

U.S. Department of Justice
FY 2015 PERFORMANCE BUDGET
Congressional Submission

Civil Rights Division

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I. Overview for the Civil Rights Division

1. Introduction

In FY 2015, the Civil Rights Division (CRT) requests a total of \$161,881,000, 787 positions, 643 direct FTE, and 419 attorneys to enforce the Country's civil rights laws in a fair and uniform manner. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

The President's 2015 Budget includes an Opportunity, Growth, and Security Initiative (OGSI) that supports the Department's responsibility to enforce laws and defend the interests of the United States. The OGSI would provide additional resources to improve the Department's capacity for financial fraud law enforcement, including hiring additional criminal prosecutors, civil litigators, in-house investigators, and forensic accountants.

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 include enforcing anti-discrimination protections 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 criminal civil rights statutes designed to preserve personal liberties and safety has 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 (FFA), 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 has three significant goals: (1) to fulfill the promise of basic civil rights protections through effective and vigorous enforcement of the law; (2) to deter and remedy discriminatory and illegal conduct through the successful prosecution of these federal laws; and (3) to promote voluntary compliance and civil rights protection through a variety of educational, technical assistance, and outreach programs.

CRT is comprised of 11 program-related sections, the Professional Development Office, the Office of Employment Counsel, and the Administrative Management Section. A description of responsibilities and activities, as well as accomplishments for CRT's program-related sections is presented below. The Criminal Section falls under Criminal Enforcement. The other ten program-related sections fall under the Civil Enforcement program area.

In July 2010, the Administration released the *National HIV/AIDS (NHAS) 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. Pursuant to the Strategy and DOJ's operational plan, DOJ has entered into ten settlement agreements to resolve complaints of discrimination on the basis of HIV under the Americans with Disabilities Act (ADA) and currently has nine active investigations into allegations of HIV discrimination under the ADA. In June 2012, DOJ published an updated technical assistance piece related to HIV discrimination under the ADA. Finally, the Department has launched a new website, www.ada.gov/aids that provides information on DOJ's work related to HIV discrimination, technical assistance on the issue, and examples of enforcement actions DOJ has taken.

3. 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 2012, the FBI documented 5,796 hate crime incidents involving 7,164 victims and 6,718 offenses. Nearly 50 percent of the reported hate crime incidents in 2012 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. Since its enactment in 2009, the Division has received over 291 new matters that must be investigated and analyzed. Many

of these matters, such as hate crimes based on sexual orientation or gender identity, would not have been addressed by CRT before the passage of the Act.

- CRT's human trafficking caseload essentially tripled between FY 2001–FY 2013. These cases are extremely labor-intensive and require significant resources after indictment, thus creating a challenge to bring new cases in times of static resources. Strategic partnerships with the United States Attorneys' offices (USAOs) and with anti-trafficking task forces have substantially increased the program's workload. The task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts and requiring significant coordination efforts by CRT.
- The Department's efforts to investigate and prosecute unsolved civil rights homicide cases predate the Emmett Till Unsolved Civil Rights Crime Act of 2007. For example, the FBI in 2006 began its Cold Case Initiative to identify and investigate the murders committed during the Civil Rights Movement. Each of the 56 field offices was directed to identify cases within its jurisdiction that might warrant inclusion on a list of cold cases meriting additional investigation. In FY 2010, the Cold Case Unit was created within the Civil Rights Division and continues to work on cases related to Emmett Till. When the Initiative began, the Department had identified 95 matters and that number has now grown to 113 as of January 2014. The Department continues to dedicate resources to Emmett Till related matters as necessary.
- The recent housing crisis has adversely impacted countless communities across the nation, and predominantly minority areas have been particularly affected. The impact of lending discrimination and the resulting harm to an individual's credit can affect a person's ability to find housing, employment, or access higher education. In addition to individual harm, widespread patterns of discrimination cause collateral damage to entire communities, depriving those areas of economic opportunities. The Division's strengthened relationships with governmental and community partners have resulted in record-breaking fair lending cases over the past four years. Since 2010, the Division has filed or resolved 32 lending discrimination matters under the Fair Housing Act, Equal Credit Opportunity Act, and Servicemembers Civil Relief Act (SCRA). The settlements in these matters provide for over \$800 million in monetary relief for impacted communities and individual borrowers. In FY 2014 and 2015, the lending market will continue to change, especially in light of new regulatory developments enacted in response to the financial crisis. CRT must ensure that it has sufficient resources and well-trained staff to identify and investigate new types of lending abuses that may be targeted or have an impact on vulnerable populations, such as predatory auto loans and stricter underwriting standards that may be applied in a discriminatory manner.
- DOJ's role in enforcing the SCRA brings to CRT a considerable number of referrals from DOD and from servicemembers. CRT has targeted abuses in lending and foreclosure with its groundbreaking SCRA settlements requiring the nation's five largest mortgage servicers to identify and compensate servicemembers who were foreclosed on, or did not receive a reduction to 6% mortgage interest, in violation of the SCRA. In light of the publicity surrounding these mortgage settlements and the centralized collection of servicemember complaints by the Consumer Financial Protection Bureau, CRT expects to continue to receive substantial numbers of SCRA complaints. Full implementation of this enforcement authority will continue to affect the workload of CRT for the foreseeable future.
- There has been significant emphasis on law enforcement fatal shootings, especially cross-border shootings by Customs and Border Patrol Agents working the US-Mexico border. CRT investigates and writes detailed decision-memoranda on these matters, the vast majority of which are closed without prosecution after extensive investigations. These matters consume significant resources without generating case statistics. In fact, the Criminal Section has devoted four prosecutors (out of approximately 50 non-manager prosecutors) to exclusively handle these death-resulting high profile law enforcement shootings. After a decision is reached, prosecutors and managers are often involved

in a “roll out” of the decision that requires extensive planning and coordination with the US Attorney’s Office, FBI, victim’s surviving family, public officials, and community groups.

- The Supreme’s Court 2011 decision in *Walmart v. Dukes*, as interpreted by the lower courts, has made it considerably more difficult for private plaintiffs to bring class action civil rights cases, particularly lending discrimination cases like those CRT has brought against national mortgage lenders. As private actions are foreclosed, CRT is called on ever more frequently to bring the resource intensive cases necessary to protect consumers from discriminatory practices.
- Despite decades of enforcement through the Federal Housing Administration (FHA), levels of racial segregation remain persistently high in numerous areas of the country. CRT has filed several cases challenging local governmental decisions to block affordable housing developments that likely would provide housing for minority families and potentially decrease levels of segregation in the affected communities. While the Department of Housing and Urban Development (HUD) is actively considering whether to amend its regulations regarding the requirement that recipients of federal funds affirmatively further fair housing, in the interim, CRT is being called upon more frequently to investigate and bring these resource intensive cases.
- 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.
- Pursuant to CRT’s Memorandum of Agreement with U.S. Citizenship and Immigration Services (USCIS), entered into in 2010, OSC has experienced a sharp increase in referrals of E-Verify-related discrimination from DHS, leading to a substantial increase in OSC’s overall workload. As USCIS expands the number of discriminatory behaviors that it monitors and refers to OSC, this will further increase OSC’s case load. Finally, in the comprehensive immigration reform bill passed by the Senate Judiciary Committee during the week of May 20, 2013, OSC’s jurisdiction would be dramatically expanded to include protection for all work-authorized individuals for all types of discrimination covered by the statute OSC enforces; a broader category of unfair documentary practices; and 10 new unfair immigration-related employment practices related to employer misuse of E-Verify. Were this bill enacted into law, OSC’s budgetary needs, including staffing needs, would exponentially multiply. Even if the immigration reform bill were to be enacted in a modified version or in a piece-meal fashion, OSC faces a great likelihood of expanded jurisdiction and authority.
- On June 25, 2013, in *Shelby County v. Holder*, the Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act can no longer be used as basis for subjecting jurisdictions to the preclearance requirement of Section 5 of the Voting Rights Act. Because of the *Shelby County* case, the Voting Section’s work will shift to greater affirmative efforts to detect and investigate voting practices that violate federal law, to more affirmative litigation to enjoin such practices, and to additional monitoring of elections throughout the country each year. Resources previously devoted to Section 5 reviews are being shifted to monitoring, identifying and investigating voting changes that may violate federal law, as well as assisting with litigation challenging such practices. These monitoring, investigative and litigation efforts will be very resource intensive.

Internal Challenges:

- DOJ needs to continue its efforts to attract the “best and brightest” of all talents and should continue its efforts to build and maintain a positive working environment that encourages retention.
- 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 due to extremely limited training, conference and travel funding.
- 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. We have staffed our cases very leanly. This has had an impact on our ability to provide professional development opportunities and to grow staff skills. If we can only send a single attorney to a hearing, or to negotiations, a junior member of the team cannot participate and loses the opportunity to participate under close supervision.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Civil Rights Enforcement	Restore and strengthen civil rights enforcement.	50	25	\$5,072	50
Police Misconduct Enforcement	To combat abuse, discriminatory policing, and other unconstitutional actions by law enforcement officials.	20	10	\$1,928	53
E-Verify	Implementation of an E-Verify Administration Review.	3	2	\$305	58
Total		73	37	\$7,305	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

The 2015 Budget request includes proposed changes in the appropriations language listed and explained below. New language is *italicized and underlined*.

General Legal Activities
Salaries and Expenses

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, [\$867,000,000] *\$935,854,000*, of which not to exceed [\$10,000,000] *\$20,000,000* for litigation support contracts shall remain available until expended:

Provided, That, of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to “Salaries and Expenses, General Legal Activities” from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section [505] 504 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to [reimburse the Office of Personnel Management] the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f) and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

Analysis of Appropriations Language

The Civil Rights Division directs and manages the election monitoring provisions of the Voting Rights Act of 1965 (42 U.S.C. 1973f) and provides significant annual resources on behalf of election monitoring efforts in addition to reimbursing the Office of Personnel Management for salaries and expenses. The appropriations language change allows for more efficient use and deployment of election monitoring resources by allowing the Civil Rights Division more flexibility in the management of the funding.

IV. Program Activity Justification

<i>Civil Rights Division</i>	Perm Pos.	Estimate FTE	Amount
2013 Enacted w/Balance Rescissions and Sequester	715	607	\$136,341
2014 Enacted	714	606	144,173
Adjustments to Base and Technical Adjustments	0	0	10,403
2015 Current Services	714	606	154,576
2015 Program Increases	73	37	7,305
2015 Request	787	643	161,881
Total Change 2014-2015	73	37	\$ 17,708

Civil Rights Division

1. Program Description

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.

Criminal Enforcement (113 positions, \$21,749,000)

The Criminal Section (CRM) of the Civil Rights Division 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. The majority of the Section's indicted cases involve the use of force, threats, or intimidation by a law enforcement officer, human trafficking, or threats or force by a person motivated by racial bias. 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. 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 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 increase in "backlash" threats and attacks against individuals who are or are perceived to be Muslim, Sikh, or of Arab or South Asian origin.

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 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, prison 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, aliens, 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 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.

The Section continues its commitment to ensuring the safety of patients and providers at family clinics by vigorously enforcing the FACE. 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.

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.

Civil Enforcement (674 positions, \$140,132,000)

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. Many 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 goal of the ADA is to achieve equal opportunity in all areas of American life for people with disabilities throughout the country. The Section's enforcement, statutorily mandated technical assistance activities, certification, regulatory, coordination efforts, and an innovative mediation 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 Technical Assistance Program carries out the ADA's statutory charge that the Department provide technical assistance to businesses, state and local governments, people with disabilities, non-profit agencies, architects and builders, attorneys, and others who have responsibilities or rights under Titles II and III of the ADA. Specific activities include the creation and dissemination of a vast array of technical assistance materials; operation of the nationwide toll-free ADA Information Line and the ADA website; educational efforts that include presentations and training sessions; and specific outreach initiatives targeted to specific audiences, including businesses, state and local governments, people with disabilities, and under and unrepresented minority groups and geographic locations. The goal of the Program is to provide access to accurate, understandable, and timely information to people across the country, in the manner that best meets their individual needs, to increase understanding of, and voluntary compliance with the ADA.

The Section also carries out responsibilities under other federal statutes that prohibit discrimination on the basis of disability. These include the ADA, the ADA Amendments Act, Sections 504 and 508 of the Rehabilitation Act, the Genetic Information Non-Discrimination Act (GINA), the Small Business Regulatory Flexibility Enforcement Fairness Act (SBREFA), parts of Help America Vote Act (HAVA), and Executive order 12250.

Educational Opportunities Section (EOS)

In its 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 civil rights laws and court decisions prohibit schools and institutions of higher education from discriminating against students on the basis of sex, race, color, national origin, language, religion, or disability.

The Educational Opportunities Section (EOS) enforces Title IV of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974 (EEOA), and Titles II and III of the Americans with Disabilities Act, as well as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities

Education Act, with respect to schools receiving financial assistance from the Department of Justice or upon referral from other federal funding agencies. The Section also may intervene in private suits alleging violations of federal civil rights laws and/or the Equal Protection Clause of the Fourteenth Amendment to the Constitution. The Section also represents the Department of Education in lawsuits.

EOS is involved in approximately 190 school desegregation cases to which the United States is a party. EOS monitors compliance with these desegregation orders and enforces them where needed. EOS also seeks to ensure that schools respond appropriately to harassment of students on the basis of sex, race, national origin, disability, and religion. EOS enforces the EEOA against state and local education agencies to ensure English Language Learner (ELL) students have an equal opportunity to participate in instructional programs. EOS combats the school-to-prison pipeline by addressing disparities in school discipline. EOS also works to ensure that students with disabilities are better integrated into general education programs and receive the necessary supports to be successful in the community with their non-disabled peers.

