL was in Macedonia and Bulgaria as part of the interagency group to implement the UNHRC Resolution 16/18 program.

C. Immigration Section

Civil rights and civil liberties issues often arise as the Department carries out its dual mission to foster lawful international travel, commerce, and immigration while preventing unlawful immigration and enforcing immigration laws. CRCL’s 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, such as E-Verify and the Systematic Alien Verification for Entitlements (SAVE) Program, that use immigration-related data. CRCL 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 on civil rights and civil liberties to DHS Components; drafts, edits, and provides comments on regulations, guidance, testimony, speeches, issue papers, and legislative proposals; and supports the Officer, under Executive Order 13107, as the Department’s single point of contact for international human rights treaty responsibilities. The Immigration Section works closely with the CRCL Compliance Branch, providing subject-matter expertise on complaints raising immigration issues and advancing policy development in DHS Components.

Accomplishments in FY 2017

Interior Immigration Enforcement Oversight: In FY 2017, CRCL worked with ICE on interior enforcement in the areas of detainers and the 287(g) program, which allows a state or local law

enforcement entity to enter into a partnership with ICE in order to receive delegated authority for immigration enforcement within their jurisdictions.

CRCL is the only office outside of ICE to participate in the 287(g) Program Advisory Board, which vets applications by state and local law enforcement agencies to enter into memoranda of agreement with ICE to obtain a limited delegation of federal immigration authority for specially trained local officers. Throughout FY 2017, CRCL performed research and, as appropriate, stakeholder outreach to identify whether particular applicants were appropriate for recommendation as 287(g) partners, and to monitor the training and oversight of 287(g) delegated immigration officers to ensure that they continue to abide by applicable federal civil rights and civil liberties obligations. This research and stakeholder engagement informed CRCL's votes on whether various applicant jurisdictions should be admitted to the program.

Segregated Detainee Housing: CRCL has continued to review ICE's use of segregated (or special) housing units in immigration detention and implementation of its September 2013 directive "[Review of the Use of Segregation for ICE Detainees](#)" and other applicable policies. On a regular basis, CRCL examines segregation reports prepared for CRCL by ICE to evaluate the placements for the approximately 200 individuals who are in segregation on any given day for disciplinary or administrative reasons. Administrative reasons may include detainees who require or request protective custody², detainees who are determined to be a threat to facility security, or detainees who require separation for medical or mental health reasons when the facility's medical isolation cells are occupied or nonexistent.

Through these reviews, CRCL has sought to ensure that segregation placements are made in accordance with ICE standards and policies; that ICE houses detainees in the least restrictive setting necessary; and that detainees—particularly those with special vulnerabilities as defined in the Directive—are appropriately cared for and monitored while placed in segregation to prevent mental decompensation and long-lasting harm.

Additionally, CRCL participated in ICE's working group to develop training for ICE officers on suicide prevention for detainees entering into or currently in ICE custody. Development of the training will continue into FY 2018.

Strengthening and Protecting Confidentiality of Victims: In FY 2017, CRCL continued to lead an ongoing Department-wide effort to implement the confidentiality provisions of 8 U.S.C. § 1367, as amended by the Violence Against Women Reauthorization Act of 2013. This provision, often referred to as "VAWA confidentiality" after its initial inclusion in the Violence Against Women Act (VAWA) of 1994, is meant to ensure that abusers cannot use immigration and undermine humanitarian protections to perpetuate the abuse. It generally prohibits disclosure to a third-party of any information relating to an alien who is an applicant for relief under VAWA, subject to certain, limited exceptions.

² Protective custody is a type of non-disciplinary segregation used when "a detainee requires protection. Protective custody may be initiated at the detainee's request or by staff as needed to protect the detainee from harm." See ICE's Performance Based Detention Standards 2011, Standard 2.12, Special Management Units, V.A.1.c.

This provision requires that appropriate Department employees are trained on the confidentiality requirements. In September 2013, the Acting Secretary delegated to the CRCL Officer the authority to implement those confidentiality provisions throughout the Department. Throughout FY 2017, CRCL continued to lead several implementation efforts, including coordinating and drafting the FY 2016 annual report on the Department's implementation of the confidentiality provisions of 8 U.S.C. § 1367. In FY 2017, CRCL also finalized its own internal policy governing how the office will ensure the confidentiality of victim information.

Protecting Other Vulnerable Populations, Including Women and Children: CRCL has continued numerous projects dedicated to protecting the rights of some of the country's most vulnerable immigrant populations. One such effort is to help lead the Department's Council on Combatting Violence Against Women (CCVAW). The CCVAW focuses on advancing overall knowledge of and compliance with VAWA, the Victims of Trafficking and Violence Protection Act, subsequent reauthorizations of those laws, and related immigration laws and issues, as well as training and resources to stakeholders and the public. Through the Council, CRCL works with DHS Components to ensure that policies combating violence against women are consistent Department-wide.

Under the auspices of the CCVAW, CRCL and U.S. Citizenship and Immigration Services (USCIS) created and co-chair a working group dedicated to developing a written outreach and education strategy to protect women in the U.S from female genital mutilation/cutting (FGM/C). The working group has representatives from multiple DHS Components, and in FY 2017, the group finalized and began to implement the outreach strategy. The strategy reflects the efforts already underway to end FGM/C in the U.S., and describes the general approach and future actions that DHS plans to undertake to educate key U.S. stakeholders on this practice. It also fulfills the Government Accountability Office's (GAO) recommendation that DHS (and other federal agencies) develop a plan that describes the agency's approach for education and outreach to key U.S. stakeholders on FGM/C.

To further the Department's anti-FGM outreach efforts, in FY 2017, CRCL partnered with USCIS to host two FGM/C awareness events on college campuses. These first-of-its-kind community meetings aimed to engage young adults on FGM issues, solicit feedback, share DHS efforts, provide avenues for redress, and connect community members and young adults to relevant law enforcement stakeholders. In FY 2017, CRCL also worked closely with ICE to help ensure the successful rollout of a pilot FGM/C outreach event at JFK airport called Operation Limelight.

In FY 2017, CRCL also continued to serve on the Blue Campaign Steering Committee where it worked with other DHS Components, including the DHS Office of Public Engagement (OPE), to coordinate awareness about human trafficking, to leverage [partnerships](https://www.dhs.gov/blue-campaign/partnerships) (https://www.dhs.gov/blue-campaign/partnerships) to educate the public to recognize human trafficking and report suspected instances, and to develop [training](https://www.dhs.gov/blue-campaign/awareness-training) (https://www.dhs.gov/blue-campaign/awareness-training) for law enforcement, non-



governmental and private organizations to increase detection and investigation of human trafficking. In 2017, Congress passed and the President signed into law legislation authorizing the DHS Blue Campaign, led by OPE, to unify and coordinate Department efforts to address human trafficking.

Liaison Activities: Since the creation of CRCL, an expanding group of NGOs who focus on immigration issues has met quarterly as the “CRCL Committee.” The CRCL Officer and staff attend these meetings, present information on CRCL’s activities, and respond to NGO concerns regarding civil rights and civil liberties issues related to DHS policies, programs, and activities.

In addition, CRCL was engaged in numerous other communications and stakeholder events, including an interagency consultation with NGOs in connection with the U.S. implementation of the United Nations Convention on the Elimination of All Forms of Racial Discrimination. Immigration Section staff also join the CRCL Community Engagement Section for events across the country, to present information and answer questions about CRCL’s work.

International Human Rights Treaties: CRCL supports the Officer in her role as coordinator for the Department’s activities involving 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. CRCL coordinates DHS responses to inquiries from the Inter-American Human Rights Commission and the Office of the High Commissioner on Human Rights.

In FY 2017, the U.S. presented its periodic report to the United Nations (U.N.) Committee on the Rights of the Child on U.S. implementation of the two Optional Protocols to the Convention on the Rights of the Child. The presentation is the third and final step in the reporting cycle, which began when the U.S. submitted its report in FY 2015, pursuant to the two Optional Protocols to which the U.S. has been a party to since 2002: the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict. In FY 2016, the Officer participated in visits to the Department by several U.N. working groups and special rapporteurs, including the U.N. Working Group on Arbitrary Detention and the U.N. Special Rapporteur on Privacy. Additionally, CRCL coordinated the Department’s participation in an interagency civil society consultation on U.S. implementation of the United Nations Convention on the Elimination of All Forms of Racial Discrimination.

Review of Computer Matching Agreements under the Data Integrity Board: The CRCL Officer 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 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 immigration data from USCIS to determine an applicant’s eligibility for certain public benefits, such as driver’s licenses or disaster assistance. Specifically, USCIS may enter into a CMA with a government agency to provide it 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 appropriately 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 on inaccurate information in computer systems. An essential part of the review process includes discussions and negotiation on CMA language to best protect the rights of persons subject to verification.

In FY 2017, the CRCL Officer reviewed and voted to approve or extend the following CMAs:

- An 18-month renewal of the CMA between USCIS and the U.S. Department of Education for verification of immigration and naturalized or derived U.S. citizen status of applicants or recipients of student financial assistance programs under Title IV of the Higher Education Act of 1965, including the Federal Pell Grant Program, the Federal Perkins Loan Program, and the Federal Work-Study Program;
- An 18-month renewal of a CMA between USCIS and the Social Security Administration to disclose information identifying noncitizens who leave the U.S. voluntarily and noncitizens who are removed from the U.S. for determining eligibility for Supplemental Security Income, retirement and disability insurance benefits, and auxiliary or survivors benefits;
- A 12-month renewal of the CMA between USCIS and the California Department of Social Services for verification of immigration and naturalized or derived U.S. citizen status of applicants for, and recipients of, Medicaid;
- An 18-month renewal of the CMA between USCIS and the New York Department of Labor for verification of immigration status of applicants for, and recipients of, unemployment compensation;
- A 12-month renewal of the CMA between FEMA and the Small Business Administration (SBA) to ensure that applicants for SBA Disaster Loans and DHS/FEMA Other Needs Assistance have not received a duplication of benefits for the same disaster.
- A 12-month renewal of the CMA between USCIS and the Centers for Medicare and Medicaid Services to determine whether applicants are eligible for medical benefits and/or tax credits under the Patient Protection and Affordable Care Act of 2010.

Enhancing Civil Rights Protections in the SAVE Program, E-Verify, and Form I-9

Compliance: In FY 2017, CRCL continued to collaborate with the USCIS Verification Division, ICE Homeland Security Investigations (HSI), and the DOJ, Civil Rights Division's Immigrant and Employee Rights Section to ensure that civil rights and civil liberties protections are incorporated into the employment eligibility verification process. CRCL participated in the development of a revised Form I-9, *Employment Eligibility Verification* which included enhanced privacy protections for individuals. CRCL also worked with USCIS to ensure the protection of civil rights when government agencies use the SAVE Program to verify citizenship or immigration status when making eligibility determinations for essential government benefits, voter registration, and licenses.



Implementing the REAL ID Act: In FY 2017, CRCL worked closely with the DHS Office of Policy on the implementation of the REAL ID Act of 2005. CRCL assisted 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.

Ensuring Consistent Enforcement of Federal Labor, Employment, and Immigration Laws:

During FY 2017, CRCL participated in an interagency working group 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, seeking to ensure de-confliction of civil worksite enforcement activities and worker cooperation with labor and employment law enforcement authorities without fear of retaliatory immigration enforcement.

CRCL also participated in an interagency working group with the DHS Office of the Citizenship and Immigration Services Ombudsman, the DHS Office of Policy, USCIS, DOL, and the U.S. Department of State to address labor issues specific to H-2 temporary nonimmigrant workers in the U.S.

D. Security, Intelligence, and Information Policy Section

The Security, Intelligence, and Information Policy Section (SIIP) 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 2017

Information Sharing: In FY 2017, 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 were incorporated into the Department's information sharing and safeguarding policies, agreements, and programs. CRCL continued collaborative engagement with partners to develop policy and guidance for a Department-wide information sharing and access agreement review process that accounts for potential risks to civil rights and civil liberties and identifies appropriate safeguards to mitigate those risks.

Intelligence Oversight Guidelines: In conjunction with PRIV and Office of the General Counsel (OGC), CRCL worked closely with I&A to develop the Department's first set of permanent Intelligence Oversight Guidelines. The offices worked together for over two years to finalize the guidelines and ensure they provide adequate civil liberties protections; the guidelines were approved by the Attorney General and DHS Secretary in January 2017.

DHS Data Framework: CRCL continued its collaboration with the PRIV, 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. CRCL provided guidance regarding appropriate civil rights and civil liberties safeguards during this process, including for the ingestion and uses of new data sets. In addition, CRCL supported the first live use of the Data Framework by a DHS Component.

Classified Networks and Cloud Computing: CRCL worked closely with PRIV, OGC and I&A's Chief Information Officer to explore the implications of a planned DHS migration of its classified computer networks to the Intelligence Community's cloud computing space. Working with DHS and external IC stakeholders, CRCL explored the civil rights and civil liberties implications of the planned move, reviewed the data compliance and oversight mechanisms available within the classified cloud networks (such as access controls and audit capabilities available within the Intelligence Community – Information Technology Environment), and provided preliminary advice to I&A on how civil rights and civil liberties might be appropriately protected in this new computing environment.

