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 (FY) 2019 Annual Report to the following Members of Congress:

The Honorable Kamala D. Harris
President of the Senate

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

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

The Honorable Gary C. Peters
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable Rob Portman
Ranking Member, U.S. Senate Committee on Homeland Security and Governmental Affairs

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

The Honorable Marco Rubio
Vice Chairman, U.S. Senate Select Committee on Intelligence

The Honorable Richard Durbin
Chairman, U.S. Senate Committee on the Judiciary

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

The Honorable Nancy Pelosi
Speaker of the House, U.S. House of Representatives

The Honorable Rosa L. DeLauro
Chairwoman, U.S. House of Representatives Committee on Appropriations

The Honorable Kay Granger
Ranking Member, U.S. House of Representatives Committee on Appropriations

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

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

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

The Honorable Jerrold Nadler
Chairman, U.S. House of Representatives Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, U.S. House of Representatives Committee on the Judiciary

The Honorable Carolyn B. Maloney
Chairwoman, U.S. House of Representatives Committee on Oversight and Reform

The Honorable James Comer
Ranking Member, U.S. House of Representatives Committee on Oversight and Reform

Inquiries relating to this Report may be directed to CRCL at 866-644-8360 or crcl@hq.dhs.gov. This Report and other information about CRCL are available at www.dhs.gov/crcl.
Message from Officer Katherine Culliton-González

Having been appointed by President Biden on January 20, 2021, I am honored to serve at the U.S. Department of Homeland Security (DHS) as the Officer for Civil Rights and Civil Liberties (CRCL). In that role, it is a privilege to lead the dedicated staff of CRCL and to work with communities across America on the homeland security mission we share: to protect our Nation’s values and ensure that civil rights and civil liberties are not diminished as DHS carries out its programs and activities.

When Congress passed the Homeland Security Act in 2002, CRCL was an innovation—created to ensure that civil rights and liberties protections that are fundamental to our American values were built into the Department. CRCL has partnered with every DHS entity to protect the Nation 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 lead these efforts going forward and to build upon them to improve compliance and otherwise execute our mission.

I am charged with presenting the FY2019 Annual Report to Congress detailing CRCL’s priorities and 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 Ensuring Resilience to Disasters. As you will see from the achievements outlined in this Report, CRCL employees 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. It is my sincere hope that their past achievements can be expanded and that our office can increase its civil rights efficacies during these critical times.

We value feedback from our many stakeholders and partners; if you have questions or comments about our FY 2019 Annual Report, or would like more information about our Office, please contact us at CRCL@hq.dhs.gov or visit our website at www.dhs.gov/CRCL for more information.

Respectfully submitted,

Katherine Culliton-González
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Executive Summary

CRCL, created by the Homeland Security Act of 2002, has a statutory mission “to ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.” CRCL sits within the Office of the Secretary and provides proactive policy advice to the Secretary of Homeland Security and other leaders across the Department to integrate civil rights and civil liberties protections into all DHS activities.

An office of nearly 100 people in a Department with more than 240,000 employees, CRCL supports DHS as it secures the Nation while preserving individual liberty, fairness, and equality under the law. Every day, CRCL staff administer the Department’s diversity and equal employment opportunity systems; receive and investigate complaints from the public; and participate in policy creation, oversight, and outreach to those who may be negatively affected by Departmental policy.

In response to Congressional requirements, this Annual Report details CRCL’s priorities and activities in FY 2019 covering the period from October 1, 2018, through September 30, 2019. Significant updates to this Report’s content that postdate this period will be provided in subsequent Annual Reports.

Some of CRCL’s key accomplishments, listed below, are described in further detail throughout this Report, to include:

- **DHS Disability Access Plans** – CRCL assisted Components in developing their individual Disability Access Plans to strengthen compliance with Section 504 of the Rehabilitation Act in Department programs and activities;
- **National Vetting Center** – Staff supported and provided oversight for integrating civil rights, civil liberties, and privacy provisions into the development and operation of the National Vetting Center, a collaborative, interagency effort to provide a clearer picture of threats to national security posed by individuals seeking to cross our borders;
- **Townhall Meeting with Acting Secretary** – CRCL coordinated a public townhall meeting with former Acting Secretary Kevin McAleenan and diverse community stakeholders at the All Dulles Area Muslim Society;
- **CRCL Open House and Partnership Awards** – CRCL hosted our first-ever open house and partnership awards ceremony, which welcomed more than 175 guests from across DHS to showcase our broad range of programs and services;
- **Women in Law Enforcement Mentoring Program** – CRCL launched a pilot mentoring program for women in law enforcement at DHS, which involved 72 officers from across Components and across the country; and
- **DHS Anti-Harassment Statement and Policy** – CRCL updated the DHS Anti-Harassment Statement and Policy and delivered mandatory training to the entire DHS workforce.
# DHS Office for Civil Rights and Civil Liberties
## FY 2019 Annual Report to Congress
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I. Legislative Language


(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.


(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 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—

(I) 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 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 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 (although many others have been recently updated).

C. Leadership

On January 20, 2021, Katherine Culliton-González joined the Department as the Officer for Civil Rights and Civil Liberties. Culliton-González is a human and civil rights lawyer and policy expert with more than 25 years of civil rights litigation and policy advocacy. Prior to her appointment, she served as director of the Office of Civil Rights Evaluation of the United States Commission on Civil Rights. She is a Fulbright Scholar and received her Juris Doctor as valedictorian of the American University Washington College of Law.

From August 2020 – January 2021, Patricia Nation was the Officer for Civil Rights and Civil Liberties. Prior to her appointment, Ms. Nation was Senior Counsel to the Assistant Attorney General in the Civil Rights Division at the U.S. Department of Justice (DOJ). Before that, she served as Deputy Counsel in the Office of Civil Rights and Employee Relations at the Arkansas Department of Human Services. Ms. Nation received her bachelor’s and Juris Doctor degrees from the University of Arkansas at Fayetteville.
From September 2017 to August 2020, Cameron Quinn served as the Officer for Civil Rights and Civil Liberties. Ms. Quinn was the Officer during the FY 2019 reporting period of this Annual Report. Prior to her appointment, Ms. Quinn held civil rights positions with the U.S. Department of Agriculture and DOJ. Ms. Quinn spent several 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. 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 Master’s degree in accounting from the University of Virginia.

Veronica Venture is the Deputy Officer for Civil Rights and Civil Liberties and the Director for Equal Employment Opportunity (EEO) and Diversity. She brings significant expertise with the federal EEO process and diversity initiatives to DHS—particularly as it relates to law enforcement, having served as EEO Director for the Federal Bureau of Investigation (FBI) for nine years before joining the Department. Ms. Venture began her career with the U.S. Equal Employment Opportunity Commission (EEOC) where she held the positions of trial attorney, administrative judge, acting director for the San Diego Field Office, special assistant to the Chair, and finally, as EEO Director. Ms. Venture holds a B.A. from Connecticut College and a J.D. from the Washington College of Law at American University.

Peter Mina joined CRCL as Deputy Officer for Programs and Compliance in April 2019. Prior to this, Mr. Mina served as the Chief of the Labor and Employment Law Division in the Office of the Principal Legal Advisor for U.S. Immigration and Customs Enforcement (ICE) since February 2013. Before entering federal service with ICE in 2011, Mr. Mina spent nearly six years in private practice representing federal employees in disciplinary actions, EEO complaints, and claims of whistleblower reprisal. Mr. Mina has experience practicing before the EEOC, Merit Systems Protection Board, and in federal courts. In addition, he has published articles on whistleblower law and the rights of federal contractors. Mr. Mina holds a B.A. from the University of Virginia and a J.D. from Boston College Law School.

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 (OCIO).
At the close of FY 2019, CRCL had 91 staff and 15 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 2015–FY 2019

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Operating Budget(^1)</th>
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The following pages provide an overview of major accomplishments in FY 2019, 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. 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 engagement with communities whose civil rights and civil liberties are affected by DHS programs.

In FY 2019, 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
5. Antidiscrimination Group

The following pages discuss the structure of these sections and accomplishments in FY 2019.

A. Civil Rights and Civil Liberties Institute

The CRCL Institute led efforts to develop and deliver targeted and actionable job-specific training for DHS employees and federal, state, and local partners on civil rights and civil liberties to improve 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 operationalize policy, promote partner cooperation that is essential to the success of the Department’s mission, and build public trust.

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 reached virtually every DHS employee and numerous state and local partners through one or more of its programs or products.

Accomplishments in FY 2019

CRCL Hosts Inaugural Open House and Partnership Awards Ceremony
The CRCL Institute led planning efforts for the first-ever CRCL Open House and Partnership Awards Ceremony in July 2019. CRCL employees welcomed over 175 guests to learn more about the Office’s mission, roles, and responsibilities. The event provided an opportunity for CRCL to showcase its broad range of programs and services to support the DHS mission. CRCL employees staffed display tables featuring the work of their various sections and shared in-depth information about their work.

The open house featured a breakout session for interns from across the Department, who participated in a unique “issue spotter” exercise that simulated a mock complaint that CRCL might receive and allowed interns to identify areas where they suspected civil rights and civil
liberties violations may have occurred. The event’s main highlight was the first CRCL Partnership Awards, which recognized several exceptional CRCL partners from across the Department. CRCL Officer Cameron Quinn led the ceremony and recognized multiple awardees from 12 DHS Components and Headquarters Offices. Awardees demonstrated excellence in supporting civil rights and civil liberties at DHS and contributed to the shared mission of preserving individual rights and liberties while protecting the Homeland.

New Terrorism Prevention Training Program Launched for Law Enforcement Authorities
CRCL partnered with the Federal Law Enforcement Training Centers (FLETC), Counter-Terrorism Division to launch a major new terrorism prevention training program for national, state, and local audiences, “The Law Enforcement Awareness Briefing (LAB) on Terrorism Prevention Partnerships.” Initiated in FY 2017 with support from the DHS Office for Targeted Violence and Terrorism Prevention, this critical program was designed to complement and leverage the existing “Community Awareness Briefing on Terrorism Prevention” with a focus on the domestic threat as experienced by state and local law enforcement in the U.S.

The LAB is a customizable training delivered by state and local law enforcement to state and local law enforcement. DHS supports its delivery through instructor training, reviewing and updating materials, and setting quality control mechanisms. The final implementation and rollout of the LAB included the following:

- **Briefing for International Security Partners:** The CRCL Officer and staff briefed 64 representatives of 22 countries in New York City as part of the Department of State’s International Visitor Leadership Program, which gives participants insights on the U.S. security and defense policy-making process and the benefits of bilateral and multilateral cooperation on security policy worldwide. Following the briefing, CRCL received multiple requests for development of an international LAB template that could be customized by these international partners.

- **Engaging Community Partners in LAB Implementation:** Although the LAB is designed for law enforcement, transparency with local communities is critical. As part of its development, more than 80 federal, state, local, and tribal offices and agencies reviewed and/or contributed to the LAB. CRCL also demonstrated the LAB and solicited input from community-based partners throughout the fiscal year:
In the first quarter, CRCL met with the DOJ to discuss collaboration and grantee opportunities related to the LAB program. The CRCL Officer briefed the Global Justice Information Sharing Initiative’s Criminal Intelligence Coordinating Council on the LAB status and implementation plans. The Council consists of more than 20 representatives from state and local police and sheriff organizations.

In the second quarter, CRCL leveraged its roundtables to gather feedback to ensure that the LAB’s messaging and approach were well-received among diverse communities.

In the third quarter, CRCL met with community leaders at the American Civil Liberties Union of Illinois to discuss community reaction to the LAB.

In the fourth quarter, CRCL compiled and incorporated community comments and ideas for integration into the LAB. Overall, the LAB received a strongly positive reception.

- **LAB Instructor Web Portal Upgrade**: CRCL undertook the redesign and continued development of the education community of interest built on the Homeland Security Information Network (HSIN). This work included: managing and improving the portal layout, structure, and content based on an existing development plan; creating new workspaces and libraries that are restricted to limited audiences as needed; technical support for SharePoint end users; developing and updating databases and section landing pages; vetting users and documents; and assigning permission levels.

**CRCL Partners with DHS Privacy Office for Reboot of 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 led the partnership among the DHS Office of Intelligence and Analysis (I&A), and the DHS Privacy Office to develop and deliver civil rights, civil liberties, and privacy training for personnel at fusion centers, in fulfillment of the Department’s obligation under the Implementing Recommendations of the 9/11 Commission Act of 2007. In FY 2019, CRCL partnered with the DHS Privacy Office to plan for the reboot of the National Fusion Center Training Program, renewing its efforts to provide training and technical assistance to all personnel at the state and major urban area fusion centers. The refreshed program, which was announced to fusion centers across the country in FY 2020, comprises the following:

- **Privacy/Civil Rights Civil Liberties Web Portal**: CRCL continued to evaluate and update web-based materials to reflect new Department priorities and the civil rights and civil liberties impact of evolving technologies. The updated materials greatly expand the site’s functionality and scope and addressing varied such as the intersection between private sector information gathering and its potential use by fusion centers (which was the subject of a briefing to House Oversight and Judiciary Committees staff).

- **Fusion Center Network Awards for Excellence in P/CRCL Protections**: CRCL Officer Cameron Quinn and the DHS acting chief privacy officer presented the first Civil Liberties/Privacy Officer (CLPO) of the Year Award to Dan Mahoney, deputy director of the Northern California Regional Intelligence Center at the first annual Fusion Center
Network Awards. Mr. Mahoney was recognized for overseeing an exemplary program, contributing to the recent update of the national privacy/civil liberties policy template, initiating a new CLPO forum for the network, and working with community partners to demystify the fusion center operations and privacy/civil liberties concerns. In addition, a special joint award for Fusion Center Excellence and Innovation in Civil Liberties and Privacy Protections was presented to the Ohio Statewide Terrorism Analysis and Crime Center, the Pennsylvania Criminal Intelligence Center, and the Western Pennsylvania All Hazards Fusion Center.

- **Creation of a Fusion Center Network Support System for Civil Liberties Privacy Officers:** The CRCL Institute and the National Fusion Center Association collaborated to create the Sub-Committee on Privacy and Civil Rights and Civil Liberties. The objectives of the sub-committee include: providing guidance and recommendations on issues facing fusion centers, developing a community of interest for CLPOs, and developing a training curriculum for CLPOs.

**I Speak Materials**
CRCL continued to deploy its “I Speak” materials (first developed in FY 2011) to assist DHS Components and partners in meeting their obligations to provide access to those with limited English proficiency (LEP). The “I Speak” materials include multilingual posters, pocket guides, and job aids that service providers use to help identify languages spoken by LEP individuals, and upon request, CRCL provides customized, digital versions of the “I Speak” materials. In FY 2019, the CRCL Institute supported CRCL’s LEP initiative by updating and reprinting the “I Speak” suite for Components, including over 70 language most frequently encountered by DHS plus indigenous languages of Mexico and Central America.

**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 impacted by DHS programs and activities. CRCL’s Community Engagement Section responds to community concerns and provides information regarding DHS programs and activities by building trust and establishing a routine process for communication and coordination with diverse community leaders and organizations.

The Community Engagement Section aims to:

- Serve as a credible source for sharing with stakeholders timely, relevant information about federal programs and policies including redress and compliance processes;
- Receive feedback about community concerns and the perceived impacts of DHS activities on communities to facilitate discussions, mutual understanding, and resolution;
- Incorporate community input relating to civil rights and civil liberties into the policymaking process;
- Assist Department leadership and the CRCL Officer 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, state and local governments and public officials.

Accomplishments in FY 2019

**Community Engagement Roundtables**
Community engagement roundtables\(^2\) 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. In FY 2019, CRCL hosted 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 multiple cities across the country, including: Atlanta, Boston, Chicago, Columbus, Denver, Detroit, El Paso, Houston, Los Angeles, Minneapolis, New York City, Orlando, Phoenix, Portland, San Diego, Seattle, Tampa, Tucson, and Washington, DC. Overall, CRCL coordinated and participated in more than 150 engagement events in FY 2019, encompassing roundtables, several dozen secondary meetings and events associated with these roundtables, and other events. Information gathered at roundtables play a vital role in helping to inform policy decisions and improve the effectiveness of policies and programs.

**Community Engagement Events – High Level Engagement with DHS Leadership**
In the last several years, DHS Secretaries and Deputy Secretaries have participated in dozens of CRCL engagement events across the country. In FY 2019, DHS leadership participated in

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\(^2\) CRCL initially convened regular roundtable meetings with American Arab, Muslim, Sikh, South Asian, and Middle Eastern community leaders in multiple cities across the country. The Community Engagement Section expanded its demographic profile to include Latino, Somali, Jewish, Asian/Asian Pacific Islander, and other communities and has engaged in a wide range of outreach endeavors, with core programs in more than 18 cities working with all segments of society.
several community engagement meetings, emphasized the importance of community partnerships, and encouraged other leaders to take part in these events.

For instance, on October 10, 2018 former Acting Secretary Kevin McAleenan participated in a CRCL community engagement townhall hosted by the All Dulles Area Muslim Society (ADAMS) Center, along with the CRCL Officer and Deputy Officer. The meeting was attended by over 30 community leaders from the Washington, D.C. Metropolitan Area. There, community leaders described how their work promotes collaboration with law enforcement and helps to educate and provide resources to the community, specifically regarding resolution to grievances.

Community stakeholders have expressed their appreciation for DHS leadership participation in community meetings and shared their firm commitment to maintaining robust community engagement, and when possible, further expanding community engagement to other areas of the country.

**CRCL Activates the ICCT**
The Incident Community Coordination Team (ICCT) is a conference call mechanism for rapid communication with national community leaders when a particular incident calls for speedy engagement. These calls are used to inform community leaders of the Department’s position and actions and to receive immediate feedback regarding civil rights and civil liberties concerns of community members. The ICCT nationwide call is the only tool of its kind available for rapid-incident communications between the Federal Government and diverse communities in the immediate aftermath of an incident of national significance. In FY 2019, CRCL activated the ICCT for the following events:

- **Sri Lanka Attacks:** On April 24, 2019, CRCL activated the ICCT upon requests from trusted community partners after the terrorist attacks in Sri Lanka on April 21, 2019.
- **San Diego Synagogue Shootings:** On May 2, 2019, CRCL activated the ICCT in response to shootings at a synagogue in San Diego, California on April 27, 2019.
- **Shootings in El Paso, Texas and Dayton, Ohio:** On August 6, 2019, CRCL activated the ICCT in response to the shooting incidents in El Paso, Texas and Dayton, Ohio.

