
Connecticut Commission on Human Rights and Opportunities



Responses for the Inquires of the Internal Investigation Working Group
Connecticut Racial Profiling Prohibition Project

Question 1: What are the types of investigations/cases investigated and/or referred to and reviewed by CHRO? Please provide an annual breakdown by type for the past 5 years (2016-2020).

The mission of the Commission is to eliminate discrimination through civil rights law enforcement, policy advocacy, and education and outreach in employment, housing, public accommodations, and credit transactions. In addition to other responsibilities, the Commission is required by statute to initiate, investigate, litigate, and adjudicate all claims in which a discriminatory conduct alleged. Conn. Gen. Stat. § 46a-56(a)(3). Pursuant to the present request, the focus of this response will be on the types of investigations conducted.

A person who believes they have been subjected to a discriminatory practice in employment, housing, places of public accommodation, and/or in credit transactions on the basis of twenty-seven protected classes can file a complaint with the Commission. Any complaint filed by a member of the public or initiated by the Commission alleging a discriminatory practice may be investigated.

A discriminatory practice is defined by Conn. Gen. Stat. § 46a-51 as a violation of several statutory citations both within Chapter 814c and beyond. The following non-exhaustive list is a sample of the types of investigations that may be conducted by the Commission: discrimination in places of public accommodation, including but not limited to police departments; nondiscrimination and affirmative action in awarding agency, municipal public works and quasi-public agency project contracts including non-discrimination on the basis of sexual orientation; failure to comply with the set-aside program requirements for small contractors and minority owned enterprises; employer harassment of and discrimination against interns; failure to provide sexual harassment prevention training; the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran; desecration of any public property, house of worship, or cemetery; placement of a burning cross; placement of a noose with the intent to intimidate or harass, discrimination in the issuance of a state license on the basis of a protected class; discrimination in employment; discrimination in housing; discrimination in credit transactions; failure of state agencies to comply with all affirmative action requirements including a failure to thoroughly investigate internal complaints of discrimination; failure by contractors to file affirmative action plans as required; discriminatory union practices; failure of state agencies inclusive of the Department of Emergency Services and Public Protection, the Judicial Branch and the Criminal Justice Commission, discrimination in the performances of services by a state agency or in a state facility, discrimination in job placements by state agencies, discrimination in issuance of state licenses or charters, for a state department, board, or agency to permit a discriminatory practice, discrimination in educational or vocational programs, discrimination in the allocation of state benefits, failure to cooperate with the Commission; failure to file annual reports with the Governor as required by Conn. Gen. Stat. § 46a-78, and discrimination by state agencies in the hiring or licensure of individuals on the basis of a prior criminal conviction.

Complaints may be filed by any person or by their attorney. The Commission may itself file a complaint whenever it has reason to believe that any person has engaged or is engaging in a discriminatory practice. Employers may also file complaints should they believe that their employees are refusing or threatening to refuse to follow non-discrimination practices.

A full breakdown of cases processed by the Commission for the years of 2016 to 2020 is available in Appendix A of this report.

Question 2: Provide a breakdown of complainants by race and gender for the past 5 years (2016-2020).

The Commission does not maintain a centralized database with specific races or genders of those filing complaints with the Commission. To the extent the question seeks information related to how many complaints are filed on the basis of race and sex for the years 2016-2020, the information is below. Note that information provided is according to fiscal years from July 1st to June 30th:

	2016	2017	2018	2019	2020
<i>Race</i>	744	662	657	706	583
<i>Sex</i>	578	566	626	788	577

Question 3: Please summarize CHRO's interpretation of its statutory responsibility to conduct pattern and practice investigations of state or municipal law enforcement agencies.

The Commission has the ability, power, and responsibility to conduct pattern and practice investigations of state and municipal law enforcement agencies as well as public and private employers. Conn. Gen. Stat. § 46a-56(2)-(3) requires the Commission to perform such duties as, “compil[ing] facts concerning discrimination in employment, violations of civil liberties and other related matters;” and “[i]nvestigat[ing] and proceed[ing] in all cases of discriminatory practices as provided in this chapter ...”. Pursuant to Conn. Gen. Stat. § 46a-54(8), the Commission has the power and duty to “receive, initiate as provided in section 46a-82, investigate and mediate discriminatory practice complaints”. Section 46a-82(b) provides the Commission with the power to file a complaint against those who are or were engaged in any discriminatory practice. A discriminatory practice is defined as “a violation of section ... 46a-58, ... 46a-64, ... and 46a-70 to 46a-78....”

State and municipal law enforcements agencies are prohibited from discriminating against individuals on the basis of an individual’s race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran. Such discrimination could violate Conn. Gen. Stat. §§ 46a-58(a), 46a-64, 46a-71, 46a-74.

Section 46a-58(a) prohibits any person (which includes a state agency or municipality) from depriving another of any state or federal rights if such deprivation is based on an individual’s protected class, such as race or color. Therefore, violations of an individual’s Fourth Amendment

right to be free from unreasonable searches or seizures violate 46a-58(a) if such violations are based on an individual's protected class, such as race or color.

In addition, such conduct (engaging in an unreasonable search or seizure, ie. Without probable cause or reasonable suspicion as required under the law) could also violate § 46a-64, which requires places of public accommodation to provide "full and equal accommodations" to individuals regardless of their race, color, etc. See CHRO ex. rel. Claude Young v. City of Stamford Police Department, 2009 WL 5207461, CHRO No. 0720418 (Finding that police departments are places of public accommodation). If the State Police discriminate on the basis of race, color or any other protected class, they could be in violation of §§ 46a-71 and 46a-74.

