



Demystifying
THE DEPARTMENT OF JUSTICE
A Quarterly Series

CARE

*Community Awareness,
Response, & Engagement*

**We will begin our
presentation shortly.**

Today's Agenda

I. Welcome

II. Presentation: Racial Justice Bureau

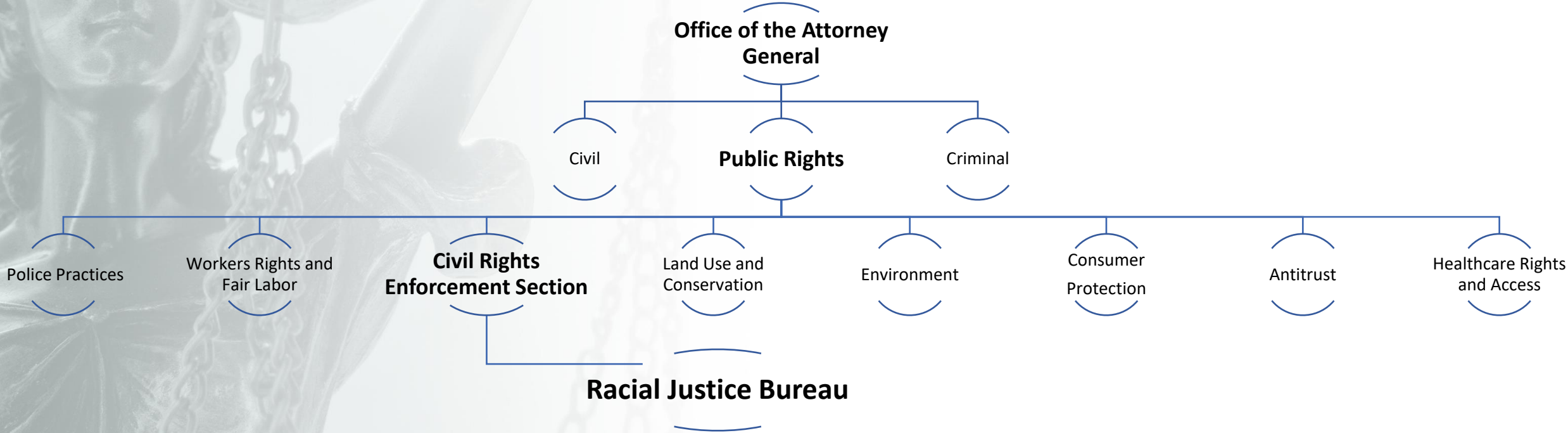
III. Q&A

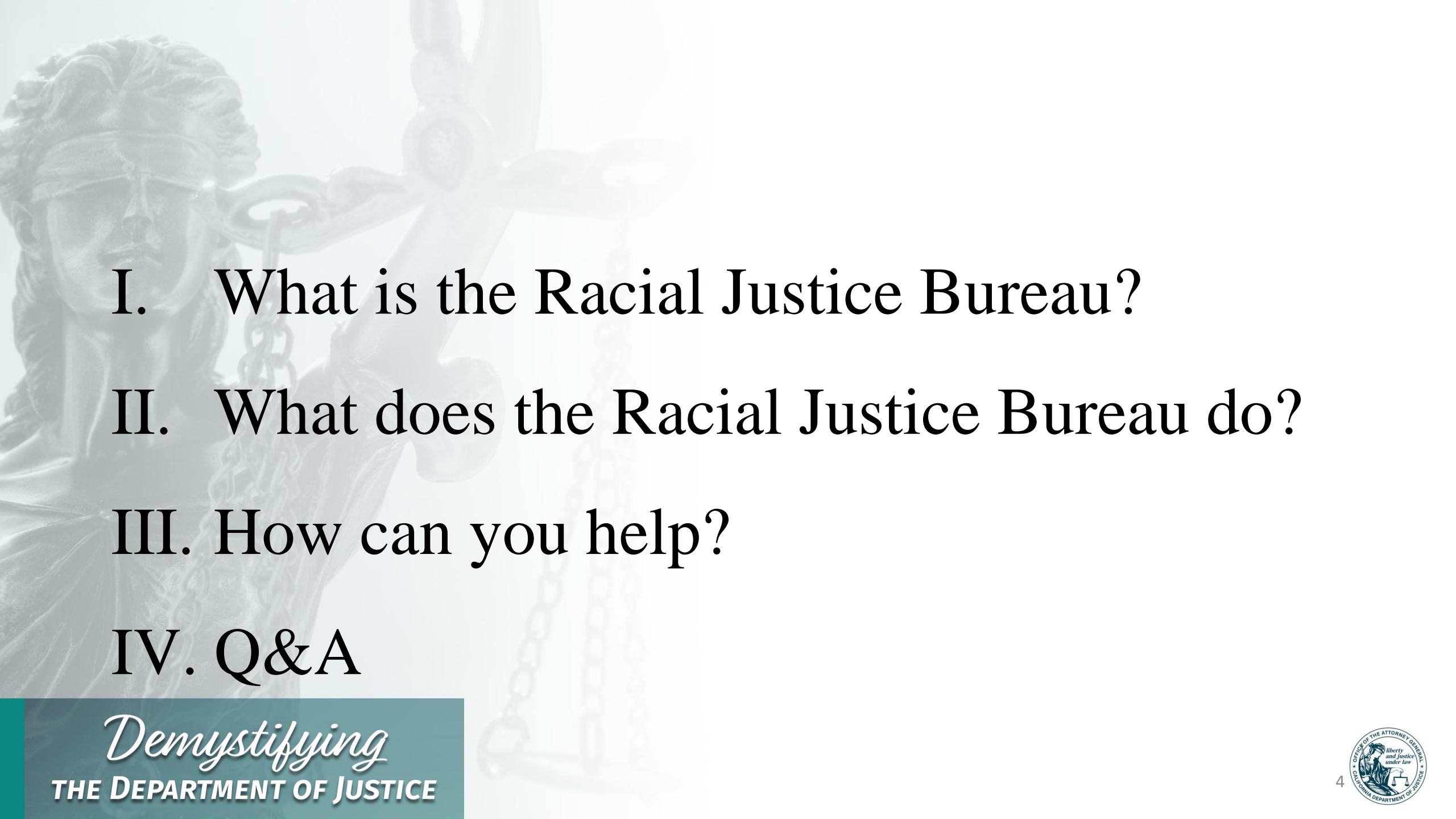
IV. Closing

Demystifying
THE DEPARTMENT OF JUSTICE



What is the Racial Justice Bureau?



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- I. What is the Racial Justice Bureau?
 - II. What does the Racial Justice Bureau do?
 - III. How can you help?
 - IV. Q&A

What does the Racial Justice Bureau do?

- The Racial Justice Bureau (RJB) was created in May 2021 by Attorney General Rob Bonta to increase our office's focus on racial and social justice issues across DOJ's civil rights work and support new and ongoing efforts to protect all Californians. RJB addresses unlawful race, color, and national origin-based discrimination in a variety of areas including voting rights, immigration, law enforcement, housing, education, and hate crimes. RJB advances racial justice through:
 - Investigations
 - Litigation
 - Amicus Briefs
 - Comment Letters
 - Policy and Guidance
 - Public Reports and Other Publications

What Does RJB Do?

Law Enforced

- Federal Laws Enforced
 - U.S. Constitution: First, Fourth, Fifth, and Fourteenth Amendments
 - Federal Statutes: Voting Rights Act, Fair Housing Act, Equal Credit Opportunity Act, Titles VI and VII of the Civil Rights Act of 1964
- California Laws
 - California Constitution
 - Unruh Civil Rights Act, Tom Bane Civil Rights Act, Fair Employment and Housing Act, Racial Justice Act, Racial and Identity Profiling Act, California Voting Rights Act, California Education Code, California Government Code

What Does RJB Do?