**CRCL Expands Its Southern Border Community Engagement Strategy**
In coordination with DHS’s Southern Border Initiative, in FY 2017, CRCL implemented a strategy for expanding CRCL-specific community 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 U.S., extending from the Pacific Ocean in the west to the Gulf of Mexico to the east, which includes a 100-mile zone extending generally inland north of the border. CRCL continued to implement this strategy by expanding its community engagement roundtables across the country. In FY 2019, CRCL added El Paso, San Diego, and Tucson.

As part of the Southern Border Strategy, CRCL has addressed a wide array of topics including detention of undocumented individuals at the border, unaccompanied children and family
separation, use of force and related issues, issues involving language access and LEP, and adjudication of credible fear processing and asylum claims.

**CRCL Continued the Syria and Somali American Community Engagement Plans**
In FY 2019, CRCL continued to successfully implement initiatives focused on Syrian and Somali American communities at the request of DHS leadership. Over the last several years, CRCL has held community engagement meetings covering topics including women and youth engagement, refugees, and community awareness briefings on international terrorism.

**Campus/Youth Academic Engagement Program**
CRCL continued its Campus/Youth Academic 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 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 2019, CRCL hosted several events in multiple cities including Fremont, Pomona, and Fresno, California; Middlebury, New Jersey; Philadelphia, Pennsylvania; and Richmond, Texas. 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.

**CRCL’s International Engagement**
CRCL plays a key role in training international partners on our community engagement process. These 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, these efforts promote immigrant integration, youth empowerment, resolution of grievances, and protection of civil rights and civil liberties.

A FY 2019 highlight of CRCL’s international engagement is the City Pair exchange 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. Launched in 2011, the program 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 various fields of work demonstrating the robust and necessary role of civil society in protecting and promoting civil rights and civil liberties. In FY 2019, CRCL participated in exchange programs between delegations from Chattanooga and Nashville, Tennessee and Liege and Brussels, Belgium, as well as San Diego, California and Dusseldorf and Cologne, Germany.
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. The Immigration Section communicates with the public and with the non-governmental 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. The Immigration Section also 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 2019

Interior Immigration Enforcement Oversight

In FY 2019, CRCL continued to work with ICE on interior enforcement and the 287(g) program, which delegates ICE authority to state or local law enforcement partners for immigration enforcement within their jurisdictions. In FY 2019, CRCL visited the Jacksonville (Florida) Sheriff’s Office and met with the ICE field office and local stakeholders to learn first-hand about the operation and impact of the 287(g) program in that jurisdiction. CRCL met with some of the Sheriff’s officers designated to act for ICE and learned in more depth the process they use to interview non-citizens in custody, the notices they provide to the interviewees and how they assess removability in conjunction with ICE supervision.

CRCL is the only DHS office outside of ICE that has a vote in the 287(g) Program Advisory Board, which reviews 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 2019, CRCL performed research and, as appropriate, stakeholder outreach to identify whether particular applicants were appropriate for recommendation as 287(g) partners. CRCL provided the Board with relevant open source research and information from DOJ’s Civil Rights Division on any relevant civil rights investigations or litigation, for the Board to take into account in making its decisions. As a result, the Board was better able to determine whether a particular jurisdiction should be admitted to the program or admitted to the program with certain limitations.

Messaging on Immigration Enforcement During Emergency Events

CRCL continued to encourage the Department to issue timely and accessible messaging on immigration enforcement and safety during emergency events, such as natural disasters. In FY 2019, the Department issued statements suspending immigration enforcement initiatives—except in the event of a serious public safety threat—associated with evacuations or sheltering in response to Hurricane Michael (October 2018); the California wildfires (November 2018);
Tropical Storm Barry (July 2019); the El Paso shooting (August 2019); Hurricane Dorian (August 2019); and Tropical Depression Imelda (September 2019).

Asylum Policies
CRCL reviewed at least eight major DHS asylum-related policies or policy proposals, including several proposed regulatory revisions. CRCL provided input on civil rights and civil liberties issues raised by those proposals such as access to asylum, refoulement, notice and due process, and access to counsel and in some instances achieved revisions to the proposals. CRCL also met with stakeholders around the country to learn more about the civil rights and civil liberties impacts of the asylum-related policies.

Conditions of Detention
CRCL works with ICE and U.S. Customs and Border Protection (CBP) to design and implement policies, procedures, and guidance to protect the civil and human rights of detainees in DHS custody. In FY 2019, CRCL continued to work with ICE on revising detention standards. In addition, both the Immigration Section and CRCL’s Compliance Branch continued to attempt to assist ICE and CBP pursuant to CRCL’s formal role under the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities.

CRCL continued to participate in ICE’s working group to review and develop a new set of draft detention standards for its over-seven-day, non-dedicated immigration detention facilities. The draft standards, which remain under review by ICE, are a revision of ICE’s 2000 National Detention Standards. The working group 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 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.

Council on Combatting Violence Against Women
CRCL continued to work closely with Components to help ensure the Department’s humanitarian policies and operations adopt a victim-centered approach regarding the civil rights and dignity of immigrant victims of human trafficking, domestic violence, and other serious crimes. To further this work, CRCL continued to lead the Department’s Council on Combatting Violence Against Women (CCVAW), which focuses on advancing overall compliance with, and knowledge about, the Violence Against Women Act, the Victims of Trafficking and Violence Protection Act, and other immigration laws and issues aimed at protecting immigrants from violence.

The CCVAW works closely with Components such as U.S. Citizenship and Immigration Services (USCIS) and ICE to strengthen policies around implementing 8 U.S.C. § 1367 victim confidentiality protections; and to review DHS policies and regulations that impact victims of human trafficking victims, domestic violence, or other serious crimes. The Council also provides training and resources to stakeholders and the public as appropriate.
In FY 2019, CRCL also continued to support ICE Homeland Security Investigations (HSI) community outreach to prevent female genital mutilation/cutting (FGM/C) through Operation Limelight. This initiative is a proactive approach in which ICE HSI agents interview passengers on inbound and outbound flights to countries of prevalence for FGM/C at international airports around the U.S. CRCL also coordinated with HSI to develop an FGM/C presentation for community stakeholders.

**Combatting Human Trafficking**

In FY 2019, CRCL continued to serve on the Blue Campaign Steering Committee where it worked with other DHS Components to raise awareness about human trafficking; leverage partnerships; educate the public to recognize human trafficking and report suspected instances; and develop training for law enforcement, non-governmental, and private organizations to increase detection and investigation of human trafficking. CRCL also worked closely with other Components on drafting a DHS Strategy to Combat Human Trafficking, Forced Labor, and Child Exploitation, providing numerous rounds of valuable input and edits to the comprehensive and first-of-its-kind document. Although the strategy was still in draft at the end of FY 2019, it was finalized and released in FY 2020, and DHS is working hard to implement a number of the strategy’s important initiatives.

**Strengthening and Protecting Confidentiality of Victims**

In FY 2019, 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 (VAWA). These provisions are designed to ensure that abusers, including human traffickers, are not able to gain access to DHS information that may help perpetuate the victimization or abuse and to ensure that information provided by an abuser is not the sole source of evidence used to support taking an adverse immigration action against an individual protected by these confidentiality provisions. Subject to certain limited exceptions, the provisions prohibit disclosure to a third-party of any information relating to an individual who is an applicant/petitioner for a T visa, U visa, or relief under VAWA.

The CRCL Officer has been delegated the authority to implement the mandates of 8 U.S.C. § 1367 throughout the Department. In FY 2019, CRCL continued to lead several implementation efforts, including coordinating and finalizing the Council on Combatting Violence Against Women’s 8 U.S.C. § 1367 FY 2018 Annual Report. The report, which includes input from DHS Components and offices and was submitted to Department leadership, describes the Department’s efforts in FY 2018 to implement the confidentiality provisions and other protections of 8 U.S.C. § 1367. The report presents relevant data on Component-specific policies implementing 8 U.S.C. § 1367; Component completion rates for required training on 8 U.S.C. § 1367; and any violations or requested exceptions of 8 U.S.C. § 1367; or enforcement actions taken at sensitive locations. CRCL also continued to co-chair a Department-wide working group with FLETC to revise and strengthen the Department’s mandatory training on immigration benefits for victims of human trafficking, domestic violence and other serious crimes, and 8 U.S.C. § 1367 confidentiality
protections. The training is expected to be finalized and rolled out in FY 2020. Lastly, in FY 2019, CRCL finalized a process to receive notifications from across the Department for privacy incidents involving potential breaches of Section 1367 information. CRCL began to streamline its internal process for tracking and updating these notifications and plays an important role in helping the Department to address and rectify any potential violations.

**Stakeholder Liaison Activities**
Since its creation, the CRCL Officer and staff have met on a quarterly basis with non-governmental organizations (NGO) to discuss immigration issues. During these meetings, CRCL presents information on CRCL’s activities and responds to NGO concerns regarding civil rights and civil liberties issues related to DHS policies, programs, and activities. In FY 2019, CRCL participated in three such meetings and toward the end of the fiscal year, NGOs requested to utilize a portion of the meeting as a listening session, where stakeholders provide insights based on their on-the-ground experience with implementation of the Department’s policies.

In FY 2019, CRCL engaged in numerous additional communications with stakeholders on the civil rights and civil liberties impacts of DHS policies, programs, and activities. The CRCL Officer presented at the annual conference for the American Immigration Lawyers Association and participated in listening sessions and meetings with stakeholders from across the country to hear their concerns and suggestions on topics such as DHS border and asylum policies and T and U visa policies.

**International Human Rights Treaties**
The CRCL Officer is the Department’s designated “single contact officer” under Executive Order 13107, *Implementation of Human Rights Treaties*, December 10, 1998. In support of this role, CRCL coordinates the Department’s activities and outreach involving processing complaints under, and reporting information to, international human rights mechanisms relevant to the Department’s function and mission. Such entities include the United Nations (U.N.) General Assembly; the U.N. Special Procedures (e.g., Special Rapporteurs and Working Groups) and the Universal Periodic Review of the U.N. Human Rights Council; the Office of the High Commissioner of Human Rights; and the U.N. human rights treaty bodies, as well as the Inter-American Commission on Human Rights, a regional human rights body applicable to the U.S. In FY 2019, CRCL coordinated the Department’s review of several inquiries from the international human rights mechanisms.

**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).

CMAs generally 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. In FY 2019, the CRCL Officer reviewed and voted to approve or extend a number of CMAs. For more information about the specific CMAs, please see: https://www.dhs.gov/computer-matching-programs.

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

In FY 2019, CRCL continued to collaborate with the USCIS Verification Division, ICE 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. For example, CRCL participated in the development of a revised Form I-9, *Employment Eligibility Verification*, which would include enhanced privacy protections for individuals. CRCL also worked with USCIS to try to ensure the protection of civil rights when government agencies use the SAVE Program to verify immigration or citizenship status when making eligibility determinations for essential government benefits, voter registration, and licenses. CRCL continued to monitor the SAVE program to try to ensure that user agencies follow all SAVE verification procedures before relying upon a SAVE response to deny an application for an essential benefit, service, or license.

**Prison Rape Elimination Act Audits**

As part of its formal role under the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (DHS PREA Standards), CRCL continued to conduct oversight of ICE’s and CBP’s audit programs. Under these standards, independent experts are required to conduct audits of ICE and CBP facilities every three years to determine whether policies and procedures to prevent, detect, and respond to sexual abuse have been implemented. In FY 2019, CBP launched its audit process and met its goal of completing a first round of audits by the end of the fiscal year. CRCL observed several of these audits and provided feedback on the process. CRCL also observed an ICE PREA audit to assist with evaluating the auditors and planning for future audits. CRCL’s work on the CBP and ICE audit processes continue in FY 2020.

**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 DHS Components and offices to attempt 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 2019

National Vetting Center
The National Vetting Center (NVC) is a collaborative interagency effort, based on White House Executive Orders and National Security Presidential Memorandum 9, to provide a clearer picture of threats to national security, border security, homeland security, or public safety that may be posed by individuals seeking to transit our borders or exploit our immigration system. The NVC is designed to strengthen, simplify, and streamline the complex way that intelligence, law enforcement, and other information is used to inform operational decisions and allows departments and agencies to contribute their unique information, while ensuring compliance with applicable laws and policies and maintaining robust privacy, civil rights, and civil liberties protections.

Creating a consistent, comprehensive process out of a decentralized vetting system is a significant undertaking in which CRCL has been involved throughout the year. CRCL’s efforts mitigate potential risks to the program and ensure DHS remains a trusted steward of individual rights and liberties. CRCL leveraged its specialized security and intelligence expertise to help the NVC integrate civil rights and civil liberties protections into new architecture, technologies, information sharing agreements, and vetting procedures. In particular, the CRCL Officer co-chairs the Privacy, Civil Rights, and Civil Liberties Working Group of the National Vetting Governance Board. CRCL assisted in the drafting of the NVC Privacy Impact Assessment and other operational documentation, including data access rules and redress processes. CRCL also held regular engagements on civil rights and civil liberties issues with the NVC’s Privacy and Civil Liberties official, other DHS Components and offices, Intelligence Community elements, other Department and federal partners, and interagency governance bodies.

Information Sharing
In FY 2019, 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 (DARC) to help ensure that civil rights and civil liberties protections were incorporated into the Department’s information sharing and safeguarding policies, agreements, and programs. As part of the DARC, CRCL aided in drafting and negotiating appropriate safeguards for seven interagency information sharing agreements. CRCL also updated and expanded training for one of the Department’s partners on the content of and safeguards for DHS datasets.

DHS Data Framework/Data Services Branch
CRCL continued its collaboration with the DHS Office of the General Counsel (OGC), DHS Privacy Office, DHS I&A and the OCIO in the development of the OCIO Data Services Branch (formerly the DHS Data Framework), which provides scalable data management technology and services for automated cross-Component information sharing within the Department. CRCL engaged in bi-monthly staff level meetings with Component personnel, Data Services Branch

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managers and other oversight office staff to ensure that data ingested into the technology was subject to appropriate access controls, use policies and oversight, while also ensuring that data users were trained in how to use the data appropriately.

**Nationwide Suspicious Activity Reporting Initiative**
CRCL continued oversight activities with the Nationwide Suspicious Activity Reporting Initiative, the joint effort by DHS, FBI, and law enforcement partners to help prevent terrorism through a national capacity for gathering, documenting, processing, analyzing, and sharing suspicious activity information. For example, CRCL developed content and reviewed a new Suspicious Activity Reporting Fundamentals and Processes eLearning training program. This training is now available on HSIN Learn and currently available to all HSIN-Intelligence users. SIIP also assisted in updating the “If You See Something, Say Something®” Campaign training and publicly disseminated materials.

**Intelligence and Analysis Product Review**
Since FY 2009, CRCL works with DHS I&A to review classified and unclassified intelligence products. CRCL’s product review function is an ongoing real-time operational service for the Department, requiring 365-day per year response to requests for review of intelligence products drafted to respond to immediate threats and planned intelligence requirements. CRCL continued its oversight and review function in FY 2019, trying to ensure 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**
During FY 2019, CRCL continued its participation in training the Department’s intelligence enterprise personnel, including senior analysts and officers who have intelligence product release authority and the responsibility to review intelligence products for compliance with civil rights and civil liberties principles. CRCL also provided basic familiarization training on these same principles in several other courses, including the Reports Officer Course and Intelligence Analysis Basics Course. In FY 2019, CRCL provided one-on-one mentorship and on-the-job training for personnel who pursued release authority certification after completing the Finished and Raw Intelligence Release Authority courses.

**Insider Threat Program Oversight**
CRCL participated 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 2019, CRCL continued oversight activities under Department directives, reviewing and approving the use of new tools and techniques by the Insider Threat Program and assisting with its planned operational expansion to cover the entire DHS workforce and additional mission areas, such as workplace violence. In FY 2019, CRCL also began assisting the Insider Threat Program with a re-write of its standard operating procedures, including an update of handling procedures for bulk data.
Cybersecurity
CRCL 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 collaborated with the DHS Privacy Office to produce a privacy and civil liberties assessment of activities conducted under those orders, leading the Departmental and interagency reporting processes. 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 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.

Countering Foreign Interference
Foreign adversaries are taking advantage of the freedoms and protections guaranteed by the U.S. Constitution to interfere with democracy and markets while sowing discord within society. DHS has unique authorities and capabilities to contribute to the whole of government effort. As we address malign foreign interference, we remain steadfast in safeguarding American sovereignty and values, while maintaining the public trust and ensuring the civil rights and civil liberties of persons are not diminished by our very efforts aimed at securing the homeland. During FY 2019, CRCL contributed to strategy development, advising on cybersecurity engagement with state and local election officials, engaging with social media companies, reviewing intelligence products and collection requirements, developing safeguards for information sharing agreements with Intelligence Community partners, and setting out guiding principles to ensure the Department’s actions in this mission space are consistent with the Constitution and in compliance with U.S. laws, regulations, and policies.

Automated Targeting System Rules
CRCL continued to conduct quarterly reviews of CBP’s and the Transportation Security Administration’s (TSA) risk-based targeting rules run by the Automated Targeting System, to ensure that civil rights, civil liberties, and privacy protections are in place. The system is an intranet-based decision support tool 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.

Watchlist Guidance
CRCL is an active participant in terrorist watchlisting governance and provides civil rights and civil liberties-focused expertise in interagency discussion. The Watchlist Guidance, which provides an overall framework for the interagency watchlisting and screening process, is reviewed every three years to incorporate process changes and updates. In FY 2019, CRCL participated in several working groups that developed a Watchlist Implementation Guidance document to address outstanding issues from 2018 the Watchlist Guidance process.
Transnational Organized Crime Watchlisting Pilot
CRCL supports the Federal Government’s ongoing development of policies and procedures for transnational organized crime (TOC) watchlisting. In 2009, the National Security Council recommended that a pilot be developed to determine if the terrorism watchlisting structure could be adapted to counter national security threats other than terrorism, specifically the watchlisting of TOC group associates. On August 6, 2016, the former Attorney General granted the Terrorist Screening Center authority to conduct TOC watchlisting activities and the pilot began on March 28, 2016. CRCL continued to be engaged in the development and implementation of the TOC watchlisting process through the auspices of the pilot. In FY 2019, CRCL worked with the interagency working group to update the Terrorist Screening Center TOC standard operating procedures to include more robust CRCL protections. CRCL was also engaged in the ongoing concept of operations re-write of the TOC program, to include the appropriate sharing of Special Protected Class information.