The CHRO also has jurisdiction over violations of the Alvin W. Penn Racial Profiling Prohibition Act. This group, as defined by Conn. Gen. Stat. § 54-1s, is required to advise the Office of Policy and Management on the adoption of standardized methods and guidelines for the Alvin W. Penn Act. The Alvin W. Penn Act is composed of Section 54-1m regarding the collection of traffic stop data. The Act is also composed of Section 54-1l which contains the actual statutory prohibition against racial profiling. Courts have found that this section contains no private right action. See Traylor v. Hammond, 94 F. Supp. 3d 203, 219 (D. Conn. 2015) ("the plain language of the Penn Act does not provide a private right of action to enforce its requirements and the court finds no authority to the contrary."). For a private citizen to enforce the racial profiling prohibition for which this group is named, they must allege that the government has violated the law on the basis of their race, color, ethnicity, age, gender, sexual orientation, or religion. As such, an individual must allege a violation of Conn. Gen. Stat. 46a-58(a) for depriving them of their rights under Conn. Gen. Stat. S. 54-1l. Section 46a-58(a) is under the jurisdiction of the Commission.

In investigating allegations of discrimination, the CHRO frequently obtains pattern and practice evidence to determine whether an employer, agency or business treats individuals of a protected class similarly or differently than others not in that protected class (non-basis) as such "pattern or practice" evidence is often material and relevant to discrimination claims. See Perez-Dickson v. City of Bridgeport, 304 Conn. 483, 520-522 (2012) (Discussing pattern and practice claims in the context of employment discrimination); U.S. v. Lansdowne Swim Club, 713 F.Supp. 785, 807-808 (1989) (Discussing pattern or practice in the context of public accommodations discrimination claims). Because discriminatory animus is rarely, if ever expressed, the CHRO often obtains pattern and practice evidence in its cases. St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 528 (1993) (It would be equally unfair and utterly impractical to saddle the victims of discrimination with the burden of . . .producing direct evidence of discriminatory intent...")

As such, the CHRO has the ability, power, and responsibility to conduct pattern and practice investigations of state and municipal law enforcement agencies. On a yearly basis, the Commission processes between 4800 and 5200 complaints.

Question 4: How many pattern and practice investigations of state or municipal law enforcement agencies have been conducted by CHRO? Please list all and the year in which the complaints were filed.

Since January 1, 2016,¹ the Commission has received 228 complaints of discrimination filed against a respondent designated as a Police Department or the Department of Emergency Services and Public Protection (DESPP). Of those, 119 are complaints of employment discrimination and 109 are complaints against these respondents as places of public accommodation. While pattern and practice evidence is regularly obtained and considered as part of an investigation, racial profiling complaints are classified as complaints against police departments as places of public accommodation so this response will focus solely on those complaints.

Complaints alleging discrimination in places of public accommodation go through several stages of processing that may result in dismissal or resolution of the complaint prior to the start of an investigation. Specifically, complaints may go straight to a default hearing in the event the respondent does not provide an answer or fails to attend a mandatory mediation, the complaint. Those that are answered may be dismissed at the Case Assessment Review stage if the respondent is exempt, the complaint fails to state a claim for which relief can be granted, the complaint is frivolous on its face, or there is no reasonable possibility that further investigation will result in a finding of reasonable cause. Complaints that are retained after their Case Assessment Review then proceed to a mandatory mediation process where the parties have an opportunity to settle the complaint. If mediation fails, the complaint can be referred to the Legal Division for the Early Legal Intervention process that may result in dismissal or release of the complaint or in the complaint skipping a Commission investigation and going straight to the Office of Public Hearings for a hearing on the merits of the complaint. Only complaints that are answered, retained at CAR, do not settle during mediation, and are not resolved through Early Legal Intervention are investigated by the Commission.

Of the 109 complaints alleging discrimination by police departments as places of public accommodation filed since January 1, 2016, 23 made it to an investigation. The breakdown of their filing year is as follows

The breakdown of the filing years is as follows:

Filing Year	Number of Complaints
2016	2
2017	1
2018	3
2019	13
2020	4

¹ January 1, 2016 was selected as the start date based on the dates of the request in Question 2 seeking information going back to that timeframe.

Question 5: Identify the law enforcement agencies under investigation and provide a brief description of the complaints and disposition/outcomes of those pattern and practice investigations.

The law enforcement agencies that had complaints of discrimination in places of public accommodations that were investigated include the following municipal police departments in addition to the statewide DESPP: Greenwich, Hartford, Derby, New Britain, Farmington, Bloomfield, Waterbury, East Hartford, Waterford, Bridgeport, Middletown, Hamden, Stamford, Milford, and Torrington.

The complaints are largely based on profiling and denial of equal services. Complaints of racial profiling including not only those resulting from traffic stops but also include allegations of individuals being targeted for investigation based on their race, color, national origin, or other protected characteristic. Complaints alleging denial of equal service typically include police not assisting an individual after they have made a call to the police.

