

U. S. Department of Justice

FY 2010 PERFORMANCE BUDGET

CIVIL RIGHTS DIVISION

Congressional Budget Submission

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Overview for the Civil Rights Division

1. Introduction

In FY 2010, the Civil Rights Division (CRT) requests a total of \$145,449,000, 815 positions and 766 direct FTE, to enforce the country's civil rights laws in a fair and uniform manner.

2. Background

CRT's enforcement mission has three significant prongs: (1) to fulfill the promise of federal laws entitling all persons to basic civil rights protections as they engage in everyday conduct throughout the United States; (2) to deter illegal conduct through the successful judicial enforcement of these federal laws; and (3) promoting voluntary compliance and civil rights protection through a variety of educational, technical assistance, and outreach programs. Each time compliance is achieved, a significant result has occurred.

Established in 1957 following enactment of the first civil rights statutes since Reconstruction, CRT is the sole program institution within the Federal Government responsible for enforcing federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin.

CRT's mission supports the Strategic Plan of the Department of Justice (DOJ); specifically Strategic Goal #2 – Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People. These laws influence a broad spectrum of conduct by individuals as well as public and private institutions. CRT enforces laws that prohibit discriminatory conduct in housing, employment, education, voting, lending, public accommodations, access to services and facilities, activities that receive federal financial assistance, and the treatment of juvenile and adult detainees and residents of private institutions.

Within CRT, there are no regional offices; all Division employees are stationed in Washington, D.C. Since litigation activities occur in all parts of the United States nearly all CRT attorneys and, occasionally, some paralegal and clerical personnel are required to travel. This allows CRT employees to be deployed quickly to the areas requiring attention.

3. Challenges

DOJ is the protector of the rule of law within the Executive Branch of government. Fair and uniform enforcement of federal laws is crucial to the public's trust of government and law enforcement. DOJ now includes numerous issues of national attention, including the trafficking of persons, the treatment of juvenile and adult detainees as well as residents of public institutions, official misconduct by law enforcement personnel, and bias motivated crimes. These unpredictable events require DOJ to respond both appropriately and creatively.

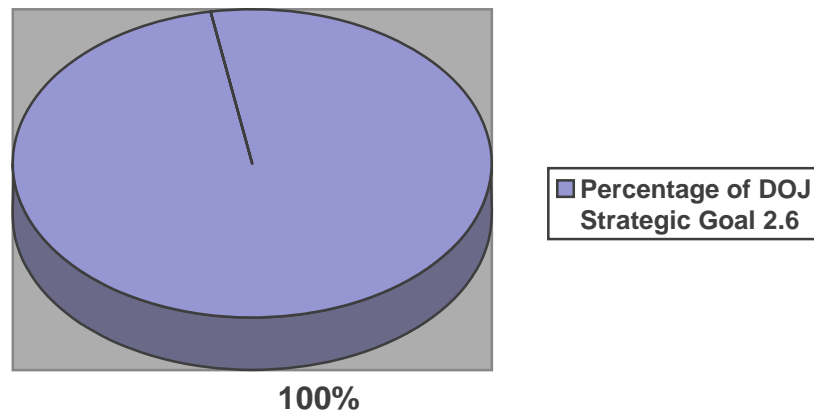
These and CRT's traditional responsibilities for fighting discrimination in housing, education, employment, mortgage lending, public accommodations, access by the disabled to services and facilities, and voting will continue to be high priorities in FY 2010.

FY 2010 Total Civil Rights Request by DOJ Strategic Goal

Following is a brief summary of the DOJ's Strategic Goal and Objective in which CRT plays a role:

DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People (FY 2010 Request: \$145,449,000)

- Uphold the civil and constitutional rights of all Americans (2.6)



4. Full Program Costs

CRT's budget is integrated with its own priorities as well as the DOJ's Strategic Goal and Objective; therefore, each performance objective is linked with the costs of critical strategic actions.

CRT is requesting 815 permanent positions, 766 direct FTE, and \$145,449,000, to support DOJ's Strategic Goals, which represents program increases of 102 positions, 51 FTE and \$15,723,000 over the FY 2010 base funding level.

Resources for each Strategic Goal and Objective that CRT supports are provided under each programmatic area. The total costs include the following:

- The direct costs of all outputs
- Indirect costs
- Common administrative systems

Both performance and resource tables define the total costs of achieving the strategies CRT will implement in FY 2010. The various resource and performance charts incorporate the costs of numerous strategies, which also contribute to the achievement of CRT's objectives. Also included are the indirect costs for continuing activities, which are central to the operation of CRT.

5. Performance Challenges

DOJ is the chief agency of the Federal Government charged with upholding the civil and constitutional rights of all Americans. Our objective also requires that we educate the public to promote voluntary compliance with civil rights laws.

Among the most important challenges facing CRT are:

- Enforcing compliance with civil rights laws in an increasingly complex and diverse society;
- Responding to high profile incidents resulting in media attention and community interest requiring prompt attention;
- Providing timely and adequate responses to the tens of thousands of complaints and other correspondence received each year.

The challenges that impede progress toward achievement of CRT's goals are complex and ever changing. Internal agency dynamics, technological developments, and compliance with civil rights statutes are only a few factors that can impact a litigating component's practices and pose challenges that demand attention. The following are challenges that CRT sees as potential obstacles.

External Challenges:

- CRT's trafficking caseload has essentially tripled from FY 2001 – FY 2007. As these cases are extremely labor intensive, CRT's resources are being stretched to handle them. The workload associated with the 42 anti-trafficking task forces, funded by the Bureau of Justice Assistance (BJA), is also having a substantial impact on the program's workload. These task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts and requiring significant coordination efforts by the Criminal Section (CRM). CRM foresees further, possibly exponential, expansion of its caseload and coordination responsibilities.
- Changes to the 2010 Census form and the subsequent data released may have a significant impact on the development of the Division's infrastructure needed to address the massive workload associated with the next redistricting cycle.
- CRT has limited control over the composition and size of its caseload. The Division has no control over the number of complaints it receives. Much of the work is defensive or based on referrals from other agencies. CRT's work is also closely related to the output of the U.S. Attorneys, Federal Bureau of Investigation (FBI) and other agencies. Its Supreme Court activity is dependent upon the number and types of cases that the Court decides to hear.
- The ability to secure the diverse array of testers needed throughout the country will affect CRT's effort to fully implement Operation Home Sweet Home initiative. This includes increased testing for discrimination, and its continuing

efforts to implement fully the New Freedom Initiative in the area of access to housing for persons with disabilities, which includes outreach to encourage voluntary compliance.

- The Supreme Court, court of appeals, and district courts determine the pace of the litigation when they set briefing schedules, oral arguments, and trial dates. CRT must abide by those schedules regardless of other cases, matters, or events. Absent CRT's timely and effective response, the government may face sanctions and default judgments. Alternatively, delayed resolution of cases may occur. Additionally, CRT continues to encounter uncooperative jurisdictions – necessitating initiation of lawsuits which require fiscal and human resources.
- The Department of Homeland Security (DHS) received a substantial increase in its budget to hire worksite investigators, and to sanction employers who hire undocumented workers. Pending legislation would also substantially increase the penalties imposed upon employers for hiring undocumented workers. In 1991, five years after the creation of employer sanctions, the Government Accountability Office determined that these sanctions led to a widespread pattern of discrimination – primarily against Hispanics and Asians. Likewise, we anticipate that higher penalties and enhanced enforcement of those sanctions will lead to an increase in discrimination charges filed with the Office of Special Counsel (OSC), because employers will be more hesitant about hiring workers who look or sound “foreign.”
- Pending immigration reform proposals, millions of workers may receive legal status that was not previously protected under the Immigration and Nationality Act's (INA) anti-discrimination provision. Thus, upon receiving lawful permanent resident status, these individuals will be protected under the anti-discrimination provision and will be able to file charges with OSC.
- With the recent passage of the Emmett Till Unsolved Civil Rights Crime Act, the Division is tasked with addressing complex and resource-intensive cases regarding racially motivated murders from the civil rights era without additional resources.
- In September 2004, DOJ entered into a Memorandum of Understanding (MOU) with the Department of Labor (DOL) for enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. As more members of the National Guard and Reserve return from duty, it is anticipated that complaints against employers will increase. Since receiving this enforcement authority, CRT has received a considerable number of USERRA referrals from DOL. Assumption of this enforcement authority will continue to impact the workload of CRT in FY 2010 and into the immediate future.
- CRT faces the challenge of enforcing the Americans with Disabilities Act (ADA) at a time when national attention and resources must be focused on providing for the safety and well being of all citizens. State and local governments, as well as the business community, are burdened with monetary shortfalls that tend to place the correction of access violations at a lower priority. This places an increased premium on securing voluntary compliance.
- With the passage of the Voting Rights Reauthorization and Amendments Act of 2006, additional resources will need to be devoted to address the increased litigation workload. In addition, the amount of enforcement work necessary under Section 203 of Voting Rights Act of 1965 (VRA) will be dependent on the

extent to which election officials take appropriate steps to ensure fully bilingual elections.

- CRT, in its legal counsel capacity, faces the challenge of providing formal opinions and informal advice on legal and policy matters to CRT's Assistant Attorney General's Office, CRT's litigating sections, and the U.S. Attorneys Offices that continue to rely upon CRT in its role as the government's expert in court of appeals litigation.

Internal Challenges:

- Law enforcement relies primarily on people. Civil rights law enforcement is no different. Expanding skills and expertise through positive managerial intervention in areas of training, and policies supporting career development and upward mobility programs will play a critical role. DOJ needs to continue its efforts to attract the "best and brightest" of all talents, and should continue to provide an accessible, welcoming work environment that increases retention. Extensive training and development will be required for any new staff hired for those positions.
- Many of CRT's responsibilities are not performed by any other government agency. The recent loss of numerous senior staff has impacted CRT on many levels particularly in the loss of institutional memory, expertise and skill, all of which have been integral to our enforcement, training and outreach efforts. CRT expects this challenge to continue through FY 2009 and into FY 2010. Expanding the skills of existing employees through internal training and career development is critical.
- Training has increasingly become a challenge. While many of our incoming attorneys come to CRT with strong educational backgrounds, they have little or no litigation or substantive experience. The demands of our workload, which include investigations, negotiations, and litigation, require that attorneys broaden their skill sets. Similarly, we have stepped up our efforts to require increased accountability (both fiscal and programmatic) from all sectors of our Division.
- Many of CRT's cases are extremely complex; requiring teams of two or three lawyers for each case. Such long-term efforts, which tie up lawyers and support personnel for months, challenge the remainder of the staff to "cover" for them.
- Several of CRT's current cases involve large developers who have built multiple housing complexes that do not comply with the accessibility requirements. This has resulted in large, complex, resource-intensive cases.

F. Performance of Commercial Activities

Since ensuring compliance with civil rights laws is an inherently governmental function, CRT does not have a formal A-76 study underway.

II. Summary of Program Changes

Item Name	Description	Dollars (\$000)		
		Pos.	FTE	
Restoration of Eroded CRT Program Funding Levels	To strengthen the civil rights enforcement efforts.	55	27	\$6,033
Human Trafficking	To enhance CRT's anti-trafficking enforcement program.	20	10	2,300
2010 Census Infrastructure	Provides technology upgrades in preparation for the release of the 2010 census data.	0	0	1,704
Civil Rights for Institutionalized Persons Act (CRIPA)	To fund a combination of specialized consultants to address CRT's responsibilities associated with CRIPA.	0	0	1,000
Project Civic Access	Expand Project Civic Access through a new PCA training initiative and continue providing technical assistance and monitor compliance.	12	6	1,787
Enhance Fair Housing and Fair Lending Enforcement	Improve the quality of paired tests, expand the focus on detecting discrimination in home sales, and address discrimination in foreclosures and loan modifications.	6	3	1,254
Unsolved Civil Rights Era Crimes	Provide funding for investigations and prosecutions of Civil Rights Era unsolved homicide cases.	9	5	1,645

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Decision Unit Justification

A. Civil Rights Division

Civil Rights Division TOTAL	Perm. Pos.	FTE	Amount
2008 Enacted with Rescissions	713	715	\$114,500,000
2008 Supplementals	0	0	0
2008 Enacted w/Rescissions and Supplementals	713	715	114,500,000
2009 Enacted	713	715	123,151,000
Adjustments to Base and Technical Adjustments	0	0	6,575,000
2010 Current Services	713	715	129,726,000
2010 Program Increases	102	51	15,723,000
2010 Request	815	766	\$145,449,000
Total Change 2009-2010	102	51	\$22,298,000

Civil Rights Division's IT infrastructure is funded through the Justice Consolidated Office Network (JCON).

1. Program Description

An Assistant Attorney General, who is assisted by Deputy Assistant Attorneys General, heads CRT. They establish policy and provide executive direction and control over enforcement actions and the administrative management activities in CRT.

CRT is comprised of one decision unit and two programmatic areas: criminal and civil enforcement. These areas are broken down into ten program-related Sections and the Management and Administration (M&A) Section.

Following is a brief summary of the major programmatic responsibilities in enforcing the laws and regulations for which CRT is charged, and how these efforts tie to the strategic objectives in the DOJ Strategic Plan for its responsibilities in upholding the civil rights of all Americans.

Criminal Enforcement (117 FTE; \$18,617,000)

The Criminal Enforcement responsibilities of CRT frequently involve prosecuting significant cases; implicating violations of basic constitutional rights. These are invariably matters of intense public interest. CRT's caseload includes violations of human trafficking and involuntary servitude statutes, and acts of racial, ethnic, or religious violence such as cross burnings and church arsons. CRT also handles "color of law" offenses by local and federal law enforcement officials, investigating and prosecuting allegations of excessive force, sexual assaults and other forms of official misconduct in violation of fundamental constitutional protections. Criminal Enforcement's jurisdiction includes, as well, criminal violations of the Freedom of Access to Clinic Entrances (FACE) Act. The federal criminal civil rights statutes also provide for prosecutions of conspiracies to interfere with federally protected rights. CRT frequently prosecutes criminal statutes arising out of and related to civil rights investigations, such as obstruction of justice, weapons violations and immigration charges.

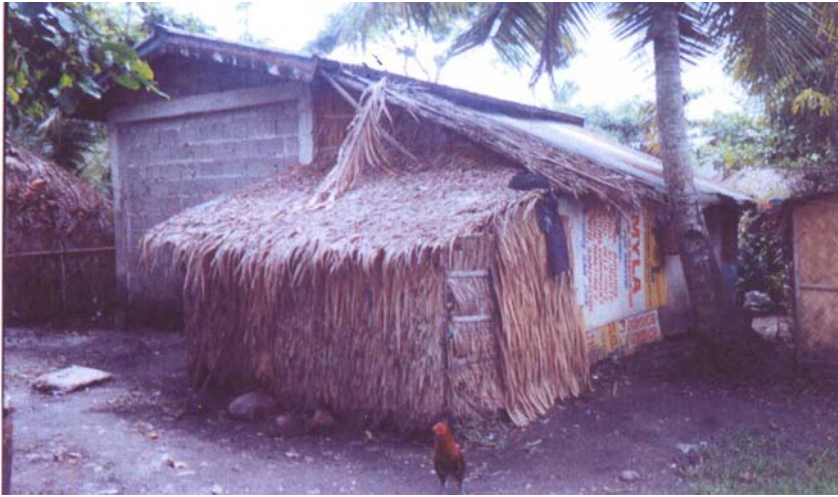
Criminal cases are investigated and prosecuted differently from civil cases. Additional and stronger evidence is needed to obtain a criminal conviction than to win a civil suit. Should the defendant be acquitted, the Government has no right of appeal.

The Emmett Till Unsolved Civil Rights Crime Act directs the Division and the FBI to expeditiously investigate unsolved racially motivated murders from the civil rights era, which constitute some of the greatest blemishes upon our history.

The Trafficking Victims Protection Act (TVPA) of 2000 expanded the scope of federal enforcement authority over human trafficking offenses. The law strengthened CRT's ability to investigate and prosecute modern day slavery offenses. The Act broadened the reach of servitude statutes to include psychological and non-violent forms of coercion. CRT works closely with the FBI, DOJ's Criminal Division, DHS, the U.S. Attorneys Offices, DOL, Non-governmental organizations (NGOs), and the 42 BJA-funded task forces to identify victims of illegal trafficking, many of whom are women and children.

Trafficking in humans stands among the most offensive moral scourges in America. It is a form of modern day slavery. Each year, an estimated 600,000 to 800,000 individuals around the world are trapped, tricked, bought, sold, or transported across international borders and held in sexual or labor servitude. There are estimates that 14,500 to 17,500 victims are trafficked into America annually.

The majority of the victims of human trafficking are female. Trafficking profits support organized crime. Trafficking has also been linked to other serious crimes including document fraud, money laundering, and migrant smuggling.



U.S. v. Calimlim (E. D. Wisconsin): 3 defendants convicted, two defendants sentenced to four years imprisonment, and two defendants ordered to pay \$950,000 in restitution to Filipina victim from an impoverished rural village (1st picture above) whom the defendants held as a domestic servant in their suburban Milwaukee mansion (2nd picture below) for 19 years.

In addition, working with DHS, DOL, and the Department of Health and Human Services (HHS), as well as State and local law enforcement and NGOs, DOJ has formed 42 anti-trafficking task forces across the country. Task forces have been established in

The anti-discrimination statutes enforced by the Civil Rights Division reflect one of America's highest aspirations: to become a society that provides equal justice under law. Our mission is clear: uphold the civil rights of all Americans.

Houston, Northern Virginia, New York, Los Angeles, Miami, the District of Columbia, and other locations. CRT also enforces several criminal statutes to uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws, including:

- Criminal provisions of the CRA of 1964 and 1968, which prohibit using force or threats of force to injure or intimidate any person involved in the exercise of certain federal rights and activities because of that person's race, religion or ethnicity;
- The Church Arson Prevention Act of 1996, which amended 18 U.S.C. §247, strengthened the criminal law against church burning and desecration by broadening the interstate commerce nexus, adding a racial motive element, and eliminating the \$10,000 damage requirement; and
- Relevant provisions of the Partial Birth Abortion Ban Act of 2003, which bans partial birth abortions. The Act provides both criminal and civil penalties for individuals who perform such abortions. Immediately, after the Act was signed into law, federal judges in California, Nebraska, and New York enjoined enforcement of the Act against abortion providers and their affiliates nationwide.

Performance and Resources Table – Criminal Enforcement

The performance measures reflect the number of cases filed and defendants charged, by both trafficking of persons enforcement responsibilities and all criminal civil rights violations. The outcome measures reported are the percentage of criminal cases favorably resolved, and the number of trafficking victims successfully prosecuted. Accomplishments are described under section IVA3a Performance Plan and Report for Outcomes.

B. Civil Enforcement (649 FTE; \$126,832,000)

The Civil Enforcement responsibilities of CRT encompass a vast array of responsibilities, including enforcement of the CRA of 1957, 1960, 1964, and 1968; the VRA of 1965, as amended through 1992; the Rehabilitation Act of 1973, as amended; the Fair Housing Amendments Act of 1988; the Equal Credit Opportunity Act; the ADA; the National Voting Registration Act (NVRA); the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); the Voting Accessibility for the Elderly and Handicapped Act (VAEH); the Help American Vote Act (HAVA), and additional civil rights provisions contained in other laws and regulations. These laws prohibit discrimination on a variety of grounds including: disability; race; sex; national origin; and religion in areas such as education;

employment; credit; housing; zoning and land use; public accommodations and facilities; State and local government offices; voting and certain federally funded and conducted programs.

CRT enforces the Civil Rights of Institutionalized Persons Act (CRIPA) of 1980, which authorizes the Attorney General to seek relief for persons confined in public institutions where conditions exist that deprive residents of their constitutional rights; the Religious Land Use and Institutionalized Persons Act (RLUIPA); the FACE, the Police Misconduct Provision of the Violent Crime Control and Law Enforcement Act of 1994; the pattern or practice provisions of the Omnibus Crime Control and Safe Streets Act of 1968; and Section 102 of the Immigration Reform and Control Act of 1986 (IRCA), as amended, which prohibits discrimination on the basis of national origin and citizenship status as well as documented abuse and retaliation under the INA.

The civil enforcement responsibilities also play an integral role in achieving the overall goals and mission of DOJ. CRT's civil enforcement responsibilities are reflected in the eight program areas and its Appellate Section. They perform civil responsibilities to uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil rights laws. These program areas, listed below in alphabetical order, perform many integral responsibilities to protect the rights and interests of the American people by legal representation.

Appellate Section (APP)

APP has primary responsibility for handling civil rights cases in the courts of appeals and, in cooperation with the Solicitor General, in the Supreme Court. APP also provides legal counsel to other components of DOJ regarding civil rights law and appellate litigation.

Most of APP's appeals are from district court judgments in cases originally handled by trial sections within CRT. The appellate caseload is both affirmative and defensive. Thus, APP handles all appeals from both favorable and adverse judgments in which the government participates.