Artificial Intelligence
CRCL engaged in policy and oversight efforts to regarding appropriate exploration and adoption of emerging artificial intelligence technologies for DHS activities. CRCL contributed substantially to interagency governance efforts, working closely with colleagues in DHS Policy-Cyber and Infrastructure and in the interagency community to ensure that Executive Order 13859, Maintaining American Leadership in Artificial Intelligence, contained appropriate privacy, civil liberties and risk management protections. CRCL, along with other DHS Components, participated in development of the executive order’s implementation plan, and remained engaged in implementation activities. CRCL also participated in the Privacy and Civil Liberties Oversight Board’s Machine Learning Working Group and the National Security Council’s Artificial Intelligence Commission, exploring how to respond to difficult questions affecting civil rights and civil liberties. Additionally, CRCL participated in a National Science Foundation grant panel evaluating grant proposals to study algorithmic fairness—the protection of civil rights and civil liberties—in artificial intelligence operations.

Unmanned Aircraft Systems
The Preventing Emerging Threats Act of 2018 grants DHS statutory authority to counter credible threats from unmanned aircraft systems (UAS). In FY 2019, CRCL continued to co-chair the DHS Unmanned Aircraft Systems (UAS) Working Group, comprising most DHS Components and offices. The Working Group provided awareness of UAS activities throughout the Department while CRCL attempted to ensure privacy, civil rights, and civil liberties were protected. In addition, CRCL continued to serve as a member of the Counter-UAS Executive Steering Committee, which oversees the Department’s implementation of its counter-UAS authorities. Separately, CRCL and the DHS Privacy Office conducted reviews of UAS policies and procedures of State, local, and tribal Federal Emergency Management Agency (FEMA) grant applicants for the purchase of UAS technology to ensure compliance with a 2015 Presidential Memorandum. The Department reportedly remained engaged with interagency partners to ensure UAS and counter-UAS activities and operations were conducted in a manner consistent with Constitutional protections and Department and agency policies regarding the use of individual characteristics.
**First Amendment Guidance**
CRCL supported drafting and issuing new DHS policy regarding First Amendment protected activities. In his May 17, 2019 memorandum to the DHS workforce, former Acting Secretary Kevin McAleenan reiterated the Department’s commitment to respecting an individual’s exercise of his or her First Amendment rights, clarified DHS policy, and directed CRCL to work with the Privacy Office and Components on implementation where appropriate (see https://www.dhs.gov/publication/memo-information-regarding-first-amendment-protected-activities). During FY 2019, CRCL issued data calls for policies, procedures, and training material and began engagement with operational Components and Headquarters offices.

**E. Antidiscrimination Group**

The Antidiscrimination Group (ADG) engages in policy work to ensure fair and equitable treatment of individuals and guards against discrimination based on race, color, national origin, disability, sex, age, and religion in DHS programs and activities. ADG’s work includes:

- Providing technical assistance to DHS Components and recipients of DHS financial assistance on meeting their obligations under federal civil rights laws;
- Coordinating with federal partners, including reporting to and collaborating with DOJ’s Civil Rights Division pursuant to Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, to ensure consistent and robust implementation of these laws; and,
- Engaging with community stakeholders, especially in connection with disasters, to ensure protection of individuals with disabilities, diverse racial and ethnic communities, and limited English proficient individuals.

**Accomplishments in FY 2019**

**Component Disability Access Plans**
With CRCL’s oversight and support, 10 DHS Components and offices developed individual disability access plans for strengthening compliance with Section 504 of the Rehabilitation Act of 1973 in their programs. The plans are a result of DHS Directive 065-01, which CRCL drafted to strengthen access and nondiscrimination for individuals with disabilities in the Department’s programs and activities. Pursuant to the directive, in previous years, DHS Components appointed disability access coordinators and conducted self-evaluations of their programs and activities to identify potential barriers and gaps to serving persons with disabilities. DHS engaged members of the disability community in conducting these self-evaluations. The new plans addressed the barriers and gaps the Components identified in their self-evaluations and included a number of common elements, such as development of reasonable accommodations policies, training for Component workforce, and notice to the public on how to request accommodations. CRCL will monitor implementation of these plans, which are available on CRCL’s Disability Access webpage, and continue to provide technical assistance to Components on achieving disability access in the years to come.
**Recommendations to Emergency Managers**

Following its series of 2018 stakeholder listening sessions concerning equal access for individuals with disabilities in disaster response and recovery, CRCL made recommendations to state, local, territorial, and tribal emergency managers to improve the delivery of disaster assistance to these individuals. The recommendations were grouped by the major topic areas discussed: preparedness, evacuation, effective communication access for people with disabilities, sheltering, and long-term recovery. In FY 2019, ADG shared these recommendations at a National Council on Disability meeting, as well as a series of other national and local events and meetings.

**Civil Rights Compliance by Recipients of DHS Grants and Other Financial Assistance**

In FY 2019, CRCL continued implementation of the DHS Civil Rights Evaluation Tool and review process. If properly implemented, this tool assists recipients in understanding and meeting their existing requirements under civil rights laws and regulations and streamlines recipient reporting requirements and assists CRCL in identifying potential civil rights gaps in recipients’ programs. As part of this effort, CRCL provided targeted technical assistance to the Department’s recipients and developed several resource guides to assist them in establishing policies and procedures related to complaint processing, disability access, and language access.

**Technical Assistance and Training**

Among other efforts to provide technical assistance and training to state and local partners, ADG participated in the 2019 National Homeland Security Conference in Phoenix on “Effective Preparedness is Inclusive Preparedness: Accessibility in the Chemical Stockpile Emergency Preparedness Program.” ADG co-presented with FEMA and state and local partners from Kentucky. The panel presentation highlighted efforts at the state and county level to improve accessibility for persons with disabilities and LEP individuals through engaging stakeholders, evaluating outreach, developing plans, training staff, and conducting inclusive exercises.

**Indigenous Languages Roundtable**

In August 2019, CRCL hosted a Central American Indigenous Languages roundtable that brought together DHS Components, several other federal agencies, and experts on indigenous populations to discuss effective communication with indigenous language speakers. Topics discussed were: Central American indigenous languages, history, and culture; DHS challenges and solutions for providing language access to indigenous language speakers; and recommendations for providing high quality and timely language access to speakers of indigenous languages.
IV. **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 2019, CRCL received 3,289 allegations that were considered for investigation as a complaint. Over the course of the year, CRCL opened 801 complaint investigations (an eight percent increase from FY 2018, and 41 percent from FY 2017) and closed 801 of the open complaint investigations (a 16 percent increase from FY 2018, and 32 percent increase from FY 2017). Tables 2 and 3 summarize complaints CRCL opened and closed in FY 2019.\(^4\)

Of the 801 complaints CRCL opened, the DHS Office of Inspector General (OIG) retained 16 for investigation. Appendix B includes data tables detailing complaints retained by the OIG and complaints investigated by the OIG and returned to CRCL for their action following completion of the OIG’s work.

Additionally, CRCL added all incoming allegations that it did not open as complaints, but that fall within its jurisdiction, to its information layer.\(^5\) Summaries of the 2,796 matters CRCL added to its information layer in FY 2019 are noted in Table 4.

\(^4\) Due to the high number of generalized allegations received by CRCL regarding family separation, the number of complaint investigations increased despite incoming allegations decreasing due to the high number of generalized allegations received by CRCL regarding family separation. Although numerous complaints were opened on specific instances of family separation, many allegations were tracked rather than opened due to the lack of specific facts provided in the incoming information.

\(^5\) The information layer, a subset of the Compliance Branch system of record, has been used to track issues and identify potential patterns of civil rights or civil liberties allegations that may result in CRCL review. CRCL may ultimately investigate matters entered into its information layer and open them as part of a complaint investigation if they are subsequently identified as relevant to a pattern or emerging civil rights or civil liberties issue.
Accomplishments in FY 2019

Compliance Branch accomplishments from FY 2019 reflect and arise not only from the 801 complaints successfully investigated and closed during the fiscal year, but also from the universe of incoming allegations CRCL received, as well as work completed on topics related to the investigations and recommendations. Overall, Compliance issued eight final recommendation memos in critical areas including: family separation, indefinite detention, the ICE parole directive, religious questioning at ports of entry, credible fear interviews, and meaningful access for indigenous language speakers. Compliance also concluded ten Section 504 disability discrimination investigations involving four DHS Components. Compliance issued 14 expert recommendation memos to Components on conditions of detention, 11 to ICE, two to CBP and one to the U.S. Coast Guard (USCG). Finally, Compliance issued 53 informal resolutions to Components addressing issues arising in 55 complaints, 36 to ICE, 11 to CBP, three to USCIS, and one each to TSA, the Federal Protective Service (FPS), and the OIG. That is a substantial increase from the total of 28 complaints closed through informal resolutions in FY 2018. Many of these accomplishments are described in more detail below.

Migrant Protection Protocols
In January 2019, the U.S. fully implemented the Migrant Protection Protocols (MPP) to address the security and humanitarian crisis on the Southern border. CRCL participated on an intra-Departmental team charged with conducting a top-down review of MPP policies and implementation strategy. The team reviewed key MPP background documents and materials and engaged with DHS Components implementing the MPP along the U.S. Southwest border. The team also developed specific recommendations to improve the Department’s implementation of MPP, which cover the following areas:

a. Initial screening and processing
b. Access to counsel and due process
c. Protection claims
d. Treatment in Mexico
e. Administration and logistics

In addition, CRCL opened a broad investigation encompassing numerous allegations and reports we received raising a significant number of concerns with the MPP program. In FY 2019, CRCL’s investigation focused on whether: (1) Components have appropriately implemented policies and procedures relating to MPP; (2) changes or additions to policies and procedures are needed to ensure that protection of civil rights and civil liberties is appropriately incorporated into the Department's implementation of MPP; and (3) CBP has appropriately implemented the MPP Guiding Principles regarding individuals “not amenable to” (inappropriate for) MPP and discretionary determinations with regard to other vulnerable populations. Beyond reviewing policies and procedures surrounding the implementation of the MPP program, CRCL has been reviewing allegations of individuals with medical and mental health issues, disabilities, language access concerns, and other vulnerabilities being placed into the MPP program and returned to Mexico pending an immigration court hearing. CRCL will make formal recommendations relating to the implementation of MPP procedures and amenability determinations under the MPP Guiding Principles in FY 2020. On January 29, 2021, the new CRCL Officer issued a
While limited in scope, the memo makes key findings that persons defined in MPP Guiding Principles as being “not amenable” or appropriate for MPP have been placed in the program; that policies and procedures regarding MPP had been inconsistent; that training for DHS personnel had been lacking; and that issues with limited language proficiency had not been addressed.

**Policy Review and Investigation of DHS Components’ Conduct with Respect to First Amendment-Protected Activities**

CRCL has been working with the DHS Privacy Office to help ensure that the Department has appropriate policies, guidance, and training in place regarding First Amendment protected activities. As part of this work, CRCL reviewed allegations that Components have infringed upon citizens’ First Amendment rights and has opened several investigations.

**Religious Questioning**

CRCL received allegations about inappropriate questions into religious affiliation and practices at U.S. ports of entry and opened multiple complaints with similar allegations. CRCL engaged in a lengthy investigation into the issue. During that time, CRCL continued to engage on the topic and in the years since CRCL began reviewing and assessing this issue, CRCL notes that CBP has substantially improved officer training, which is a valuable component of officer preparedness and provides a sound foundation to skillfully interact with individuals of many cultural backgrounds. In February 2019, CRCL issued two recommendations to assist CBP Office of Field Operations officers’ efforts to avoid improper questions regarding travelers’ religion while conducting border inspections. CRCL recommended policy changes and training to implement this new policy. In April 2019, CBP concurred with both of CRCL’s recommendations.

**Credible Fear Screening**

In FY 2019, CRCL completed and issued recommendations related to complaints alleging CBP’s failure to adequately screen for potential asylum claims; inappropriate handling of asylum claims; exerting inappropriate influence to sign documents; and failure to provide required interpretation and translation services during questioning for undocumented LEP individuals. The recommendations issued to CBP included recommendations relating to the processing of credible fear claims (including policy changes), training, and access to services for LEP individuals. In FY 2019, CRCL began reviewing issues related to the expanded use of CBP agents to process credible fear claims in light of recent CRCL recommendations on credible fear screening.

**Family Separation**

Between December 2008 and December 2016, CRCL received 421 allegations that CBP and ICE violated the civil rights and civil liberties of families in DHS custody by separating family members. CRCL focused its investigation into the practices, policies, and procedures related to the separating of children in various circumstances, as well as whether reunification, if appropriate, was supported by the process. In July 2019, CRCL provided CBP and ICE with three detailed recommendations for improvements in policies and processes, including recommendations regarding policies and guidance relating to separation and reunification processes, and consultations with other agencies. CRCL also recommended that CBP and ICE
consult with the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) during the effort. In August 2019, CRCL began the process of working with the Components to begin implementation of the recommendations, which remained ongoing. On February 2, 2021 President Biden issued Executive Order 14010, ending the “zero tolerance” policy that led to family separations, and Executive Order 14011 establishing a taskforce on the reunification of families. The new Officer is part of the Family Reunification Working Group within DHS, which may leverage CRCL expertise to help reunite families.

**Rio Grande Valley/El Paso Onsite Investigations**

In July 2018, CRCL conducted an onsite investigation in the Rio Grande Valley as a follow-up to its July 2014 investigation there, and to investigate new complaints. CRCL utilized the services of a subject matter expert in conditions of detention for this investigation. Following the investigation, CRCL sent a memorandum to CBP with 24 expert recommendations. In September 2019, CBP concurred with 17 of the 24 recommendations and provided an action plan for implementing those recommendations. In July 2019, CRCL conducted an onsite investigation in the El Paso Sector and utilized a subject matter expert in conditions of detention as well as an environmental health and safety expert. Following the visit, CRCL outlined 25 expert recommendations, including recommendations relating to custody, medical screening, and video monitoring. CRCL also made station-specific recommendations relating to environmental health and safety, medical privacy, suicide prevention training, and contingency planning for future influxes.

**U.S. Coast Guard Onsite Investigation**

In FY 2019, CRCL conducted its first onsite investigation involving the U.S. Coast Guard. In May 2019, CRCL conducted three separate onsite investigations of three USCG cutters of different sizes and created in different years, all of which commonly held interdicted individuals onboard. In September 2019, CRCL submitted a recommendation to USCG Headquarters leadership, and is continuing to work with USCG regarding the recommendations.

**Significant Section 504 Findings**

In FY 2019, CRCL adjudicated ten Section 504 complaints, including completing five informal resolutions and drafting five determination letters for complainants. Summaries of Section 504 complaints are provided in Section E.

**Highest Number of Informal Resolutions**

Compliance issued a record number of informal resolutions in FY 2019. These informal resolutions are a method by which CRCL concludes complaint investigations separate from the formal recommendation process, notifying a Component of a specific civil rights concern and offering proposed actions. This process allows informal interaction directly with Component operations with the aim to cure narrow issues quickly and with direct action. In FY 2019, CRCL issued 53 informal resolutions. This is the highest number of informal resolutions issued in a single fiscal year. That is a substantial increase from the total of 28 complaints closed through informal resolutions in FY 2018. Summaries of some of the complaints that were closed with informal resolutions in the FY 2019 reporting period are provided in Section G.

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6 This data represents complaints investigated pursuant to 6 USC Section 345.
A. FY 2019 Investigations

CRCL receives complaints and information regarding issues and incidents that may merit investigation from a variety of sources, including the general public, Members of Congress, NGOs, DHS Components and offices, DHS OIG, and other governmental agencies.

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 DHS OIG, which then determines whether 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.7 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. CRCL reviews the ROI and determines whether additional investigation is warranted and/or whether recommendations should be issued to the Component. Although the recommendations made as a result of individual investigations generally are made confidentially to the affected Component, CRCL notifies complainants of the results whenever possible and provides summaries of its recommendations in its annual report.8

B. Investigative Processes

Complaints Closed Without Recommendations: Of the complaints CRCL investigated and closed in FY 2019, CRCL closed 86 percent without issuing 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.

Complaints Closed with Recommendations: For complaints in which CRCL determines that policy-driven or operational recommendations should be issued to Components, CRCL issues formal recommendations to the Component. This may be done through a recommendation memorandum or an expert recommendation memorandum, depending on the type of investigation completed.

Expert Recommendations from Onsite Investigations in Immigration Custody and Detention: Each year, CRCL’s Compliance Branch conducts onsite investigations at Component facilities as needed to examine alleged violations of civil rights and civil liberties related to the care of individuals in DHS custody. In FY 2019, multiple CRCL investigations were assisted by

7 Retained cases may be subject to a full investigation or short-form resolution. CRCL’s “short-form” complaint processing procedures facilitate swifter 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 for more extensive investigations.

8 CRCL has begun posting certain final redacted investigative reports on its website. Personally identifiable information is removed prior to posting.
relevant contract subject matter experts in the areas of medical care, mental health care, correctional security and operations, suicide prevention, use of force, and environmental health and safety. Following each investigation, CRCL reviews the experts’ recommendations and provides, in consultation with the experts, an initial report to the Component. Components are asked to review the recommendations, provide a written response regarding concurrence or non-concurrence, and provide evidence of implementation of concurred-with recommendations within a defined timeframe. If the Component non-concurs they must provide an explanation, which CRCL reviews to determine whether to continue discussions on the substance of the disagreement or consider raising to DHS leadership. Summaries of complaints for which CRCL submitted an expert recommendation memorandum to Components in FY 2019 are provided in Section D.

**Recommendation Memoranda:** CRCL issues formal recommendation memos to address civil rights and liberties issues throughout the Department. These memoranda often recommend broad, systemic changes, such as policy revisions, alterations to practice and procedures, and training modifications.