Of the 109 complaints filed against police departments in their capacity as a place of public accommodation after January 1, 2016, there are 74 that have been closed by the Commission with the rest remaining ongoing either at the administrative processing stage or in active litigation. Of those, their outcomes are as follows:

Outcome	Number of Complaints
Administrative Dismissal	7
Dismissed at CAR	10
Settled Between Parties	3
Withdrawn w/o Settlement	7
Released From Jurisdiction	26
Dismissed After Investigation	21

Question 6: Identify whether the complainants in the pattern and practice investigation were (1) employees of those agencies or (2) citizens or other persons not employed by those agencies.

The information relating to the employment of an individual is not tracked by the agency's case tracking system. However, the information provided above is specific to complaints against police departments as places of public accommodation and not in their capacity as employers. It is possible that a person employed by a police department may have filed a complaint against the police department in their capacity as a citizen as opposed to their capacity as an employee.

For context, there are 119 complaints against respondents listed as "Police Departments" in the agency's case tracking system filed as employment complaints since January 1, 2016. The investigation of these complaints may include a broader examination of the department's pattern and practice.

Question 7: Describe any pattern and practice investigations initiated by CHRO based on:

a. police use of force incident reports filed by the Office of the Chief State's Attorney and state's attorney's offices

The investigation of a complaint alleging a discriminatory practice against a police department as a place of public accommodation may consider this material as one piece of evidence among others including direct, circumstantial, and statistical evidence. These complaints may include but rarely if ever are filed solely on the basis of a report without alleging an individualized act of discrimination that they have personally been subjected to. This applies to complaints initiated by the Commission as well. When deciding whether to initiate a complaint of discrimination without a complainant, the Commission does not base its decision on any one piece or kind of evidence.

b. identified by the Commission on Racial and Ethnic Disparity (specifically Traffic Stop reports) or

The investigation of a complaint alleging a discriminatory practice against a police department as a place of public accommodation may consider this material as one piece of evidence among others including direct, circumstantial, and statistical evidence. These complaints may include but rarely if ever are filed solely on the basis of a report without alleging an individualized act of discrimination that they have personally been subjected to. This applies to complaints initiated by the Commission as well. When deciding whether to initiate a complaint of discrimination without a complainant, the Commission does not base its decision on any one piece or kind of evidence.

c. any police use of force or use of electronic defense weapon (Taser) trends reported by the Office of Policy and Management

The investigation of a complaint alleging a discriminatory practice against a police department as a place of public accommodation may consider this material as one piece of evidence among others including direct, circumstantial, and statistical evidence. These complaints may include but rarely if ever are filed solely on the basis of a report without alleging an individualized act of discrimination that they have personally been subjected to. This applies to complaints initiated by the Commission as well. When deciding whether to initiate a complaint of discrimination without a complainant, the Commission does not base its decision on any one piece or kind of evidence.

d. other data used to identify trends in police use of force or disparate treatment based on race, ethnicity, sexual orientation, gender, age, etc.

The investigation of a complaint alleging a discriminatory practice against a police department as a place of public accommodation may consider this material as one piece of evidence among others including direct, circumstantial, and statistical evidence. These complaints may include but rarely if ever are filed solely on the basis of a report without alleging an individualized act of discrimination that they have personally been subjected to. This applies to complaints initiated by the Commission as well. When deciding whether to initiate a complaint of discrimination without a complainant, the Commission does not base its decision on any one piece or kind of evidence.

Appendix A: Case Processing Reports 2016-2020

Fiscal Year July 1, 2015 to June 30, 2016

The Commission on Human Rights and Opportunities

CASE PROCESSING REPORT, CUMULATIVE DATA

1. Complaints Filed by Region

The Commission received a total of 2616 complaints in FY 2015-16. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission's website.

Capitol	635
Southwest	624
West Central	652
Eastern	485
Housing Discrimination Unit	<u>220</u>
Total	2616

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint will be classified according to what the majority of the allegations relate to. Complaints classified as "Other" include those not readily classified as one of the other categories.

Employment	2160
Housing	220
Public Accommodations	217
Credit Transactions	0
Other	<u>19</u>
Total	2616

3. Complaints Filed Against State Agencies 158

Complaints filed against state agencies are recorded at the time of complaint intake according to who the Respondent is.

Fiscal Year July 1, 2015 to June 30, 2016

4. Case Closures

The Commission closed a total of 2793 complaints during the fiscal year. The inclusion of separate statistics for Case Assessment Review and Merit Assessment Review reflects the language changed by statute effective October 1, 2015. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to accurately reflect the kind of closure or are a result of an internal system error.

Closure Type	Total
Administrative Dismissal	168
Case Assessment Review - No Claim for Relief	49
Case Assessment Review - No Possibility of Reasonable Cause Finding	12
Case Assessment Review - Respondent Exempt	2
Merit Assessment Review - No Claim for Relief	57
Merit Assessment Review - No Possibility of Reasonable Cause Finding	7
Merit Assessment Review - Respondent Exempt	3
No Reasonable Cause	405
No Reasonable Cause - Lack of Jurisdiction	9
Pending	18
Pre-determination Conciliation	92
Public Hearing/Court Closure	60
Release of Jurisdiction	600
Satisfactorily Adjusted	10
Unknown	10
Withdrawal	160
Withdrawal with Settlement	1131
Grand Total	2793

5. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on any discrimination complaints certified after a finding of reasonable cause or for cases that are certified through the Early Legal Intervention process.