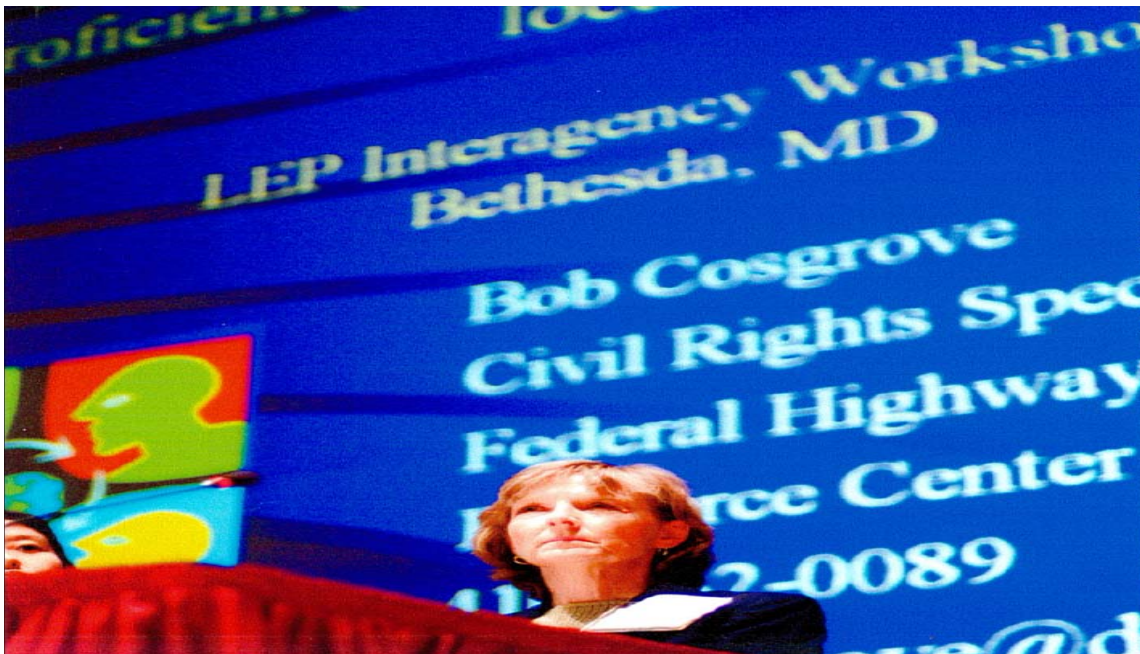
A significant proportion of APP's work involves participation as *amicus curiae* (friend of the court) or as intervener in cases that have the potential for affecting CRT enforcement responsibilities. In this capacity, APP closely monitors federal court cases to which the United States is not a party. In many of these cases, especially those concerned with developing or problematic areas of civil rights law, APP uses the Federal Government's authority to file an *amicus curiae* brief to register the government's position. APP also intervenes in a substantial number of cases to defend the constitutionality of federal statutes.

Coordination and Review (COR)

COR operates a comprehensive, government-wide program of technical and legal assistance, training, interagency coordination, and regulatory, policy, and program review, to ensure that federal agencies consistently and effectively enforce various landmark civil rights statutes and related Executive Orders that prohibit discrimination in federally assisted programs and in the Federal Government's own programs and activities.

Under Executive Order 12250, COR coordinates and ensures consistent and effective enforcement of Title VI of the CRA of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in federally assisted education and training programs; and other assistance-related statutes that prohibit discrimination on the basis of race, color, national origin, sex, or religion in federally assisted programs. The approximately 30 federal agencies that provide federal financial assistance are subject to these nondiscrimination statutes.

COR plays a central role in the Administration's priority of ensuring implementation and enforcement of civil rights laws affecting persons with Limited English Proficiency (LEP). COR has taken significant steps to implement Executive Order 13166, which mandates meaningful access for LEP individuals in federal and federally funded programs. In addition, COR continues to work with approximately 80 federal agencies to ensure that they produce plans to provide meaningful access to LEP individuals in their own conducted programs. COR provides a training and outreach program, which includes regular LEP presentations to recipients and other groups, as well as widespread distribution of LEP materials to DOJ recipients. COR also oversees the Interagency Working Group on LEP, which has active representation by more than 35 federal agencies, as well as the Working Group's LEP website, www.lep.gov, which is a prime source of LEP information for federal agencies, recipients, and community groups.



LEP Workshop in Bethesda, MD

In order to ensure consistent and effective enforcement, COR engages in a wide variety of activities, including the development or review and approval of model regulations, policies, and enforcement standards and procedures. It also reviews plans and data submitted by all federal funding agencies, which describe their civil rights enforcement

priorities, activities, and achievements. It provides ongoing technical assistance to federal agencies and, upon request, assists agencies in investigations of particular complaints and compliance reviews raising novel or complex issues.

COR also has an implementation and interagency coordination role with respect to Executive Order 13160, which applies to approximately 90 federal agencies. It prohibits discrimination in federally conducted education and training programs on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent.

Disability Rights Section (DRS)

The ADA extends the promise of equal access to everyday life to people with disabilities. Through its multi-faceted approach toward achieving compliance with the ADA, DRS works to make this promise a reality. DRS' enforcement, certification, regulatory, coordination, and technical assistance activities, required by the ADA, combined with an innovative mediation program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates. DRS also carries out responsibilities under Section 504 of the Rehabilitation Act, the HAVA of 2002, the Small Business Regulatory Enforcement Fairness Act, Executive Order 13217, Community-based Alternatives for Individuals with Disabilities, Executive Order 12250, and the President's New Freedom Initiative, designed to improve the lives of millions of Americans with disabilities. DRS activities affect more than seven million businesses and non-profit agencies, 80,000 units of State and local government, over 50 million people with disabilities, and more than 100 other federal agencies and commissions in the Executive Branch.

A 31-page booklet giving an overview of the ADA's requirements for ensuring equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation, is available from the ADA Information Line 1-800-514-0301 or 1-800-514-0383 (TDD) or at www.ada.gov

DRS' wide variety of enforcement activities serves to encourage compliance with Titles I, II, and III of the ADA. The "New Freedom Initiative" was launched to advance the promise of the ADA – expanding access and equality for people with disabilities in every facet of American life. CRT has pioneered a multi-track approach to advancing these important rights by: promoting expanded opportunities through cooperative compliance assistance; providing technical assistance; and backing these up with a robust enforcement program.

DOJ's Project Civic Access (PCA) has worked cooperatively with local governments to expand access to public facilities, services, and programs. Since FY 2001, DOJ has signed 161 agreements with 147 communities under PCA. Through PCA, DOJ assesses entire towns and counties, providing local officials with a roadmap to bringing all of their facilities, services, and programs into compliance with federal law. PCA settlement agreements cover important civic facilities such as town halls, courthouses, polling places, libraries, and police stations. They also include recreational facilities, sidewalks, parks, emergency services, and shelters. Participants, including both local officials and people with disabilities, have lauded DOJ for the access and opportunity the PCA program has brought to their communities.

DRS is the only government entity with authority to initiate litigation under Title I (Employment) against State and local government employers. Consequently, investigations and litigation have resulted in numerous formal and informal settlement agreements enforcing the ADA's employment provisions throughout the country. DRS has also made case law and achieved consent decrees, formal settlement agreements, and informal resolutions with respect to hundreds of complaints or compliance reviews under Titles II (State and local government programs) and III (public accommodations and commercial facilities).



DRS has built an impressive mediation program to assist with the disposition of the thousands of complaints received each year and the mediation program receives a portion of these to expeditiously address these issues. For FY 2009, as of February 27, 2009, the mediation program referred 250 matters, completed 117 of these matters and successfully resolved 81% of these cases.

The Technical Assistance Program, mandated under Section 506 of the ADA, provides answers to questions and free publications to businesses, State and local governments, people with disabilities, and the general public. The ADA Information Line and the ADA Website are utilized by millions of individuals each year, providing an unparalleled reference source on DOJ's enforcement and interpretation of the ADA.

Educational Opportunities Section (EOS)

The Supreme Court's landmark decision in *Brown v. Board of Education* held that the segregation of students on the basis of race in public schools was a violation of the U.S. Constitution. Subsequent federal legislation and court decisions mandate that school officials not discriminate against students on the basis of race, color, national origin, sex, religion, language barriers, or disabilities. Thus, the work of the EOS covers a variety of legal issues involving both elementary and secondary schools and institutions of higher education.

Q: What is the relationship between the Department of Education's Office of Civil Rights (OCR) and CRT's Educational Opportunities Section (EOS)?

A: If OCR, after investigating a charge of discrimination determines that a violation of the law has occurred and conciliation efforts are unsuccessful, the Department of Education may refer the charge to EOS who, within its prosecutorial discretion, may initiate litigation.

EOS enforces federal statutes that prohibit discrimination in public elementary and secondary schools and public colleges and universities. The laws enforced by EOS include Title IV of the CRA of 1964, and the Equal Educational Opportunities Act of 1974. EOS also initiates enforcement activities upon receiving a referral from other agencies to enforce Title VI of the CRA of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the ADA; and the Individuals with Disabilities Education Act. EOS may intervene in private lawsuits which allege violations of the Equal Protection Clause or the education related anti-discrimination statutes referred to above. EOS also participates as amicus curiae, addressing issues in which the government has an interest. EOS represents the Department of Education in certain types of suits filed against or on behalf of it.

Among EOS' most important priorities is its responsibility to monitor approximately 308 school districts currently covered by desegregation orders in cases in which the United States is a party. To ensure that districts comply with their obligations, EOS routinely reviews matters relating to student assignment, faculty assignment and hiring, transportation policies, extracurricular activities, the availability of equitable facilities, and the distribution of resources. EOS also routinely responds to requests by other parties to modify court orders to reflect current circumstances. It also responds to requests by parties and courts regarding unitary status and the ultimate dismissal of the lawsuit. As a result of these activities, EOS obtained relief in a number of cases, including: improved facilities for minority students; the elimination of one-race classrooms and schools; consolidation of schools to ensure desegregation; the desegregation of faculty and recruitment of minority faculty and staff; more equitable transportation routes for minority students; the elimination of segregative transfers; and the elimination of racially dual awards. Also, where appropriate, EOS agreed that the desegregation process had been completed and agreed to declarations of unitary status.

Additionally, EOS is proactive in other important areas involving discrimination in schools. For instance, EOS reviews districts' compliance with their obligations to provide appropriate services to English Language Learner students under the Equal

Educational Opportunities Act of 1974 (EEOA). EOS also participates in matters involving religious discrimination in schools, such as equal access and religious harassment. Further, EOS is expanding its role in investigating allegations of discrimination based on disability.

Employment Litigation Section (ELS)

ELS enforces the provisions of Title VII of the CRA of 1964, as amended and related federal laws such as the Crime Control Act prohibiting employment practices that discriminate on grounds of race, sex, religion, and national origin.

ELS initiates litigation under Title VII and other federal laws in two ways. Under the statutes it enforces, the Attorney General has authority to bring suit where there is reason to believe that pattern or practice discrimination exists. Generally, these are factually and legally complex cases that seek to alter an employment practice, such as one involving recruitment, hiring, assignment or promotion, which has the purpose or effect of denying employment or promotional opportunities to a class of individuals. Under its pattern or practice authority, ELS typically obtains relief in the form of employment offers or promotion, back pay and other remedial relief for individuals who have been the victims of unlawful employment practices. These cases are frequently resolved by consent decree prior to trial.

ELS also files Title VII suits based upon individual charges of discrimination referred to it by the Equal Employment Opportunity Commission (EEOC). These charges are filed with the EEOC by individuals who believe that they were unlawfully denied an employment opportunity or otherwise discriminated against by a State or local government employer. If, after investigation, the EEOC determines that the charge has merit and efforts to obtain voluntary compliance are unsuccessful, the EEOC refers it to ELS. ELS may also intervene in Title VII lawsuits filed against public employers by private plaintiffs.

Enforcement authority for USERRA is the responsibility of ELS. USERRA complaints are initially filed with DOL. DOL investigates the complaints, makes determinations as to whether they have merit, and attempts to voluntarily resolve those that it determines have merit. If DOL does not resolve a complaint, it refers the complaint to DOJ upon the request of the service member who filed the complaint. Upon receipt of an unresolved USERRA complaint from DOL, ELS reviews DOL's investigative file accompanying the complaint and makes a determination as to whether to extend representation to the complainant. Under USERRA, DOJ has authority to appear on behalf of a claimant in a suit filed in federal district court if it is satisfied that the claimant is entitled to the rights or benefits being sought. Since the transfer of USERRA enforcement authority in 2004, ELS has been actively reviewing complaints referred to it by DOL and has initiated several lawsuits on behalf of service members.

ELS also represents DOL, the Department of Transportation, and other federal agencies when they are sued. In addition, ELS has authority to prosecute enforcement actions upon referral by DOL of complaints arising under Executive Order 11246, which prohibits discrimination in employment by federal contractors.

Housing and Civil Enforcement Section (HCE)

HCE enforces the Fair Housing Act (FHA), which prohibits discrimination in all types of housing transactions. FHA applies not only to actions by direct providers of housing such as landlords and real estate companies, but also to actions by local governments, banks, insurance companies, and other entities whose discriminatory practices make housing unavailable to persons because of their race, color, religion, sex, national origin, handicap, or familial status. The statute authorizes DOJ to bring lawsuits to address discriminatory policies or “patterns or practices.” It also creates a mechanism by which individuals may file a complaint with the Department of Housing and Urban Development (HUD), a process that sometimes results in a lawsuit brought by DOJ.

HCE also enforces the fair lending provisions of both the FHA, which prohibits discrimination in residential real estate loans, and the Equal Credit Opportunity Act, which prohibits discrimination in these and other types of lending, such as commercial and consumer loans. Discrimination in home mortgage lending has been a particular focus of HCE’s enforcement efforts, because home ownership is so important to American families. HCE works with the Federal Reserve Board, Federal Deposit Insurance Corporation, and other banking regulatory agencies to promote voluntary compliance with the fair lending requirements.

Section 2 of the Religious Land Use and Institutionalized Act (RLUIPA) of 2000 prohibits State and local governmental actions that discriminate on the basis of religion in land use and zoning practices or impose substantial burdens on religious exercise. HCE enforces the land use provisions of this Act.

HCE also enforces the prohibition against discrimination and segregation in public accommodations under Title II of the CRA of 1964, and public facilities under Title III of the CRA of 1964. The public accommodations cases include those involving claims of systemic discrimination by restaurants and hotels.

HCE enforces the Servicemembers Civil Relief Act, which provides for the temporary suspension of judicial and administrative proceedings and civil protections in areas such as housing and credit for military personnel while they are on active duty.

Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC)

OSC enforces the anti-discrimination provision of the INA, which prohibits citizenship status and national origin discrimination with respect to hiring, firing and recruitment or referral for a fee, unfair documentary practices during the employment eligibility verification process, and retaliation. OSC receives discrimination complaints directly from the public, including U.S. citizens, lawful permanent residents, asylees and refugees, many of whom have limited English proficiency and are low wage workers. On its own initiative, OSC opens independent investigations where there is reason to believe that employers are engaging in a pattern or practice of discrimination. For meritorious claims, OSC brings litigation before administrative law judges if settlement discussions are not successful.

Congress created OSC based on concerns that employers subject to civil and criminal sanctions, for knowingly hiring individuals unauthorized to work in the U.S. might discriminate, either against those who look or sound "foreign", or against legal immigrants who are not U.S. citizens.

Through its employer and worker hotlines, OSC conducts informal telephone interventions with workers and employers to explain lawful employment practices. This is done to prevent discrimination from occurring promptly and remedy unlawful practices. A large number of complaints are resolved each year through this process, generally resulting in the immediate return to work of the injured party and obviating the need for a formal charge. OSC also leverages its effectiveness through its public education grant program by awarding grants to organizations with ties to immigrant workers and employers. In addition, it cultivates a network of grantees and other nonprofit and government partners, who educate employers and workers on the requirements of the INA and who, when appropriate, refer possible violations to OSC for review. OSC also conducts direct outreach throughout the country, providing speakers for presentations and distributing a large volume of outreach materials in several languages, upon request.

OSC anticipates that its workload will increase significantly during FY 2009 and FY 2010 based upon a number of external factors that are likely to have a significant impact on OSC's enforcement and outreach work.

First, DHS has increased resources to address the escalating number of undocumented workers in the United States, including bringing criminal actions against employers that knowingly employ undocumented workers. As DHS's efforts continue to expand in this regard, OSC expects to see an increase in discrimination charges filed by U.S. citizens and work authorized immigrants who look or sound foreign.

Second, legislation has made possible the greater use of computerized verification systems by private employers to determine whether new hires are authorized to work in the United States. Proposed legislation would make such systems mandatory for employers. Studies have documented that many employers use such systems in a discriminatory manner, which may also lead to an increase in the number of charges filed with OSC.

Special Litigation Section (SPL)

SPL protects the constitutional and federal statutory rights of persons confined in certain institutions owned or operated by or on behalf of State and local governments. These institutions include: facilities for individuals with mental illness or developmental disabilities; nursing homes; juvenile justice facilities; and adult jails and prisons. SPL derives its primary authority in this area from CRIPA, enacted in 1980. CRIPA gives the Attorney General the authority to investigate institutional conditions and file suit against State and local governments for a pattern or practice of egregious or flagrant unlawful conditions. SPL also is responsible for enforcing Title III of the CRA of 1964, which prohibits discrimination in public facilities on the basis of race, religion, or national origin.

As a result of SPL's CRIPA efforts, tens of thousands of institutionalized persons who were living in dire, often life-threatening, conditions now receive adequate care and services. SPL's work in institutions has focused recently on abuse and neglect in nursing homes and facilities for persons with mental illness or developmental disabilities; abuse and victimization of juveniles; inadequate special education services in facilities serving children and adolescents; and the unmet mental health needs of inmates and pre-trial detainees.

SPL enforces the police misconduct provision of the Violent Crime Control and Law Enforcement Act of 1994, which authorizes the Attorney General to seek equitable and declaratory relief to redress a pattern or practice of illegal conduct by law enforcement agencies and agencies responsible for the administration of juvenile justice. SPL also enforces the pattern or practice provisions of the Omnibus Crime Control and Safe Streets Act of 1968, which authorizes the Attorney General to initiate civil litigation to remedy discrimination based on race, color, national origin, gender or religion involving services by law enforcement agencies receiving financial assistance from DOJ.

The civil provisions of the Freedom of Access to Clinic Entrances Act of 1994 (FACE) are also within the area of enforcement for the SPL. Its attorneys work closely with offices of the U.S. Attorneys and State Attorneys General by providing technical assistance and conducting joint FACE prosecutions.

RLUIPA was signed into law on September 22, 2000. SPL has enforcement responsibilities under Section 3 of the Act, which protects the rights to free exercise of religion for institutionalized persons. Pursuant to this authority, SPL is authorized to investigate and bring civil actions for injunctive relief to enforce compliance with RLUIPA. The vast majority of these cases have led swiftly to local rules being changed to end the challenged discrimination.

Voting Section (VOT)

VOT is responsible for the enforcement of VRA of 1965, NVRA of 1993, VAEH, UOCAVA, HAVA and other statutory provisions designed to safeguard the right to vote of racial and language minorities, disabled and illiterate persons, overseas citizens, and military personnel.

To carry out its mission, VOT brings lawsuits against States, counties, cities, and other jurisdictions to remedy violations of the above statutes. With respect to VRA, high priority has been given to enforcement of Section 203 of the Act to ensure that appropriate language assistance is provided to citizens who are limited English proficient. In addition, extensive activities have been taken to enforce Section 2 of the Act with respect to denials and abridgements of the right to vote on account of race, color, or membership in a language minority. VOT also defends lawsuits that the VRA authorizes to be brought against the Attorney General.

VOT also has extensive programs to enforce two other provisions of the VRA. First, it reviews changes in voting laws and procedures administratively under Section 5 of the VRA. Section 5 of the VRA of 1965 is one of the special provisions of the VRA that apply to nine States in their entirety and one or more counties in seven other States. Second, VOT has an extensive election monitoring program pursuant to Section 8 of the Act which authorizes the assignment of federal observers to those jurisdictions certified by the Attorney General and through the assignment of staff to monitor elections in other parts of the country.

VOT is also responsible for enforcing the NVRA of 1993, UOCAVA, and HAVA. The HAVA, signed into law in October 2002, aims to improve the administration of elections in the United States, primarily by: 1) creating a new federal agency to serve as a clearinghouse for election administration information; 2) providing funds to States to

improve election administration and replace outdated voting systems; and 3) creating uniform and nondiscriminatory election technology and administration requirements that States must implement for all federal elections. VOT has taken the lead in outreach and monitoring of this law. It also has ongoing outreach and monitoring efforts to ensure effective and timely implementation by the States.