Employment Litigation Section (ELS)

ELS enforces federal statutes that prohibit employment discrimination on the basis of race, sex, religion, national origin, and military affiliation. These statutes include Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq. (Title VII), which ELS enforces as to state and local government employers, and the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. (USERRA), which ELS enforces as to private, state, and local government employers. USERRA matters are referred to ELS for litigation consideration after they are investigated by the Department of Labor (DOL). The Section initiates Title VII litigation in two ways. First, pursuant to § 706, ELS may file suit on an individual charge of discrimination against a state or local government employer upon receiving a referral from the Equal Employment Opportunity Commission (EEOC) with a finding of reasonable cause to believe that discrimination has occurred. Second, the Attorney General may initiate Title VII investigations and authorize lawsuits pursuant to § 707 against state or local government employers 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 that 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, and ELS also defends federal agencies in lawsuits that challenge the constitutionality of the federal government's disadvantaged business enterprise (DBE) contracting programs.

Federal Coordination and Compliance Section (FCS)

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 (EO) 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 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 EO 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 EO 13160, which prohibits discrimination in the federally conducted education and training programs of 85+ Federal agencies based on 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 the FHA, the Department of Justice may initiate 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 monetary damages for persons harmed by a defendant's discriminatory actions as well as injunctive relief to correct past discriminatory conduct or prevent further discriminatory conduct. The defendant may also be required to pay civil penalties to the United States. CRT also brings suits on behalf of individuals based on referrals from HUD.

For over 20 years, CRT has conducted a fair housing testing program within HCE. 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 Department has demonstrated that testing can be a valuable tool to investigate housing market practices and to document illegal housing discrimination.

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 Consumer Financial Protection Bureau (CFPB) has issued regulations under ECOA, which provide the substantive and procedural framework for fair lending enforcement. In 2010, CRT created a Fair Lending Unit within HCE and a Special Counsel for Fair Lending in the Office of the Assistant Attorney General for Civil Rights to enhance enforcement under ECOA. Each year, the Department files a report with Congress on its activities under the statute.

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 that violates ECOA. The Division and its partners, including the CFPB, have enhanced joint investigative efforts and improved our information sharing procedures, all of which will assist us in further expanding fair lending enforcement.

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.

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 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 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.

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

OSC is responsible for enforcing the anti-discrimination provision 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 extensive, nationwide public education campaign to teach workers, employers, and concerned organizations about the anti-discrimination provision of the INA. Additionally, OSC's staff directly participates in many public education and outreach activities, including joint presentations with other agencies, such as USCIS and the EEOC. OSC employees conduct presentations at conferences, seminars, and meetings held by interested groups regarding employee and employer rights and obligations under INA, and conduct regularly scheduled webinars for the public. OSC further educates the public through the distribution of educational videos, quarterly electronic newsletters and other multilingual outreach materials. OSC also operates an employer and employee hotline, fielding thousands of calls in English and other languages and providing guidance to employers, employees and their representatives in an effort to avoid discrimination or remedy possible discrimination without formal investigation or litigation.

In an effort to increase accessibility to its services and resources, OSC has also signed and/or reinvigorated memoranda of understanding with numerous state and local fair employment practices agencies, allowing individuals to obtain information about OSC and file charges of immigration related employment discrimination with OSC more easily.

OSC's investigations cover 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 include 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 (Form I-9 and E-Verify) process.

Policy and Strategy Section (POL)

POL is responsible for analyzing policy matters relating to CRT's enforcement authority, developing legislative and regulatory priorities for CRT, coordinating CRT's responses to requests for comments and technical assistance on legislative matters from the Administration and members of Congress, and developing sustained relationships with other Federal agencies, such as Education, HUD, EEOC, Transportation, and Defense, in furtherance of civil rights issues.

POL is the central coordinator of CRT's review of Executive and Legislative Branches' legislative, regulatory, and other policy proposals. POL fulfills this function through review of proposals to determine whether any civil rights laws or goals would be advanced, contradicted, omitted or undermined by these proposals. Materials for review are transmitted by the Office of Management and Budget through the Office of Legislative Affairs (OLA) or the Office of Legal Policy. Materials for review are also generated through POL's internal legislative tracking, as well as requests for technical assistance and/or guidance from Congress, other federal agencies, other DOJ components, other sections within the Division and the civil rights community. POL vets the large volume of clearance material, works with the Division's enforcement sections to coordinate comments and prepares the official Division response on matters affecting civil rights.

Under the direction of the Office of the Assistant Attorney General (OAAG), POL also works in close collaboration with CRT sections to develop initiatives that will more fully realize the promise of the civil rights laws. Those initiatives may take the form of legislation, regulations, non-regulatory policy guidance, issue-based initiatives and Executive Orders. POL provides critical expertise in legislative drafting; analyzing the relative merits of pursuing legislative initiatives; identifying legislation that may serve as a vehicle for advancement of Division initiatives; shepherding legislative proposals through the process of drafting and administrative clearance; strategic planning and development during the Congressional process; and, under the direction of the OAAG, coordinating with OLA and CRT sections to provide direct technical assistance to Congress and the Administration. On non-legislative matters, including regulations, non-regulatory policy guidance, issue-based initiatives, and Executive Orders, POL works closely with sections to develop and clear non-legislative matters that implicates the equities of multiple sections.

POL also prepares responses, on behalf of CRT, to requests for information from Congress, the White House and internal Department components, as well as fulfills reporting requirements pursuant to federal statute. POL works with other sections to gather responsive information, and subsequently drafts memoranda or reports that are responsive to this request. Past examples of Division-wide reporting fulfilled by POL include: the Unified Regulatory Agenda; Section 530D report to Congress regarding settlements and judgments; the Attorney General's Report on Efforts to Combat Human Trafficking; the Department-wide Policy Grid; projected monthly reporting to the House Judiciary Committee on Division activities and Questions for the Record.

Additionally, POL organizes convenings and meetings with government agencies, practitioners, academics and advocates. These convenings and meetings may serve multiple purposes, including: (1) public education to prevent future violations of civil rights and to disseminate the work of the Division; (2) gathering information from stakeholders and affected communities; and (3) generating solutions to civil rights problems that law enforcement may be unable to address.

Special Litigation Section (SPL)

SPL protects the constitutional and federal statutory rights of persons confined in certain institutions owned or operated by, or on behalf of, state or local governments. These institutions include facilities for individuals who have mental illness or developmental disabilities, nursing homes, juvenile justice facilities, and adult jails and prisons. The Section derives its primary authority in this area from the Civil Rights of Institutionalized Persons Act (CRIPA), 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 institutionalized juveniles' federal rights. The Section is also 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 sexual victimization of women prisoners, use of solitary confinement for inmates with mental illness, 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 be served in the most integrated setting appropriate to their needs.

Section staff members 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 statements of interest 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. For example, Section staff works 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.

SPL also 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 is also 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 FFA. 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, the 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 Clinic Entrances Act (FACE). 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. FACE 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 providing technical assistance and conducting joint FACE prosecutions. In addition, the Section serves on the Attorney General's National Task Force on Violence against Health Care Providers.

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 (CRIPA). 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.

Voting Section (VOT)

The Voting Rights Act (VRA) was enacted in 1965. The VRA effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote based on race or color. Pursuant to the Act, the Voting Section undertakes investigations and litigation all throughout the United States and its territories and monitors elections around the country. The VRA includes 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 practices that are shown to have a racially discriminatory result. The VRA also includes the language minority requirements for covered jurisdictions. These provisions require certain jurisdictions with significant populations of language minority voters to provide bilingual written materials and other assistance to voters who speak covered minority languages and have limited English proficiency.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted in 1986. It requires that the states and territories allow uniformed servicemembers, their families, and overseas U.S. citizens, to register and vote absentee in elections for Federal office. In 2009, 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, including the requirement to transmit ballots to UOCAVA voters 45 days before Federal elections where a request has been made by that date.

The National Voter Registration Act (NVRA) was enacted in 1993. NVRA facilitates voter registration in elections for Federal office 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 provides rules for maintaining voter registration lists.

The Help America Vote Act (HAVA) was enacted in 2002. It is designed to improve the administration of elections for Federal office 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 systems, voter information postings and voter identification for first time registrations by mail.

2. Performance and Resources Tables

DECISION UNIT: CIVIL RIGHTS DIVISION											
RESOURCES		Target		Actual		Enacted		Changes		Requested (Total)	
		FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		659	\$136,341 [\$10,075]	636	\$136,341 [\$10,075]	635	\$144,173 [\$10,041]	37	\$17,708 [\$17]	672	\$161,881 [\$10,058]
STRATEGIC OBJECTIVE: 2.5	PERFORMANCE	FY 2013		FY 2013		FY 2014		Current Services Adjustments and FY 2015 Program Changes		FY 2015 Request	
Program Activity	Civil Rights	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		659	\$136,341 [\$10,075]	636	\$136,341 [\$10,075]	635	\$144,173 [\$10,041]	37	\$17,708 [\$17]	672	\$161,881 [\$10,058]
Performance Measure	Number of matters opened concerning human trafficking *	N/A		N/A		150		0		154	
Performance Measure	% of criminal cases favorably resolved	80		94		85		0		85	
Performance Measure	% of civil cases favorably resolved	80		84		85		0		85	
Performance Measure	Number of matters/investigations resolved concerning human trafficking	75		124		0		0		0	
Performance Measure	Number of complaints offered mediation	500		594		525		0		525	
Performance Measure	Number of mediation complaints completed	207		282		225		0		225	
Efficiency Measure	% of matters successfully resolved through mediation	75		79		75		0		75	
* CRT Performance Goal in support of the Department's Priority Goal to protect Vulnerable People. This is a new measure that is starting to be tracked in 2014.											
Data Definition, Validation, Verification, and Limitations: The data source for all measures is the Civil Rights Division's (CRT) Interactive Case Management System (ICM). The ICM is the official workload system of record for CRT and is used to generate key data for both internal and external inquiries. The ICM captures and reports on the level of effort that attorneys and professionals dedicate to matters and case-related tasks. Senior managers of CRT are responsible for ensuring the accuracy of the data contained in the ICM.											

PERFORMANCE MEASURE TABLE										
CIVIL RIGHTS DIVISION										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013		FY 2014	FY 2015
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
2.5	Performance Measure	Number of matters opened concerning human trafficking *							150	154
2.5	Performance Measure	% of criminal cases favorably resolved	88	89	84	94	80	94	85	85
2.5	Performance Measure	% of civil cases favorably resolved	100	95	97	98	80	84	85	85
2.5	Performance Measure	Number of matters/investigations resolved concerning human trafficking			71	96	75	124		
2.5	Performance Measure	Number of complaints offered mediation	593	618	660	600	500	594	525	525
2.5	Performance Measure	Number of mediation complaints completed	211	302	340	328	207	282	225	225
2.5	Efficiency Measure	% of matters successfully resolved through mediation	79	81	78	72	75	79	75	75
*Denotes inclusion in the DOJ Annual Performance Plan										

3. Performance Resources and Strategies

a. Performance Plan and Report for Outcomes

Criminal Enforcement

Career prosecutors in the Criminal Section of the Civil Rights Division (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 FY 2013, the Criminal Section filed 141 cases, which is a record for the section. Further, the Criminal Section filed 20% more criminal civil rights prosecutions in the last four fiscal years (FY 2010 - FY 2013), as compared to the previous four years (FY 2006 - FY 2009), without an increase in staff.

In FY 2012 and FY 2103, the Section exceeded its performance goals to include:

- The Section, in conjunction with the United States Attorneys' Offices, charged more defendants with criminal civil rights violation than in any prior year since counting began in 1993 (279).
- In FY 2013, the Section charged the highest number of criminal civil rights cases than in any prior year since the counting began in 1993 (141).
- In FY 2012, the Section charged the third highest number of criminal civil rights cases than in any prior year since counting began in 1993 (124), with the second highest year being FY 2010 (129).
- In FY 2012, the Section charged more human trafficking cases than in any prior year (56); charged the highest number of hate crimes defendants since the year 2000 (48), which is equivalent to those charged in 2009; and convicted the most defendants on hate crimes charges in over a decade.

The Section has also dedicated significant resources to combat hate crimes. For example, the Section is actively and effectively implementing the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009. Since the statute was enacted, the Section has prosecuted 57 defendants under the Act and convicted 39 defendants, with ten defendants pending trial. The Section also has led and participated in dozens of law enforcement and community trainings across the country aimed at educating local law enforcement officials and identifying hate crimes cases.

Finally, the statistics alone do not tell the full story of the Criminal Section's performance in FY 2012. The quality of the prosecutions continues to be extraordinary. The Section's hard working and dedicated staff has successfully prosecuted a number of complex and high profile civil rights cases during this fiscal year.

Color of Law

The Criminal Section maintained a robust docket of color of law cases. Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. In FY 2013, 83 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, were 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. FY 2013, the number of defendants charged in this area exceeded the FY 2012 level.

- *United States v. Hinton, et al.*, (M.D.Ga.). (Indicted April 15, 2013) The indictment charged Macon State Prison Deputy Warden James Hinton and seven former members of the Correctional Emergency Response Team (CERT) with civil rights, conspiracy, and/or

obstruction offenses arising out of four separate incidents in 2010 in which CERT members assaulted an inmate in order to punish him for striking another officer in a prior incident. The indictment further alleges that the defendants conspired to cover up these assaults by providing false information to investigators, and by writing false witness statements and use of force reports.