Nationwide Suspicious Activity Reporting Initiative: CRCL continued quarterly training of personnel responsible for analyzing and sharing terrorism-related Suspicious Activity Reports (SAR) 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 collaborated with PRIV to complete a Privacy Compliance Review of the Department's participation in the Nationwide SAR Initiative.

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 2017, ensuring that the intelligence delivered to state and local partners was appropriately sensitive to and protective of civil rights and civil liberties.

CRCL Principles for DHS Intelligence Analysis Training: CRCL continued its participation in training for the Department's intelligence enterprise personnel, including release authority training modules that teach senior analysts and officers how to review intelligence products for compliance with civil rights and civil liberties principles. Familiarization training is also provided during the Department's Basic Intelligence and Threat Analysis Course.

Insider Threat Program Oversight: CRCL participates in the Department's Insider Threat Oversight Group, ensuring that activities designed to detect and prevent insider threats comply with Department policy and do not constitute retaliation against whistleblowers or others who have filed employee grievances or EEO complaints. In FY 2017, CRCL continued oversight activities under Department directives, reviewing and approving the use of new tools and techniques by the Insider Threat Program. CRCL also developed a comprehensive program audit plan in collaboration with PRIV and OGC.

Social Media: In FY 2017, CRCL participated in the Department's Social Media Task Force, advising on civil rights and civil liberties considerations in the operational use of publicly available social media information for screening and vetting purposes. Social media can provide the Department with critical information related to the execution of its missions and DHS is determined to expand its use of social media consistent with privacy and other laws—recognizing the important interests in freedom of speech, rights of association, and the free exercise of religion, among others. CRCL collaborated with operational Components, as well as PLCY and PRIV, to complete a threshold analysis of proposed pilot projects, respond to public comments regarding the collection of social media information, and advise on the development of a report regarding the terrorist use of social media.

Cybersecurity: CRCL also continued its efforts to support the Department's implementation of Executive Order 13636 (Improving Critical Infrastructure Cybersecurity) and Executive Order 13691 (Promoting Private Sector Cybersecurity Information Sharing). CRCL led a privacy and civil liberties assessment of activities conducted with PRIV under those orders. CRCL also 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 and new programs and activities. This included providing civil rights and civil liberties guidance and oversight to those DHS-led programs that secure the .gov domain and protect critical infrastructure, including assistance in operations of the EINSTEIN program, Enhanced Cyber Security 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 risk-based targeting rules run by the Automated Targeting System (ATS), to ensure that civil rights, civil liberties, and privacy protections are in place. ATS is an intranet-based decision support tool used by CBP to improve

the collection, use, analysis, and dissemination of information that is used to facilitate legitimate trade and travel while managing the shared threat to the homeland posed by individuals and cargo that may require additional scrutiny prior to entering or exiting the U.S.

Aviation Security: CRCL continued to review and advise on proposed aviation security efforts and ensured that policymakers considered civil rights and civil liberties concerns at the outset. CRCL's work in this area, in partnership with TSA, includes reviewing the uses of data informing TSA risk-based intelligence screening determinations to ensure appropriate civil rights and civil liberty protections.

Enhanced Screening and Vetting: Along with its DHS and interagency partners, CRCL has been engaged in the development and implementation of new policies and procedures to enhance the screening of vetting of travelers and individuals seeking both immigrant and non-immigrant visas to the U.S. as per White House Executive Orders. In this capacity, CRCL has provided advice and guidance related to how to best integrate appropriate civil rights and civil liberties protections into any new or revised vetting and screening procedures.

Watchlist Guidance: CRCL, in collaboration with the DHS Screening Coordination Office, worked to support DHS policies concerning watchlisting and engaged in the interagency process of developing and implementing procedures governing new watchlisting initiatives. During these engagements, CRCL provided civil rights and civil liberties-focused comments and advice as part of the ongoing discussion regarding implementation of existing, new, or revised policy proposed by the federal interagency.

Unmanned Aircraft Systems: CRCL co-chairs the DHS Unmanned Aircraft Systems (UAS) Working Group, comprising most DHS Components and offices, which serves to provide awareness of UAS activities throughout the Department to ensure privacy, civil rights, and civil liberties are protected. The Department remains engaged with interagency partners to ensure UAS and counter-UAS activities and operations are conducted in a manner consistent with Constitutional protections and Department and Agency policies regarding the use of individual characteristics, such as race and ethnicity.

Joint Requirements Council Support: CRCL participates in various processes flowing from the Joint Requirement Council (JRC), which provides oversight of the DHS requirements process, harmonizes efforts across the Department, and makes prioritized funding recommendations to DHS leadership. The JRC also governs the Joint Requirements Integration and Management System (JRIMS) execution process. JRIMS is a process by which the Department reviews and validates capability requirements, associated gaps, and proposed solution approaches to mitigate those gaps. Under the JRC, CRCL is a member of both the Screening and Immigration Management Portfolio Teams. In addition, CRCL participates in the Vetting, Remote Vetting, and Biometrics sub-Integrated Project Team, as well as the Information Sharing sub-IPT within the Prevent Terrorism IPT. Through this engagement, CRCL ensures civil rights and civil liberties issues are appropriately mitigated in DHS programs and activities, to include requirements and acquisitions. Within the JRIMS process, CRCL serves as a JRIMS Gatekeeper ensuring that civil rights and civil liberties protections are appropriately placed between the Department's strategic objectives and capability investments (both non-materiel and materiel).

E. Antidiscrimination Group

The Antidiscrimination Group (ADG) coordinates, provides oversight, and supports DHS implementation of civil rights mandates to carry out federally assisted and 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.

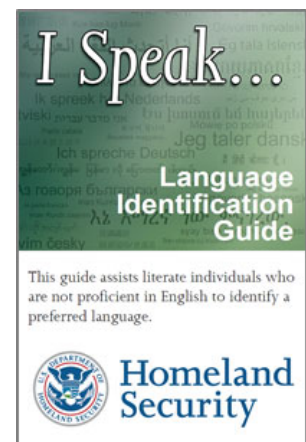
Accomplishments in FY 2017

Nondiscrimination for Individuals with Disabilities Across DHS Programs and Activities:

CRCL continued its Department-wide work to implement DHS Directive 065-01, "Non-discrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities," by supporting Components in the 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 2017, CRCL continued to provide training and technical assistance to Components to support implementation of the Directive. Components conducted self-evaluations of their programs and activities to identify barriers and gaps in providing access to individuals with disabilities and submitted their findings to CRCL for review. The results of these self-evaluations will set the stage for Components to develop plans for strengthening disability access during FY 2018. Learn more about [disability access at DHS](#).

Technical Assistance for Recipients of DHS Grants and Other Forms of Federal Financial Assistance:

CRCL supported recipients in meeting their obligations to carry out their federally assisted activities in a nondiscriminatory manner by identifying opportunities to provide resources and technical assistance. For example, in June 2017, ADG attended the 11th Annual National Homeland Security (NHSC) conference in Buffalo, New York. The 2017 NHSC brought together members from the Homeland Security community (first responders and federal, state, and local representatives) to share information and new initiatives on a variety of topics including grants management, counterterrorism, port and transit security, and emergency management and covered lessons learned during recent events such as the Orlando Pulse Nightclub Shooting. ADG policy advisors provided resources, such as [CRCL's "I Speak" booklets](#) and [CRCL's Guide to Interacting with People who have Disabilities](#), which ADG developed to support grant recipients, DHS personnel, and contractors in their interactions with persons who have disabilities. Learn more about [CRCL resources for recipients](#).



Compliance Reviews of Chemical Stockpile Preparedness Program Recipients: CRCL, in coordination with the FEMA Office of Equal Rights, opened civil rights compliance reviews of FEMA's Chemical Stockpile Emergency Preparedness Program recipients in Kentucky and Colorado. The Chemical Stockpile Emergency Preparedness Grant Program (CSEPP) is a partnership between FEMA and the U.S. Department of the Army to provide emergency preparedness assistance and resources to communities surrounding the Army's chemical warfare agent stockpiles. As recipients of federal financial assistance, the CSEPP recipients must carry out their programs and activities in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and related authorities. Through the review process, CRCL assessed how recipients carry out their civil rights obligations in the administration of emergency planning and preparedness activities, including how recipients provide meaningful access to persons with limited English proficiency and ensure effective communication, program accessibility, and physical access for persons with disabilities. The review included evaluating recipient policies and procedures, as well as meeting with program staff and community stakeholders to better understand public engagement efforts and challenges. CRCL will complete the review in first quarter of FY 2018 and issue a final report with recommendations to the recipients.

Education and Resources for DHS Component Personnel on Language Access: CRCL supported Components in finalizing their language access plans to meet the requirements of Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, August 11, 2000, and the DHS Language Access Plan. Collectively, these plans describe current DHS efforts and plans to strengthen meaningful access to eligible LEP persons consistent with the requirements of the Executive Order.

Language and Disability Considerations in DHS Active Shooter Preparedness Program: At the request of the National Protection and Program Directorate's (NPPD) Active Shooter Program, CRCL continued to provide subject matter expertise on inclusive preparedness planning in the Active Shooter Preparedness Program. CRCL and FEMA's Office of Disability Integration and Coordination participated in NPPD's third Active Threat Summit and provided guidance on including persons with disabilities in DHS efforts to enhance preparedness and response to an active shooter incident. CRCL also supported NPPD in pursuing its goal to increase the availability of translated materials for the public and private sector and thereby increase active shooter awareness, preparedness, and resilience among the whole community.

Civil Rights and Disaster Preparedness and Response: CRCL collaborated with the Departments of Justice, Health and Human Services, Housing and Urban Development, and Transportation to issue joint guidance to help ensure that recipients of federal financial assistance do not discriminate against individuals and communities on the basis of race, color, or nation origin when providing emergency preparedness, response, and recovery services. The [Guidance to State, Local Governments, Other Federally Assisted Recipients Engaged in Emergency Preparedness](#) not only reminds recipients of their obligations under Title VI of the Civil Rights Act of 1964, but also suggests steps that recipients can adopt to ensure compliance. The joint guidance included two new resources: the Department of Justice's [Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness, Response and Recovery](#) and the [Checklist for Recipients of Federal Financial Assistance](#). These materials underscore

that effective emergency preparedness requires consideration of the whole community, which includes but is not limited to individuals with disabilities, older adults, and populations with limited English proficiency (LEP).

As populations in Texas prepared for Hurricane Harvey, CRCL began coordination with federal interagency partners to identify and address potential civil rights issues on the ground. CRCL also participated in daily calls hosted by national and local disability organizations to better understand the needs of impacted populations with disabilities and support inclusive response efforts.

CRCL and FEMA also updated and released the [*Tips for Effectively Communicating with the Whole Community in Disasters*](#), which includes practices to ensure effective communication such as: translating written materials in the major languages spoken in the impacted communities; arranging to have qualified sign language interpreters available at press conferences and within the screen shot in other televised programs; and reviewing capabilities for 911 call centers to ensure that call center personnel can effectively communicate with LEP persons and those who are deaf or hard of hearing or have other disabilities that could affect communication.



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, gender, 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 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.

In FY 2017, CRCL processed 3,531 pieces of incoming correspondence. Additionally, in FY 2017 CRCL opened 568 complaint investigations and closed 606 complaint investigations. The DHS Office of Inspector General (OIG), which has the right of first refusal to investigate complaints, retained 20 of the 560 complaints opened by CRCL for investigation. Additionally, in FY 2017, CRCL received an 81 percent concurrence rate with Component recommendation responses resulting in the implementation of many important recommendations.

Tables 2 and 3 summarize complaints CRCL opened and closed in FY 2017. Appendix B includes tables detailing complaints retained and closed by the OIG. The tables also describe the number of complaints that CRCL received per quarter, by Component, and issue. Summaries of complaints that CRCL closed during the reporting period are provided in Sections C and F.

Additionally, CRCL adds all incoming matters that it does not open as complaints but fall within its jurisdiction to the information layer.³ During FY 2017, CRCL added 2,963 matters into its information layer summarized in Table 4.

Accomplishments in FY 2017

Family Detention Oversight: Beginning in November 2014, CRCL conducted a series of onsite investigations and follow-up reviews at the Karnes County (Karnes City, Texas) and South Texas (Dilley, Texas) family residential centers. In September 2017, CRCL conducted the

³ The information layer, a subset of the Compliance Branch's case management system, is used to track broad issues and identify potential patterns of civil rights or civil liberties concerns within DHS. These matters may result in later CRCL review, but are not opened as complaint investigations unless they later become part of a separate investigation.

final scheduled CRCL inspection of these facilities. CRCL role during these onsite investigations was to verify that detained families were being treated according to Department standards. These inspections included a review of food and housing conditions, as well as confirming that detainees have been afforded the appropriate constitutional protections.