2. Performance and Resource Tables

The Performance and Resource Table reflects two programmatic activities (criminal and civil). The table displays performance, outcome, and efficiency measures associated with CRT's enforcement responsibilities. Accomplishments are described under section IVA3a of the Performance Plan and Report for Outcomes.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Civil Rights Division

DOJ Strategic Goal/Objective: 2.6 Uphold the civil and Constitutional rights of all Americans.

WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2008		FY 2008		FY 2009 Enacted		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
Workload : Investigations/Technical Assistance/Mediation/Prosecution											
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		724	\$114,450 [\$5,489]	680	\$114,618 [\$4,933]	739	\$123,151 [\$5,754]	51	\$22,298 [\$168]	784	\$145,449 [\$5,922]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2008		FY 2008		FY 2009 Enacted		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Criminal	100	\$13,140	86	\$12,833	100	\$13,953	17	\$4,664	117	\$18,617
Performance Measure	Number of criminal cases filed	84		111		84		56		140	
Performance Measure	Number of defendants charged	161		194		161		64		225	
Performance Measure	Number of trafficking cases filed	24		40		40		12		52	
Performance Measure	Number of trafficking defendants charged	67		82		82		36		118	
OUTCOME	% of criminal cases favorably resolved	80		97		80		0		80	
OUTCOME	# of trafficking victims successfully protected	96		112		112		34		146	

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Civil Rights Division											
DOJ Strategic Goal/Objective: 2.6 Uphold the civil and Constitutional rights of all Americans.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2008		FY 2008		FY 2009 Enacted		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
Workload : Investigations/Technical Assistance/Mediation/Prosecution											
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		724	\$114,450 [\$5,489]	680	\$114,618 [\$4,933]	739	\$123,151 [\$5,754]	51	\$22,298 [\$168]	784	\$145,449 [\$5,922]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2008		FY 2008		FY 2009 Enacted		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
Program Activity	Civil	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		624	\$101,195 [\$5,489]	594	\$101,785 [\$4,933]	639	\$109,198 [\$5,754]	34	\$17,634 [\$168]	667	\$126,832 [\$5,922]
Performance Measure	Number of matters successfully resolved	300		351		300		125		425	
Performance Measure	Number of successful mediations	160		178		150		10		160	
Efficiency Measure	Percentage of matters successfully resolved through mediation	75		80		75		0		75	
OUTCOME	% of civil cases favorably resolved	80		99		80		0		80	

PERFORMANCE AND RESOURCES TABLE
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Decision Unit: Civil Rights Division

DOJ Strategic Goal/Objective: 2.6 Uphold the civil and Constitutional rights of all Americans.

DATA DEFINITION AND QUALITY ASSURANCE:

All Workload and Performance Indicators: The data source for all indicators is the Civil Rights Division's Interactive Case Management (ICM) System, which will be transitioning to the Litigative Case Management Systems (LCMS) in FY 2010. The Requirements phase of the project will begin in the Spring of FY 2009. The Design and Development phases will follow after the completion of the Requirements phase through the implementation in FY 2010.

Quality assurance efforts include: regular interviews with attorneys to review data listings for each case; input screens programmed to preclude the entry of incorrect data; exception reports which list data that is questionable or inconsistent; attorney manager review of numerous monthly reports for data completeness and accuracy; and verification of representative data samples. Despite these measures, some data limitations do exist. Most significantly, incomplete data can cause the system to under-report case terminations and attorney time.

ISSUES AFFECTING SELECTION OF FY 2009 AND 2010 ESTIMATES:

An entry of N/A reflects information that was not available at the time, for that specific measure.

PERFORMANCE MEASURE TABLE

Decision Unit: Civil Rights Division

Performance Report and Performance Plan Targets		FY2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009	FY 2010
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target
Performance Measure	Number of criminal cases filed	93	76	63	95	83	89	75	84	111	84	140
Performance Measure	Number of criminal defendants charged	190	122	126	151	157	200	120	161	194	161	225
Performance Measure	Number of trafficking cases filed	N/A	10	11	25	34	32	22	24	40	24	52
Performance Measure	Number of trafficking defendants charged	N/A	40	27	43	93	111	40	67	82	67	118
Performance Measure	Number of civil matters successfully resolved	416	522	429	341	399	385	300	300	351	300	425
Performance Measure	Number of successful mediations	105	203	212	170	184	183	150	160	178	150	160
Performance Measure	Number of matters received	4,716	3,989	3,990	3,615	3,626	2,989	3,500	2,500	2,978	2,500	3,000
Performance Measure	Number of cases received	345	327	213	260	403	331	280	260	273	250	300
Performance Measure	Number of matters opened/pending	6,358	6,077	6,076	5,518	5,714	5,215	6,200	5,000	5,796	5,200	5,000
Performance Measure	Number of cases opened/pending	1,365	1,314	1,276	1,149	1,148	1,211	1,200	1,200	1,196	1,200	1,300
Performance Measure	Number of matters closed/resolved	4,941	3,952	4,197	3,679	4,063	3,263	3,500	2,500	2,419	2,500	3,000
Performance Measure	Number of cases closed/resolved	409	365	340	261	346	340	300	320	291	320	340
Efficiency Measure	Percentage of matters successfully resolved through mediation	N/A	N/A	N/A	74	78	82	75	75	80	75	75
OUTCOME Measure	% of criminal cases favorably resolved *	88	91	96	87	94	92	80	80	97	80	80
OUTCOME Measure	# of trafficking victims successfully protected	N/A	54	33	72	249	93	67	96	112	96	146
OUTCOME Measure	% of civil cases favorably resolved *	86	90	88	90	97	95	80	80	99	80	80
OUTCOME Measure	% of successful trafficking prosecutions	100	100	84	100	100	98	80	80	100	80	80

* Denotes inclusion in the DOJ Performance and Accountability Report (PAR)

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Our Nation's civil rights laws prohibit discriminatory conduct in a wide variety of settings, such as housing, employment, voting, mortgage lending, education, public accommodations, access by the disabled to services and facilities, activities that receive federal financial assistance, and the treatment of juvenile and adult detainees as well as residents of public institutions. The federal civil rights laws also provide safeguards against criminal actions such as official misconduct by law enforcement personnel, trafficking in persons, and bias motivated crimes. The Department of Justice ensures compliance with basic federal civil rights protections through a multifaceted program of criminal and civil enforcement designed to target and deter discriminatory conduct. We also seek voluntary compliance with civil rights statutes through a variety of educational, technical assistance, and outreach programs.

Strategies: CRT intends to achieve its objective by fairly and evenhandedly enforcing each of the laws within the scope of its responsibility. The Division strives to make individualized litigation decisions based on the application of the law as to the facts of each case.

Among CRT's enforcement strategies are: (1) improving efforts to eradicate the modern-day slavery of human trafficking, including the trafficking of women, children, and other vulnerable victims, through more vigorous and intensified enforcement efforts, interagency coordination, and continued efforts to rescue the victims of this atrocity; (2) implement infrastructure upgrades needed to process the 2009 Census rehearsal data into a new database structure; (3) expanding the President's New Freedom Initiative for Project Civic Access to ensure that persons with disabilities have access to our nation's civic life in accordance with the ADA; (4) combating religious discrimination and promoting religious liberty for persons of all religious faiths and denominations; (5) enhance efforts to investigate unsolved civil rights era crimes involving racial or religious violence; (6) combating housing and lending discrimination; (7) expanding efforts (a) to address voting rights violations, (b) to ensure access to the polls for all who qualify, (c) to protect the integrity of the ballot process, and (d) to promote voter confidence in our country's democratic system through activities such as vigorous election monitoring, outreach, and the Department's Ballot Access and Voting Integrity Initiative; (8) vigorously enforcing the requirements of Title VII by more carefully targeting governmental employers who discriminate in employment; and (9) ensure the safety of fundamental life safety issues for persons in public residential facilities thru CRIPA enforcement efforts; (10) strategic targeting of outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation's civil rights laws.

Long-term outcome goals: CRT will target specific actions through vigorous litigation as part of its comprehensive strategy to safeguard the civil rights of all persons residing in the United States. CRT also will continue to be vigilant and aggressive in its enforcement, outreach, and training efforts. These efforts span the full breadth of its' jurisdiction, from fair housing opportunities, equal access to the ballot box, and criminal civil rights prosecutions to desegregation in America's schools and protection of the

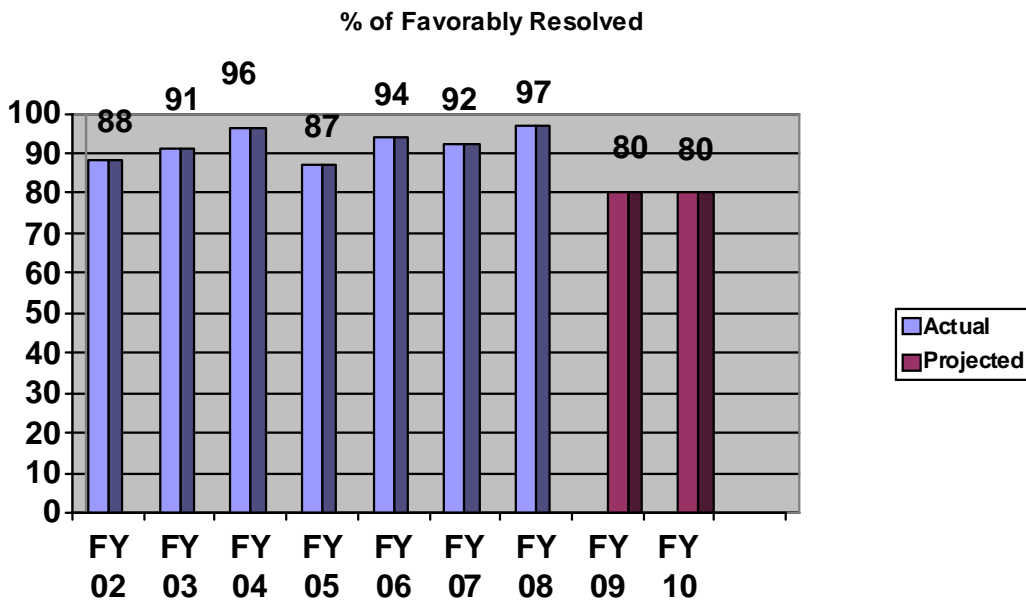
rights of the disabled. Additionally, CRT has worked swiftly and aggressively to pursue its newfound enforcement responsibilities over its expanded jurisdiction, including aggressive enforcement of USERRA, TVPA, and RLUIPA.

In the proceeding Performance and Resources Tables, CRT’s performance, resources and outcomes are illustrated by these two programmatic areas. CRT’s Interactive Case Management (ICM) System provides the data source for all indicators. The ICM System provides uniform guidance and reporting guidelines for the workload tracking system. A regular validation process is in place to ensure the system’s integrity.

The Criminal enforcement area includes performance measures to track enforcement efforts to protect victims from involuntary servitude and human trafficking, an important Attorney General initiative. CRT works closely with the FBI and DHS’s Immigration and Customs Enforcement (ICE) to identify victims, many of whom are women and children, of illegal trafficking.

In the area of DRS’ mediations program, the percentage of successful mediations has increased this fiscal year, despite the increasing complexity of matters referred. As of February 27, 2009 the mediation program referred 250 matters, completed 117 of these matters and successfully resolved 81% of these cases. The mediation program saves the tax payers a significant level of funding, versus these cases having to resort to costly litigation, while bringing the most expeditious resolution to the issues.

Criminal Enforcement



Each year, CRM receives more than 10,000 complaints alleging criminal interference with civil rights, with more than 1,200 requiring investigation by the FBI and other investigative agencies. During FY 2008, 111 new cases were filed charging 196 defendants with civil rights violations, and 147 defendants have been convicted. This

year CRM filed more cases than ever before. Last year CRM convicted the highest number of defendants ever in the history of the Section (189), which surpassed FY 2007's record number of 181 defendants.

Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. During FY 2008, 81 law enforcement officers, including police officers, deputy sheriffs and State prison correctional officials, have been charged with having used their positions to deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches.

On November 1, 2007, a deputy with the Harrison County Sheriff's Department in Mississippi was sentenced to life in prison following his conviction on charges of brutally assaulting an arrestee, causing injuries that resulted in the arrestee's death. Nine additional officers were convicted for their roles in violating the civil rights of inmates.

Racial and religious violence incidents remain another priority area for prosecution. During FY 2008, 30 defendants have been charged in connection with crimes such as cross-burnings, arson, vandalism, shootings and assault. As part of CRM's hate crime enforcement responsibility and in support of the war on terrorism, it has spearheaded DOJ's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims and South Asians. The FBI has investigated more than 800 incidents. Federal charges have been brought in 34 cases against 46 defendants, yielding the convictions of 41 defendants. Also, in response to a rash of noose hanging incidents around the country, CRM launched the racial threats initiative to prioritize and aggressively investigate these incidents.

In February 2007, a Cold Case Initiative to pursue unsolved civil rights era murder cases. CRT has teamed up with USAO, FBI, and local prosecutors in an effort to investigate and, when possible, prosecute historical Civil Rights era murders. In August 2007, a former member of the Ku Klux Klan was sentenced to three life sentences following his conviction on charges of kidnapping and conspiracy related to his role in the abductions and slayings of two African American men in 1964.

Additionally, DOJ enforces the criminal provisions of FACE, working in conjunction with CRT's Special Litigation Section, which has enforcement responsibility over the civil provisions of that Act. During FY 2008, three defendants were charged with obstructing or attempting to obstruct access to reproductive health clinics. CRM lawyers regularly participate in training and outreach programs relating to criminal civil rights enforcement. For example, CRM participated with training agents from DHS, the Office of Professional Responsibility, and the FBI on issues related to official misconduct and compelled statements by law enforcement officers; lectured at FBI In-Service Training of local law enforcement supervisors from across the country at the FBI training center in Quantico; trained federal prosecutors at the National Advocacy Center in Columbia, SC, and trained new diplomatic security agents for the State Department.

CRM continues to devote substantial attention to combating human trafficking. The TVPA, enacted in October of 2000, broadened the servitude statutes to reach psychological and non-violent forms of coercion. During FY 2008, 112 victims were protected as a result of federal charges filed in 40 new cases against 82 defendants for

holding persons in involuntary servitude and forced labor. In January 2007, the creation of the Human Trafficking Prosecution (HTP) Unit within CRM was announced. HTP was designed to develop new strategies to combat modern-day slavery by focusing the Division's human trafficking expertise and expanding its anti-trafficking enforcement program to further increase human trafficking investigations and prosecutions throughout the nation.

CRM has trained thousands of federal, State, and local law enforcement officers and NGO representatives, including through our JTN Broadcast to all USAO's, the National Conference in New Orleans and Atlanta and at training programs in cities across the nation. Division personnel also trained foreign officials from a wide variety of countries, including Russia, Bulgaria, Moldova, Brazil, Mexico, Canada, Thailand, and Poland, among others.

The following are a few human trafficking case examples:

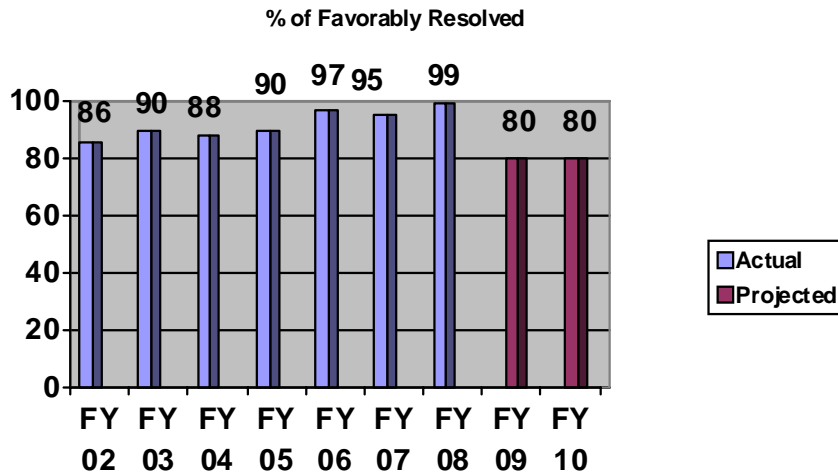
A defendant was sentenced to 15 years in prison and ordered to pay \$60,600 restitution to the victims following his guilty plea to conspiring to commit sex trafficking and extortion for luring young women to sign modeling contracts and then using force, threats and coercion to compel the women into prostitution. The defendant also attempted to collect extension of credit by using threats of violence and other threats of harm to the victims.

A former professional wrestler was sentenced to life in prison following his conviction in Atlanta on multiple charges of sex trafficking and slavery related to a scheme to force women into prostitution. The defendant kidnapped some of his victims and lured others to come live with him by promising to train them as professional wrestlers. Once he got the women to his home, he imposed a strict military structure, administered beatings, used threats of force and kept the women financially indebted to him to force the women to work for him as prostitutes.

Most recently, a woman entered a guilty plea to holding an Indonesian woman in forced labor as a domestic servant over a five year period. The defendant held the victim's passport and threatened the victim with physical harm and other adverse consequences to force the victim to work long hours, performing house and yard work and taking care of the defendant and the defendant's family members with almost no compensation. The defendant was sentenced to one year and one day in prison, and she was ordered to pay \$72,676 in restitution to the victim.

TVPA investigations are inherently fact driven and unpredictable; it is difficult to forecast the anticipated number of victims in future years. While new investigations initiated and cases brought remain at a historically high level, CRM simply does not have control over the number of victims that are involved in any given involuntary servitude/human trafficking litigation effort.

**Civil
Enforcement:**



This measure was established for reporting Department-wide targets for its legal components. The FY 2008 level of success was a phenomenal 99%. This includes enforcement responsibilities associated with eight of the programmatic areas within CRT.

A summary of significant civil programmatic accomplishments is included below:

APP: During FY 2008, APP filed 64 briefs and substantive papers in the Supreme Court, the courts of appeals, and the district courts. The Supreme Court reached the merits in five cases, four of which were consistent with the government’s position. The courts of appeals rendered 28 merits decisions, 93% of which were in full or partial accord with CRT’s contentions.

In the Supreme Court, our successes include the following:

CBOCS West, Inc. v. Humphries, No. 06-1431 (S. Ct.): The Supreme Court issued its decision affirming the court of appeals and holding that retaliation claims are cognizable under 42 U.S.C. 1981. The Seventh Circuit held that Section 1981 prohibits retaliation against those who complain about discrimination that violates the statute. The United States filed a brief as amicus urging affirmance. The Supreme Court affirmed and held that the conclusion that Section 1981 encompasses retaliation claims rests in significant part on *stare decisis* principles. The Court held that Congress need not distinguish between discrimination based on status versus race in making a general ban against discrimination such as that set out by Section 1981.

Crawford v. Marion County Election Board, No. 07-21 (S. Ct.): The Supreme Court issued its decision rejecting petitioners’ facial attack on the Indiana statute, which requires all voters to present picture identification. Three Justices held that the plaintiffs had not put on sufficient proof to show that the statute would be unconstitutional in all its possible applications, and three held that the statute was constitutional. Three dissenters would hold the statute unconstitutional.

In the courts of appeals, our successes include the following:

Colorado Christian University v. Weaver, No. 07-1247 (10th Cir.): In its brief as amicus curiae, the Division challenged Colorado's continued use of the pervasively sectarian distinction. The Court agreed with the Division's position and found the exclusion unconstitutional because "the program expressly discriminates among religions without constitutional justification, and its criteria for doing so involve unconstitutionally intrusive scrutiny of religious belief and practice" that created "excessive entanglement" between religion and State.

United States v. Missouri, No. 07-2322 (8th Cir.): The Eighth Circuit issued a decision reversing the judgment of the district court and remanding the case for further proceedings. The Division brought suit against the State of Missouri and its secretary of state alleging that the State violated the list-maintenance provisions of the National Voter Registration Act of 1993 (NVRA), 42 U.S.C. 1973gg et seq. Specifically, the State (1) allowed voter-registration lists in some jurisdictions to fall so far out of date that the number of registered voters far exceeded the voting-age population in the jurisdiction, in some cases by as much as 50 percent; and (2) allowed some jurisdictions to improperly remove voters from voter-registration lists without following the procedures mandated by the NVRA. The district court entered judgment in favor of the State, concluding that the NVRA violations at issue were the result of failures by local officials not subject to State control and that the Division therefore must sue local officials rather than the State. In its ruling, the Eight Circuit held that the actions of local authorities are relevant to determining whether the State has fulfilled its obligations under the NVRA.

Miller v. California Speedway Corp., No. 06-56468 (9th Cir.): The Ninth Circuit agreed with the Division's interpretation that the ADA regulations require lines of sight over standing spectators. The court found that the Department did not adopt the Access Board's commentary. In addition, the court held that the TAM and the 1994 supplement, where the lines of sight over standing spectators guidance was published, are exempt from the requirement for notice and comment rulemaking. The court held that the TAM should be considered an interpretation of the earlier DOJ Title III ADA regulations and, therefore, the Department was free to publish the TAM and its supplement without additional notice and comment rulemaking.

