

U. S. Department of Justice
FY 2012 PERFORMANCE BUDGET
CIVIL RIGHTS DIVISION
Congressional Submission

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I. Overview for the Civil Rights Division

1. Introduction

In FY 2012, the Civil Rights Division (CRT) requests a total of \$161,755,000, 814 positions and 816 direct FTE, to enforce the country's civil rights laws in a fair and uniform manner. For FY 2012, CRT is requesting a current services resource level that include full funding for annualization of the FY 2010 positions that were enacted in FY 2010.

The Civil Rights Division does not have regional offices. All Division employees are stationed in Washington D.C. Because of this, nearly all Division attorneys and, occasionally, some non-attorney personnel are required to travel since litigation activities occur in all parts of the United States.

2. Background

The Civil Rights Division of the Department of Justice was established in 1957. The Division is the program institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, gender preference, disability, religion, and national origin. Since its establishment, the Division's enforcement responsibilities have grown dramatically to prohibiting discrimination in education, employment, credit housing, public accommodations and facilities, voting, and certain federally funded and conducted programs. In addition, the Division's role in prosecuting actions under several criminal civil rights statutes which are designed to preserve personal liberties and safety have expanded substantially.

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. DOJ ensures compliance with basic Federal civil rights protections through a multifaceted program of criminal and civil enforcement designed to target and deter discriminatory conduct. CRT also seeks voluntary compliance with civil rights statutes through a variety of educational, technical assistance, and outreach programs.

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.

CRT is comprised of 11 program-related sections, the Professional Development Office, and the Administrative Management Section. A description of responsibilities and activities, as well as accomplishments, for each of CRT's eleven program-related Sections is presented below. The

Criminal Section falls under Criminal Enforcement. The other nine program-related sections fall under the Civil Enforcement program area.

In July 2010, the Obama Administration released the *National HIV/AIDS Strategy for the United States*, the nation's first comprehensive plan for responding to the domestic HIV epidemic. The President designated the Department of Justice (DOJ) as one of six executive agencies responsible for implementing the Strategy at the Federal level. DOJ has produced an operational plan and responsibility for taking steps to achieve the goals of the Strategy is dispersed across the department with lead responsibility for coordinating efforts delegated to the Assistant Attorney General for Civil Rights. The Strategy focuses on three overarching goals: reducing the number of new HIV infections, increasing access to care for people living with HIV, and reducing HIV-related health disparities. DOJ has an essential role to play in meeting these NHAS goals because it is one of the leading Federal partners on the efforts to reduce stigma and illegal discrimination experienced by those with HIV.

3. Civil Rights Division Reorganization Approved

On April 22, 2010, the Attorney General approved CRT's request to reorganize the Division in order to officially capture changes that have been put into place since the last reorganization in February 2001, as well as to make additional changes that improve CRT's enforcement of Federal civil rights laws by establishing appropriate lines of authority and maximizing the efficiency and effectiveness of its program as it continues to expand its authorities.

CRT has received significant new enforcement authority and is now more involved in international civil rights issues, working with our partners at the Department of State and elsewhere, to address treaty obligations that have civil rights dimensions.

Among other changes, CRT's organization chart now shows a new Policy and Strategy Section (PSS) modeled on the existing policy units in other DOJ litigating divisions and a change in the name of the Coordination and Review Section to the Federal Coordination and Compliance Section (FSC). Both changes are reflected in this submission.

4. Challenges

Despite all the civil rights laws guaranteeing equal justice for all, the reality of today's society demonstrates that discrimination still exists. CRT's work is far from complete. The long journey toward equal justice is not over. CRT has reached some remarkable milestones along the way toward this most worthy goal. However, discrimination and bigotry persist. They persist in blatant forms—burned crosses, burned churches, hate-fueled assaults. They also persist in more subtle, yet equally devastating ways in many American communities and institutions. For example, in FY 2009, the FBI documented 6,598 hate crime incidents involving 8,336 victims and 7,775 offenses. Nearly 50 percent of these were motivated by racial bias.

Discrimination persists in the education system—many children still go to schools that are all too frequently substandard. It persists in the foreclosure crises, where communities of color were

preyed upon by lenders who used the corrosive power of fine print, and bait and switch tactics—i.e. discrimination with a smile—to transform the American dream into a nightmare. It persists in America’s workplaces, where glass ceilings still shatter opportunities for qualified women and minorities. It persists in the voting booth, where poll tests and taxes have been replaced by more subtle tactics that dilute voting strength.

Performance Challenges

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:

- Hate crimes are violent and intimidating acts motivated by animus based on race, ethnicity, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability. Bias motivated violence remains prevalent across the United States. The Matthew Shepard-James Byrd, Jr. Hate Crimes Prevention Act significantly expanded Federal jurisdiction to investigate and prosecute crimes that have targeted whole communities. This law gives law enforcement authorities the tools they need to effectively investigate, prosecute and deter bias-motivated violence.
- CRT’s human trafficking caseload essentially tripled between FY 2001–FY 2009. These cases are extremely labor-intensive. The workload associated with the 42 anti-trafficking task forces has 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 CRT’s Criminal Section (CRM).
- With the 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. Thus far, DOJ has determined that 110 unsolved civil rights era homicides merited Federal review. Unfortunately, Federal jurisdiction over these historic cases is quite limited. Prosecution of these cases at the Federal level is quite limited as these statutes cannot be applied retroactively to conduct that was not a crime at the time of the offense. The 5-year statute of limitations on Federal civil rights charges presents another limitation on these prosecutions. Also, as investigations are conducted, in many cases all identified subjects are deceased. In others, a failed prosecution at the time precludes pursuing a prosecution now because of double jeopardy issues.
- The ongoing mortgage foreclosure crisis demands a significant expansion of the CRT’s fair lending enforcement resources. The need for strong Federal effort to combat discrimination in lending and foreclosures has increased in recent years with the disproportionate targeting of minorities for sub-prime mortgages and other discriminatory practices. These types of

lending fraud and discrimination have substantially contributed to the current financial crisis, and persons throughout the country have been deprived of their homes and their life savings.

- CRT along with US Attorneys is at the forefront of enforcing the Freedom of Access to Clinic Entrances Act (FACE) and ensuring that violence aimed at interfering with reproductive health services is aggressively investigated and prosecuted. Although there had been a decline of violent acts against reproductive health care providers in the past several years, several more recent incidents indicate that such violence may be on the rise. In response the Department is working closely with Federal and local law enforcement partners and provider organizations to share information to both anticipate and prevent this sort of violence and to investigate and prosecute it when it does.
- Changes to the way Census data will be collected and released result in CRT's program having to reevaluate the impact these Census changes will have on the Division's infrastructure needed to address our Voting Rights Act enforcement work.
- Employers' increasing use of the Department of Homeland Security's E-Verify program as well as DHS's increasing enforcement related to employers who hire undocumented workers has substantially increased the workload for CRT's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC). CRT anticipates that higher penalties and enhanced enforcement of employer sanctions by DHS will lead to an increase in discrimination charges filed with OSC against employers who are more hesitant about hiring workers who look or sound "foreign." Similarly, OSC anticipates that the volume of E-Verify related allegations of discrimination will increase as more employers enroll in E-Verify, thereby increasing its overall workload.
- Under immigration reform proposals, millions of workers may receive legal status protected under the Immigration and Nationality Act's (INA) anti-discrimination provision, thus, increasing substantially the number of new potential injured parties able to file charges with OSC.
- Since DOJ received enforcement authority under the Servicemembers Civil Relief Act (*SCRA*), CRT has received a considerable number of SCRA referrals from DOD and from service-members directly. As more members of the National Guard and Reserve return from duty, CRT expects SCRA complaints to increase. Assumption of this enforcement authority will continue to affect the workload of CRT for the foreseeable future.
- CRT faces a continued challenge in meeting the demand for nationwide technical assistance on the Americans with Disabilities Act (ADA) and maintaining its ability to respond quickly to emerging issues, new technology, and an ever changing ADA landscape. Title II and III regulations and the Standards for Accessible Design pose a significant challenge, not only in terms of creating required compliance guides and revising the extensive collection of existing technical assistance materials, but also the Division's own ability to provide accurate technical assistance to the public. This is an exceptional undertaking. It is anticipated that requests from outside groups and organizations for workshops and training sessions will

dramatically increase. CRT also continues to work toward providing rapid, adequate responses to complaints filed by thousands of citizens who turn to us for justice every year.

- Since Congress reauthorized Section 5 of the Voting Rights Act (VRA) in 2006, review of redistricting plans has consistently been the focus of intense scrutiny by advocates and members of Congress. If anything, it has increased with each redistricting cycle. Given the recent publicity over several Section 5 determinations, CRT expects that the scrutiny may be even greater for the upcoming cycle. This area of activity is expected to increase as the release of the 2010 census data prompts many jurisdictions to file redistricting plans that must be submitted for Federal pre-clearance. The recent Supreme Court ruling in *Northwest Austin* will greatly expand the number of sub-jurisdictions that are now entitled to file an action seeking bail-out from coverage of the section 5 preclearance provisions of VRA.

Internal Challenges:

- DOJ needs to continue its efforts to attract the “best and brightest” of all talents and should continue its efforts to attract and maintain a positive working environment that encourages retention. Extensive training and development will be required for any new staff hired.
- Many of CRT’s responsibilities are not performed by any other Government agency. The 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.
- 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.

II. Summary of Program Changes

N/A

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Decision Unit Justification

Civil Rights Division

Civil Rights Division TOTAL	Perm. Pos.	FTE	Amount
2010 Enacted	815	766	\$145,449,000
2011 Continuing Resolution	815	766	145,449,000
Adjustments to Base	(1)	50	16,504,000
2012 Current Services	814	816	161,953,000
2012 Program Offsets			(198,000)
2012 Request	814	816	\$161,755,000
Total Change 2011-2012	0	50	\$16,306,000

CRT is a single decision unit within the General Legal Activities appropriation. Within that decision unit, CRT's responsibilities and activities fall into two programmatic areas—criminal enforcement and civil enforcement.

- Criminal cases are investigated and prosecuted differently from civil cases. Stronger and more definitive 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. A Federal criminal conviction also requires a unanimous decision by 12 jurors (or by a judge only if the defendant chooses not to have a jury).
- Civil cases are usually heard by a judge, but occasionally a jury will decide the case. Both criminal and civil cases can be resolved without a trial where both sides agree and with the concurrence of the judge. In criminal cases, judges must use the Federal Sentencing Guidelines in determining the defendant's punishment; judges in civil suits may or may not adopt remedies as recommended by the Government when it wins.

1. Program Description

Criminal Enforcement (99 positions; \$20,152,000)

The Criminal Section prosecutes cases involving the violent interference with liberties and rights defined in the constitution or Federal law. The rights of both citizens and non-citizens are protected. In general, it is the use of force, threats, or intimidation by a law enforcement officer, or by a person motivated by racial bias that characterizes a Federal criminal violation of an individual's civil rights. Cases often involve incidents that are invariably of intense public interest. While some violations may most appropriately be pursued by the Federal Government, others can be addressed by either the Federal Government or by state or local prosecutors. CRM ensures that acts constituting Federal criminal civil rights violations are sufficiently remedied, whether prosecuted federally or by local authorities.

The types of acts that may involve violations of Federal criminal civil rights laws are:

Hate Crimes—violent and intimidating acts motivated by animus based on race, ethnicity, national origin, religious beliefs, gender, gender identity, sexual orientation, or disability.

The Criminal Section prosecutes incidents of bias-motivated violence generally, including those which interfere with federally protected rights and activities, such as the rights to enjoy housing, employment, and public facilities and accommodations free from discrimination based on race or religion.

The September 11, 2001, terrorist attacks brought an increase of incidents of violence, threats and other forms of discrimination against Arabs, Muslims, and south Asians, many of whom are American citizens. The Criminal Section spearheaded the Department's law enforcement response to the nationwide spate of "backlash" threats and attacks against individuals who are or are perceived to be Muslim, Sikh, or of Arab or South Asian origin.

The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 created a new Federal criminal prohibition against willfully causing bodily injury (or attempting to do so using fire, a firearm, or another dangerous weapon), when (1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person, or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within Federal special maritime and territorial jurisdiction. The law also provides for the Office of Justice Programs to administer Federal funding and technical assistance to state, local, and tribal jurisdictions to help them to more effectively investigate and prosecute hate crimes.

Official Misconduct—intentional acts by law enforcement officials who misuse their positions to unlawfully deprive individuals of constitutional rights, such as the right to be free from excessive force, sexual assaults, illegal arrests and searches, and theft of property. Allegations of official misconduct constitute the majority of all complaints reviewed by the Criminal Section. The officials who have been defendants include state and local police officers, prison superintendents and correctional officer, Federal law enforcement officers, and state and county judges.

Under the Deprivation of Rights under Color of Law provision of Title 18, Section 242, it is a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Acts under "color of law" include acts not only done by Federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. The offense is punishable by a range of imprisonment up to a life term, or

the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Human Trafficking—use of force or threats of force or other forms of coercion to compel labor, services, commercial sex acts, from victims. Modern day slavery can involve migrant farm laborers, sweat shop workers, domestic servants, and persons forced into prostitution. Victims may be U.S. citizens or aliens, or adults or children.

The Trafficking Victims Protection Act of 2000 (TVPA), a comprehensive approach to trafficking strengthens existing Federal civil rights laws against involuntary servitude, created new Federal offenses for forced labor and sex trafficking, and increased the penalties for these offenses. The TVPA of 2008 further strengthened these states and added new statutes for human trafficking conspiracies, obstruction of trafficking investigations, and benefitting financially from trafficking. The TVPA of 2008 also clarified that psychological and economic harms, not just uses of force, amount to actionable coercion under the statutes.

The Criminal Section has spearheaded a number of other initiatives to obtain information from the public concerning potential trafficking situations, to train Federal, state and local law enforcement officers regarding human trafficking, and to address the needs of victims. The Section also works with the FBI, the Department of Homeland Security, and other Departments to identify and prosecute complex, international, and organized crime human trafficking cases. The Section has created a specialized Human Trafficking Prosecution Unit that is a global leader in trafficking prosecutions, and its representatives train foreign investigators and prosecutors at the United Nations and across the globe. The Criminal Section oversees a national, toll-free telephone complaint line to enable victims and others to report possible trafficking and worker exploitation abuses. The Criminal Section and other Justice Department components also collaborate with the Departments of State, Health and Human Services, and Labor to develop brochures on trafficking in persons and one that is given to law enforcement to provide to trafficking victims. The Section is instrumental in developing a national human trafficking training curriculum for state and local law enforcement and in drafting model legislation for states to implement their own anti-trafficking laws. Criminal Section attorneys also participate in training and outreach programs both in the United States and overseas to provide expertise and assistance to law enforcement personnel, community groups, victim service providers, immigrants' rights organizations and others to combat human trafficking.