Suicide Prevention in CBP Custody: From January 10, 2014, through September 30, 2017, CRCL opened 12 investigations into reports of attempted or completed suicides. In response, CRCL conducted onsite investigations at various CBP operational environments where the incidents occurred. As part of the reviews, CRCL reviewed policies and procedures of the Office of Field Operations and U.S. Border Patrol as they relate to suicide prevention, and engaged the assistance of a subject-matter expert in the field of suicide prevention in a custodial environment. Our subject-matter expert drafted an expert recommendations memorandum for CBP and Border Patrol, which CRCL will share with CBP in FY 2018. CRCL will also work with CBP to implement our expert's recommendations to the greatest extent possible.

Detention Standards Working Group: CRCL participated in ICE's working group to develop a new set of detention standards for its over-seven-day, non-dedicated immigration detention facilities. The new standards are based on ICE's 2000 National Detention Standards and the working group is focused on updating and streamlining the standards, as well as including critical elements that are not currently part of the standards. CRCL, with the assistance of its contract detention subject matter experts, provided feedback on important civil rights and civil liberties issues providing suggestions for important standards such as: suicide prevention; mental health care; disability accommodation; and sexual assault.

Prison Rape Elimination Act Audits: CRCL further assisted ICE and CBP in developing the required Prison Rape Elimination (PREA) audit instruments to audit DHS' immigration detention and holding facilities. These audit tools will be used by Components to audit PREA compliance and implementation in their facilities as required by regulation. In addition to working on the specific audit instruments, CRCL personnel developed and delivered training to ICE and CBP to help certify the auditors who will conduct the audits, and conducted an observation of an ICE PREA audit to assist with evaluation of the auditors and planning for future audits.

Compliance Complaint Database Upgrade: CRCL's Compliance Branch undertook an upgrade to its complaint database to improve its operation and enhance its functionality. The new database improves CRCL's ability to process and investigate allegations, as well as reporting on the civil rights and civil liberties issues raised with CRCL. These changes are critical as CRCL grows its data collection and uses this data to identify issues and patterns, as well as to allocate resources.

ICE Enforcement In and Around New Orleans: CRCL received a variety of complaints in 2014 alleging racial profiling, LEP violations, and inappropriate collusion between local law enforcement and ICE, amongst other concerns. Based on CRCL's onsite investigation, CRCL has notified ICE of areas of concern and issued formal draft recommendations in September 2017, in the areas of language access, collateral arrests, the use of mobile biometrics, and collaboration with local law enforcement.

Complaints Regarding Issues to Certain Executive Orders: On January 27, 2017, President Trump issued Executive Order 13769, *Protecting the Nation from Foreign Terrorist Entry into the United States*. As of September 30, 2017, CRCL had received 51 allegations that DHS violated a civil right or civil liberty during implementation of the Executive Order; of these allegations, CRCL opened 21 complaints most of which are still under investigation. The complaints asserted various allegations, including that CBP: ignored court orders that halted implementation of the Executive Order and that required that travelers at Dulles Airport be allowed access to counsel; wrongly revoked the Global Entry/Nexus cards of Muslim travelers; detained a five-year-old U.S. citizen at Dulles Airport without providing him access to his parent or legal representation; separated U.S. citizen children from lawful permanent resident (LPR) parents from the countries identified in the Executive Order; wrongly barred entry into the U.S. of individuals with visas or with LPR status; and subjected individuals who were not within the purview of the Executive Order to extensive and intrusive searches of their persons and electronic devices because of mistaken application of the Executive Order.

CBP Memorandum of Agreement: CRCL finalized a memorandum of agreement (MOA) between CRCL and CBP leadership in early 2017 clarifying: the process that CRCL and CBP adhere to when CRCL is investigating a complaint involving CBP.⁴ This MOA is essential to ensuring the integrity of the CRCL complaint process as it ensures access to documents, personnel, and recommendation implementation—all critical parts of a thorough CRCL investigation.

TSA Memorandum of Agreement: Since January 2012, CRCL has delegated its authority to process, investigate, and resolve complaints against the TSA by members of the traveling public who allege disability-related discrimination during the security screening process in violation of Section 504. The MOA between CRCL and TSA that delegated the authority expired in January 2017. In recognition of a successful partnership, CRCL collaborated with TSA's Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement to update the MOA and to extend the delegation for another five years effective June 1, 2017. Some of the updates include new provisions for TSA to provide CRCL with monthly complaint reports and an annual summary of complaints, both of which provide CRCL with necessary visibility over TSA's Section 504 complaint handling process.

A. FY 2017 Investigations

CRCL receives allegations 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, DHS OIG, and other governmental agencies. For example, the U.S. Department of Health and Human Services, Office of Refugee Resettlement sends CRCL reports regarding treatment of unaccompanied children by DHS personnel. DOJ also forwards public complaints which raise concerns that may fall within CRCL's jurisdiction.

⁴ Except for complaints involving Section 504 of the Rehabilitation Act of 1973 (as amended).

Additionally, ICE notifies CRCL whenever an ICE detainee 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.⁵ If CRCL keeps the complaint for investigation, CRCL requests information from the Component and conducts its own factual investigation. If a complaint is referred, the Component issues a Report of Investigation (ROI) to CRCL at the completion of its factual investigation. Upon receipt of the ROI, CRCL reviews the report and determines whether additional investigation is warranted. Should CRCL find that civil rights or liberties improvements should be made at DHS at the close of any investigation, CRCL may make recommendations to the Component. Although the recommendations made as a result of individual investigations are generally privileged⁶, CRCL notifies complainants of the general outcome whenever possible and provides summaries of its recommendations in its annual and semiannual reports.

B. Investigative Processes

Formal CRCL Recommendations Memoranda

Expert Recommendations (for Onsite Investigations at Immigration Detention Facilities):

Each year, CRCL's Compliance Branch conducts onsite investigations at ICE and ICE-contracted detention facilities to examine alleged violations of civil rights and civil liberties related to immigration detention. In FY 2017, CRCL conducted 11 onsite investigations at ICE immigration facilities.⁷ For these investigations, CRCL enlists the assistance of subject matter experts in the areas of medical care, mental health care, correctional security and operations, use of force, suicide prevention, and environmental health and safety. Following each investigation, CRCL provides the expert reports and a summary report of the significant recommendations to ICE. ICE is asked to review the recommendations and provide a written response, concurring or non-concurring, and to provide evidence of implementation of the concurred-with recommendations within a defined timeframe. If ICE non-concurs, it must provide an

⁵ Retained complaints may be subject to a full investigation or "short-form" investigation. Retained complaints generally cover broad topics and require extensive investigation and onsite work. CRCL has also 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.

⁶ Findings made in a Section 504 complaint are provided to the complainant per regulation.

⁷ These onsite investigations involved facilities in Pennsylvania, Georgia, Texas, Nevada, and Louisiana. The facilities included three family facilities, one contract detention center, one staging facility, two dedicated Intergovernmental Service Agreement (IGSA) facilities, one non-dedicated IGSA facility, and one IGSA facility through the U.S. Marshalls Service.

explanation, which CRCL reviews to determine whether to continue discussions on the substance of the concern with ICE or consider raising to DHS leadership. Summaries of complaints for which CRCL issued an expert recommendations memorandum to ICE in FY 2017 are provided in Section D.

Formal Recommendations Memoranda: For complaints in which CRCL has investigated a complaint and determines that recommendations should be issued to Components, CRCL drafts a report outlining the investigative findings and issuing recommendations. CRCL provides the Components with drafts of all CRCL recommendations memoranda.⁸ Components then have an opportunity to review and comment on the drafts. After receiving comments, CRCL attempts to resolve any areas of disagreement prior to finalizing and issuing the memoranda. Similar to expert recommendations memoranda, Components are asked to review the final recommendations and provide a written response concurring or non-concurring, and to provide evidence of implementation of the concurred-with recommendations within a defined timeframe. Non-concurs must contain an explanation, which CRCL reviews to determine whether to continue discussions on the substance of the concern with ICE or consider raising to DHS leadership

Component Responses to CRCL Expert and Recommendations Memoranda: In FY 2017, CRCL received 16 responses to expert and formal recommendations memoranda; 12 from ICE and two each from CBP and NPPD. Summaries of complaints for which CRCL submitted an expert memorandum or recommendations memorandum and received Component responses in FY 2017 are provided in Section E.

Informal Advice

Informal Resolutions: Beyond the recommendation process CRCL may, when appropriate, conclude its investigation of a complaint through an informal resolution rather than a formal recommendation. 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 remain outside the formal recommendation process, yet explain the issue or concern found and may offer proposed resolutions. After sending the informal resolution email, CRCL closes the relevant complaint(s). In FY 2017, CRCL transmitted proposed informal resolution emails to ICE and CBP addressing issues arising in 31 complaints. Summaries of complaints that CRCL closed with informal resolutions in the reporting period are provided in Section F.

Unsubstantiated Complaints: A large percentage of CRCL complaints are investigated and closed without the issuance of recommendations. This typically occurs when allegations are unsubstantiated; when an allegation does not warrant a recommendation because existing policy, procedures, and training are found to be sufficient; or when the Component has already addressed the concerns that CRCL identified. In FY 2017, CRCL closed 571 complaints without recommendations.

⁸ Expert Recommendations Memoranda are issued in final rather than draft as those contain recommendations made from experts in their field outside of CRCL.

TABLE 2: COMPLAINTS OPENED FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 157			ICE 367			TSA 5			USCG 1			USCIS 20			USSS 1			Multi- Component 17			Sub-Totals 568			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	Referred	Retained	Short Form	All
Abuse of authority/ misuse of official position	1		4			5															4	1		13	14
Conditions of detention			14	3	7	20																3	7	34	44
Disability accommodation (Section 504)		1			1	2			1						12						4		2	19	21
Discrimination/profiling	2		24						1						2					1		2	1	27	30
Due process	2	19	24	1	3	26									3						1	3	22	54	79
Excessive force or inappropriate use of force	3		12	3		9															1	6		22	28
Fourth Amendment (search and seizure)	1		7			2				1											1	2		10	12
Human rights		1	2																2		2	2	1	4	7
Inappropriate questioning/ inspection conditions																		1						1	1
Inappropriate touch/ search of person (non-TSA)			2																					2	2
Intimidation/threat/ improper coercion		1	6			1																	1	7	8
Language access			1		2										2								2	3	5
Legal access					3	3																	2	3	6
Medical/mental health care	3		19	1	20	244									1						1	4	20	265	289
Privacy			2			2																		4	4
Religious accommodation			1			4																		5	5
Retaliation			1			3																		4	4
Sexual assault/abuse	1		3			2																1		5	6
TSA AIT and TSA pat-downs									3															3	3
Total	13	22	122	8	36	323	0	0	5	1	0	0	0	0	20	0	0	1	2	1	14	24	59	485	568

TABLE 3: COMPLAINTS CLOSED FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 117			ICE 427			TSA 7			USCG 1			USCIS 29			Multi- Component 25			Sub-Totals 606			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	6		6	2		9										1	1	5	9	1	20	30
Conditions of detention	3		8	11	23	16												2	14	23	26	63
Disability accommodation (Section 504)	2		1			3			2									4	2		22	24
Discrimination/profiling	6	2	12	1	1	6			1						12			2	8	3	23	34
Due process	4	1	11	2	3	25							1		2			3	7	5	48	60
Excessive force or inappropriate use of force	10		10	3	2	11							1	1	9		1	2	13	3	23	39
First Amendment (free speech/ association)												1										
Fourth Amendment (search and seizure)	1	1	3																1	1	3	5
Hate speech																		1			2	2
Human rights			2															1			3	3
Inappropriate questioning/ inspection conditions	2		1																2		1	3
Inappropriate touch/ search of person (non-TSA)			1																		1	1
Intimidation/threat/ improper coercion	2		3	1	8	2													3	8	5	16
Language access			1		1	2									2					1	5	6
Legal access			1	3	1														3	1	1	5
Medical/mental health care	7		6	6	13	248												1	13	13	255	281
Privacy			1			2															4	4
Religious accommodation			1	1	3	5									1				1	3	6	10
Retaliation						4															4	4
Sexual assault/abuse			2	2	3	4			1							1			3	3	7	13
TSA AIT and TSA pat-downs									3												3	3
Total	43	4	70	32	58	337	0	0	7	0	0	1	2	1	26	2	2	21	79	65	462	606

C. Complaints Closed by CRCL with Recommendations

The following summary describes the complaints closed in FY 2017 with recommendations for the relevant DHS Component(s).

ICE Homeland Security Investigations Language Access: CRCL investigated and made recommendations regarding language access issues that arose during an HSI Commercial Fraud Group enforcement operation. The complaint alleged that HSI racially profiled a storeowner and conducted an inappropriate pat-down search. CRCL found no evidence to substantiate the racial profiling allegation and found that no policy violation occurred related to the search. CRCL did, however, note that HSI used a minor child to provide language interpretation services when interviewing the store owner. As a result, in October 2016, CRCL issued recommendations discouraging HSI's use of family members, including minor children, in interpreting for limited English proficient individuals. In particular, CRCL recommended training for all HSI officers and Office of Professional Responsibility investigators on the responsibilities included in the DHS and ICE language access plans. ICE concurred with the CRCL recommendations in May 2017 indicating that they: had appropriate language access trainings in place; would take most of the additional steps recommended by CRCL; and had added civil rights and language access training modules, which are available to employees on request. As a result of this response, CRCL closed the complaint.