COR: On September 3, 2008, the Conference Committee of the Federal Interagency Working Group on Limited English Proficiency (FIWG/LEP) held a highly successful conference with plenary and breakout sessions covering numerous issues including, among others, emergency preparedness and response; development of LEP Plans; multilingual websites; and partnering with national and State associations to develop LEP services. (COR coordinates and leads the FIWG/LEP.) In furtherance of its extensive outreach program, COR has recommended holding an interagency conference on Title VI in FY 2009 that is currently under review. If approved, COR expects to include a discussion of racial issues in law enforcement among other topics; a major portion of the conference will be devoted to listening to views and recommendations from advocates, community members, and federally assisted recipients. In addition, COR expects to propose a conference on LEP in FY 2010 to follow the successful LEP conferences held in 2007 and 2008.

The Federally Conducted Committee (FCC) of the FIWG/LEP serves as a resource for federal agencies. During FY 2009, the FCC plans to research methods of developing a federal interagency language bank of interpreters and translators, and provide technical assistance to federal agencies to ensure that information technology and other “gateway” personnel who routinely interact with LEP members of the public are aware of their language access obligations.

COR has been working with federal agency partners and within DOJ to ensure federal compliance with EO 13166 in both federally assisted and conducted programs, including updating DOJ’s Language Access Plan and developing a “Frequently Asked Questions” document. COR expects the volume of work in this area to increase through FY 2009 and FY 2010 as more agencies and DOJ components develop and finalize their plans.

COR is also working on a variety of technical assistance materials, including letters to courts and to all law enforcement agencies advising them of the LEP requirements, a guidance document to be sent to local law enforcement agencies working on immigration issues in conjunction with the Department of Homeland Security, and letters to all local jurisdictions with English-only ordinances advising of LEP requirements. COR also plans a new LEP initiatives in 2009-2010, The LEP Community Partnership Initiative will develop and implement a strategic plan to build working relationships with community and advocacy groups.

Pursuant to Executive Order 12250, COR is preparing a report for the President on the extent to which federal agencies are ensuring that their recipients are operating nondiscriminatory programs and is preparing a guidance document for federal agencies on how to develop and conduct an effective external civil rights program.

COR maintains two websites, including COR’s website and www.LEP.gov. The latter site serves as the main source for information on access for LEP individuals. Both websites focus on providing technical assistance and resources to federal agencies, their recipients, and the public. Links to new resources are added almost daily. During FY 2008, the hits per week on LEP.gov averaged 7,500, while the COR website averaged 20,000 hits per week. COR will be working on development of web-based LEP training and LEP training for the Justice Television Network in FY 2009.

In the areas of Title VI, LEP, investigations and other training, COR provided 35 training sessions/presentations during FY 2008. Of these, 31 covered Title VI, 32 covered LEP, one covered Title IX, and one covered reporting under EO 12250. COR has already received requests for LEP and investigation procedures training during FY 2009 and expects requests for training to continue to grow in FY 2009 and FY 2010.

COR is currently working on a special Title VI project, focusing on outreach to local communities. Staff are meeting with community organizations and providing training on Title VI, including LEP. In addition, COR expects to initiate a project in FY 2009 examining Title VI outreach programs of two federal agencies in order to develop a “promising practices” document that will help other federal agencies improve their civil rights outreach.

At the end of FY 2008, COR had approximately 53 active investigations, 27 of which involved alleged discrimination based on national origin for denial of services to LEP

individuals; and the remaining matters involve other types of discrimination on the basis of race, color, national origin, sex, or religion.

DRS: Since the January 2001 signing of the New Freedom Initiative, CRT has achieved results for people with disabilities in over 2,600 ADA actions including lawsuits, settlement agreements, and successful mediations. Examples of the DRS's most meritorious resolutions are:

DOJ has signed 161 settlement agreements with 147 communities under its PCA initiative, a wide-ranging effort to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA. These agreements with communities in all 50 States and the District of Columbia improve access at town halls; police and fire stations; courthouses; recreation facilities and parks; as well as the accessibility of sidewalks; voting technology; disaster response planning; and government websites. Some of the communities recently reaching agreements with DOJ include New Orleans, LA, Harrison County, MS, Humboldt County, CA, Kanawha County (County Public Library Board), WV, Vian, OK, and Gadsden, AL.

DRS entered into a settlement agreement with the International Spy Museum in Washington, DC, to improve access for visitors with vision, hearing, and mobility disabilities throughout its facility, including its exhibits, theaters, restaurant, and museum shop.

The Department entered into a consent decree with New Century Travel, Inc., a company that provides low-cost, fixed route bus service to major cities along the East Coast, including Washington, Philadelphia, and New York. This is the first ADA decree secured between DOJ and a low-cost, fixed route carrier. The consent decree enforces the DOJ's and Department of Transportation's ADA regulations requiring that over-the-road bus companies, including those that offer discount service, provide accessible service for people with disabilities.

DRS entered into a consent decree, resolving a lawsuit against the University of Michigan. The Department and the Michigan Paralyzed Veterans Association brought suit to challenge the lack of accessible seating in the University's football stadium, the largest collegiate stadium in the country. The stadium had 81 pairs of wheelchair and companion seats, all of which were located in the end zones, in its 107,000 seat stadium. Under the settlement agreement, the University – which is currently in the midst of a \$226 million expansion of the stadium – will add over 200 wheelchair and companion seats to the stadium during the next two years.

The Department entered into a consent decree with the owners and operators of Madison Square Garden, the premier sports and entertainment arena in New York City. Under the terms of the settlement, a total of 52 wheelchair and companion seats and 60 accessible aisle seats were added in dispersed locations throughout the arena for basketball, hockey, and concert seating. In addition, hundreds of architectural barriers along the routes between the entrances and the newly accessible seats will be remedied, ensuring that patrons with disabilities will be able to use all of the facilities.

The Department entered into a comprehensive agreement with Swathmore College under which the college will make its campus and services more accessible to individuals with

disabilities. The agreement stems from a compliance review during which the Department found barriers to access in existing facilities.

DOJ's ADA Technical Assistance Program carries out a wide variety of activities to promote voluntary compliance with the ADA, providing free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public. Highlights for FY 2008 include:

- More than 50,500 calls to the ADA Information Line were answered by ADA Specialists who assisted callers in applying the ADA to their own unique situations.
- The ADA Website was visited more than 3.7 million times and its pages and graphics viewed more than 59 million times.
- Created an article about the ADA Technical Assistance Program which was published in the SSA/IRS Reporter newsletter and was posted on the IRS Website (www.irs.gov). Published in both English and Spanish, the quarterly newsletter will be mailed to more than seven million businesses by mid-September.
- Participated in 74 speaking events, reaching approximately 7,000 people. Sent staff to distribute information and answer questions at 15 national conferences and 2 State fairs, with a combined estimated audience of more than 1 million people.
- Continued its initiative to help small businesses comply with the ADA. The ADA Business Connection conducted three leadership meetings (Orlando, FL, Columbus, OH, and New Haven, CT), with participants from small and mid-sized businesses, large corporations, and organizations of people with disabilities.
- Conducted the first three "Accessible Neighbourhoods: Business Information Exchange" meetings, a new initiative to reach small towns and communities throughout the United States. The goal of this expansion of the ADA Business Connection is to bring the disability, business, and business education communities together to design projects and implement strategies to eliminate barriers to access in small communities.

FY 2009 and 2010, CRT will continue its innovative and multi-faceted approach toward achieving compliance with the ADA. Activities will include:

- Continuing its successful PCA initiative to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA.
- Ensuring that new facilities are constructed in compliance with the ADA Standards for Accessible Design and that covered entities, including universities, hospitals, public transit systems, social service agencies, and sports and cultural establishments, meet all applicable accessibility obligations.

- Providing free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public.
- Responding to States requesting that their accessibility codes be evaluated for consistency with ADA standards. Currently, five State codes are under review, including one request for technical assistance.
- Offering complainants and respondents the opportunity to resolved complaints by participating in mediation.
- Expanding the ADA Business Connection to reach small towns and communities through its new initiative the “Accessible Neighbourhoods: Business Information Exchange”, conducting meetings, and developing technical assistance materials.
- Issuing a regulatory assessment and Notice of Proposed Rulemaking to adopt updated ADA Standards for Accessible Design.
- Broadening its testing program to assess ADA compliance by businesses providing transportation, as well as other public services.

EOS: EOS monitors approximately 220 active school desegregation cases to which it is a party. In FY 2008, EOS initiated 33 case reviews in these cases. In the desegregation cases, EOS has negotiated seven court-ordered consent decrees and six out-of-court settlements. EOS also obtained relief in six litigated cases. In addition, in the context of racial discrimination, EOS opened 18 investigations. As a result of these efforts, desegregated opportunities were provided to students, including the elimination of one-race schools; schools and classrooms were desegregated; faculty was desegregated; and the practice of granting awards on a racially dual basis were eliminated. EOS worked with school districts to achieve unitary status, and as a result, 29 of the long-standing desegregation lawsuits were dismissed. EOS encouraged and assisted school districts to increase compliance with extant court orders and where necessary sought relief in court. The Division has also actively pursued several investigations concerning sexual harassment of students with disabilities.

In FY 2008, to ensure equal educational opportunities for English Language Learners (ELL), EOS, as part of a nationwide effort, opened five new investigations and is actively pursuing ongoing investigations in school districts in California, Colorado, Connecticut, Illinois, Massachusetts, New York, and Virginia. These districts have significant or new ELL populations. The purpose of the investigations is to ensure that ELL students are receiving proper services to enable them to overcome language barriers that impede equal participation in the school districts’ educational programs.

To ensure the civil rights of all children, EOS will continue in FY 2009 and FY 2010 with its initiative to ensure equal educational opportunities for ELL. This will ensure that children are receiving proper services to assist them in overcoming language barriers. EOS also continued to investigate allegations of religious discrimination in public schools. In FY 2008, 22 investigations were opened into complaints alleging discrimination on the basis of religion in, among other areas, free speech, religious dress, access to facilities, and harassment.

As the result of an influx of media reports concerning racial harassment and hate crimes at elementary, secondary, and higher education campuses, including the noose hanging at Jena High School in Louisiana, EOS has actively initiated investigations into similar events. In addition, EOS has contacted the State Superintendent for all States concerning these issues and requesting that they make their constituent school districts aware of their responsibilities to investigate all such incidents.

ELS: During FY 2008, ELS filed one Section 707 pattern or practice suit, two combination Section 707 pattern and practice and Section 706 suits, and seven Section 706 suits under Title VII, as well as 11 USERRA suits; obtained 16 judgments, consent decrees and out-of-court settlements; and initiated 64 investigations.

TITLE VII, SECTION 707 SUITS: On September 26, 2008, ELS filed United States v. City of Dayton, Ohio alleging that the City is engaged in a pattern or practice of employment discrimination against African Americans on the basis of race in its hiring of entry-level police officers and firefighters, in violation of Title VII. We allege that the City's use of its written police officer examination, as well as its use since 2004 of heightened qualifications for firefighters, have resulted in disparate impact on African Americans, are not job-related and consistent with business necessity and, therefore, violate Title VII.

TITLE VII, SECTION 706/707 SUITS: On September 29, 2008, ELS filed United States v. Washington Metropolitan Transit Authority alleging that WMATA has failed to reasonably accommodate, and has failed to provide equal employment opportunities to, employees and prospective employees whose religious practices conflict with WMATA's uniform policy.

On December 17, 2008, ELS filed suit against the Hendry County, Florida Sheriff, and the Hendry County Board of County Commissioners. Our complaint alleges that the Sheriff has engaged in a pattern or practice of discrimination against pregnant employees, including a former Deputy, on the basis of sex by maintaining an unlawful fetal protection policy that requires mandatory light duty for such employees regardless of an employee's ability to perform the essential functions of her job. We also allege that the Sheriff discriminated against Shaw by demoting her because of pregnancy in violation of Section 703(a) of Title VII.

TITLE VII, SECTION 706 SUITS: On May 21, 2008, ELS filed a complaint against Doña Ana County, New Mexico alleging that a County supervisor subjected five female subordinates to sexual harassment over the course of approximately 10 months by, among other actions, referring to them and other women using gender-based derogatory and offensive terms, asking them about or commenting on their sexual lives and the lives of other women, and criticizing behaviors of women that he did not criticize in men. The complaint further alleges that the County failed or refused to take appropriate action to prevent and correct the sexual harassment, including but not limited to, failing or refusing to respond to repeated complaints about the harassment.

On December 12, 2008, ELS filed a complaint against the City of Bonita Springs, Florida, alleging that the City subjected Joseph W. Johnson to a hostile work environment on the basis of his race, African-American, in violation of Section 703(a) of Title VII.

USERRA SUITS: On April 3, 2008, ELS filed Russell C. Hogan v. United Parcel Service (W.D. Mo.). The complaint alleges that United Parcel Service (UPS) discriminated against Hogan in violation of USERRA when it eliminated his feeder driver route while he was away on military service. The complaint also alleges that UPS violated USERRA when it failed to place Mr. Hogan in a feeder driver position at his former location or at location close to his former location upon his return from military service. Instead, UPS required that Hogan accept a position at a location involving a commute for him of approximately 200 miles per day.

In FY 2009 and FY 2010 ELS will continue:

- Its current effort to investigate jurisdictions for possible Title VII §707 violations. ELS also anticipates the initiation of approximately six new investigations from this effort in FY 2009;
- Reviewing, conducting supplemental investigations, and where appropriate filing suit on §706 charges of violations of Title VII by State and local governments employers referred to ELS by the EEOC; and
- Reviewing, and where appropriate, filing suit on USERRA complaints referred to ELS by the Department of Labor;

HCE: The Section continues to implement “Operation Home Sweet Home” by increasing and better targeting housing discrimination testing, and expanding public awareness efforts:

- HCE set the ambitious goal of doubling the number of paired tests conducted in FY 2005 by FY 2007. HCE exceeded this goal by conducting 502 tests in FY 2007. For FY 2008, HCE reached an all-time, single-year high of testing by conducting 625 paired tests;
- In FY 2008, HCE filed three lawsuits alleging systemic housing discrimination based on evidence from the testing program. We expect the same, sustained level of testing in FY 2009-2010 to produce evidence to support additional pattern or practice cases that otherwise would not be identified; and
- HCE is continuing enhanced outreach efforts, including to private fair housing groups and government agencies that enforce State and local fair housing laws, by contacting those groups by mail and speaking at major fair housing conferences.

HCE has continued to achieve major accomplishments in its enforcement efforts, including the following:

- *Fair Lending:* In September of 2008, HCE filed two pattern or practice fair lending lawsuits, along with simultaneous settlements. One case alleged race discrimination in setting interest rates for certain mortgages by an Alabama bank - - the first case brought by the Department using the enhanced HMDA pricing data. Under the consent order, the bank will compensate African-American borrowers who were charged higher interest rates than similarly situated white

borrowers. The second case alleged race and national origin discrimination by a lender that refused to finance car loans for customers living on Indian reservations in Utah and Nevada. Under the consent order, the defendants will compensate loan applicants who were denied loans by the company due to their residence (or the residence of their co-applicant) on an Indian reservation. Under both consent orders, the lenders will implement new policies, procedures and fair lending training.

- *Fair Housing*: HCE continues to litigate a major pattern or practice case alleging race, national origin and familial status discrimination against one of the largest landlords in the Los Angeles area.
- In September 2008, HCE settled a case involving systemic sexual harassment by a landlord for monetary relief of up to \$1 million and a case involving racially segregated public housing projects for up to \$490,000 in monetary relief. In May 2008, HCE settled a systemic race discrimination for up to \$361,000 in monetary relief. In April 2008, HCE settled a case involving systemic sexual harassment of female tenants by a landlord for up to \$250,000. In January and March 2008, HCE settled cases involving systemic national origin discrimination for up to \$158,000 and \$211,500, respectively. In October 2007, HCE settled a systemic familial status discrimination case for up to \$185,000.
- In March 2008, HCE obtained favorable judgments in two cases alleging that local governments imposed illegal restrictions on, or improperly denied permits for, groups homes for persons with disabilities. In October 2007, HCE and private plaintiffs settled a similar group home case, alleging discrimination based on disability, for \$760,000. In addition, in February 2008 HCE filed an amicus brief regarding legal issues in a group home case brought by private plaintiffs.
- *Housing Accessibility*: In January 2008, HCE settled a case alleging systemic violations of the FHA's multi-family housing accessibility requirements for \$175,000 in monetary relief plus retrofitting of the inaccessible features. HCE continues to monitor the creation of more than 14,600 new accessible housing opportunities in 26 States resulting from its settlements since October 2004.
- HCE continues its twice yearly Multi-Family Housing Access Forum, which educates housing professionals and establishes a dialogue about compliance with the FHA accessibility requirements between housing professionals and disability advocates.
- *First Freedom Project*: HCE continues its efforts to combat religious discrimination through enforcement and outreach. In the first half of FY 2008, HCE resolved by consent decree a RLUIPA case challenging a city's discriminatory zoning ordinance, and received a favorable summary judgment ruling, after filing an amicus brief, on a local government's efforts to block the building of a mosque. Two RLUIPA cases are in litigation.

HCE also enforces the Servicemembers Civil Relief Act (SCRA). In December 2008, HCE filed its first SCRA complaint and also resolved an investigation of a major lender

with a favorable outcome. HCE also conducts outreach to military personnel on these issues and has several ongoing investigations under the SCRA.

OSC: During FY 2008, OSC received 401 charges filed by U.S. citizens and legal immigrants (or their representatives) alleging unlawful employment discrimination based upon citizenship status or national origin, unfair documentary practices during the employment eligibility process, or retaliation. During this period, OSC issued letters of resolution or entered into settlement agreements in 86 charges, or approximately 31% of the 276 charges closed during this period, and recovered approximately \$115,600 in back pay for victims and \$45,000 in civil penalties. Employers also agreed to change discriminatory practices so that all U.S. workers, both U.S. citizens and legal immigrants, would not face unnecessary hurdles in seeking or retaining employment.

OSC's investigations covered the full gamut of employers, from the nation's largest employers to small businesses with only a few employees. Investigations also included a broad range of industries, including food processing, restaurant and hospitality, retail, and job referral agencies. OSC's successful resolutions included charges filed by U.S. citizens who alleged adverse treatment in favor of temporary visa holders or undocumented workers and by work authorized immigrants who were denied hire, or were fired, because of their legal status or discrimination in the employment eligibility verification process.

In addition, OSC has investigated charges of citizenship status discrimination filed by the Programmers Guild, a non-profit organization representing technical and professional workers in the information technology (IT) field, against numerous software and IT companies. These charges, arising in multiple jurisdictions, allege that the respondent companies placed job advertisements on various internet job search engines seeking temporary visa holders to the exclusion of U.S. citizens and work authorized immigrants. OSC successfully resolved 67 of these charges. Consequently, IT companies across the nation have agreed to end hiring preferences for temporary visa holders over U.S. workers, and will no longer post discriminatory job advertisements. They have also agreed to post equal employment opportunity notices on their websites, and train their recruitment and human resources personnel.

OSC also conducts an extensive, nationwide public education campaign to teach workers, employers and concerned organizations about the anti-discrimination provision of the INA. An essential component of OSC's outreach includes its grant program. In FY 2008, OSC awarded grants to 11 organizations to educate workers and employers in areas with sizable and/or emerging immigrant populations about their rights and responsibilities under the INA. Directly and through its grantees, in FY 2008, OSC participated in 770 public outreach sessions. Through the first quarter of 2009, OSC has participated in 29 public outreach sessions. To date, OSC has committed to participating in an additional 10 outreach events through the remainder of FY 2009. OSC also handled approximately 9,000 calls through its employer and worker hotlines, and distributed more than 80,000 pieces of written educational materials to the public in FY 2008.

In FY 2009 and 2010, OSC's workload may increase significantly based upon a number of factors that portend increased discrimination against U.S. citizens and legal immigrants who to employers look or sound "foreign." DHS is expected to continue to significantly expand its efforts to address the large number of undocumented workers in

the United States, including heightened enforcement of employer sanctions. GAO has determined that employer sanctions have resulted in a widespread pattern of discrimination – primarily against Hispanics and Asians. Thus, heightened enforcement of employer sanctions is likely to lead to an increase in discrimination charges received by OSC. We expect this phenomenon to be magnified by greater (and possibly mandatory) use by employers of computerized employment eligibility verification systems, such as DHS' E-Verify, to determine whether new hires are authorized to work in the United States. The recent release by DHS of a new employment eligibility verification form (Form I-9), a new Form I-9 Employer Handbook, and new amended regulations providing employers with guidance on how to address Social Security Administration (SSA) "no-match" letters (notices of discrepancies between employee information and the SSA database) and an Executive Order requiring the use of E-Verify by government contractors will also likely increase OSC's workload and calls received by its hotline.