Interference with Access to Reproductive Health Care—violence directed at abortion clinics or health care providers, such as doctors or nurses. The Freedom of Access to Clinic Entrances Act (FACE) prohibits anyone from intentionally injuring, intimidating or interfering (or attempting to do so), by force, threat of force or physical obstruction, with a person who is or has been seeking or providing reproductive health services. The Act also prohibits damaging or destroying property of a facility (or attempting to do so) because the facility provides reproductive health services. Prosecutions brought under the Act have included clinic blockades; phone, mail, and email threat cases; assaults on clinic personnel, including murder; and arson and bombing incidents.

Interference with the Exercise of Religious Beliefs and Destruction of Religious Property—violent conduct targeting religious houses of worship, usually involving the arson of churches or synagogues. Section 247 of Title 18 prohibits anyone from intentionally defacing, damaging or destroying religious real property because of the religious nature of the property, so long as the crime is committed in or affects interstate commerce. The statute also prohibits anyone from intentionally obstructing or attempting to obstruct, by force or threat of force, a person in the enjoyment of that person's religious beliefs, where the crime is committed in or affects interstate commerce. Finally, the statute prohibits anyone from intentionally defacing, damaging or destroying any religious real property because of the race, color, or ethnic characteristics of any individual associated with the property, regardless of any connection to interstate or foreign commerce. Section 247 also prohibits attempts to do any of the above. The offense is punishable by a range of imprisonment up to a life term or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Civil Rights Era Unsolved Crimes—unsolved racially motivated crimes that occurred during the Civil Rights, commonly referred to under the umbrella of the Cold Case Initiative. In October 2008, the Emmett Till Unsolved Civil Rights Crime Act of 2007 was signed into law directing CRT to coordinate the investigation and prosecution of civil rights era homicides, and a Supervisory Special Agent in the FBI's Civil Rights Unit to investigate those cases. CRT and the FBI were also given the authority to coordinate their activities with State and local law enforcement officials.

The Department has always been willing to reassess and review cold cases when new evidence came to light, and, as set forth below, played a major role in: successfully prosecuting three such cold cases prior to the Cold Case Initiative. In order to further the Department's mission, in 2006, the FBI began its Cold Case Initiative to identify and investigate the murders committed during our nation's civil rights era.

In addition to prosecuting cases, the Criminal Section actively participates in providing technical assistance and information to the public, law enforcement and other Government agencies regarding the Federal criminal civil rights laws by attending conferences, providing training, and making recommendations for legislation to further the protection of individual rights and liberties.

The Section continues its commitment to ensuring the safety of patients and providers at family clinics by vigorously enforcing the Freedom of Access to Clinic Entrances. In addition, it continues to lead the Task Force on Violence against Reproductive Health Care Providers, working closely with the FBI, ATF, USMS, U.S. Postal Inspection Service, and attorneys from the Criminal Division to ensure unified, consistent, and responsive Federal involvement when FACE Act violations occur.

Civil Enforcement (715 positions; \$141,603,000)

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 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. APP handles appeals from both favorable and adverse judgments in cases in which CRT participates.

A significant part of APP's work involves participation as *amicus curiae* (friend of the court) or as intervener in civil rights cases that have the potential for affecting CRT enforcement responsibilities. In this capacity, APP closely monitors civil rights cases in 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 set forth the United States' position. APP also intervenes in a substantial number of cases to defend the constitutionality of Federal civil rights statutes.

Disability Rights Section (DRS)

The ADA in titles I, II, III is intended to achieve equal opportunity for people with disabilities in the United States. The Section's enforcement, certification, regulatory, coordination, and technical assistance activities, required by the ADA, combined with an innovative mediation program and a technical assistance grant program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates.

The Section's responsibilities are somewhat different under each title of the ADA. Under title I (employment), the Section is the only government entity with authority to initiate litigation against State and local government employers. Under titles II (State and local government) and III (private businesses and non-profit social service providers), the Section investigates complaints and conducts compliance reviews. The Section may initiate litigation in title II matters arising from its own investigations or upon referral from other Federal agencies. The Section may also intervene in ongoing title II suits brought by private parties. Under title III, the Section initiates litigation in cases involving private entities (public accommodations, commercial facilities, and certain professional certification and licensing entities) where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance.

The ADA specifically encourages the use of Alternative Dispute Resolution (ADR) methods, including mediation, to resolve disputes arising under the ADA. Since 1994, the Section has promoted the use of ADR by supporting a project to provide mediation services to resolve ADA complaints filed with the Section.

The ADA Technical Assistance Program, which is mandated under section 506 of the ADA, promotes voluntary compliance with the ADA by providing free information and assistance to businesses, State and local governments, people with disabilities, and the general public. Through its technical assistance program, the Section also develops and disseminates ADA publications; provides ADA training at meetings nationwide; and conducts outreach to broad and targeted audiences that have included mayors, local chambers of commerce, and millions of businesses.

The Section also carries out responsibilities under Sections 504 and 508 of the Rehabilitation Act, the Small Business Regulatory Enforcement Fairness Act, and Executive Order 12250.

Educational Opportunities Section (EOS)

In its 1954 landmark decision in *Brown v. Board of Education*, the Supreme Court held that the intentional segregation of students on the basis of race in public schools violates the Fourteenth Amendment to the U. S. Constitution. Subsequent Federal legislation and court decisions also mandate that school officials not discriminate against students on the basis of sex, national origin, language barrier, religion, or disabilities. The EOS enforces these statutes and court decisions in a diverse array of cases involving elementary and secondary schools and institutions of higher education.

Specifically, the Section enforces Title IV of the Civil Rights Act of 1964, Equal Education Opportunities Act of 1964 (EEOA), and Title III of the ADA, as well as other statutes such as Title VI and Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Individuals with Disabilities Education Act, and Title II of the Americans with Disabilities Act upon referral from other governmental agencies. The Section may intervene in private suits alleging violations of education-related anti-discrimination statutes and the Fourteenth Amendment to the Constitution. The Section also represents the Department of Education in lawsuits.

EOS monitors approximately 200 active school desegregation cases to which it is a party; conducts systematic review of its desegregation case docket to ensure that districts have complied or are working toward complying with court orders and Federal law is active in ensuring that school districts do not discriminate on the basis of religion; and continues to work on behalf of English Language Learner (ELL) students.

Employment Litigation Section (ELS)

ELS enforces the provisions of Title VII of the Civil Rights Act of 1964, and other Federal laws prohibiting employment practices that discriminate on the grounds of race, sex, religion, and national origin. The Section also enforces the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) which guarantees service members a right to reemployment with their civilian employers and prohibits employers from discriminating or retaliating against an employee or applicant for employment because of such person's past, current or future military obligation.

The Section initiates Title VII litigation in two ways. Under Title VII, the Attorney General has authority to bring suit against a state or local government employer where there is reason to believe that a "pattern or practice" of discrimination exists. Generally, these are factually and legally complex cases that seek to alter an employment practice, such as recruitment, hiring, assignment and promotions, which have the purpose or effect of denying employment or promotional opportunities to a class of individuals. Under its "pattern or practice" authority, the Section obtains relief in the form of offers of employment, back pay and other equitable relief for

individuals who have been victims of the unlawful employment practices challenged. These cases often are resolved by consent decree prior to trial.

The Section also shares enforcement authority with DOL under Executive Order 11246, which prohibits discrimination by Federal government contractors and subcontractors based on race, color, national origin, sex and religion. DOL's Office of Federal Contract Compliance Programs (OFCCP) has authority to bring administrative enforcement actions. DOL also may refer such matters to the Division for judicial enforcement in Federal court. The Section works collaboratively with representatives from OFCCP and DOL to obtain referrals under the Executive Order for judicial enforcement.

The Section represents other Federal agencies in suits challenging the application or enforcement of Federal laws that prohibit discrimination or require affirmative action by government contractors or recipients of Federal financial assistance.

Federal Coordination and Compliance Section (FCS)

As part of the Attorney General's approval of CRT's reorganization on April 22, 2010, the Coordination and Review Section was renamed the Federal Coordination and Compliance Section. Their responsibilities have not changed.

FCS 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, the Section has a leadership role in the coordination and review of civil rights enforcement by the 30 Federal agencies that provide Federal financial assistance (FFA) to State and local governments, and to community, nonprofit, and other organizations nationwide. In particular, FCS's core mission is to engage these agencies in regulatory, enforcement, policy, outreach, and technical assistance efforts to ensure that programs operated with their funds and other assistance comply with the provisions of Title VI of the Civil Rights Act of 1964; which prohibits discrimination on the basis of sex in federally assisted education and training programs; and similar program statutes which prohibit discrimination on the basis of race, color, national origin, sex, and religion.

FCS's responsibilities also include oversight and coordination of Executive Order 13166, which requires that Federal agencies ensure meaningful access to persons who are limited English proficient (LEP) in federally assisted and federally conducted programs. In addition, FCS has implementation and interagency coordination responsibility with respect to 13160, which prohibits discrimination in the federally conducted education and training programs of 85+ Federal agencies on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, or status as a parent.

Housing and Civil Enforcement Section (HCE)

The Fair Housing Act (FHA) prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, or disability by housing providers, such as landlords and real estate companies, as well as other entities, such as municipalities, banks or other lending institutions, and homeowners' insurance companies.

Under FHA the Department of Justice may start a lawsuit where it has reason to believe that a person or entity is engaged in a "pattern or practice" of discrimination or where a denial of rights to a group of persons raises an issue of general public importance. Through these lawsuits, the Department can obtain both actual and punitive damages, for persons harmed by a defendant's discriminatory actions as well as injunctions to correct past discriminatory conduct or prevent further discriminatory conduct. The defendant may also be required to pay civil penalties to the United States.

In 1991, CRT established a fair housing testing program within HCE and commenced testing in 1992. Testing refers to the use of individuals who, without any bona fide intent to rent or purchase a home, apartment, or other dwelling, pose as prospective buyers or renters of real estate for the purpose of gathering information, which may indicate whether a housing provider is complying with fair housing laws. The primary focus of the Section's fair housing testing program has been to identify unlawful housing discrimination based on race, national origin, disability, or familial status.

The Section employs various means to accomplish testing in local communities, including contracts with private fair housing organizations, contracts with individuals, and by using non-attorney Department employees throughout the country. The Department employees are volunteers who have been trained to participate as testers. The Section conducts numerous investigations simultaneously at any given time.

The vast majority of testing cases filed are based on testing evidence that involved allegations of agents misrepresenting the availability of rental units or offering different terms and conditions based on race, and/or national origin, and/or familial status and/or disability. The Department has demonstrated that testing can be a valuable tool to investigate housing market practices and to document illegal housing discrimination. The testing program has greatly enhanced the ability of the Department to identify and to challenge the discriminatory housing practices that persist in the rental and sale of housing. The Department also uses the testing program to test for discrimination in lending and public accommodations.

The Multi-Family Housing Access Forum is a nationwide program that brings together developers and building professionals, government officials, and advocates for individuals with disabilities. Its purpose is to raise awareness about the Federal Fair Housing Act's accessibility requirements and to celebrate partnerships that have successfully produced accessible multi-family housing in which everyone profits—developers and consumers alike.

The Equal Credit Opportunity Act (ECOA) prohibits creditors from discriminating against applicants on the basis of race, color, religion, national origin, sex, marital status, age, or because

an applicant receives income from a public assistance program or exercises rights protected under the Consumer Credit Protection Act. The Board of Governors of the Federal Reserve System has issued regulations under ECOA. These regulations, known as Regulation B, provide the substantive and procedural framework for fair lending enforcement under ECOA.

Other Federal agencies have general regulatory authority over certain types of lenders and they monitor creditors for their compliance with ECOA. ECOA requires these agencies to refer matters to the Justice Department when there is reason to believe that a creditor is engaged in a pattern or practice of discrimination which violates ECOA. Each year, the Department files a report with Congress on its activities under the statute.

To enhance fair lending enforcement, CRT has recently created both a Fair Lending Unit within HCE and a Special Counsel for Fair Lending in the Office of the Assistant Attorney General for Civil Rights. The Division is also an active participant in the Attorney General's Financial Fraud Enforcement Task Force.

The land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. Religious assemblies, especially new, small, or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes or, or they may permit religious assemblies only with individualized permission from the zoning board or landmarking commission, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

Title II of the Civil Rights Act of 1964 law prohibits discrimination on the basis of race, color, religion and national origin in places of public accommodation including restaurants, certain clubs and hotels. The Department of Justice can investigate alleged systemic violations of Title II and can bring lawsuits to enforce the statute. The Department can obtain injunctive, but not monetary, relief. Individuals can also bring a lawsuits in Federal court to enforce Title II.

The Servicemembers Civil Relief Act (SCRA) 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. The Department of Justice can file suit under the SCRA to obtain relief for servicemembers.

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

OSC is responsible for enforcing the anti-discrimination provisions of the *Immigration and Nationality Act (INA)*, which protect U.S. citizens and certain work-authorized individuals from employment discrimination based upon citizenship or immigration status. The INA also protects all individuals, authorized to work, from national origin discrimination, unfair documentary practices relating to the employment eligibility verification process, and from retaliation. OSC also initiates independent investigations based on information developed during individual

charge investigations, or leads provided by other government agencies and the general public. Independent investigations normally involve alleged discriminatory policies that potentially affect many employees or applicants. These investigations may result in complaints alleging a pattern or practice of discriminatory activity.

OSC conducts an outreach and education program aimed at educating employers, potential victims of discrimination, and the general public about their rights and responsibilities under the INA's anti-discrimination and employer sanctions provisions. Each year OSC awards grants to organizations across the country to conduct local public education campaigns. Additionally, OSC's staff directly participates in many public education and outreach activities. This includes making presentations at conferences, seminars, and meetings held by interested groups regarding employee and employer rights and obligations under INA.

In partnership with the EEOC, OSC has participated in workshops for employers throughout the United States to increase understanding of employer sanctions and protections against discrimination. In an effort to increase accessibility to its services and resources, OSC has signed and/or reinvigorated memoranda of understanding with numerous state and local human rights agencies, where individuals can now obtain information about OSC and file charges of immigration related employment discrimination.