ICE Religious Meals Accommodation: As a result of numerous complaints CRCL received regarding ICE's accommodation of religious dietary requirements and the observation of religious holidays, in October 2016 CRCL issued related final recommendations. In particular, CRCL made recommendations designed to improve ICE's accommodation of religious diets, with a focus on the provision of and guidance regarding halal meals. In February 2017 ICE agreed that requests for religious meals should be accommodated, however, it did not concur with other CRCL recommendations in this area. CRCL is reviewing the ICE response.

USCIS Credible Fear Interview Process at Family Residential Centers: CRCL investigated approximately 70 complaints alleging that USCIS asylum officers violated the civil rights of asylum seekers being held at family residential centers during the credible fear interview process. The primary allegation was that USCIS denied meaningful access to individuals whose trauma-related mental illness prevented them from fully articulating their claims during their interviews. CRCL investigated these complaints under Section 504 of the Rehabilitation Act, and found no evidence that USCIS engaged in disability-based discrimination. Our review also concluded that USCIS provides robust training that prepares asylum officers to engage with asylum seekers who have trauma-related mental health issues. While CRCL did not find any violation of Section 504, the complaints raised other issues about the credible fear interview process at family residential centers. In September 2017 CRCL issued final recommendations to USCIS suggesting, among other things, that USCIS update its training for asylum officers, and discussed with USCIS modifications to the procedures prior to and during credible fear interviews. As of September 30, 2017, USCIS had not yet responded to these recommendations.

Asylum Seekers in ICE Detention: CRCL investigated a complaint alleging that ICE violated the civil rights of 52 asylum seekers, mostly from Bangladesh, who were participating in a

hunger strike while detained at the El Paso Service Processing Center. Specifically, the detainees alleged that ICE violated the asylum confidentiality of these individuals during a consular visit. Additionally the complaint claimed that coercive tactics were used to end the hunger strike. Although CRCL did not find that ICE violated asylum confidentiality or use intentionally coercive tactics, after investigating the allegations, on June 28, 2017, CRCL issued final recommendations that ICE improve the current policy regarding consular visits to asylum seekers, provide refresher training on language access responsibilities, and provide guidance to the field on the use of consent forms and photography of detainees. As of September 30, 2017, ICE had not yet responded to these recommendations.

Border Patrol Rio Grande Valley: CRCL conducted an onsite investigation of U.S. Border Patrol stations in the Rio Grande Valley sector in July 2014, after receiving over 120 complaints alleging that unaccompanied children (UAC) were: injured due to Border Patrol agents' use of Electronic Control Devices (or Tasers) and canines during apprehension; inappropriately restrained and shackled; not appropriately screened for credible fear or provided with language services during processing held for long periods of time in cold over-crowded and unsanitary cells with unrelated adults and were separated from their own family members and held in different holding cells; not provided with blankets or bedding; not fed adequately or in a timely manner and were not provided with potable drinking water; physically and verbally abused and threatened by agents; denied medical attention; transferred to other locations without their property; not provided with necessary hygiene or childcare items for themselves or their own children if the UAC was also a parent and denied phone calls to family members. Due to a lawsuit claiming that Border Patrol had mistreated UAC in custody during the FY 2014 surge, the investigation of the complaint was placed on hold. In FY 2017, CRCL was able to issue recommendations to CBP stemming from the 2014 onsite investigation, including proposed improvements in processing, language services, property storage and return, maintaining family unity when possible, and a higher level of leadership oversight within the Sector and at the national level..

Federal Protective Service (FPS) Prohibited Items: In August 2015, CRCL opened a complaint alleging that FPS would not let the complainant into a Social Security Administration office with a small pocket knife. CRCL concluded that FPS acted appropriately, as bladed items of any size generally are prohibited. However, in conducting the investigation, CRCL found that FPS did not include guidance on how and when to offer religious and medical accommodations in its post orders. As a result, CRCL recommended that FPS includes instructions in all facility post orders on how to process exemptions for prohibited items and review exemption denials, and ensures that FPS employees and contractors know to ask individuals carrying prohibited items asserted to be religious or medical if they would like to request an exemption. NPPD responded that it concurred with all of CRCL's recommendations in March 2017. As a result, CRCL closed the complaint.

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 subject matter expert reports, along with a cover memorandum outlining CRCL's final recommendations in FY 2017.⁹

Conditions of Detention at the Berks Family Residential Facility (Berks, Pennsylvania):

During 2015 and 2016, CRCL received numerous complaints alleging civil rights and civil liberties violations of individuals at Berks Family Residential Facility. CRCL conducted an onsite investigation at the facility in October 2016 and issued 35 recommendations to ICE in the areas of medical care, mental health care/child psychiatry, corrections, and environmental health and safety. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

Conditions of Detention at the Irwin County Detention Center (Ocilla, Georgia): After receiving multiple complaints alleging civil rights and civil liberties violations, CRCL conducted an onsite investigation at the Irwin County Detention Center in July 2016 and issued 26 recommendations to ICE in the areas of medical care, mental health care, corrections, and environmental health and safety. In September 2017 ICE responded to the recommendations; concurring with 21, partially concurring with three of the recommendations, and non-concurring with two. CRCL is reviewing the ICE response.

Conditions of Detention at the Stewart Detention Center (Lumpkin, GA): In response to numerous complaints alleging civil rights and civil liberties violations, CRCL conducted a site review at the Stewart Detention Center in February 2017 and issued 13 recommendations and several best practices in the areas of medical care, mental health care, corrections, and environmental health and safety. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

Conditions of Detention at the Alexandria Staging Facility (Alexandria, Louisiana) and the LaSalle Detention Facility (Jena, Louisiana): CRCL conducted an investigation in March 2017, into a number of complaints alleging that ICE violated the civil rights and civil liberties of individuals at the Alexandria Staging Facility and the LaSalle Detention Facility. The complaints included allegations involving suicide prevention and mental health care, medical care, and conditions of confinement. In July 2017, CRCL provided ICE with a memorandum that detailed 13 expert recommendations that addressed medical, suicide prevention and intervention, and the description of use of force incidents. Of the 13 expert recommendations, 10 were directed towards LaSalle and six towards Alexandria. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

⁹ There were a number of situations in FY 2016 where CRCL conducted an onsite investigation and received a response from ICE. In those situations, we have included them in Section E.

Conditions of Detention at the Houston Contract Detention Facility (Houston, Texas): In response to numerous complaints, a death in custody, and earlier recommendations from CRCL, we conducted an onsite investigation at the Houston Contract Detention Facility in February 2017. In June 2017, CRCL sent ICE a memorandum with 21 recommendations to address the concerns and some best practice recommendations in the areas of medical care, mental health care, and conditions of detention. CRCL continues to work with ICE on these issues.

Conditions of Detention at the Henderson Detention Facility (Henderson, Nevada): In March 2017, CRCL conducted an onsite investigation into complaints alleging that ICE violated the civil rights and civil liberties of individuals at the Henderson Detention Facility. The complaints included allegations involving inadequate medical and mental health care, conditions of confinement, and environmental health and safety. In June 2017, CRCL provided ICE with a memorandum that detailed 48 expert recommendations to address concerns identified in each of these areas, as well as a number of best practice recommendations. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

Conditions of Detention at the Johnson County Detention Center (Cleburne, Texas): Between May and December 2016, CRCL received a number of complaints and correspondence raising issues in regard to the Johnson County Detention Center's religious accommodations, access to medical care, access to legal material, access to adequate outdoor recreation, and adequacy and quality of food. CRCL conducted an onsite investigation at the facility in March 2017, and submitted 32 expert recommendations in these areas following the visit. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

Conditions of Detention at the Imperial Regional Detention Facility (Calexico, California): Since 2015, CRCL has received numerous allegations raising concerns about the medical and mental health care, conditions of detention, and environmental health and safety at the Imperial Regional Detention Facility. In response to these complaints CRCL conducted an onsite investigation in August 2016, and issued 26 expert recommendations and several best practice recommendations in March 2017. ICE responded to the recommendations in August 2017, concurring with nine, partially concurring with five, and non-concurring with 12. CRCL is reviewing the ICE response.

Conditions of Detention at the Santa Ana City Jail (Santa Ana, California): Between December 2015 and August 2016, CRCL received 15 complaints alleging that lesbian, gay, bisexual, and transgender (LGBT) detainees were receiving inappropriate strip searches, inadequate staff-detainee communication, discriminatory treatment, verbal abuse, inadequate medical and mental health care, lack of language access, and inadequate access to recreation. CRCL conducted an onsite investigation at the Santa Ana City Jail in August 2016, and subsequently issued 26 expert recommendations in May 2017. ICE responded in September 2017, stating that they no longer house detainees at the facility. As a result of this response, CRCL closed the complaints.

E. Component Responses to CRCL Expert and Recommendations Memoranda

ICE

ICE Courthouse Enforcement: In response to eight separate complaints, CRCL issued a final report to ICE in September 2016, with recommendations regarding the creation of formal guidance and policy documents on immigration enforcement at or near courthouses, and providing further recommendations regarding the circumstances surrounding courthouse enforcement. While ICE initially non-concurred with CRCL's recommendation, they later addressed the allegations by issuing ICE Directive 11072.1, *Civil Immigration Enforcement Actions Inside Courthouses*, which fully implements the CRCL recommendation on this issue.

ICE Safe Release and Repatriation: CRCL issued a final recommendations memo in August 2016, regarding ICE's discharge planning and continuity of care for the release or removal of detainees with serious medical or mental health needs ICE responded in February 2017, concurring with CRCL's recommendation to issue guidance to the field reminding officers of their obligation to notify facility medical personnel of the imminent release or removal of detainees partially concurring with four related to discharge planning and training, and non-concurring with two. CRCL is reviewing the ICE response.

ICE Treatment of People Claiming Credible Fear: In FY 2015, CRCL opened over 30 complaints regarding the treatment of asylum seekers by DHS, 13 of which involved ICE. In March 2016, CRCL issued final recommendations to ICE to improve the way it handles asylum seekers, including recommendations regarding training, language access, referral of claims to USCIS, and continuity of detention location while awaiting an interview. As of September 30, 2017, ICE had not yet responded to CRCL on these recommendations.

Conditions of Detention at the Eloy Federal Contract Facility (Eloy, Arizona): In March 2016, CRCL conducted an onsite investigation at the Eloy Federal Contract Facility, and issued 43 recommendations to ICE in the areas of medical care, mental health care, suicide prevention, and conditions of confinement. In July 2017, ICE responded to the recommendations, concurring with 30, partially concurring with nine, and non-concurring with four. CRCL is reviewing the ICE response.

Conditions of Detention at the Monroe County Detention Center (Key West, Florida): In response to a number of complaints, including a complaint alleging retaliation against 11 detainees engaged in a hunger strike, in January 2016, CRCL conducted a site review at the Monroe County Detention Center. In June 2016, CRCL sent ICE a memorandum outlining six expert recommendations and a number of best practices. ICE responded in April 2017, concurring or partially concurring with four of the six recommendations, and non-concurring with two. As of September 30, 2017, ICE had not yet responded to CRCL regarding these issues.

Conditions of Detention at the Essex County Correctional Facility (Essex, New Jersey): In March 2016, CRCL conducted an onsite investigation at the Essex County Correctional Facility and subsequently submitted recommendations to ICE in the areas of environmental health and safety, corrections, and mental health and medical care. CRCL received ICE's response to the expert recommendations in March 2017; ICE concurred with 11 of the recommendations, partially concurred with three recommendations, and did not concur with one recommendation. Based on these responses, CRCL closed the complaints in August 2017.

CBP

CBP Determination of Fitness to Fly: In September 2016, CRCL issued a final report to CBP, with recommendations regarding the evaluation for fitness to fly of inadmissible noncitizens in their custody with observed or reported medical conditions that may worsen or have serious consequence during flight. CBP responded to the recommendations in January 2017, and non-concurred with each of the recommendations. CRCL closed the complaint but will continue to monitor the issues raised.

Review of Electronic Control Weapons in Rio Grande Valley Sector: In FY 2014, CRCL conducted a review of U.S. Border Patrol's practice and procedure guiding the use of electronic control weapons (ECW) in the Rio Grande Valley sector. In September 2016, CRCL issued a final report and recommendation to CBP to assist with implementation of CBP's *Use of Force Policy, Guidelines and Procedures Handbook*. CRCL recommended that CBP provide CRCL with reports concerning audits of ECW downloads, possible deployment discrepancies, ECW inventory tracking in the sector, and reporting requirements to the CBP Office of Professional Responsibility. CBP responded to the recommendations in January 2017, agreeing to provide CRCL with a report of any discrepancies in ECW deployments on a biannual basis, but non-concurring on the remaining recommendations, asserting that existing systems in place are robust and comprehensive. Based on these responses, CRCL closed the complaint.

