

Investigatory Testing as a Tool for Enforcing Civil Rights Statutes

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Abstract

This paper primarily looks at the status of testing programs at the federal level as a tool to determine whether laws prohibiting discrimination are being violated. Investigatory testing can provide very important evidence, which is often difficult to otherwise obtain, of violations of civil rights laws. This paper examines programs in four specific areas: housing, lending, employment, and public accommodations. The most comprehensive current programs are in the fields of housing and lending. The most controversial area is that of employment, and this paper discusses some of the reasons why using testing as an investigatory tool is more complicated in the employment context. In each area, the paper provides some recommendations of how California could learn from the federal experience in considering whether it will establish programs using investigatory testing to enforce state civil rights statutes.

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