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, information technology, and job referral agencies. OSC's successful resolutions included charges filed by U.S. citizens and work-authorized immigrants who alleged adverse treatment in favor of temporary visa holders or undocumented workers who allege that they were denied hire, or were fired, because of their citizenship or immigration status, or discrimination in the employment eligibility verification process.

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.

Policy and Strategy Section (POL)

With the Attorney General's approval of a CRT reorganization on April 22, 2010, the Policy and Strategy function was established as a separate Section, a change that is reflected throughout this submission. PSS is modeled on existing policy units in other DOJ litigating divisions. No additional positions or funding were requested for the creation of PSS. Because this function has been performed under the Office of the Assistance Attorney (OAAG) for Civil Rights, resources associated with function (two attorney and four professional positions) will be transferred from the OAAG to the new Policy and Strategy.

PSS is responsible for developing and analyzing policy matters relating to CRT's enforcement authority, pursuit of legislative and regulatory priorities, coordination of the Division's responses to requests for comments and technical assistance on legislative matters

from the Administration and members of Congress, and development of sustained relationships with other Federal agencies, such as Education, HUD, EEOC, Transportation, and Defense, in furtherance civil rights issues.

Special Litigation Section (SPL)

SPL enforces the provision of the Religious Exercise of Institutionalized Persons Act (RLUIPA) that protects the religious exercise of persons confined to institutions covered by the *Civil Rights of Institutionalized Persons Act*. This provision prohibits a state or local government from substantially burdening the religious exercise of such an institutionalized person, unless the government demonstrates that imposition of the burden furthers a compelling governmental interest and is the least restrictive means available to further that interest. The Department of Justice is authorized to investigate alleged violations of RLUIPA and to file civil lawsuits seeking injunctive or declaratory relief. In addition, RLUIPA enables private individuals to seek judicial remedies for violations of the statute.

Civil Rights of Institutionalized Persons Act (CRIPA) authorizes the Attorney General to conduct investigations and litigation relating to conditions of confinement in state or locally operated institutions (the statute does not cover private facilities). Under the statute, SPL investigates covered facilities to determine whether there is a pattern or practice of violations of residents' Federal rights (the Section is not authorized to represent individuals or to address specific individual cases).

SPL protects the constitutional and Federal statutory rights of persons confined in certain institutions owned or operated by, or on behalf of, state or local governments. These institutions include facilities for individuals who are mentally ill and developmentally disabled, nursing homes, juvenile correctional facilities, and adult jails and prisons. The Section derives its primary authority in this area from the CRIPA, which was enacted in 1980. CRIPA gives the Attorney General the authority to investigate institutional conditions and file lawsuits to remedy a pattern or practice of unlawful conditions. In addition, the Section enforces a provision of the Violent Crime Control and Law Enforcement Act of 1994, which authorizes the Attorney General to file lawsuits to seek judicial remedies when administrators of juvenile justice systems engage in a pattern or practice of violating incarcerated juveniles' Federal rights. The Section also is responsible for enforcing Title III of the Civil Rights Act of 1964, which prohibits discrimination in public facilities on the basis of race, religion, or national origin. As a result of the Department's CRIPA efforts, tens of thousands of institutionalized persons who were living in dire, often life-threatening, conditions now receive adequate care and services.

The Section's institutional work has focused recently on significant problems, such as abuse and neglect in nursing homes and juvenile facilities, sexual victimization of women prisoners, inadequate education in facilities serving children and adolescents, and the unmet mental health needs of inmates and pre-trial detainees. In addition, the Section has been active in enforcing the rights of institutionalized persons with disabilities to receive adequate habilitation and active treatment and to be served in the most integrated setting appropriate to their needs.

Section staff are involved in a broad array of activities to vindicate the Federal rights of institutionalized persons. These activities range from reviewing complaints and conducting investigations to monitoring and enforcing court orders, litigating large, complex institutional reform cases, and writing amicus briefs on issues of national import. The Section works closely with nationally renowned experts to evaluate institutional conditions by touring the facilities, observing relevant practices and procedures at the facilities, evaluating records, and interviewing residents, staff, and other individuals knowledgeable about the conditions at the institutions. To date, the Section has been successful in resolving the vast majority of CRIPA investigations that have uncovered unlawful conditions by obtaining voluntary correction or a judicially enforceable settlement designed to improve conditions to ensure the provision of appropriate services. If state or local officials fail to correct the deficiencies or to agree to an appropriate settlement, CRIPA authorizes the Attorney General to file suit. The Section has concentrated on obtaining widespread relief, where possible.

The Section is actively involved both with other components of the Justice Department as well as other Federal agencies that regulate, fund, and provide technical assistance to institutions; e.g.. Section staff work with the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Prisons, the United States Department of Education, and the United States Department of Health and Human Services. In addition, Special Litigation Section attorneys serve on the Department's Health Care Fraud Working Group, the Inter-Agency Nursing Home Consortium, and the Inter-Agency Abuse Prevention Working Group.

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 conduct by law enforcement agencies that violates Federal law. The Section also is responsible for enforcing the Omnibus Crime Control and Safe Streets Act of 1968, which authorizes the Attorney General to initiate civil litigation to remedy a pattern or practice of discrimination based on race, color, national origin, gender, or religion involving services by law enforcement agencies receiving Federal financial assistance. Section staff investigates police departments by interviewing police officials and witnesses of alleged wrongdoing, reviewing numerous records, and evaluating departmental practices. As with the Section's CRIPA work, staff works with nationally renowned experts who assist with evaluating investigative material and developing and monitoring remedies to address deficiencies. SPL is an integral part of the Division's Police Misconduct Initiative, along with representatives from various sections in the Division, the Office of Justice Programs, and the FBI. This initiative was created at the Attorney General's request to coordinate Department-wide enforcement efforts to combat police misconduct. The Chief of the Special Litigation Section serves as the Co-Chair for Civil Enforcement of the Initiative.

SPL enforces the civil provisions of the Freedom of Access to Reproductive Health Clinics (Access Act) and Places of Religious Worship. This Act prohibits the use or threat of force and physical obstruction that injures, intimidates, or interferes with a person seeking to obtain or provide reproductive health services or to exercise the First Amendment right of religious freedom at a place of religious worship. It also prohibits intentional property damage of a facility providing reproductive health services or a place of religious worship. The Access Act authorizes the Attorney General to seek injunctive relief, statutory or compensatory damages,

and civil penalties against individuals who engage in conduct that violates the Act. Section attorneys work closely with the offices of the United States Attorneys and State Attorneys General by providing technical assistance and conducting joint Access Act prosecutions. In addition, the Section serves on the Attorney General's National Task Force on Violence against Health Care Providers.

Voting Section (VOT)

The Voting Rights Act of 1965 (VRA) codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country. Pursuant to the Act, the Voting Section undertakes investigations and litigation throughout the United States and its territories, conducts administrative review of changes in voting practices and procedures in certain jurisdictions, and monitors elections in various parts of the country.

Section 2 of the Act is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voter registration procedures that discriminate on the basis of race, color or membership in a language minority group. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory result. The Attorney General, as well as affected private citizens, may bring lawsuits under Section 2 to obtain court-ordered remedies for violations of Section 2.

Section 4 sets forth the criteria for determining whether a jurisdiction is covered under the special provisions of the Act, including the requirement for review of changes affecting voting under Section 5, whether it may be designated by the Attorney General for Federal observers, and the procedures for terminating such coverage. This section also contains some of the language minority provisions.

Section 5 freezes changes in election practices or procedures in certain states and jurisdictions until the new procedures have been determined, either after administrative review by the United States Attorney General, or after a lawsuit before the United States District Court for the District of Columbia, to have neither discriminatory purpose or effect. If the proposed change has not been shown to be free of the purpose and the effect the Attorney General may block implementation of the change by interposing an objection. The Attorney General has published detailed procedures which explain how to make Section 5 submissions. Notices of Section 5 submissions are regularly posted to the Internet.

Section 3 and Section 8 give the Federal courts and the Attorney General, respectively, authority to certify counties for the assignment of Federal observers. Federal observers are assigned to polling places so they can monitor election-day practices in response to concerns about discrimination in the voting process and to provide information about compliance with bilingual election procedures. Department staff may also be sent to monitor elections.

Sections 203, 4(f)(4) and 4(e) are the language minority provisions of the Act. These provisions require certain jurisdictions to provide bilingual written materials and other assistance to voters with limited English proficiency.

Section 208 of the Act provides for voters requiring assistance to vote by reason of blindness, disability, or inability to read or write to be given assistance by a person of the voter's choice, other than the voter's employer or agent of the employer or officer or agent of the voter's union.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986. It requires that the states and territories allow certain groups of citizens, including uniformed services members, their families, and overseas citizens, to register and vote absentee in elections for Federal offices. In addition, most states and territories have their own laws allowing citizens covered by the UOCAVA to register and vote absentee in state and local elections as well. In FY 2010, the Military and Overseas Voter Empowerment Act (MOVE Act) amended UOCAVA to establish new voter registration and absentee ballot procedures which states must follow in Federal elections.

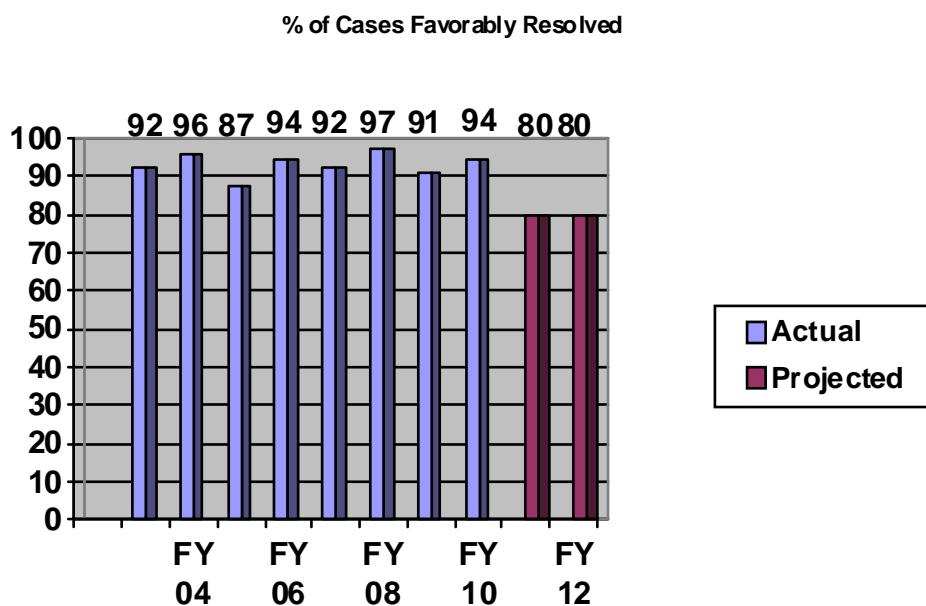
The National Voter Registration Act (NVRA) was enacted in 1993. NVRA facilitates voter registration for Federal elections by allowing voters to register by mail, when they obtain driver's licenses, or when they obtain services from various offices that provide public assistance or serve persons with disabilities. It also helps ensure that eligible voters are added to the voting rolls in a timely manner and are not removed from the voting rolls and that people who move in the same registrar's district retain their eligibility to vote even if they have not re-registered at their new location.

The Help America Vote Act (HAVA) was enacted in 2002. It is designed to improve the administration of elections in the United States by establishing minimum standards for states to follow in several key areas of election administration, including statewide registration databases, provisional balloting, voting system standards, voter information postings and voter identification for first time registrations by mail.

2. Performance and Resources Tables:

CRT's performance, resources and outcomes are illustrated in two programmatic areas (criminal and civil enforcement). CRT's Interactive Case Management (ICM) system provides the data source for all indicators and 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 Performance and Resource Table reflects activities for CRT's criminal and civil enforcement programs and displays performance, outcome, and efficiency measures associated with CRT's criminal enforcement responsibilities.



This measure was established for reporting Department-wide targets for its legal components. The FY 2010 level of success was a phenomenal 94 percent. This includes enforcement responsibilities associated with nine of the programmatic areas within CRT, both criminal and civil.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Civil Rights Division DOJ Strategic Goal/Objective: SG 2.6: Uphold the civil and Constitutional rights of all Americans.												
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)		
Workload: Investigations/Technical Assistance/Mediation/Prosecution		FY 2010		FY 2010		FY 2011 Continuing Resolution		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request		
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			784	\$145,449 [\$7,268]	717	\$145,442 [\$7,268]	784	\$145,449 [\$8,586]	61	\$16,504 [\$30]	845	\$161,755 [\$8,616]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request		
Program Activity	Criminal	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
		102	\$18,616	85	\$18,616	102	\$18,616	0	\$1,536	102	\$20,152	
Performance Measure	Number of criminal cases filed *	117		125		110		0		110		
OUTCOME	% of criminal cases favorably resolved *	80		89		80		0		80		

*These measures are targets in support of CRT's Performance Goal #6.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Civil Rights Division											
DOJ Strategic Goal/Objective: SG 2.6: Uphold the civil and Constitutional rights of all Americans.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
Workload: Investigations/Technical Assistance/Mediation/Prosecution		FY 2010		FY 2010		FY 2011 Continuing Resolution		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		784	\$145,449 [\$7,268]	717	\$145,442 [\$7,268]	784	\$145,449 [\$8,586]	61	\$16,504 [\$30]	845	\$161,755 [\$8,616]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011		Current Services Adjustments		FY 2012 Request	
Program Activity	Civil	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		664	\$126,833 [\$7,268]	632	\$126,826 [\$7,268]	664	\$126,833 [\$8,586]	50	\$11,079 [\$30]	714	\$141,603 [\$8,616]
Performance Measure	Number of successful mediations	160		246		225		(35)		190	
Performance Measure	Number of civil cases filed *	105		80		115		0		115	
Performance Measure	Number of complaints finalized by mediation**	216		302		232		0		200	
Efficiency Measure	Percentage of matters successfully resolved through mediation	75		81		75		0		75	
OUTCOME	% of civil cases favorably resolved	80		95		80		0		80	
OUTCOME	% of civil matter successfully resolved **	80		94		80		0		80	

*This is a new measure.

**These measures are targets in support of CRT's Performance Goals for the Department.

Data Definition, Validation, Verification, and Limitations:

All Workload and Performance Indicators: The data source for all indicators is the Civil Rights Division's Interactive Case Management (ICM) System.