Medical Privacy Rights of an HIV Positive Transgender Detainee: CRCL investigated a complaint filed by a transgender detainee, who claimed that she applied for U.S. admission at the San Ysidro port of entry, claimed fear of return to Mexico, and confided to a CBP officer that she was HIV positive and taking medications since 2008. She claimed that CBP officers then placed her in a single cell and posted a cardboard sign on the outside of the cell that stated her HIV status, which was viewable to all other officers in the holding cell area as well as to other detainees. She also alleged that officers wore facemasks and other protective equipment when interacting with her and they discarded any items she touched, thereby humiliating her and drawing additional attention to her medical condition. CBP confirmed that officers indeed took the reported precautions in accordance with policy to create situational awareness among staff that the detainee posed a special risk or need. CRCL found that officers did not violate the existing policy, but concluded that the policy did not protect detainees' personal health information and, in this case, increased risk of physical and social harm to the detainee as a result of the inappropriate disclosure of her HIV status. In July 2015, CRCL submitted four recommendations to CBP. CBP concurred with all four recommendations. First, in November 2015, CBP concurred with three of the recommendations, agreeing to issue reminders to officers concerning confidentiality requirements, and to train on universal precautions risks of transmission of blood borne pathogens, including HIV. Then, CBP concurred with

recommendation number one and reminded all officers and agents of their obligation to maintain confidentiality of private health information and share such information only with those who have a legitimate need to know. However, CBP disagreed with a provision regarding the wearing of protective gear. Based on these responses, CRCL closed the complaint.

NPPD

FPS Complaint Process: Since FY 2013, CRCL has collaborated with FPS and NPPD to implement a functional and effective public complaint process for both FPS federal employees and contractors. In February 2016, CRCL issued a final recommendation memorandum to FPS and NPPD which recommended the creation of a well-constructed complaint process and made additional recommendations that the process incorporate the certain basic elements, including establishing complaint tracking mechanisms and posting signage instructing individuals how to report complaints. CRCL also recommended that NPPD form a working group to monitor progress with CRCL. In April 2016 representatives from CRCL, NPPD, and FPS began holding working group meetings. As a result of this ongoing collaboration, NPPD and FPS posted information on their websites instructing the public on how to submit complaints. Further, FPS posted a sign at its Washington, D.C. headquarters building with similar language; and NPPD established a mechanism to track complaints forwarded by CRCL. In September 2017, NPPD sent a response memo to CRCL stating that it concurred with all of our recommendations. CRCL continues to work with NPPD on final implementation of the recommendations.

F. Complaints Closed Following an Informal Resolution

The following summaries provide a representative sample of the 31 complaints in which CRCL concluded its investigations through informal resolutions. Complaints generally are closed after an informal resolution is issued to the relevant Component agency; exceptions to this general rule are noted below.

ICE

Use of Masking Tape during Removal: CRCL received a complaint in December 2016, alleging that an ICE Officer handcuffed a detainee on a commercial flight, gagged him, and sealed his mouth closed with duct tape. The investigation showed that the ICE officer unsuccessfully attempted to place masking tape over the detainee's mouth in response to the detainee yelling and attempting to bite and spit. Placing a piece of tape over a detainee's mouth violates ICE Enforcement and Removal Operations policy, as it may restrict a detainee's breathing and cause discomfort. While using a spit hood would have been appropriate in this instance, it does not appear that one was available. As a result, in September 2017, CRCL suggested that ICE should provide spit hoods on every ICE transport plane.

Attorney Access to the Intensive Supervision Appearance Program: CRCL received a complaint in May 2016, on behalf of 15 asylum seekers who are or were part of the Intensive Supervision Appearance Program, alleging that it was violating the asylum seekers' due process rights. CRCL found that no recommendations regarding language access were necessary.

Use of Restraints: CRCL received a complaint in February 2014, from a detainee who was kept in full restraints through a ten-day hospitalization, alleging that the use of restraints and the

movement restrictions resulted in unnecessary additional pain. CRCL expressed concern to ICE in July 2015, that the use of full restraints throughout this detainee's hospitalization was concerning given his low security risk, and the fact that his specific illness would likely have been aggravated by use of restraints. CRCL suggested that ICE work to change the relevant ICE and facility policies on the use of restraints. After a number of discussions, ICE indicated that new processes are under consideration which may impact the use of restraints at offsite locations.

Informed Consent and Involuntary Medical Treatment: CRCL received notice in April 2015, of the death of an ICE detainee who had been housed at the Port Isabel Detention Center. CRCL reviewed the detainee death review report and determined that the detainee received proper medical treatment. However, CRCL did inform ICE of its finding that the facility was not in full compliance with the 2011 ICE Performance-based National Detention Standards regarding the detainee's refusal of medications.

Medical Care at the Etowah County Jail: Between December 2015, and January 2017, CRCL investigated six medical care complaints involving the Etowah County Jail where it found inadequate medical care. CRCL sent two emails to ICE in March and April 2017, bringing its attention to these complaints.

Privacy Concerns at the Berks Family Residential Center: CRCL received a complaint in December 2016, from a group of mothers detained at Berks, alleging that an ICE employee and a staff member took pictures and recorded videos of children singing a holiday song. The complaint said the group of mothers had not granted permission to ICE to take these photos and record video of their children. ICE did not deny the allegations. CRCL recommended that ICE remind leadership at the facility about the policy that prohibits taking pictures and recording videos of the children residents. ICE did reach out to its leadership at the facility in response to this request.

Religious Headwear Accommodation: In August 2015, CRCL received a complaint alleging that a male ICE HSI special agent directed a woman to remove her hijab to be photographed during an appointment. The complainant and her husband requested a female employee to take the photograph, but alleged that the agent threatened to arrest them if she did not comply with the request. From the facts gathered, it was unclear whether or not the agent adhered to guidance provided to HSI by CRCL entitled, *Guidance for Accommodating Religious Beliefs in DHS Policies Requiring Fingerprinting and Photographic Identification*. This guidance states generally that an individual may wear religious headwear in photographs as long as the face is not obscured and a reasonable likeness can be obtained. In addition, the memorandum recommends that Components develop or revise their own policies in accordance with CRCL's guidance. In July 2017, CRCL issued an informal resolution to HSI suggesting that they: (1) remind all HSI employees to review and follow the guidance in the CRCL memorandum; and (2) provide CRCL with an update on any efforts to develop an HSI policy or other guidance that addresses religious accommodations in photography of individuals for identification.

Use of Force at Jena/LaSalle: In October 2016, CRCL informed ICE of tactical concerns its expert consultant observed regarding a calculated use of force involving the use of a chemical agent. CRCL informed ICE that the presence of non-essential officers during the cell extraction

had the potential to complicate the situation should it escalate. CRCL also informed ICE that the pain compliance technique used by the officer to gain control of the detainee should have been deescalated once the detainee stopped resisting. While CRCL did not find the use of the pain-compliance technique to be excessive, CRCL suggested that ICE review the incident and provide additional training on the use of compliance and de-escalation techniques.

CBP

Handcuffing at a Port of Entry: In 2014, CRCL encouraged CBP to have the San Ysidro port of entry issue a muster reminding officers that they have discretion when deciding whether to restrain juveniles under escort, and that officers must be able to articulate and document the reasons they use restraints. In response, the CBP Office of Field Operations issued a nationwide muster module on the use of restraints and implementing prior formal recommendations made by CRCL.

Temporary Guardianship at the John F. Kennedy International Airport: CRCL notified CBP of an issue involving the implementation of the correct policy regarding minors traveling with school groups, and requested that CBP issue a muster to employees stationed at John F. Kennedy International airport to clarify temporary guardianship status to ensure that students and identified chaperones remain together during the inspections process to the greatest extent possible. CBP agreed to issue the muster.

Disability Complaint at Hartsfield-Jackson Atlanta International Airport: In January 2016, CRCL received a complaint from a traveler at Hartsfield-Jackson Atlanta International Airport alleging that a CBP officer discriminated against her because of her stutter. CBP agreed to resolve the complaint by creating a training muster for officers about interacting with individuals who stutter. CBP disseminated the muster to officers across the country in July 2017.

Disability Complaint at Port Everglades Port of Entry: In May 2016, CRCL received a complaint alleging that the complainant was denied access to the lane for persons with disabilities at Port Everglades. CBP agreed to resolve the complaint by creating a training muster for officers about providing reasonable accommodations to individuals with non-obvious disabilities. The muster, which CBP distributed to ports of entry across the country in July 2017, noted that individuals may have hidden disabilities and explained that officers may not require proof of a disability to provide an accommodation.

USCIS

Credible Fear Finding Reconsideration under Section 504 of the Rehabilitation Act of 1973: In August 2017, CRCL received a complaint alleging that USCIS did not provide an interpreter who spoke his dialect during his credible fear interview, and that the asylum officer conducting his interview did not adequately determine whether he required further accommodations for a reported mental health issue. As the individual's removal was imminent, CRCL raised these potential concerns with USCIS, which upon further review of the matter changed its determination from a negative credible fear finding to a positive one. The individual was subsequently released from ICE custody.

FPS

FPS Disability Accommodation: In December 2015, CRCL received a complaint from a person who alleged that FPS failed to accommodate his disability during the security screening process. After investigating the complaint, CRCL negotiated an informal resolution ensuring that the complainant will be appropriately accommodated moving forward.

G. Complaints Investigated by CRCL without Recommendations

CRCL closes the majority of its investigations without recommendations or informal resolutions. Below are samples of complaints closed following CRCL finding that the complaint was unsubstantiated or that corrective action had already been taken by the Component.

ICE

Parole: In January 2017, CRCL opened a complaint alleging that ICE denied the parole request of an ICE detainee at a facility in Georgia. The matter was referred to ICE to review, who reported that the detainee's parole request was denied due to insufficient evidence of identification. Following receipt of additional information, including an original government ID and a valid sponsor, the detainee was granted parole. Based on this, CRCL closed this complaint.

Medical Care: In January 2017, CRCL opened a complaint alleging that a facility in California provided inadequate medical care to an ICE detainee experiencing symptoms of heart failure. ICE Health Services Corp (IHSC) reviewed the allegations and identified issues with the detainee's medical care. As a result, IHSC coordinated with the facility to address the concerns identified in their review of the complaint. CRCL reviewed the information and concluded that ICE took appropriate corrective action to address the concerns identified. Accordingly, CRCL closed this complaint.

Medical Care: In January 2017, CRCL opened a complaint alleging that a facility in Nebraska provided inadequate medical and mental health care to an ICE detainee for continued skin, abdominal pain, and mental health issues. IHSC reviewed the allegations and determined that the facility was not able to effectively treat the detainee. As a result, IHSC coordinated his transfer to another facility. ICE confirmed to CRCL that the detainee was being cared for appropriately at the new facility. CRCL reviewed the information and concluded that ICE took appropriate corrective action to address the concerns identified in the initial facility. Accordingly, CRCL closed this complaint.

Medical Care: In July 2017, CRCL opened a complaint received from an anonymous detainee at a facility in California who alleged that an unidentified detainee suffered a heart attack and laid on the ground for over an hour holding his chest while officers delayed obtaining medical treatment for him. IHSC reviewed the allegations and did not identify issues with the detainee's quality of care. CRCL reviewed IHSC's response and found they performed a complete and thorough evaluation of the complaint, and that the facility's response to the medical episode was timely and medically appropriate. Accordingly, CRCL closed this complaint.

CBP

Search and Seizure: In March 2016, CRCL opened a complaint into allegations that U.S. Border Patrol detained, searched, and interrogated a U.S. citizen at a Department of Defense facility without proper authority. The complainant alleged that the Border Patrol agent

interrogated him about his employment, religion, possible terrorist activities, and known associates, and searched his vehicle, his person, and his personal belongings without consent or cause. Border Patrol reported to CRCL that an agent responded to a request from a federal partner, within 100 miles of the international border, to investigate a suspicious person/vehicle who had stated he was from a foreign country. When the agent arrived on the scene, he requested and received consent to conduct a vehicle search. Border Patrol reported that the agent did not search the complainant's person or his personal belongings, nor did the agent ask any questions that were not necessary to establish citizenship. Accordingly, CRCL closed the complaint without further action.

Religious Accommodation: A female U.S. citizen alleged that CBP officers wrongly asked her to remove her hijab in primary inspection and mistreated her at John F. Kennedy International Airport in December 2016. According to CBP, the officer subsequently received training regarding passengers' rights related to religious head coverings. The information provided by CBP substantiates the complainant's allegations that a CBP officer wrongly instructed her to remove her hijab in primary inspection. However, based on the information provided, CBP responded appropriately and CRCL closed this matter with no further action.