- *United States v. Bloodsworth, et al. (M.D. Ga.)*

On May 8, 2013, defendant Stacy Bloodsworth was sentenced to fifteen years incarceration for various charges stemming from an incident that occurred on July 23, 2009, in which he, his son Austin Bloodsworth, Wilcox County Jailer Owens, and trustee Caruthers, along with a fifth individual, assaulted three inmates inside of the Wilcox County Jail in Abbeville, Georgia, because they were angry that the inmates had a cell phone in violation of the jail's regulations. As a result of this assault, two inmates sustained scratches, bruises, and pain. The third inmate suffered a broken jaw, which Sheriff Bloodsworth attempted to fix by hitting the inmate in the face with a wrench. Following the assault, Sheriff Bloodsworth concocted a false cover story, which he instructed all of the subjects to relay to investigators, in order to cover up the assault. Austin Bloodsworth was sentenced to eighteen months incarceration. Caruthers was sentenced to eighteen months incarceration, Casey Owens was sentenced to three years' Probation and Tim King was sentenced to six months incarceration for their involvement.

Hate Crimes

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 strengthened the Department's ability to prosecute hate crimes at the Federal level. The Department continues to make the prevention and prosecution of hate crimes a top civil rights priority. Since passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA or Act), 18 U.S.C. § 249, the Civil Rights Division has brought 24 cases and charged 57 defendants. Of those 57 defendants, 44 have been convicted. The Department has prosecuted cases under the Shepard-Byrd Act in Arkansas, California, Georgia, Kentucky, Michigan, Minnesota, Mississippi, New Mexico, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Texas and Washington.

Moreover, 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 46 cases against 60 defendants, yielding the convictions of 50 defendants.

- *United States v. Dedmon, et al.*, (S.D. Miss.) March 23, 2012, three defendants pleaded guilty in the Southern District of Mississippi to the fatal assault of James Craig Anderson, an African-American man. In December 2012, a fourth defendant pled guilty for his role in the fatal assault and a fifth defendant pled guilty for participating in a number of racially motivated attacks that preceded the murder of Anderson. The defendants admitted that on numerous occasions leading up to the fatal assault, they, along with other co-conspirators still under investigation, assaulted African Americans with beer bottles, sling shots, and other weapons. In the early morning of June 26, 2011, after having spent the preceding evening talking about committing another assault, several of the co-conspirators drove around West Jackson throwing beer bottles at African-American pedestrians from the windows of moving vehicles. At approximately 5:00 a.m., some of these conspirators spotted the victim in a motel parking lot and decided he would be a good target for an assault. One of the defendants punched the victim in the face, knocking him to the ground. Another defendant punched him multiple times while he was on the ground. After the assault, various conspirators yelled, "White Power!" as they got back into their vehicles. One of the defendants admitted that he deliberately used his truck to run over the victim, causing his death. Extensive investigation into other defendants is ongoing.

- *United States v. Mullet*, (N.D. OH) On September 20, 2012, following a three-week trial, a jury convicted all 16 defendants of conspiracy and convicted each defendant of one or more substantive violations of 18 U.S.C. § 249 with sentences ranging from 12 to 84 months, with subsequent two year supervised release and a special assessment from \$200 to \$400. Indictment arose from a series of incidents that took place in the fall of 2012 in which members of the Bergholz settlement forcibly restrained and physically assaulted members of other Ohio Amish communities who had expressed religious disagreements with Samuel Mullet, Sr., the Bishop of the Bergholz Settlement. The defendants aided and abetted each other in forcibly removing the head and beard hair of their Amish victims, an act the defendants themselves referred to as a “religious degrading.” In doing so, the defendants willfully caused bodily injury to the victims including cuts, abrasions, bruises, and disfigurement. Evidence developed during the investigation and presented at trial demonstrated that defendant Samuel Mullet, Sr. was at odds with the majority of the Ohio Amish community over practices he encouraged and allowed in his settlement, including acts of self-deprivation, corporal punishment, and sexual abuse, and that the beard-cutting assaults were carried out to avenge the Ohio Amish community’s rejection of Samuel Mullet, Sr.’s religious rulings and practices.
- *United States v. Larson*, (Indicted April 2, 2013) On October 17, 2012, the defendant assaulted the victim, based upon the victim's actual and perceived, race, color and national origin, which included Middle Eastern and Arab descent. The victim was a Sikh man; however the defendant perceived the victim to be an Arab and a Muslim.
- *United States v. Ising, Gunar*, (Indicted December 18, 2012) On December 31, 2011, the defendants drove out to an apartment complex with the purpose of assaulting random, non-white individuals. While at the complex, the defendants attacked three Middle-Eastern men, shouting anti-Arab slurs, brandishing a knife and brass knuckles, and injuring two of the victims. On April 2, 2013, Gunar plead guilty to both counts of the indictment. In August 2013, both defendants were sentenced to 33 months imprisonment on each of two counts to run concurrently and was ordered to serve three years supervised release.

Human Trafficking

CRM continues to prosecute record numbers of human trafficking cases. Over the last three years, the Section has noted an increase in the number of human trafficking cases. In FY 2013, 162 defendants were charged with forced labor or sex trafficking. The Section also spearheaded the creation of the Department’s Human Trafficking Enhanced Enforcement Initiative to streamline coordination both within the Department, and among Federal law enforcement agencies. The Department, in collaboration with the Departments of Homeland Security and Labor, launched Anti-Trafficking Coordination Teams (ACTeams) in select pilot districts nationwide during 2011 to respond to identified human trafficking threats with a coordinated, pro-active, interagency Federal law enforcement strategy aimed at developing high-impact human trafficking investigations and prosecutions.

Also in FY 2012 and continuing to the present, the Section has led the U.S./Mexico Human Trafficking Bilateral Enforcement Initiative, which has contributed significantly to restoring the rights and dignity of human trafficking victims through outreach, inter-agency coordination, international collaboration, and capacity-building in both countries. Through this initiative, U.S. and Mexican law enforcement have worked together to identify and prosecute several sex trafficking cases with operations in both countries. This initiative has established enduring partnerships, bringing together law enforcement agencies and non-governmental organizations across international lines. These efforts have already resulted in three cross-border collaborative prosecutions, involving defendants who have been sentenced in Mexico and United States to terms of imprisonment ranging up to 37.5 years, and resulting in the vindication of the rights of dozens of sex trafficking victims.

- *United States v. Toviave* (E.D. Mich.). On March 25, 2013, the defendant Jean Claude Kodjo Toviave was sentenced to 135 months incarceration and restitution totaling more than \$130,000. On October 30, 2012, the defendant was convicted of violating forced labor statutes. The defendant, who is originally from Togo, was indicted on August 8, 2011 and charged with forced labor, visa fraud, mail fraud, and immigration-related offenses. The defendant smuggled several young children from Togo into the United States under the false pretenses that they were his children. He then compelled them to work as domestic servants through force and threats of force.

Cold Case Initiative

CRM continues to expend significant time and resources to meet the Department's mandate under the Emmett Till Unsolved Civil Rights Crime Act of 2007 to assess the viability of prosecuting 112 cold case matters. The Section has concluded its review of more than half of these matters, and efforts to identify cases for prosecution continue. The Section is partnering with the FBI, United States Attorney's Offices, and District Attorney's offices in actively and aggressively investigating those cases in the hopes that justice can be served. CRM prepared the 5th Annual Report to Congress Pursuant to the Emmett Till Unsolved Civil Rights Crimes Act of 2007, which was submitted to Congress on January 24, 2014.

Outreach and Training

In FY 2013, CRM conducted 34 outreach and training programs: seven on hate crimes, 18 on human trafficking, and nine on police practices or civil rights criminal litigation.

Civil Enforcement

Appellate Section (APP)

In Fiscal Year 2013, the Appellate Section filed 62 briefs and substantive papers in the Supreme Court, courts of appeals, district courts, and state courts. The courts of appeals rendered 37 merits decisions, 33 of which were in accord with our contentions. The district courts rendered seven merits decisions, all of which were in accord with our contentions. In FY 2013, the Appellate Section achieved a success rate of 89% in the courts of appeals, and a combined rate of 88% in all cases handled by the Section.

The importance of the Section's civil rights enforcement efforts is demonstrated by the positions taken in the briefs we file and by the record of success achieved in the cases we litigate. The summaries below of decisions issued so far in FY 2013 demonstrate the widespread effect these cases have on the civil rights of all Americans.

Supreme Court

On June 17, 2013, the Supreme Court issued its decision in *Arizona v. The Inter Tribal Council of Arizona, Inc.*, No. 12-71, affirming the judgment of the court of appeals. In 2004, Arizona adopted Proposition 200, under which (1) voter applicants are required to submit evidence of United States citizenship with any voter registration application; and (2) in-person voters are required to present certain forms of identification. Plaintiffs challenged, among other things, the proof-of-citizenship requirement as preempted by the National Voter Registration Act of 1993 (NVRA). The district court granted judgment to Arizona on the NVRA claim. On appeal, a divided panel of the Ninth Circuit reversed, concluding that Proposition 200 conflicted with the language and purpose of the NVRA. The Division filed an amicus brief at the en banc stage, arguing Arizona's proof-of-citizenship requirement conflicts with the NVRA and therefore is invalid. In an 8-2 ruling on the NVRA issue, the Ninth Circuit agreed that the requirement is preempted by the NVRA. Arizona subsequently filed a petition for a writ of certiorari in the Supreme Court, which was granted. As amicus curiae, the United States argued that the NVRA

preempts Arizona's proof-of-citizenship requirement, and that allowing Arizona to graft a proof-of-citizenship requirement onto the Federal Form used for voter registration would displace the Election Assistance Commission's authority to determine the contents of that Form and upset the NVRA's streamlined registration process. In its decision, the Supreme Court agreed with the United States' analysis, holding that "the fairest reading of the statute is that a state-imposed requirement of evidence of citizenship not required by the Federal Form, and is 'inconsistent with' the NVRA's mandate that States 'accept and use' the Federal Form."

Courts of Appeals

On August 22, 2013, the Eleventh Circuit issued its decision in *United States v. McQueen, et al.*, Nos. 12-10840 & 12-10841. Defendants McQueen and Dawkins, two former correctional officers, were charged with conspiracy and obstruction of justice after they physically abused inmates at a correctional facility and submitted false reports to cover up their abuse. McQueen was convicted on both counts; Dawkins was acquitted on the conspiracy count but convicted on the obstruction count. They were sentenced to twelve months' and one month's imprisonment, respectively. These sentences reflect considerable downward variances granted by the district court to avoid a disparity with the sentence of a co-defendant who pleaded guilty to a misdemeanor after his jury failed to reach a unanimous verdict on a felony charge. Defendants raised numerous issues on appeal, including sufficiency of the evidence, improper jury instructions, improper bolstering of a government witness, and evidentiary errors. The government responded that none of these issues has merit. In its cross-appeal, the government argued that defendants' sentences are substantively unreasonable because McQueen and Dawkins were not similarly situated with their co-defendant, and therefore there was no requirement to avoid a disparity with his sentence. The Eleventh Circuit upheld defendants' convictions but vacated their sentences, concluding, as the government argued, that the sentences were substantively unreasonable.

On August 6, 2013, the Ninth Circuit issued a decision in *K.M. v. Tustin Unified School District*, No. 11-56259. K.M. is a deaf high-school student who relies on her cochlear implants and lip-reading skills to communicate with others. K.M. sued the school district and alleged that the district denied her a free appropriate public education under the Individuals with Disabilities Education Act (IDEA), Section 504, and Title II of the ADA when it refused to provide her Communication Access Real-time Translation (CART) services. The district court held that the school district complied with the IDEA, and therefore automatically satisfied Section 504 and Title II. The Division argued that the IDEA and the ADA have different statutory standards, and so compliance with IDEA standards does not automatically satisfy Title II. The court, relying significantly on our amicus brief, concluded that the ADA and IDEA requirements are not the same. Pursuant to regulations implementing Title II, a public entity must provide communication to a person with a disability that is equal to that afforded persons without a disability. In contrast, under the IDEA, a school district must develop and implement an individual education program that addresses a child with a disability's unique needs and provides a meaningful education. The district court remanded for further proceedings tied to ADA requirements.

Disability Rights Section (DRS)

The Section continues to aggressively enforce the ADA to combat discrimination against people with HIV. On March 13, 2013, the Section reached a settlement with Glenbeigh Hospital of Rock Creek, Ohio, under the Americans with Disabilities Act (ADA). The settlement resolves allegations that Glenbeigh violated the ADA by denying admission to someone because of HIV. The Section found that Glenbeigh unlawfully refused to admit someone with HIV into its alcohol treatment program because of the side effects of his HIV medication. Glenbeigh's alcohol treatment program consists of helping patients through the physical aspects of recovery, as well as providing counseling and incorporating spiritual healing. The Section determined that Glenbeigh cannot show that treating the complainant would have posed a direct threat to the health or safety of others. Under the settlement, Glenbeigh must

train its staff on the ADA, develop and implement an anti-discrimination policy, and pay \$32,500 to the complainant and \$5,000 in civil penalties.

The Section also works to protect the rights of people with hepatitis B. On March 13, 2013, the Section reached a settlement with the University of Medicine and Dentistry of New Jersey School (UMDNJ) under the Americans with Disabilities Act (ADA), resolving complaints that the UMDNJ School of Medicine and the UMDNJ School of Osteopathic Medicine unlawfully excluded applicants because they have hepatitis B. In 2011, the two complainants applied and were accepted to the UMDNJ School of Osteopathic Medicine, and one of them was also accepted to the UMDNJ School of Medicine. The schools later revoked the acceptances when the schools learned that the applicants have hepatitis B. The Section determined that the schools had no lawful basis for excluding the applicants, and that the exclusion of the applicants contradicts the Centers for Disease Control and Prevention's (CDC) updated guidance on this issue. The UMDNJ agreed to adopt a disability rights policy based on the CDC's Hepatitis B recommendations, permit the applicants to enroll in the schools, provide ADA training to their employees, and provide the applicants a total of \$75,000 in compensation and tuition credits. This is the first ADA settlement ever reached by the Justice Department on behalf of people with hepatitis B.