PERFORMANCE MEASURE TABLE

Decision Unit: Civil Rights Division

Performance Report and Performance Plan Targets		FY2003	FY2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Type of Measure	Performance	Number of criminal cases filed **	63	96	84	90	93	111	112	117	125	132
Performance	Number of criminal defendants charged*	126	170	157	202	189	206	219	225	216		
Performance	Number of civil cases filed**	59	87	93	180	174	140	196	175	180	165	160
Performance	Number of civil matters successfully resolved *	430	332	405	408	353	353	435	425	482		
Performance	Number of complaints finalized by mediation* *	285	233	235	223	226	223	211	216	302	232	200
Performance	Number of matters received *	3,988	3,623	3,634	3,128	2,839	3,153	2,787	2,500	2,804		
Performance	Number of cases received *	212	258	399	404	284	272	313	300	309		
Performance	Number of matters opened/pending *	5,849	5,746	2,563	5,080	5,289	5,981	6,128	5,000	6,665		
Performance	Number of cases opened/pending *	1,155	1,153	1,206	1,269	1,218	1,198	1,184	1,300	1,287		
Performance	Number of matters closed/resolved *	4,193	3,675	4,076	3,259	2,576	2,420	2,556	2,500	2,261		
Performance	Number of cases closed/resolved *	336	260	348	341	336	292	328	340	208		
Efficiency	% of matters successfully resolved through mediation	73	74	78	82	75	80	75	75	81	75	75
OUTCOME	% of criminal cases favorably resolved **	95	86	95	93	95	97	88	80	89	80	80
OUTCOME	% of mediation complaints successfully resolved* *	13	73	78	82	84	80	79	75	81	75	75
OUTCOME	% of civil cases favorably resolved **	97	98	98	98	99	99	100	80	95	80	80
OUTCOME	% of civil matters successfully resolved **	88	89	93	87	95	93	95	80	94	80	80

* These measures will not be tracked after FY 2010.

** Department's Priority Goal measure

a. Criminal Enforcement (99 positions; \$20,152,000)

Career prosecutors in CRM continue to achieve remarkable prosecution results, keeping pace with the record-setting levels of productivity and effectiveness demonstrated in recent years. Each year, CRM receives more than 10,000 complaints alleging criminal interference with civil rights. In 2010, the Civil Rights Division's Criminal Section filed 125 cases, the most cases filed in the history of the Division, charging 216 defendants, amounting to the second highest number of defendants charged in the history of the Division.

The Civil Rights Division has opened over 70 investigations under the new Hate Crimes Prevention Act. In conjunction with the United States Attorney's Office in New Mexico, the Division recently indicted three men under the statute for a racially-motivated assault of a Native American man. The Section also filed a record number of human trafficking cases and official misconduct cases.

Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. Through August 20, 2010, 91 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, have been charged with using their positions to deprive individuals of their constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches.

Racial and religious violence incidents remain another priority area for prosecution. During 2010, 18 defendants were charged in connection with crimes such as cross burnings, arson, vandalism, shootings and assault. As part of CRM's hate crime enforcement responsibility, it has spearheaded DOJ's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims and South Asians. Federal charges have been brought in 35 cases against 48 defendants, yielding the convictions of 44 defendants.

b. Civil Enforcement (715 positions; \$141,603,000)

Appellate Section (APP)

From October 1, 2010, through January 28, 2011, APP has filed 25 briefs and substantive papers in the Supreme Court, the courts of appeals, and the district courts. The Supreme Court rendered one merits decision, which was in full accord with CRT's contentions. The courts of appeals rendered nine merits decisions, eight of which were in full or partial accord with CRT's contentions. The district court rendered one merits decision, which was in full or partial accord with CRT's contentions. Our recent successes include the following cases:

Supreme Court

January 24, the Supreme Court issued an 8-0 opinion (Justice Kagan was rescued) in favor of the petitioner in *Thompson v. North American Stainless*, No. 09-291. Thompson and his fiancée, Miriam Regalado, worked for respondent's stainless steel manufacturing plant. Regalado filed a charge with the EEOC alleging discrimination based on her sex. Shortly after the EEOC

informed respondent of the charge, respondent fired Thompson. Thompson alleges that respondent fired him solely because of his fiancée's protected activity, and that his firing violated Title VII's anti-retaliation provision. The en banc Sixth Circuit affirmed the dismissal of plaintiff's claim on the ground that Title VII does not permit a retaliation claim by an individual who did not himself engage in protected activity. The Acting Solicitor General filed a brief as *amicus curiae* in support of petitioner, as we urged him to do. In accord with the Acting Solicitor General's arguments, the Court held that (1) discharging an employee's fiancé is prohibited retaliation under Title VII and (2) Thompson had standing to sue under Title VII, which confers such standing upon any "aggrieved party," a term the Supreme Court interpreted to extend to anyone within Title VII's zone of protected interests.

Courts of Appeals

On January 18, 2011, the Fifth Circuit issued its decision in *Fisher v. University of Texas*, No. 09-

50822. This is an action by two unsuccessful white applicants for undergraduate admission to the University of Texas at Austin who allege that the University's use of race in undergraduate admissions violates the Equal Protection Clause and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d. The University fills most of its freshman class through the admission of students who graduate in the top ten percent of their high school class. The remaining applicants are evaluated and ranked in accordance with an Academic Index (based upon test scores and high school class rank) and a Personal Achievement Index. The Personal Achievement Index is based upon a holistic review of the applicant's entire file, including essays, extracurricular activities, socio-economic status, and other factors, including race. The district court upheld the University's use of race as necessary to obtain a critical mass of minority students, and the Fifth Circuit affirmed. The Division filed an amicus brief arguing that the University has a compelling interest in achieving a diverse student enrollment and that its limited use of race in freshman admissions is narrowly tailored to further that interest.

On January 7, 2011, an en banc panel of the Ninth Circuit issued a decision in *Chapman v. Pier 1 Imports (U.S.), Inc.*, No. 07-16326. A panel of the Ninth Circuit had previously held that in order to have standing under the ADA to challenge architectural barriers in a place of public accommodation, an individual with a disability must allege that he was deterred from attempting to gain access to the facility by the barriers he encountered in order to challenge barriers that he did not personally encounter. The court granted rehearing en banc. The Division argued as amicus that the fact that an individual with a disability has visited the place of public accommodation should not deny him standing to challenge barriers. The court agreed, holding that a Title III ADA plaintiff need not prove that he has been completely deterred from visiting a place of public accommodation due to an accessibility barrier, but rather only that the barrier interfered with the plaintiff's "full and equal enjoyment" of such a place. Principal Deputy Assistant Attorney General Samuel Bagenstos argued for the Division.

Disability Rights Section (DRS)

In the past 10 years, CRT has achieved results for people with disabilities in over 4,200 ADA actions including lawsuits, settlement agreements, and successful mediations. Examples of some of the most meritorious accomplishments are described below.

DOJ has signed 182 settlement agreements with 168 communities under its Project Civic Access (PCA) initiative, a wide-ranging effort to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA. These agreements 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.

In 2010, the Department continued its aggressive effort to enforce the Supreme Court's decision in *Olmstead v. Lois Curtis*, a ruling that requires States to eliminate unnecessary segregation of persons with disabilities and to move persons who can live in the community out of segregated facilities. The Olmstead decision has often been called the Brown v. Board of Education of the disability rights movement. Through July 31, 2010, the Department has filed complaints in Arkansas and Georgia, moved to intervene in a case in New York, filed amicus briefs in seven cases in Connecticut, North Carolina, New Jersey, Pennsylvania, California (2), and Virginia; and filed six statements of interest in North Carolina, Illinois (3), Florida, and California.

At the beginning of FY 2010, the Beth Israel Deaconess Medical Center (BIDMC) in Brookline, Massachusetts, entered into a settlement agreement with the Department to ensure access to medical facilities and services for individuals with disabilities. BIDMC, a research and teaching hospital affiliated with Harvard University, is one of the largest health care providers in the Northeast. Encompassing more than 30 buildings, it operates a 621-bed acute care facility, a level one trauma center with sub-specialty services, and three community health clinics in the greater Boston area. Its specialties include cardiology, dermatology, gastroenterology, neonatology, neurology, obstetrics and gynecology, oncology, orthopedics, psychiatry, pulmonary and thoracic disease, radiology, organ transplant, and surgery. Under the agreement, each of BIDMC's clinical services will make 10 percent of their patient rooms (including toilet facilities) accessible; will remove other architectural barriers; will purchase accessible medical equipment, including examination tables, radiologic and diagnostic equipment, patient beds, and lifts; and will review hospital policies and train staff to address the needs of individuals with disabilities.

On January 13, 2010, Case Western Reserve University in Cleveland, Ohio, Pace University in New York, New York, and Reed College in Portland, Oregon, entered into agreements with the Justice Department concerning the use of electronic book readers in classroom settings. The universities are participating in a pilot project in cooperation with Amazon.com, Inc., to test the viability of using the Kindle DX—a handheld electronic device for reading books—in a classroom setting. Under the terms of their agreements, which will become effective at the end of the pilot project, the universities agreed generally not to purchase, recommend, or promote use of the Kindle DX, or any other dedicated electronic book reader, unless the devices are fully accessible for students who are blind or have low vision. The Kindle DX currently has a text-to-

speech function that makes a book's contents accessible to blind individuals, but does not have a text-to-speech function for the menu and navigation controls, leaving students who are blind with no way to know which book they have selected or how to access the Kindle DX Web browser or other functions. These agreements follow a January 11, 2010, agreement between Arizona State University, the Department, the National Federation of the Blind, and the American Council of the Blind regarding electronic book readers.

On January 19, 2010, the Department entered into a consent decree with Wales West LLC, owner and operator of Wales West RV Resort and Train and Garden Lovers Family Park in Silverhill, AL. The Department's complaint, filed in the U.S. District Court for the District of Alabama on January 16, 2009, alleged that Wales West LLC violated Title III of the ADA when it unlawfully denied full and equal services to a child and his family because the child has HIV. Specifically, the complaint alleged that Wales West LLC, upon learning that a guest family's two-year-old child has HIV, banned the family from using the common areas of the RV resort, such as the swimming pool and showers. The child's parents had planned a month-long stay at the family-themed RV resort while the father commuted to nearby Mobile, Ala., for ongoing cancer treatment. After Wales West LLC denied them full use of the facilities, the family left early the next morning. Under the terms of the consent decree, Wales West LLC will establish policies, procedures and training practices to ensure that patrons and their families are not discriminated against on the basis of disability. Wales West LLC will pay a \$10,000 civil penalty to the United States and \$36,000 in damages to the affected family.

On March 30, 2010, the Department entered into a consent decree resolving a lawsuit filed against the City of Jackson and the Jackson Public Transportation System (JATRAN) on behalf of individuals with disabilities. The Department intervened in this class action lawsuit in 2009 alleging that the City violated title II of the ADA and section 504 of the Rehabilitation Act by failing to provide a level of public transportation services to individuals with disabilities that is comparable to the services provided to other individuals. The comprehensive agreement affects both JATRAN's fixed route bus service and its complementary paratransit service called Handilift. It requires the City to implement procedures for removing buses with inoperative lifts from service; provide alternative transportation whenever an inaccessible bus lift significantly delays transportation for a rider with a disability; ensure that no riders are stranded without transportation to their destination before shutting down operations for the day; design, fund, implement and operate Handilift service to satisfy all requests for next-day service; meet agreed upon performance standards for Handilift service; designate an ADA Coordinator in the City Department of Planning and Development; train all vehicle operators and mechanics on the ADA and the proper use and maintenance of lifts; train office staff, including managers, reservationists and dispatchers, on the ADA and the new procedures required by the consent decree; implement a rider complaint process; conduct public outreach about the availability of accessible transportation, including updating user manuals and JATRAN websites; obtain approval from the United States before implementing certain changes or revisions to services or policies; record and report data on compliance activities; fund an independent monitor to assess the city's compliance; and provide free vouchers to any individual riders adversely affected by any failure to provide required services.

On June 28, 2010, the Town of Gretna, Virginia, entered into a settlement agreement with the Department resolving a complaint from a woman who wanted to sign up with a local non-profit agency to provide foster care in her home for two adults with intellectual disabilities. She applied for a Special Use Permit that the town told her she needed, but it was denied after a hearing at which townspeople expressed unfounded concerns about the people she would be caring for. Under the Agreement, the town will adopt nondiscrimination practices with respect to land use decisions and will provide ADA training for town officials. The town also agreed to pay the complainant \$60,000 in compensatory damages.

On July 19, 2010, Blockbuster, Inc., entered into a settlement agreement with the Department resolving a lawsuit filed by an individual with a disability who experienced multiple denials of access at different Blockbuster stores when she attempted to shop while accompanied by a service animal, even after contacting Blockbuster, Inc., and receiving assurances that she would be allowed to shop at Blockbuster stores with her service animal. The agreement requires Blockbuster to adopt and implement a comprehensive service animal policy, provide training to employees at more than 3,000 retail stores throughout the United States about the policy, post its service animal policy and a "Service Animals Welcome" sign in each of its stores, and establish a toll-free number and a grievance procedure for resolving ADA complaints from customers. Blockbuster will also pay \$12,000 in compensatory damages to the complainant and a \$10,000 civil penalty to the United States.

On July 19, 2010, the Department entered into a consent decree with QuikTrip Corporation, a company that owns and operates more than 550 gas stations, convenience stores, travel centers, and truck stops in the Midwest, South, and Southwestern United States. Under the terms of the decree, QuikTrip will modify its current stores over a three year period to achieve compliance with ADA accessibility requirements; design and construct future stores to comply with ADA accessibility requirements; ensure that at least two fueling positions at current stores and all fueling positions at future stores are accessible to individuals with disabilities, including the fuel dispenser controls, self-service payment mechanisms, call buttons, and amenities; adopt, implement, and train store employees on policies for providing fueling and other types of assistance for people with disabilities, serving people who use service animals, and maintaining accessible features, such as accessible parking and routes; upgrade and maintain remote notification systems for customers with disabilities who need assistance; implement and maintain an ADA comment line and complaint resolution process to resolve ADA-related complaints received from customers; and make its website accessible. In addition, QuikTrip will create a \$1.5 million compensatory damages fund for individuals who were victims of discrimination, and will advertise the availability of the claims fund on the QuikTrip.com website and in major newspapers in areas where QuikTrip does business. QuikTrip will also pay a civil penalty in the amount of \$55,000.