Discrimination on the Basis of Sexual Orientation: CRCL received a complaint alleging that a CBP officer asked the complainant and her partner if they were related, in the course of questioning them while they proceeded through customs at George Bush Intercontinental Airport in Houston. When the complainant explained that they were partners in a domestic relationship, the officer stated that the couple should not have come forward together. The officer allegedly then asked whether they were married, to which the complainant replied no, while affirming that they cohabit and thus meet the definition of family on the customs form. The complainant alleged that the officer said that they could only be processed together if they had the same surname. CBP reported to CRCL that it planned to re-muster officers on this topic. Based on this information, CRCL closed the complaint without further action.

Treatment of Unaccompanied Minors: In April 2016, CRCL received a complaint on behalf of a 16 year-old unaccompanied minor who said that she lost her shoes and pants when crossing the Rio Grande River. She alleged that Border Patrol agents did not provide her any clothing to cover herself, and that they placed her in a holding cell at the Border Patrol station with men and boys while she was wearing only a wet shirt and underwear. The investigation included a video of the room where the unaccompanied minor was held. In the video, she can be observed entering a room wearing shoes, socks, pants, a shirt, and a sweatshirt. Her clothes did not appear to be wet, and she remained alone in the cell during the duration of her stay at the station. Based on our review, CRCL closed the complaint.

NPPD

Mistreatment: In November 2015, CRCL opened a complaint from an individual alleging she was mistreated by FPS at a federal building. The individual stated the officers inappropriately searched her, attempted to put her in a provocative position, and placed his wand against her and "gazed" at her breasts. Based on CRCL's investigation, it appeared that the screening was conducted within policy and CRCL closed the complaint in February 2017.

TSA

Language Access Advanced Imaging Technology (AIT) Screening: In June 2016, CRCL received a complaint from a passenger alleging his civil rights were violated by TSA employees when they: (1) failed to provide a Punjabi language interpreter, thereby not allowing him a meaningful choice between a self-pat-down or a TSO-administered pat-down, and (2) forced him to remove his turban after receiving a false positive from a screening method to which he did not consent. TSA provided sufficient information that show proper screening procedures were used during the complainant's screening experience. Information gathered during CRCL's investigation revealed the passenger was given advisements in English only. TSA's Multicultural Branch reported that, after receiving self pat-down instructions from a TSO, the passenger conducted a self-pat-down of his turban. The TSO reported he thought the passenger understood the instructions because he followed them correctly and presented his hands for testing. The passenger's hand swab resulted in a positive test in the Itemizer DX (Explosives Trace Detection (ETD) machine). The passenger and his non-traveling son were told that the passenger would need to undergo a secondary pat-down in a private screening area. The passenger was informed it was his choice if he wanted to remove his turban but, in order to travel he would have to complete the screening process, which after an alarm in ETD meant removal of his turban for further screening. TSA reported that checkpoints have language access binders that contain translated advisements for travelers. The binder was not used because the passenger complied with guidance given at the time of his screening experience. CRCL closed this matter with no further action.

AIT Screening: In October 2016, CRCL received a complaint from a passenger who alleged the use of AIT screening by TSA was a form of discrimination on the basis of gender identity. The passenger also alleges she was required to remove her pants and expose her underpants for visual inspection in a private screening room. CRCL reviewed all relevant reports documents, video, and additional information provided by TSA's Multicultural Branch. TSA reported the passenger was given proper advisals for pat-down procedures after the AIT machine identified an area on her body needing further inspection. Video footage of the passenger's initial screening experience shows a TSO demonstrating the physical aspects of the pat-down procedure. Documents reviewed by CRCL indicate the passenger was given proper advisals on private screening procedures in place at the time of her screening. CRCL could not substantiate the allegations of the passenger having to remove her pants. CRCL closed this matter with no further action.

USCIS

Unaccompanied Minor Asylum Interviews: In November 2016, CRCL opened a complaint alleging that USCIS New York asylum office was violating the due process rights of unaccompanied minors by scheduling their credible fear interviews at 7:45 a.m. In the course of the investigation, CRCL learned that USCIS prioritized UACs for early morning interviews to reduce their exposure to other applicants given the sensitive nature of their asylum applications and trauma. USCIS further explained that early morning appointments allowed for administrative matters such as fingerprinting and background checks to occur without delay. Based on this information, CRCL closed this complaint.

National Origin Discrimination: CRCL received a complaint from an attorney alleging that USCIS was discriminating against his Thai national clients on the basis of their national origin. The attorney alleged that when filing multiple employment based visas on behalf of his Thai clients, USCIS either issued his clients a request for evidence, a notice of intent to deny, or denied the petition or application. CRCL investigated the complaint and found no indication of discrimination. Based on this, CRCL closed this complaint.

U.S. Coast Guard

First Amendment Infringement: CRCL received a complaint alleging that the U.S. Coast Guard (USCG) infringed upon an individual's First Amendment rights and failed to comply with USCG regulations regarding notice for protected vessels. According to the USCG, officers aboard the King County Sheriff patrol boat provided incorrect information to the individual, for which they later apologized. USCG provided written responses to the individual regarding its findings and proposed action to prevent First Amendment infringements surrounding future Peace Fleet demonstrations. As a result, CRCL closed the complaint.

VII. Equal Employment Opportunity and Diversity Division

The Equal Employment Opportunity and Diversity Division (EEO) 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; managing the Department's Alternative Dispute Resolution program; and delivering training, conducting oversight, and administering EEO and diversity programs for DHS Headquarters and its 7,250 employees. In addition, the Division generates a variety of annual progress reports relating to the Department's diversity and EEO activities.

The Deputy Officer for EEO and Diversity also chairs the DHS EEO Directors Council, composed of Component EEO Directors and a human capital representative. In FY 2017, pursuant to the Council's strategic plan (FY 2016 – FY 2020), the Council designed and implemented a first-of-its-kind advanced barrier analysis course. Offered to the Department's barrier analysis practitioners, the course challenged participants to move beyond mere statistical data analysis to identify potential barriers by analyzing quantitative and qualitative data from multiple sources.

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 Report;
- Quarterly No FEAR Act data postings; and
- Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints.

Accomplishments in FY 2017

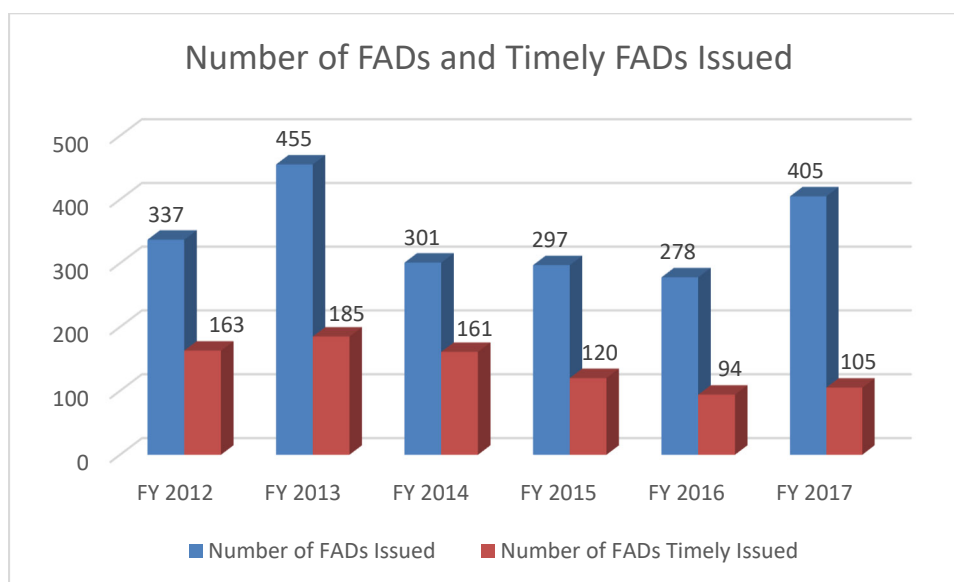
Report of Investigation Feedback Tool: During FY 2017, CMAS provided quarterly feedback to DHS Components on the quality of their ROIs through use of an ROI Feedback Tool. The Tool was developed and launched by CMAS in FY 2016, following a pilot period and in coordination with Components, and allows CMAS adjudications analysts to rate the quality of ROIs they review during the preparation of Final Agency Decisions (FADs). Analysts assign numerical quality ratings in various categories addressing the legal sufficiency, content, and format of the ROI; narrative information is provided, if needed, to further explain numerical ratings. This detailed feedback continued to be welcomed by Components throughout FY 2017. During the last quarter of FY 2017, a poll was distributed to the Component Complaint Managers to measure how the Tool is being used; that information will be included in a comprehensive report in FY 2018. Notably, the EEOC included the ROI Feedback Tool in its FY 2017 Innovative and Noteworthy Accomplishments report, under the section for effective and efficient complaint processing.

Collaboration with DHS Components: CMAS led quarterly meetings of the DHS EEO Complaint Managers, where topics of discussion included 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 DHS EEO and Diversity Directors Council Strategic Plan. Finally, CMAS hosted two webinars: *Significant Federal Sector Developments* (April 2017) and *Telework and Leave as a Reasonable Accommodation* (June 2017). Open to all Components, these webinars provided EEO and diversity practitioners with cutting-edge updates in EEO and reasonable accommodation law, regulation, and practice.

Additionally, CMAS conducted several workshops and held individual Component training regarding preparation of the annual statistical report of complaint activity (referred to as the “462 Report”), which is produced for the EEOC by each Component and aggregated by CMAS for the Department’s annual report.

Issuance of Final Agency Actions: CMAS issued or administratively closed 822 final agency actions during FY 2017, including 405 merit FADs. Although CRCL had a performance measure goal to issue 40 percent of merit FADs by the regulatory due date – usually 60 calendar days from date of request for a FAD by the complainant – for reasons directly related to lowered CMAS resources throughout the year and an increased volume of incoming FAD requests,

CRCL did not meet its goal, timely issuing 26 percent of merit FADs. Confronted with an inventory of pending merit FADs, CMAS prioritized FADs strategically, striking a balance between issuing regulatory timely FADs while also not disadvantaging complainants whose cases could not be issued by the regulatory date, either due to having been received late within CRCL or as a result of CMAS's temporarily diminished resources. To further address the growing inventory, CRCL leadership approved funding for contract support for the drafting of merit FADs; the contract was approved in late fourth quarter of FY 2017, and is expected to substantially reduce the inventory of merit FADs in FY 2018.



Leaning Forward with Technology: During the year, CMAS worked closely with TSA (the contract owner of the DHS enterprise complaints management data system) throughout the process of preparing a request for competitive bids and for the selection of a vendor for the Department's enterprise complaints management data system. Along with the new contract award, approximately 30 new custom reports were created; CMAS assisted in the review and testing of these reports and designed several reports specifically for CMAS's unique database administration needs.

Vetting Requests: CMAS is required to conduct vetting of DHS employees nominated to receive certain high-level awards from DHS leadership. During FY 2017, 135 vetting requests were received and processed, consisting of over 4,430 names, each of which was individually researched. CMAS dedicated additional internal resources to this area and completed 96 percent of vetting requests by the assigned due date.

B. Diversity Management Section

The 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 using Department-wide workforce data to identify potential barriers that may be tied to EEO or diversity issues.

On behalf of the Department, DMS also prepares and submits annual EEO and diversity reports to the EEOC and to the U.S. Department of Education's White House Initiative on Historically Black Colleges and Universities. DMS staff members actively participate on various committees and working groups, including the U.S. Office of Personnel Management's Applicant Flow Data Working Group; the U.S. Department of Education White House Initiative on Historically Black Colleges and Universities Federal Interagency Working Group; the White House Council on Native American Affairs; the Intelligence Community's Equal Employment Opportunity Data Group; the U.S. Department of Justice Gender Identity Task Force; the Federal Interagency LGBT Work Group; and the Interagency Women and Girls in Science, Technology, Engineering, and Math Working Group.

Accomplishments in FY 2017

Leadership, Guidance, and Technical Assistance: DMS held quarterly meetings with Components to review and discuss reporting requirements, workforce data, Special Emphasis Programs, the Disability Employment Program, Minority Serving Institutions and Historically Black Colleges and Universities (HBCU) initiatives; EEO training plans; and emerging issues. The DMS Statistician met with each Component to review the EEOC Management Directive 715 report, including data and self-assessments. DMS met with Components and with EEOC to discuss reporting requirements, and reviewed actions to achieve a model workplace.

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. The Department's SEP features an 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.

As members of the DOJ Gender Identity Task Force, DMS managers hosted an LGBT Listening Session, along with a presentation by the National Center for Transgender Equality, with over thirty non-governmental organizations and federal agency partners. DMS SEP Managers also identified and established relationships with SEP managers at each Component and continued the compilation and distribution of a DHS-wide SEP program and events calendar for each commemorative month. Throughout the year, three significant areas of the SEPs were furthered: observances, outreach, and barrier analysis:

- **Observances:** Convened a Department-wide team and collaborated with DOJ and the Environmental Protection Agency to plan the FY 2017 LGBT Employment Program.
- **Outreach:** Represented DHS at the 2017 National HBCU Conference and served on a panel during the 2017 White House Summit on HBCUs. Presented at the workshop

entitled: *World of Opportunities: Government and Private Sector Scholarships, Fellowships, Internships and Employment —Short-term and Career — at Home and Abroad.*

- Barrier analysis and related actions: Conducted analysis of workforce and completed actions to address barriers; participated in job fairs to reach more applicants with disabilities; ensured that barrier analysis training was provided to all EEO Management Directive 715 Report (MD-715) preparers and SEP managers.

