



VIA EMAIL

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Kristen Clarke  
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U.S. Department of Justice  
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RE: DOJ's Ongoing ADA and Section 504 Investigations

Dear Assistant Attorney General Clarke:

We, the undersigned Co-Chairs of the Consortium for Constituents with Disabilities (CCD) Rights Task Force appreciate the U.S. Department of Justice's (DOJ) efforts to enforce and uphold the Americans with Disabilities Act (ADA). In furtherance of these efforts, we write to urge DOJ's Civil Rights Division to expedite the issuance of findings and resolutions for the Department's open ADA investigations. The DOJ complaint process plays a crucial role in protecting and advancing the civil rights of people with disabilities. Timely resolutions before a potential change in administration is not only crucial for maintaining public trust and accountability, but also to ensure that justice is served swiftly and effectively for people with disabilities.

The DOJ Civil Rights Division, for example, has been a leader in addressing the use of police as the default responders to mental health emergencies, when other health emergencies receive a medical response. This is a priority issue for the undersigned members, and we hope that the Division will be able to share final resolutions of these findings in the near future. These resolutions will provide a model for jurisdictions across the country and a vital resource for advocates.

The Civil Rights Division also has a critical role in addressing the use of artificial intelligence and algorithms in ways that result in discrimination against people with disabilities in such critical areas as employment, housing, the criminal legal system, and the right to parent. DOJ has far greater access to information and resources to investigate and resolve these matters than the private bar or non-profit organizations. For example, it has been reported that DOJ is investigating "a controversial artificial intelligence tool used by a Pittsburgh-area child protective services agency following concerns that the tool could lead to discrimination against families with disabilities."<sup>1</sup> We

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<sup>1</sup> <https://apnews.com/article/justice-scrutinizes-pittsburgh-child-welfare-ai-tool-4f61f45bfc3245fd2556e886c2da988b>; <https://www.pbs.org/newshour/nation/ap-report-doj-examining-ai->

urge DOJ to expedite this and any other open investigations on these important issues that impact the civil rights of people with disabilities and issue public findings.

Finally, we appreciate the thoroughness and diligence with which the Department investigates and resolves its civil rights investigations. However, delays in resolving complaints and investigations have significant implications for individuals and the broader disability community. As one example, on February 14, 2022, the Bazelon Center for Mental Health Law filed a complaint on behalf of an individual student at the University of Pennsylvania asserting violations of the ADA. The Civil Rights Division opened a systemic investigation more than two years ago, yet both the individual student's investigation and the systemic investigation remain unresolved. This delay has severely harmed the now graduated student's ability to secure employment and to continue their postgraduate education, and now threatens their immigration status. We urge DOJ to expedite the resolution of this and similarly situated matters.

For these reasons, we encourage an increased investment of resources to accelerate the resolution of open ADA investigations – especially in the priority areas identified above.

Sincerely,

CCD Rights TF Co-Chairs

Megan Schuller  
Bazelon Center for Mental Health Law

Claudia Center  
Disability Rights Education and Defense Fund

Morgan Whitlatch  
Center for Public Representation

Stephen Lieberman  
United Spinal Association

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The Consortium for Constituents with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society free from racism, ableism, sexism, and xenophobia, as well as LGBTQI+ based discrimination and religious intolerance.