DRS has built an impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2010, the mediation program referred 380 matters, completed 246 of these matters and successfully resolved 81 percent of these cases. This was a record year for both the number of matters referred and completed.

In addition, 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.

In FY 2011 and FY 2012, CRT will continue its innovative and multi-faceted approach toward achieving compliance with the ADA. Activities will include:

- Adopting and publishing revised title II and title III regulations and ADA Standards for Accessible Design;
- Drafting new technical assistance materials explaining the Department's revised regulations and Standards for Accessible Design and revising more than 40 existing technical assistance documents to ensure consistency with the new regulation;
- Developing training protocols for a variety of audiences on the substantive requirements of the newly adopted title II and III regulations and the Standards for Accessible Design;
- Continuing its successful PCA initiative, including training local communities to conduct their own accessibility surveys, 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;
- Offering more complainants and respondents the opportunity to resolve complaints by participating in mediation;
- Broadening its testing program to assess ADA compliance by businesses providing transportation, as well as other types of goods and services.

Education Opportunities Section (EOS)

EOS addresses discrimination and harassment in public school districts and universities. In the desegregation context, EOS monitors approximately 200 active school desegregation cases to which it is a party. In FY 2010, EOS negotiated seven court-ordered consent decrees, six out-of-court settlements, and obtained litigated relief in six cases. 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 was eliminated. EOS worked with school districts to achieve unitary status, and as a result, eight of the long-standing desegregation lawsuits were dismissed. In addition, in the context of racial discrimination, EOS has opened 16 investigations, thus far.

In FY 2010, to ensure equal educational opportunities for English Language Learners (ELL) and as part of a nationwide effort, EOS initiated 12 new investigations and is actively pursuing

ongoing investigations in school districts in Alabama, Arizona, California, Colorado, Connecticut, Illinois, Massachusetts, Ohio, Oklahoma, New York, and Virginia. These districts have significant or new ELL populations, and both district-and state-level investigations have involved substantial Native American populations. The purpose of the investigations is to ensure that ELL students are receiving appropriate language acquisition services to enable them to overcome language barriers that impede equal participation in the school districts educational programs. In one ELL matter, EOS negotiated an out-of-court settlement agreement addressing, among other things, the registering and identification of ELLs; ensuring timely services for ELLs; ensuring adequate and appropriate ELL services; providing translation services for parents and guardians; providing training for ELL teachers; providing appropriate materials for ELL classes; ensuring that special education students were not denied appropriate ELL services; and monitoring current and exited ELLs.

In FY 2010, EOS opened six investigations based on sex discrimination, filed two *amicus* briefs, and obtained one litigated relief. EOS entered into one out of court settlement agreement as well as one consent decree. For example, a motion was filed to intervene in a case addressing discrimination based on not conforming to gender stereotypes. This case resulted in a settlement agreement, including teacher training and the implementation of anti-discrimination and harassment policies. In another, CRT entered into a comprehensive consent decree addressing sexual harassment of students with disabilities on special needs school buses.

In FY 2011 and FY 2012, EOS will continue to vigorously enforce Title IV, through both continued enforcement of its desegregation matters and through new investigations. EOS plans to initiate, through outreach, additional Title IV investigations in the areas of race, national origin, and sex. Particularly, EOS plans to further examine student discipline as it affects minorities and issues facing Native Americans. EOS plans to initiate new EEOA investigations at both the district and State level and to secure broad-impact relief at the state level where possible.

Additionally, EOS plans to continue through *amicus* and intervention to ensure that the appropriate legal standards are applied for laws enforced by the Section, as well as laws enforced by the Section through referrals, including Title VI, Title IX, the ADA, and 504 of the Rehabilitation Act.

Employment Litigation Section (ELS)

In FY 2010, ELS filed one suit alleging discrimination against an individual pursuant to Section 706 of Title VII and one suit alleging a pattern or practice of discrimination against a group of individuals pursuant to Section 707 of Title VII. In addition, ELS filed five USERRA suits; obtained 29 consent decrees, judgments and out-of-court settlements; and initiated 85 investigations (36 under § 706; 6 under § 707); and 43 investigations on 117 complaints referred to DOJ by DOL under USERRA. ELS also monitors consent decree compliance in numerous Title VII, § 707 suits. Since October 1, 2010, ELS filed two Section 706 suits and four USERRA suits; obtained one consent decree, 2 settlement agreements, and four out-of-court settlements; and initiated 35 investigations (8 under § 706; 13 under § 707); and 14 investigations on 45 complaints referred to DOJ by DOL under USERRA. In addition, we have

filed two motions to participate as *amicus curiae*, litigating one defensive case, and actively monitoring two challenges to state disadvantaged business enterprise programs.

On January 7, 2010, ELS filed *United States v. State of New Jersey* alleging that the State is engaged in a pattern or practice of discrimination against African Americans and Hispanics, in violation of Title VII, through its use of a written examination to screen and select candidates for promotion to police sergeant in local jurisdictions that participate in the State's civil service system. The complaint alleges that the written examination results in disparate impact upon African Americans and Hispanics, is not job related and consistent with business necessity, and thus, violates Title VII. ELS is actively litigating this complex pattern or practice case, which is not scheduled for trial until 2012.

On January 21, 2010, in *United States v. City of New York, New York* (a combined §§ 706/707 suit challenging the city's use of two written examinations for entry-level firefighters as having an unlawful disparate impact upon African Americans and Hispanics), the Court entered an order that: (1) adopted the class-wide approach to back pay and priority hiring relief requested by the United States; (2) held that the Court will order that the City make 293 priority hires of African-American and Hispanic victims and will award retroactive benefits and competitive seniority to priority hires, as well as to African-American and Hispanic firefighters who were hired later than they would have been absent the practices that resulted in an unlawful disparate impact; (3) ordered the City to develop, jointly with the United States, a new, lawful selection procedure for entry-level firefighters; and (4) denied the Plaintiffs-Intervenors' request that the Court order that 30% of the hires made by the City from the current (Exam 6019) entry-level firefighter eligible list (which is based on an examination not challenged in this case) and from the two eligible lists following the development of a new, lawful selection procedure, go to African-American applicants and another 30% of such hires go to Hispanic applicants. On July 21 and 22, 2010, the Court held an evidentiary hearing on the job-relatedness and business necessity of the City's proposed interim use of its current examination, and on August 4, 2010, the Court issued a Memorandum Opinion, holding that the City's use of the current exam as a pass/fail and rank-ordering device is unlawful under Title VII. On September 17, 2010, the United States filed a motion for summary judgment regarding the amount of monetary relief due to the victims of the City's discriminatory practices, in which we seek an award of over \$63 million in back pay. The motion is fully briefed and we are awaiting the Court's decision. The remedial phase of this case will be lengthy and complex. Once the court determines the appropriate amount of monetary relief, the United States will administer a claims process through which the Court ultimately will distribute monetary and priority hiring relief to more than 2,000 victims of the City's discriminatory employment practices. This process might involve individual relief hearings for hundreds or thousands of claimants seeking priority hiring relief. The United States also will jointly develop a new, lawful selection process with the City, a long-term project that requires devotion of substantial expert resources.

On September 28, 2009, ELS filed *United States v. Commonwealth of Massachusetts and Massachusetts Department of Correction* (MDOC), alleging that Defendants are engaged in a pattern or practice of employment discrimination against women, in violation of Title VII. Specifically, the Commonwealth and the MDOC are using an unlawful physical abilities test (PAT) that disproportionately screens out female applicants for entry-level correctional officer

jobs, resulting in a significant disparate impact against female applicants. For example, in 2007 and 2008, female applicants for entry-level correctional officer jobs passed the PAT at a rate of approximately 58.8 percent, while the corresponding pass rate for male applicants was approximately 96.3 percent. Additionally, there is no evidence that the Commonwealth and the MDOC's use of the PAT is job related and consistent with business necessity. We are seeking a court order that Defendants stop using the challenged PAT, adopt and use a physical fitness test for correctional officer applicants that complies with Title VII, and provide remedial relief (including, as appropriate, job offers, retroactive seniority and back pay) for those female applicants who were harmed by the use of the unlawful PAT. ELS is actively litigating this complex pattern or practice case, which is scheduled for trial in February 2011.

In addition to our affirmative Title VII and USERRA docket, ELS is responsible for defending the constitutionality of disadvantaged business contracting programs (DBE programs) administered by Federal agencies. On November 22, 2010, ELS filed a motion to dismiss the complaint in the most recent of these cases; *Midwest Fence v. Department of Transportation*. *Midwest Fence* challenges the constitutionality of the United States Department of Transportation's DBE program for highway and transportation construction projects and Illinois Department of Transportation's implementation of this program. Because this is defensive litigation, we cannot anticipate with certainty how many of these cases we will have in the coming fiscal year. However, during FY 2009 and FY2010, ELS litigated a total of four defensive cases which required a substantial amount of additional resources.

Moreover, on October 29, 2010, and November 22, 2010, ELS filed two motions to participate as *amicus curiae* in *Montalvo v. Municipality of Guaynabo, et al.*,--F. Supp. 2d --, 2010 WL 4109414 (D.P.R. Oct. 19, 2010), arguing that a Title VII sexual harassment complaint should not be tested for sufficiency by considering whether it contains allegations sufficient to overcome a putative affirmative defense, nor should the merits of that defense be adjudicated at the motion to dismiss stage.

In FY 2010, ELS received a total of 117 USERRA referrals from the Department of Labor. ELS established a USERRA "fast track" program to attempt to administratively resolve suitable USERRA referrals (e.g., ones involving relatively small monetary demands, ones which were close to settlement, ones in which settlement had not been seriously attempted by DOL, etc.). Since the institution of the fast track program, the Department has obtained 25 out-of-court settlements. The USERRA fast track program has promoted the expeditious resolution of service members' complaints.

During FYs 2011 and 2012, ELS will increase the overall level of its Title VII and USERRA enforcement activity. ELS will increase, in particular, the number of its § 707 investigations and suits and enhance its *amicus curiae* practice. Further, ELS will establish and maintain a productive working relationship with the EEOC to increase the quality of the EEOC's investigation of the charges the EEOC refers to us pursuant to § 706. Lastly, ELS will increase its outreach efforts to Title VII stakeholder organizations.

Federal Coordination and Compliance Section (FCS)

With the Attorney General's approval of CRT's reorganization on April 22, 2010, the Coordination and Review Section (COR) was renamed the Federal Coordination and Compliance Section (FCS). The Section's responsibilities remain the same.

FCS continued its robust coordination and oversight responsibilities under Executive Order 12250. The Section developed a memorandum for the Attorney General's signature, advising Federal agencies to fulfill their obligations to enforce nondiscrimination requirements in Recovery Act-funded programs. The memo also encourages greater communication between DOJ and the Federal funding agencies, and offers technical assistance. It is currently with OMB for approval. The Assistant Attorney General met with senior officials of many of the 30 federally assisted agencies. FCS developed a memorandum from the Assistant Attorney General to all Federal agency civil rights heads regarding EO 12250 and Title VI, and provided extensive technical assistance materials to assist them in improving their civil rights programs. FCS has been assisting the EPA as it works to address its backlog of Title VI complaints, a problem that a Federal circuit court addressed in a critical decision last year. FCS also is working with the DHS as it develops an office specifically focused on external civil rights compliance. In addition, FCS assisted HHS in addressing a complaint involving the closure of a hospital serving an African American community.

With respect to Title IX, FCS continued to work with several agencies, including the Department of Energy, NASA, and the National Science Foundation, on conducting compliance reviews focused on ensuring nondiscrimination in college science, technology, engineering, and math departments. FCS also provided an intensive two-day training program on Title VI and LEP law and investigation procedures to staff from seven Federal agencies. The Section is expected to continue to provide similar guidance, training, and oversight through FY 2012.

DOJ is a major provider of Federal Financial Assistance. Under agreements reached with certain DOJ funding components, FCS conducts administrative investigations of selected complaints of discrimination by, and compliance reviews of, their recipients. DOJ recipients include state and local law enforcement agencies, courts, corrections systems, juvenile justice systems, and a variety of non-governmental entities. As part of this responsibility, during FY 2010, FCS developed and issued a letter from the Assistant Attorney General to all state courts regarding their obligation to provide meaningful access to court services for LEP individuals. This letter has received a favorable response from around the country and it has generated requests from various state courts for training and guidance that FCS will be providing during FY 2011 and 2012. FCS also entered into a formal agreement with a major sheriff's office that serves as a model for use by other law enforcement agencies nationwide (as well as for other Federal agencies with jurisdiction over them) for achieving compliance with their Title VI and LEP obligations. FCS will also use this model to bring other law enforcement agencies into compliance when it conducts a complaint investigation or compliance review. Further, FCS is involved in two major investigations of discrimination in Sheriffs' Departments, is in negotiations with two large Departments of Corrections, and has conducted numerous telephonic interventions or targeted technical assistance efforts that have resulted in recipients coming into compliance without the need for an investigation.

FCS took significant steps in FY 2010 to implement the requirement under Executive Order 13166 that all Federal funding agencies develop guidance documents for their recipients on how to provide access for LEP persons. During FY 2010, FCS developed a memorandum issued by the Attorney General to all DOJ components advising them of their obligations to ensure meaningful access to their federally conducted activities for members of LEP communities. The memo authorized the creation of a new Department-wide Working Group to ensure that the components develop and implement Language Access Plans (LAPs). The Assistant Attorney General will co-chair this committee and the Section will be responsible for providing the Working Group with substantive support, including reviewing the plans and providing the components with technical assistance, training, and guidance. This will require significant resources from the Section, which will continue through FYs 2011 and 2012. FCS also developed a memorandum for the Attorney General's signature that reminds Federal departments and agencies of their on-going obligation to provide LEP individuals with meaningful access to their federally conducted activities. The memo asks them to update existing LAPs or prepare such plans if none currently exist and provide the plans to FCS for review; the memo is awaiting OMB approval. Once issued, FCS will have the major responsibility through FYs 2011 and 2012 for reviewing the LAPs for, and providing technical assistance to, the 85+ agencies concerning their language access obligations.

FCS also has an active LEP outreach program through which it maintains regular contact with affected communities concerning LEP issues. As part of this important effort, FCS staff provide LEP training for community groups, as well as to various recipient organizations and other Federal agencies. The Federal Interagency Working Group on LEP, which functions under FCS leadership, has active members from more than 35 Federal agencies. FCS maintains the LEP.gov website, which contains extensive information about LEP issues and assists Federal agencies, recipients, and the community in the quest for meaningful language access.