On December 20, 2012, the Section entered into a settlement agreement with Lesley University in Cambridge, Massachusetts, resolving a complaint that the university refused to accommodate students with Celiac Disease and other food allergies in its mandatory meal plan and refused to allow them to be exempted from the meal plan. The agreement requires the university, which has approximately 8,000 students, to prepare allergen-free foods in its kitchens, take precautions to protect against cross-contamination from other foods, identify these foods in all food service lines, allow students the choice to pre-order allergen-free meals or select them from the food lines, post notices advising students to inform the food server if they have food allergies, train staff on the terms of the settlement agreement, and pay a total of \$50,000 in compensation to students identified by the Section as having been aggrieved by the university's previous policies.

On January 28, 2013, the Section reached an agreement with the city of Memphis, Tennessee to improve physical accessibility for people with disabilities at Liberty Bowl Memorial Stadium, home of the AutoZone Liberty Bowl, Memphis Tigers and Southern Heritage Classic football games. Under the settlement agreement, Memphis will install a total of 282 wheelchair spaces and an equal number of companion seats around the stadium and in the upper concourses on both the home and away sides of the Liberty Bowl. The agreement requires installation of additional wheelchair spaces in seating areas renovated in the future, such as the suites and press boxes. The 282 wheelchair spaces will be dispersed vertically and horizontally throughout the Liberty Bowl, and will provide people who use wheelchairs with lines of sight over standing spectators that are comparable to those offered to individuals without disabilities. In addition, Memphis will ensure ADA compliance for concession stands, gates, elevators, suites and press boxes, ramps, and restrooms throughout the stadium, retain an architect to certify that the city has corrected each ADA violation, and report its progress to the United States.

In March 2013, the Section reached cooperative settlement agreements with the Arapahoe, Colo., County Sheriff's Office and the City of Englewood Police Department, resolving complaints that law enforcement officers for Arapahoe County and the City of Englewood were not providing qualified sign language interpreters and other auxiliary aids and services when needed for effective communication with people who are deaf, including arrestees, victims and witnesses. Under the settlements, the city of Englewood and Arapahoe County will each pay \$35,000 to the private plaintiffs. In addition, they will enter into contracts with qualified sign language interpreters to ensure ready availability, train their staff on the ADA, appoint ADA coordinators, post signs indicating the availability of sign language interpreters and other auxiliary aids and services for people who are deaf or hard of hearing, provide text telephones and volume control telephones, modify their handcuffing policies for people who use sign language or hand writing to communicate, stock and provide hearing aid and cochlear implant processor batteries in the detention facility, and adopt policies consistent with the ADA. The complainants had also

filed a private lawsuit based on the same allegations in federal district court. The Section reached out to the parties to see if there were grounds for a cooperative resolution. All parties expressed a commitment to ensure full compliance with the ADA. The private plaintiffs also signed these agreements, which resolved the Section's investigations as well as the private lawsuit.

On June 24, 2013, the State of Connecticut, the City of Hartford, and the management companies associated with the XL Center entered into a settlement agreement with the Department to remedy numerous ADA violations, including barriers in the toilet rooms, accessible seating without proper sight lines, general mobility barriers, concession stand barriers, and ticketing violations. The XL Center is an arena seating 16,000+ that hosts various sporting events and concerts, including the University of Connecticut's men's and women's basketball games. The Department also provided ADA training to the university's box office ticket staff.

On July 10, 2013, the Section filed a lawsuit under title I of the ADA in the U.S. District Court for the Western District of New York against Erie County, N.Y., alleging that the county discriminated against an employee with a disability. The Section simultaneously filed a consent decree to resolve the claims. In its lawsuit, the Section alleges that the county violated the ADA by refusing to promote a maintenance worker with monocular vision because he did not have a commercial driver's license. The Section found that the employee was qualified for the promotion and that he could perform all the important job duties associated with the promotion. The Section also found that there were other employees who did not have a commercial driver's license who had been promoted to the position. The consent decree requires the county to pay the employee \$22,486 in back pay and interest, offer him a promotion with remedial seniority, provide training on the ADA and file periodic reports with the Section.

On July 12, 2013, the Section filed a Statement of Interest in support of the plaintiff's opposition to partial summary judgment in *Argenyi v. Creighton University*, which is a Section 504 of the Rehabilitation Act case challenging Creighton University's failure to provide needed auxiliary aids and services to a medical student who has a hearing impairment. The case which pending in the District of Nebraska is currently on remand from the Eighth Circuit, at which stage the Department participated as amicus curiae. In the Statement, we urged the court to reject Creighton's argument that deliberate indifference (the established standard in the Eighth Circuit for monetary damages) requires the plaintiff to show not only that a violation of a federal right was a plainly obvious consequence of the defendant's actions, but also that it was plainly obvious that a defendant's affirmative defenses of fundamental alteration and undue burden would fail. We also asked the court to reject Creighton's reliance on academic deference principles in support of its motion, explaining that genuine issues of material fact exist as to whether Creighton's decisions regarding the plaintiff are entitled to academic deference, and that, where liability is established, a reasonable juror could find that Creighton's continued failure to provide needed auxiliary aids and services based on unsupported or discriminatory opinions by University faculty constitutes deliberate indifference. On July 19, 2013, the Court denied Creighton's motion.

On July 23, 2013, the Section reached a settlement with Louisiana Tech University and the Board of Supervisors for the University of Louisiana System to remedy alleged violations of the Americans with Disabilities Act (ADA). The settlement resolves allegations that the University violated the ADA by using a version of an online learning product that was inaccessible to a blind student. The student could not access course and homework materials for nearly one month into the University quarter, at which point the student was so far behind in his coursework that he felt compelled to withdraw from the course. The settlement also resolves allegations that in a subsequent course, the same student was not provided accessible course materials for in-class discussion or exam preparation in a timely manner.

On July 29, 2013, the Section filed a complaint in *United States v. Dr. Brown, et al*, a case alleging violations of Titles III and V of the ADA by Dr. Hal W. Brown and the Primary Care of the Treasure Coast, Inc. (PCTC). The complaint alleges that Dr. Brown and PCTC terminated an elderly married couple, who are deaf, as patients because the couple had, in May 2009, written a letter to a nearby

hospital affiliated with Dr. Brown and PCTC threatening to file a lawsuit for failure to ensure effective communication as required under the ADA. Upon learning of the lawsuit, PCTC and Dr. Brown, who was the couple's primary doctor at PCTC, immediately terminated the couple as patients. The lawsuit alleges retaliation and interference by Dr. Brown and PCTC. Litigation is ongoing.

On July 26, 2013, the Section filed a Statement of Interest in, *Hunter v. District of Columbia, et al.*, in opposition to the District of Columbia's motion to dismiss. This is a title II case against the District of Columbia regarding its Shelter Programs, in which plaintiffs allege a failure to accommodate and a failure to maintain accessible shelter units for persons with immune system and mobility impairments in violation of Section 504, title II, and the FHA. In the Statement of Interest, the Section explains that the District's motion should be denied because the District may be held liable under Title II for the actions of its contractors, and that shelters are covered by the FHA. The District and shelter operator also filed motions to strike arguing that the Section was not permitted to file such a Statement of Interest, and that the Statement of Interest was untimely. The Section filed oppositions rebutting these arguments and the court ultimately denied the Defendants' motion to strike. The court has not yet ruled on the motion to dismiss.

On August 20, 2013, the Court in *Colorado Cross Disability Coalition (CCDC) v. Abercrombie & Fitch, et al.* entered a permanent injunction requiring Abercrombie & Fitch to make all of its Hollister clothing stores in the U.S. with elevated entrances accessible before January 1, 2017, by ramping or removing the elevated entrances or closing them off to public access. The Section filed two statements of interest in support of CCDC's motion for summary judgment that was granted by the Court. At issue are over 200 Hollister stores with raised entrances containing two steps, making them inaccessible to people who use wheelchairs and requiring them to use a secondary entrance. The Court relied upon the statements filed by the Section.

The U.S. Attorney Program for ADA Enforcement ("USA Program") continues to expand our ADA enforcement efforts through the contributions of U.S. Attorney's Offices across the nation, with nearly 90 of the nation's U.S. Attorney's Offices participating in the program. Not only has the number of participating offices grown over this period, but the volume of cases and the impact of particular matters have grown as well. USAOs have entered into a high volume of settlement agreements and consent decrees. In FY 2013, USAOs have initiated ADA investigations or compliance reviews of more than 400 matters and entered into more than 20 settlements and five consent decrees and filed four lawsuits. The Section also implemented the recently announced Barrier-Free Health Care Initiative with USAOs, with approximately 45 Districts committed to working to eradicate discrimination in health care settings against individuals who are deaf or have hearing loss. Already, USAOs have entered into more than 15 settlements, resolutions or consent decrees under this initiative.

In FY 2013, the Section entered into two settlement agreements with bus companies in Florida and New Jersey regarding compliance with Title III of the ADA, based on compliance reviews and referrals from the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (DOT). The agreements require that the companies comply with all applicable requirements of accessible service and operations and not exclude persons with disabilities from their public transportation services. These agreements reflect the successful ongoing coordination between DOT and the Department. Since 2011, 22 matters have been resolved through settlement agreements and letters of resolution.

The Section has built an impressive mediation program to assist with the disposition of the thousands of complaints received each year. In FY 2013, the ADA Mediation Program referred 357 matters, completed 282 matters, and successfully resolved 79% of these cases. The overall success rate since the inception of the program is 78%.

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. The demand for complex technical assistance continues to increase in response to the implementation of the revised Title II and Title III regulations and the 2010 Standards for Accessible Design. Highlights of the Sections work in FY 2013 include:

- Approximately 57,000 calls to the ADA Information Line were answered by ADA Specialists who assisted callers in applying the ADA to their own unique situations.
- The ADA Website, www.ada.gov, was visited more than 8.5 million times and more than 10.2 million pages were viewed. The ADA Home Page was the Department's fourth most visited web destination, with more than 1.47 million visits.
- On May 17, 2013, the Section launched its updated and redesigned ADA website, which includes over 5,000 pages. This represents the first major re-design of the ADA website since 2002 and incorporates improved navigation and usability features making it easier to find information on ADA technical assistance, enforcement, and regulations.
- Creating new technical assistance materials explaining the revised title II and III regulations and 2010 Standards for Accessible Design (2010 Standards). The Section published a new technical assistance documents: *Questions and Answers About the Lesley University Agreement and Potential Implications for Individuals with Food Allergies (January 2013)*, designed to assist the public to understand how the Lesley University settlement agreement applies in a variety of settings. The Section also completed Spanish translations of two new technical assistance documents and updated an existing document. The Section expect to continue our work in this area for the foreseeable future.
- Providing outreach by participating in speaking and outreach events. In FY 2013, the Section presented 52 speeches, workshops, and training sessions to an audience of approximately 4,500.

The Section continues to remain very active in developing new ADA regulations. Highlights of the Section's ADA regulations work in FY 2013 includes:

- Continued its work on additional proposed ADA rules related to the accessibility of web information and services of State and local governments and public accommodations; the accessibility of medical equipment and furniture; the accessibility of hotel beds in places of lodging; and the accessibility of next generation 9-1-1 emergency services.
- Made proposed changes to the ADA implementing regulation for title III related to move captioning and video description; submitted to OMB for Executive Order 12866 review prior to publication.
- Incorporated changes required by the ADA Amendments Act of 2008 (ADAAA) into the ADA implementing regulations for titles II and III; received OMB clearance in August 2013. The NPRM is expected to be published in the near future.
- The Section continued to play a vital role on an interagency team headed by U.S. Department of State staff on the United Nations Convention on the Rights of Persons with Disabilities (treaty). The Section assisted with preparation of briefing materials for Division leadership.
- Processed 398 pieces of "controlled correspondence" from Congressional offices, the White House, and the Attorney General's office.

In FY 2014 and FY 2015, the Section will continue its innovative and multi-faceted approach toward achieving compliance with the ADA. Activities will include:

- Continuing to vigorously enforce the ADA and to increase voluntary compliance with the law using the statutory and regulatory means available to the Section;
- Continuing to draft new technical assistance materials explaining the Department's revised regulations and 2010 Standards and revising more than 40 existing technical assistance documents to ensure consistency with the new regulation;
- Identifying alternative, cost effective methods to continue to carry out our statutory authority to educate and reach out to groups affected by the revised regulations, including small businesses, State and local governments, individuals with disabilities, and professional and trade associations;
- Drafting and publishing six NPRMs regarding (1) incorporating changes required by the ADA into the Department's section 504 implementing regulations for federally conducted and federally assisted programs; (2) the accessibility of web information and services of State and local governments; (3) the accessibility of web information and services of public accommodations; (4) accessible hotel beds, (5) Next Generation 9-1-1 Services, and (6) non-medical equipment and furniture. This includes evaluating the cost impact of the revisions for each NPRM;
- Drafting a proposed ANPRM on medical equipment and furniture;
- 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;
- Increasing compliance with the new construction requirements of the 2010 Standards and ensuring that covered entities 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;
- Providing ongoing training for mediators on the requirements of the revised regulations and 2010 Standards; and
- Offering more complainants and respondents the opportunity to resolve complaints through participation in mediation

Employment Litigation Section (ELS)

In FY 2013, ELS has filed eight suits alleging discrimination against an individual pursuant to Section 706 of Title VII. In addition, ELS is litigating one large Title VII pattern or practice case, and three defensive cases regarding challenges to DOT's Disadvantaged Business Enterprises (DBE) program. ELS is also handling "stage 2" relief distribution in several large pattern or practice cases. Also in FY 2013, ELS has obtained six consent decrees; three court-approved settlement agreements; seven out-of-court settlements; and initiated 23 investigations (15 under § 706; eight under § 707). ELS has received a total of 83 USERRA referrals this fiscal year from the Department of Labor for litigation consideration, 21 of which included a finding of "merit," and ELS has filed, or worked collaboratively with United States Attorney's Offices in filing, six USERRA lawsuits. ELS has also been actively monitoring compliance with consent decrees that resolved numerous Title VII pattern or practice and individual lawsuits.