SPL: CRT continues to build on its impressive record of actively protecting the rights of institutionalized persons under CRIPA. These investigations involve a range of issues, including: abuse and neglect in nursing homes and facilities for persons with mental illness or developmental disabilities; abuse and victimization of juveniles; and the unmet mental health needs of inmates and pre-trial detainees; sexual misconduct; and the use of excessive force.

In FY 2008, CRT conducted 135 investigatory and compliance tours, and is handling CRIPA matters and cases involving over 211 facilities in 33 States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Territories of Guam and the Virgin Islands. SPL also continued its investigations of 101 facilities, and monitoring the implementation of consent decrees, settlement agreements, memoranda of understanding, and court orders involving 110 facilities.

During FY 2008, SPL opened 31 new investigations of 69 facilities, including a country-wide investigation involving 19 juvenile facilities and a statewide investigation of 11 centers for persons with developmental disabilities, and obtained 17 settlement agreements and issued 21 findings letters.

In FY 2008, CRT aggressively pursued contempt actions against recalcitrant jurisdictions to address their failure to achieve compliance with agreed-upon settlement remedies. In January 2008, the Commonwealth of Puerto Rico sought to modify the Consent Decree in United States v. Puerto Rico (D. P. R. 94-2080 CCC (D.P.R. 1994)) by submitting an alternative staffing plan for the Court's approval. Because the new plan did not adequately address the significant staff shortages at the juvenile facilities, which created dangerous conditions for the juveniles residing there, the Division objected to the Commonwealth's plan.

In addition, in FY 2008, SPL filed 18 new investigations involving 32 facilities and filed six lawsuits pursuant to CRIPA to address conditions at prison, jail, juvenile facilities, a nursing home, a center for persons with developmental disabilities, and a facility for persons with mental illness. Also, the Division amended one additional complaint to add a third juvenile facility. The Division also closed four CRIPA investigations of four facilities and three CRIPA cases involving three facilities during FY 2008.

In FY 2009 and FY 2010, SPL plans to open at least 10-14 new CRIPA investigations, covering juvenile justice facilities, nursing homes, and facilities for persons with developmental disabilities and mental health disorders; issue eight-14 findings letters, enter six-12 agreements resolving investigations; and tour over 100 facilities.

Regarding our police misconduct statutory authority, SPL continues to pursue all allegations of constitutional violations we receive to determine if a pattern or practice investigation is warranted. During FY 2008, CRT focused its resources on vigorously monitoring the enforcement of its eight existing settlement agreements to ensure timely, compliance with the terms of those agreements. Working in close partnership with these jurisdictions, and through the provision of cost-free technical assistance, we have been able to implement reform which has allowed us to return oversight to local control. Additionally, SPL anticipates continuing in FY 2009 and FY 2010 to work cooperatively with police departments to implement widespread reforms, including training, supervising, and disciplining officers and implementing systems to receive, investigate, and respond to civilian complaints of misconduct.

VOT: In FY 2008, VOT continued to place major emphasis on the monitoring of elections. VOT monitored 65 elections in 56 political subdivisions in 19 States, using 517 federal observers from the Office of Personnel Management (OPM) and 212 DOJ staff. In FY 2009, VOT has monitored 63 elections in 60 political subdivisions in 23 States, using 663 federal observers from OPM and 186 DOJ staff.

VOT's priority on enforcement of Section 203, which mandates that certain jurisdictions provide language assistance to affected language minority communities, will continue throughout FY 2010. In FY 2008, the court approved a consent decree with the City of Walnut, CA and the extension of prior consent decrees in Sandoval County, NM, and Westchester County, NY. In addition, a Memorandum of Agreement was entered into with Kane County, IL, and the Commonwealth of Massachusetts on behalf of voters in Worcester, MA. A Settlement Agreement was reached with Salem County and the Borough of Penns Grove, NJ.

Section 2 prohibits voting practices and procedures that are intended to be racially discriminatory or shown to have a racially or ethnically discriminatory impact. In FY 2008, Section 2 cases were filed against the Georgetown County Board of Education in South Carolina, School Board of Osceola County, FL, and Salem County and Borough of Penns Grove, NJ. Settlements were obtained in each of those cases. VOT obtained favorable judgments in a lawsuits brought against the City of Port Chester, NY. On December 2, 2008, a case was filed against the Euclid City School District Board of Education.

A lawsuit under Section 11(b) was filed in the Eastern District of Pennsylvania alleging intimidation by the New Black Panther Party.

A lawsuit was filed and an agreement reached with the State of Tennessee under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) seeking relief for voters to allow them sufficient time to vote in the presidential primary. VOT also participated as amicus curiae and filed a brief in a similar case against the State of Illinois

for a special congressional election. On October 10, 2008, a suit was filed against the States of Vermont; on November 19, 2008, a suit was filed against the State of Alabama and on November 14, 2008, a suit was filed against the Commonwealth of Virginia. In addition, a Settlement Agreement was reached with the Commonwealth of Massachusetts on October 21, 2008.

Settlement Agreements were reached with the States of Arizona and Illinois to ensure compliance with the National Voter Registration Act which requires that State offices which provide public assistance offer voter registration applications to clients.

Under the Help America Vote Act (HAVA), a lawsuit was filed against Bolivar County, MS to establish a free access system for voters to ascertain whether their provisional ballots were counted; a consent decree was entered by the court.

With respect to Section 5 of the VRA, we also participated as amicus in a Section 5 enforcement action involving Georgia's voter verification procedures. On October 10, 2008, a case was filed against Waller County, TX and resolved by a consent decree on October 17, 2008. On October 24, 2008, a case was filed against the City of Calera, AL and resolved by consent decree on October 29, 2008. The level of Section 5 submissions continues to exceed comparable years. During FY 2009 and FY 2010, VOT will assist in the design and implementation of an enhanced Submissions Tracking and Processing System (STAPS), which will integrate previously separate databases into a single analytical tool, and an updated Geographic Information Systems (GIS) for use with the 2010 Census data when those data become available.

Under its enforcement responsibility under Title III of HAVA, VOT continues to place priority on compliance with expansive requirements that went into effect in 2006 including integrated State voter registration lists and new accessible voting devices in polling places. VOT continues its multi-faceted approach to informing State and local officials of their obligations under the new law.

VOT anticipates an increased workload in FY 2009 and FY 2010 for the following reasons:

On July 27, 2006, the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Reauthorization and Amendments Act of 2006 was signed. The Act has been strengthened which may make litigation under the statute more likely.

A case challenging the constitutionality of Section 5 is currently pending in the Supreme Court. There may be unanticipated litigation in FY 2009 and FY 2010 resulting from the Act.

VOT anticipates increasing activity under Section 2 in its attempt to prohibit intentional racial and ethnic discrimination. VOT has initiated a major outreach effort that has identified problems for language minority groups, and is initiating outreach to Arab American and South Asian groups. This outreach promises to result in the identification of additional cases of discrimination.

VOT expects to continue vigorous enforcement activity under Sections 203 and 208;

increased litigation under Section 5 of the VRA; increased activity under the bailout provisions of VRA; increased litigation under the NVRA using a SSA list of deceased Americans and matching that list against State voter registration lists to identify violations of the NVRA list maintenance provisions; increased litigation under UOCAVA, to ensure the protection of voting rights of overseas citizens and military personnel; increased HAVA litigation; and address a high level of election monitoring in FY 2010.

b. Strategies to Accomplish Outcomes

In FY 2009 and continuing throughout FY 2010, CRT will perform its mission of protecting the civil rights of all Americans by: (1) improving efforts to eradicate the modern-day slavery of human trafficking, including the trafficking of women, children, and other vulnerable victims, through more vigorous and intensified enforcement efforts, interagency coordination, and continued efforts to rescue the victims of this atrocity; (2) implement infrastructure upgrades needed to process the Census data into a new database structure; (3) expanding the New Freedom Initiative for Project Civic Access to ensure that persons with disabilities have access to our nation's civic life in accordance with the ADA; (4) combating religious discrimination and promoting religious liberty for persons of all religious faiths and denominations; (5) enhance efforts to investigate unsolved civil rights era crimes involving racial or religious violence; (6) combating housing and lending discrimination; (7) expanding efforts (a) to address voting rights violations, (b) to ensure access to the polls for all who qualify, (c) to protect the integrity of the ballot process, and (d) to promote voter confidence in our country's democratic system through activities such as vigorous election monitoring, outreach, and the Department's Ballot Access and Voting Integrity Initiative; (8) vigorously enforcing the requirements of Title VII by more carefully targeting governmental employers who discriminate in employment; and (9) strategic targeting of outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation's civil rights laws.

Long-term outcome goals: CRT will target specific actions through vigorous litigation as part of its comprehensive strategy to safeguard the civil rights of all persons residing in the United States. CRT also will continue to be vigilant and aggressive in its enforcement, outreach, and training efforts. These efforts span the full breadth of its' jurisdiction, from fair housing opportunities, equal access to the ballot box, and criminal civil rights prosecutions to desegregation in America's schools and protection of the rights of the disabled. Additionally, CRT has worked swiftly and aggressively to pursue its newfound enforcement responsibilities over its expanded jurisdiction, including aggressive enforcement of USERRA, TVPA, and RLUIPA.

Other Initiatives:

DOJ's PCA initiative will be one of the focal points for DRS. This initiative ensures that cities, counties, towns, and villages throughout the United States comply with the ADA. Pattern or practice cases will continue to be a high priority also, including a vigorous pursuit of access to transportation and travel (including mass transit and privately operated transportation services), gateways to economic self-sufficiency (higher education, child care, and employment), consumer access to the free market (health care, access for people with assistance animals, physical access to consumer goods), voting,

and Olmstead issues (making sure people with disabilities can live and receive services in their own communities and with their own families).

In order to maximize voluntary compliance with the ADA, DOJ has launched the “ADA Business Connection” to bring together a community’s senior business leaders and disability advocacy groups in order to build trust and understanding with regard to the needs of and challenges facing Americans with disabilities. DOJ has reached out specifically to small businesses.

Training is a vital tool to sharpen our enforcement efforts – both across the Department and within CRT. The Professional Development Office (PDO), created in November 2005, has spearheaded CRT’s creation of two training conferences at the NAC this year. These national training seminars continue our mission of educating, encouraging, and working collaboratively with the U.S. Attorney’s Offices in the vigorous enforcement of the civil rights laws; two training conferences were held this year. PDO also has created – for the first time in CRT’s history – a formal program of training for new Division attorneys, as well as programs to provide continuing legal education for experienced Division attorneys.

CRT has resolved major police misconduct investigations with numerous police departments across the United States. This dramatic increase in successful resolutions reflects DOJ’s innovative cooperative approach to such matters, focusing on fixing the problems, not the blame. Previously, DOJ approached such investigations with a purely litigation mindset, which requires secrecy and creates adversaries. The Administration determined early on that this approach was largely counterproductive. Rather, CRT has begun approaching these investigations with a cooperative model, with litigation held as a fallback position if cooperation does not work. This model is driven by the assumption that most, if not all, police departments want to comply with the law and provide quality public service in a constitutional manner. This cooperative approach has implemented more reform – faster, in more cities – than would have been possible solely through litigation. Moreover, ongoing monitoring and technical support enhances the success of these agreements and ensures their enforcement.

In other sections, to ensure the civil rights of children, EOS will continue in FY 2009 with its initiative begun in FY 2005 to ensure equal educational opportunities for ELL this is to ensure that immigrant children are receiving proper services to assist them in overcoming language barriers. Monitoring elections will continue as a priority for VOT to ensure compliance with Section 203 (which mandates that language assistance be provided), the UOCAVA, and Title III of HAVA.

Activities promise a continued mix of litigation, amicus briefs, formal and informal settlements, and mediated resolutions. Much of CRT’s enforcement efforts will continue to focus on resolution without litigation. For example, under a contract, DOJ refers complaints to professional mediators who have been trained in the legal requirements of the ADA. Since January 2001, the mediation program has successfully resolved more than 1,200 complaints. The average cost of a successfully mediated case is about \$2,800 in mediation contractor costs, minimal when compared to the costs of investigating and litigating individual cases. The mediation program allows DOJ to rapidly resolve individual cases to achieve meaningful ADA compliance while utilizing fewer resources -- both in terms of cost and staff hours. It also has resulted in increased access for

thousands of individuals throughout the country. This reflects CRT's commitment to linking resources and performance.

Outreach and technical assistance will continue to play a significant role in many of the programmatic areas to ensure compliance with the civil rights statutes. This will include operating a comprehensive, government-wide program of technical and legal assistance, training, interagency coordination, and regulatory, policy, and program review, to ensure that federal agencies consistently and effectively enforce various landmark civil rights statutes and related Executive Orders.

CRT will provide technical assistance and speakers to educate immigrants, national origin minorities, State and local governments, and service providers to combat discrimination. Countless informal complaints will be resolved each year through this process, generally resulting in the immediate resolution to the issue, negating the need for a formal charge or litigation. For example:

- OSC will teach workers, employers, and concerned organizations about the anti-discrimination provision of the INA;
- CRM attorneys will participate in training and outreach programs relating to criminal civil rights enforcement, such as trafficking of persons, training Border Patrol Agents, lecturing at the FBI training center, etc;
- COR will provide technical assistance and training as requested by State and local recipients, federal agencies, organizations and the public such that individuals from across the country can learn the importance of language access; and
- VOT will work with the United States Election Assistance Commission on voluntary guidance to jurisdictions on compliance with HAVA.

In the area of Human Capital Workforce Planning, specific activities and/or actions are planned include:

- Using the skills assessment study conducted by DOJ to determine employee development needs and targeting recruitment for employees to fill skills gaps;
- Improving recruitment and selection through improved productivity permitted by use of the Web based assessment system, AVUE;
- Continuing the use of digital fingerprinting of applicants to speed security approvals;
- Ensuring that all new supervisors have received appropriate training within the first three to six months after selection;
- Improving opportunities for, and completion of, training for attorneys to improve mission effectiveness; and
- Continuing to respond to DOJ initiatives to improve human resources management.

CRT continues to implement new measures to streamline operations and strengthen internal control processes. The Administrative Section created the position of Comptroller to restructure CRT’s financial and business processes. This allows all financial activities to be managed uniformly. Sound financial management is the foundation of an effective organization.

In addition, CRT has implemented new automated tracking systems to help ensure timely, accurate, and reliable financial reports. Key performance information is carefully tracked to continually improve program performance and overall cost effectiveness. CRT continues to excel in its ratings on DOJ’s financial audits.

V. E-Gov Initiatives

E-Government Initiatives

The Justice Department is fully committed to the E-Government initiatives. The E-Government initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Government solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ’s mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that the initiatives meet the needs of the Department and its customers. The Department believes that working with other agencies to implement common or consolidated solutions will help DOJ to reduce the funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs.

A. Funding and Costs

The Department of Justice participates in the following E-Government initiatives and Lines of Business:

Business Gateway	E-Travel	Integrated Acquisition Environment	Case Management LoB
Disaster Assistance Improvement Plan	Federal Asset Sales	IAE - Loans & Grants - Dunn & Bradstreet	Geospatial LoB
Disaster Assist. Improvement Plan - Capacity Surge	Geospatial One-Stop	Financial Mgmt. Consolidated LoB	Budget Formulation and Execution LoB
E-Authentication	GovBenefits.gov	Human Resources LoB	IT Infrastructure LoB
E-Rulemaking	Grants.gov	Grants Management LoB	

The Department of Justice E-Government expenses – i.e. DOJ’s share of e-Gov initiatives managed by other federal agencies – are paid for from the Department’s Working Capital Fund. These costs, along with other internal E-Government related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. CRT’s reimbursement amount is based on

the anticipated or realized benefits from an e-Government initiative. The table below identifies CRT's actual or planned reimbursement to the Department's Working Capital Fund. As such, CRT's E-Government reimbursement to the WCF is \$180,000 for FY 2008. The anticipated CRT e-Government reimbursement to WCF is \$84,000 for FY 2009.

B. Benefits

CRT established baseline cost estimates for each IT investment being (or planned to be) modified, replaced, or retired due to the Department's use of an E-Government or Line of Business initiative. CRT is measuring actual costs of these investments on an ongoing basis. As CRT completes migrations to common solutions provided by an E-Government or Line of Business initiative, CRT expects to realize cost savings or avoidance through retirement or replacement of legacy systems and/or decreased operational costs.

Based on the phased-in implementation of these initiatives, CRT will not realize any savings associated with these projects in either FY 2009 or FY 2010.

Item Name: Restoration of Eroded CRT Program Funding Levels

Organizational Program: Civil Rights Division

Component Ranking of Item: 1 of 7

Program Increase: Positions 55 Agt/Atty 29 FTE 27 Dollars \$6,033,000

Description of Item

CRT is requesting the restoration of essential resources that have eroded over the past eight years through the enactment of unfunded mandates, funding transfers, and the realignment of resources to address counterterrorism efforts. The request would fund 55 positions (29 attorneys), 27 FTE and \$6,033,000 and would impact all programmatic areas within CRT. The FY 2010 current services base funding level for CRT is 713 positions (324 attorneys), 715 FTE and \$129,726,000.

Justification

The President has explicitly stated his desire to strengthen civil rights enforcement efforts that have eroded over the past eight years through enactment of unfunded mandates, funding transfers, and realignment of resources to address counterterrorism efforts. The President has pledged to staff the Civil Rights Division with qualified civil rights lawyers who will make it a priority once again to lead the fight against discrimination because of race, color, religion, national origin, sexual orientation, gender identity, or physical disability.

Responsibilities of the Division have become chronically underfunded, due to reduced funding. The additional resources are needed to reinvigorate federal civil rights laws, including employment cases involving racial discrimination, hate crime and official misconduct prosecutions, housing discrimination, violence and intimidation directed against religious houses of worship, and restore American's confidence through the statutory provisions designed to safeguard the right to vote of its citizens.

While we have made significant progress over the last five decades, there is still more work to do to reform our justice system so that it ensures that the laws work for all, regardless of race, color, religion, national origin, sex or disability. To meet President Obama's pledge to reinvigorate federal civil rights enforcement, the Department requests a restoration of base funding reductions that have impeded its ability to accomplish its mission.

Historically, CRT has been the primary enforcer of the nation’s anti-discrimination laws and has helped transform our nation by leading the fight against racial, ethnic, religious, disability, and gender discrimination. Along with agencies such as the Equal Employment Opportunity Commission (EEOC), the Department of Labor’s Office of Federal Contract Compliance Programs, the Civil Rights Offices that have been created within other federal agencies (such at the Department of Education), and Departmental components, such as the FBI and the U.S. Attorney’s offices, CRT has worked to uphold the civil and constitutional rights of all Americans, including some of the most vulnerable members of our society.

Our nation’s civil rights laws prohibit discriminatory conduct in a wide variety of areas, including voting, housing, zoning, lending, access by people with disabilities of service and facilities, public accommodations, employment, education, activities that receive financial assistance, systemic law enforcement misconduct, and protect against unconstitutional treatment of juvenile and adult detainees, as well as residents of public institutions. The federal civil rights laws also provide safeguards against criminal actions such as trafficking in persons, official misconduct by law enforcement personnel, and bias motivated crimes. These laws, and the institutional practices they created, helped transform our nation into one that is more just, more equal and more free.

The current levels of resources are not sufficient to provide the vigorous enforcement of the civil rights laws that President Obama has demanded. The restoration of the funds requested will mark a great move in America’s long march toward an equal opportunity for all. While we have made significant progress over the last five decades, there is no question that we have more work to do. It is imperative to build upon our nation’s commitment to equal justice and opportunity for all.

CRT is seeking additional resources to enhance its statutory responsibilities. Specifically, CRM is requesting increased personnel resources of 55 positions as follows:

<u>Position</u>	<u>Grade</u>	<u>Series</u>	<u>Number</u>
Attorneys	14	905	29
Architects	14	808	3
EO Specialist	13	360	2
Budget/Finance	13	501	1
Personnel Management	13	201	1
Civil Rights Analyst	12	160	16
Paralegal	9	950	2
Clerical	7	318	1

Impact on Performance (Relationship of Increase to Strategic Goals)

These criminal and civil enforcement responsibilities play an integral role in DOJ’s Strategic Plan, designed to uphold the civil and constitutional rights of all Americans.