**Draft Recommendation Memoranda:** Prior to issuance, CRCL sends a draft to the Component to ensure the accuracy and operational feasibility of its analysis and recommendations. CRCL provides the draft memoranda to Components for review and comment within a timeframe designated by CRCL, generally 30 days. After receiving comments, CRCL works to resolve any areas of disagreement prior to finalizing the memoranda and issuing final recommendations. Providing the opportunity for Components to review and give feedback also allows Components to inform CRCL of steps they may have taken or intend to take to address the concerns noted, or to implement the recommendations.

**Final Recommendation Memoranda:** Following review of Component comments to draft memoranda, CRCL adjudicates the comments and issues a final recommendation memorandum signed by CRCL and OGC leadership, which is then sent to Component leadership. The Component typically has 60 days to respond, either concurring with the recommendations and offering an implementation plan(s), or non-concurring on the recommendations and providing a rationale. During FY 2019, CRCL issued eight final recommendation memoranda to the Components.

**Component Responses to CRCL Expert and Recommendation Memoranda:** Components should respond to expert and final recommendation memorandum within 60 days of issuance. In FY 2019, CRCL received four ICE responses to recommendation memorandum, 11 sets of ICE responses to expert recommendations, four CBP responses to recommendation memorandum, and one CBP response to an expert recommendation memorandum. Summaries of complaints for which CRCL submitted expert recommendation memorandum or recommendation memorandum prior to FY 2019, and received Component responses in FY 2019, are provided in Section F. Summaries of complaints for which CRCL submitted expert recommendation memorandum or recommendation memorandum in FY 2019 and received a Component response in the same fiscal year are provided in Sections C and D, respectively.
Complaints Closed through 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 operationally by communication directly from CRCL to the involved Component. These communications remain outside the formal recommendation process, yet explain the issue or concern found and may offer proposed actions. After sending the informal resolution email, CRCL closes the relevant complaint(s). During FY 2019, CRCL transmitted 52 informal resolution emails to Components addressing issues arising in 54 complaints. Of the complaints CRCL investigated and closed in FY 2019, CRCL closed six percent by informal resolution. Summaries of some of the complaints that CRCL closed with informal resolutions in the reporting period are provided in Section G.9

9 Note: This does not include informal resolutions completed in Section 504 complaints. Pursuant to regulation, Section 504 complaint investigations have specific requirements and are treated differently.
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<th>ICE 579</th>
<th>TSA 5</th>
<th>USCIS 9</th>
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## TABLE 3: COMPLAINTS CLOSED FY 2019: PRIMARY ALLEGATION BY COMPONENT

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<th>Primary Allegation</th>
<th>CBP 184</th>
<th>CISA 15</th>
<th>FEMA 3</th>
<th>ICE 545</th>
<th>TSA 3</th>
<th>USCG 2</th>
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- **Abuse of authority/misuse of official position**
  - CBP: 9, Retained: 1, Short Form: 2
  - CISA: 2
  - FEMA: 2
  - ICE: 2
  - TSA: 2
  - USCG: 1
  - USCIS: 2
  - Multi-Component: 3
  - Total: 24

- **Conditions of detention**
  - CBP: 1
  - CISA: 3
  - FEMA: 14
  - ICE: 2
  - TSA: 21
  - USCG: 14
  - USCIS: 24
  - Multi-Component: 29
  - Total: 56

- **Disability accommodation (Section 504)**
  - CBP: 12
  - CISA: 2
  - FEMA: 7
  - ICE: 16
  - TSA: 1
  - USCG: 37
  - USCIS: 37
  - Multi-Component: 37
  - Total: 37

- **Discrimination/profiling**
  - CBP: 3
  - CISA: 12
  - FEMA: 1
  - ICE: 2
  - TSA: 2
  - USCG: 6
  - USCIS: 1
  - Multi-Component: 11
  - Total: 36

- **Due process**
  - CBP: 2
  - CISA: 30
  - FEMA: 1
  - ICE: 20
  - TSA: 1
  - USCG: 7
  - USCIS: 3
  - Multi-Component: 11
  - Total: 91

- **Excessive force or inappropriate use of force**
  - CBP: 10
  - CISA: 1
  - FEMA: 4
  - ICE: 3
  - TSA: 10
  - USCG: 14
  - USCIS: 4
  - Multi-Component: 27
  - Total: 45

- **Fourth Amendment (search and seizure)**
  - CBP: 6
  - CISA: 1
  - FEMA: 1
  - ICE: 1
  - TSA: 2
  - USCG: 1
  - USCIS: 1
  - Multi-Component: 11
  - Total: 15

- **Human rights**
  - CBP: 1
  - CISA: 2
  - FEMA: 1
  - ICE: 1
  - TSA: 2
  - USCG: 2
  - USCIS: 5
  - Multi-Component: 7
  - Total: 7

- **Inappropriate questioning/inspection conditions (non-TSA)**
  - CBP: 2
  - CISA: 8
  - FEMA: 1
  - ICE: 2
  - TSA: 1
  - USCG: 2
  - USCIS: 8
  - Multi-Component: 10
  - Total: 10

- **Inappropriate touch/search of person (non-TSA)**
  - CBP: 1
  - CISA: 6
  - FEMA: 1
  - ICE: 3
  - TSA: 1
  - USCG: 2
  - USCIS: 9
  - Multi-Component: 11
  - Total: 11

- **Intimidation/threat/improper coercion**
  - CBP: 2
  - CISA: 4
  - FEMA: 1
  - ICE: 2
  - TSA: 1
  - USCG: 1
  - USCIS: 2
  - Multi-Component: 8
  - Total: 12

- **Language access**
  - CBP: 1
  - CISA: 1
  - FEMA: 1
  - ICE: 2
  - TSA: 2
  - USCG: 1
  - USCIS: 4
  - Multi-Component: 4
  - Total: 4

- **Legal access**
  - CBP: 3
  - CISA: 3
  - FEMA: 1
  - ICE: 4
  - TSA: 4
  - USCG: 1
  - USCIS: 17
  - Multi-Component: 39
  - Total: 45

- **Medical/mental health care**
  - CBP: 1
  - CISA: 8
  - FEMA: 16
  - ICE: 388
  - TSA: 1
  - USCG: 1
  - USCIS: 17
  - Multi-Component: 397
  - Total: 415

- **Privacy**
  - CBP: 3
  - CISA: 1
  - FEMA: 4
  - ICE: 4
  - TSA: 1
  - USCG: 1
  - USCIS: 12
  - Multi-Component: 13
  - Total: 13

- **Religious accommodation**
  - CBP: 1
  - CISA: 2
  - FEMA: 1
  - ICE: 2
  - TSA: 1
  - USCG: 3
  - USCIS: 2
  - Multi-Component: 6
  - Total: 6

- **Retaliation**
  - CBP: 2
  - CISA: 5
  - FEMA: 2
  - ICE: 1
  - TSA: 5
  - USCG: 2
  - USCIS: 5
  - Multi-Component: 12
  - Total: 12

- **Sexual assault/abuse**
  - CBP: 2
  - CISA: 0
  - FEMA: 0
  - ICE: 3
  - TSA: 18
  - USCG: 55
  - USCIS: 472
  - Multi-Component: 0
  - Total: 801
# Table 4: FY 2019: Information Layer - Primary Allegation

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<tr>
<th>Primary Allegation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of authority/misuse of official position</td>
<td>152</td>
</tr>
<tr>
<td>Conditions of detention</td>
<td>604</td>
</tr>
<tr>
<td>Disability accommodation (Section 504)</td>
<td>21</td>
</tr>
<tr>
<td>Discrimination/profiling</td>
<td>228</td>
</tr>
<tr>
<td>Due process</td>
<td>1866</td>
</tr>
<tr>
<td>Excessive or inappropriate use of force</td>
<td>99</td>
</tr>
<tr>
<td>First Amendment (free speech/association)</td>
<td>5</td>
</tr>
<tr>
<td>Fourth Amendment (search and seizure)</td>
<td>32</td>
</tr>
<tr>
<td>Hate speech</td>
<td>4</td>
</tr>
<tr>
<td>Human rights</td>
<td>3</td>
</tr>
<tr>
<td>Inappropriate questioning/inspection conditions</td>
<td>53</td>
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<tr>
<td>Inappropriate touch/search of person (non-TSA)</td>
<td>19</td>
</tr>
<tr>
<td>Intimidation/threat/improper coercion</td>
<td>34</td>
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<td>Language access</td>
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<td>Legal access</td>
<td>49</td>
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<tr>
<td>Medical/mental health care</td>
<td>80</td>
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<tr>
<td>Privacy</td>
<td>6</td>
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<tr>
<td>Religious accommodation</td>
<td>28</td>
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<tr>
<td>Retaliation</td>
<td>16</td>
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<tr>
<td>Sexual assault/abuse</td>
<td>108</td>
</tr>
<tr>
<td>TSA AIT and TSA pat-downs and TSA pat-downs</td>
<td>40</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,458</strong></td>
</tr>
</tbody>
</table>
C. Complaint Recommendations Issued in FY 2019

The following summaries describe the complaints closed in FY 2019 with recommendations for the relevant DHS Component(s).

ICE and CBP

*Family Separation Policies and Procedures:* Between December 2008 and December 2016, CRCL received 421 allegations asserting that ICE and CBP violated the civil rights and civil liberties of families entering the U.S. by separating family members in their custody between December 2008 and December 2016. The complaints asserted that such separations could have permanent and negative impacts on family members. Some complaints also alleged that family members were not being informed of the reasons for being separated and that separation was impacting the families’ ability to present their asylum claims. CRCL chose 29 representative complaints that best exemplified the allegations and opened a broad family separation policy and procedure investigation in March 2017. In July 2019, CRCL provided CBP and ICE with three detailed recommendations for improvements in policies and processes. CBP concurred, generally, with CRCL’s recommendation to establish a family separation workgroup with ICE to discuss family separation policies and procedures within each agency’s statutory and regulatory framework. CBP also concurred that U.S. Border Patrol and the Office of Field Operations need to update their systems of record to better capture family separation decisions and justifications and to completely and accurately capture each family member’s immigration information.

ICE

* Provision of Mental Health Care and Requisite Reviews/Notice to Detained Cuban National:* CRCL investigated several complaints from a Cuban national concerning his alleged indefinite detention by ICE. As of September 30, 2019, the detainee had been in ICE custody for 3,729 days and his final order of removal had been in effect for 3,248 days. ICE detained the complainant pursuant to 8 C.F.R. § 241.14(f) because it deemed the complainant “especially dangerous.” CRCL found that ICE was not providing adequate or appropriate mental health treatment to the complainant. In June 2019, CRCL provided four recommendations to ICE related mental health treatment to the complainant and annual review and notice of appeals requirements.

*ICE Compliance with Information Requests During Onsite Investigations at Intergovernmental Agreement Facilities:* CRCL opened a complaint and made recommendations to ICE arising from deficiencies in the production of documents and information for CRCL’s onsite investigation at a facility used by ICE pursuant to a U.S. Marshals Service intergovernmental agreement. CRCL reiterated its statutory authority requiring that ICE, like all other DHS Components, provide CRCL with access to the documents it needs for investigations. As a result, CRCL made recommendations relating to contracts for facilities used by ICE and such facilities’ obligations to provide CRCL access. ICE partially concurred with the recommendations, and CRCL is evaluating ICE’s response.
**ICE Parole Directive:** CRCL investigated allegations that ICE was failing to apply the 2009 Directive, Policy 11002.1, *Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture*, to parole-eligible asylum seekers. In September 2019, CRCL issued a recommendation memorandum to ICE providing analysis on how ICE applies the 2009 Parole Directive to parole-eligible asylum seekers, upon finding that there were concerns regarding the specific administrative requirements set forth in the Directive. CRCL made recommendations regarding the tracking and documenting of the parole requests and translations of parole documentation to LEP asylum seekers. The memorandum made three recommendations for ICE with respect to parole determinations. As of September 30, 2019, ICE had not responded to these recommendations.

**CBP**

**Religious Questioning:** CRCL has received allegations about inappropriate questions into religious affiliation and practices at U.S. ports of entry and opened multiple complaints with similar allegations. Many of the complaints opened as part of the investigation were placed on litigation hold by the Department. However, during that time CRCL continued to engage on the topic and in the years since, CBP has substantially improved officer training, which is a valuable component of officer preparedness and provides a sound foundation to skillfully interact with individuals of many cultural backgrounds. In February 2019, CRCL issued two recommendations to assist Office of Field Operations officers’ efforts to avoid improper questions regarding travelers’ religion while conducting border inspections. CRCL recommended policy changes and training to implement this new policy. In April 2019, CBP concurred with both of CRCL’s recommendations.

**Access to Counsel in Outbound Inspection:** CRCL investigated a complaint that CBP infringed the rights of a naturalized U.S. citizen during an outbound inspection at Los Angeles International Airport. According to the complainant during a lengthy interrogation, during which the complainant was handcuffed, CBP repeatedly denied the complainant’s request to contact counsel. CRCL issued two recommendations to CBP, on which they concurred: that CBP should state in all applicable policies that a person subject to an outbound inspection or search may ask to contact an attorney; and while it is CBP policy that there is no right to counsel during border inspection, such requests and CBP’s response thereto should be documented on a traveler record in a CBP database or other form memorializing the inspection. Moreover, CRCL recommended that CBP provide specific guidance and training to officers at ports of entry regarding appropriate actions if CBP anticipates taking a traveler into custody during the outbound inspections process.

**Credible Fear Processing:** CRCL investigated complaints alleging CBP failed to adequately screen potential asylum claims; inappropriately handled asylum claims; exerted inappropriate influence to sign documents; and failed to provide required interpretation and translation services during questioning for undocumented LEP individuals. In July 2019, CRCL issued recommendations to CBP to improve the processing of credible fear claims including changes to policy, training, LEP individuals’ access to services. As of September 30, 2019, CBP had not yet responded to CRCL regarding these issues.
Provision of Meaningful Language Access to Speakers of Indigenous Languages: CRCL investigated CBP’s separation of a two-year-old from her father, an indigenous language speaker, after CBP claimed that her birth certificate was a falsified document. CBP had interviewed the father in Spanish without an interpreter. While the father was detained, his counsel negotiated for him to take a DNA test, which confirmed paternity. In September 2019, CRCL issued five recommendations to CBP to ensure that CBP identify and provide meaningful language access to indigenous language speakers. As of September 30, 2019, CBP had not yet responded to CRCL regarding these issues.

D. Expert Recommendations from Onsite Investigations

The following summaries describe complaints in which CRCL completed an onsite investigation and subsequently provided to the DHS Component the CRCL subject matter expert reports, along with a cover memorandum outlining CRCL’s final recommendations. These recommendations aim to improve conditions of detention for individuals in DHS custody to enhance compliance with any applicable standards; constitutional standards; or other relevant policies, procedures, or guiding principles at the facilities involved in the complaints.

ICE

Conditions of Detention at the Folkston ICE Processing Center (Folkston, Georgia): CRCL received numerous allegations raising concerns about medical care and general conditions of detention at the Folkston ICE Processing Center. In August 2018, CRCL conducted an onsite investigation, and in December 2018, issued two expert recommendations to ICE regarding mental health care and dental care. CRCL received a response in May 2019 from ICE concurring with both recommendations.

Conditions of Detention at the West Texas Detention Facility (Sierra Blanca, Texas): Between January and March 2018, CRCL received nine complaints from detainees at the West Texas Detention Facility alleging wrongful and excessive use of force, inadequate conditions of detention and legal access, inadequate medical care, and due process violations. CRCL conducted an onsite investigation at the facility with subject matter experts in August 2018. In January 2019, CRCL issued 45 expert recommendations, including 32 related to environmental health and safety, six related to medical care, five related to mental health care, and two related to conditions of detention. As of September 30, 2019, ICE had not yet responded to these recommendations.

Conditions of Detention at the Sherburne County Jail (Elk River, Minnesota): CRCL conducted an investigation into a number of complaints alleging that ICE violated the civil rights and civil liberties of individuals in custody at the Sherburne County Jail. The allegations involved inadequate medical and mental health care, conditions of detention, and environmental health and safety. In April 2019, CRCL conducted an onsite investigation at the facility. In August 2019, CRCL sent a memorandum to ICE that outlined 21 expert recommendations addressing areas such as continuity of medical care, the sick call process (a formal request for

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10 In one instance, CRCL conducted an onsite investigation in FY 2019, and also received a response from the Component. The narrative for that investigation can be found in this section.
medical treatment), medical record keeping, medical privacy, mental health treatment and planning, grievances, disciplinary hearings, language access, sexual abuse prevention and intervention, the treatment of transgender detainees, proper food storage and maintenance, facility cleanliness, pest control, and the maintenance of bedding. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

**Conditions of Detention at the Pulaski County Detention Center (Ullin, Illinois):** CRCL conducted an investigation into a number of complaints alleging that ICE violated the civil rights and civil liberties of individuals in custody at the Pulaski County Detention Center. The allegations involved general conditions of detention, inadequate medical care for detainees, and inadequate environmental health and safety. CRCL was onsite at the facility in June 2019 and sent a memorandum to ICE that outlined ten expert recommendations addressing continuity of medical care, sick call, medical record keeping and privacy, grievances, disciplinary hearings, use of force review board participation by ICE, maintenance and storage of chemicals, facility cleanliness, and the cleanliness of barbering material. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

**Conditions of Detention at the Northeast Ohio Corrections Facility (Youngstown, Ohio):** CRCL conducted an investigation into a number of complaints alleging that ICE violated the civil rights and civil liberties of individuals in custody at the Northeast Ohio Corrections Facility. The allegations involved general conditions of detention, inadequate medical care for detainees, and inadequate environmental health and safety. CRCL was onsite at the facility in October 2018 and sent a memorandum to ICE that included five expert recommendations addressing the sick call process, referrals for medical diagnostics, issuance of medical diets by medical staff, and the overlap of count times and meal times. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

**Conditions of Detention at the Denver Contract Detention Facility (Aurora, Colorado):** CRCL investigated complaints alleging that ICE violated the civil rights or civil liberties of individuals held in custody at the Denver Contract Detention Facility. The complaints included allegations about a detainee death, inadequate medical care and mental health care, suicide prevention, and conditions of confinement. In August 2018, CRCL conducted an onsite investigation at the facility. In November 2018, CRCL issued 37 recommendations to ICE in the areas of medical care, mental health care, suicide prevention and intervention, and conditions of detention. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

**Conditions of Detention at the Coastal Bend Detention Center (Robstown, Texas):** CRCL received numerous allegations raising concerns about medical care, general conditions of detention, and environmental health and safety at the Coastal Bend Detention Center. In March 2019, CRCL conducted an onsite investigation, and in May 2019 issued nine expert recommendations to ICE in the areas of medical care, environmental health and safety, and conditions of confinement. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.
Conditions of Detention at the Bristol County House of Correction (North Dartmouth, Massachusetts): In December 2018, CRCL conducted an onsite investigation at the Bristol County House of Correction in response to numerous allegations raising concerns about medical care, mental health care, general conditions of detention, and environmental health and safety at the facility. In June 2019, CRCL issued 36 expert recommendations to ICE to address issues identified during the investigation in the areas of medical care, mental health care, conditions of confinement, and environmental health and safety. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

Conditions of Detention at the Buffalo Federal Detention Facility (Batavia, New York): CRCL conducted an onsite investigation in response to alleged civil rights and civil liberties violations of detainees in the following areas: general conditions of detention and inadequate medical and mental health care. In May 2019, CRCL made 28 recommendations to ICE to address issues identified during the investigation. As of September 30, 2019, ICE had not yet responded to CRCL regarding these recommendations.