Investigations

- Although racial justice work is diffused throughout the Civil Rights Enforcement Section (CRES), RJB creates a space within CRES to strategize, analyze, and develop ideas that advance racial justice. RJB collaborates with other bureaus within CRES such as the Bureau of Children's Justice and Disability Rights Bureau, but also with other sections of the office including Workers' Rights and Fair Labor, Consumer Protection, Healthcare Rights and Access, Land Use, and Antitrust.
- The Attorney General has broad authority to investigate violations of California law.
- RJB's investigations focus on systemic issues and patterns or practices of discrimination.
- Investigations are confidential. Some resolutions are made public when filed in court or when an agreement is reached to resolve.

What Does RJB Do?

Investigations

- Review publicly available information: news articles, social media, videos of and documents from public meetings.
- Subpoena documents: e.g., emails, written policies, and data.
- Interview witnesses, including under oath (oral examinations) and in conducting in-person site visits.
- Hire experts to conduct analysis and assess the issues.

What Does RJB Do?

Investigations

- At the conclusion of the investigation:
 - Reach confidential findings as to whether laws or regulations have been violated and assess what is needed to remedy the violations.
- If violations are found, next steps can include:
 - Negotiating a stipulated judgment – an agreement filed in court with force of law and oversight by the court; OR
 - Filing and litigating a lawsuit in court.

Overview of RJB—Subject Matter Areas

- Combating discrimination bias in the private and public sectors including policing
- Promoting housing justice
- Protecting immigrant rights
- Protecting voting rights
- Combating hate crimes and bias
- California Reparations Task Force

What Does RJB Do?

Combating Discrimination

Denying Hotel Accommodations Based on Tribal Status

- Investigation into two motels in Yreka, CA where Native Americans were allegedly denied accommodations due to tribal affiliation.
- In 2022, the DOJ reached agreements with the hotels requiring that they issue formal apologies to the Karuk Tribe, submit a policy to DOJ clearly outlining nondiscriminatory reasons for denial of accommodation, adopt a comprehensive nondiscrimination statement and policy, and provide training to all employees on that policy.
- Earlier this year, the DOJ found that the hotels had complied with their obligations under the agreement.

What Does RJB Do?

Combating Bias in Policing

Torrance Police Department Investigation. The DOJ opened an investigation of the Torrance PD to identify and address potential systemic failures in the department's policies and practices, among them allegations of excessive force, racist text messages, and other discriminatory conduct. The DOJ, the City of Torrance, and the Torrance PD entered into a Memorandum of Understanding to conduct the review. The DOJ has been conducting site visits, staff interviews and community interviews.

Assembly Bill 655 Implementation. AB 655, the CLEAR Act, was enacted in 2023 to address the growing problem of extremist hate group infiltration of law enforcement agencies. Among other provisions, the statute requires the full investigation of any sufficient complaint against a current peace officer alleging membership in a hate group, participation in hate group activity, or public expressions of hate, in the last seven years and since the peace officer was 18 years of age. If the subject is found to have engaged in this misconduct, the subject must be removed from their appointment. The statute directs the Department of Justice to adopt and promulgate guidelines for the investigation and adjudication of these complaints. Accordingly, the DOJ will be issuing proposed regulations that interested parties and members of the public can comment on. We encourage all to participate in this rulemaking process.

What Does RJB Do?

Combating Bias in Policing

Racial Identity and Profiling Act Board and Report

- RIPA, passed in 2015, mandates that local law enforcement agencies report racial and identity profiling data in police encounters to the DOJ.
- RIPA also established an advisory board comprised of members across the community tasked with evaluating annual RIPA stop data and issuing reports reflecting its analysis and policy recommendations. Since 2017, the RIPA Board has issued seven reports.
- Prior reports have analyzed race, national origin, gender, age, disability and sexual orientation disparities in police encounters and practices. With the assistance of experts and community input, the RIPA Board has made recommendations relating to policing including on pretext stops, interactions with youth, and officer trainings.
- This year's report will analyze and make recommendations regarding officer interactions with youth.
- Among other conclusions, last year's RIPA report found:
 - Overall, the disparity between the proportion of stops and the proportion of the residential population was greatest for Multiracial and Black individuals. Black individuals were stopped 131.5% more frequently than expected given their proportion of the population.
 - The search rate of Black individuals was 1.66 times the search rate of White individuals.
 - Although stopped individuals perceived to be Black or Hispanic were searched at a higher rate relative to individuals perceived to be White, officers discovered contraband or evidence during stops in which they conducted searches at a lower rate for individuals perceived to be Black or Hispanic.
 - Officers reported "no action taken" for Black individuals 1.4 times as often as they did for White individuals, suggested those stopped Black individuals were not engaged in criminal activity.