On April 23, 2012, ELS filed *United States v. City of Jacksonville*, alleging that the examinations used by the City to promote firefighters to four supervisory positions have an adverse impact against African Americans and are not lawful under Title VII. Discovery in the case has been delayed as the Court sorted through a series of motions regarding intervention and consolidation. ELS finalized its report on adverse impact in the Fall, filed a preliminary injunction motion regarding a new examination in October, and is currently conducting expert discovery on disparate impact and fact discovery on other aspects of the case.

On July 3, 2012, ELS filed suit against the City of Corpus Christi, Texas, alleging that the physical examination used by the City to select entry-level police officers has a disparate impact on women and is not lawful under Title VII. The Court approved the consent decree on May 16, 2013. ELS has made its relief determinations and has asked the Court to set a hearing to approve them.

As noted above, ELS is defending three cases that challenge federal disadvantaged business enterprise programs. ELS has filed expert reports in all of these cases and rebuttal reports when necessary. ELS filed a motion for summary judgment in one case on June 14, 2013 and is awaiting the Court's decision.

Finally, ELS continues to engage in substantial "Stage 2" activities in *United States v. New Jersey Civil Service Commission, et al.*, *United v. Commonwealth of Massachusetts, et al.*, and *United States v. City of New York (FDNY)*. In all three pattern or practice cases involving allegations of testing discrimination, the United States is in the process of administering claims procedures involving screening thousands of candidates to determine eligibility for remedial relief and priority hiring or promotions. In *FDNY*, the Court's current orders require individual discovery and/or hearings for approximately 1,400 candidates who are eligible for relief. In addition, ELS is obligated by the Court orders in these cases to work with the defendants on the process of developing and implementing new, lawful selection procedures, which requires the engagement of experts in the fields of disparate impact and validity.

During FY 2014 and FY 2015, 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 continue to 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, and increase its outreach efforts to Title VII stakeholder organizations.

Education Opportunities Section (EOS)

EOS addresses discrimination and harassment in public schools and universities. Between October 1, 2012 and December 11, 2013, EOS negotiated a total of ten consent decrees and seven out-of-court settlement agreements, obtained litigated relief in seven desegregation cases, secured modifications to school desegregation plans in five desegregation cases, and opened 13 investigations regarding alleged discrimination on the basis of race, national origin, sex, religion, disability, and language services.

In the race and national origin context, EOS monitors approximately 190 active school desegregation cases to which the United States is a party, and has negotiated 19 court-ordered consent decrees to date. In one case, the court approved a consent decree requiring the school district to implement a robust four-year plan to comply with its longstanding desegregation obligations. The decree addresses student assignment and transportation, and requires measures to support academic achievement and student engagement, and to promote effective, non-discriminatory discipline practices. In another desegregation case, the court approved a comprehensive consent decree to prevent and address racial harassment in school discipline practices, including suspension, expulsion, and school based arrest. In a third case, the court modified zoning to promote desegregation and addressed faculty hiring and assignment, the gifted program, student discipline, and transportation. In another, the court approved a consent decree governing student transfers and faculty hiring and assignment. EOS also continues to work with school districts to achieve unitary status.

Between October 1, 2012 and December 11, 2013, EOS opened six investigations to combat race and/or national origin discrimination. Additionally, EOS negotiated four out-of-court settlements on race and national origin discrimination: one to address student harassment on the basis of race at a high school; another to address national origin and religion-based student harassment in a middle school; and two settlements to address practices that deny students from immigrant families access to public schools. All of these agreements require modifications to policies, systemic training, and other relief to improve school climate.

Between October 1, 2012 and December 11, 2013, to ensure equal educational opportunities for English Language Learners (ELL) and as part of a nationwide effort, EOS initiated four new investigations and is actively pursuing 14 ongoing investigations with states and school districts. 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 FY 2013, EOS negotiated a court-ordered consent decree in a large school district that requires the district to take a number of specific steps to ensure that ELLs overcome language barriers within a reasonable period of time. The decree includes provisions on identification and enrollment of ELLs in the English language acquisition programs, teacher training, teacher and principal appraisal, and longitudinal evaluation of ELLs' performance over time to determine whether the ELL programs are effective.

EOS also secured a significant out-of-court settlement to benefit thousands of ELLs, requiring a district to, among other things, makes sure ELLs receive instruction from qualified teachers; monitor and evaluate the effectiveness of its ELL programs; provide ELL students and Limited English Proficient parents meaningful access to information, such as discipline and special education forms and meetings; and take measures to ensure discipline is administered in a nondiscriminatory manner.

EOS also negotiated two out-of-court settlement agreements that benefit ELLs and their families in the context of school registration and discipline. One agreement aims to prevent and address discrimination against the district's tens of thousands of ELLs in the administration of discipline. The agreement requires significant measures, including policy changes, training, and parent and community engagement, to make ensure that ELLs are not unfairly disciplined or removed from classrooms based on language barriers. EOS continues to monitor compliance with three consent decrees and is actively monitoring eleven out-of-court agreements that impact ELL students and their parents.

Between October 1, 2012 and December 11, 2013, to protect and address sex discrimination of students in schools, EOS opened two investigations; in another, issued findings and negotiated a landmark, comprehensive out-of-court agreement to address how a public university has responded to allegations of sexual assault and harassment; and in a third, reached an out-of-court settlement agreement to resolve a complaint of sex-based discrimination against a transgender middle school student. The agreement involving the public university requires the university to: revise its policies and grievance procedures to ensure that they promptly and effectively address sexual harassment and assault; train all members of the campus community; improve coordination of Title IX compliance; create a resource guide for victims of sexual assault; conduct campus climate surveys to ensure that the learning environment is not hostile to female students; follow up with complainants to see if they are free of harassment and retaliation; and establish a system to track sexual harassment complaints and evaluate the university's handling of such complaints and reforms to improve the campus climate for women. The second agreement contained both specific provisions to protect the student, as well as district-wide relief, including policies and training to create a safe, nondiscriminatory learning environment for students who do not conform to gender stereotypes.

In the area of religion, EOS opened three investigations to protect students from harassment on the basis of religion. EOS also reached an out-of-court settlement to address imminent safety issues facing a Sikh middle school student. The settlement requires the district to implement a safety plan for the student, and to provide anti-harassment training that addresses religious and national origin bias for all students and staff who interact with students at the complainant's middle school and high school where he will be enrolled next year.

In FY 2013, through December 11, 2013, EOS expanded its disability advocacy docket in a variety of ways. EOS has opened five new investigations, and, in coordination with the local U.S. Attorney's Office, is conducting a statewide investigation of the segregation of students with emotional and behavioral disabilities. In addition, EOS carried out a major investigation of a large county school district in response to complaints of discrimination on the basis of race and disability leading to disproportionate discipline for these students. Through this work, EOS seeks to better integrate students with disabilities into general education programs and provide the necessary supports for these students to be successful in the community with their non-disabled peers.

With respect to legislation and policy, EOS has spent considerable time commenting on proposed policy initiatives, guidance related to the Administration's "Now is the Time" proposals and food allergies, as well as proposed legislation, including comprehensive immigration reform, the reauthorization of the Elementary and Secondary Education Act, the Student Non-Discrimination Act, the Perkins Career and Technical Education Act Reauthorization, mental health related bills. EOS collaborated with the Office for Civil Rights (OCR) at the Department of Education to issue civil rights guidance on school discipline and questions and answers in response to the Supreme Court's decision in *Fisher v. Texas*. EOS actively participates in cross-Sectional working groups on particular topics, including issues relating to school discipline, and persons with disabilities, and coordinated closely with the Department of Education on these same concerns.

In FY 2014 and FY 2015, 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 and compliance reviews under Titles IV and IX in the areas of race, national origin, religion, and sex. Particularly, EOS plans to further examine: school discipline as it affects students of color and students with disabilities; discrimination and the denial of access to educational services for Native American students; the harassment of students on the bases of race, national origin, sex, religion, and disability; allegations involving more than one of these factors; and conduct that denies national origin minority students access to school in contravention of Title IV and *Plyler v. Doe*. 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. EOS will also catalyze efforts to address discrimination against students with disabilities under Title II of the ADA; EOS has been actively reviewing complaints of harassment, restraint and seclusion, and disproportionate discipline on the basis of disability, and is working closely with other CRT Sections to identify cases that will promote efficient use of resources across the Division.

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

Federal Coordination and Compliance Section (FCS)

FCS continues its robust coordination and oversight responsibilities under EO 12250, providing on-going training and technical assistance to federal agency civil rights offices. FCS provides in-depth Title VI technical assistance on various issues to the Departments of Agriculture, Homeland Security, and Transportation, and the Environment Protection Agency, work that will continue and expand to other agencies throughout FY 2015. FCS also has worked with other federal departments and agencies on

ensuring robust enforcement of Title VI, sharing ideas and best practices. These efforts will continue through FY 2014 and FY 2015.

In FY 2012, FCS planned and launched an Interagency Working Group (IWG) on Title VI, bringing together federal departments and agencies that provide federal financial assistance (FFA). Through FY 2015, the Working Group will continue to examine Title VI enforcement and assist in the development of more comprehensive training. FCS is engaged in an interagency review of issues attendant to benefits verification procedures, assessing compliance with Title VI. FCS also leads the Environmental Justice (EJ) Interagency Working Group's Title VI Committee, which is establishing an EJ/Title VI page on the IWG's website to facilitate improved coordination between agencies' environmental justice and civil rights offices.

FCS provides significant training and technical assistance on Title VI and EO 13166, which requires federal agencies to ensure that their recipients provide LEP individuals with meaningful access to their services, programs, and activities. In this regard, the Section provides guidance, training, and oversight to agencies and stakeholder communities. FCS regularly responds to agency inquiries on Titles VI & IX and LEP obligations. These are core functions of the Section and will continue through FY 2015. In addition, FCS is revising the Title VI Legal Manual, which provides an overview of legal issues attendant to the scope and enforcement of Title VI.

DOJ is a major provider of Federal Financial Assistance (FFA). Under agreements reached with certain DOJ funding components, FCS conducts administrative investigations of selected discrimination complaints against and compliance reviews of their recipients. FCS will also conduct joint investigations with other federal agencies where a complaint alleges discrimination against a shared recipient. DOJ recipients include state and local law enforcement agencies, courts, corrections systems, juvenile justice systems, and a variety of non-governmental entities. One of FCS's major investigations of a sheriff's department has led to a Title VI civil action seeking a judicial determination of noncompliance against the sheriff's office.

The FCS Courts Initiative continues, working to ensure that LEP individuals receive meaningful access to court services. FCS conducts systemic investigations of state courts for failure to provide interpretation and translation assistance in domestic violence, child custody, criminal, and other matters. FCS issued the first Title VI violation letter of finding in such a matter, has reached formal agreement in two states, and is moving toward resolution in two other investigations. Meanwhile, FCS has investigations ongoing in several other states and continues to receive interpretation and translation complaints. FCS provides guidance, training (in-person and webinar), and technical assistance to promote the provision of language access in courts consistent with Title VI and regulations, participated in the development of the American Bar Association Standards on language access to courts, and harnesses partnerships including United States Attorney's Office, Access to Justice Initiative, Office of Violence Against Women, and Office of Justice Programs, to leverage Departmental expertise and resources to improve access to justice for LEP individuals. FCS also engages frequently with the Conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts, and the National Council of Family and Juvenile Court Judges, and is pursuing potential additional policy options. This work will continue through FY 2015.

FCS continues to staff language access initiatives. The Attorney General signed the Department's language access plan during FY 2012 and the CRT Assistant Attorney General issued the Division's plan shortly thereafter. Continuing through FY 2015, FCS will provide training and train-the-trainer programs for both Division and component staff and will work with the components on review and monitoring mechanisms to ensure that LEP individuals have meaningful access to Departmental programs and services. FCS also will provide an assessment of the Department's compliance with its language assistance obligations during FY 2015.

FCS 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 provides LEP training for community groups, as well as to various recipient organizations and other federal agencies. The Federal IWG on LEP, which functions under FCS leadership, has active members from more than 35 federal agencies. During FY 2013, FCS led an IWG project that created videos for use in training federal agency staff on how to provide language assistance. During FY 2014 and 2015, FCS will be engaged in distribution of the videos and will provide additional training as necessary. FCS also 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.

In FY 2013, FCS launched a Child Welfare Initiative. Working with other federal agencies, including the U.S. Department of Health and Human Services, the Initiative focuses on a broad range of issues related to discrimination based on race, color, and national origin. These issues include disproportionate minority involvement in the child welfare system, failure to ensure language access, and the separation of children from undocumented parents and Native American communities. In addition, FCS plans to undertake an inter-agency effort to examine issues attendant to discrimination in the providing of municipal services to minority communities. In some areas, sewer, water, and other municipal services are not provided to economically and socially disadvantaged communities, many of which are minority-majority. This initiative will examine these communities and determine whether Title VI provides a mechanism through which improvements may be effected.

During FY 2013, FCS's workload included increases in incoming correspondence, requests for legal opinions, requests for intensive technical assistance and training from federal agencies, and requests to address numerous legally challenging issues. The Division expects this trend to continue through FY 2014 and 2015. FCS's work 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 and their beneficiaries at the same time, such as coordination of more complex investigations involving multiple agencies and cross-cutting barriers. 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 FFA. FCS also is exploring use of technology, such as webinars, to provide training on a broader scale to both the federal agency and recipient communities.