Disability Employment Program: The Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Disabilities continued to be a major effort in every DHS Component during FY 2017. The Department continued its recruiting initiatives for persons with disabilities. DMS provided training to ensure that Selective Placement Program Coordinators understood their duties and responsibilities, updated and released a comprehensive Disability Employment Fact Sheet that provides Component hiring officials with information to increase the employment of persons with disabilities, and initiated a partnership with the Maryland Department of Rehabilitation Services to provide internship opportunities for college students and recent graduates.

DMS designed and provided training to all Components on DHS Instruction 259-01-002, *Procedures for Conducting a Department-wide Search for a Reassignment as a Reasonable Accommodation of Last Resort*. DMS and the EEOC co-sponsored a briefing on the EEOC's new rulemaking pursuant to Section 501 of the Rehabilitation Act of 1973, *Affirmative Action for Employees with Disabilities in the Federal Government*, in partnership with the Federal Exchange on Employment and Disability, OPM, and the U.S. Department of Labor.

Overall, from FY 2016 to FY 2017, the Department saw a slight increase in the employment of individuals with disabilities (from 9.1% to 9.9%) and targeted disabilities (from 1.26% to 1.28%).

Reporting Requirements: The Department ensured the complete delivery and analysis of all statutory and regulatory EEO and diversity reports, including the FY 2016 Management Directive 715. The Department analyzed workforce trends with respect to new hires, separations, awards, promotions, and applicant flow. This data analysis enables DHS to better support efforts toward creating and sustaining a model workplace.

C. Alternate Dispute Resolution Program

DHS is committed to effectively and efficiently resolving EEO complaints by providing civilian employees access to Alternative Dispute Resolution (ADR) methods. As a model employer, DHS recognizes that early resolution of EEO complaints through ADR provides faster, less expensive, and longer-lasting results than litigation. CRCL's ADR Program helps individuals resolve workplace disputes and provides an alternative to the traditional EEO complaint process through mediation.

The Department's ADR Program provides a cadre of ADR shared neutrals (mediators) for use by all DHS Components to achieve early resolution of employee disputes. In FY 2017, the ADR

Shared Neutrals Program added 43 new collateral-duty mediators to the shared neutrals roster, bringing the total to 97 mediators. In FY 2017, Components increased their use of mediators from the shared neutrals roster by 37 percent, saving Components over \$60,000 in their ADR programs.

In FY 2017, the ADR Program led the development and issuance of a Departmental ADR Directive, aimed at making the Department's ADR program more effective and efficient. Before the issuance of the Directive, many Components had no written ADR policies and procedures. As a result, staffing, participation rates, the availability of comprehensive management policies and processes, and, most importantly, funding, varied from Component to Component. The Directive sets a baseline for the provision of ADR services across Components. The Directive also ensures that, consistent with EEOC Management Directive 110, all Components require management's participation in ADR, when ADR is offered to an employee, and the employee accepts.

D. Anti-Harassment Unit

The DHS Headquarters (HQ) Anti-Harassment Unit (AHU) is responsible for conducting fact-findings into allegations of harassment brought by DHS-HQ employees. The AHU process is separate from the EEO complaint process.

In FY 2017, after its realignment to CRCL, the AHU completely eliminated its backlog of complaints and reduced its complaint processing time by over 50 percent.

E. Headquarters Equal Employment Opportunity Office

The Headquarters EEO Office (HQ EEO) supports over 7,000 DHS HQ employees by enforcing compliance with the EEO laws, regulations, and mandates; providing guidance to HQ management officials and employees on EEO and diversity; preventing and addressing unlawful employment discrimination; and ensuring that all HQ employees have a work environment free from unlawful discrimination that will support them in the fulfillment of the mission to protect the homeland.

Accomplishments in FY 2017

Reasonable Accommodation Process: In FY 2017, HQ EEO continued to mature the reasonable accommodation program at Headquarters. In FY 2017, in addition to daily contacts from employees and managers seeking advice and guidance on the reasonable accommodation process and disability rights and responsibilities, HQ EEO completed 175 reasonable accommodation requests from 67 employees, applicants for employment, and contractors.

In FY 2017, HQ EEO also continued to electronically upload all existing paper records onsite related to disability requests to a "virtual file room," thus completing the transition to a paperless system of tracking and managing reasonable accommodation requests, providing a better monitoring system for reasonable accommodations.

Timely Complaints Processing: In FY 2017, HQ EEO processed EEO complaints within regulatory timeframes: HQ EEO provided timely EEO counseling in all 37 cases. Similarly, all 17 of HQ EEO's completed EEO investigations were timely. The top bases for EEO complaints during FY 2017 were reprisal, disability, age, sex, and race. The top issues were nonsexual harassment, performance/evaluation, promotion/non-selection, and assignment of duties.

EEO Program Achievements: The Quarterly HQ EEO Newsletter, distributed online, addresses current events, the impact of EEO and diversity on the organizational mission, and information on the federal sector EEO complaint process, and other EEO and diversity-related matters.

HQ EEO conducted outreach efforts by sponsoring or co-sponsoring a wide variety of EEO and diversity events, including African American History Month; National Women's History Month; Asian/Pacific American Heritage Month; Lesbian, Gay, Bisexual and Transgender Pride Month; National Hispanic Heritage Month; National Disability Employment Awareness Month; and National American Indian Heritage Month.

Also in FY 2017, HQ EEO continued to provide training at the DHS New Employee Orientation and HR Essentials training program for managers.

VIII. Office of Accessible Systems and Technology

Section 508 of the Rehabilitation Act of 1973, as amended, requires federal agencies to ensure that the electronic and information technology (EIT) procured, maintained, developed, and used is accessible for employees and customers with disabilities. This legislation affects the full range of EIT including hardware, software, telecommunications systems, operating systems, kiosks, ATMs, copiers, facsimile machines, websites (both internet and intranet), and multimedia productions.

In 2005, the Officer for Civil Rights and Civil Liberties and the DHS Chief Information Officer joined efforts and resources to establish the Office of Accessible Systems & Technology (OAST). The mission of OAST is to provide the strategic direction, governance, technical assistance, and training to ensure DHS employees and customers with disabilities have equal access to DHS information and data.

OAST Structure: The Executive Director of OAST reports directly to the DHS Principal Deputy Chief Information Officer and indirectly to the CRCL Officer, and is a part of senior management for both offices. OAST is physically located within the front office of the OCIO.

OAST is divided into two divisions: Program Compliance and Program Services.

Program Compliance is responsible for Section 508 compliance and governance activities including: Change and Configuration Management; Acquisition Review and Audit Operations; Web Accessibility and Remediation Program, Enterprise Architecture & Life Cycle Compliance, and Accessibility Compliance Center of Excellence (ACCOE). The ACCOE is responsible for assessing Section 508 compliance of DHS IT Programs, conducting audits for Section 508 compliance during program reviews, and serving the end-user DHS Program personnel with advice and consultation on how to achieve Section 508 compliance in accordance with OAST guidance and authority.

Program Services is responsible for the DHS Accessibility Help Desk services and operations, IT Application Accessibility Testing & Remediation Services, Electronic Document Accessibility & Remediation Services, e-Learning & Multimedia Accessibility Services, Reasonable Accommodations services, Classroom and Online Training development and delivery, Technical Support, and Outreach and Awareness.

Accomplishments in FY 2017

Revised Section 508 Accessibility Standards: In collaboration with the Federal Chief Information Officers Council Accessibility Community of Practice, General Services Administration, and US Access Board, OAST personnel led two of the Section 508 Transition working groups to develop guidance for agencies to expedite implementation of the Revised Section 508 Accessibility Standards. Guidance developed included a Section 508 policy template, detailed applicability checklist, procurement process information, and author and developer resources for those who create electronic documents.

Additionally, OAST collaborated with members of the Federal Chief Information Officers Counsel Accessibility Community of Practice to update the “Harmonized Testing Processes for Section 508 Compliance: Baseline Tests for Software and Web Accessibility” to reflect the revised Section 508 Accessibility Standards and to support a wider set of test environments. This update decreases the level of effort required to establish Section 508 conformance test environments government-wide, and increases the flexibility of the test process overall. The DHS Trusted Tester Certification Program that includes training, certification and testing is supported by the Baseline.

DHS Accessibility Help Desk: The DHS Accessibility Help Desk was initiated in September, 2007, and serves as a single point of contact for disability related issues, especially as they pertain to EIT accessibility and reasonable accommodation needs. In FY 2017, the Accessibility Help Desk processed 6,342 help desk requests.

Training Development/Delivery: The OAST Training Program provides awareness and training on Section 508-related topics. OAST offered seven different training courses and logged 7,429 course completions during FY 2017 through online, classroom, one-on-one, and hands-on trainings. Prior to 2017, the DHS Trusted Tester Certification Program successfully certified 20 to 30 Trusted Testers per month. After expanding its training capability by providing one-on-one support for the online version of the Trusted Tester Training and Certification course, the program saw its graduation rate increase to roughly 35 to 40 students per month. Since 2013, OAST has certified 1,091 students, and in 2016 alone, OAST certified 440 new Certified Trusted Testers, an increase of 66 more Trusted Testers since the previous year.

Application/Document Testing: Within HQ, OAST is responsible for testing IT applications for compliance based on Section 508 accessibility standards and best practices. In FY 2017, OAST tested 75 IT and Web-based applications for Section 508 compliance. OAST also tested 353 electronic documents (10,860 pages), and assisted in ensuring those documents were made accessible as needed.

Governance: OAST worked diligently over the years to integrate Section 508 requirements within the DHS IT governance processes. During FY 2017, OAST conducted 4,245 change control reviews as a member of OCIO Configuration Control Boards and the Headquarters Services Division Review and Approval Committee. OAST also conducted 255 Information Technology Acquisitions Reviews for acquisitions with a combined value of more than \$2.5 million dollars.

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, semi-annually, 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. 19.** Affirms that faith-based organizations are able to seek and receive DHS financial assistance to administer social service programs on the same basis as other organizations and assures nondiscrimination against beneficiaries of those programs; complaints of violations may be considered by CRCL. This regulation effectuates Executive Orders 13279 and 13559.
- **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 13279, *Equal Protection of the Laws for Faith-based and Community Organizations* (December 12, 2002).** Establishes baseline principles for participation of faith-based organizations in funded social service programs.
- **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 13559, *Fundamental Principles and Policymaking Criteria for Partnerships with Faith-based and Other Neighborhood Organizations* (November 17, 2010).** Amends Executive Order 13279 by, among other things, ensuring beneficiary protections from discrimination.
- **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 065-04**, Equal Employment Opportunity Alternative Dispute Resolution Program.
- **Directive 256-01**, Anti-Harassment Policy.

Appendix B: Complaints Tables

In FY 2017, CRCL opened 568 new complaints (compared to 639 opened in FY 2016) and closed 606 complaints (compared to 878 closed in FY 2015). Data tables B-1A and B-1B describe matters retained by the OIG during FY 2017, and complaints closed and returned to CRCL from the OIG during FY 2017, by quarter. Data tables B-2A through B-5B summarize complaints retained by CRCL and referred to DHS Components by quarter in FY 2017.

As of September 30, 2017 the Compliance Branch had 485 open complaints. Of those, 137 were retained by CRCL for investigation. As well, 307 were addressed using “short form” investigations to facilitate swift action on urgent complaints, and expedite 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. Forty-one complaints were referred to a DHS Component for investigation, and 43 were retained by OIG for investigation.

For a tally of all CRCL’s complaints by Component and primary allegation from FY 2003 to 2016, 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)). Of the 485 complaints opened in FY 2017, 43 complaints were retained by the OIG.