What Does RJB Do?

Promoting Housing Justice

Crime-Free Housing. In 2023, California enacted AB 1418, which prohibits local governments from developing policies or enacting ordinances that require or encourage landlords to evict tenants due to a law enforcement contactor or perform criminal background checks. In February 2024, the DOJ issued guidance discussing the compounding effects that crime free housing laws have on racial disparities in housing and the criminal justice system and explaining a local government's obligations to cease enforcing crime free housing policies under AB 1418, the California Fair Employment and Housing Act, and the federal Fair Housing Act. Specifically, under AB 1418, local governments cannot have policies or ordinances that require landlords to evict tenants because of an interaction with law enforcement, include provisions in lease agreements that provide a ground for eviction because of a contact with law enforcement, or conduct criminal background checks.

What Does RJB Do?

Protecting Immigrants' Rights

Immigration Detention Facilities Review. AB 103 (2017) mandated that DOJ review and inspect public and private immigration detention facilities in California and report its findings. Pursuant to the Attorney General's authority under AB 103, the DOJ has conducted periodic reviews and has published three reports in 2019, 2021, and 2022. Our office's most recent report, issued July 14, 2022, discussed conditions in these detention centers during the COVID-19 pandemic. We are currently working on our next round of reviews and report.

Implementing Senate Bill 54. In 2017, California enacted the "Values Act" which restricts a local law enforcement agency's cooperation with federal immigration authorities. Among other things, SB 54 prohibits law enforcement agencies from inquiring into an individual's immigration status, detaining an individual at the request of federal immigration enforcement, transferring individuals to federal immigration enforcement except in case involving serious criminal offenses, providing federal immigration enforcement information about a person's release date, and participating in arrests based on civil immigration warrants. First in October 2018 and later in October 2023, the DOJ issued guidance to law enforcement agencies regarding their obligations under SB 54.



What Does RJB Do?

Protecting Immigrants' Rights

U-Visas. On April 3, 2024, the DOJ issued an updated law enforcement bulletin: *New and Existing State Laws Protecting Immigrant Victims of Crime*. This bulletin details updates to California law regarding law enforcement certifications for U nonimmigrant visa applications. U-Visas are set aside for victims of certain crimes who suffered mental or physical harm as a result and were cooperative with law enforcement in the investigation of the crime.

What Does RJB Do?

Protecting Immigrants' Rights

Defending DACA: The CA DOJ, along with other states and non-profit partners, challenged the Trump Administration's repeal of DACA. The Attorney General's Office helped secure a landmark ruling at the U.S. Supreme Court to keep the policy in effect, protecting hundreds of thousands of Dreamers across the country. CA DOJ continues to support Dreamers by filing friend-of-the-court briefs in other cases and supporting the Biden Administration's efforts to fortify DACA.

Securing a Settlement in Border Wall Litigation: Along with other states and non-profit partners, the CA DOJ successfully argued to federal courts that the Trump Administration's attempt to illegally divert funding to build the border wall violated the Constitution. The U.S. Supreme Court halted the effect of these rulings without deciding on the merits. CA DOJ reached a settlement with the Biden Administration to remediate some of the environmental harms of border wall construction in California, including a \$25 million acquisition of a crucial parcel of land for habitat preservation.

Protecting Minors in Immigration Detention: On December 4, 2023, our office led a multistate coalition of 19 attorneys general in filing a comment letter in response to the US Department of Health and Human Services' (HHS) Unaccompanied Children Program Foundational Proposed Rule. The letter supported several elements of the Proposed Rule, but expressed concerns with provisions that would permit the placement of unaccompanied children in unlicensed facilities. The letter urged HHS to amend the Rule to require that all facilities housing unaccompanied children be state-licensed, including both standard programs and emergency and influx facilities. The comment letter is part of the Office's long running work to protect minors in immigration detention, which included a lawsuit against the Trump Administration regarding regulations that would worsen such conditions.