Housing and Civil Enforcement Section (HCE)

HCE's enforcement activities in the critical areas of fair lending, the rights of servicemembers, and exclusionary zoning have produced many significant, path-breaking settlements. As of February 18, 2014, the Section had 11 pattern or practice cases in pre-suit negotiations. From FY 12 to the present, HCE obtained settlements totaling well over \$756 million in monetary relief.

Recent highlights of the Section's fair housing litigation efforts include:

- After 14 months of trial, resolving *City of Joliet v. New West, et al.*, a condemnation action against Evergreen Terrace, a HUD-subsidized affordable housing complex, and an affirmative lawsuit against Joliet, which alleged that the City's effort to condemn Evergreen Terrace was discriminatory on the basis of race. The consent decree preserves affordable housing for low-income residents by placing limitations on redevelopment by Joliet should the City acquire the property through condemnation or otherwise (Nov. 2013);
- Resolving *United States v. Rosewood Park Apartments*, which alleged that the owners and operators of the largest apartment complex in Reno, Nevada denied housing to persons with disabilities who use assistance animals. Under the agreement, defendants will pay \$127,500 to a family that was prevented from moving into the complex and a non-profit organization that conducted testing to

investigate the rental practices of the complex, as well as \$25,000 to compensate other victims and \$15,000 in civil penalties (Oct. 2013);

- Resolving *United States v. Townhomes of Kings Lake HOA, Inc.*, which alleged that a homeowners association and property manager discriminated against families with children. The consent decree provides for \$45,000 in damages to the named aggrieved persons, \$85,000 for a settlement fund, and \$20,000 in civil penalties (Aug. 2013);
- Filing and resolving *United States v. Wilson*, which was developed by the Division's Fair Housing Testing Program and alleged that defendants discriminated against African-American apartment seekers and indicated a preference for families without children (Sept. 2013);
- Filing *United States v. Toone*, alleging that the owners of an RV park discriminated on the basis of sex against a transgender RV resident and her roommate (Oct. 2013); and
- Filing *United States v. Housing Authority of the City of Ruston*, alleging that the Housing Authority has engaged in a pattern or practice of racial discrimination in the placement of new residents in its public housing complexes and in the granting of transfers to residents of the authority's properties (Sept. 2013).

Significant fair housing outcomes to date include:

- Two sexual harassment consent decrees for more than \$2 million each in total monetary relief, the largest recoveries ever in FHA sexual harassment suits brought by the United States, *United States v. Sorensen* (Sept. 2012) and *United States v. Barnason* (May 2012);
- A multifamily housing accessibility consent decree providing for a \$10.25 million accessibility fund and a \$250,000 civil penalty, the largest monetary settlement ever in an accessibility suit brought by the United States under the FHA, *United States v. JPI* (July 2012);
- Filing and resolving *United States v. St. Bernard Parish*, alleging that the Parish engaged in a multi-year campaign to limit rental housing opportunities for African-Americans through exclusionary zoning practices in the aftermath of Hurricane Katrina. The settlement provides more than \$2.5 million in relief (May 2013);
- Filing and resolving *United States v. Sussex Co.*, alleging that the County blocked an affordable housing development based on race and national origin stereotypes of prospective residents. The consent decree requires the County to pay the developer \$750,000 and allow the development to proceed through the approval process (Nov. 2012);
- A partial design and construct consent decree in a disability-based housing discrimination case, providing for a \$865,000 accessibility fund and \$60,000 for aggrieved persons, *United States v. Bryan Company* (May 2013);

The Section's Fair Lending Unit continues to bring important enforcement actions in a variety of areas. Recently-filed cases include:

- *United States v. Plaza Home Mortgage*, alleging that from 2006 to 2010, Plaza charged higher prices on wholesale mortgage loans made to African-American and Hispanic borrowers than to non-Hispanic white borrowers. The consent decree requires Plaza to pay \$3 million to victims of discrimination and implement new pricing policies and practices (Sept. 2013);
- *United States v. Chevy Chase Bank*, alleging that from 2006 to 2009, Chevy Chase charged elevated prices on retail and wholesale mortgage loans to African-American and Hispanic borrowers as compared to non-Hispanic white borrowers. The consent decree requires Capital One, Chevy Chase's successor in interest, to pay \$2.85 million to African-American and Hispanic victims of discrimination (Sept. 2013); and
- *United States v. Southport Bank*, alleging that in 2007 and 2008, the bank charged higher prices on wholesale mortgage loans made to African-American and Hispanic borrowers than to non-Hispanic white borrowers. The consent decree requires Southport to pay \$687,000 to victims of discrimination (Sept. 2013).

The precedent-setting cases brought in the previous two years have required extensive compliance work in the areas of victim identification, location, and compensation. In our three largest fair lending cases, we have invested considerable staff time to identify and include the largest number of victims possible:

- *United States v. Wells Fargo Bank, N.A.*, alleging that between 2004 and 2009, Wells Fargo engaged in a nationwide pattern or practice of discrimination in its residential lending activities, in violation of both the FHA and the ECOA. The consent decree requires the bank to pay nearly \$185 million to compensate victims of its discrimination and provide \$50 million in direct down payment assistance to borrowers in selected metropolitan areas. As of December 2013, 82% of all victims and 88% of steering victims have elected to participate in the settlement. We will begin mailing payments to victims in early 2014. (July 2012).
- In *United States v. Countrywide Financial Corporation*, the complaint alleges that between 2004 and 2008, Countrywide and its subsidiaries engaged in a widespread pattern or practice of mortgage lending discrimination against qualified African-American and Hispanic borrowers. The consent decree requires the bank to pay \$335 million to victims of steering and pricing discrimination, making this settlement the largest in Division history. We began mailing payments to victims in October 2013 and expect to distribute \$250 million by the end of the year. (Dec. 2011).
- In *United States v. SunTrust Mortgage, Inc.*, the complaint alleges that SunTrust engaged in a pattern or practice of mortgage pricing discrimination against African-American and Hispanic borrowers. The consent decree creates a \$21 million settlement fund and requires the company to maintain its revised loan pricing policies. We will begin mailing payments to victims in January 2014. (Sept. 2012).

The Section obtained eight settlements in significant matters under the Servicemembers Civil Relief Act (SCRA) in FY 2012 and FY 2013. As with the ECOA cases, the precedent-setting SCRA cases have required extensive compliance work in the areas of victim identification, location, and compensation, as well as the review of new policies and training:

- The consent decree in *United States v. Capital One* requires the bank to pay an estimated \$15 million to compensate servicemembers for violations of several SCRA provisions. (July 2012)
- Consent decrees in *United States v. Bank of America Corp.*; *Citibank, NA*; *JPMorgan Chase & Co.*; *Ally Financial, Inc.*; and *Wells Fargo & Co.*, require independent reviews to determine if servicemembers were foreclosed on in violation of the SCRA since 2006, and if servicemembers were unlawfully charged mortgage interest in excess of 6% since 2008. Most victims of illegal foreclosures will receive a minimum of \$125,000 plus lost equity. These settlements cover the vast majority of foreclosures in the country and require significant resources to implement the policy changes and victim identification. (April 2012).

Under the Religious Land Use and Institutionalized Persons Act, the Section filed a complaint in *United States v. City of Lomita, CA*, alleging that the city violated the statute when it denied the Islamic Center of the South Bay's application to tear down aging structures on its property and construct a new mosque. The consent decree requires the city to consider a renewed application by the Islamic Center on an expedited schedule. (Mar. 2013).

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

Since the beginning of FY 2014, OSC received 100 charges, which includes complete and incomplete 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, independent investigations initiated, or pre-investigations opened. During this period, OSC opened 10 investigations, issued letters of resolution or entered into settlement agreements in 54 charges, and recovered approximately \$13,490 in back pay for victims and \$985 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 INA. In FY 2014 to date, OSC has participated in 34 public outreach sessions and webinars, and handled 866 calls through its employer and worker hotlines.

In FY 2014 and FY 2015, OSC's workload may increase significantly based upon a number of factors that portend increased discrimination against U.S. citizens and legal immigrants. DHS is expected to continue its expanded 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 DHS' E-Verify program, an electronic employment eligibility verification system used 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, nearly 500,000 employers have enrolled in E-Verify, representing more than 1.4 million locations nationwide. DHS-commissioned studies have concluded that use of E-Verify results in increased discrimination against workers who look or sound foreign. The studies have 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 several years has exacerbated this problem. Since OSC has jurisdiction over discrimination in the employment eligibility verification process, the rapid expansion of E-Verify has resulted in an expansion of the breadth and scope of cases within OSC's jurisdiction.

Currently, OSC has a Memorandum of Agreement (MOA) in place with U.S. Citizenship and Immigration Services providing for sharing of information and cross-referrals. In FY 2013, OSC received 198 referrals of potential E-Verify related discrimination or document abuse pursuant to the MOA and thus far in FY 2014, OSC has received 65 referrals. OSC is expecting a sharp increase in these referrals in the near future based on the continued refinement of automated reports that detect potential discrimination and the development of new reports to capture additional forms of discriminatory behavior. OSC also responds to many E-Verify-related requests for assistance from workers and employers calling OSC's toll-free hotlines. In FY 2013, the percentage of E-Verify related hotline calls constituted 13 percent of OSC's total calls. OSC expects this demand to continue, particularly in light of 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.

Special Litigation Section (SPL)

FY 2013 was both a busy and successful for the Special Litigation Section. The Section has had a significant number of critical findings and settlements; engaged in increasingly aggressive decree enforcement, and has more matters in active litigation than at any time in the history of the Section. There have been important victories in each of the areas in which the Section practices. The Section anticipates that FY 2015 will be similarly busy and successful, if not more so. This is because the vast majority of our cases are large pattern or practice cases involving several years of systemic reform

following lengthy investigations and, sometimes, trials. Below is a review of SPL programs and highlights of the Section's operational plan for FY 2015.

Police Accountability

The Section's enforcement of the pattern and practice provisions of 42 U.S.C. § 14141 has continued to expand. Over the last year, the Section has completed comprehensive investigations and negotiated innovative consent decrees and other resolutions. Through strategic priority setting, the Section has selected cases and fashioned remedies to address issues that will have the broadest impact both in the communities affected and across the Nation.

The following are highlights of the Section's work:

- **New Orleans Police Department:** The Section negotiated a detailed consent decree to address the widespread problems in the New Orleans Police Department. The decree is the most comprehensive in the history of the Section's work. Key innovations include a focus on outcome measures as well as meaningful community oversight and engagement.
- **Portland Police Bureau:** The Section issued findings that the Portland Oregon Police Bureau engages in a pattern or practice of excessive uses of force during interactions with people who are, or are perceived to be, in mental health crisis. This investigation was conducted parallel to the Section's investigation of the State's mental health system. The delivery of police services to people with mental illness has become a national crisis. The Portland findings letter, and the remedies we negotiated, will hopefully not only address the issues in Portland, but provide guidance to police departments across the Nation. The agreement is pending court approval, and the parties, including the union intervenor and community group amici, have negotiated a resolution to their objections. The court will evaluate the agreement in a fairness hearing in early 2014.
- **Alamance County Sheriff, North Carolina:** The Section issued a findings letter that the Alamance County Sheriff engages in a pattern or practice of discrimination against Latinos. The investigation revealed that Latinos are ten times more likely to be stopped on the roads than white traffic law violators, that they will receive harsher treatment than similarly situated whites and that these practices are the direct result of racial and ethnic bias. After negotiations failed, the Section filed suit against the Sheriff in December 2012, and that litigation is ongoing.
- **Puerto Rico Police Department:** In December 2012, the Section entered into a comprehensive agreement to resolve widespread constitutional violations and profound deficiencies with the police department, including findings that the department engages in a pattern or practice of use of excessive force, unconstitutional searches and seizures, and biased policing. The innovative agreement, which was approved by the court in July 2013, will transform the department into a contemporary law enforcement agency and is tailored to the unique needs and challenges of Puerto Rico and its police department, which is the second largest police force in the country.
- **East Haven Police Department:** The Section entered into a court-enforceable agreement to reform the police department after finding that it engages in discriminatory policing against Latinos. The Section found that the department unlawfully relied on race, color, or national origin to stop, question, and detain Latino motorists in East Haven. The agreement also resolves claims that officers engage in use of excessive force and unlawful searches and seizures. The department has made significant progress implementing the agreement and has worked collaboratively with the Joint compliance Expert to overhaul its policies and practices.
- **Missoula Police Department, the University of Montana, and the Missoula County Attorney:** In May 2013, the Section issued findings concluding that the Missoula Police Department, the University of

Montana, and the County Attorney engaged in a pattern or practice of gender discrimination by failing to investigate sex crimes against women. Shortly thereafter, the Section entered into agreements with the Missoula Police Department and the University of Montana that will comprehensively address the violations.