During FY 2010, the growth in FCS's workload included: increases in incoming complaints and correspondence; requests for legal opinions; technical assistance and training from Federal agencies; and requests/assignments to address numerous legally challenging issues. CRT expects this trend to continue through FY 2011 and 2012, especially as other Federal agencies work to improve their own civil rights programs under FCS's guidance. FCS's reinvigoration efforts during FY 2011 and 2012 will be tailored to increase its effectiveness by: (1) targeting substantive areas and agencies where FCS can be most effective through providing technical assistance, training, policy guidance, and oversight; and (2) engaging in activities that will benefit multiple agencies at the same time. FCS's language access initiative will focus on: (1) improving DOJ's compliance with the language access requirements of EO 13166; (2) bringing the nation's court systems into compliance with Title VI language access requirements; and (3) improving language access in other Federal agencies and recipients of Federal Financial Assistance (FFA). FCS will also pursue recipient compliance with Title VI and the Safe Streets Act in matters of race, color, and national origin through targeted enforcement and technical assistance efforts. FCS maintains its comprehensive website and www.LEP.gov. 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. Through September 30, 2010, hits on LEP.gov averaged approximately 14,000 per week and on FCS's website, 38,000 per week.

Housing and Civil Enforcement Section (HCE)

Under the Obama Administration, HCE is re-invigorating enforcement in key areas such as fair lending, exclusionary zoning, sales discrimination and the obligation of local governments receiving HUD funds to affirmatively further fair housing. Utilizing the additional resources provided in the FY 2010 budget, the Section is undertaking investigations in these areas that will produce enforcement actions for FYs 2011 and 2012. Already in FY 2010, the Housing Section has resolved two Fair Housing Act rental discrimination cases and a fair lending case brought under both the Fair Housing Act (FHA) and Equal Credit Opportunity Act (ECOA) with multi-million dollar settlements. The two rental discrimination cases represent the largest settlements ever obtained by the Department in this type of fair housing case.

- In *United States v. Sterling*, \$2.725 million in total monetary relief was obtained, resolving allegations of race, national origin and familial status discrimination;
- In *United States v. Sturdevant*, HCE obtained a consent order for total monetary relief of \$2.13 million. This case involved claims of racial harassment and intimidation of African-Americans by the building manager of an apartment building for elderly or disabled tenants and retaliation against a former employee.

Recent highlights of the HCE's litigation work include: obtaining a jury verdict of liability against all defendants and \$115,000 in damages for female tenants in *United States v. Peterson*, a case alleging pattern or practice sexual harassment; filing and litigating an accessibility case against the developer of more than 200 multi-family housing complexes nationwide; filing an amicus brief in a case that subsequently settled with the lifting of a housing moratorium the locality allegedly enacted based on concerns that Hispanic families with children would move to the town; and obtaining a total of \$280,000 in damages for a national fair housing umbrella organization in two home sales steering cases against real estate agencies. Other recent significant settlements include:

- *United States v. Morgan*, where HCE obtained \$680,000 in total monetary relief resolving allegations of race and sex discrimination.
- *United States v. Murphy Development*, where HCE obtained a consent order that required retrofitting over 800 covered units in 21 apartment complexes and the payment of \$425,000 in monetary relief.

Under the Fair Lending and Equal Credit Opportunity Act, CRT has a strong focus on emerging fair lending issues, including discrimination related to foreclosures and loan modifications, and actively participates in collaborative efforts to address the abuses of the mortgage crisis, including the Attorney General's Financial Fraud Enforcement Task Force, where Assistant Attorney General Tom Perez co-chairs the Non-Discrimination Working Group. CRT has utilized new resources in the FY 2010 budget to create a Fair Lending Unit in HCE and a Special Counsel for Fair Lending in the Office of the Assistant Attorney General. During FY 2010, HCE obtained three major settlements in ECOA cases:

- In *United States v. AIG Federal Savings Bank*, HCE obtained a settlement with two subsidiaries of American International Group Inc. The complaint alleged that the defendant lenders violated the FHA and ECOA because their failure to supervise or monitor brokers in setting broker fees for home mortgage loans had a disparate impact on African American borrowers. The settlement provides up to \$6.1 million in damages for the alleged victims of discrimination and at least \$1 million in funding for consumer financial education. This settlement contains the most monetary relief for victims of any fair lending case ever brought by the Department.
- In *United States v. First United Security Bank*, HCE resolved claims of discriminatory home mortgage pricing and redlining in violation of the FHA and ECOA. Under the settlement, the Bank will open a new branch; invest \$500,000 in a special financing program; spend more than \$110,000 for outreach, marketing and services and consumer financial education for borrowers in majority African American areas of west central Alabama; and pay \$50,000 into a settlement fund for victims.
- In *United States v. Nara Bank*, HCE obtained a partial consent decree to resolve claims that Nara Bank violated ECOA by charging non Asian customers, many of whom are Hispanic, higher "overages" or "dealer mark ups" than similarly situated Asian customers. Under the settlement, the Bank must pay \$410,000 to compensate several hundred non-Asian borrowers

Title II of the Civil Rights Act of 1964 (public accommodations):

- In July 2010, the court entered a consent decree in *United States v. Pasco County Fair Assn* to resolve claims of discrimination against Hispanic patrons in the rental of a reception hall on fairgrounds in Dade City, Florida.
- In August 2010, the court entered a consent decree in *United States v. Lucky Joy Restaurant, Inc.* to resolve claims that a restaurant engaged in a pattern or practice of religious discrimination by wrongfully ejecting Falun Gong practitioners from the premises.

The Section has ten RLUIPA investigations currently ongoing and one RLUIPA case in litigation. These matters and cases involve a wide range of religious denominations and factual situations, including the building and expansion of Jewish, Muslim, Buddhist and Christian places of worship and schools.

In June 2010, the court entered a consent decree in *United States v. Village of Suffern* where the United States had alleged that the Village's denial of a variance imposed a substantial burden on the religious exercise of Orthodox Jews without furthering a compelling governmental interest through the least restrictive means.

The Section is conducting a variety of Servicemembers Civil Relief Act (SCRA) investigations, including investigations involving major national mortgage lenders and loan servicers allegedly foreclosing without court orders on active duty service-members. In addition, the Section has won two major issues of first impression in a case involving service members' vehicles being sold without court sanction or notice orders. In *United States v. B. C. Enterprises*, the court held

that strict liability applies and service-members need not notify towing companies of their active duty status in order to benefit from the SCRA's protections and that the United States could obtain damages for service-members in SCRA cases. An interlocutory appeal is pending.

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

In FY 2010, OSC received 266 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 the period, OSC opened 123 investigations, issued letters of resolution or entered into settlement agreements in 52 charges, and recovered approximately \$167,800 in back pay for victims and \$25,900 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 also conducts an extensive, nationwide public education campaign to teach workers, employers and concerned organizations about the anti-discrimination provision of the Immigration and Nationality Act (INA). An essential component of OSC's outreach includes its grant program. Through July 31, 2010, OSC awarded grants to 12 organizations to educate workers and employers in areas with sizable and/or emerging immigrant populations about their rights and responsibilities under the INA. In FY 2010 thus far, OSC participated in 386 public outreach sessions, directly and through its grantees; handled approximately 5,955 calls through its employer and worker hotlines during FY 2010; and distributed 51,134 pieces of written educational materials to the public.

In FY 2011 and FY 2012, 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. In previous studies, GAO has linked employer sanctions with increased employment discrimination, primarily against Hispanics and Asians. Thus, heightened enforcement of employer sanctions is likely to lead to an increase in discrimination charges and hotline calls received by OSC.

This phenomenon is expected to be magnified by greater (and sometimes 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. E-Verify allows an employer to confirm the employment eligibility of new hires online by comparing information from an employee's employment eligibility verification Form I-9 against Social Security Administration and DHS databases. Already, on average, 1,400 employers sign up for E-Verify each week, totaling more than 200,000 employers representing more than half a million locations nationwide. DHS-commissioned studies have concluded that use of E-Verify results in increased discrimination against workers who look or sound foreign. It also found that employers took prohibited adverse actions against employees receiving tentative non-confirmations, including restricting work assignments, delaying training, reducing pay, requiring longer hours in poorer

conditions, and otherwise assuming that these workers were unauthorized. The rapid expansion of E-Verify use over the past two years has exacerbated this problem.

Currently, OSC struggles to respond to E-Verify-related requests for assistance from workers and employers calling OSC's toll-free hotlines. In FY 2010, E-Verify related hotline calls comprised 15 percent of OSC's total hotline calls. This demand will continue to increase due to an amendment to the Federal Acquisition Regulation (FAR), requiring E-Verify use by Federal contractors. Since the FAR regulation went into effect in September 2009, nearly 15,000 employers have already enrolled. The hotline increase is also likely to be compounded by the rise in the number of states now requiring—either explicitly or implicitly—that certain employers within those states participate in E-Verify. OSC's experience has been that following passage of state legislation mandating that employers use E-Verify, OSC's E-Verify-related hotline calls noticeably increase. As more states pass mandatory E-Verify legislation, OSC expects a sizable increase in its hotline calls, charges and overall workload.

In 2009, Department of Homeland Security (DHS) rescinded a rule providing guidance for employers on how to address Social Security Administration (SSA) “no-match” letters (notices of discrepancies between employee information and the SSA database). OSC has seen a recent increase in hotline calls and charges from employers taking adverse action against employees for whom it receives notice of a name and Social Security number mismatch. These notices are generated by a variety of governmental and private entities and will also likely increase OSC's workload and calls received by its hotline as receipt of these letters to employers continues, and employers take discriminatory action against employees who receive such letters.

Special Litigation Section (SPL)

The Special Litigation Section has responsibility for four main areas: (1) the Americans with Disabilities Act (ADA) and the Civil Rights of Institutionalized Persons Act (CRIPA); (2) Police misconduct and discriminatory policing; (3) Freedom of Clinic Entrances Act (FACE); and (4) the Religious Land Use of Institutionalized Persons Act (RLUIPA).

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

In FY 2010, SPL vigorously enforced the ADA right to community integration by initiating investigations, issuing violation findings, filing lawsuits and motions for preliminary injunctions under the ADA and CRIPA, entering settlements, and monitoring implementation of ongoing settlements with community integration requirements. These actions promote the ADA community integration rights of the more than 15,000 persons with disabilities currently institutionalized in 50 facilities throughout the country that are covered by SPL activities and thousands of additional individuals with disabilities at risk of institutionalization, as well as those

who now live in the community as a result of SPL's involvement. In FY 2010, regarding the ADA, SPL opened four investigations involving 10 facilities, issued four findings letters involving eight facilities, filed five complaints involving 27 facilities, entered three settlement agreements involving 15 facilities, filed two preliminary injunctions involving eight facilities and one temporary restraining order involving one facility, filed one statement of interest and one amicus brief, and monitored settlements involving 30 facilities in ten states and two settlements involving community-based systems of care in the District of Columbia and the Commonwealth of Puerto Rico.

In FY 2010, SPL opened 11 new CRIPA investigations, and obtained 18 settlement agreements involving 51 facilities. SPL has also issued 18 findings letters involving 55 facilities. SPL conducted 256 investigative and compliance tours. In addition, SPL has filed 12 complaints pursuant to CRIPA to address conditions at four jails, nine facilities for persons with mental illness, three nursing homes, four juvenile justice facilities, and 14 facilities for persons with developmental disabilities. (These figures include SPL's ADA work, noted above, except for two complaints that were filed exclusively under the ADA.) SPL also continued its investigations of 85 facilities, and monitored the implementation of consent decrees, settlement agreements, memoranda of understanding and court orders involving 86 facilities. SPL also closed nine investigations of 11 facilities and eight CRIPA cases involving 38 facilities.

Regarding its work in police misconduct and discriminatory policing, SPL continues to pursue all allegations of unlawful practices it receives to determine if a pattern or practice investigation is warranted. In FY 2010, CRT opened nine new police misconduct investigations and obtained a comprehensive consent decree with the Virgin Islands Police Department that will address unlawful practices uncovered during CRT's investigation of that agency.

During FY 2010, CRT focused its resources on vigorously monitoring the enforcement of its existing settlement agreements to ensure timely compliance with the terms of those agreements.

SPL anticipates that, in FY 2011, it will continue 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.

The Division's enforcement of these statutes requires litigative consultants to assist in the process of identifying deficient conditions and practices and in devising appropriate remedies. The use of these "experts" enhances the Division's ability to settle more cases, to litigate cases effectively when such action is necessary, and to rectify the deficiencies identified expeditiously. Litigative consultant's duties entail performing on-site inspection of conditions and practices, document and policy review, and preparation of expert reports. Expert opinion is essential to SPL's enforcement activities, particularly in determining whether individuals are served in the most integrated setting and whether conditions or practices violate Federal law.

In FY 2010, SPL received additional funding to enable the Division to fulfill the law enforcement mandates described above. The resources have been used to fund a combination of consultants in the areas of community placement, protection from harm, general medical (including mental health) care, fire safety, police operations, special education, and correctional

operations, among other areas. Most of these cases involve issues of fundamental life safety, and basic remedial relief is being sought.

SPL anticipates that, in FY 2011, SPL's enforcement efforts under RLUIPA will continue to expand. In 2010, the Section opened three RLUIPA investigations, launched nine preliminary inquiries to determine if investigations are merited, and entered into one settlement agreement. Since the start of FY 2011, SPL has opened five additional preliminary inquiries and filed a statement of interest to protect the rights of institutionalized persons in statewide class action litigation. The Section has focused its efforts on issues of that will shape the development of the law applicable in these cases and on matters in which the relief obtained will benefit a large group of similarly-situated individuals.

In FY 2011, SPL will also continue to expand its efforts under the Freedom of Access to Clinic Entrances Act of 1994. The Section has focused investigative efforts on addressing allegations regarding significant physical obstruction at reproductive health facilities involving multiple and national defendants, as well as serious threats of force where injunctive relief would be an appropriate remedy. Currently for FY 2011, the Section has launched 26 preliminary inquiries, 14 of which turned into active investigations, and filed two complaints.

This Division's work in these areas has a national impact. The findings of conditions and practices, the associated 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.

Voting Section (VOT)

Leading up to and throughout FY 2012, VOT will continue to place major emphasis on affirmative litigation, defending non-discretionary litigation, administrative reviews of voting changes, and monitoring of elections all throughout the country.