What Does RJB Do?

Protecting Immigrants' Rights

- **Supporting fair and humane immigration policies**
 - **Urging the Federal Government to Maintain a Robust Asylum System.** In March 2023, AG Bonta led a coalition of 12 attorneys general in a comment letter urging the federal government to ensure robust access to asylum in response to regulations that make it more difficult for individuals to obtain asylum.
 - **Supporting the Central American Minors Program.** In October 2023, our office joined a multistate amicus brief in support of the Central American Minors Program (CAM) against a challenge by the State of Texas and 14 other states. The CAM program was created in response to an increase in life-threatening border crossings by children from Guatemala, El Salvador, and Honduras.
 - **Supporting the Biden Administration's Rescission of the Remain in Mexico Policy.** In March 2022, AG Bonta joined a coalition of 18 attorneys general in an amicus brief before the U.S. Supreme Court, in support of President Biden's efforts to rescind harmful restrictions on the asylum process. The brief urged the Court to overturn an erroneous Fifth Circuit decision leaving in place the Trump Administration's Migrant Protection Protocols, commonly known as the "Remain in Mexico" policy. Under the policy, asylum seekers were forced to remain in Mexico during the pendency of their asylum cases and faced significant hurdles to pursuing their claims, including limited access to counsel and the increased risk that they would be victims of violence.
 - **Supporting Humanitarian Parole.** In August 2024, the Attorney General joined a multistate coalition of 18 attorneys general in an amicus brief before the Fifth Circuit Court of Appeals in *Texas v. U.S. Department of Homeland Security* supporting President Biden's Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans.

What Does RJB Do?

Voting Rights and Election Protection

- **U.S. Postal Service Election Mail Settlement.** Prior to the 2020 election, the DOJ joined litigation with Pennsylvania and other states challenging USPS operational and policy changes, which included prohibiting late or extra trips by postal workers, requiring carriers to adhere rigidly to start and stop times regardless of whether all mail for their route has arrived or been delivered, and limiting the use of overtime. In addition to resulting in mail delays, these changes came at a time when many states, including California, had broadly expanded mail-in voting, and they prompted fears that election mail could be delayed. In May 2022, we reached a settlement with USPS, which entails monitoring election related mail procedures.
- **Championing voting rights in courts nationwide.** The Attorney General has joined amicus briefs in cases across the country to support enfranchisement of those with criminal records, mechanisms to make voting more accessible through vote by mail and early voting, and upholding Section 2 of the Voting Rights Act.

What Does RJB Do?

Voting Rights

Law Enforcement Bulletins Regarding Voter Intimidation. The DOJ does work around protecting voters from intimidation by emphasizing the enforcement of laws that prohibit behavior intended to coerce or intimidate voters. To that end, in February 2024, the DOJ issued guidance to law enforcement agencies imploring that they remain vigilant against actions that could discourage or influence a voter's decision and undermine the integrity of the electoral process. Specifically, the bulletin provides an overview of the laws prohibiting election interference, voter intimidation and dissuasion, and electioneering within 100 feet of a curbside voting area or election location. It also describes common examples of voter intimidation including threats of criminal action against voters and presenting false information about the voting process or eligibility requirements.

What Does RJB Do?

Combating Hate and Bias

Hate Crimes

- A hate crime is a crime against a person, group, or property motivated by the victim's real or perceived protected social group which includes disability, gender, nationality, race or ethnicity, religion, and sexual orientation.
- Annually, the DOJ collects state-wide hate crimes data from local law enforcement agencies and issues a report assessing the number of hate crime events, hate crime offenses, hate crime victims, and hate crime suspects.
- This year's report analyzed the 2023 hate crimes data and found:
 - As compared to 2022, in 2023 reported hate crime events decreased 7.1% and hate crime offenses decreased 8.9%
 - The number of victims of reported hate crimes decreased 6.9% and the number of suspects decreased 9.2%
 - Reported hate crime events involving racial bias decreased 21.6%
 - Report hate crime events involving religion bias increased 30%
 - Report hate crime events involving sexual orientation bias increased 3.6%

What Does RJB Do?