- Los Angeles Police Department: The Section oversaw the implementation of a transition agreement and order that resolved the Section's police misconduct case against the City of Los Angeles and its police department in its entirety. Reports from various stakeholders, including civil rights organizations, consistently hailed the police department's vast improvements under the comprehensive consent decree that stemmed from the Section's investigation. The court dismissed the case in May 2013.
- Statements of Interest: The Section filed statements of interest in several cases brought by private litigants on issues of police accountability, including:
 - *Floyd v. City of New York*: The Section filed a statement of interest in a private lawsuit pending in federal court regarding appropriate remedies in the event the Court found that the New York Police Department's stop-and-frisk policies and practices violated federal law. The statement set forth the proper remedies for these violations, particularly the importance of an independent monitor to oversee the reforms. The private case will set the standard for how stop and frisk is administered nationwide and how constitutional violations in this area can be remedied.
 - *Garcia v. Montgomery County*: Following up on its Statement of Interest in *Sharp v. City of Baltimore* filed last year, the Section filed a statement of interest in a private lawsuit pending in the federal court in Baltimore, Maryland, regarding the rights of people to videotape police officers performing their duties in a public setting. The statement laid out the First Amendment rights at stake and provided the court with our view of the proper rule of decision. Like the Statement in *Sharp*, this Statement has received attention by police departments and media across the country.
- New Investigations: The Section opened new police investigations, including: In November 2012, the Section opened an investigation of the Albuquerque Police Department to determine whether officers engage in a pattern or practice of use of excessive force, including use of unreasonable deadly force.
- Matters Pending Resolution: The Section has several police cases in active negotiations. The Section expects to resolve or bring litigation in these matters in coming months. Examples include:
 - Los Angeles County Sheriff's Office: In June 2013, the Section issued findings concluding that two sub-stations of the sheriff's office engaged in a pattern or practice of discriminatory policing, unlawful searches and seizures, and excessive force. The parties have entered into a statement of intent to enter a settlement that will remedy the violations, and negotiations with the sheriff's office are ongoing.
 - Miami Police Department: In July 2013, the Section concluded its investigation and found that the police department engaged in a pattern or practice of excessive force, particularly the use of unreasonable deadly force, in violation of the Fourth Amendment. The Section is negotiating with the police department to address the violations.
- Enforcement of Existing Agreements: The Section has committed significant resources to the enforcement of existing agreements in the Virgin Islands, Los Angeles, Detroit, and elsewhere. The emphasis on enforcement will increase dramatically with the entry of decrees in new matters,

including a comprehensive agreement to reform the Puerto Rico Police Department with a police force of 17,000 officers. Examples include:

Juvenile Justice

The Section has engaged in a strategic priority setting process with regard to its juvenile justice practice. As a result, the focus of the work has shifted from an emphasis on reforming conditions of detention to addressing constitutional and law violations that might lead to the unnecessary incarceration of children. This shift in focus has had two effects on the Section's work. First, the Section has undertaken investigation of juvenile justice systems, including courts, indigent defense, probation, and other players. Second, in existing conditions cases, the Section has worked with jurisdictions to create alternatives to incarceration that permit children to be served in the homes and communities rather than in detention facilities.

Highlights of the work include:

- **Shelby County, Tennessee:** The Section completed a comprehensive review of the Shelby County juvenile justice system and issued a findings letter. The letter concluded that there was a pattern or practice of violations of the due process and equal protection rights of youth involved in the system. This was the first ever investigation of a juvenile justice court system by the Section. The Section negotiated and is currently enforcing a remedial agreement with the Shelby Court that will serve as a model for future reform efforts. In early FY 2014, the Office of the Public Defender began representing a portion of the children appearing before the juvenile court. This groundbreaking development is the lynchpin of the reform effort. In FY 2015, the Section expects to closely monitor this effort and continue to closely oversee ongoing reform, interacting with the community and the court to ensure lasting change.
- **Meridian, Mississippi:** The Division's Educational Opportunities Section (EOS) has a long standing desegregation lawsuit against the Meridian school system, which includes issues of racially disparate discipline. The EOS case revealed dramatic evidence of an interplay between school discipline and the juvenile justice system that appeared to violate the due process and equal protection rights of youth in the system. Special Litigation opened an investigation to look at the behavior of the police, probation and the local juvenile court. The court refused to cooperate in the investigation or provide access to records or proceedings, and the probation and police agencies similarly withheld information about individual children. Despite this obstruction, the Section developed sufficient evidence to make findings that there is probable cause to believe that there is a pattern or practice of violations of due process. After our request to engage in meaningful negotiations to address these findings was rebuffed, in October 2012, the Section sued the local police department, the youth court, and the State youth probation agency. Having defeated a motion to dismiss in late FY 2013 and obtained a FY 2015 trial date, the Section expects in FY 2015 to either to be actively litigating this case, or enforcing a settlement with some or all defendants. Either litigation or enforcement work will be time-intensive, and will test some of the novel claims asserted in our complaint. In addition, we expect in FY 2015 to continue our collaboration with EOS, which settled its discipline claims in March 2013. Among other things, we expect to review and make use of data about disciplinary referrals to law enforcement and school-based arrests that the School District must collect as part of the settlement.
- The Section is also likely to pursue additional investigations and litigation regarding the civil rights implications of the "school-to-prison pipeline," in which students, frequently, disproportionately students of color and those with disabilities, are referred to the juvenile justice system for often minor school-based offenses.

- Prevention as an integral part of detention reform: In several existing cases, the Section has worked with jurisdiction to include strategies to reduce detention as part of addressing conditions in juvenile facilities. Diversion and other strategies to prevent detention have become a significant part of the Section's discussions to resolve its findings of unconstitutional conditions of detention in Indiana and part of the efforts to achieve compliance with agreements in New York, Puerto Rico, and Los Angeles. These approaches are innovative and designed to ensure better outcomes for youth involved in the system as well as public safety. In 2015, the Section expects to build on the successes of these diversion efforts, by incorporating fact-finding about diversion into investigations, and by pursuing and enforcing agreements that, wherever feasible, help to close the "front door" of juvenile detention facilities.
- In FY 2013, the Section, on behalf of the Department of Justice, filed a Statement of Interest in a federal case involving the Sixth Amendment rights of indigent defendants to counsel. The Section did not take a position on the facts of the case, but for the first time, went on record as concerned about the state of right to counsel in the United States, 50 years after the Supreme Court held in *Gideon* that all defendants facing the loss of liberty are entitled to the assistance of counsel. The Section expects to continue to participate in litigation opportunities to support this important right into FY 2015 and beyond.

Olmstead Integration Mandate

A major priority of the Section is to ensure that people with disabilities are not subjected to unnecessary confinement to an institution. The principle of integration embodied in the Americans with Disabilities Act and the *Olmstead* decision drives this work. The Section has had several critical successes, including the following:

- Virginia Developmental Disabilities: In 2011, the Section issued finding that the State was violating the Americans with Disabilities Act and the *Olmstead* decision. That finding letter launched a year of difficult and intensive settlement negotiations. Those negotiations resulted in a consent decree that has now been entered by the court. The consent decree will create community services for thousands of Virginia residents over the next nine years. It contains innovative provisions regarding housing supports and employment as well as the most comprehensive system of quality assurance yet developed as part of an *Olmstead* reform case.
- Enforcement of Existing Decrees: In addition to the Virginia agreement, the Section is enforcing comprehensive deinstitutionalization decrees in Georgia and Delaware. Both cases are now in the middle years of decree implementation and require investments of Section resources. The Delaware decree has moved forward largely without difficulty. Indeed, Delaware is ahead of the requirements imposed by the consent decree in the case. However, in Georgia, the litigation team has been engaged with the State in resolving significant non-compliance issues and is increasingly required to engage the court in enforcement proceedings. In addition, the Section completed enforcement work in Tennessee, in a case that Section staff successfully transformed from one focused on conditions into one that resulted in the closing of a large State institution and the provision of community-based services to several hundred individuals with developmental disabilities.

Conditions in Health Care Facilities

While the Section's disability practice has shifted to focus on deinstitutionalization, the Section has continued to enforce critical settlements that ensure that persons with disabilities are not subjected to unconstitutional conditions while confined. Significant efforts have been invested in our settlements in Tennessee, Texas, California, the District of Columbia and Puerto Rico, for example. Several of these cases have required active litigation to ensure that decree provisions have been implemented. The Section also entered a new court-enforceable agreement with a County-run nursing facility that requires the

County to enhance diversion and discharge planning to ensure that potential residents receive care in the most integrated settings appropriate to their needs, while also improving conditions of care at the facility.

Corrections

The Section has an active docket to protect the rights of persons confined to correctional institutions, including:

- Prison Rape Elimination Act (PREA) regulations: Section staff continues to play a critical role in designing the PREA audit process and in regulatory interpretation. The Section has maintained its influence in ensuring that the regulations reflect civil rights concerns. In FY 2015, the Section will continue to guide PREA enforcement to ensure the sexual safety of women, men and children confined to correctional facilities across the Nation.
- Orleans Parish Prison: The Section has had a longstanding investigation of the Orleans Parish Prison. This Jail is among the most dangerous and violent on the Section's docket. Over the course of the year, we reinvestigated key conditions, issued updated findings and negotiated a comprehensive consent decree, which was ordered by the district court in October 2013.
- St Tammany Parish, Louisiana: The Section issued findings regarding the Jail in St. Tammany Parish Louisiana. The Section found that the Jail engages in a pattern or practice of constitutional violations by failing to provide prisoners with access to adequate health care. Appallingly, the Jail confined prisoners who were suicidal to small cages, known as squirrel cages, and engaged in grossly inadequate monitoring of prisoners at risk of suicide. They have ceased these practices since our intervention. We entered an agreement with the jurisdiction in August 2013.

Religious Practices for Institutionalized Persons

The Special Litigation Section is responsible for enforcing portions of the Religious Land Use and Institutionalized Persons Act relating to people in correctional and other institutions. Over the last two years, this portion of the docket has grown significantly, including the following:

- Florida Kosher Diet Litigation: The Section is engaged in litigation with the State of Florida to ensure that prisoners have access to Kosher diets. As a result of this suit, the State recently changed its policies to provide some access to Kosher diets, although the State continues to contest its obligation to do so and continues to unnecessarily burden religious practice. In April 2013, the Section filed a Preliminary Injunction Motion against the State. The Motion was granted on December 6, 2013, ensuring that prisoners are provided with a Kosher diet while the litigation proceeds.
- Access to Religious Materials: The Section intervened in *Prison Legal News v. DeWitt*, a case brought against a jail that restricted a breathtaking array of publications and religious material. On January 13, 2012, the Section entered into a consent injunction with Berkeley County, South Carolina, to resolve the case. The injunction requires that prisoners be permitted access to religious and other First Amendment related materials, and the Section continues to enforce this injunction to ensure that prisoners' First Amendment rights are upheld.

Freedom of Access to Clinic Entrances Act

In FY 2015, the Section will continue to maintain connections with the communities affected by FACE violations, to monitor compliance with existing injunctions, and to conduct trainings for reproductive health care providers and law enforcement communities. We anticipate filing additional FACE cases if the need arises.

Voting Section (VOT)

In FY 2014 and FY 2015, VOT will continue to place major emphasis on affirmative litigation, defending non-discretionary litigation, and monitoring of elections throughout the country. In FY 2012 and FY 2013, VOT participated in 60 new cases.

In FY 2012 and FY 2013, VOT devoted significant time to reviewing more than 9,600 administrative submissions of voting changes under Section 5 of the Voting Rights Act, to defending non-discretionary defensive litigation (including 14 new judicial preclearance cases under Section 5 of the Voting Rights Act, 17 new bailout cases under Section 4 of the Voting Rights Act, and seven new constitutional challenges to various provisions of the Voting Rights Act) and to handling ongoing proceedings in a number of earlier-filed defensive cases in each of these categories.

On June 25, 2013, in *Shelby County v. Holder*, the Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act can no longer be used as basis for subjecting jurisdictions to the preclearance requirement of Section 5 of the Voting Rights Act. As a consequence, VOT has ceased reviewing administrative submissions under Section 5, but will continue to review administrative submissions under Section 3 of the Voting Rights Act, where jurisdictions are designated for preclearance coverage by court order. Moreover, while some defensive litigation will abate, such as Section 5 declaratory judgment actions, certain other defensive litigation is likely to continue.

Because of the *Shelby County* case, the Voting Section's work will necessarily shift to greater affirmative efforts to detect and investigate voting practices that violate federal law, to more affirmative litigation to enjoin such practices, and to additional monitoring of elections throughout the country each year. Resources previously devoted to Section 5 reviews are being shifted to monitoring, identifying and investigating voting changes that may violate federal law, as well as assisting with litigation challenging such practices. These monitoring, investigative and litigation efforts will be very resource intensive.

VOT will place major emphasis going forward on affirmative enforcement of Section 2 of the VRA, which prohibits voting practices that are discriminatory in purpose or effect. VOT has opened a number of new investigations under Section 2 as a result of its initiative to identify election systems that may dilute minority voting strength, in light of the new decennial census data released in 2011, as well as investigation of voting practices that may deny or abridge the right to vote. In FY 2013, VOT has filed a Section 2 case against Texas challenging its 2011 photo identification requirement for voters, and VOT filed a complaint in intervention under Section 2 in a case against Texas challenging its 2011 statewide redistricting plans. The D.C. District Court had previously found Texas had failed to meet its burden of proving that its voter identification law and its statewide redistricting plans were not discriminatory under Section 5 of the Voting Rights Act. Those decisions were vacated after the decision in *Shelby County*. Also, in FY 2013, VOT filed a Section 2 case against North Carolina challenging its 2013 photo identification requirement for voters and new procedures regarding early voting, same day voter registration and provisional balloting. In these new cases under Section 2, VOT is also seeking to have the federal courts impose a new preclearance requirement on Texas and North Carolina under Section 3(c) of the Act to prevent implementation of new discriminatory voting changes. The Department also has filed amicus briefs on Section 2 issues.

VOT will also continue its 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 2012 and 2013, VOT resolved cases against Lorain County, Ohio, and Orange County, New York, requiring additional steps to ensure voting access for limited English proficient, Spanish-speaking, Puerto Rican voters, and also resolved a case against Colfax County, Nebraska to ensure voting access for limited English proficient, Spanish-speaking voters. VOT has continued to monitor compliance with additional pending consent agreements in language minority matters. VOT has also continued outreach and monitoring with jurisdictions newly covered by the minority language requirements of the VRA after new coverage determinations made by the Census Bureau in 2011.