In FY 2010, under the National Voter Registration Act of 1993 (NVRA), VOT successfully obtained an order granting summary judgment against the State of New York for its failure to offer voter registration opportunities at offices serving students with disabilities at the State's public universities and colleges. VOT is undertaking a comprehensive nationwide review of compliance with the requirements of the NVRA, which require that driver license, public assistance and disability service offices provide registration opportunities and that require states to conduct list maintenance according to specific rules. Significant resources will be dedicated to undertake these complex statewide investigations.

In FY 2010, under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), VOT was successful in its enforcement action against the Commonwealth of Virginia for its failure to ensure absentee ballots were timely provided to eligible uniformed service members and overseas citizens. Also, in FY 2010 Congress enacted major new amendments to UOCAVA in the Military and Overseas Voter Empowerment Act. During the most recent election cycle, VOT worked aggressively and successfully to enforce UOCAVA, as amended by the Military and Overseas Voter Empowerment (MOVE) Act of 2009. VOT's enforcement actions under the

MOVE Act, consisting of court orders, court-approved consent decrees, or out-of-court letter or memorandum agreements in 14 jurisdictions, ensured that Americans serving in our armed forces and citizens living overseas received their absentee ballots in time to have the opportunity to vote and to have their votes counted. It will be a major priority for VOT to enforce UOCAVA going forward, particularly in Federal election years.

With respect to the preclearance requirements of Section 5 of the Voting Rights Act (VRA), in FY 2010 VOT continued its work towards preparing for release of the 2010 Census redistricting data in 2011 and for the resulting influx of thousands of redistricting plans by covered governmental bodies for administrative review by VOT. This huge spike in workload after the Census is one of the greatest institutional challenges for VOT each decade. In FY 2010 VOT continues to review a significant number of administrative submissions under Section 5.. In FY 2010 VOT continued work on proposed revisions to its administrative review procedures under Section 5 of the VRA (the first significant revisions in more than two decades). The proposed procedures were published in the Federal Register for the comment period which ended on August 10, 2010. VOT also continues work on updating its 2001 guidance on redistricting and Section 5.

In FY 2010 VOT entered a consent decree on remand from the Supreme Court allowing the Northwest Austin Municipal Utility District Number One in Travis County, TX to avail itself of the statutory option to bail out from coverage under Section 4 of the VRA, thus mooted the district's challenge to the constitutionality of Section 5 of the VRA. Plaintiffs from the City of Kinston, NC, Shelby County, AL and the State of GA have filed challenges to the constitutionality of Section 5 of the VRA--a motion to dismiss was granted and was recently appealed in a case from Kinston, NC. Section 5 lawsuits were filed against the United States by the State of GA and a private plaintiff in Alabama seeking declaratory judgment in the district court-a motion to dismiss was granted in the Alabama case. VOT also negotiated an amended consent decree in a Section 5 enforcement action against the City of Calera, AL. The court entered a consent decree for the City of Kings Mountain, NC and the City of Sandy Springs, GA, is seeking to bailout under Section 4 of the VRA. VOT also participated as amicus in Section 5 enforcement actions from Monterey County, CA and the State of GA.

Leading up to and during FY 2012, a major priority for VOT will be implementation of significant upgrades to three of its core information systems used in our Section 5 review work: (1) the Submissions Tracking and Processing System (STAPS) used to compile information from Section 5 submissions, (2) the Geographic Information Systems (GIS) mapping system used among other things to evaluate redistricting plans under the 2010 Census data, and (3) the web based application that allows jurisdictions to make Section 5 submissions electronically.

VOT will continue its priority emphasis on the enforcement of the language minority requirements of the VRA, which require certain jurisdictions to provide assistance and information in minority languages to affected communities. In FY 2010 VOT filed a case against Riverside County, CA under Section 203 of the VRA to ensure adequate information and assistance for Spanish speaking language minority voters, a settlement agreement was reached and an order was approved by a three-judge court. VOT reached a settlement agreement with Shannon County, SD and an amended consent decree with Cibola County, NM enforcing the

language minority requirements of the VRA for Native-American voters. VOT filed a lawsuit and concluded a consent decree with Cuyahoga County, OH and participated as amicus in a case in Volusia County, FL to ensure the protection of voting rights under the VRA for Spanish speaking voters of Puerto Rican origin. VOT continued monitoring existing consent decrees enforcing the language minority requirements and is preparing for the release of the new Census determinations of jurisdictions covered by the language minority requirements.

Enforcement of Section 2 of the VRA, which prohibits voting practices that are discriminatory in purpose or effect, remains a high priority. In FY 2010 VOT obtained consent decrees under Section 2 with the Town of Lake Park, FL and the Village of Port Chester, NY designed to cure vote dilution caused by the at-large methods of election in those jurisdictions.

Under Title III of the Help America Vote Act (HAVA), VOT continues to place priority on ensuring compliance with its extensive requirements, such as integrated statewide voter registration lists and new accessible voting devices in polling places.

In FY 2010 VOT continues to place major emphasis on the monitoring of elections. So far, VOT has monitored 31 elections in 31 political subdivisions in 18 States, using 359 Federal observers from the Office of Personnel Management (OPM) and 85 DOJ staff. In FY 2010, new jurisdictions have been certified for Federal observers--Bethel Census Area, AK, Williamson County, TX, and Shannon County, SD. Consent decrees have provided for new or extended assignment of Federal observers in Cibola County, NM and Port Chester, NY.

Between now and through FY 2012, VOT will devote very substantial resources to preparing for and reviewing the large volume of administrative submissions of redistricting plans and related voting changes under Section 5 of the VRA after the release of the 2010 Census data in 2011. There will also be an increased number of cases filed by jurisdictions seeking judicial review by the Federal court in DC of redistricting plans and other voting changes under Section 5. In addition, the recent Supreme Court decision in the Northwest Austin case greatly expands the number of jurisdictions in the country (more than tenfold, to roughly 12,000) that are now eligible to file an action seeking to bail out under Section 4 of the VRA (thus releasing them from compliance with Section 5). The administrative review of redistricting plans, and likely substantial increase in the number of non-discretionary cases which VOT is responsible for defending in bailout suits and judicial preclearance cases, will result in a significant increase in VOT's Section 5 related workload from now through FY 2012.

VOT anticipates increasing activity under Section 2 of the VRA as a result of its initiative to identify election systems that may dilute minority voting strength. VOT expects to continue vigorous enforcement activity under the language minority requirements of the VRA. VOT expects increased litigation under the NVRA, UOCAVA, and HAVA. VOT anticipates continued significant priority in monitoring elections all around the country throughout the year, particularly in FY 2011.

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Despite all the civil rights laws guaranteeing equal justice for all, the reality of today's society demonstrates that discrimination still exists. The Division's work is far from complete. The long journey toward equal justice is not over. CRT has reached some remarkable milestones along the way toward this most-worthy goal, but discrimination and bigotry persist. They persist in blatant forms—burned crosses, burned churches, hate-fueled assaults. They also persist in more subtle, yet equally devastating ways in many American communities and institutions. In FY 2009—the most recent year for which data are available—the FBI documented 6,598 hate crime incidents involving 8,336 victims and 7,775 offenses. Nearly 50 percent of the reported incidents in FY 2009 were motivated by racial bias.

Discrimination persists in the education system; many children still go to schools that are all too frequently substandard. It persists in the foreclosure crises, where communities of color were preyed upon by lenders who used the corrosive power of fine print, and bait and switch tactics—i.e. discrimination with a smile—to transform the American dream into a nightmare. It persists in America's workplaces, where glass ceilings still shatter opportunities for qualified women and minorities. It persists in the voting booth, where poll tests and taxes have been replaced by more subtle tactics that dilute voting strength.

b. Strategies to Accomplish Outcomes

Strategic Objective 2.6: Promote and protect Americans' civil rights.

The Department is committed to upholding the civil and constitutional rights of all Americans, including some of the most vulnerable members of society. Federal civil rights statutes reflect some of America's highest ideals and aspirations—equal treatment and equal justice under law. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also those of members of religious minorities, women, persons with disabilities, service-members, individuals housed in public institutions, and individuals who come from other nations and speak other languages. DOJ is committed to ensuring equal opportunity for all litigation, prevention efforts, outreach initiatives, technical assistance, and partnerships.

The Division is working to ensure it is prepared to tackle both existing and emerging challenges for civil rights in the 21st Century. 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. CRT is making great progress through the restoration and transformation of the Division.

CRT is working to enhance outreach to communities and stakeholders to ensure the Division's work is informed not only by statistics and complaints, but also by understanding

how CRT can positively impact the lives of those individuals and communities that are affected by our work. Additionally, the Division is working to rebuild, or in some cases build for the first time, relationships with its Federal agency partners in order to better protect the civil rights of all individuals. CRT's Assistant Attorney General has reached out to leaders at many Federal agencies in order to ensure increased coordination and partnership. This will ultimately result in relief to more people and expand the reach of the Division in its critical protection of the rights of all Americans.

Combat discriminatory lending and ensure fair housing. The current financial crisis has disproportionately impacted minority communities. Risky and irresponsible predatory and discriminatory lending practices that targeted minority communities resulted in high numbers of subprime and exotic loans to minority borrowers and high rates of foreclosures in those communities. CRT has established a Fair Lending Unit that will substantially build its capacity to pursue and prosecute fair lending cases combating mortgage fraud and discriminatory lending practices. On the other end of the lending spectrum, important Federal programs have evolved to help distressed homeowners avoid foreclosure and modify unsustainable loans. CRT will work closely with relevant agencies, fair housing groups, and community partners to ensure that those lenders and agents participating in Federal programs neither discriminate against nor defraud homeowners seeking help.

Target hate crimes. Hate crimes are a significant investigative priority because they impact not only the victims, but an entire community. Conservative estimates indicate that the level of voluntarily reported hate crimes is less than half of the actual hate crimes that occur annually in the United States.

The Department's authority to prosecute hate crime cases expanded considerably with enactment of the Matthew Shepard Hate Crime Prevention Act in 2009. The Act expands the statute to allow Federal prosecutions of hate crimes committed against victims because of their actual or perceived sexual orientation, gender, gender identity, or disability. CRT will work with each district to coordinate the efforts of Federal law enforcement agencies, State law enforcement agencies, State and local district attorneys responsible for hate crimes prosecutions, and community-based organizations.

Racially motivated murders from the civil rights era constitute some of the greatest blemishes on the Nation's history. In 2008 the Emmett Till Unsolved Civil Rights Crime Act of 2007 was enacted, requiring the Department to investigate and prosecute civil rights era "cold cases." CRT, USAOs, and the FBI are working to identify and analyze more than 110 previously unresolved civil rights era homicides. To further advance this initiative, the Division intends to conduct extensive public outreach to encourage witnesses to come forward and develop other investigative leads, and offer monetary rewards for investigative information to help solve the cold cases.

Ensure voting rights. With the 2010 Census underway, redistricting plans under Section 5 of the Voting Rights Act (VRA) soon will follow. Between early 2011 and the end of 2013, approximately 3,000 redistricting plans will be submitted for review by the Department, the majority of which will be received during the first 18 months after release of the census data.

To prepare for this flood of activity, CRT has published new Section 5 guidelines. CRT is also upgrading the Geographical Information System used to analyze the demographic impact of new voting changes and increase the number of attorney and non-attorney staff focusing on Section 5 reviews and enhance their training.

Evidence suggests that compliance at public assistance and disability offices has been poor and that more work needs to be done. To address this shortfall, the Division will develop and implement an enforcement strategy for increasing compliance with Sections 7 and 8 of the NVRA, including assessing available data regarding which jurisdictions are most out of compliance; create and distribute a range of public education materials that describes states' obligations under Sections 5, 6, 7, and 8 of the NVRA; and enhance direct outreach through meetings and speaking engagements to national, regional, and local groups or associations of officials with responsibility for implementing the NVRA's requirements.

Fight employment discrimination through a renewed use of pattern and practice litigation.

Pattern or practice cases are particularly important civil rights enforcement tools because they can lead to systemic reforms that remedy and prevent future discrimination, benefiting large numbers of minority and/or female applicants and employees. The Department is committed to the use of this tool on behalf of minorities and women. It will institute and apply principles for targeting employers most likely to be engaging in pattern or practice discrimination, leverage joint resources, collaborate on investigations, and policy development, as well as to bring lawsuits under Section 707.

Protect the rights of persons with disabilities. The Supreme Court's *Olmstead* decision requires that people with disabilities receive State services and treatment in the most integrated setting appropriate. The Department is committed to fully aligning its enforcement activities with the scope and reach of the decision. In order to leverage the *Olmstead* decision's potential, CRT will continue to participate, through intervention or amicus briefs, in ongoing *Olmstead* litigation on behalf of individuals with disabilities, both in and out of institutions; initiate its own *Olmstead* cases; and work cooperatively with HHS and HUD to ensure that the resources of the Federal Government are used to promote the treatment of individuals with disabilities in adequate and appropriate community settings.

Investigate and prosecute police misconduct. While the Department recognizes that law enforcement officers put their lives on the line to protect public safety every day and take seriously their oaths to uphold the Constitution, it is committed to holding law enforcement accountable when violations occur. Since the beginning of this Administration, the Department has opened five investigations to evaluate whether there is evidence of a pattern or practice of discriminatory policing in violation of section 14141 of the Violent Crime Control and Law Enforcement Act of 1994.

The Department also has opened an investigation into the New Orleans Police Department. The investigation examines allegations of excessive force, unconstitutional searches and seizures, racial profiling, failures to provide adequate police services to particular neighborhoods, and related misconduct. In addition to the investigation under Section 14141, the Division is investigating a number of allegations of criminal misconduct. In one case

involving police-involved shootings following Hurricane Katrina, four officers have pleaded guilty and the investigation into the incidents is ongoing.

Protect religious liberty. The Department enforces a wide range of laws protecting religious liberty: laws barring discrimination based on religion in employment, public education, housing, credit, and access to public facilities and public accommodations; laws barring zoning authorities from discriminating against houses of worship and religious schools; laws protecting the religious rights of institutionalized persons; and criminal statutes such as the Church Arson Prevention Act, which makes it a Federal crime to attack persons or institutions based on their religion or otherwise interfere with religious exercise.