In FY 2017, CRCL closed eight complaints returned by the OIG, which included one matter retained by the OIG in FY 2013, four matters retained by the OIG in FY 2015, and three matters retained by the OIG in FY 2016. 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 THE OIG, FY 2017

Primary Allegation	CBP 12				ICE 16				Multi-Component 1				Sub-Totals 30				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	Q 1	Q 2	Q 3	Q 4	All
Conditions of detention								1								1	1
Discrimination/profiling		3												3			3
Due process	1	3				1					1		1	4	1		6
Excessive force or inappropriate use of force	1	1				1		1		1			2	2	1		5
Fourth Amendment (search and seizure)					1								1				1
Human rights	1												1				1
Inappropriate touch/search of person (non-TSA)			1												1		1
Language access							2								2		2
Medical/mental health care	1				6		3						7		3		10
Total	4	7	1	0	7	2	5	2	0	1	1	0	12	9	7	2	30

TABLE B-1B: CRCL COMPLAINTS CLOSED BY THE OIG, FY 2017

Primary Allegation	CBP 3				ICE 5				Sub-Totals 8				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
Excessive force or inappropriate use of force				1			1				1	1	2
Language access				1								1	1
Medical/mental health care			1				1	2			2	2	4
Sexual assault/abuse								1				1	1
Total	0	0	1	2	0	0	2	3	0	0	3	5	8

First Quarter FY 2017

TABLE B-2A: COMPLAINTS OPENED Q1 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 54			ICE 103			TSA 3			USCIS 4			Multi- Component 4			Sub-Totals 168			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		4	5
Conditions of detention			5	1	2	4										1	2	9	12
Disability accommodation (Section 504)									1			2			1			4	4
Discrimination/profiling			3						1									4	4
Due process	1	13	6		1	8										1	14	14	29
Excessive force or inappropriate use of force			5	1		1									1	1		7	8
Fourth Amendment (search and seizure)			2			1												3	3
Human rights		1	1														1	1	2
Inappropriate touch/ search of person (non-TSA)			1															1	1
Intimidation/threat/ improper coercion			1															1	1
Language access												2						2	2
Medical/mental health care	2		5		11	70									1	2	11	76	89
Religious accommodation			1			2												3	3
Retaliation			1			1												2	2
Sexual assault/abuse	1		1													1		1	2
TSA AIT and TSA pat-downs									1									1	1
Total	5	14	35	2	14	87	0	0	3	0	0	4	0	0	4	7	28	133	168

TABLE B-2B: COMPLAINTS CLOSED Q1 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 9			ICE 87			TSA 1			USCIS 4			Multi- Component 7			Sub-Totals 108			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	4
Conditions of detention				7	2	1									2	7	2	3	12
Disability accommodation (Section 504)												1			1			2	2
Discrimination/profiling						1				1					1	1		2	3
Due process			2		1	3						2					1	7	8
Excessive force or inappropriate use of force			3			2									1			6	6
Human rights															1			1	1
Intimidation/threat/ improper coercion	1															1			1
Medical/mental health care	1			3	2	56										4	2	57	63
Privacy			1												1			1	1
Religious accommodation																	1	1	2
Sexual assault/abuse			1		1	1										2		2	4
TSA AIT and TSA pat-downs				2		1			1									1	1
Total	2	0	7	13	6	68	0	0	1	1	0	3	0	0	7	16	6	86	108

Second Quarter FY 2017

TABLE B-3A: COMPLAINTS OPENED Q2 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 68			ICE 85			TSA 1			USCIS 10			USCG			Multi- Component 5			Sub-Totals 170			Total 1
	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			2												2			5	5
Conditions of detention			7	2	2	3													2	2	10	14
Disability accommodation (Section 504)						1						6						3			10	10
Discrimination/profiling	2		17									1							2		18	20
Due process	1	5	15	1		10						3							2	5	28	35
Excessive force or inappropriate use of force			3	2		3													2		6	8
Fourth Amendment (search and seizure)			4			1							1						1		5	6
Intimidation/threat/ improper coercion		1	3																	1	3	4
Legal access					1	1														1	1	2
Medical/mental health care	1		6	1	1	51													2	1	57	60
Privacy			1																		1	1
Religious accommodation						1															1	1
Sexual assault/abuse			1	1		2															3	3
TSA AIT and TSA pat-downs									1												1	1
Total	4	6	58	6	4	75	0	0	1	0	0	10	1	0	0	0	0	5	11	10	149	170

TABLE B-3B: COMPLAINTS CLOSED Q2 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 35			ICE 116			TSA 5			USCG 1			USCIS 9			Multi- Component 7			Sub-Totals 173			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		3	1		2												2	4		7	11
Conditions of detention			4	3	3	4													3	3	8	14
Disability accommodation (Section 504)	1					1									5			2	1		9	10
Discrimination/profiling	4		3			2			1						1				4		7	11
Due process	2	1	2	2		5			1					1	1				5	1	8	14
Excessive force or inappropriate use of force	4		1	1	1	4												1	5	1	4	10
First Amendment (free speech/association)											1							1			2	2
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		1													2		2	4
Legal access			1																		1	1
Medical/mental health care	1		1	1	3	81													2	3	82	87
Privacy															1						1	1
Religious accommodation inappropriate questioning,				1		1													1		1	2
Sexual assault/abuse									1							1			1		1	2
TSA AIT and TSA pat-downs									2												2	173
Total	16	1	18	10	7	99	0	0	5	0	0	1	0	1	8	0	1	6	28	8	137	173

Third Quarter FY 2017

TABLE B-4A: COMPLAINTS OPENED Q3 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 18			ICE 112			TSA 1			USCIS 2			Multi- Component 4			Sub-Totals 137			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						3									1			4	4
Conditions of detention			2		3	5											3	7	10
Disability accommodation (Section 504)		1			1							1					2	1	3
Discrimination/profiling			1															1	1
Due process		1	1		2	6									1		3	8	11
Excessive force or inappropriate use of force			2			3												5	5
Fourth Amendment (search and seizure)	1		1													1		1	2
Human rights			1										1		1	1		2	3
Inappropriate touch/ search of person (non-TSA)			1															1	1
Intimidation/threat/ improper coercion			1			1												2	2
Language access					2												2		2
Legal access					1	2											1	2	3
Medical/mental health care			3		1	78						1					1	82	83
Privacy			1			1												2	2
Religious accommodation						1												1	1
Retaliation						2												2	2
Sexual assault/abuse			1															1	1
TSA AIT and TSA pat-downs									1									1	1
Total	1	2	15	0	10	102	0	0	1	0	0	2	1	0	3	2	12	123	137

TABLE B-4B: COMPLAINTS CLOSED Q3 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 31			ICE 92			USCIS 9			Multi- Component 2			Sub-Totals 134			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	2					3							2		3	5
Conditions of detention			1	1	13	2							1	13	3	17
Disability accommodation (Section 504)						2			6						7	7
Discrimination/profiling	2	2	4		1	2						1	2	3	7	12
Due process	2		3		1	6			3			1	2	1	13	16
Excessive force or inappropriate use of force	5		2	2	1	3							7	1	5	13
Human rights			2												2	2
Inappropriate questioning/ inspection conditions	1		1										1		1	2
Legal access				3									3			3
Medical/mental health care	3		1	1	6	40							4	6	41	51
Privacy						1									1	1
Religious accommodation					2	1								2	1	3
Retaliation						1									1	1
Sexual assault/abuse					1									1		1
Total	15	2	14	7	25	60	0	0	9	0	0	2	22	27	85	134

Fourth Quarter FY 2017

TABLE B-5A: COMPLAINTS OPENED Q4 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 17			ICE 67			USCIS 4			USSS 1			Multi- Component 4			Sub-Totals 93			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
Conditions of detention						8												8	8
Disability accommodation (Section 504)						1			3									4	4
Discrimination/profiling									1					1			1	4	5
Due process			3			2												4	4
Excessive force or inappropriate use of force			2			2										3		4	7
Fourth Amendment (search and seizure)	3		2												1			1	1
Human rights													1		1	1		1	2
Inappropriate questioning/ inspection conditions												1						1	1
Intimidation/threat/ improper coercion			1															1	1
Language access			1															1	1
Legal access					1												1		1
Medical/mental health care			5		7	45											7	50	57
Privacy						1												1	1
Total	3	0	14	0	8	59	0	0	4	0	0	1	1	1	2	4	9	80	93

TABLE B-5B: COMPLAINTS CLOSED Q4 FY 2017: PRIMARY ALLEGATION BY COMPONENT

Primary Allegation	CBP 42			ICE 132			TSA 1			USCIS 7			Multi- Component 9			Sub-Totals 191			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	2	1	7	10
Conditions of detention	3		3		5	9										3	5	12	20
Disability accommodation (Section 504)	1		1			1			1						1	1		4	5
Discrimination/profiling			5	1		1						1				1		7	8
Due process			4		1	11				1	3				2		2	20	22
Excessive force or inappropriate use of force	1		4			4								1		1	1	8	10
Fourth Amendment (search and seizure)	1	1	2													1	1	2	4
Inappropriate questioning/ inspection conditions	1															1			1
Intimidation/threat/ improper coercion			2		8	1											8	3	11
Language access			1		1	2						2					1	5	6
Legal access					1												1		1
Medical/mental health care	2		4	1	2	71										3	2	75	80
Privacy						1												1	1
Religious accommodation			1			2												3	3
Retaliation						3												3	3
Sexual assault/abuse			1		2	3											2	4	6
Total	10	1	31	2	20	110	0	0	1	0	1	6	1	2	6	13	24	154	191

TABLE 4: FY 2017: INFORMATION LAYER - PRIMARY ALLEGATION

Primary Allegation	Total
Abuse of authority/misuse of official position	144
Conditions of detention	787
Disability accommodation (Section 504)	16
Discrimination/profiling	240
Due process	1154
Excessive force or inappropriate use of force	148
First Amendment (free speech/association)	30
Fourth Amendment (search and seizure)	1
Hate speech	5
Human rights	7
Inappropriate questioning/inspection conditions	48
Inappropriate touch/search of person (non-TSA)	15
Intimidation/threat/improper coercion	62
Language access	16
Legal access	38
Medical/mental health care	166
Privacy	2
Religious accommodation	13
Retaliation	20
Sexual assault/abuse	25
TSA AIT and TSA pat-downs	26
Total	2,963

Appendix C: Abbreviations

ACCOE	DHS Accessibility Compliance Center of Excellence
ADG	CRCL Antidiscrimination Group
ADR	Alternative Dispute Resolution
AHU	CRCL Anti-Harassment Unit
AIT	Advanced Imaging Technology
ALPR	Automated License Plate Readers
ATS	Automated Targeting System
CAB	CRCL Community Awareness Briefing
CBP	U.S. Customs and Border Protection
CCVAW	DHS Council on Combatting Violence Against Women
CICC	Criminal Intelligence Coordinating Council
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
CSEPP	Chemical Stockpile Emergency Preparedness Grant Program
CTAB	Counterterrorism Advisory Board
CVE	Countering Violent Extremism
DHS	U.S. Department of Homeland Security
DMS	CRCL Diversity Management Section
DOD	U.S. Department of Defense
DOJ	U.S. Department of Justice
DOL	U.S. Department of Labor
ECW	Electronic Control Weapons
EEO	Equal Employment Opportunity
EEOD	CRCL Equal Employment Opportunity and Diversity Division
EEOC	Equal Employment Opportunity Commission
EIT	Electronic and Information Technology
ETD	Explosives Trace Detection
FAD	Final Agency Decision
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FGM/C	Female Genital Mutilation/Cutting
FLETC	DHS Federal Law Enforcement Training Centers
FOUO	For Official Use Only
FPS	DHS Federal Protective Service
FY	Fiscal Year
HBCU	Historically Black Colleges and Universities
HQ	Headquarters
HQ EEO	DHS Headquarters Equal Employment Opportunity Office
HSA	Homeland Security Act of 2002
HSI	Homeland Security Investigations
I&A	DHS Office of Intelligence and Analysis

ICCT	CRCL Incident Communication Coordination Team
ICE	U.S. Immigration and Customs Enforcement
IHSC	Immigration Health Service Corps
IGSA	Intergovernmental Service Agreement
ISIL	Islamic State of Iraq and the Levant
JRC	DHS Joint Requirements Council
JRIMS	DHS Joint Requirements Integration and Management System
LAB	Law Enforcement Awareness Briefing
LEP	Limited English Proficiency
LGBT	Lesbian, Gay, Bisexual, and Transgender
LPR	Legal Permanent Resident
MD-715	Equal Employment Opportunity Management Directive 715 Report
MOA	Memorandum of Agreement
NDS	National Detention Standards
NGO	Non–Governmental Organization
NHSC	National Homeland Security
No FEAR	Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
NPPD	DHS National Protection and Programs Directorate
OAST	DHS Office of Accessible Systems & Technology
OCIO	DHS Office of the Chief Information Officer
OGC	DHS Office of the General Counsel
OIG	DHS Office of the Inspector General
OTPP	DHS Office of Terrorism Prevention Partnerships
P/CRCL	Privacy/Civil Rights and Civil Liberties
POST	Peace Officer Standards and Training
PREA	Prison Rape Elimination Act
PRIV	DHS Privacy Office
ROI	Report of Investigation
ROSA	Real-Time and Open Source Analysis
SAR	Suspicious Activity Reports
SAVE	Systematic Alien Verification for Entitlements
SBA	U.S. Small Business Administration
SEP	DHS Special Emphasis Program
SIIP	CRCL Security, Intelligence, and Information Policy Section
TLO	Terrorism Liaison Officer
TSA	Transportation Security Administration
TTY	Teletypewriter
UAC	Unaccompanied Alien Children
UAS	Unmanned Aircraft Systems
U.N.	United Nations
U.S.	United States
UNHRC	UN Human Rights Council
USCG	U.S. Coast Guard
USCIS	U.S. Citizenship and Immigration Services
VAWA	Violence Against Women Act