Administrative Dismissals	7
Public Hearing Withdrawals	6
Referee Decisions	12
Stipulated Agreements	68
Decertified	4
Grand Total	97

Fiscal Year July 1, 2015 to June 30, 2016

In addition to the discrimination complaints included above, the OPH also conducts hearings on Whistleblower Retaliation complaints.

Administrative Dismissals	2
Withdrawals	6
Referee Decisions	1
Stipulated Agreements	<u>0</u>
Grand Total	10

6. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued, the parties have fifteen (15) days to comment on the draft findings. The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	49
Reasonable Cause Drafts Issued	<u>96</u>
Grant Total	145

7. Total Number of Pending Cases at End of Year 1961

Complaints are classified as "pending" when they are awaiting assignment for a Case Assessment Review, Mediation, Investigation, or Public Hearing. This status is the default status of a case being processed by the Commission.

8. Total Number of Active Cases at End of Year 472

Complaints are classified as "active" when there is a Commission investigator actively working on the case at the end of the year.

2433

Fiscal Year July 1, 2015 to June 30, 2016

Complaints Filed – Basis/Type	Type				
Basis	Employment	Housing	Other	PA*	Total
Age	518	51	1	9	579
Alienage	10		1	2	13
Ancestry	188	12	2	14	216
Blindness	5			1	6
Color	473	22	5	65	565
Familial Status	10	22	1		33
Gender Identity	7	1	1	5	14
Guide Dog/Access				1	1
Learning Disability	17		2	2	21
Marital Status	28	2		1	31
Mental Disability	110	21	1	21	153
Mental Disorder	49	2	1	9	61
Mental Retardation		1			1
National Origin	227	19	4	23	273
None	1				1
Other	245	2	1	12	260
Physical Disability	520	72	4	37	633
Prior Conviction of Crime	11				11
Race	616	32	8	88	744
Religious Creed	55	4	1	41	101
Retaliation - Housing		16			16
Sex	532	12	4	30	578
Sexual Orientation	69	4	1	6	80
Source of Income				2	2
Source of Income - Other		12			12
Source of Income - SDG		4			4
Source of Income - Sect. 8		25			25
Source of Income - SS		1			1
Source of Income - SSI		1		2	3
Grand Total	3691	338	38	371	4438

***Public Accommodation**

Fiscal Year July 1, 2015 to June 30, 2016

Complaints Filed by Issue		
Type	Issue	Total
EMPLOYMENT	Advertising	7
	Aiding & Abetting	35
	Demotion	53
	Denied Disability(Pregnancy)	2
	Discharge	1219
	Expel from Membership	2
	Harassment	545
	Hiring	128
	Other	602
	Other(Pregnancy)	35
	Promotion	71
	Reasonable Accommodation	228
	Refused Leave(Pregnancy)	2
	Retaliation	776
	Sexual Harassment	135
	Termination(Pregnancy)	47
	Terms & Conditions	1056
HOUSING	Denial of Rental	44
	Denial of Sale	7
	Eviction	24
	Other	12
	Reasonable Accommodation	57
	Retaliation	20
	Sale	2
	Terms and Conditions	105
OTHER	Code of Fair Practices	10
	Other	6
PUBLIC ACCOMMODATION	Denied Accommodation	43
	Entertainment	1
	Food	3
	Other	132
	Police Conduct	10
	Public Agency	8
	Reasonable Accommodation	12
	Recreation	2
Grand Total		5441

Fiscal Year July 1, 2015 to June 30, 2016
The Commission on Human Rights and Opportunities

Closure Type	Total
Administrative Dismissal	168
Case Assessment Review - No Claim for Relief	49
Case Assessment Review - No Possibility of Reasonable Cause Finding	12
Case Assessment Review - Respondent Exempt	2
Merit Assessment Review - No Claim for Relief	57
Merit Assessment Review - No Possibility of Reasonable Cause Finding	7
Merit Assessment Review - Respondent Exempt	3
No Reasonable Cause	405
No Reasonable Cause - Lack of Jurisdiction	9
Pending	18
Pre-determination Conciliation	92
Public Hearing/Court Closure	60
Release of Jurisdiction	600
Satisfactorily Adjusted	10
Unknown	10
Withdrawal	160
Withdrawal with Settlement	1131
Grand Total	2793

Complaints Closed by Unit	Type				
Unit	Employment	Housing	Other	Public Accommodations	Total
Capitol	430	0	0	31	461
Southwest	352	0	0	23	375
West Central	403	0	3	6	412
Eastern	409	0	2	26	437
Housing	0	210	0	0	210
Legal	703	14	29	152	898
Grand Total	2297	224	34	238	2793

Fiscal Year July 1, 2016 to June 30, 2017
The Commission on Human Rights and Opportunities

CASE PROCESSING REPORT, CUMULATIVE DATA

1. Complaints Filed by Region

The Commission received a total of 2616 complaints in FY 2015-16. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission’s website.

Capitol	550
Southwest	529
West Central	678
Eastern	402
Housing Discrimination Unit	<u>217</u>
Total	2376

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint will be classified according to what the majority of the allegations relate to. Complaints classified as “Other” include those not readily classified as one of the other categories.

Employment	1963
Housing	217
Public Accommodations	181
Other	<u>15</u>
Total	2376

3. Complaints Filed Against State Agencies 138

Complaints filed against state agencies are recorded at the time of complaint intake according to who the Respondent is.