Funding

Base Funding

FY 2008 Availability				FY 2009 President's Budget				FY 2010 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
713	324	715	\$114,450	713	324	715	\$123,151	713	324	715	\$129,726

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2009) (\$000)
Attorney	\$107	29	\$3,110	\$2,653
Architect	105	3	314	273
EEO Specialist	101	2	202	158
Civil Rights Analyst	91	16	1,459	976
Budget/Finance	86	1	86	63
Personnel Management	86	1	86	63
Paralegal	63	2	128	73
Clerical	47	1	47	28
Total Personnel	\$686	55	\$5,432	\$4,287

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2009) (\$000)
Litigative Consultants			\$601	\$0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	713	324	715	\$82,746	\$46,980	\$129,726
Increases	55	29	27	\$5,432	\$601	\$6,033
Grand Total	768	353	742	\$88,178	\$47,581	\$135,759

Item Name: **Human Trafficking**

Organizational Program: Civil Rights Division

Component Ranking of Item: 2 of 7

Program Increase: Positions 20 Agt/Atty 15 FTE 10 Dollars \$2,300,000

Description of Item

CRT is requesting additional resources for its ever-increasing demand in its human trafficking program. The request would fund 20 positions (15 attorneys), 10 FTE and \$2,300,000. The FY 2009 current services base funding level for human trafficking is 21 positions (18 attorneys), 21 FTE and \$3,075,000. The total resources required to address the requirements of this program are 41 positions (33 attorneys), 31 FTE and \$5,452,000.

Justification

Trafficking in humans stands among the most offensive moral scourges in America. It is a form of modern-day slave trade. A large majority of victims are forced, defrauded, or coerced into labor, prostitution or other forms of sexual exploitation. The victims of this heinous crime see little of life before they see the very worst, an underground of brutality and fear. Many victims are young and undocumented women compelled into commercial sex in brothels. Others are compelled to work in sweat shops, in agricultural fields, or as domestic servants. Each year, up to an estimated 600,000 to 800,000 men, women and children are trafficked against their will across international borders. Of those, 14,500 to 17,500 may be trafficked into the United States. While the actual numbers are difficult to quantify, the complexity, magnitude and increased number of both investigations and cases requires the need for an increased dedication of resources.

The increased resource level will lead to an increase in the number of investigations opened, the number of cases brought and the number of defendants charged. During FY 2008, 40 trafficking cases were filed charging 82 defendants, comprising the most labor and sex trafficking cases ever filed by the Department. The Victims of Violence and Trafficking Protection Act of 2000 (TVPA), enacted in October of 2000, broadened the servitude statutes to reach psychological and non-violent forms of coercion. CRT is now seeing the fruits of the 42 recently formed task forces, funded from DOJ's Bureau of Justice Assistance. These task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts, which has dramatically compounded the workload of CRM. These task forces are charged with conducting human trafficking outreach and education, and identifying victims, and have begun generating new trafficking cases that would otherwise have remained hidden from view.

Likewise, the Department of Health and Human Services, through its Rescue and Restore Campaign, and the Department of Homeland Security, through its Trafficking in Persons Program, are also conducting human trafficking outreach aimed at identifying increasing numbers of human trafficking crimes. The rapid increase in public awareness and victim

outreach campaigns has brought about a significant upsurge in newly initiated trafficking investigations.

In keeping with the surge of these outreach and victim identification efforts, for FY 2001-2007, as compared to FY 1994-2000, CRM has seen five times the number of investigations (822 vs. 135), prosecuted 400% more defendants, and convicted 360% more defendants. Moreover, increasingly, we are investigating and prosecuting complex cases that encompass multiple districts, require coordination among multiple law enforcement agencies, involve numerous victims, implicate novel questions of law, and require cooperation from other countries. Collateral to investigating and prosecuting these crimes, CRM staff has trained thousands of federal, State, local, and international law enforcement agents, prosecutors, NGO staff, and officials to identify, investigate, and prosecute these crimes.

There are unique challenges of prosecuting human trafficking cases, each of these investigations are time and labor intensive. The victims themselves are critical witnesses, but are often deeply traumatized, requiring a protracted, multi-disciplinary process to prepare a victim to confide their victimization. The duration of the offense may have spanned an extended period of months or years, and the complexity of the crime often calls for expertise in the prosecution of violent crimes, sex crimes, financial crimes, immigration offenses, and labor exploitation.

Accordingly, CRM urgently needs additional resources to continue its impressive anti-trafficking enforcement program, as well as to expand its ability to effectively coordinate and expand the enforcement program throughout the nation. CRT's commitment to protecting society's most vulnerable members has never been stronger.

The projected workload associated with the resources being requested is as follows:

Number of trafficking cases filed	FY 08	FY 09	FY 10	FY 11
	40	40	52	64
Number of trafficking defendants charged	FY 08	FY 09	FY 10	FY 11
	82	82	118	154
Number of trafficking victims successfully protected	FY 08	FY 09	FY 10	FY 11
	112	112	146	179
Number of trafficking investigations initiated	FY 08	FY 09	FY 10	FY 11
	183	183	273	363

CRM is seeking additional resources to enhance CRT’s anti-trafficking enforcement program. Specifically, CRM is requesting increased personnel resources as follows:

<u>Position</u>	<u>Grade</u>	<u>Series</u>	<u>Number</u>
Manager, Trafficking Enforcement Program	14	905	1
Coordinator, Anti-Trafficking Task Forces	14	905	1
Special Litigation Counsel, Money Laundering and Asset Forfeiture	14	905	1
Trial Attorneys	14	905	12
Victim-Witness Coordinators	13	301	1
Investigators	11	360	2
Paralegals	9	950	1
Clericals	7	318	1

Increasing the number of CRM personnel is instrumental in creating an effective coordination structure to ensure that these larger, more complex human trafficking cases are investigated and prosecuted efficiently and effectively in a systematic, proactive fashion. Moreover, as we bring more complex cases involving trafficking networks, we anticipate that the United States will be able to more effectively seize greater assets from these criminal organizations.

We anticipate this increased staffing will lead better and more effective coordination with the 42 current BJA-funded task forces, as well as with the new task forces that are anticipated. By providing further technical support and subject matter expertise to the task forces, CRM will increase the capacity of these task forces to identify increasing numbers of victims, and investigate and prosecute increasing numbers of human trafficking crimes. In particular, we estimate that an increase of 12 trial attorneys will translate to an increase of approximately 24 outreach/training events aimed at educating law enforcement and NGOs to identify human trafficking victims (2 per attorney), and an increase of approximately 180 investigations initiated (15 per attorney), 24 cases (2 per attorney), and 72 defendants charged (3 per case) annually.

Additionally, CRM is seeking \$168,000 to address on-going funding requirements that present logistical challenges not seen in other CRM cases. CRM is requesting resources for abnormally high or unique costs associated with trafficking cases for depositions (\$45,000), interpreters (\$73,000) and translation (\$50,000). The Office for Victims of Crime would need to be funded to continue to support victims during raids, etc. The funds requested would also enhance the training material needed for outreach activities, and to meet the unique requirements for trafficking-related cases.

Impact on Performance (Relationship of Increase to Strategic Goals)

These criminal enforcement responsibilities play an integral role in DOJ’s Strategic Plan, designed to uphold the civil and constitutional rights of all Americans.

Funding

Base Funding

FY 2008 Enacted				FY 2009 Requirements				FY 2010 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
21	18	21	\$3,000	21	18	21	\$3,075	21	18	21	\$3,152

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (change from 2010) (\$000)
Attorney	\$117	15	\$1,758	\$1,519
Victim Witness Coordinator	\$99	1	\$99	\$69
Investigator	\$82	2	\$164	\$101
Paralegal	\$64	1	\$64	\$36
Clerical	\$47	1	\$47	\$29
Total Personnel	\$409	20	\$2,132	\$1,754

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Translation			\$50	\$22
Depositions			\$45	\$21
Interpreters			\$73	\$21
Total Non-Personnel			\$168	\$64

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	21	18	21	\$3,152	\$0	\$3,152
Increases	20	15	10	\$2,132	\$168	\$2,300
Grand Total	41	33	31	\$5,284	\$168	\$5,452

Item Name: **2010 Census Infrastructure**

Component Ranking of Item: 3 of 7

Organizational Program: Civil Rights Division

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$1,704,000

Description of Item

Census data is used within the Civil Rights Division (CRT) to help enforce the civil rights laws. Many CRT sections rely on accurate and up-to-date demographic, socioeconomic, and geospatial information to increase the Division's effectiveness as a civil rights law enforcement body. For example, Section 5 of the Voting Rights Act (VRA) requires a mandatory 60-day review period in which the Attorney General may interpose an objection to a proposed voting change submitted by a covered jurisdiction. The U.S. Census Bureau has begun the enormous task of planning the 2010 census and will release sample data to evaluate procedures and obtain critical information needed for an accurate and cost-effective census. In order to serve the CRT's demographic and technology requirements, funding will be needed for hardware upgrades, engineering support, and data conversion to ensure the proper implementation and support of 2010 census data that will allow CRT sections to carry out their civil rights law enforcement missions for the next decade.

Justification

In preparation for the release of the 2010 census data, funding requested will include technology hardware upgrades, engineering support, and data conversion requirements. The technology hardware platform, currently in use to stage 2000 census production data, has reached its end-of-life cycle and is no longer supported. New hardware will need to be purchased to store and serve the large amount of census and geospatial data to CRT customers to meet many core mission requirements.

Engineering support will be needed to complete four tasks. The first task will include a hardware/systems architecture design consultant to correctly size the hardware technology platform, in support of the new population data. The second task will include software maintenance upgrade of the current ArcGIS/redistricting tool to the most current JCON desktop, ArcGIS, and Oracle database software versions. Task three will include new redistricting application functionality and enhancements identified through a series of requirements gathering meeting defined by the CRT GIS steering committee group. Task four is a new system requirement that will allow Voting Section Staff to access the redistricting application and data from a remote location when out of the office on travel.

Task five is the data conversion support, which will be needed to process the data into a new database structure that will be used by all CRT sections and also fitted for the Voting redistricting tool. Two special census tabulations will be needed in support of two CRT section's business needs. One for the Voting Section that will tabulate the citizen voting

population by race and one for the Employment Section that will allow for a comparison among the racial, ethnic, and gender compositions of internal workforces within a given geography and job category, and external labor markets detailing occupational information for approximately 500 occupations.

Funds requested will provide the following hardware and contract support:

Technology Hardware Upgrade

- Upgrade current SunFire 4800 production server

Engineering Support

- Hardware/Systems Architecture Design consultant
- ArcGIS/Redistricting Maintenance
- ArcGIS/Redistricting Functionality Enhancements
- ArcGIS/Redistricting Citrix client

Data Conversion

- Census data support requirements
- EEO special tabulation for Employment data
- American Community Survey support

Impact on Performance (Relationship of Increase to Strategic Goals)

CRT sections rely on accurate and up-to-date demographic, socioeconomic, and geospatial information to meet statutory mandated responsibilities associated with Section 5 of the VRA and to increase the Division's effectiveness as a civil rights law enforcement body. With the advent of 2010 census and technological advances in data retrieval and analysis, CRT sections require access to current population and geospatial data.

Voting Section (VOT) - In support of the Voting Rights Act (VRA) of 1965, new population data available from the 2010 census, States, counties, cities, and school districts throughout the nation will be undertaking redistricting to comply with the one person, one vote requirement. The primary mission of VOT during 2010 and the following few years is to enforce the VRA in a way that will facilitate the redistricting process; to enable jurisdictions to complete the redistricting process in a timely manner while assuring that minorities will have a fair opportunity to elect candidates of their choice under the newly adopted plans.

Housing and Civil Enforcement (HCE) Section - In support of the fair housing testing program, HCE uses the Advanced Targeting Location and Analysis Software (ATLAS) to assist in strategically targeting areas for systemic testing investigations within the United States. ATLAS currently is a collection of 2000 Census Summary File and Census spatial layers displayed within a customized environment. The software will access the 2010 American Community Survey data that will replace the 2000 Census Summary File data to allow HCE to continue efforts of strategically targeting areas for testing.

Employment Litigation Section – Census 2010 special EEO tabulation will permit the Department of Justice to monitor compliance with, and carry out enforcement of, Title VII of the Civil Rights Act of 1964, as amended, and other employment-related civil rights laws and regulations. Specifically, the proposed special EEO tabulation will allow the Department of Justice to compare the racial and ethnic minority and gender compositions of specific State and local governments’ workforces against the external labor force in the geographic areas in which the employers operate.

Today, the diversity of the census and geospatial user community has expanded to include not only the Division’s Voting Rights, Housing and Civil Enforcement, and Employment Litigation Sections, but also the Division’s Educational Opportunities, Criminal, and Disability Rights Sections. To continue the Division’s diverse mission to enforce civil rights laws into the next decade, CRT components will rely heavily on 2010 census data for accurate and up-to-date demographic, socioeconomic, and geospatial information.

Break down of FY10 Funding Requirements

Technology Hardware Upgrade	\$244,000
Engineering Support/Plan Prep	603,000
Data Conversion	<u>857,000</u>
Total	\$1,704,000

Funding

Base Funding

FY 2008 Enacted				FY 2009 Requirements				FY 2010 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	0	0	0	0	0	0	0	0	0

Personnel Increase Cost Summary

Type of Position		Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (change from 2010) (\$000)

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Technology Hardware Upgrade	\$0	\$0	\$244	(\$219)
Engineering Support	\$0	\$0	\$603	
Data Conversion	\$0	\$0	\$857	(\$712)
Total Non-Personnel	\$0	\$0	\$1,704	(\$931)

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services						
Increases	0	0	0	\$0	\$1,704	\$1,704
Grand Total	0	0	0	\$0	\$1,704	\$1,704

Item Name: **Civil Rights for Institutionalized Persons Act (CRIPA) Enforcement Efforts**

Organizational Program: Special Litigation

Component Ranking of Item: 4 of 7

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$1,000,000

Description of Item

CRT requires additional funding of \$1,000,000 to fund a combination of specialized consultants to address CRT's responsibilities associated with the CRIPA. CRIPA and health care enforcement responsibilities entail the need for extensive use of litigation consultants in both the investigatory and compliance stages. It relies heavily on a vast array of experts to ensure the safety of fundamental life safety issues for persons in public residential facilities, including nursing homes, mental institutions, juvenile justice facilities, jails, and prisons. The Civil Rights Division investigates abuse neglect, and inadequate care and treatment, and relies on expert assessments of conditions and practices at these facilities. The Division also seeks to ensure that persons with disabilities are transitioned in the most integrated setting appropriate to their needs. CRT's efforts have led to sweeping reforms in institutions throughout the country; however, there is an ever-increasing need for the funding for litigation consultants.

Justification

The Division requests a program increase of \$1 million based on existing case needs, to enable the Division to fulfill its mandate to enforce the CRIPA, 42 U.S.C. sec. 1997. The request would fund a combination of consultants in the areas of protection from harm, general medical (including mental health) care, fire safety, police operations, architects, and correctional operations, among other areas. It is derived from the Division's existing caseload of matters for which funding is currently not available to address a cascading problem of backlogged cases and monitoring of consent decrees, pushed into subsequent fiscal years. Most of these cases involve issues of fundamental life safety, and delays in their prosecution have inhibited the imposition of basic remedial relief.

The Division's enforcement of the statute requires litigative consultants to identify deficient conditions and practices and assist in devising appropriate remedies. CRT's current caseload greatly exceeds available funding for litigative consultants, which has resulted in the deferral of important matters, including active cases in which the Department is under court order to monitor compliance.

The program enhancement will allow the Division to address its caseload more efficiently as the use of these "experts" enhances the Division's ability to settle more cases and more quickly rectify the deficiencies identified. Litigative consultant's duties entail performing facility tours, document reviews, policy reviews, and preparation of reports.

The Special Litigation Section (SPL) is the sole component responsible for the enforcement of CRIPA. SPL has the authority to investigate abuse, neglect, and inadequate care and treatment in public residential facilities, including nursing homes, facilities for persons with mental disabilities, juvenile justice facilities, jails, and prisons.

The Section is also responsible for enforcement of Section 14141, which authorizes the Attorney General to seek equitable and declaratory relief to redress a pattern or practice of conduct by law enforcement agencies that violates federal law.

The work of SPL depends upon expert assessments as to whether conditions or practices depart from generally accepted professional standards. In fact, the cornerstone case for the Section's CRIPA work, Youngberg v. Romeo, 457 U.S. 307, compels such an analysis.

This work is also unavoidably labor-intensive. Section staff and litigative consultants typically spend several days on-site, working 10 to 12 hours a day. Before and after these inspections, litigative consultants spend several days, sometimes weeks, reviewing medical charts and other records. The litigative consultants then typically memorialize their assessments in reports that frequently provide a major component of both the Division's findings and necessary remedial measures. If the Division finds problematic conditions or practices, it typically reaches agreement short of litigation, but the litigative consultants' work does not end with the agreement. Often, an independent monitor assesses compliance with the agreement, but the Division must also verify the monitor's findings, particularly when the monitor recommends case closure. Sometimes, the Department itself is required to monitor pursuant to court order. All of the foregoing tasks are largely impossible to perform without the aid of the expertise of litigative consultants in their respective fields.

This Division's work in these areas has a national impact. The findings of conditions and remedial measures, and other technical assistance that the Division makes publicly available, are reviewed by State and local agencies throughout the United States. Often, agencies will attempt to correct their practices to avoid a review by the Department. Without these investigative tools -- enhanced by our consultants' credibility, experience and knowledge, we could not have the national impact we have.

Additionally, work performed in CRT has an impact on other DOJ and government components, such as USAOs and the HHS Office of Inspector General. The Section has made referrals to, and worked collaboratively with, these agencies regarding possible fraud that our consultants have uncovered.

Without litigative consultants, CRT cannot perform this work. More particularly, it cannot enforce civil rights statutes, cannot pursue investigations of new matters, and often cannot enforce agreements in existing matters. In practical terms, without the requested funding, the Department will not be able to address various civil rights statutes, including egregiously unconstitutional conditions that threaten the lives and well-being of children, the elderly, and other persons who have been institutionalized. The requested program increase would enable CRT to address its ever-increasing demand and address mandated PII requirements.

Impact on Performance (Relationship of Increase to Strategic Goals)

These special litigation responsibilities play an integral role in DOJ's Strategic Plan, designed to uphold the civil and constitutional rights of all Americans.

Funding

Base Funding

FY 2008 Enacted				FY 2009 Requirements				FY 2010 Current Services			
Pos	Agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
0	0	0	\$1,100	0	0	0	\$1,100	0	0	0	\$1,100

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2009) (\$000)

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2009) (\$000)
Litigative Consultants			\$1,000	\$0
Grand Total			\$1,000	\$0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	\$0	\$1,100	\$1,100
Increases	0	0	0	\$0	\$1,000	\$1,000
Grand Total	0	0	0	\$0	\$2,100	\$2,100

Program Increase

Item Name: **Project Civic Access**

Organizational Program: Civil Rights Division

Component Ranking of Item: 5 of 7

Program Increase: Positions 12 Agt/Atty 5 FTE 6 Dollars \$1,787,000

Description of Item

Additional resources are requested to improve access to state and local governments for people with disabilities. Project Civic Access (PCA) undertakes a systematic, comprehensive, and efficient approach to identifying violations of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 and obtaining commitments by state and local governments to remedy these violations. Under the PCA settlement agreements, communities make a commitment to bring into compliance with Title II of the ADA and Section 504 a variety of public facilities and services. These include administrative buildings, courthouses, libraries, law enforcement facilities, domestic violence programs and shelters, emergency management programs and shelters, polling places, museums, parks and recreation centers, websites and web-based programs, sidewalks, employment policies, 911 emergency communications systems, and numerous other government facilities, programs, activities, and services. Since the inception of the PCA initiative, CRT has conducted on-site compliance reviews and reached 161 settlement agreements with 147 communities.

Justification

PCA is a wide-ranging initiative to improve access to State and local governments by people with disabilities. Attorneys, equal opportunity specialists, architects, and investigators work cooperatively with State and local governments during the process as follows:

- The first step of the PCA process is to conduct research about a community and identify which facilities, programs, services, and activities need to be targeted for compliance improvements.
- The second step is traveling to PCA communities to conduct and document in-depth compliance reviews of government facilities, programs, services, and activities to identify violations of ADA and Section 504 requirements.
- The third step in the process is to prepare a proposed settlement agreement that includes a detailed list of all ADA and Section 504 accessibility violations identified during the compliance review and itemizes the actions that the State or local government must take to achieve ADA and Section 504 compliance.
- In the fourth step, attorneys and equal opportunity specialists negotiate with the State or local governments to secure settlement agreements in which the State or

local governments voluntarily commit to bring their programs, activities, services, and facilities into compliance with ADA and Section 504 requirements in a comprehensive manner by taking all itemized action steps set out in the settlement agreement by specific, reasonable deadlines.

- In the fifth step in the process, attorneys, architects, equal opportunity specialists, investigators, and paralegal specialists monitor compliance with the detailed provisions of the settlement agreements through the review of photographs, architectural plans, and other documents submitted by the communities and by conducting on-site visits to ensure that commitments in the agreements are met.
- Throughout the entire process, a crucial sixth step occurs: Attorneys, architects, equal opportunity specialists, and investigators provide training and technical assistance to the State and local officials to assist them in understanding ADA requirements, dealing with the realities of limited budgets, and developing realistic plans and approaches for achieving compliance.