CBP

Rio Grande Valley Sector Onsite Investigation: In July 2018, CRCL conducted an investigation in the Rio Grande Valley Sector, including visits to their Central Processing Center and four U.S. Border Patrol stations (Rio Grande City, McAllen, Harlingen, and Brownsville stations). This investigation was in part a follow-up to CRCL’s onsite investigation in the sector in July 2014; however, CRCL also addressed new complaints, particularly related to families and Unaccompanied Alien Children (UAC), regarding conditions of detention, sexual assault victimization, and language access. A subject matter expert in the area of corrections accompanied CRCL. Following the investigation, in May 2019, CRCL sent a memorandum to CBP with 24 expert recommendations. Twelve recommendations were specific to the processing center and involved detention conditions, safety and security, time in custody, staffing and training, and sexual assault victimization. Twelve additional recommendations were made across the entire sector and involved policy and procedure inconsistency, privacy, language access, limitations of Border Patrol’s internal database, and time in custody. In September 2019, CBP concurred with 17 of the 24 recommendations and provided an action plan for implementing those recommendations. CBP indicated that it had already implemented eight of the 17 recommendations.

Conditions of CBP Holding in the El Paso Border Patrol Sector: CRCL investigated a number of complaints alleging that CBP violated the civil rights and civil liberties of individuals in custody at four Border Patrol locations in the El Paso Sector. The allegations involved overcrowding, conditions of confinement, environmental health and safety concerns, and excessive time in custody at El Paso Border Patrol Station One, the Paso Del Norte Processing Center, Ysleta Station, and Clint Station. CRCL conducted an onsite inspection of the four facilities in July 2019. In September 2019, CRCL sent a memorandum to CBP that outlined 25 expert recommendations addressing detainee intake, detention conditions, corrections issues, and environmental health and safety. As of September 30, 2019, CBP had not yet responded to CRCL regarding these recommendations.
**USCG**

*Conditions of Detention Onboard U.S. Coast Guard Cutters:* In November 2017, CRCL opened a complaint based on a *New York Times* article titled, “The Coast Guard’s Floating Guantanamos,” which alleged that the USCG violated the civil rights and civil liberties of individuals they interdicted in international waters for suspected drug smuggling by detaining them onboard USCG cutters under inadequate conditions and denying them due process. CRCL conducted a comprehensive policy and procedure review followed by an onsite investigation. With the assistance of a detention expert, CRCL conducted onsite reviews of three USCG cutters, all of which commonly held interdicted individuals onboard until they could be transferred into DOJ custody for prosecution. In September 2019, CRCL submitted an expert report with 15 recommendations to the USCG addressing improvements in policy, medical care, documentation, training, and conditions of detention. As of September 30, 2019, USCG had not yet responded to CRCL regarding the recommendations.

**E. Section 504 Determinations and Informal Resolutions**

CRCL has additional authority to process, investigate, and resolve disability-related complaints alleging violations of Section 504 of the Rehabilitation Act of 1973, as amended, in accordance with the compliance procedures described in 6 CFR Part 15.70. The regulations allow CRCL to conclude a complaint investigation either through:

1. A letter to the complainant containing findings of fact, conclusions of law, a description of a remedy for each violation found, and a notice of the right to appeal or
2. A written informal agreement provided to the complainant describing the subject matter of the complaint and any agreed upon corrective action.

**Determination Letters**

In FY 2019, CRCL issued five determination letters to complainants under the regulations implementing Section 504. The following summaries describe those complaints, indicate whether CRCL found a violation of Section 504, and explain the remedies ordered for any violations found.

**CBP**

*Preferred Inspection Method:* In March 2018, CRCL received a complaint alleging that a CBP agricultural specialist at the Paso del Norte port of entry required an individual with one arm to remove items, with the assistance of her children, from her car to be inspected instead of accommodating her request to use the drive-through imaging system. CRCL found CBP’s denial did not violate Section 504. Allowing the individual to request his or her preferred method of inspection would be a fundamental alteration to the inspection process by compromising the integrity of the inspection, increasing vulnerabilities, and posing a national security risk. However, CRCL expressed concerns to CBP about the lack of interactive process between CBP and the complainant following her request for an accommodation. In connection with CRCL’s authority under 6 U.S.C. § 345(a)(4), CRCL recommended that CBP share a job aid titled “Providing Reasonable Accommodation to Persons with Disabilities in CBP-Public Facing...”

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11 The summaries of complaints closed with informal resolutions in this section concern Section 504 informal resolutions, in addition to one Section 345 informal resolution that related to a Section 504 complaint. Summaries of other complaints closed with Section 345 informal resolutions are in Section G.
Alleged Denial of Wheelchair: In April 2018, CRCL received a complaint alleging that CBP took away a wheelchair from a traveler undergoing an outbound currency inspection. CRCL found no violation of Section 504. CRCL determined that an airport vendor that was providing wheelchair assistance to the complainant left her without a wheelchair during her inspection. CBP offered the complainant a seat as an accommodation for her difficulty standing and contacted the vendor to arrange for another wheelchair. CBP had no obligation to provide a wheelchair and was not responsible for any delays by the airport vendor.

Request to Communicate in Writing: In September 2018, CRCL received a complaint alleging CBP officers did not accommodate the request of the complainant, who is deaf, to communicate in writing during his secondary inspection at the Otay Mesa port of entry. CRCL substantiated the allegation and determined that upon request, CBP personnel shall communicate with the complainant in writing during any future secondary inspections. CBP also shall provide training to the supervisor who conducted the secondary inspection about interacting with and providing reasonable accommodations to individuals with disabilities.

FEMA
Notice of Third-Party Representatives: In January 2018, CRCL received a complaint from an individual who evacuated her home following Hurricane Harvey and whose disability prevented her from traveling back to her damaged home for an inspection. The complainant did not have any friends or relatives in the area who could serve as a third-party representative at an inspection. FEMA denied her application for assistance because it was unable to complete an inspection of her home. CRCL found that FEMA violated Section 504 because it failed to notify her that she could authorize a public safety official, such as a policeman or fireman, to accompany the inspector on her behalf. As a remedy, CRCL ordered FEMA to approve her request for personal property assistance for $500.

USCIS
Allowing Family Member to Accompany Applicant: In March 2018, CRCL received a complaint alleging that USCIS denied a request by a wife to accompany her husband, who has Alzheimer’s disease, during his naturalization examination at the Los Angeles Field Office. The wife claimed that she intended to repeat questions to her husband and to have her presence keep him calm. USCIS policy allows a family member, legal guardian, or other individual to attend an examination with an applicant who has a disability, and that the person may repeat questions to facilitate responsiveness and to help keep an applicant calm. Accordingly, CRCL found that USCIS violated Section 504 by denying the requested accommodation. CRCL directed USCIS to conduct a new naturalization examination and to engage in an interactive process with the complainant and his wife prior to the examination to determine a reasonable accommodation. Additionally, under CRCL’s authority under 6 U.S.C. § 345(a)(4), CRCL made recommendations to USCIS in the area of immigration service officer training relating to reasonable accommodations and interactive processes with individuals with disabilities.
Section 504 Informal Resolutions
During FY 2019, CRCL also completed five informal resolutions under the regulations implementing Section 504. The following summaries describe those complaints and the resolutions agreed upon by the complainant and Component.\(^\text{12}\)

CBP
Allowing a Service Animal: In May 2018, CRCL received a complaint alleging that CBP did not allow an individual to be accompanied by his service animal during his Global Entry application interview at the Los Angeles Field Office, because he was not able to provide documentation that his dog was a service animal. To resolve the complaint, CBP agreed to:
1. develop a job aid to provide guidance to officers for interacting with individuals who have service animals;
2. ensure that the officer involved in the reported incident reads the job aid;
3. notify management at the field office about the allegation; and
4. provide management at the field office a copy of the job aid to use for training its staff.

Accommodation for Non-Obvious Disability: In August 2018, CRCL received a complaint alleging that two officers asked an individual with a non-obvious disability for proof of her disability while she was in an airport line for passengers with disabilities at the Toronto preclearance location. The complainant also claimed that the officers said that she had to be in a wheelchair to use the line and required her to disclose her medical conditions and other private medical information. To resolve the complaint, CBP agreed to:
1. issue a memo to CBP management at the airport that outlined the issues and directed frontline personnel to receive training that explains CBP’s obligations to provide reasonable accommodations to individuals with disabilities; and
2. disseminate job aids to the CBP workforce regarding communicating with persons with disabilities and providing reasonable accommodation for persons with disabilities in CBP-public facing programs and activities.

Requesting to Communicate in Writing: In August 2018, CRCL received a complaint alleging that an officer denied a request of an individual who is deaf to communicate in writing during an interaction at the Detroit port of entry. The complainant claimed that the officer asked the complainant to read his lips. To resolve the complaint, CBP agreed to provide frontline CBP personnel training on the following:
1. the legal requirements for officers under Section 504;
2. interacting with and providing reasonable accommodations to individuals who are deaf or hard of hearing; and
3. communicating in a sensitive manner with people with disabilities.

FPS
Screening of White Cane: In September 2018, CRCL received a complaint alleging that protective security officers took away the white cane of an individual who is blind during her screening at the Jacob K. Javits Federal Building in New York, New York. To resolve the complaint, FPS agreed to draft a memo discussing the importance of disability awareness and providing reasonable accommodations when screening visitors at federal facilities, and to work with its training partners to ensure that the correct procedures for screening individuals who are blind or have low vision are incorporated into the national lesson plan for officers.

\(^\text{12}\) Please note that this informal resolution process is different from the informal resolution process used pursuant to 6 U.S.C. Section 345.
Providing a Sign Language Interpreter: In July 2018, CRCL received a complaint alleging an applicant for naturalization received a letter from USCIS that said it would provide her a sign language interpreter by video teleconference. The complainant alleged that video interpretation was not an effective method for communication, because the video signal can be disrupted. The USCIS Providence Field Office agreed to reschedule the interview and arrange for an in-person interpreter.

F. Component Responses to CRCL Expert and Recommendation Memoranda

CRCL requests formal responses from Components to the expert recommendations it issues. In FY 2019, CRCL received four ICE responses to recommendation memoranda, 11 sets of ICE responses to expert recommendations, four CBP responses to recommendation memoranda, and one CBP response to an expert recommendation memorandum. Summaries of investigations for which CRCL received Component responses in FY 2019 to expert recommendations and recommendation memoranda issued before FY 2019 are described below in Section F. Summaries of investigations for which CRCL submitted expert recommendation memorandum or recommendation memorandum in FY 2019 and received Component responses within that same fiscal year are in Sections C and D of this report, respectively; except for a summary of one investigation and FY 2019 Component response described in the FY 2018 CRCL Annual Report.

ICE

Conditions of Detention at the Karnes County Family Residential Center (Karnes City Texas) and South Texas Family Residential Center (Dilley Texas): Since 2014, CRCL has broadly reviewed ICE’s implementation of family detention, conducted investigations of specific complaint allegations at both family residential centers in Karnes and Dilley, Texas, and reviewed other concerns that CRCL received. In September 2017, CRCL conducted its fourth onsite investigation at the Karnes facility. In February 2018, CRCL submitted four expert report memoranda to ICE which acknowledged improvements made, reiterated 30 recommendations that remained unaddressed or only partially addressed from previous Karnes onsite investigations, and provided six new recommendations for new concerns found during the current Karnes onsite. In December 2018, CRCL received ICE’s response to the 36 recommendations. Of the six new recommendations, ICE concurred with five and non-concurred with one. Of the 30 reiterated Karnes recommendations from past onsite investigations, ICE concurred or partially concurred with 20 and non-concurred with 10.

In February 2018, CRCL submitted four expert report memoranda regarding Dilley to ICE, which acknowledged improvements made, reiterated 37 recommendations that remained unaddressed or only partially addressed from previous Dilley onsite investigations and provided 11 new recommendations for new concerns found during the current Dilley onsite. In April

13 Please note that these final memoranda were issued prior to FY 2019 (the date of issuance of the CRCL memorandum is noted in the summary). This grouping uses the date of receipt of a Component response to define the category. This is important to highlight in the Annual Report as the formal Component responses represent the acceptance and implementation of changes resulting from CRCL investigations.
2019, CRCL received ICE’s response to the 47 recommendations. Of the 11 new recommendations, ICE concurred with 10 and non-concurred with one recommendation regarding sick call request procedures. Of the 36 reiterated Dilley recommendations from past onsite investigations, ICE concurred with 28 and non-concurred with eight recommendations. CRCL will take a fresh look at the Karnes and Dilley facilities during FY 2020 to address any outstanding issues.

**Conditions of Detention at the Berks Family Residential Facility (Berks, Pennsylvania):**
In October 2016, CRCL conducted an onsite investigation at Berks Family Residential Facility addressing allegations of civil rights and civil liberties violations. In July 2017, CRCL issued 35 recommendations to ICE in the areas of medical care, mental health care/child psychiatry, corrections, and environmental health and safety. In April 2019 ICE responded to the recommendations, concurring with eight, partially concurring with two, and non-concurring with 25. CRCL will work with ICE to address the remaining issues of concern.

**Conditions of Detention at Contra Costa County’s West County Detention Facility (Richmond, California):** In June 2018, CRCL conducted an onsite investigation into conditions of detention for ICE detainees at the Contra Costa County Jail’s West County Detention Facility. CRCL’s investigation was in response to alleged inadequate conditions of detention and inadequate medical care of detainees at the facility. CRCL conducted staff and detainee interviews, reviewed documents, and observed the facility. In September 2018, CRCL made 19 recommendations to ICE to address issues identified during the investigation. In November 2018, ICE informed CRCL that it stopped holding detainees at the facility in August. ICE did not provide a response to the specific recommendations, but indicated that, in the event ICE resumed holding detainees there, it would assess the recommendations at that time.

**Conditions of Detention at the Bergen County Jail (Hackensack, New Jersey):** In March 2018, CRCL investigated complaints alleging ICE violated the civil rights and civil liberties of individuals at Bergen County Jail. The complaints alleged violations of general conditions of detention, inadequate medical and mental health care of detainees, and inadequate environmental health and safety. CRCL issued 28 expert recommendations, 13 specific to mental health care and eight specific to conditions of detention. In August 2019, ICE concurred with 24 of the recommendations and partially concurred with the remaining four recommendations. In particular, the facility improved its law library coverage and suicide prevention program, and addressed concerns related to the hospitalization of mentally ill detainees who pose an immediate or imminent danger.

**Conditions of Detention and Medical and Mental Health Care at the Adelanto Correctional Facility (Adelanto, California):** Between January 2016 and March 2017, CRCL received notice from ICE of two detainee deaths and received other allegations of inadequate medical and mental health care, excessive use of force, and inappropriate conditions of detention at the Adelanto Correctional Facility. CRCL conducted an onsite investigation at the facility in November 2017, which also incorporated a review of the recommendations made after a previous onsite in September 2016. In April 2018, CRCL issued 36 expert recommendations to ICE, covering new recommendations as well as those outstanding from prior uncorrected concerns on language access, segregation, and medical and mental health care. Specifically, 17 recommendations
addressed medical and mental health care and 19 addressed conditions of detention. Due to the level of concerns raised, CRCL requested ICE’s immediate action on certain health and safety recommendations, which ICE reportedly addressed by March 2018. ICE subsequently provided a formal concur/non-concur response to CRCL’s expert recommendation memo in April 2019, where they concurred or partially concurred with all but two medical care recommendations, concurred or partially concurred with all mental health recommendations, and concurred or partially concurred with all but six of the 19 recommendations addressing conditions of detention.

**Conditions of Detention at the St. Clair County Jail (Port Huron, Michigan):** CRCL conducted an investigation into a number of complaints alleging that ICE violated the civil rights or civil liberties of individuals held in custody at the St. Clair County Jail. The allegations involved medical care and treatment and conditions of confinement. CRCL conducted an onsite investigation of the facility in June 2017. Following that, CRCL sent a memorandum to ICE that outlined 18 expert recommendations addressing medical care, mental health care, language access, use of force reporting, and legal mail. In April 2019, ICE responded that it concurred with nine of the 18 recommendations, partially concurred with four recommendations, and non-concurred with five recommendations. CRCL will work with ICE to address the unresolved issues.

**Conditions of Detention at the Orange County Jail (Goshen, New York):** CRCL received numerous allegations raising concerns about medical care, general conditions of detention, and environmental health and safety at the Orange County Jail. In addition, CRCL received notice from ICE about the July 2016 death of an individual in ICE custody at the facility. In October 2017 CRCL conducted an onsite investigation and issued 21 expert recommendations to ICE in the areas of medical care, environmental health and safety, and overall conditions of confinement. In February 2019 ICE responded to the recommendations, concurring with 13, partially concurring with five, and non-concurring with three.