Fiscal Year July 1, 2016 to June 30, 2017

The Commission on Human Rights and Opportunities

4. Case Closures

The Commission closed a total of 2793 complaints during the fiscal year. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to reflect accurately the kind of closure or are a result of an internal system error.

Closure Type	Total
Administrative Dismissal	195
Case Assessment Review – No Claim for Relief	106
Case Assessment Review – No Possibility of Reasonable Cause Finding	61
Case Assessment Review – Respondent Exempt	1
No Reasonable Cause	366
No Reasonable Cause – Administrative Dismissal	47
No Reasonable Cause - Lack of Jurisdiction	7
Pending	2
Pre-determination Conciliation	67
Public Hearing/Court Closure	51
Release of Jurisdiction	540
Satisfactorily Adjusted	21
Unknown	5
Withdrawal	139
Withdrawal with Settlement	983
Grand Total	2591

5. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on any discrimination complaints certified after a finding of reasonable cause or for cases that are certified through the Early Legal Intervention process.

Administrative Dismissals	3
Public Hearing Withdrawals	4
Referee Decisions	5
Stipulated Agreements	53
Decertified	3
Release of Jurisdiction	10
Grand Total	78

In addition to the discrimination complaints included above, the OPH also conducts hearings on Whistleblower Retaliation complaints.

Administrative Dismissals	7
Withdrawals	4
Referee Decisions	0
Stipulated Agreements	0
Grand Total	11

Fiscal Year July 1, 2016 to June 30, 2017
The Commission on Human Rights and Opportunities

6. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued, the parties have fifteen (15) days to comment on the draft findings. The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	57
Reasonable Cause Drafts Issued	<u>80</u>
Grant Total	137

Fiscal Year July 1, 2016 to June 30, 2017

The Commission on Human Rights and Opportunities

Complaints Filed – Basis/Type	Type				
Basis	Employment	Housing	Other	PA*	Total
Age	451	15		8	474
Alienage	13		1	2	16
Ancestry	200	22	2	18	242
Blindness	1				1
Color	404	32	5	40	481
Familial Status	7	25		4	36
Gender Identity	7	1		3	11
Guide Dog		2			2
Learning Disability	19	1	2	9	31
Marital Status	14	4		5	23
Mental Disability	103	44	2	21	170
Mental Disorder	71	1	1	20	93
National Origin	211	28	2	20	261
None	3		1		4
Other	216	2	5	11	234
Physical Disability	445	65	3	57	570
Prior Conviction of Crime	7				7
Race	551	33	8	70	662
Religious Creed	52	10	1	8	71
Retaliation - Housing	1	11			12
Sex	507	26	5	28	566
Sexual Orientation	51	8	2	11	72
Source of Income		3		1	4
Source of Income - Other		1			1
Source of Income - SDG		2			2
Source of Income - Sect. 8		27			27
Source of Income - SS		2			2
Source of Income - SSI		1			1
Grand Total	3334	366	40	336	4076

***Public Accommodation**

Fiscal Year July 1, 2016 to June 30, 2017

The Commission on Human Rights and Opportunities

Case Count by Issue		
Type	Issue	Total
EMPLOYMENT	Advertising	3
	Aiding & Abetting	36
	Demotion	44
	Denied	
	Disability(Pregnancy)	2
	Discharge	1071
	Exclude from Membership	2
	Harassment	493
	Hiring	97
	Other	512
	Other(Pregnancy)	16
	Promotion	75
	Reasonable Accommodation	182
	Refused Leave(Pregnancy)	3
	Retaliation	712
	Sexual Harassment	145
	Termination(Pregnancy)	48
	Terms & Conditions	900
HOUSING	Denial of Rental	62
	Eviction	6
	Loan/Credit	1
	Other	9
	Reasonable Accommodation	56
	Retaliation	10
	Terms and Conditions	92
OTHER	Code of Fair Practices	12
	Other	2
PUBLIC ACCOMMODATIONS	Denied Accommodation	7
	Entertainment	1
	Food	1
	Other	115
	Police Conduct	9
	Public Agency	18
	Reasonable Accommodation	10
	Recreation	1
Grand Total		4753

Fiscal Year July 1, 2016 to June 30, 2017

The Commission on Human Rights and Opportunities

Complaints Closed by Unit	Type				
Unit	Employment	Housing	Other	Public Accommodations	Total
Capitol	351	0	0	38	389
Southwest	287	0	0	23	310
West Central	283	0	0	12	295
Eastern	403	0	3	26	432
Housing	0	177	0	3	180
Legal	830	18	28	109	985
Grand Total	2154	195	31	211	2591

Fiscal Year July 1, 2017 to June 30, 2018
The Commission on Human Rights and Opportunities

CASE PROCESSING REPORT, CUMULATIVE DATA

1. Complaints Filed by Region

The Commission received a total of 2484 complaints in FY 2017-18. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission’s website.

Capitol	552
Southwest	566
West Central	733
Eastern	442
Housing Discrimination Unit	<u>191</u>
Total	2484

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint would be classified according to what the majority of the allegations relate to. Complaints classified as “Other” include those not readily classified as one of the other categories.

Employment	2091
Housing	192
Public Accommodations	177
Other	<u>24</u>
Total	2484

3. Complaints Filed Against State Agencies 169

Complaints filed against state agencies are recorded at the time of complaint intake and categorized by the name of the Respondent.

Fiscal Year July 1, 2017 to June 30, 2018

The Commission on Human Rights and Opportunities

4. Case Closures

The Commission closed a total of 2435 complaints during the fiscal year. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to reflect accurately the kind of closure or are a result of an internal system error.