According to data from the 2000 Census, agreements reached between the Department and State and local governments under PCA since 1999 have improved access for over 3.5 million people with disabilities who live in the communities that have participated in the PCA initiative. In the current PCA cycle, lasting until the summer of 2009, we anticipate entering into over 20 new settlement agreements which will improve civic access for over one million additional people with disabilities who live in the communities currently in the compliance review process. This project has a far reaching, concrete impact on the lives of people protected by civil rights laws throughout the nation.

During the course of investigating and monitoring a typical PCA matter with a large city or county – i.e., Atlanta, GA; Memphis, TN; Montgomery County, MD; Fairfax, VA; or Detroit, MI – up to 20 team members (equal opportunity specialists, investigators, architects, and attorneys) survey and document ADA violations in State or local government programs, services, and activities and at up to 150 or more public buildings and outdoor facilities within a span of two to four weeks.

During a review of a large jurisdiction, the team takes over 25,000 photographs of features affecting accessibility, prepares a settlement agreement including detailed lists of ADA violations that are several hundred pages long, and expends over 1,700 total person hours from the beginning to the end of a PCA.

Medium-sized cities and counties – i.e., St. Louis County, MN, and Des Moines, IA – require teams of 4 to 10 equal opportunity specialists, architects, investigators, and attorneys, the review of 30 to 50 public buildings and outdoor facilities and the local government's programs, services, and activities, 2,000 to 5,000 photographs, and 800 – 1,500 work hours apiece from beginning to end.

Smaller towns and counties – i.e., Butler County, MO, and Fargo, ND – typically require two to four member teams, reviewing government programs and between 15 to 25 facilities, require 1,000 – 1,500 photos, and utilize 350 – 600 work hours apiece from outset to conclusion.

Due to its cooperative nature as well as its positive impact on the lives of large numbers

of people with disabilities, PCA is a top priority. The key to ensuring that improved access is actually obtained is a vigorous program of actively monitoring compliance with agreements. Every year, as the Division enters into additional PCA agreements covering required accessibility modifications at large numbers of public buildings and facilities, more and more attorney, architect, equal opportunity specialist, and paralegal specialist hours are expended on monitoring public entity compliance of these agreements and providing the ongoing training and technical assistance that is pivotal to the process. Compliance monitoring and technical assistance involve the preparation of detailed checklists to track actions that must be taken under the settlement agreements, reviewing voluminous reports and architectural plans to ensure that required actions are taken, and conducting follow-up on-site inspections of compliance.

Another key part of the PCA initiative is the ADA Best Practices Tool Kit for State and Local Governments (Tool Kit), a new and innovative technical assistance document that DRS is developing to teach State and local governments how to assess their own compliance with ADA requirements. Seven chapters of the Tool Kit have been released to date, and additional releases will continue throughout FY 2009. In FY 2009, the Division proposes to use the Tool Kit to initiate a nationwide program of hands-on training to teach State and local government officials the most efficient and effective ways to use the Tool Kit to assess and improve their own ADA and Section 504 compliance. While the Tool Kit and associated training program will not be a substitute for PCA, it will provide an opportunity for State and local officials to duplicate PCA on their own, increasing the accessibility of programs, activities, services, and facilities in additional communities throughout the country.

In addition to conducting current PCA activities, staff is also responsible for conducting the CRT's national program of investigating administrative complaints under Titles II and III of the ADA and Section 504. As a result, this staff is currently unable to expand the scope of PCA or the proposed training initiative without the requested enhancement.

The requested staffing would be used to create a team dedicated solely to new PCA compliance reviews, developing and launching the proposed PCA training initiative, and providing the ongoing technical assistance and monitoring that is critical to the PCA process. The additional staff would be composed of a supervisory attorney, four non-supervisory attorneys, a director of PCA training, two equal opportunity specialists, an architect, and a paralegal. Each member of the new team would require equipment necessary to conduct on-site surveys and write reports of violations in the field – e.g., a tablet PC, measuring tools, a six and 24 inch digital levels, a digital camera, memory cards for the camera, compact flash drives for the computer, and other accessories.

In addition, two investigators are required to monitor the compliance of State and local governments with PCA agreements. Because of limited staffing, the task of monitoring 133 PCA agreements is currently spread out among nearly 20 investigators and attorneys, making the coordination of this critical workload extremely difficult and time-consuming. The paralegal and two investigators would focus on monitoring compliance, centralizing the process, making it more efficient and consistent.

The request includes funding of \$650,000 to: develop an online database (\$500,000) to improve the efficiency and effectiveness of monitoring compliance with PCA settlement agreements, and all other settlement agreements entered into by the Disability Rights

Section (DRS); and to develop and implement a national training program (\$150,000) that will provide hands-on instruction to State and local officials on the requirements of Title II and Section 504 and techniques for assessing and improving their own agencies' ADA and Section 504 compliance.

In addition to the staffing resources sought, this request seeks funding to create and maintain space on the Internet where State and local governments, and DRS staff can log in to report and track progress in complying with PCA agreements, to provide the print materials and facilities for the PCA training program.

Impact on Performance (Relationship of Increase to Strategic Goals)

DRS' focus on PCA dramatically increases the Section's and Division's ability to be accountable for taxpayer value. Each PCA agreement provides benefits to the community's current and future residents and visitors with disabilities. As explained above, since 1999, PCA has improved access to government programs, services, activities, and facilities for more than 3.5 million people with disabilities who reside in the communities that have participated in PCA. In fact, the benefit has been far greater, since this figure does not cover visitors and students with disabilities who travel to these communities.

PCA has had an unprecedented success rate in achieving voluntary commitments by public entities to improve their ADA and Section 504 compliance. Because of the cooperative and collaborative nature of PCA, compliance reviews under PCA are resolved much more quickly and efficiently than non-PCA investigations and litigation, which tend to be much more adversarial, time consuming, and resource intensive. Moreover, PCA compliance reviews and agreements provide more systemic and comprehensive resolutions than other investigations or litigation, which typically address small numbers of issues and have a narrow scope. Finally, the PCA process and the Tool Kit training initiative serve as a comprehensive education program on the ADA and Section 504 for large numbers of State and local government officials.

Funding

Base Funding

FY 2008 Enacted				FY 2009 Requirements				FY 2010 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
36	7	34	\$4,297	36	7	34	\$4,404	36	7	34	\$4,514

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (change from 2010) (\$000)
Attys	\$109	5	\$550	\$469
Architect	105	1	104	91
PCA Trainer	105	1	105	92
EEO Specialist	77	2	154	101
Investigator	82	2	164	102
Paralegal	60	1	60	33
Total Personnel	\$538	12	\$1,137	\$888

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Development of Online Database			\$500	\$(400)
Training Program			\$150	\$0
Total Non-Personnel			\$650	\$(400)

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	36	7	34	\$4,108	\$406	\$4,514
Increases	12	5	6	\$1,137	\$650	\$1,787
Grand Total	48	12	40	\$5,245	\$1,056	\$6,301

Item Name: Enhance Fair Housing and Fair Lending

Organizational Program: Civil Rights Division

Component Ranking of Item: 6 of 7

Program Increase: Positions 6 Agt/Atty 5 FTE 3 Dollars \$1,254,000

Description of Item

CRT is requesting an enhancement to its Fair Housing and Fair Lending Enforcement responsibilities. The request would fund 6 positions (5 attorneys), 3 FTE and \$1,254,000. The FY 2009 current services base funding for Enhance Fair Housing and Fair Lending Enforcement is 13 positions (3 attorneys), 12 FTE, and \$1,885,000. If this enhancement is approved, the total resources for this program would represent 19 positions (8 attorneys), 15 FTE and \$3,139,000.

Justification

Fair Lending-- CRT's fair lending enforcement program has traditionally focused on suing lenders that "red-line" minority neighborhoods or discriminate by denying loans or charging higher interest rates. The additional resources sought for this initiative (4 positions, 4 attorneys, 2 FTE and \$854,000) will enable CRT to enhance these efforts and to increase its ability to address possible discrimination in foreclosures and loan modifications that may be associated with the Federal Financial Rescue plan.

Congress has identified assisting homeowners who are in danger of losing their homes as a priority area. Specific activities related to CRT functions include the Federal government requiring lenders to modify certain subprime mortgages to help avoid massive foreclosures through programs such as Hope, Now and Hope for Homeowners. As these programs are implemented, it is essential that the Division, through its Housing and Civil Enforcement (HCE) program, ensure that minority borrowers (and others in protected classes under both the Fair Housing Act and the Equal Credit Opportunity Act) receive equal opportunities to obtain better loans and / or avoid foreclosure.

An additional \$377,000 is required for investigatory assistance for the investigations and prosecutions of fair lending cases.

Fair Housing-- The requested additional resources will fund the expansion of an initiative designed to enhance enforcement of the Fair Housing Act (2 positions, 1 attorney, 1 FTE and \$400,000) particularly through increased use of the CRT's Fair Housing Testing Program. In February 2006, the Attorney General launched Operation Home Sweet Home (OHS), an initiative designed to enhance enforcement of the Fair Housing Act, particularly through increased use of the Civil Rights Division's Fair Housing Testing Program.¹ The Attorney General committed the Department to a

¹ In 1991, the Division initiated a Fair Housing Testing Program in the Housing and Civil Enforcement Section ("Testing Program") to ferret out unlawful discriminatory practices in housing. The Testing

significant increase in testing in FY 2006 and doubling the number of tests in FY 2007. The Housing and Civil Enforcement Section (HCE) exceeded both of these goals, conducting 289 paired tests in FY 2006, 502 paired tests in FY 2007, and 624 paired tests in FY 2008. Our strategy for accomplishing these goals was threefold: 1) the Section re-allocated existing resources to establish an additional test coordinator position and a new legal assistant position; 2) Division funds were utilized to fund 17 contracts of approximately \$20-25,000 each (seven in FY 2006 and 10 in FY 2007) with fair housing and other non-profit organizations that have assisted in our testing investigations by providing testers with specified characteristics in strategic locations across the country; and 3) the Section focused considerable management and supervisory effort on increasing the efficiency of our testing program operations and filling test coordinator vacancies as soon as they arose.

The testing program is producing new cases and recently produced the first pattern or practice discrimination case ever brought by CRT on behalf of Asian Americans. Currently, the vast majority of the Section's testing focuses on detecting discrimination in rentals. The additional resources requested will allow CRT to expand its testing efforts to help identify and eradicate discriminatory conduct in home sales and ensure funding for eight to ten additional contracts to provide critical local resources for our nationwide testing program. This enhancement, as detailed below, would enable the Section to continue to improve the quality of its paired test and also to expand the portion of the testing program focused on detecting discrimination in home sales.

One of the measures implemented by the Section to improve the quality of the paired testing under OSHS has been the system for early attorney review, in which an experienced attorney reviews the audio tapes and other results of each initial set of tests that a test coordinator believes shows signs of possible differential treatment. As the number of paired tests has increased significantly, this important task of reviewing initial testing to provide a legal perspective on when to conduct second round tests and to refine the testing protocols for such second round tests is consuming increasing amounts of attorney time.

The additional attorney position is needed to ensure that this vital review does not detract from the amount of attorney time available for investigation, negotiation and litigation of other HCE matters. An additional test coordinator for home sales testing is required because successfully conducting these tests generally requires more research, preparation and planning time than an equivalent number of rental tests. After establishing and initiating a plan for home sales testing, the test coordinator focusing in this area also could work with other test coordinators who are conducting sales testing.

Also included in the request is additional funding of \$250,000 for contracts with fair housing and other non-profit groups to provide testers. As the testing program continues to expand we must ensure that we can continue to expand the subjects and geographic areas covered by our tests. The best tool for doing so is the program of small contracts (usually \$25,000) with fair housing and other non-profit groups. While the "pilot program" for these contracts in FY 2006-2008 has utilized existing Division funds, the

Program identifies housing providers for testing, coordinates the testing and analyzes the results of the tests. The Division has filed 85 cases based at least in part on evidence gathered through the Testing Program. Sixteen of those cases have been filed in this Administration. Since January 21, 2001, HCE cases filed as a result of the Testing Program resulted in over \$1.6 million in total relief.

success of these contracts (producing cases such as *United States v. Pine Properties*; *United States v. Bolt*; and *United States v. Regent Court Apartments*) warrants increased, independent funding. The Section currently has access to approximately 500 testers who are DOJ employees and more than 1,000 testers obtained through these contracts. Moreover, four of the last five cases brought by the Section based on evidence from our testing program involved contract testers. The requested \$250,000 will ensure funding for 10 additional contracts in FY 2010.

A large portion of base resources have been provided from other sources. However, due to funding restraints, transferring additional base resources to meet the ever-increasing demand for testing, to ensure all Americans receive equal access to rental and purchased housing, requires the enhancement requested.

HCE is seeking additional personnel resources as follows:

<u>Position</u>	<u>Grade</u>	<u>Series</u>	<u>Number</u>
Attorney	14	905	5
EO Specialist	13	360	$\frac{1}{6}$

Impact on Performance (Relationship of Increase to Strategic Goals)

These civil enforcement responsibilities play an integral role in DOJ's Strategic Plan, designed to uphold the civil and constitutional rights of all Americans.

Funding

Base Funding

FY 2008 Enacted				FY 2009 Requirements				FY 2010 Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
13	3	12.5	\$1,794	13	3	12	\$1,839	13	3	12	\$1,885

Personnel Increase Cost Summary

Type of Position		Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (change from 2010) (\$000)
Attys		\$107	5	\$534	\$462
EO Specialist		\$93	1	\$93	\$66
Total Personnel		\$200	6	\$627	\$528

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Testing Contracts			\$250	\$0
Investigatory Assistance			\$377	\$0
Total Non-Personnel			\$627	\$0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	13	3	12	\$1,695	\$190	\$1,885
Increases	6	5	3	\$627	\$627	\$1,254
Grand Total	19	8	15	\$2,322	\$817	\$3,139

Item Name: Unsolved Civil Rights Era Crimes

Organizational Program: Civil Rights Division

Component Ranking of Item: 7 of 7

Program Increase: Positions 9 Agt/Atty 6 FTE 5 and \$1,645,000

Description of Item

The Civil Rights Division (CRT) is requesting resources to support its newly created Cold Case Unit. This is a new unit that will operate within the Criminal Section (CRM) of CRT, which will focus exclusively on the investigation and prosecution of civil rights era unsolved homicide cases. It was formed to comply with the recently enacted Emmett Till Unsolved Civil Rights Crime Act, passed by Congress in October, 2008. The request would fund nine positions (six attorneys and three support staff).

Justification

The Emmett Till Unsolved Civil Rights Crime Act (“the Act”) directs the Department of Justice and the Federal Bureau of Investigation (FBI) to “(1) expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses; and (2) provide all the resources necessary to ensure timely and thorough investigations in the cases involved.” Although the Act authorized \$10,000,000 for each of the fiscal years 2008 through 2017, Congress has not yet appropriated any monies in connection with the Act. Because, as the Act noted, it is imperative to move quickly on these cases due to the advancing age of witnesses and subjects, immediate funding is imperative in order to meet the Act’s requirements.

Racially motivated murders from the civil rights era constitute some of the greatest blemishes upon our history. In testimony supporting passage of the Emmett Till Unsolved Civil Rights Crime Act, the Acting Assistant Attorney General of the Civil Rights Division noted that during the last 50 years, the Civil Rights Division has been instrumental in bringing justice to some of the nation’s most horrific and disturbing civil rights era crimes. The resources are needed in order to provide the Department with sufficient funding to effectuate the goals of the Emmett Till Unsolved Civil Rights Crime Act. CRT’s commitment to resolving these cases has never been stronger.

CRM is working cooperatively with the FBI on the “Cold Case” Initiative. As part of that effort, and in partnership with the NAACP, the Southern Poverty Law Center, and the National Urban League, more than 100 cases have been identified that merit additional review.

Unfortunately, Ex Post Facto concerns and federal law will limit CRM’s ability to prosecute most civil rights era cases at the federal level. Two of the most important statutes that can be used to prosecute racially motivated homicides, 18 U.S.C. § 245 (interference with federally protected activities) and 42 U.S.C. § 3631 (interference with

housing rights), were not enacted until 1968. Under the Ex Post Facto Clause, these statutes cannot be applied retroactively to prosecute conduct that was not a crime at the time of the offense. Moreover, the five-year statute of limitations on federal criminal civil rights charges would present another limitation on such prosecutions.

Notwithstanding these constitutional and jurisdictional limitations, CRM believes that the Federal Government can still play an important – indeed, essential – role in these cases. Below are some examples of cases in which the Federal Government has provided vital resources:

Thus far, CRM has had two successful federal prosecutions for civil-rights era cases. In 2007, a federal jury in Jackson, Mississippi convicted James Seale on two counts of kidnapping (18 U.S.C. § 1201(a)) and one count of conspiracy to kidnap (18 U.S.C. § 1201(c)) for his role in the 1964 abduction and murder of 19-year-old Charles Moore and Henry Dee. The defendant was sentenced to three life terms. This prosecution was possible because the evidence revealed that the defendant abducted the victims and transported them across state lines before killing them by throwing them into the Old Mississippi River. The Federal Government's jurisdiction was based on the fact that the federal kidnapping statute was a capital offense at the time of the incident in 1964. Thus, in this case, CRM was able to use non-civil rights federal statutes to achieve justice. As an example of the resources needed to successfully pursue these matters, it should be noted that no fewer than 40 full time federal employees, including no fewer than 16 federal prosecutors, spent countless hours working on this prosecution.

The successful prosecution of Ernest Avants in 2003 is another instance where CRM was able to use non-civil rights charges to overcome the statute of limitations problem and bring a successful prosecution. A statute enacted in 1948, 18 U.S.C. § 1111 (murder on federal land), provides for the death penalty for first degree murder within the special maritime and territorial jurisdiction of the United States. In 2002 and 2003, CRM was able to use this statute to investigate and prosecute Avants, a Mississippi Ku Klux Klan member, who murdered an African American man in 1966 in a National Forest.

In addition to cases in which non-civil rights federal statutes might be available to support a federal prosecution, the Department can play an important role in cases that do not ultimately result in a federal prosecution. In 1997, the FBI reopened the investigation into the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama. CRM attorneys worked with the United States Attorney for the Northern District of Alabama in conducting a grand jury investigation. They were able to assume federal jurisdiction because a predecessor statute to the current arson and explosives statute, 18 U.S.C. § 844, provided that in situations where death resulted from an explosive transported in interstate commerce, the penalty was death, and under 18 U.S.C. § 3281, crimes punishable by death have no statute of limitations. Ultimately, it could not be proven that the explosive traveled in interstate commerce, so the grand jury investigation was released to the State of Alabama, which used that investigation as the basis for a successful prosecution of the last two defendants who were involved in the bombing. The United States Attorney for the Northern District of Alabama, Doug Jones, was cross designated to serve as the lead prosecutor in the State trials. Thus, this case was investigated by federal agents and a federal grand jury, and the case was ultimately

successfully prosecuted by a federal prosecutor in State court -- another example of the Department's efforts to find creative ways to pursue civil rights era cases, and a model we anticipate using in other cold cases.

The FBI also worked with Mississippi authorities to investigate the 1955 murder of Emmett Till, a 14 year-old African-American teenager, who was kidnapped and killed in rural Mississippi. Although the investigation showed that there was no federal jurisdiction, the FBI reported the results of that investigation to the District Attorney for Greenville, Mississippi, Joyce Chiles. In February 2007, a state grand jury considered evidence in the case but did not choose to return an indictment.

The FBI assisted the local law enforcement authorities in the reopened investigation into the 1964 murder of three civil rights workers in Philadelphia, Mississippi - an incident commonly known today as the "Mississippi Burning" case. At the time of the murders, the Assistant Attorney General of CRT, John Doar, personally led the investigation and prosecution of these murders. He was able to secure the convictions of only seven of the 18 defendants charged with these murders; and they received sentences ranging from just four to 10 years of imprisonment. One of the ringleaders, Ku Klux Klan member, Edgar Ray Killen, was acquitted because one of the jury members refused to convict a "preacher." The Department, however, remained committed to ensuring that Justice eventually prevailed in that case. The FBI worked with the local law enforcement authorities on the reopened investigation which resulted in the indictment of Killen on three counts of State murder charges on January 6, 2005. Killen was finally convicted for his involvement in the case on June 21, 2005.

Thus, at least four different models have been used in the investigation and prosecution of these civil-rights era crimes: 1) Non-civil rights federal statutes, such as the federal murder or kidnapping statutes, have been utilized to successfully prosecute the perpetrators in federal court; 2) a federal prosecutor has been cross-designated to serve as a prosecutor using a federal investigation in a successful State trial when the evidence fails to establish federal jurisdiction; 3) the results of a federal investigation have been provided to a State prosecutor for evaluation on State charges; and 4) federal and local investigators have jointly investigated and provided assistance to a State prosecutor in a successful State prosecution.