Combating Hate and Bias

- On June 26, 2023, the DOJ issued an updated Law Enforcement Bulletin: California Laws That Prohibit Hate Crimes or Provide Enhanced Penalties for Specified Hate-related Acts. The bulletin lays out the elements of a hate crime and penalty enhancements under California law.
- The DOJ issued alerts regarding the rights of Muslim, Arab, and Jewish people to be free from violence and hate crimes in October 2023. The guidance offers resources such as the Hate Crime Rapid Response Protocol to support local law enforcement in addressing potential attacks on religious institutions, community centers, and other vulnerable locations.

What Does RJB Do?

Combating Hate and Bias

Protecting Free Speech While Combating Discrimination on College Campuses. On October 23, 2023, the DOJ issued a law enforcement bulletin to California state and local law enforcement agencies regarding the legal rights of the public to protest, march, demonstrate, rally, and gather under the California and United States Constitutions. The legal alert urged law enforcement agencies to adhere to these laws in their policies and practices. On November 9, 2023, the DOJ issued a legal alert providing guidance to colleges and universities regarding students' rights to free speech rights and their right to be free from discrimination and harassment based on protected characteristics. This legal alert aims to balance students' free speech rights and anti-discrimination protections under state and federal laws.

What Does RJB Do?

Reparations Task Force

Reparations Task Force

- AB 3121, enacted in September 2020, established a task force to study and address remedies for African Americans related to California's role in accommodating and facilitating slavery. The task force was composed of academics, politicians, and lawyers.
- The DOJ drafted and released a comprehensive report in 2023, at the direction of the Task Force, detailing the history of discrimination against African Americans in California and the United States, and proposing remedies including compensation, rehabilitation, and other forms of restitution to African Americans and descendants of enslaved people.
- Some of the key findings included
 - In the U.S., federal, state, and local governments infused white supremacy into laws to maintain a racial hierarchy in the distribution of wealth, systems of labor and education, and in the criminal justice system.
 - In California, governments created racial segregation where none previously existed through housing laws and policies including zoning laws and discriminatory school enrollment policies.
 - Federal, state, and local governments failed to protect African Americans from violence and economic exploitation.
 - The criminalization of African Americans has led to dramatic racial disparities in policing and incarceration rates of African Americans.
 - Collectively, these laws and practices caused African Americans to suffer emotional, physical, and economic harms that continue to this day.

Contact Us

Online complaint form: <https://oag.ca.gov/rjb#enforcement>

Email at rjb@doj.ca.gov

How Can You Help?

- Anyone can file a tip or complaint about a systemic issue or problem (an issue impacting communities of color, immigrant communities, or Native people).
- In as much detail as possible, describe the potentially unlawful activity, the identity of the entity that is engaged in this activity, and contact information for an attorney to follow up.
- The tip or complaint does not need to include legal analysis.

How Can You Help?

- The DOJ generally will not investigate isolated legal violations (impacting just one child or youth) or out-of-state conduct.
 - For individual matters, please submit a complaint with California's Civil Rights Department.
- The DOJ cannot represent individuals or provide legal advice.
- The DOJ cannot provide ongoing updates about the status of an investigation or litigation.

Questions



Demystifying
THE DEPARTMENT OF JUSTICE

Upcoming Events

CARE Community Briefing: Know Your Voting Rights

Wednesday, October 2, 2024
1:30 PM -2:30 PM
Virtual Presentation

CARE Community Briefing: Protection Orders to Prevent Gun Violence

Thursday, October 10, 2024
2:00 PM -3:30 PM
Virtual Presentation

Demystifying the DOJ: Office of Community Awareness, Response, and Engagement

Wednesday, December 11, 2024
10:00 AM -11:00 AM
Virtual Presentation

Demystifying
THE DEPARTMENT OF JUSTICE

Please register at the links in the chat!