Closure Type	Total
Administrative Dismissal	98
Case Assessment Review – No Claim for Relief	178
Case Assessment Review – No Possibility of Reasonable Cause Finding	179
Case Assessment Review – Respondent Exempt	3
Case Assessment Review – Frivolous	2
No Reasonable Cause	338
No Reasonable Cause – Administrative Dismissal	31
No Reasonable Cause - Lack of Jurisdiction	6
Pending	2
Pre-determination Conciliation	55
Public Hearing/Court Closure	51
Release of Jurisdiction	543
Satisfactorily Adjusted	22
Unknown	11
Withdrawal	115
Withdrawal with Settlement	800
Grand Total	2435

5. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on any discrimination complaints certified after a finding of reasonable cause. Further, OPH conducts hearings on cases that are sent through the Early Legal Intervention process and chosen for public hearing after review.

Motion to Dismiss/Administrative Dismissals	3
Public Hearing Withdrawals	8
Referee Decisions	5
Stipulated Agreements	34
Decertified	6
Release of Jurisdiction	1
Grand Total	57

In addition to the discrimination complaints included above, the OPH also conducts hearings on Whistleblower Retaliation complaints.

Motion to Dismiss/Administrative Dismissals	3
Withdrawals	7
Referee Decisions	0
Stipulated Agreements	1
Grand Total	11

Fiscal Year July 1, 2017 to June 30, 2018
The Commission on Human Rights and Opportunities

6. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued the parties have fifteen (15) days to comment on the draft findings. The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	53
Reasonable Cause Drafts Issued	77

Fiscal Year July 1, 2017 to June 30, 2018

The Commission on Human Rights and Opportunities

CHRO Complaints Filed by Basis and Type					
Basis	Employment	Housing	PA*	Other	Totals
Age	445	18	18	7	488
Alienage	25	0	1	0	26
Ancestry	200	24	19	0	243
Blindness	1	0	2	0	3
Color	415	28	59	10	512
Familial Status	9	8	4	0	21
Gender Identity	9	0	3	0	12
Learning Disability	29	0	6	0	35
Marital Status	30	0	8	6	44
Mental Disability	114	32	27	3	176
Mental Disorder	70	0	11	1	82
National Origin	229	25	15	0	269
None	1	0	0	2	3
Other	343	2	14	5	364
Physical Disability	468	55	30	4	557
Police Racial Profiling	2	0	0	0	2
Prior Conviction of Crime	12	0	2	0	14
Race	551	34	59	13	657
Religious Creed	54	9	8	9	80
Retaliation - Housing	0	5	0	0	5
Sex	565	10	43	8	626
Sexual Orientation	53	4	7	1	65
Source of Income	0	40	4	0	44
Grand Totals	3625	294	340	69	4328

***Public Accommodation**

Fiscal Year July 1, 2017 to June 30, 2018

The Commission on Human Rights and Opportunities

Case Count by Issue		
Type	Issue	Total
EMPLOYMENT	Aiding & Abetting	41
	Demotion	64
	Denied Disability(Pregnancy)	2
	Discharge	1188
	Exclude from Membership	2
	Failure to Classify	2
	Failure to Refer	1
	Harassment	534
	Hiring	106
	Other	612
	Other(Pregnancy)	17
	Promotion	92
	Reasonable Accommodation	182
	Retaliation	788
	Sexual Harassment	235
	Termination(Pregnancy)	21
	Terms & Conditions	902
HOUSING	Denial of Rental	45
	Denial of Sale	10
	Eviction	10
	Loan/Credit	1
	Other	14
	Reasonable Accommodation	57
	Rental	4
	Retaliation	15
	Sale	2
	Terms and Conditions	81
OTHER	Code of Fair Practices	16
	Criminal Offender	1
	Other	3
PUBLIC ACCOMMODATIONS	Denied Accommodation	11
	Food	3
	Other	128
	Police Conduct	9
	Public Agency	12
	Reasonable Accommodation	3
	Recreation	1
Grand Total		5216

Fiscal Year July 1, 2017 to June 30, 2018

The Commission on Human Rights and Opportunities

Complaints Closed by Unit According to Type					
Unit	Employment	Housing	Other	Public Accommodations	Total
Capitol	224	0	0	15	239
Southwest	243	0	1	7	251
West Central	233	0	1	7	241
Eastern	275	0	1	13	289
Housing	0	175	0	1	176
Legal	1026	39	24	150	1239
Grand Total	2001	214	27	193	2435

Commission on Human Rights & Opportunities



Annual Case Processing Report

FY 2019

Fiscal Year July 1, 2018 to June 30, 2019

The Commission on Human Rights and Opportunities

1. Complaints Filed by Region

The Commission received a total of 2625 complaints in FY 2019. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission's website.

Capitol	600
Southwest	536
West Central	814
Eastern	461
Housing Discrimination Unit	<u>214</u>
Total	2625

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint would be classified according to what the majority of the allegations relate to. Complaints classified as "Other" include those not readily classified as one of the other categories.

Employment	2028
Housing	214
Public Accommodations	367
Other	<u>16</u>
Total	2625

3. Complaints Filed Against State Agencies 186

Complaints filed against state agencies are recorded at the time of complaint intake and categorized by the name of the Respondent.