Expanding Equality for Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans. As the needs of the 21st century emerge, it is critical that the Department explores new ways to expand civil rights and protect all Americans from discrimination. LGBT individuals often find themselves the victims of discrimination and violence, but many jurisdictions and existing Federal, State, and local laws fail to offer basic civil rights protections. CRT must play a role in advancing the rights of all individuals using its existing authorities as well as the new authorities it seeks to combat hate crimes and employment discrimination targeting LGBT Americans.

Meeting New Challenges to Educational Equity. Providing each of the Nation's children with equal access to a quality education is essential to ensure that they develop their full potential, obtain jobs, support their families, and fully participate in the benefits of democracy. In order to supplement CRT's historic focus on entering into and enforcing desegregation decrees, the Division will enforce school obligations under the Equal Educational Opportunities Act to overcome language barriers faced by English Language Learners; address discrimination and harassment in schools, including addressing race, sex, and national origin discrimination, as well as sex stereotyping of LGBT students; and improve equity, through investigations, intervention, or amicus briefs, for students with disabilities who are often subject to multiple forms of discrimination where, for example, minority students are over- or under-referred for special education services.

Key Crosscutting Programs and Activities

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

Interagency partnerships. By working with other agencies with enforcement responsibilities, the Department can improve overall enforcement of civil rights laws. To this end, it will reinvigorate the Civil Rights Inter-Agency Task Force chaired by the Assistant Attorney General for Civil Rights to reinforce and enhance its leadership role in civil rights enforcement across Federal agencies; work with Offices for Civil Rights in other Federal agencies to improve their enforcement efforts and generate referrals under statutes for which CRT lacks direct enforcement authority; and work with the EEOC and DOL to leverage joint resources and improve the effectiveness of enforcement, including by collaborating on investigations, training, and development of policy.

Generally, the Department's civil rights enforcement and outreach efforts are coordinated with all Federal agencies that provide financial assistance to state, local, and nonprofit agencies, and with other Federal agencies with civil rights enforcement responsibilities (e.g., the Departments of Homeland Security, Health and Human Services, Housing and Urban Development (HUD), Education, Labor, and Transportation). Coordination includes long-standing working relationships, such as jointly developing policy guidelines and handling enforcement cases, and more short-term task forces to address specific problems.

Current partnerships through task forces and agreements include:

- Interagency Fair Lending Task Force. The bank regulatory agencies (Federal Reserve Board, Office of Thrift Supervision, Office of the Comptroller of the Currency, and Federal Deposit Insurance Corporation), HUD, and DOJ are members of an interagency fair lending task force that meets regularly to consult on fair lending policy and periodically issues joint policy statements. There are also various working groups to promote voluntary compliance with fair lending requirements, such as working with the Federal Reserve Board, Federal Deposit Insurance Corporation, and other bank regulatory agencies.
- Uniformed Service Employment and Reemployment Rights Act Memorandum of Understanding. Under an MOU between DOJ and DOL, the two agencies agreed on enforcement responsibility of the Uniformed Service Employment and Reemployment Rights Act (USERRA) by DOJ, through CRT, and DOL, consistent with the provisions of the statute. The MOU outlines that the Veterans' Employment and Training Service agency of DOL will initially investigate USERRA complaints and attempt to resolve them. If a complainant requests a referral to DOJ, the Solicitor of DOL will review the complaint and identify the issues, analyze the law, and present a recommendation as to whether DOJ should provide representation to the complainant.
- Project Civic Access. The Disability Rights Section works cooperatively with local governments to expand access to public facilities, services, and programs. Through Project Civic Access, DOJ accesses entire towns and counties, providing local officials with a roadmap to bringing all of their facilities, services, and programs into compliance with the Federal law.
- Trafficking Victims Protection Act. The Criminal Section works closely with the FBI, the Criminal Division, United States Attorneys' offices, the Department of Labor (DOL), DHS, state and local law enforcement, and NGOs across the country to identify victims of illegal trafficking, many of whom are women and children, and to investigate and prosecute trafficking crimes. CRT is coordinating trafficking enforcement efforts by training local and Federal prosecutors in the techniques of prosecuting and providing expert guidance on the Trafficking Victims Protection Act.
- Interagency Working Group on Limited English Proficiency. CRT's Federal Coordination and Compliance Section (FSC) plays a central role in ensuring implementation and enforcement of civil rights laws affecting persons with Limited

English Proficiency (LEP). FSC works with 80 Federal agencies to ensure that they produce plans to provide meaningful access to LEP individuals in their own conducted programs. The Working Group has active representation by more than 35 Federal agencies.

Human rights and compliance with international treaties. Civil and human rights are inextricably connected. DOJ relies on CRT to provide expertise on how those human rights obligations are protected at home. In this area, CRT plans to actively participate in the newly reformed Human Rights Interagency Policy Committee; assist the State Department, the White House, and the Senate in the ratification and implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of Discrimination Against Women; and conduct outreach and regular meetings with domestic human rights NGOs and agency partners to facilitate integration and mainstreaming of human rights in domestic civil rights enforcement.

Title VI and Title IX enforcement. Using authority under Executive Orders 12250 and 13166, CRT will demonstrate leadership on Title VI and Title IX enforcement across Federal agencies. The Department works with the Department of Education to evaluate current legal standards for permissible single-sex programs in elementary and secondary schools; enhance efforts with Federal agencies to overcome barriers for limited English proficient individuals to important Government and Government-funded programs, activities, information, and services; and intervene or file amicus briefs in cases involving Title VI or Title IX violations, including allegations of sex stereotyping and discrimination against minority students with disabilities.

Other Strategies

Throughout FY 2011 and 2012, CRT will ensure effective and efficient enforcement and perform its mission of protecting the civil rights of all Americans by:

- expanding investigations and prosecutions of bias-motivated crimes;
- ensuring that the Division is prepared to handle the influx of more than 3,000 redistricting plans and voting related changes that will be submitted for review under Section 5 of the *Voting Rights Act* (VRA) after the release of the 2010 Census results in early 2011;
- combating discrimination in lending and foreclosure;
- reinvigorating Title VII pattern or practice enforcement to ensure equal employment opportunities;
- combating housing discrimination;
- ensuring the safety of fundamental life safety issues for persons in public residential facilities thru CRIPA enforcement efforts;
- expanding the efforts to ensure that persons with disabilities have access to our nation's civic life and developing technologies in accordance with the ADA;
- improving efforts to eradicate 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;
- 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;
 - enhancing efforts to investigate unsolved civil rights era crimes involving racial or religious violence;
 - combating religious discrimination and promoting religious liberty for persons of all religious faiths and denominations;
 - strategic targeting of outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation’s civil rights laws; and
 - finding new ways to communicate and collaborate.

c. Performance Goals

Performance Goal Lead: Thomas E. Perez, Assistant Attorney General, Civil Rights Division

Implementation Strategy Overview: Historically, the Department of Justice’s CRT has been the primary protector of the nation’s anti-discrimination laws. CRT has helped safeguard the civil rights of all Americans by targeting discrimination through litigation, outreach, technical assistance and training efforts, and by providing guidance to other Federal agencies. In his first State of the Union address, President Barack Obama mentioned CRT’s renewed efforts to enforce civil rights laws. His words acknowledging the Division’s restoration and transformation are a testament to the Division’s committed staff, to their hard work and to the progress CRT has already made.

The Division has several strategies that lay the foundation for achieving success in meeting the Department’s priority goals. The next chapter in the Division’s history places the focus on restoration and transformation. As the President noted, CRT is reinvigorating the traditional enforcement of civil rights laws after years of atrophy. CRT has restored a non-partisan, merit-based and transparent hiring process for all attorneys, which had been, and once again is, a critical component of the Division’s strength and success.

In order to address the problem, CRT is working to transform the Division to prepare it to face emerging challenges. For example, CRT is working to further lesbian, gay, bisexual, and transgendered (LGBT) equality through the newly-enacted Federal hate crimes law. Furthermore, in the wake of our nation’s housing crisis that devastated so many communities, and particularly minority communities, CRT has made fair lending enforcement a priority and CRT has created a new fair lending unit to target discriminatory practices in lending. Also, employment discrimination can be one of the most devastating barriers to equal opportunity in our prosperous nation. The White House is establishing a National Equal Pay Task Force which will help agencies with jurisdiction coordinate enforcement. CRT is encouraged by the President’s strong commitment to combating employment discrimination and is playing a key role in the Task Force.

In addition to new enforcement areas and priorities, transformation means transforming the way CRT works. CRT is taking partnerships to new levels, working more closely and cooperatively with the US attorneys' offices, community organizations, state and local governments and our sister agencies. We are also examining new ways to approach age-old problems, recognizing that many individuals and communities face a number of challenges that raise civil rights concerns, and those problems do not always neatly divide to match corresponding sections of the U.S. Code. We are exploring ways to move away from the stovepipe approach to civil rights enforcement by encouraging dialogue and collaboration between the Division's sections so that they can share knowledge and information and tackle co-morbidities simultaneously.

Our vision and our agenda are ambitious, but they are necessary to ensure that CRT is prepared to address the civil rights challenges of the 21st century. The Division will know its strategies are working as more criminal and civil cases are filed, while maintaining its percentage of cases favorably resolved and by increasing the number of complaints finalized by mediation.

Key Measures/Milestones:

Measure 1: By the end of FY 2011, increase the criminal civil rights caseload by 18% (+18 cases) with 80% of the cases favorably resolved (95). This measure will be reported quarterly, with the understanding that the target is an annual goal that does not distribute evenly across all quarters.

Measure 2: By the end of FY 2011, increase the non-criminal civil rights caseload by 28% (+27 cases) with 80% of the cases favorably resolved (102). This measure will be reported quarterly, with the understanding that the target is an annual goal that does not distribute evenly across all quarters.

Measure 3: By the end of FY 2011 increase the number of complaints finalized by mediation by 10 percent (+27) with 75% of mediations complaints successfully resolved (221). This measure will be reported quarterly, with the understanding that the target is an annual goal that does not distribute evenly across all quarters.

V. Program Increase by Item

NA

VI. Program Offsets by Item

1. Item Name: Extend Technology Refresh

Budget Decision Unit(s): Civil Rights Division

Strategic Goal(s) & Objective(s):

Goal 2: Reduce Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

Objective 2.6: Uphold the Civil and Constitutional Rights of all Americans

Organizational Programs: Criminal and Civil Enforcement Programs

Component Ranking of Item: 1

Program Reduction: Positions 0 Atty 0 FTE 0 Dollars \$56,000

Description of Item: This offset reflects the savings realized by CRT by extending the refresh rate of desktops and laptops by one year. CRT's reductions are based on average costs for laptops and desktops and their refresh rates.

Summary Justification: While replacing technology at a slower rate is not ideal, extending the technology refresh cycle is preferable to programmatic or personnel reductions. Because most desktops and laptops are used primarily for basic office automation applications, the impact of this proposal on CRT operations is expected to be minimal. The proposed offset is based on the technology refresh cycle and inventory information as part of the FY 2010 IT Base Survey.

Impact on Performance: CRT does not anticipate any significant impact on achieving its strategic goals or Performance Goals outcome measures as a result of a reduction of \$56,000 during 2012. The Division does not anticipate any reduction in staff as a result of these reductions.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 Continuing Resolution				FY 2012 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
815	384	766	\$145,449	815	384	766	\$145,449	814	383	816	\$161,755

Personnel Reduction Cost Summary: *Not applicable*

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (chg from 2012) (\$000)	FY 2014 Net Annualization (chg from 2013) (\$000)
Total Non-Personnel			(56)	0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (chg from 2012) (\$000)	FY 2014 Net Annualization (chg from 2013) (\$000)
Current Services	814	383	816	\$101,103	\$60,596	\$161,699		
Decreases					(56)	(56)		
Grand Total	814	383	816	\$101,103	\$60,652	\$161,755		

2. Item Name: Administrative Efficiencies

Budget Decision Unit(s): Civil Rights Division

Strategic Goal(s) & Objective(s):

Goal 2: Reduce Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

Objective 2.6: Uphold the Civil and Constitutional Rights of all Americans

Organizational Programs: Criminal and Civil Enforcement Programs

Component Ranking of Item: 2

Program Reduction: Positions 0 Atty 0 FTE 0 Dollars \$142,000

Description of Item: This offset reflects savings by reducing by \$142,000 the amount CRT spends on various administrative items, which include but are not limited to printing, publications, travel, supplies, and general equipment.

Summary Justification: CRT has been striving over many years to save personnel resources and dollars so that it could use its resources more effectively. This has been accomplished through streamlining and cost-saving measures. CRT continues to focus on reducing costs in non-personnel areas, such as travel, printing, publications, supplies, and equipment purchases that will have an impact in 2012.

Throughout 2011 and into 2012, CRT is making every effort to “bundle” its purchases of goods and services obtained at reduced costs for items that can be bought in larger quantities, especially with furniture, equipment, and supplies. CRT has purchased video-teleconferencing equipment that is being used to avoid the time and expense of travel that is incurred in bringing together meeting attendees from various locations for meetings, briefings, depositions, or even training. CRT has also made an effort to reduce the number of publications that it orders when information can be accessed online.

CRT has coordinated and collaborated with other DOJ components in order to obtain services at a discounted costs. Specifically, CRT has a shared help desk contract and has coordinated efforts for its e-OPF (electronic official personnel file) with several other DOJ components.

Impact on Performance: CRT does not anticipate any significant impact on achieving the Department’s strategic goals or priority outcome measures during FY 2012 as a result of a reduction of \$56,000. The Division does not anticipate any reduction in staff as a result of these reductions. In the face of reductions imposed between FYs 2002 and 2009, CRT has consistently strived to obtain greater efficiencies and effectiveness in all its pursuits. The greatest impact is likely to occur in areas of litigation support and litigative consultants that are an integral part of the CRT’s mission responsibilities in responding to the presence of discrimination in all forms.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 Continuing Resolution				FY 2012 Current Services			
Pos	Atty	FTE	\$ (000)	Pos	Atty	FTE	\$ (000)	Pos	Atty	FTE	\$ (000)
815	384	766	\$145,449	815	384	766	\$161,885	814	383	816	\$161,755

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (chg from 2012) (\$000)	FY 2014 Net Annualization (chg from 2013) (\$000)
Total Non-Personnel			(142)		

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (chg from 2012) (\$000)	FY 2014 Net Annualization (chg from 2013) (\$000)
Current Services	814	383	816	\$101,103	\$60,510	\$161,613		
Decreases					(142)	(142)		
Grand Total	814	383	816	\$101,103	\$60,652	\$161,755		