**CBP**

**CBP Searches of Transgender Travelers:** CRCL received a complaint based on allegations by a transgender female traveler about her pat-down search by CBP officers during her inspection at the Detroit-Windsor Tunnel port of entry. The complainant alleged that the search was not conducted by officers consistent with her gender identity, and instead involved both male and female officers who searched different parts of her body. While this was in accordance with existing policy and the facts of the incident were not in dispute, CRCL recommended that CBP update its relevant policies or guidance to be consistent with Transport, Escort, Detention, and Search (TEDS) national standards, and release a muster instructing CBP officers on the appropriate way to search transgender individuals consistent with TEDS. In October 2018, CBP concurred with both recommendations.

**Feeding Minors at Yuma Border Patrol Station:** CRCL investigated numerous allegations that U.S. Border Patrol did not provide adequate food and drinks to minors in CBP custody at the Yuma Border Patrol Station, including: missing meals, failing to comply with the six-hour meal requirement in TEDS, and serving uncooked food. In September 2018, CRCL issued a memorandum recommending that CBP reiterate to Border Patrol agents the requirements that: 1) meals be served at least every six hours; 2) meal service be documented in a system of record; 3)
food is properly heated; and 4) snacks or meals be provided to minors prior to their departure from the station when operationally feasible. Although disagreeing with the conclusions reached, in November 2018, CBP concurred with all four of CRCL’s recommendations. In April 2019, CBP issued a local muster to agents at the Yuma Border Patrol Station.

G. Informal Resolutions

The following summaries are a sample of complaints in which CRCL concluded an investigation pursuant to 6 U.S.C. Section 345 through an informal resolution. An informal resolution is a notification involving a non-systemic issue, or a concern of narrow scope which results in a communication directly from CRCL leadership to the involved Component. These communications remain outside the formal recommendation process, yet explain the issue or concern found and may offer proposed actions to address the concern. During FY 2019, CRCL transmitted Section 345 informal resolutions to ICE, CBP, USCIS, TSA, and FPS for 54 complaints. Complaints are typically closed following the issuance of an informal resolution; exceptions are noted below.

ICE

Access to Medical and Mental Health Care: In February 2018, CRCL received a complaint alleging that the Sherburne County Jail in Elk River, Minnesota provided inadequate medical care for a detainee’s back pain. The detainee also reported that his mental health was deteriorating despite telling staff that his medication was ineffective. Based on information received, ICE Health Services Corps (IHSC) indicated that the findings partially substantiated the detainee’s allegations; however, monitoring rather than corrective action was required. CRCL experts made observations and recommendations regarding responding to detainee medical complaints; the handling of detainee medical issues up the return from the emergency department or any other off-site medical and mental health appointments regarding evaluation of the detainee’s condition and arrangements for ongoing care; the referral and evaluation by medical doctors or nurse practitioner of detainees who have repeated complaints that have not been resolved by the use of sick call; and consultations with psychiatrists, with respect to the development of treatment plans and the credentials of such psychiatrists when prescribing psychotropic medications in the treatment of detainees with significant mental illness.

Access to Medical Care: In June 2018, CRCL received a complaint that the Adelanto Correctional Facility in Adelanto, California, provided a detainee with inadequate medical care for a broken foot. Based on information received, CRCL’s medical expert made suggestions regarding corrective action plans that would address the immediate and ongoing medical care given to the detainee. The matter was sent to IHSC leadership to assist them with the implementation of a corrective action plan.

Access to Medical Care: In June 2018, CRCL received a complaint that the Irwin County Detention Center in Ocilla, Georgia, provided a detainee with inadequate medical care for a skin infection. After reviewing the detainee’s course of medical treatment, CRCL made suggestions regarding a corrective action plan to address identified issues.
Death of an ICE Detainee in Egyptian Custody: In June 2018, ICE notified CRCL of the death by suicide of a detainee whom ICE was returning to his country of origin. During a stop at the Cairo International Airport, where Egyptian authorities took custody of the detainee and placed him in an airport holding area pending his final repatriation flight, the detainee committed suicide. Although CRCL determined that the detainee was not in ICE custody at the time of the death, CRCL was concerned that the Cairo International Airport holding area presented a serious safety concern for ICE detainees during repatriation operations that require a stop in Cairo. Accordingly, CRCL made suggestions regarding the coordination with the Cairo Airport Authority to ensure the safety of ICE detainees transiting through Cairo.

Enforcement Against Reporters of Crimes: In February 2018, CRCL received information that ICE detained an individual who called local law enforcement regarding a trespasser on his property in Tukwila, Washington. Local law enforcement ran the complainant’s name, communicated with ICE Enforcement and Removal Operations, and then detained and transported him to ICE custody. CRCL raise concerns regarding detention and removal proceedings against individuals who were victims or witnesses to a crime, any deterrence to such individuals seeking police assistance and consideration of the ICE Prosecutorial Discretion Policy.

ICE Enforcement Involving Individual Detained by Local Law Enforcement: CRCL reviewed ICE records related to a report indicating that in September 2017, a Pennsylvania trooper called ICE ERO because an individual provided a Mexican ID during a traffic stop and had no U.S. ID. Additionally, in other instances noted in the logs, ICE confirmed that a Spanish-speaking individual encountered by law enforcement in this same jurisdiction was a U.S. citizen or lawful permanent resident, raising concerns that the individual was under suspicion by law enforcement in part because of apparent ethnicity or the language that he or she spoke. CRCL also looked at whether there had been a change in the number of requests from local law enforcement agents to the York Enforcement and Removal Operations for ICE’s assistance in identifying individuals. CRCL found that law enforcement agents from western Pennsylvania and West Virginia informally call York regularly to request identification assistance. CRCL noted there may be instances involving traffic stops when, after ICE informs law enforcement that an individual is undocumented, ICE initiates enforcement action against the individual regardless of whether local law enforcement took any action. Although such action is not required, it may lead to a suspicion that the encounter was aimed at immigration enforcement and not local law enforcement. CRCL encouraged ICE to develop guidance regarding ICE agents’ response to pre-arrest requests for assistance when no charges have been or will be filed.

Alleged Denial of Visitation Due to First Amendment Protected Activities: In October 2018, CRCL received correspondence from several immigrants’ rights groups alleging that two activists, whom had been regular visitors at the Krome Service Processing Center in Miami, Florida for several years without incident, were banned from further visits after participating in a peaceful protest outside of the ICE field office. While CRCL could not substantiate the retaliation allegation, CRCL reminded ICE of previously taken corrective action in a similar situation and encouraged ICE to develop a policy regarding the denial of visitation and suggested criteria that CRCL believed should be included in that policy.
Notification of Counsel When Detainee Hospitalized: In May 2018, CRCL received a complaint from an attorney on behalf of a two-year-old child and the child’s mother, who were detained at the South Texas Family Residential Center in Dilley, Texas. The child had recently been hospitalized for six days for respiratory issues. Counsel argued that the child should not be medically cleared for travel and that ICE impeded the family’s access to counsel by failing to notify counsel when the family was transferred off-site. CRCL could not substantiate the allegation that ICE inappropriately cleared the child for travel, but sent an informal resolution on making requests to ICE regarding its notice to counsel with respect to detainee’s transfer to the hospital.

Sensitive Locations and Ruse Policy: CRCL received correspondence from an advocate on behalf of a family alleging ERO violated the sensitive locations and ruse policies in the family’s apprehension. It was alleged that ICE agents “tricked” the male subject into leaving his church in violation of ICE’s policy on sensitive locations. According to news reports, ICE agents used a cell phone belonging to the subject’s cousin to send the subject text messages telling him that the cousin had been involved in a car accident. After the subject exited the church, he was arrested by ICE. CRCL investigated this complaint and sent an informal resolution to ICE in March 2019, encouraging them to issue a reminder of ICE policies relating to sensitive locations and circumstances under which ICE officers may or may not hold themselves out as being local law enforcement.

Disciplinary Process Timeframes: In November 2018, CRCL received an allegation that the investigation of a disciplinary incident that occurred at the El Paso Service Processing Center exceeded the 72-hour timeframe for discipline investigations, as specified in the 2011 Performance Based National Detention Standards. After reviewing several documents, including disciplinary records and segregation orders, CRCL substantiated the allegation. In May 2019, CRCL sent an Informal Resolution to ICE encouraging them to remind the officers at the service processing center of the required disciplinary process timeframes in accordance with the national standards.

Death in Custody: In April 2018, CRCL received information specific to a death in ICE custody at the Prairieland Detention Facility. In September 2019, CRCL issued an informal resolution to ICE to ensure this facility’s referral process ensured individuals with chronic health conditions are being referred to medical specialists expeditiously.

8 U.S.C. § 1367 Violation: In April 2019, CRCL became aware of allegations specific to ICE publicly releasing information specific to an individual with a pending U-visa with USCIS, which violated 8 U.S.C. § 1367. In September 2019, CRCL issued an informal resolution to ICE requesting that alien numbers and other personal identifiable information be verified internally, to appropriately assess whether information can be publicly released.

8 U.S.C. § 1367 Violation: In July 2017, CRCL received an allegation that ICE violated 8 U.S.C. § 1367 confidentially provisions when officers arrested an individual who had an approved I-360 VAWA self-petition. Based on the investigation, CRCL found that while ICE officers did arrest the individual who had an approved VAWA self-petition, the individual remained eligible for deportation based on recent legal infractions. In May 2019, CRCL issued
an informal resolution to ICE reminding them to conduct the necessary DHS database checks prior to arresting an individual who has an approved victim-based petition.

**Religious Accommodation at the McHenry County Jail (Woodstock, Illinois):** In March and April 2016, CRCL received several complaints alleging that the McHenry County Jail shut down a Bible study and that the complainant was placed in solitary because of it. CRCL issued an informal resolution making suggestions regarding guidance on group religious practices in housing units, Bible study (or other religious activities), and consensual hand holding in prayer.

**Religious Discrimination:** In July 2018, CRCL received an allegation that an ICE HSI special agent who was assisting in a local police operation interacted with a suspect in an inappropriate manner by asking questions about his religion that were not relevant to the investigation. In July 2019, CRCL sent in an informal resolution to ICE making suggestions regarding training of the special agent.

**Recruitment of Informants:** CRCL opened a complaint alleging that ICE HSI agents improperly pressured the complainant to become an informant. In September 2019, CRCL requested that ICE look into whether the current training addresses this issue. CRCL is currently discussing with ICE the possible development of additional training regarding recruitment of informants.

**CBP**

**Medical Care for Unaccompanied Alien Children:** CRCL received a complaint alleging Border Patrol did not properly screen and treat a seven-year-old UAC with severe health issues. After being transferred to HHS ORR following five days in CBP custody, the UAC was hospitalized for 42 days and underwent several surgeries. CRCL found that the UAC’s observable medical conditions should have prompted immediate medical intervention. In response to the complaint, CRCL requested that CBP provide an update on the status of the health interview form and encourage them to finalize and implement the form.

**Medical Care for Unaccompanied Alien Children:** In April 2018, CRCL received a complaint alleging that a 14-year-old UAC mentioned that he had an ankle injury during his medical screening at the Hidalgo port of entry. After being transferred to the custody of HHS ORR, the UAC was diagnosed with a broken ankle. CBP was unable to provide a copy of his Form I-779, Juvenile Medical Screening; therefore, CRCL could not determine what occurred during his screening. CRCL requested that CBP management at the port review with frontline staff the procedures for screening minors for medical concerns.

**Medical Care for Unaccompanied Alien Children:** In May 2016, CRCL opened a complaint alleging that a 17-year-old female UAC did not receive appropriate medical care, including her required insulin injections for diabetes, when she was in Border Patrol custody in the Texas Rio Grande Valley Sector. As required, CRCL forwarded the matter to the OIG, who retained it for investigation. In September 2018, the OIG provided their ROI to CRCL. Upon review of the report and associated exhibits (that included health and medical care records), CRCL requested further analysis from our medical expert, who reviewed the documents and concluded that the UAC’s medical care while in Border Patrol custody was inadequate, especially given her serious
chronic illness. In the informal resolution, CRCL suggested three corrective actions to Border Patrol, regarding health screening practices, pre- and post- testing procedures for diabetic detainees prior to insulin administration, and record-keeping regarding individuals’ medical conditions and needs while in Border Patrol custody.

**Provision of Gluten Free Food:** In April 2019, CRCL received a complaint alleging Border Patrol denied the request of a 17-year-old UAC for gluten-free food based on an allergy during his three days of custody at the Border Patrol station in Imperial Beach, California. As a result, the UAC did not eat the meals provided to him. CRCL requested that Border Patrol advise frontline supervisors at stations that medical dietary accommodation requests may occur and should be addressed as soon as operationally feasible.

**Provision of Footwear to Minors:** In May 2019, CRCL received allegations that two minor children, ages one and two, in Border Patrol custody at the Ysleta Border Patrol Station in El Paso, Texas were transported into HHS ORR custody without shoes. CRCL made suggestions regarding clothing provided to minors in custody.

**Record Welfare Checks Based on Personal Observation:** In August 2017, CRCL received notification of an attempted suicide in CBP custody at the Rio Grande Valley Sector Centralized Processing Center in McAllen, Texas. After investigating the incident, CRCL requested that Border Patrol supervisors ensure that agents accurately record welfare checks documenting their personal observations to ensure the safety and wellbeing of those in custody, and that welfare checks should not be auto populated in the systems of record. CRCL suggested that guidance to the field may address this issue.

**Breastfeeding in CBP Custody:** In November 2017, CRCL received correspondence alleging that a CBP officer refused to allow a minor to breastfeed her infant in public, and instead required her to breastfeed in the bathroom at the Roma, Texas port of entry. CBP confirmed that this occurred. CBP also documented that the CBP officers involved in this incident were formally counseled. During the investigation CRCL also learned that CBP has no written policies concerning mothers breastfeeding while in CBP custody. According to officers at Roma, however, there is a local unwritten practice that officers offer mothers who are breastfeeding a private setting in which to do so. If the detainee declines the offer of a private area, she may continue to breastfeed where she is. To avoid further confusion, inconsistency among ports of entry, and the potential recurrence of situations like this one, CRCL made a suggestion to CBP regarding breastfeeding while in custody.

**Confidentiality of Witnesses:** In January 2019, CRCL opened a complaint from an individual who alleged that Border Patrol agents told her they would “cut a deal” with her if she would point out the person who brought her into the U.S. According to the complaint, U.S. Border Patrol also guaranteed that the person would not know she identified him. The complainant alleged she was brought into a room with the person who brought her into the U.S. and her anonymity was not protected when she identified him. She stated that the man then threatened her and her family in Honduras and she feared for her life. CRCL could not substantiate whether this occurred; however, given the lack of any current guidance at CBP regarding this issue,
CRCL requested that Border Patrol develop guidance regarding the confidentiality of detainees that are material witnesses.

**Questioning during the Inspection Process:** In March 2017, CRCL became aware of an article published by *CNN Money*, alleging that CBP officers detained an individual traveling to the U.S. for advanced technical training, for a period of three hours, at John F. Kennedy International Airport in New York, New York and subjected him to a discriminatory “knowledge test” during the inspection process. Based on the investigation, CRCL found that CBP did issue a “knowledge test” to the individual to assess credibility. That said, due to the unusual nature of the questioning in this instance, CRCL issued an informal resolution to CBP reminding them that while questioning to assess credibility does not constitute a violation, it appeared that in this specific instance CBP’s questioning was not utilized to assess credibility as the CBP officer was not substantively able to determine the accuracy of the answers. This left open the appearance of a discriminatory use for the questioning.

**Terminology Used by CBP Officers to Describe Searches:** In January 2018, CRCL opened a complaint from an individual alleging that she was subjected to an invasive internal cavity search by CBP officers at the Santa Fe Bridge port of entry in El Paso, Texas. Based on the investigation, CRCL did not substantiate the allegations. However, CRCL expressed concern to CBP about the use by CBP officers of the terms “pat down” and “partial pat down” to describe how the search was conducted, as the search was more in line with the definition of a strip search as defined by the CBP National Standards on TEDS. CRCL encouraged CBP to work to ensure that officers and agents are consistently using correct terminology when describing the searches conducted and are accurately documenting the types of searches conducted in the appropriate electronic systems of record.

**USCIS**

**Alleged Disclosure of Asylum Application Information:** In July 2015, CRCL opened a complaint from an ICE detainee alleging that USCIS improperly disclosed information contained in his asylum application to ICE and the detention staff at the South Texas Detention Center, resulting in his placement in segregated housing. CRCL did not substantiate the underlying allegations; however, CRCL issued an informal resolution to USCIS specific to their understanding of, and internal guidance on, the confidentiality protections under 8 CFR § 208.6(c), including when and to whom the exemptions apply. In this instance there was confusion as to who was covered by 8 CFR § 208.6(c)(1)(ii), an exemption that allows the sharing of confidential information to government officials and contractors on a need to know basis. Specifically, while ICE and detention staff fall under the exemption as government officials, the exemption might not extend to them unless they had a specific need to know for the information contained in the asylum application.

**Use of Assisted Reproductive Technology:** In September 2017, CRCL received a complaint from a same-sex couple living abroad, alleging that USCIS denied their daughter’s U.S. citizenship due to utilizing a discriminatory policy. CRCL investigated whether the current Assisted Reproductive Technology policy negatively impacts U.S. citizens who live abroad and use donor egg or donor sperm to conceive. CRCL has discussed with USCIS the existing policy on immigration and acquisition of citizenship under the Immigration and Nationality Act and has
suggested that USCIS continue to work to improve the clarity of this policy regarding U.S. benefits related to naturalization and citizenship.

TSA
Allegations of Religious Profiling and Discrimination: In May 2018, CRCL opened a complaint from an NGO on behalf of 14 women of Middle Eastern descent, all of whom identify as Muslim and cover their heads with a hijab. The travelers alleged that they were profiled, humiliated, and subjected to inappropriate secondary screening measures based on their race and religion at Newark International Airport in Newark, New Jersey. Specifically, CRCL investigated the claims of racial profiling, particularly the alleged grouping of unrelated women based upon their wearing hijabs. CRCL could not conclude that TSA personnel involved engaged in religious and/or racial profiling. However, the incident led to unrelated women in hijabs being identified as traveling companions of a person of interest, resulting in additional screening which raised profiling concerns. In May 2019, CRCL issued an informal resolution to TSA suggesting that TSA canine handlers and passenger screening canine behavior detection-qualified officers at Newark receive training on relevant procedures, and that content related to unconscious bias, racial profiling be incorporated in TSA’s national Canine Training Program. CRCL also suggested that all employees at the airport’s canine program view webinars on this subject, and that job aids created by TSA be disseminated nationwide through their national shift brief. TSA has informed CRCL that these actions have been implemented.