Fiscal Year July 1, 2018 to June 30, 2019

The Commission on Human Rights and Opportunities

4. Case Closures

The Commission closed a total of 2640 complaints during the fiscal year. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to reflect accurately the kind of closure or are a result of an internal system error.

Closure Type	Total
Administrative Dismissal	108
Case Assessment Review – No Claim for Relief	255
Case Assessment Review – No Possibility of Reasonable Cause Finding	171
Case Assessment Review – Respondent Exempt	4
Case Assessment Review – Frivolous	4
No Reasonable Cause	349
No Reasonable Cause – Administrative Dismissal	12
No Reasonable Cause - Lack of Jurisdiction	8
Pre-determination Conciliation	45
Public Hearing/Court Closure	34
Release of Jurisdiction	612
Satisfactorily Adjusted	12
Unknown	3
Withdrawal	117
Withdrawal with Settlement	906
Grand Total	2640

5. OPH Closures

The Office of Public Hearings (OPH) conducts hearings on discrimination complaints certified after a finding of reasonable cause. Further, OPH conducts hearings on cases that are sent through the Early Legal Intervention process and chosen for public hearing after review by the Commission’s Legal Division. OPH also conducts hearings on requests for default and damages.

Motion to Dismiss/Administrative Dismissals	6
Public Hearing Withdrawals	2
Referee Decisions	9
Stipulated Agreements	38
Decertified	6
Release of Jurisdiction	5
Grand Total	66

In addition to the discrimination complaints included above, the OPH also conducts hearings on Whistleblower Retaliation complaints.

Motion to Dismiss/Administrative Dismissals	9
Withdrawals	4
Referee Decisions	1

Fiscal Year July 1, 2018 to June 30, 2019

The Commission on Human Rights and Opportunities

Stipulated Agreements	0
Grand Total	14

6. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued the parties have fifteen (15) days to comment on the draft findings. The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	48
Reasonable Cause Drafts Issued	95

Fiscal Year July 1, 2018 to June 30, 2019

The Commission on Human Rights and Opportunities

CHRO Complaints Filed by Basis and Type					
Basis	Employment	Housing	PA*	Other	Totals
Age	443	25	22	1	488
Alienage	4	0	0	0	26
Ancestry	188	12	16	1	243
Blindness	1	0	0	0	3
Color	449	40	77	3	512
Familial Status	2	21	1	0	21
Gender Identity	21	1	10	0	12
Guide Dog/Access	0	0	2	0	
Learning Disability	32	0	15	1	35
Marital Status	31	6	15	0	44
Mental Disability	144	72	31	3	176
Mental Disorder	49	0	8	4	82
National Origin	216	20	11	0	269
None	1	0	0	0	3
Other	373	7	20	3	364
Physical Disability	442	63	35	1	557
Police Racial Profiling	0	0	2	0	2
Prior Conviction of Crime	8	0	0	0	14
Race	603	43	101	7	657
Religious Creed	64	2	7	0	80
Retaliation - Housing	0	6	0	0	5
Sex	647	16	158	3	626
Sexual Orientation	73	5	9	3	65
Source of Income	0	40	2	0	44
Grand Totals	3791	379	542	30	4742

***Public Accommodation**

Fiscal Year July 1, 2018 to June 30, 2019

The Commission on Human Rights and Opportunities

Case Count by Issue		
Type	Issue	Total
EMPLOYMENT	Advertising	2
	Aiding & Abetting	49
	Demotion	69
	Denied Disability(Pregnancy)	2
	Discharge	1245
	Exclude from Membership	3
	Expel from Membership	2
	Failure to Refer	1
	Harassment	571
	Hiring	99
	Other	653
	Other(Pregnancy)	18
	Promotion	132
	Reasonable Accommodation	166
	Refused Leave(Pregnancy)	1
	Retaliation	859
	Sexual Harassment	279
	Termination(Pregnancy)	57
	Terms & Conditions	1019
HOUSING	Denial of Rental	67
	Denial of Sale	5
	Eviction	5
	Loan/Credit	2
	Other	22
	Reasonable Accommodation	58
	Rental	1
	Retaliation	14
	Terms and Conditions	91
OTHER	Code of Fair Practices	8
	Criminal Offender	2
	Loan	1
	Other	4
PUBLIC ACCOMMODATIONS	Denied Accommodation	36
	Entertainment	1
	Food	7
	Other	254
	Police Conduct	12
	Public Agency	20
	Reasonable Accommodation	8
	Recreation	1
Grand Total		5846

Complaints Closed by Unit According to Type					
Unit	Employment	Housing	Other	Public Accommodations	Total
Capitol	220	0	1	6	227
Southwest	261	0	0	9	270
West Central	257	0	0	98	355
Eastern	273	0	0	8	281
Housing	13	188	1	1	203
Legal	1065	28	12	199	1304
Grand Total	2089	216	14	321	2640

Commission on Human Rights & Opportunities



Annual Case Processing Report

FY 2020

Fiscal Year July 1, 2019 to June 30, 2020

The Commission on Human Rights and Opportunities

1. Complaints Filed by Region

The Commission received a total of 2625 complaints in FY 2020. Each regional office takes complaints based on the town the alleged discrimination occurred in with the exception of the Housing Discrimination Unit which takes housing-related complaints from all over the state. A listing of which towns fall under which regional office can be found at the Commission's website.

