

# FISCAL SNAPSHOT

## CIVIL RIGHTS COMPLAINT INVESTIGATIONS

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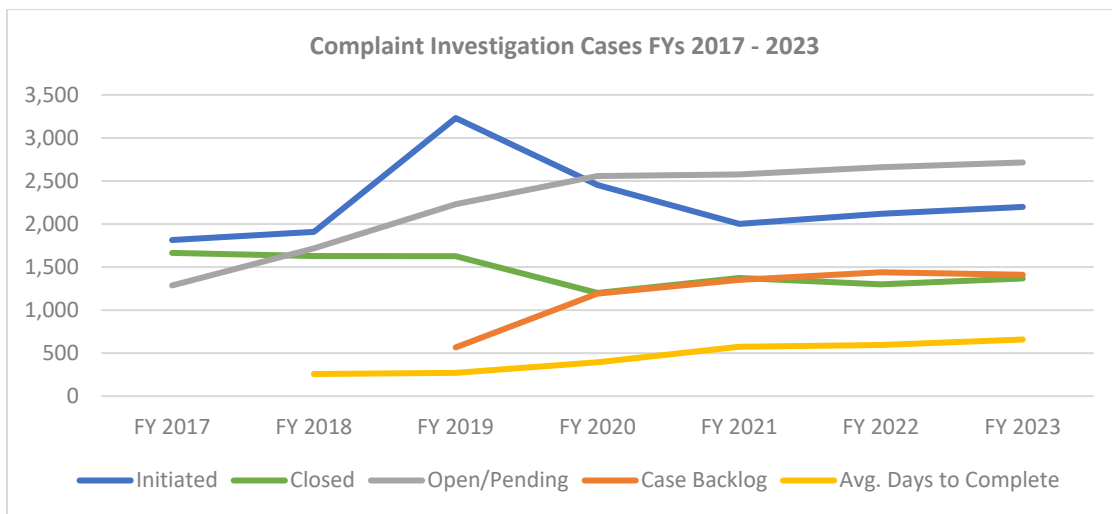
### Summary

The primary responsibility of the Civil Rights Commission and the Michigan Department of Civil Rights is to investigate allegations of violations of civil rights protections on behalf of the public. The state constitution establishes this duty for the commission and requires the legislature to provide an annual appropriation for its effective operation. In recent years, the department has seen a significant increase in the average time taken to complete investigation of cases, resulting in an ongoing case backlog. Appropriations were made in fiscal years 2022-23 and 2023-24 to alleviate the backlog.

### Background

The [1963 Michigan Constitution](#) charges the Civil Rights Commission with the duty “to investigate alleged discrimination against any person because of religion, race, color or national origin.” The Michigan Department of Civil Rights was created as a principal state department in 1965, with the commission as its head. In 1976, the [Elliott-Larsen Civil Rights Act](#) (ELCRA) and the [Persons with Disabilities Civil Rights Act](#) notably expanded the categories for civil rights protections and the department's investigative duties. The most recent significant expansions of ELCRA came in 2023, with the inclusion of protections for sexual orientation and gender identity or expression in [2023 PA 6](#) and for hair texture and protective hairstyles as traits historically associated with the protected category of race in [2023 PA 45](#).

In recent years, the department has experienced an increase in open, or unresolved, civil rights complaint investigation cases. After the COVID-19 pandemic began in 2020, the number of backlogged cases—those open for over a year—and the amount of time taken to complete investigations increased substantially. The Office of the Auditor General conducted a [performance audit](#) on complaint intake and investigation timeliness using a sample of cases from between January 1, 2021, and June 30, 2022. The audit was released in August 2023 and found, as a material condition, that complaint investigations were not being completed in a timely manner.



Source: Michigan Department of Civil Rights

### Recent Appropriations

To address the growing case backlog, [\\$3.2 million](#) was provided as a one-time appropriation in the FY 2022-23 budget to provide up to 25.0 limited-term employees. In FY 2023-24, [\\$5.7 million](#) and authorization for 34.0 FTE positions were appropriated for complaint investigation cases as an ongoing base funding increase to further help eliminate the backlog and prevent the occurrence of a backlog in future years. Additionally, in FY 2023-24, a total of [\\$7.0 million](#) and authorization for 14.0 FTE positions was appropriated for other complaint investigation initiatives and purposes not directly related to the case backlog. All funding and FTE authorization increases in FY 2022-23 and FY 2023-24 are shown in the table below. Increases directly related to reducing the complaint

case backlog are bolded. The total funding appropriated for complaint investigation and enforcement in the current fiscal year is \$12.6 million (\$4.8 million one-time).

<b>Complaint Investigation Funding</b>			
<b>Fiscal Year</b>	<b>Purpose</b>	<b>Funding</b>	<b>FTE</b>
<b>Actual 2022-23</b>	<b>25 limited-term employees for complaint investigation backlog (One-time)</b>	<b>\$3,151,900</b>	<b>0.0</b>
	Transfer of legal staff from Law and Policy to Complaint Investigation line item	<u>\$1,475,800</u>	<u>13.0</u>
	<b>FY Total</b>	<b>\$4,627,700</b>	<b>13.0</b>
<b>Actual 2023-24</b>	<b>Complaint Investigation staffing to reduce investigation backlog*</b>	<b>\$5,686,500</b>	<b>34.0</b>
	Disabled digital access rights compliance training (\$2.8 million one-time)	\$3,044,100	2.0
	Implementation of ELCRA expansion, sexual orientation, gender (one-time)	\$2,000,000	0.0
	Investigation of disparate impact complaint cases	\$1,555,800	9.0
	ADA training and complaint case investigation	\$223,200	2.0
	Transfer from Division on Deaf, DeafBlind and Hard of Hearing	<u>\$125,000</u>	<u>1.0</u>
	<b>FY Total</b>	<b>\$12,634,600</b>	<b>48.0</b>
<b>Grand Total</b>		<b>\$17,262,300</b>	<b>61.0</b>
<b>Proposed 2024-25</b>	<b>Complaint Investigation staffing to reduce investigation backlog</b>	<b>\$5,000,000</b>	<b>29.0</b>

### Complaint Investigation Staffing

The department has sought to address the backlog of complaint cases through additional staffing. As shown in the chart, the department had 34.5 staff positions for complaint investigations at the end of FY 2021-22. Since then, it has added 47.5 positions. Of this increase, 19 staff members were transferred internally from the Law and Policy section.

### The Bottom Line

As the number of unresolved cases have gradually grown into an ongoing case backlog in recent years, the department and the legislature have both taken actions to reduce the backlog by increasing funding for staff. The FY 2024-25 executive recommendation proposes continuing to address the backlog by including \$5.0 million and 29.0 FTE positions.