It should be noted that the vast majority of the cases identified which merit additional investigation are located in rural communities, where it is not uncommon to have part-time police officers and local prosecutor's offices staffed by only two or three attorneys. These civil-rights era homicides are complex and require extensive resources -- resources that many of these local law enforcement agencies and district attorney's offices simply do not have. CRM and the FBI have developed the expertise for addressing the many complex issues raised by these historical cases. Committing federal efforts and resources to these cases is the best way to ensure that they will receive the expert attention they deserve. Additionally, the community is best served by knowing that there has been a full and thorough federal evaluation of these matters.

Resource Needs

As noted above, CRM and the FBI have identified more than 100 civil-rights era homicides which warrant additional investigation. CRM's already heavy workload will be significantly increased with the additional investigative and administrative responsibilities mandated in the Act. CRM has not had a staff increase since FY 2002; thus, it will be difficult for CRM to satisfy the goals of the Act and maintain its enforcement responsibilities in its other primary enforcement areas – official misconduct, hate crimes, and human trafficking. Moreover, because of the unique challenges of prosecuting civil rights era cold cases, each of these investigations is time and labor intensive. For example, more than 40 federal employees participated in the prosecution of United States v. Seale, which remains on appeal before the Fifth Circuit Court of Appeals. That number does not include the numerous retired federal employees, local law enforcement officials, or contract employees who provided additional assistance. Each individual civil-rights era case will require the participation of many dedicated individuals. CRM anticipates working closely with State and local prosecutors and law enforcement agencies in each of the locations where these crimes have occurred.

Increasing the number of CRM personnel is instrumental in creating an effective coordination structure to ensure that these complex cold cases are investigated and prosecuted efficiently and effectively in a systematic, proactive fashion. We anticipate this increased staffing will lead to additional prosecutions in either State or federal court. Increased staffing will also allow CRM to fully investigate and review all of the identified cold cases in a timely manner. Investigations into historic cases are exceptionally challenging and will require significant investigation even though they may not ultimately result in prosecutions. However, a full federal review is necessary to provide some sense of closure to family members of the victims and to the communities in which the crimes occurred, even in those cases in which justice will never be reached inside of a courtroom.

Additionally, CRM requests additional resources to address on-going funding requirements that present logistical challenges not typical found in other CRM cases. For example, we anticipate using offers of reward money to persuade witnesses to come forward. The FBI recently announced a \$10,000 reward for information leading to the indictments of individuals responsible for a homicide in Louisiana. CRM is seeking \$250,000 to offer similar rewards in other cases. CRM is seeking an additional \$250,000 for other investigative assistance to include exhumations, forensic pathologists, and other investigation-related litigative consultants. CRM is seeking \$46,000 for depositions. Jury consultants are another necessary expense in prosecutable matters. In each of the cold cases successfully tried thus far – at both the state and federal level – the prosecution utilized jury consultants to formulate and review extensive jury questionnaires and assist in the jury selection process. In some cases, the consultants have also used focus groups and other tools to aid the prosecution. CRM is seeking \$150,000 for jury consultants.

Impact on Performance (Relationship of Increase to Strategic Goals)

These criminal enforcement responsibilities play an integral role in DOJ's Strategic Plan, designed to uphold the civil and constitutional rights of all Americans.

Funding

Base Funding

FY 2008 Availability				FY 2009 President's Budget				FY 2010 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Dep. Sec. Chief	\$142	1	\$142	\$107
Attorney	\$118	5	\$590	\$410
Investigator	\$98	1	\$98	\$56
Paralegal	\$71	1	\$71	\$33
Clerical	\$48	1	\$48	\$20
Total Personnel	\$477	9	\$949	\$626

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2010) (\$000)
Rewards			\$250	0
Investigative Assistance			\$250	\$250
Jury Consultants			\$150	\$150
Depositions			\$46	\$35
Total Non-Personnel			\$696	\$435

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	0	0	0	\$0	\$0	\$0
Increases	9	6	5	\$949	\$696	\$1,645
Grand Total	9	6	5	\$949	\$696	\$1,645

A: Organizational Chart

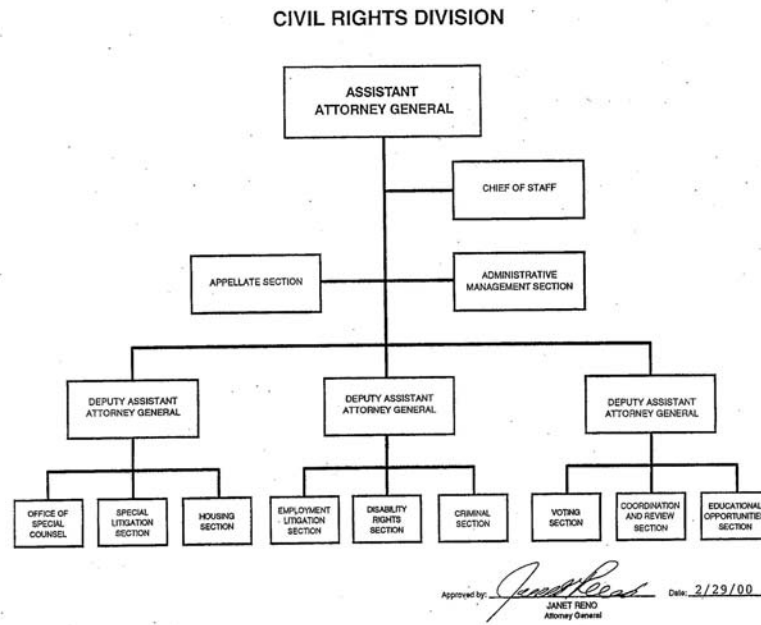


Exhibit A - Organizational Chart

B: Summary of Requirements

Summary of Requirements
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

	FY 2010 Request		
	Perm. Pos.	FTE	Amount
2008 Enacted (direct only)	713	715	\$114,450
2008 Supplementals			
Total 2008	713	715	114,450
2009 Enacted (direct only)	713	715	123,151
2009 Supplementals			
Total 2009	713	715	123,151
Adjustments to Base			
Increases:			
2010 pay raise (2.0%)			1,203
2009 pay raise annualization (3.9%)			791
Retirement			71
Health Insurances Premiums			92
Employee Compensation Fund			3
Lease Expirations			4,324
DHS Security Charges			30
Postage			12
Security Investigations			9
Printing and Reproduction			8
WCF Rate Increase			32
Lease Expirations			
Subtotal Increases	....	....	6,575
2010 Current Services	713	715	129,726
Program Changes			
Restoration of Eroded Civil Rights Program Funding Levels	55	27	6,033
Human Trafficking	20	10	2,300
2010 Census Infrastructure	....	....	1,704
Civil Rights for Institutionalized Act	....	....	1,000
Project Civic Access	12	6	1,787
Fair Housing and Fair Lending	6	3	1,254
Unsolved Civil Rights Era Crimes	9	5	1,645
Subtotal Increases	102	51	15,723
Total Program Changes	102	51	15,723
2010 Total Request	815	766	145,449
2009 - 2010 Total Change	102	51	22,298

Summary of Requirements
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Estimates by budget activity	FY 2008 Appropriation Enacted			2009 Enacted			2010 Adjustments to Base and Technical Adjustments			2010 Current Services			2010 Increases			2010 Offsets			2010 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Division	713	715	\$114,450	713	715	\$123,151	....	....	\$6,575	713	715	129,726	102	51	\$15,723	....	....	....	815	766	\$145,449
Total	713	715	114,450	713	715	123,151	....	....	6,575	713	715	129,726	102	51	15,723	....	....	....	815	766	145,449
Reimbursable FTE		24			24			(6)			18										18
Total FTE		739			739			(6)			733			51		....					784
Other FTE:																					
LEAP								....						....		....
Overtime		4			4			....						....		....					4
Total Comp. FTE		743			743			(6)			733			51		....					788

C: Program Increases/Offsets By Decision Unit

FY 2010 Program Increases/Offsets By Decision Unit

Civil Rights Division

(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Decision Unit 1				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Increase 1	Restoration of Eroded Civil rights Proram Funding Levels	55	29	27	\$6,033	\$6,033
Increase 2	Human Trafficking	20	15	10	2,300	2,300
Increase 3	2010 Census Infrastructure	....	....	....	1,704	1,704
Increase 4	Civil Rights for Institutionalized Act	....	....	....	1,000	1,000
Increase 5	Project Civic Access	12	5	6	1,787	1,787
Increase 6	Fair Housing and Fair Lending	6	5	3	1,254	1,254
Increase 7	Unsolved Civil Rights Era Crimes	9	6	5	1,645	1,645
Total Program Increases		102	60	51	\$15,723	\$15,723

D: Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective
Civil Rights Division
(Dollars in Thousands)

Strategic Goal and Strategic Objective	FY 2008 Appropriation Enacted		2009 Enacted		2010		2010		2010			
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Current Services		Increases		Offsets		Request	
					Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s
Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People 2.6 Uphold the civil and Constitutional rights of all Americans	739	\$ 114,450	739	\$ 123,151	733	\$ 129,726	51	\$ 15,723			784	\$ 145,449
GRAND TOTAL	739	\$ 114,450	739	\$ 123,151	733	\$ 129,726	51	\$ 15,723	-	\$ -	784	\$ 145,449

E. Justification for Base Adjustments

Justification for Base Adjustments Civil Rights Division

Increases

2010 pay raise. This request provides for a proposed 2.0 percent pay raise to be effective in January of 2010 (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,203,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$842,000 for pay and \$361,000 for benefits).

Annualization of 2009 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2009 pay increase of 3.9 percent included in the 2009 President's Budget. The amount requested \$791,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$554,000 for pay and \$237,000 for benefits).

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$71,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Employees Compensation Fund: The \$3,000 increase reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

Health Insurance: Effective January 2008, this component's contribution to Federal employees' health insurance premiums increases by 5.4 percent. Applied against the 2009 estimate of \$3,079,000, the additional amount required is \$92,000.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$30,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

Moves (Lease Expirations). GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2010. Funding of \$4,324,000 is required for this account.

Postage: Effective May 11, 2009, the Postage Service implemented a rate increase of 4.8 percent. This percentage was applied to the 2010 estimate of \$478,000 to arrive at an increase of \$12,000.

Security Investigations: The \$9,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Government Printing Office (GPO): GPO provides an estimated rate increase of 4%. This percentage was applied to the FY 2009 estimate of \$412,000 to arrive at an increase of \$8,000.

WCF Rate Increases. Components in the DC metropolitan area use and rely on the Department's Working Capital Fund (WCF) for support services including telecommunications services, computer services, finance services, as well as internet services. The WCF continues to invest in the infrastructure supporting the telecommunications services, computer services, and internet services. Concurrently, several security initiatives are being implemented and additional resources are being directed to financial management in an effort to maintain a clean audit status. Funding of \$32,000 is required for this account.

F: Crosswalk of 2008 Availability

Crosswalk of 2008 Availability

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2008 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Division	713	715	114,450									\$200				713	715	114,650
TOTAL	713	715	\$114,450	....	....	\$0	....	....	\$0	....	....	\$200	....	....	\$0	713	715	\$114,650
Reimbursable FTE		24																24
Total FTE		739																739
Other FTE																		
LEAP																		....
Overtime		4																4
Total Compensable FTE		743																743

G: Crosswalk of 2009 Availability

Crosswalk of 2009 Availability

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2009 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2009 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Decision Unit 1	716	715	123,151													716	715	123,151
TOTAL	716	715	\$123,151	....	....	\$0	....	....	\$0	....	....	\$0	....	....	\$0	716	715	\$123,151
Reimbursable FTE		24																24
Total FTE		739																739
Other FTE																		
LEAP																		....
Overtime		4																4
Total Compensable FTE		743																743

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2008 Enacted			2009 Planned			2010 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Bureau of Prisons	\$1,243	....	....	\$1,309	....	....	\$1,388	....	....	\$79
Federal Bureau of Investigation	364	....	....	386	....	....	409	....	....	23
Drug Enforcement Administration	154	....	....	163	....	....	173	....	....	10
Exec. Office of U.S. Attorneys	184	....	....	195	....	....	207	....	....	12
U.S. Marshals Service	133	....	....	141	....	....	149	....	....	8
Community Relations Service	179	....	....	190	....	....	201	....	....	11
Office of Justice Programs	430	....	....	456	....	....	483	....	....	27
Justice Management Division	20	....	....	21	....	....	22	....	....	1
Executive Office of Immigration Review	29	....	....	31	....	....	33	....	....	2
Office of Inspector General	14	....	....	15	....	....	16	....	....	1
Executive Office for U.S. Trustees	7	....	....	7	....	....	7	....	....	....
ATF	138	....	....	146	....	....	155	....	....	9
HHS/Office of Civil Rights	2,579	....	....	2,679	....	....	2,679	....	....	....
HHS/OCR
National Drug Intelligence Center	5	....	....	5	....	....	....	....	....	(5)
USAID
White House
Interpol	5	....	....	5	....	....	....	....	....	(5)
Antitrust	5	....	....	5	....	....	....	....	....	(5)
Budgetary Resources:	\$5,489	....	....	\$5,754	....	....	\$5,922	....	....	\$168

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Civil Rights Division

Salaries and Expenses

Category	2008 Enacted		2009 Enacted		ATBs	2010 Request				
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable		Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Attorneys (905)	324	21	324	21		60		60	384	15
Paralegals / Other Law (900-998)	115		115			12		12	127	
Personnel Management (200-299)	10		10			1		1	11	
Clerical and Office Services (300-399)	222	3	222	3		3		3	225	3
Accounting and Budget (500-599)	6		6			1		1	7	
Civil Rights Analyst (160)	....		....			16		16	16	
EO Specialist (360)	....		....			5		5	5	
Information and Arts (1000-1099)	3		3			....		....	3	
Social Sciences, Econ., and Kindred (100-199)	24		24			....		....	24	
Architects (808)	6		6			4		4	10	
Mathematics Statistics Group (1500-1599)	3		3			....		....	3	
Total	713	24	713	24	....	102	....	102	815	18
Headquarters (Washington, D.C.)	713	24	713	24	....	102		102	815	18
U.S. Field								....	....
Foreign Field								....	....
Total	713	24	713	24	....	102		102	815	18

J: Financial Analysis of Program Changes

Financial Analysis of Program Changes

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Grades:	Restoration of Eroded Civil Rights Program Funding Levels		Human Trafficking		2010 Census Infrastructure		CRIPA		Project Civil Access		Fair Housing and Fair Lending		Unsolved Civil Rights Ear Crimes		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
GS-15	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
GS-14	32	4,431	15	2,082	....	....	....	....	6	833	5	694	....	....	58	8,040
GS-13	4	461	1	104	....	....	....	....	....	....	1	104	1	88	7	757
GS-12	16	1,565	....	....	....	....	....	....	....	....	....	....	....	....	16	1,565
GS-11	....	....	2	148	....	....	....	....	5	435	....	....	1	62	8	645
GS-10	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
GS-9	2	124	1	62	....	....	....	....	1	62	....	....	....	....	4	248
GS-8	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
GS-7	1	51	1	51	....	....	....	....	....	....	....	....	1	42	3	144
GS-5	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Total positions & annual amount	55	6,632	20	2,447	....	....	....	....	12	1,330	6	798	9	1,044	102	12,251
Lapse (-)	(28)	(3,813)	(10)	(1,410)	....	....	....	....	(6)	(768)	(3)	(459)	(5)	(522)	(51)	(6,972)
Other personnel compensation	....	38	....	7	....	....	....	....	....	8	....	2	....	1	....	56
Total FTE & personnel compensation	27	2,857	10	1,044	....	....	....	....	6	570	3	341	5	523	51	5,335
Personnel benefits	....	778	....	286	....	....	....	....	....	156	....	93	....	160	....	1,473
Travel and transportation of persons	....	260	....	223	....	....	....	....	....	64	....	30	....	40	....	617
Transportation of things	....	18	....	6	....	....	....	....	....	4	....	2	....	3	....	33
GSA rent	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Communication, rents, and utilities	....	46	....	17	....	....	....	....	....	7	....	6	....	9	....	85
Printing	....	26	....	5	....	....	....	....	....	4	....	4	....	2	....	41
Advisory and assistance services	....	636	....	181	....	1,460	....	1,000	....	658	....	631	....	691	....	5,257
Other services	....	2	....	185	....	....	....	....	....	103	....	40	....	60	....	390
Purchases of goods & services from Government accounts	....	435	....	....	....	....	....	....	....	5	....	....	....	....	....	440
Research and development contracts	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Operation and maintenance of equipment	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Supplies and materials	....	58	....	21	....	....	....	....	....	13	....	6	....	10	....	108
Equipment	....	506	....	183	....	244	....	....	....	113	....	56	....	80	....	1,182
Buildout	....	411	....	149	....	....	....	....	....	90	....	45	....	67	....	762
Total, 2010 program changes requested	27	\$6,033	10	\$2,300	0	\$1,704	0	\$1,000	6	\$1,787	3	\$1,254	5	\$1,645	51	\$15,723

K: Summary of Requirements by Grade

Summary of Requirements by Grade
Civil Rights Division
Salaries and Expenses

Grades and Salary Ranges	FY 2008 Enacted		2009 Enacted		2010 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$114,468 - \$172,200	18		18		18		....
GS-15, \$115,317 - 149,000	263		263		269		6	
GS-14, \$98,033 - 127,442	71		71		129		58	
GS-13, \$82,961 - 107,854	89		89		96		7	
GS-12, \$69,764 - 90,698	63		63		79		16	
GS-11, \$58,206 - 75,669	71		71		79		8	
GS-10, \$52,979 - 68,875	7		7		7		....
GS-9, \$48,108 - 62,546	33		33		37		4	
GS-8, \$43,557 - 56,624	18		18		18		....
GS-7, \$39,330 - 51,124	55		55		58		3	
GS-6, \$35,392 - 46,011	6		6		6		....
GS-5, \$31,751 - 41,271	6		6		6		....
GS-4, \$28,379 - 36,898	12		12		12		....
GS-3, \$25,279 - 32,863	1		1		1		....
GS-2, \$23,169 - 29,153	....		....		....		....
GS-1, \$20,607 - 25,779	....		....		....		....
Total, appropriated positions	713		713		815		102	
Average SES Salary		\$ 152,000		\$ 156,712		\$ 160,160		
Average GS Salary		\$ 85,753		\$ 88,411		\$ 91,996		
Average GS Grade		13		13		13		

L: Summary of Requirements by Object Class

Summary of Requirements by Object Class

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Object Classes	FY 2008 Enacted		2009 Enacted		2010 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	628	57,113	628	58,691	679	65,497	51	6,806
11.3 Other than full-time permanent	87	6,594	87	6,702	87	6,810	....	108
11.5 Total, Other personnel compensation	4	672	4	670	4	724	....	54
<i>Overtime</i>	....	....	....	....	....	....	....	....
<i>Other Compensation</i>	....	....	....	....	....	....	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
Total	719	64,379	719	66,063	770	73,031	51	6,968
Reimbursable FTE:	24		24		18			
Full-time permanent								
Other Object Classes:								
12.0 Personnel benefits		13,994		14,523		16,523		2,000
21.0 Travel and transportation of persons		3,974		3,974		4,590		616
22.0 Transportation of things		541		541		576		35
23.1 GSA rent		14,936		15,507		15,507		....
23.2 Moving/Lease Expirations/Contract Parking		374		374		4,760		4,386
23.3 Comm., util., & other misc. charges		1,887		2,478		2,516		38
24.0 Printing and reproduction		402		412		460		48
25.1 Advisory and assistance services		4,041		4,041		6,794		2,753
25.2 Other services		5,155		7,051		10,340		3,289
25.3 Purchases of goods & services from Government accounts		3,181		6,601		6,717		116
25.4 Operation and maintenance of facilities		17		17		17		....
25.5 Research and development contracts		83		83		83		....
25.7 Operation and maintenance of equipment		383		383		383		....
26.0 Supplies and materials		666		666		773		107
31.0 Equipment		437		437		1,619		1,182
32.0 Land and Structures		....		....		760		760
Total obligations		114,450		123,151		145,449		22,298
Unobligated balance, start of year				....		....
Unobligated balance, end of year								
Recoveries of prior year obligations				....		....
Total requirements		114,450		123,151		145,449		

M. Status of Congressionally Requested Studies, Reports, and Evaluations

CIVIL RIGHTS DIVISION

Salaries and Expenses

Status of Congressionally Requested Studies, Reports and Evaluations

1. The House Report associated with the FY 2007 Department of Justice directs the Civil Rights Division to submit a yearly update on its efforts to address human trafficking. Target response to the Committee is May 1, 2009.
2. The Emmett Till Unsolved Civil Rights Crime Act of 2007 requires the Department to submit a report to Congress annually regarding a study of the cases under the Deputy Chief in the Criminal Section of the Civil Rights Division on investigations and prosecutions of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death. An integral report, due six months after approval of the Act on October 7, 2008, was provided to the Congress.