Capitol	586
Southwest	495
West Central	641
Eastern	411
Housing Discrimination Unit	<u>186</u>
Total	2319

2. Complaints Filed by Type of Charge

Complaints are classified by the predominant allegation and the allegedly violated statutes. In situations where, for example, a complaint contains mixed allegations of a denial of employment and denial of public accommodations, the complaint would be classified according to what the majority of the allegations relate to. Complaints classified as "Other" include those not readily classified as one of the other categories.

Employment	1922
Housing	187
Public Accommodations	196
Other	<u>14</u>
Total	2319

3. Complaints Filed Against State Agencies 223

Complaints filed against state agencies are recorded at the time of complaint intake and categorized by the name of the Respondent.

Fiscal Year July 1, 2019 to June 30, 2020

The Commission on Human Rights and Opportunities

4. Case Closures

The Commission closed a total of 2640 complaints during the fiscal year. Closures classified as “unknown” are a reflection of the complaint tracking system not being able to reflect accurately the kind of closure or are a result of an internal system error.

Closure Type	Total
Administrative Dismissal	78
Case Assessment Review – No Claim for Relief	228
Case Assessment Review – No Possibility of Reasonable Cause Finding	156
Case Assessment Review – Respondent Exempt	1
Case Assessment Review – Frivolous	0
No Reasonable Cause	321
No Reasonable Cause – Administrative Dismissal	9
No Reasonable Cause - Lack of Jurisdiction	2
Pre-determination Conciliation	48
Public Hearing/Court Closure	35
Release of Jurisdiction	560
Satisfactorily Adjusted	5
Unknown	5
Withdrawal	81
Withdrawal with Settlement	874
Grand Total	2640

5. Number of Reasonable Cause Findings

Reasonable Cause findings come about after an investigator determines there is a bona fide belief that the material issues of fact are such that a person of ordinary caution, prudence and judgment could believe the facts alleged in the complaint. After a draft finding is issued the parties have fifteen (15) days to comment on the draft findings. The investigator must review these comments and then issue a final finding. After a final finding of reasonable cause, the investigator shall attempt to eliminate the practice complained of by conference, conciliation and persuasion not later than fifty days after the date of the finding. If the investigator fails to eliminate the discriminatory practice complained of, the investigator shall certify the complaint within ten days. Upon certification, a Human Rights Referee shall be assigned to act as a presiding officer to hear the complaint. The complaint may also be directly certified to public hearing following a request for early legal intervention.

Cases Certified to Public Hearing	57
Reasonable Cause Drafts Issued	95

Fiscal Year July 1, 2019 to June 30, 2020

The Commission on Human Rights and Opportunities

CHRO Complaints Filed by Basis and Type					
Basis	Employment	Housing	PA*	Other	Totals
Age	398	16	21	3	438
Alienage	1	0	3	2	6
Ancestry	141	13	19	0	173
Blindness	0	0	1	0	1
Color	340	26	51	3	420
Familial Status	1	47	2	0	50
Gender Identity	30	0	3	0	33
Guide Dog/Access	0	7	2	0	9
Learning Disability	25	0	17	0	42
Marital Status	27	3	4	0	34
Mental Disability	148	39	34	0	221
Mental Disorder	25	0	7	1	33
National Origin	206	21	20	2	249
None	0	0	0	0	0
Other	268	1	27	0	296
Physical Disability	404	52	54	4	514
Police Racial Profiling	0	0	1	1	2
Prior Conviction of Crime	10	0	8	1	19
Race	471	36	70	6	583
Religious Creed	51	6	15	4	76
Retaliation - Housing	0	7	0	0	7
Sex	535	15	26	1	577
Sexual Orientation	54	6	4	0	64
Source of Income	0	28	0	0	28
Grand Totals	3135	323	389	28	3875

***Public Accommodation**

Fiscal Year July 1, 2019 to June 30, 2020

The Commission on Human Rights and Opportunities

Case Count by Issue		
Type	Issue	Total
EMPLOYMENT	Aiding & Abetting	40
	Demotion	66
	Denied Disability(Pregnancy)	3
	Discharge	985
	Exclude from Membership	2
	Expel from Membership	1
	Harassment	504
	Hiring	95
	Other	515
	Other(Pregnancy)	28
	Promotion	119
	Reasonable Accommodation	152
	Refused Leave(Pregnancy)	4
	Retaliation	753
	Sexual Harassment	210
	Termination(Pregnancy)	30
	Terms & Conditions	880
HOUSING	Denial of Rental	37
	Denial of Sale	2
	Eviction	4
	Other	31
	Reasonable Accommodation	44
	Retaliation	5
	Sale	2
	Terms and Conditions	92
OTHER	Code of Fair Practices	1
	Criminal Offender	4
	Delayed payment	1
	Interference with performance	1
	Other	5
	Terms & conditions of bid	1
PUBLIC ACCOMMODATIONS	Denied Accommodation	6
	Entertainment	1
	Food	2
	Other	113
	Police Conduct	13
	Public Agency	25
	Reasonable Accommodation	5
	Recreation	1
Grand Total		4783

Complaints Closed by Unit According to Type					
Unit	Employment	Housing	Other	Public Accommodations	Total
Capitol	273	0	2	7	282
Southwest	247	0	0	11	258
West Central	339	0	0	9	348
Eastern	271	0	1	10	282
Housing	8	154	0	1	163
Legal	869	21	12	168	1070
Grand Total	2007	175	15	206	2403