FPS
Review of Contractor Use of Force Policy: CRCL opened a complaint from a woman regarding an altercation she had with an FPS protective security officer at the Social Security Administration in Glendora, California. After taking a photograph of an agency poster spoofing Star Trek, she was informed by the officer that she was not allowed to take photos in the office. The officer then grabbed her phone, took her to the ground, and handcuffed her. After being interviewed by two federal officers, she was cited for not complying with “official signs of a prohibitory, regulatory or directory nature along with the lawful direction of federal police officers and other authorized individuals.” After resolution of litigation arising from this incident, CRCL obtained relevant documents and video from FPS and DHS and engaged the assistance of a contract policing expert to review the matter. The policing expert concluded that the use of force appeared to be proper and consistent with policy, but he also provided commentary on the relevant officer use of force policy, noting concerns and potential improvements that should be considered to bring the policy in line with best practices. CRCL closed the complaint based on the expert’s analysis, but also informally shared his observations with FPS requesting they consider a review of their officer use of force policy.

H. Complaints Investigated by CRCL without Operational Recommendations

ICE
Medical Care: In January 2019, CRCL opened a complaint that the Otero County Processing Center in Chaparral, New Mexico, provided a detainee with inadequate medical care for chronic kidney and heart disease. 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, including the timely referral of detainees to the emergency department and/or specialist(s). IHSC also implemented a Uniform Corrective Action Plan concerning the issue of medical staff receiving education on recurrent syncope, subdural/epidural hematomas, and need for further action after a detainee continues to return to the medical clinic for the same medical issue. A CRCL medical expert reviewed the corrective action plan and education plan provided to Otero medical staff and found it to be appropriate. Therefore, CRCL closed the complaint without recommendations.

**Medical Care:** In January 2019, CRCL opened a complaint alleging that the Kankakee County Jail in Kankakee, Illinois, provided a detainee with inadequate medical care for depression. The detainee alleged that he was not receiving the proper dosage of his anti-depressant medication, and that it was often out of stock. IHSC reviewed the allegations and identified issues with the detainee’s care. As a result, IHSC coordinated with the facility to address the concerns identified in their review of the complaint, including medication access and administration to detainees. ICE noted that a uniform corrective action plan was going to be initiated to address the findings. CRCL’s medical expert reviewed ICE’s response and indicated that it was thorough and well-done. Therefore, CRCL closed the complaint without recommendations.

**Verification of U.S. Citizenship:** In January 2019, CRCL became aware of three articles published the same day, two by Buzzfeed and one from NPR, regarding a U.S. citizen and Marine veteran being detained by ICE. The articles alleged that the man was in possession of his U.S. passport, a REAL ID driver’s license, a military ID card, and his U.S. Marine Corps dog tags when he was arrested by local police in Grand Rapids, Michigan on suspicion of attempting to start a fire in a stairwell at a hospital, and trying to reach the facility’s helipad. Local authorities then transferred him to ICE. During CRCL’s investigation, ICE stated that the man repeatedly claimed to be foreign born and that, while in ICE custody, he exhibited behaviors possibly indicative of mental illness. During the investigation CRCL received identity documents verifying the man’s U.S. citizenship and provided these to ICE. Once his U.S. citizenship was confirmed, ICE ensured he was promptly released. CRCL closed the complaint without recommendations.

**Privacy Concerns Regarding Information About Sponsors of Unaccompanied Alien Children:** In September 2017, CRCL received correspondence from an attorney on behalf of her client who alleged that he was arrested by ICE approximately nine months after he applied to HHS ORR to sponsor his minor brother. The complainant alleged that his unlawful presence in the U.S. became known to ICE only after he applied to sponsor his brother. Documents indicated that prior to applying to sponsor his brother, the complainant had not had any previous encounters with the government or ICE, lacked a criminal history, and his DNA was not included in any database. ICE arrested the individual before April 13, 2018, on which date ICE and CBP signed a memorandum of agreement with HHS ORR, formalizing that they would provide ICE with the name, date of birth, address, and fingerprints regarding potential sponsors. However, reports indicated that prior to the agreement, ORR had already been providing such information to ICE. CRCL found that this practice might raise concerns under the Privacy Act and DHS’ privacy commitments. However, as of the end of the fiscal year, ORR was not providing this information to ICE. Additionally, through September 30, 2019, DHS was restricted from using a subject’s background check for immigration enforcement actions such as placing a subject in
detention, removal, referring the individual for a decision on removal, or starting removal proceedings. Accordingly, CRCL closed this complaint without recommendations, but will continue to monitor for changes in practice.

**CBP**

**Vehicle Pursuit Resulting in Death:** In April 2019, CRCL received notification from CBP of the non-employee deaths of two Mexican nationals, the apprehension of nine Mexican nationals, and the arrest of a U.S. citizen during an attempted vehicle stop in New Mexico. According to documents, when Border Patrol agents attempted to stop the vehicle, the driver failed to yield and departed the area at high speed. Additional agents deployed a controlled tire deflation device ahead of the vehicle and it overturned when the driver swerved to avoid the device, ejecting two of the passengers. Based on CRCL’s review, it appears that Border Patrol agents acted consistent with policy with respect to the vehicular pursuit and accident, as well its aftermath. CRCL closed this complaint without recommendations.

**Political Questioning in Secondary Inspection:** In February 2019, CRCL opened a complaint in which a traveler alleged that CBP officers discriminated against him and engaged in inappropriate questioning during secondary inspection at a U.S. airport. During the investigation CRCL found that, according to CBP records, the traveler was selected for a secondary inspection by a CBP officer from the tactical terrorist response team. The traveler’s inspection was approved by a supervisor because of possible national security concerns, and the traveler was questioned about connections to extremists and inconsistencies in his travel history. There was no evidence of further questioning of a political nature. Based on the records and statement provided by CBP, officers conducted this inspection according to policy. CRCL closed this complaint without recommendations.

**Interacting with Travelers with Hearing Impairments:** In July 2018, CRCL received two referrals from the CBP INFO Center regarding a brother and sister, who are hard of hearing and reported concerns about their interaction with a CBP officer at the Blaine (Washington) port of entry. They alleged that the officer mumbled, spoke quickly, and turned away from them, making it difficult for them to hear and read his lips. A review of the video from the inspection shows that the officer was often looking at his computer instead of making eye contact. The port’s watch commander indicated that he provided feedback about the encounter to the officer and reminded him about proper technique for interacting with travelers. Although CRCL’s investigation found that the officer was not speaking directly or clearly to the travelers, and it is possible that his actions contributed to diminished effective communication, we determined that the officer did not realize that the travelers had hearing impairments until the end of the inspection. Moreover, there was no indication that the travelers ever made any specific requests for accommodation. Accordingly, CRCL did not find discriminatory conduct.

**USCIS**

**Discrimination on the Basis of Sexual Orientation:** In March 2018, CRCL opened a complaint from a same sex couple alleging that they were discriminated against during their interview with USCIS. Specifically, the same sex couple alleged the USCIS officer asked them inappropriate questions about their religious beliefs and insinuated that their marriage was fraudulent because they married several months after meeting. CRCL investigated the complaint. Based on the
information that USCIS provided, there was no evidence to suggest that the line of questioning was discriminatory in nature. Therefore, CRCL closed this complaint without recommendations.

**8 U.S.C § 1367 Violations:** In May 2018, CRCL opened a complaint from an attorney alleging that USCIS violated 8 U.S.C § 1367 confidentiality provisions by providing his clients information to DOJ, as his client has a pending VAWA self-petition. CRCL investigated the complaint. Based on the information that USCIS provided, there was no evidence to support that USCIS had shared information specific to the attorney’s client regarding the pending victim-based petition. Therefore, CRCL closed this complaint without recommendations.

**Discrimination on the Basis of Gender Identity:** In October 2018, CRCL opened a complaint from a naturalized U.S. citizen alleging that USCIS discriminated against her by failing to provide her with a new certificate of citizenship that reflected her new name and gender change. CRCL investigated the complaint. Based on the information provided, USCIS had in fact processed and positively adjudicated this application request. Therefore, CRCL closed this complaint without recommendations.

**Use of a Sign Language Interpreter at a Naturalization Examination:** In December 2017, CRCL opened a complaint from a naturalization applicant who alleged that the American Sign Language interpreter at her naturalization examination provided poor interpretation services, causing her to fail the civics test. CRCL’s investigation found that the interpreter had a prior relationship with the individual who accompanied the applicant to her examination. The interpreter became flustered, resulting in suboptimal rapport with the applicant and a rushed interpretation that may have caused some confusion for the applicant. However, after retaking the examination six months later with a different interpreter, the applicant again failed the civics test. While finding that the interpretation during the first examination was not ideal, CRCL concluded that the quality of the interpretation did not affect the applicant’s ability to pass the civics portion of the test. CRCL closed this complaint without recommendations.

**FEMA**

**Disparate Disaster Relief:** In November 2017, CRCL opened a complaint alleging that a FEMA employee made disparaging comments regarding a Jacksonville, Florida neighborhood in need of disaster relief following Hurricane Irma. Specifically, the complainant alleged that the FEMA employee stated that the Washington Heights Estates near the Ribault River was unsafe and crime ridden. The complainant believed that this stereotype contributed to a delay in providing FEMA disaster assistance to the residents of this community. Based upon the information provided by FEMA, CRCL could not substantiate the allegations raised by the complainant. Moreover, FEMA reported that after Hurricane Irma, access to Duval County was difficult because of flooding and road safety. As a result, FEMA’s priorities shortly after the recovery effort focused on the elderly and other vulnerable populations. Accordingly, CRCL closed this complaint without recommendations.

**Disparate Disaster Relief:** In July 2018, CRCL was informed by organizations that have been doing disaster assistance work in south Texas that FEMA has a higher than average denial rate for disaster relief in the unincorporated neighborhoods of the Rio Grande Valley, called Las Colonias. According to the information FEMA provided, Las Colonias was not designated a
disaster area by the state of Texas. Las Colonias spans the Texas-Mexico border and Hurricane Harvey only impacted one or two counties that could possibly be identified as being part of Las Colonias. FEMA reported that it would not send out inspectors to non-disaster areas. Accordingly, because Las Colonias was not designated as a disaster area, FEMA would not have sent inspectors to the area. CRCL was unable to substantiate the allegation and closed this complaint without recommendations.
V. Equal Employment Opportunity and Diversity Division

The Equal Employment Opportunity and Diversity Division (EEOD) leads the Department’s efforts to ensure that all employees and applicants are provided equal opportunity in all employment decisions, and a workplace free from unlawful harassment, by maintaining effective EEO and diversity programs 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.;
- The Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1);
- Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Pub. L. No. 107-174);
- Executive Order 11478, Equal Employment Opportunity in the Federal Government (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

EEOD is responsible for adjudicating EEO complaints for all DHS Components; overseeing the management of the EEO complaint process at Components; developing and monitoring EEO and diversity program policies, plans, and guidance; managing the Department’s Alternative Dispute Resolution program; overseeing the management of Component anti-harassment programs; and delivering training, conducting oversight, and administering EEO and diversity programs for DHS Headquarters and its nearly 8,000 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 2019, the EEO Council completed the final year of its five-year strategic plan aimed at achieving a unity of effort across the Department’s EEO and diversity programs. By the end of the fiscal year, the Council also formulated its new five-year strategic plan, which will cover FY 2020-FY 2024.

The Division continued to focus on anti-harassment efforts, building momentum on the work started in FY 2018 when there was substantial emphasis on addressing and eradicating sexual harassment and assault stemming from multiple high-profile cases from within and outside of the Department. In FY 2019, the Department continued implementing improvements to DHS’s anti-harassment programs that were identified by a Council working group’s study of anti-harassment programs across government and in the private sector and approved by the CRCL Officer. As a result, the working group developed separate guidelines for anti-harassment training curriculum
for employees, managers and supervisors, and leadership. In addition, with the assistance of a contract firm, the anti-harassment training for all employees was revised and launched on each Component’s learning management system. Due to their efforts, in FY 2019 the Anti-Harassment Working Group received a Secretary’s Award for Unity of Effort for “outstanding collaboration in developing implementation procedures for the new DHS Anti-Harassment Policy and standardized training curriculum, improving working conditions for all DHS employees.”

A. Complaints Management and Adjudication Section

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

- Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report
- Quarterly No FEAR Act data postings

Accomplishments in FY 2019

Issuance of Final Agency Actions
CMAS adjudicates and prepares, for the Deputy Officer’s approval, various types of final agency actions. CMAS set a goal for FY 2019 to issue 45 percent of merit-based final actions within
regulatory time frames (40, 45, or 60 days, depending on the type of case). This year, CRCL issued 954 final agency actions, including 832 decisions that addressed the merits of allegations of discrimination. Notably, 51 percent (421 of 832) of these merit-based final actions were timely issued; accordingly, CMAS surpassed its timely issuance goal by six percent. Additionally, CMAS continued to strategically address its backlog of merit-based cases pending final agency decision (FAD). CMAS utilized its in-house adjudication resources primarily for FADs that could be prepared within regulatory timeframes and assigned many of the older cases to a contract vendor to draft FADs. By fiscal year end, 178 cases had been assigned to the contractor, and 184 drafts had been received (some having been sent to the contractor the prior fiscal year). This contract resource was invaluable in helping address the FAD backlog; nonetheless, due to increased incoming requests for final action, the backlog grew from 172 at the beginning of FY 2019 to 311 at the end of the fiscal year. Backlog reduction will continue to be a focus in FY 2020.

Report of Investigation Feedback Tool
During FY 2019, CMAS provided quarterly feedback to DHS Components on the quality of their reports of investigation through use of an ROI feedback tool. The tool was developed and launched in FY 2016, in a collaborative effort between CMAS and DHS Component EEO offices. Using the feedback tool, CMAS can objectively rate each ROI in 14 competency categories including sufficiency of documentation, selection of relevant witnesses interviewed, relevance of evidence, as well as several report accuracy measurements. The Component EEO offices have used the feedback as an additional method to assess the quality of their ROIs, which has proven to be an effective way for CMAS to partner with Components to improve the quality of ROIs across DHS. Since its inception, the Component complaint managers have welcomed the thorough feedback and detailed comments and have offered suggestions for improvement. Complaint managers also noted that they share feedback with their staff and contractors as an objective improvement mechanism. Notably, the ROI feedback tool has been recommended by the EEOC as a best practice for other federal agencies.

Collaboration with DHS Components and Other Stakeholders
CMAS led quarterly meetings of the DHS EEO complaint managers, where topics of discussion included review of the EEO complaint management processes, standardized and ad hoc reports, updates and refresher training on the DHS enterprise EEO data system, and briefings from the EEOC on their data management system, FedSEP. Component complaint managers gave input on agenda ideas and led or contributed to discussions during the meetings. This collaboration has proven important in strengthening relationships and enabling managers within this community to share challenges and provide input on solutions and best practices.

The CMAS compliance program monitors Components’ implementation of remedial relief that has been ordered in findings of discrimination and reports compliance progress to the EEOC for EEOC-issued decisions in which discrimination was found. During FY 2019, CMAS collaborated with the EEOC’s incoming compliance officer to establish an effective working relationship and, in turn, update Components on new procedures.
CMAS led Components in their utilization of the EEO enterprise complaint data system and launched efforts to update four Components’ hierarchy designations in the system—a long-term project that will conclude in FY 2020. Additionally, CMAS senior staff attended the data system vendor’s user forums to stay abreast of updates and enhancements to the system and provided relevant feedback from that forum to Component complaint managers. Finally, CMAS coordinated with the data system vendor, TSA (the current contract owner), and the DHS OCIO to lead a comprehensive update of the data system and ensure successful completion.

CMAS staff participated in working groups formed to implement annual goals of the EEO Directors Council’s Strategic Plan. These working groups consisted of DHS EEO professionals from all Components and demonstrated a commitment to unity of effort by the EEO program. Additionally, CMAS staff members delivered EEO training to supervisors and new employees within Headquarters, and to members of the Senior Executive Service.

**Vetting Requests**
CMAS is required to vet DHS employees’ names prior to their being approved to receive certain high-level awards from DHS leadership. During FY 2019, 56 vetting requests were received and processed, comprising more than 2,100 names, each of which was individually researched. CMAS dedicated additional internal resources to this area and completed 98 percent of vetting requests by the assigned due date.

**B. Diversity Management Section**

The Diversity Management Section (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 anomalies that may be tied to EEO or diversity issues. On behalf of the Department, DMS also prepares and submits mandatory 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 actively participate on various committees and working groups including the:

- U.S. Office of Personnel Management’s Applicant Flow Data Working Group;
- Securities Exchange Commission Multi-Agency Barrier Analysis Working Group;
- U.S. Department of Education White House Initiative on Historically Black Colleges and Universities (HBCU) Federal Interagency Working Group;
- Intelligence Community’s Equal Employment Opportunity Data Group;
- Interagency Women and Girls in Science, Technology, Engineering, and Math Working Group;
- Disability Policy Interagency Working Group; and
- National Council of Hispanic Employment Program Managers.

**Accomplishments in FY 2019**

**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 HBCU initiatives, EEO training plans, and emerging issues. The DMS Statistician and the Departmental Disability Employment Program Manager met with each Component to review the EEOC Management Directive 715 report, including data and self-assessments, to conduct a mid-year review of its program.

**Departmental Special Emphasis Programs**

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 programs include:

- Lesbian, Gay, Bisexual and Transgender (LGBT) employment program
- Federal Women’s program
- Black/African American employment program
- Hispanic employment program
- American Indian/Alaska Native employment program
- Asian American/Pacific Islander employment program
- Disability employment program

DMS SEP managers identified and established relationships with SEP managers at each Component and continued the compilation and distribution of a DHS-wide SEP observance and events calendar for each commemorative month.

DMS collaborated with employee group DHS Pride to plan the 2019 LGBT Pride Month program which celebrated the 50th anniversary of the Stonewall Riots that began the gay rights movement in this country. DMS also collaborated with the employee association, DHS Adelante, to sponsor the 2019 National Hispanic Heritage Month program that featured a panel of senior executive service employees.

