



U.S. Department of Justice

Civil Rights Division

*Federal Coordination and Compliance Section
950 Pennsylvania Ave, NW
Washington, DC 20530*

May 16, 2022

BY CERTIFIED MAIL AND E-MAIL

Steven C. McCraw
Director
Texas Department of Public Safety
PO Box 4087
Austin, TX 78773-0001
Steven.McCraw@dps.texas.gov

Phillip Adkins
General Counsel
Texas Department of Public Safety
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Austin, TX 78773-0140
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Re: DJ # 171-76-22

Dear Director McCraw and Attorney Adkins:

This letter notifies you that the Federal Coordination and Compliance Section of the Civil Rights Division of the United States Department of Justice (the Department) seeks information about the Texas Department of Public Safety's (DPS) compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and its implementing regulations, 28 C.F.R. Part 42, Subpart C (collectively, "Title VI"). Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. DPS is a recipient of millions of dollars from the Department. We understand that DPS is also a recipient of funds from the U.S. Department of Homeland Security.

The Department is seeking this information after receiving information indicating that DPS may be discriminating on the basis of race and/or national origin in its activities related to Operation Lone Star by targeting certain individuals for arrests for misdemeanor trespass violations and traffic stops based on their perceived or actual race or national origin. *See* 28 C.F.R. § 42.106. The decision to issue the attached request for information does not reflect any conclusions as to DPS's compliance with Title VI.

Additional Information for Recipients

All recipients must provide access to sources of information that will permit the Department to determine whether the recipient of its financial assistance is complying with Title

VI nondiscrimination requirements. *See* 28 C.F.R. § 42.106(c). Failure to provide access to information necessary for the Department to determine compliance could result in the Department suspending or terminating federal financial assistance or bringing a civil suit to enforce the rights of the United States. *See* 28 C.F.R. § 42.108.

Title VI also prohibits retaliation. This includes any action to “intimidate, threaten, coerce, or discriminate against *any individual* for the purpose of interfering with any right or privilege” under Title VI. 28 C.F.R. § 42.107(e) (emphasis added). Individuals who believe that they have been a target of retaliation may file a complaint with the Department.

Initial Information Request and Next Steps

We have enclosed a preliminary request for information (Attachment A). Please contact us within 15 days of the date of this letter to discuss the production format of responsive documents and electronically stored information. We welcome a conversation with your office and/or the Texas Office of the Attorney General to discuss this request.¹ Please provide us with all documents and information requested within 30 days of the date of this letter. Please also preserve all potentially relevant or related documents and information until further notice.

Please note that this letter addresses only the matters discussed and does not cover any other issues regarding compliance with Title VI or other federal laws. Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

If you have any questions or concerns regarding this letter or wish to arrange a meeting, please contact Coty Montag, Deputy Chief, at (202) 598-1580 or Gloria Yi, Attorney, at (202) 616-3975. Written communications may be e-mailed to them at Coty.Montag@usdoj.gov and Gloria.Yi@usdoj.gov referencing DJ# 171-76-22. Please be advised that we may request additional documents after our initial review.

Sincerely,



Christine Stoneman
Chief
Federal Coordination and Compliance Section

¹ On March 30, 2022, the Department issued a request for information to the Texas Department of Criminal Justice (TDCJ) concerning its activity related to Operation Lone Star. The Department is currently working with TDCJ, in coordination with the Texas Attorney General’s Office, to obtain information and documents responsive to that request.

Enclosure

CC: Peter Mina, Senior Official Performing the Duties of the Officer for Civil Rights and Civil Liberties, U.S. Department of Homeland Security