



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

### **DHS Guidance on Nondiscriminatory Law Enforcement and Screening Activities**

On April 26, 2013, DHS Secretary Janet Napolitano issued new guidance on the [Department's Commitment to Nondiscriminatory Law Enforcement and Screening Activities](#). The new guidance, which supersedes the 2004 memo from Secretary Ridge, substantially incorporates the U.S. Department of Justice's (DOJ) 2003 guidance on the use of race in law enforcement.

Under policy that has been in place since 2004, DHS personnel may not use race or ethnicity as a criterion in conducting stops, searches, and other law enforcement, investigation, or screening activity unless a compelling governmental interest justifies such use. The new guidance clarifies that any particular use contemplated must be narrowly tailored, in both time and scope. In addition, the new guidance establishes DHS policy that directives or rules in law enforcement and security settings that consider an individual's nationality, as an investigative or screening criterion, should be reserved for situations in which such consideration is based on an assessment of intelligence and risk, and in which alternatives do not meet security needs, and such consideration should remain in place no longer than necessary. CRCL will coordinate with each DHS Component in developing a specific plan for implementing the DHS policy.

Read the [Department of Homeland Security's Commitment to Nondiscriminatory Law Enforcement and Screening Activities](#).

### **DHS No FEAR Act Fiscal Year 2012 Annual Report**

CRCL has released the [DHS Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 \(No FEAR Act\) Annual Report for Fiscal Year 2012](#). The Annual Report meets the [statutory requirement](#) for all federal agencies to post both quarterly and annual statistical data relating to federal sector Equal Employment Opportunity (EEO) complaints on its public website, reimburse the Judgment Fund for any payments made, and notify employees and applicants for employment about their rights under the federal antidiscrimination whistleblower laws. Highlights from the 2012 Annual Report include:

- Launch of two Joint Opportunity Initiatives, exploring avenues for leveraging Department-wide resources among the DHS EEO and diversity communities;
- Completion of 596 timely investigations – a 12 percent increase over the 531 timely investigations completed in FY 2011;
- Completion of 85 percent of EEO counselings within the regulation-specific timeframe; and

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- Issuance of 163 timely merit Final Agency Decisions (FADs) – a 37 percent increase over the 199 timely merit FADs issued in FY 2011.

Read the [2012 No FEAR Act Annual Report](#).

## **DHS 2012 Environmental Justice and Annual Implementation Report**

DHS recently released the [Environmental Justice Annual Implementation Progress Report for Fiscal Year 2012](#), which summarizes the Department's progress toward achieving the goals of Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (Feb. 11, 1994). During the reporting period, CRCL continued its work to integrate civil rights throughout the Department's programs, including rights secured by Title VI of the Civil Rights Act of 1964 (Title VI), which provides one legal underpinning of EO 12898 and prohibits discrimination on the grounds of race, color, or national origin in programs or activities receiving federal financial assistance.

Environmental justice concerns may be presented in projects supported through federal financial assistance, and Title VI provides an important tool for raising and addressing those concerns. CRCL also co-chairs the Department's Environmental Justice Working Group with the Office of the Chief Readiness Support Officer, Sustainability and Environmental Programs, to identify and address environmental justice considerations in current and pending DHS actions.

Read the [2012 Environmental Justice Annual Implementation Progress Report](#).

## **New Training to Prevent Sexual Abuse and Assault in Detention**

U.S. Immigration and Customs Enforcement (ICE) has zero tolerance for all forms of sexual abuse or assault. It is ICE policy to provide effective safeguards against sexual abuse and assault of all individuals in ICE custody. To better prepare ICE personnel for their crucial role in helping to combat sexual assault, CRCL collaborated with ICE to produce a mandatory online training course for the thousands of ICE employees who have contact with detainees. The training will help employees understand their role in the prevention, detection, and response to sexual abuse in ICE facilities or in other custodial situations.

The training was adapted from a course developed for correctional staff by the National Institute of Corrections at DOJ. It introduces employees to key principles set forth in the Prison Rape Elimination Act of 2003 and provides the tools employees need to understand their duty to report allegations, as well as respond to victims. The course also offers video tutorials and downloadable job aids on prevention, first responder tips, and communicating with persons of limited English proficiency, which provide actionable and job-specific knowledge that employees will need to sustain a zero tolerance culture.

## **Preparing for Severe Weather**

Natural disasters such as flood, fire, earthquake, tornado and windstorm affect thousands of people every year. You should know what your risks are and prepare to protect yourself, your family and community. Recognizing an impending hazard and knowing what to do to protect yourself and your family will help you take effective steps to prepare beforehand and aid recovery after the event.



The steps you can take to prepare for the unexpected, such as assembling a supply kit and developing a family emergency plan, are the same for all types of hazards. However each emergency is unique and knowing the specific actions to take for each threat will impact the decisions and preparations you make. Visit [www.ready.gov](http://www.ready.gov) to learn how to prepare for natural disasters.

Make a [Pledge to Prepare](#) for disasters today! By pledging, you will become part of the National Preparedness Coalition. As a Coalition Member, you will have access to exclusive resources and be able to collaborate with thousands of fellow members across the country on ways to participate and get your community involved.

## **CRCL on the Road, May**

### ***May 15 – Atlanta, Georgia***

CRCL convened its quarterly community engagement roundtable with diverse ethnic and community-based organizations.

### ***May 15 – Seattle, Washington***

CRCL convened its quarterly community engagement roundtable with diverse ethnic and community-based organizations.

### ***May 17 – Minneapolis, Minnesota***

CRCL convened its quarterly community engagement roundtable with diverse ethnic and community-based organizations.

### ***May 23 – Boston, Massachusetts***

CRCL participated in the BRIDGES community engagement roundtable meeting with the U.S. Attorney's Office.

## **Additional information, and contacting us**

The goal of this periodic newsletter is to inform members of the public about the activities of the DHS Office for Civil Rights and Civil Liberties, including: how to make complaints; ongoing and upcoming projects; opportunities to offer comments and feedback; etc. We distribute our newsletters via an email list and make them available to community groups for redistribution. We also post information pulled from the newsletter on a webpage, [CRCL at Work](#). If you would like to receive this newsletter via email, want to request back issues, or have other comments or questions, please let us know by emailing [crcloutreach@dhs.gov](mailto:crcloutreach@dhs.gov). If you are on this list, but no longer wish to receive this newsletter, please send an email to the same address asking us to unsubscribe you. For more information, including on how to make a civil rights or civil liberties complaint about DHS activities, see [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

CRCL Phone: 202-401-1474 • Toll Free: 866-644-8360 • TTY: 202-401-0470 • Toll Free TTY: 866-644-8361

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