**Outreach to Minority Serving Institutions**

In FY 2019, DMS and the Department participated in events and activities sponsored by the White House Initiative on HBCUs. DMS participated in the 2019 National HBCU Week Conference, where they sponsored and moderated a panel, “Is Your Campus Safe? Building and Retaining Resilience.” The panel featured representatives from Cybersecurity and Infrastructure Security Agency (CISA), DOJ’s Office on Violence Against Women, Howard University School of Medicine, and Florida A&M University. DMS also coordinated participation of DHS Headquarters and Component procurement representatives in the first HBCU Industry Day Event and Matchmaking Session held during the conference.

DMS further secured staff from the White House Initiative on HBCUs to provide a keynote address at the first annual USCG and HBCU Training and Leadership Summit at Norfolk State University. Additionally, DMS collaborated with other DHS staff to present on “Promising Practices for HBCU Outreach and Engagement” at the second annual USCG and HBCU Training and Leadership Summit at Elizabeth City State University.
Women in Law Enforcement Mentoring Program Pilot
In March 2019, CRCL launched the DHS Women in Law Enforcement mentoring program. The program is designed to use mentoring as a valuable career development tool and networking opportunity for women who serve as law enforcement officers throughout the Department. The six-month pilot program included 72 participants (36 mentor-mentee pairs) who were located across the country and worked across multiple DHS Components, to include: ICE, FLETC, FPS, CBP, TSA, and the U.S. Secret Service. The program content focused on career development and advancement, transitioning from non-supervisory positions to supervisory roles, and the range of post-retirement options for officers. Participants expressed that the pilot program provided an invaluable experience that increased their confidence and fostered their professional and personal growth. The mentoring program will continue in FY 2020 with a second cohort of mentors and mentees.

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 2019. The Department continued its recruitment initiatives for persons with disabilities and collaborated with the Office of the Chief Human Capital Officer Strategic Recruitment, Diversity and Inclusion on the development of the FY 2019 Disability Hiring goals. DMS also convened quarterly meetings with DHS disability employment program leaders to review policies and programs. DMS oversaw the first DHS-wide Resurvey Campaign to promote employee update of disability status to ensure accuracy in documenting and tracking progress in achieving employment goals for individuals with disabilities. This initiative resulted in nearly 800 employees updating their disability profile information, representing an increase of 555 disability designations. The Disability Employment Program Manager also established, led, and coordinated efforts of the Section 508 Complaint Process Working Group to develop Section 508 Complaint Processing Standard Operating Procedures and a complaint/inquiry form.

DHS increased its Schedule A workforce, representing individuals with intellectual, severe physical or psychiatric disabilities from 558 in FY 2017 to 930 in FY 2019, resulting in a 67 percent increase over two years. The number of persons with disabilities in the permanent DHS workforce increased from 19,682 (10.46 percent) in FY 2018 to 21,161 (11.01 percent) in FY 2019, representing a total increase of 1,479 employees.

Reporting Requirements
DMS prepared and submitted to the EEOC the DHS Management Directive 715 (MD-715) Report. MD-715 is the policy guidance that the EEOC provides to federal agencies for their use in establishing and maintaining effective EEO programs under Section 717 of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq., and Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. MD-715 provides a roadmap for creating effective EEO programs for all federal employees as required by Title VII and the Rehabilitation Act.

DMS prepared and submitted to the White House Initiative on HBCUs the FY 2019 Annual Plan on Executive Agency Actions to Strengthen the Capacity of Historically Black Colleges and Universities to Compete for Federal and Private Sector Opportunities. The Plan is prepared
pursuant to Executive Order 13779, White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities. The executive order requires federal partners to submit an annual plan that describes the agency’s efforts to strengthen the capacity of HBCUs to participate in federal programs and initiatives.

C. Alternative 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 through litigation. CRCL’s ADR Program helps individuals resolve workplace disputes and provides an alternative to the traditional EEO complaint process through mediation.

The DHS ADR Program provides a cadre of shared neutrals (mediators) for use by all DHS Components to achieve early resolution of employee disputes. In FY 2019, the ADR program added 30 new mediators to its roster, increasing the number of collateral duty mediators to 77. In FY 2019, CRCL responded to 169 requests for mediation, saving Components more than $140,000 in their ADR programs.

D. Anti-Harassment Unit

The DHS Headquarters Anti-Harassment Unit is responsible for conducting fact-findings into allegations of harassment brought by DHS Headquarters employees. The process is separate from the EEO complaint process. In FY 2019, CRCL issued the Departmental Anti-Harassment policy reinforcing the Department’s commitment to a workplace free from harassment and discrimination. In FY 2019, the DHS Headquarters Anti-Harassment Unit conducted 47 inquiries into reports of harassment.

E. Headquarters Equal Employment Opportunity Office

The Headquarters EEO Office (HQ EEO) supports nearly 8,000 employees across DHS Headquarters program offices by enforcing compliance with EEO laws, regulations, and mandates; providing guidance to Headquarters management officials and employees on EEO and diversity; preventing and addressing unlawful employment discrimination; and ensuring that all Headquarters employees have a working environment that is free from unlawful discrimination, harassment, or reprisal and that will support them in the fulfillment of their mission to protect the homeland.

Accomplishments in FY 2019

Infrastructure Enhancements

In FY 2019, HQ EEO actively worked to fill key vacancies, which included hiring a new EEO director, an EEO specialist to conduct intake and counseling of EEO complaints, and an EEO investigator to conduct in-house investigations, including those involving complex or unique fact
patterns. In FY 2020, HQ EEO aims to hire an EEO specialist to work on reports and lead affirmative employment initiatives.

**Complaints Processing**

In FY 2019, HQ EEO provided counseling on 95 complaints of employment discrimination and conducted 45 EEO investigations—which accounted for record level highs of incoming complaint activity at Headquarters when compared to the prior six fiscal years. Notwithstanding the increase in the number of complaints processed, HQ EEO increased the timely completion rates compared to the prior fiscal year: 98 percent of counselings were timely conducted, and 88 percent of investigations were timely completed. During FY 2019, the most commonly alleged bases for Headquarters complaints were reprisal, race, disability, and sex. The most commonly alleged issues were non-sexual harassment, assignment of duties, disciplinary action, performance/evaluation, and promotion/non-selection.

**Maturing the Reasonable Accommodation Program**

HQ EEO continued to make strides in growing its Reasonable Accommodation program. In FY 2019, in addition to handling daily contacts from employees and managers seeking advice and guidance on the reasonable accommodation process and disability rights and responsibilities, HQ EEO processed 258 requests made by 128 employees, applicants for employment, and contractors. HQ EEO also produced a fact sheet that provides Headquarters employees with a brief description of the reasonable accommodation process. In FY 2019, HQ EEO staff also conducted outreach and delivered trainings to several Headquarters supervisors and managers. Staff will continue to coordinate with Headquarters offices to conduct these trainings, in addition to Schedule A and disability etiquette trainings.

**Educational and Outreach Events**

To keep Headquarters employees engaged and informed about EEO and diversity, HQ EEO conducted training for all new Headquarters employees and senior executives. HQ EEO staff also updated the EEO materials used during the Human Resources Essentials training course aimed at developing new Headquarters supervisors. Additionally, HQ EEO conducted monthly meetings for internal collateral duty EEO counselors to discuss the status of cases and provide a forum for regular, technical refresher training.

HQ EEO also sponsored or co-sponsored a variety of EEO and diversity events to commemorate special emphasis programs, including African American History Month, Women’s History Month, Asian American/Pacific Islander Heritage Month, LGBT Pride Month, Hispanic Heritage Month, National Disability Employment Awareness Month, and National American Indian Heritage Month.
VI. 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 and 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.

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 leadership for both offices. OAST is physically located within the front office of the OCIO. OAST is divided into the following two divisions:

- **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. The Center 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 2019**

**Trusted Tester Certification Program**

The Trusted Tester version 5 for the Web certification program was launched in June 2019. Trusted Tester is a comprehensive program that consists of an accessibility test process, accessibility test tools, training, and a certification exam that transforms the way information communication and technology is evaluated for conformance to the revised Section 508 standards. At the end of the fiscal year, 70 individuals received their Trusted Tester version 5 certification.

**DHS Accessibility Requirement Tool**

OAST updated the DHS Accessibility Requirements Tool 2.0, which is a Section 508 contract language generation tool used across the Department. Updates to the tool included
improvements to system navigation, accessibility requirement tailoring capabilities, and additional training options.

**Accessibility Compliance Management System**

OAST’s Accessibility Compliance Management System 1.0 was migrated to ServiceNow, a cloud-based software platform based on IT Infrastructure Library guidelines, which supports IT Service Management and helps to automate the IT Business Management. The migration allowed OAST to leverage innovative platform features such as ticket management, automated workflows (such as those supporting new reasonable accommodations requests and technical assistance), and robust dashboard reporting.

**IT Projects**

OAST participated in various IT projects throughout FY 2019, which included collaboration across the Department. These notable projects include:

- Developing the Accessibility Compliance Reporting Tool which provides the ability to consistently document Trusted Tester 5.0 test results; this is an open-source tool and allows users to share test results in a user-friendly report template;

- Collaborating with Office of the Chief Human Capital Officer’s Human Resources IT Program and the Office of Personnel Management to ensure Section 508 testing and remediation was completed on the 2019 Federal Employee Viewpoint Survey; for the first time in more than four years, the survey is Section 508 conformant;

- Collaborating with Information Sharing and Services Office’s Information Management Services to ensure the new records management course met Section 508 requirements: the course was reviewed and accepted by the National Archives as training that meets their stringent requirements and it performs extremely well in the DHS PALMS learning platform; and,

- Partnering with the Chief Technology Office’s Collibra data governance lead to ensure Section 508 testing was completed on the Collibra Data Governance Center; Collibra, the commercial vendor, leveraged the DHS accessibility test process and trusted tester certification to test their product and develop a remediation plan to track defects found during testing.

**Training and Outreach**

OAST developed and deployed seven accessibility related trainings to the Moodle learning management system. Trainings included six courses for trusted tester for the web on Windows track, a course on how to integrate Section 508 into the procurement process.

During FY 2019, a total of 8,106 individuals received accessibility-related training, including those who attended accessibility outreach events hosted by other agencies. OAST also represented the agency at several events, which included:

- Presenting at the California State University, Northridge conference on how to use government accessibility resources to obtain accessible products through the acquisition process;
• Inspiring the University of Maryland to create a new Section 508 Program Management concentration in their Human Factors Master Program;
• Hosting a session on cloud accessibility with the senior cloud program manager at National Institute of Standards and Technology and kiosks accessibility with the senior 508 program manager at Hewlett Packard;
• Conducting a workshop with all Federal Government Section 508 program managers on how to evaluate vendor accessibility documentation;
• Serving on the Automated Personalization Computing Project Federal Steering Committee (a five-year cloud accessibility initiative funded by a U.S. Department of Education grant); and,
• Contributing best practices to the International Association of Accessibility Professional to support acquisition professionals.

Document Accessibility
OAST provides document remediation support across the Department. The documents accessibility team remediated over 23,000 pages for Section 508 conformance. A few projects included the Form I-9 (developed by USCIS to verify the identity and employment authorization of individuals hired for employment in the U.S.), Congressional Budget, National Security Telecommunications Advisory Committee Report, DHS Blue Campaign documents, and the DHS Anti-Harassment training transcript.

Technical Assistance and Application Testing
The DHS Accessibility Helpdesk processed 1,600 requests from customers both internal and external to DHS Headquarters and Components. Additionally, a total of 32 applications were tested for Section 508 conformance, to include the Cyber Security Awareness Training, Federal Mandatory Security Testing, Department-wide mandatory anti-harassment training, and the 2019 Federal Employee Viewpoint Survey.

Section 508 Policy and Guidance
OAST provides interpretation, guidance, and oversight of Section 508 laws, regulations and policy across Headquarters and Components. Accomplishments for governance in FY 2019 include:
• Developing the DHS Section 508 Playbook, a resource that defines how to address the Revised Section 508 standards throughout the Software engineering life cycle and the acquisition life cycle;
• Revising the DHS Accessibility Requirements Tool 2.0 Section 508 Contract Language Generation tool to improve ease of use, add additional training options, and enhance tailoring capabilities;
• Developing the OAST Strategic Plan in alignment with the FY 2020 OCIO Strategic Plan, including the identification of strategic technical support needs and envisioning a services-based delivery model to improve scalability of OAST program support capabilities;
• Conducting extensive validation of the Department-wide web accessibility report prepared by the U.S. General Services Administration (GSA); worked with GSA to resolve errors and communicated valid issues to Component webmasters, along with detailed instructions on how to remediate and independently validate;
• Creating new Section 508 Component Program Health Assessment scorecard and process, integrated data collection into the Accessibility Compliance Management System, and conducted Phase One initial interviews with all DHS Components;
• Coordinating a cross-agency effort to address Section 508 test tool compatibility issues with the Salesforce platform and worked with the vendor to communicate remediation priorities for the Department;
• Spearheading efforts to develop a comprehensive developer accessibility roadmap and accessible testing tool evaluation process;
• Collaborating with the U.S. Access Board and GSA to draft a government-wide approach to implementing the new Best Meets provision in the Section 508 standards; and,
• Collaborating with CRCL to create a Department-wide Section 508 complaint management process.

Acquisition and Change Control Reviews
OAST conducted 525 Section 508 governance reviews to ensure accessibility was adequately addressed for Information Technology Acquisition Review submissions totaling $2.8 billion in DHS acquisitions. OAST also conducted 2,171 Section 508 governance reviews for Headquarters change control submissions to ensure applications being moved to production were addressing Section 508 compliance requirements throughout the lifecycle.
VII. 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, 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—Prohibits against exclusion from, participation in, denial of benefits of, and discrimination under federally assisted programs on the grounds 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. 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 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 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). Establishes Board of Advisors on Historically Black Colleges and Universities.

• Executive Order 13270, *Tribal Colleges and Universities* (July 3, 2002). Establishes Board of Advisors on Tribal Colleges and Universities and the White House Initiative on Tribal Colleges and Universities.

• 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, providing new religious liberty protections for beneficiaries of federally funded social service programs, while adding new protections for the ability of religious providers to compete for government funds on the same basis as any other private organization.

- **Executive Order 13636, Improving Critical Infrastructure Cybersecurity (February 12, 2013).** Directs Executive Branch efforts to enhance the security and resilience of the Nation’s critical infrastructure and to maintain a cyber environment that, among other things, incorporates strong civil liberties and privacy protections into every initiative to secure our critical infrastructure.

**Delegations and Directives:**

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

- **Management Directive 4010.2,** Establishes the DHS Section 508 Program Management Office within the DHS Office of the Chief Information Officer and establishes policy regarding 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**, Delegates authority to provide DHS-wide guidance and oversight on the implementation of 8 United States Code (U.S.C.) Section 1367 confidentiality and prohibited source provisions (relating to applicants for and beneficiaries of Violence Against Women Act, T visa, or U visa protections) in accordance with 8 U.S.C. 1367(d) and Section 810 of the Violence Against Women Reauthorization Act of 2013.

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


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

• **Directive 065-02**, Establishes the Department’s Special Emphasis Program policy and requirements.

• **Directive 065-04**, Establishes the Department’s Equal Employment Opportunity Alternative Dispute Resolution Program.

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

• **Directive 259-01**, Providing Reasonable Accommodations for Employees and Applicants with Disabilities.

Appendix B: Public Complaints Tables

In FY 2019, CRCL opened 801 new complaints from members of the general public (compared to 743 opened in FY 2018, an increase of eight percent) and closed 801 complaints (compared to 693 closed in FY 2018, an increase of 16 percent). Data tables B-1A and B-1B describe matters retained by the OIG during FY 2019, and complaints closed and returned to CRCL from the OIG during FY 2019, by quarter. Data tables B-2A through B-5B summarize complaints retained by CRCL and referred to DHS Components by quarter in FY 2019.

As of September 30, 2019, the Compliance Branch had 593 open complaints. Of those, 51 complaints were opened and retained by CRCL for investigation. Of those, 281 were addressed using “short form” investigations to facilitate swift action on urgent complaints and to expedite resolution of allegations that are narrowly focused and therefore require a more limited investigation. Another 22 of the open complaints were referred to a DHS Component for investigation, and 39 are currently retained by OIG for investigations.  

For a tally of all CRCL’s complaints by Component and primary allegation from FY 2003 to 2018, please visit: www.dhs.gov/complaints.

Office of the Inspector General

CRCL initially refers all complaints it opens to DHS OIG, which retains a relatively small number of those complaints for its own investigations (See 6 U.S.C. § 345(a)(6)). Of the 801 complaints opened in FY 2019, 16 complaints were retained by the OIG.

In FY 2019, CRCL closed 19 complaints retained by the OIG, which completed OIG investigations and were returned to CRCL for follow-up on remaining civil rights issues. These matters included one matter retained by OIG in FY 2013, one matters retained in FY 2014, four matters retained in FY 2016, seven matters retained in FY 2017, five matters retained in FY 2018, and one matter retained in FY 2019. CRCL closed these complaints based upon either the conclusions reached in the OIG’s investigation or based on additional investigation by CRCL.

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14 Please note that at the time of this report, 146 matters were opened as complaints but not yet classified by complaint type.
### TABLE B-1A: CRCL COMPLAINTS OPENED AND RETAINED BY THE OIG, FY 2019

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### TABLE B-1B: CRCL COMPLAINTS CLOSED BY THE OIG, FY 2019

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## First Quarter FY 2019

### TABLE B-2A: COMPLAINTS OPENED Q1 FY 2019: PRIMARY ALLEGATION BY COMPONENT

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TABLE B-3B: COMPLAINTS CLOSED Q2 FY 2019: PRIMARY ALLEGATION BY COMPONENT
### TABLE B-4A: COMPLAINTS OPENED Q3 FY 2019 PRIMARY ALLEGATION BY COMPONENT

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### Fourth Quarter FY 2019

#### TABLE B-5A: COMPLAINTS OPENED Q4 FY 2019: PRIMARY ALLEGATION BY COMPONENT

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Sub-Totals 216: 132, 32, 44, 0, 0, 1, 3, 14, 36, 166, 216
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