In the MOVE Act, Congress enacted major amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). In FY 2012, in already pending cases, VOT obtained a comprehensive remedy in its New York case, including an order advancing the date of New York's 2012 Federal primary election, and VOT also filed supplemental consent agreements with Illinois and Guam. In FY 2012 and FY 2013, VOT filed eight new UOCAVA cases to ensure military and overseas voters the opportunity to vote (Virgin Islands, Alabama, Georgia, Vermont, Wisconsin, California, Michigan and Illinois). Favorable resolutions or orders granting preliminary relief were obtained in each of these cases; and two of these cases remain in litigation. In one of these still pending cases, VOT obtained a remedy adjusting the election schedule in Georgia to allow for 45 days transmission time for UOCAVA ballots when runoff elections for Federal office occur, and the State has appealed that decision. In the run-up to the 2012 Federal primary and general elections, and throughout a number of special elections for Federal office in 2013, VOT devoted considerable resources to outreach and monitoring and litigation with election officials concerning compliance. Enforcement of UOCAVA will continue to be a major priority going forward.

Under the National Voter Registration Act (NVRA), VOT continued its litigation against Louisiana and filed a lawsuit against Florida. The Department has filed amicus briefs in a number of NVRA cases, including a case in the Supreme Court. In FY 2013, a case was filed challenging the constitutionality of the NVRA, as applied which VOT is defending. VOT continues to review state compliance with all of the requirements of the NVRA, which require that states provide voter registration opportunities at driver license, public assistance and disability service offices, and through the mail, and requires that states conduct list maintenance according to specific rules.

Under the Help America Vote Act (HAVA), VOT continues to place emphasis on ensuring compliance with its requirements, such as statewide voter registration lists, provisional ballot procedures, voter information and identification procedures, and new accessible voting systems in polling places.

VOT continues to place major emphasis on the monitoring of elections around the country each year. In FY 2012 and FY 2013, VOT monitored 141 elections, using 1,622 Federal observers from the Office of Personnel Management (OPM) and 371 DOJ staff.

VOT expects to continue vigorous enforcement activity under the VRA, UOCAVA, NVRA, and HAVA in FY 2014 and FY 2015. VOT will continue to prioritize the monitoring of elections throughout the country each year.

b. Strategies to Accomplish Outcomes

Strategic Objective 2.5: 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. In 2015, the Division will continue to reach its performance goals by vigorously enforcing the civil rights laws to ensure equal treatment and equal justice under the law; reflecting the country's highest ideals and aspirations. These statutes not only aim to protect the civil rights of racial and ethnic minorities, but also those of religious minorities, women, persons with disabilities, servicemembers, individuals housed in public institutions, and individuals who come from other nations and speak other languages. CRT will be prepared to address both long-standing civil rights issues as well as to confront emerging civil rights challenges. CRT intends to achieve its objective by enforcing each of the laws within the scope of its responsibility fairly and evenhandedly, and is committed to ensuring equal opportunity for all through its litigation, prevention efforts, outreach initiatives, technical assistance, and partnerships.

The Civil Rights Division is working to ensure it is positioned to tackle both existing and emerging challenges for civil rights in the 21st Century.

CRT's 2015 strategic focus areas include:

Strengthen and Restore Civil Rights Enforcement. The Civil Rights Division is committed to a broad and multi-focused approach to achieving civil rights protections and compliance. As a result of the FY 2015 program increase of \$5.1 million and 50 positions across all mission and program areas, the Division will be better positioned to strengthen civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal and for other programs that require renewed emphasis.

E-Verify. CRT's Office of Special Counsel will expand its capacity to assist with resolving complaints associated with immigration and employment authorization status queries run through the E-Verify process. The \$305,000 and three positions will support the implementation of an E-Verify administrative review process to be deployed by U.S. Citizenship and Immigration Services (USCIS) in concert with interagency stakeholders.

Police Misconduct. Law enforcement officers who use their positions to deprive individuals of their civil rights undermine the integrity of the Nation's entire criminal justice system. 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, the Department is committed to holding law enforcement officers accountable when violations occur. The Division actively investigates and evaluates the pattern or practice of discriminatory policing in violation of section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, and brings criminal prosecutions where appropriate. Criminal prosecutions will focus on the conduct of individuals and address the most egregious incidents of police misconduct. Civil pattern or practice investigations will focus on systemic problems within police departments and unlawful conduct. The Division currently has more active police pattern or practice investigations of law enforcement agencies than any other time in the Division's history.

Additionally, CRT will initiate Title VII litigation against police departments where there is reason to believe that a "pattern or practice" of discrimination exists. Such actions can address employment practices, such as recruitment, hiring, assignments and promotions which have the purpose or effect of denying employment or promotional opportunities to a class of individuals. The Division will use every tool in its law enforcement arsenal to ensure police officers, and the police department as a whole, is carrying out its mission in a lawful manner. Effective policing and constitutional policing go hand in hand. The Department owes it to the communities, and all law abiding police officers who put their lives

on the line every day, to address the serious challenges confronting police departments across our great country.

The Civil Rights Division's mission also includes enforcement and outreach under a number of civil rights programmatic areas, and CRT will continue to apply its efforts in areas such as:

Outreach and Education. CRT will continue to expand 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 build and maintain positive relationships with its Federal agency partners in order to better protect the civil rights of all individuals. CRT will continue to work collaboratively with federal, state and local agencies, where appropriate, in order to ensure increased coordination and partnership. This will expand the reach of the Division in its critical protection of the rights of all Americans.

Defend Victims of Human Trafficking. Trafficking in humans stands among the most offensive moral scourges in America and is equivalent to modern-day slavery. The victims endure sexual assault, brutality and fear. The crimes often last for months or years, involving complex facts and international organized criminal networks. There are unique challenges in prosecuting such investigations, as each is time- and labor-intensive, and demand specialized skills and the ability to conduct these investigations across jurisdictions and international borders.

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 works with Federal judicial districts to coordinate the efforts of Federal and state, state and local district attorneys, and community-based organizations.

In 2008, the Emmett Till Unsolved Civil Rights Crime Act of 2007 was enacted to investigate and prosecute 113 previously unresolved civil rights era "cold cases," through a partnership among CRT, USAOs, and the FBI. To further advance this initiative, the Division intends to conduct extensive public outreach to encourage witnesses to come forward and develop other investigative leads to help solve the cold cases.

Ensure Voting Rights. The Department enforces a number of federal laws designed to protect the right to vote, including the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act and the Help America Vote Act. The Department will continue to place a high priority on the protection of voting rights through efforts to detect and investigate voting practices that violate the federal laws it enforces, through affirmative litigation to enjoin such practices, and through monitoring of elections all throughout the country each year. One of these high priorities is to detect and challenge practices that violate Section 2 of the Voting Rights Act, which is the permanent nationwide prohibition against voting practices that are intended to be racially discriminatory, or that have a racially discriminatory result.

Special Litigation. Enhanced Civil Rights of Institutionalized Persons Act (CRIPA) enforcement efforts will combat abuse and neglect in institutions, protect the rights of nursing home residences and youth in juvenile detention and correctional facilities, and address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will significantly enhance our law enforcement efforts by increasing the number of investigations, settlements, and cases and by strengthening our monitoring of settlements to ensure compliance.

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 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. CRT will continue its innovative and multi-faceted approach toward achieving compliance with the Americans with Disabilities Act (ADA) and increasing access for persons with disabilities. The Disabilities Rights Section will ensure new facilities are constructed in compliance with ADA Standards for Accessible Design; continue its successful Project Civic Access initiative in bringing entire cities, counties and towns in compliance with ADA; and assist states in fulfilling their obligations under the Supreme Court's *Olmstead* decision, which 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 continues 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.

Protect Religious Liberty. The Department enforces a wide range of laws protecting religious liberty: barring discrimination based on religion in employment, public education, housing, credit, and access to public facilities and public accommodations; barring zoning authorities from discriminating against houses of worship and religious schools; 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.

Expand Equality for Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans. As the needs of the 21st century emerge, it is critical that the Department explore 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 plays 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.

Meet New Challenges to Educational Equity. Providing each of the Nation's children with equal access to a quality education is essential to ensuring that they can develop their full potential, obtain meaningful work, support themselves and their families, and fully participate in democracy. To supplement CRT's historic focus on entering into and enforcing desegregation decrees, the Division will enforce states' and schools' obligations under the Equal Educational Opportunities Act to overcome language barriers faced by English Language Learners; address discrimination in schools, based on race, sex, national origin, disability, and religion, including student harassment such as sex stereotyping of LGBT students; and improve educational equity for students with disabilities who are often subject to multiple forms of discrimination, (e.g., minority students are over- or under-referred for special education services) through investigations, intervention, in private lawsuits, amicus briefs, or statements of interest.

c. Priority Goals

The Civil Rights Division contributes to the Department's Vulnerable People Priority Goal which emphasizes protection of those most in need of help. The Division is committed to the aggressive investigation and prosecution of human trafficking cases in support of this goal, and has led a number of initiatives which contribute to the restoration of the rights and dignity of human trafficking victims, including the Department's Human Trafficking Enhanced Enforcement Initiative and the U.S./Mexico Human Trafficking Bilateral Enforcement Initiative.

In both FY 2012 and FY2013, the Civil Rights Division exceeded the performance measure for matters/investigations resolved concerning human trafficking.

V. Program Increases by Item

Item Name: Civil Rights Enforcement

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Strategic Objective 2.5: Promote and protect Americans' civil rights

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Component Ranking of Item: 1 of 3

Program Increase: Positions 50 Agt/Atty 25 FTE 25 Dollars \$5,072,000

Description of Item

The Department is requesting additional resources of 50 positions (25 attorneys) and \$5.1 million to strengthen the civil rights enforcement efforts that the Attorney General has identified as part of his Vulnerable People Priority Goal and for other programs that require renewed emphasis. While the requested increase would benefit all programmatic areas, it would specifically allow CRT to increase its efforts against civil rights violations associated with human trafficking, hate crimes, and enforcement of CRIPA. In addition, CRT would be able to expand opportunities for people with disabilities, and broaden overall protections for equal education, equal housing, and equal employment. These are areas that the Attorney General has determined warrant specific attention and has identified as part of his Vulnerable People Priority Goal.

Support of the Department's Strategic Goals

The Attorney General's Strategic Goal 2 and Vulnerable People Priority Goal correlate directly with CRT's request to restore and strengthen civil rights enforcement. The Attorney General is strongly committed to providing civil rights protections for all people, especially those who are part of the Nation's most vulnerable populations. Increased efforts to eradicate discrimination play an integral role in DOJ's Strategic Plan.

Justification

Human Trafficking. Trafficking in humans stands among the most offensive moral scourges in America and is equivalent to a modern-day slave trade. Each year, an estimated six to eight hundred thousand victims, many of them children, are brutalized, traumatized, and isolated, leaving them bereft of hope of escape or rescue. There are unique challenges in prosecuting such investigations, as each is time and labor intensive; demanding of both specialized skills and the ability to conduct the investigations across jurisdictions and international borders.

Hate Crimes. Hate crimes enforcement is one of the Administration's and the Department's top civil rights priorities. Perpetrators of these crimes victimize not only individuals but families and even entire communities. Prosecuting persons committing these crimes has remained at the core of the Civil Rights Division since its inception in 1957. The incidence of these hate crimes continues to rise and additional resources are desperately needed to investigate and prosecute those who engage in these atrocious acts. Additionally, CRT must extend its outreach efforts to mitigate these crimes and their impacts through education, awareness, and intervention.

Special Litigation. Enhanced CRIPA enforcement efforts will combat abuse and neglect in institutions, protect the rights of nursing home residents and youth in juvenile detention and correctional facilities, and address the mental health needs of individuals in correctional and health care facilities. To this end, the Division will enhance significantly our law enforcement efforts by increasing the number of investigations, settlements, and cases and by strengthening our monitoring of settlements to ensure compliance.

Funding

Base Funding

2013 Enacted				FY 2014 Enacted				FY 2015 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
715	384	607	\$136,341	714	383	606	\$144,173	714	383	606	\$154,576

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorneys (905)	\$125	25	\$3,121	\$2,600
Civil Rights Analyst (160)	85	2	170	114
EO Specialist (010- 099)	85	9	766	522
Economist (110)	85	1	85	55
Statistician (1529)	85	2	170	112
Investigator (010-099)	71	4	286	184
Personnel Specialist (010-099)	80	2	160	100
Budget Analyst (500- 599)	80	1	80	50
Paralegal (900-998)	63	3	188	138
Clerical (300-399)	46	1	46	28
Total Personnel	\$805	50	\$5,072	\$3,903

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	714	383	606	\$154,576	\$0	\$154,576	\$0
Increases	50	25	25	\$ 5,072	\$0	\$ 5,072	\$3,903
Grand Total	764	408	631	\$159,648	\$0	\$159,648	\$3,903

Item Name: **Police Misconduct Enforcement**

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Strategic Objective 2.5: Promote and protect Americans' civil rights

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Component Ranking of Item: 2 of 3

Program Increase: Positions 20 Agt/Atty 9 FTE 10 Dollars \$1,928,000

Description of Item

The aggressive protection of the public's trust in the integrity of law enforcement is critical to effective policing. The public, along with the law enforcement community, recognize the need to establish the highest levels of confidence in the integrity and full accountability of police work. In the past year, initiations of inquiries into systemic deficiencies in police departments reached the highest number in the history of the Division. The request for \$1,928,000 will provide for 20 new positions, including 9 attorneys, 5 paralegals, and 6 investigators to provide the capacity to effectively address this expansion in workload.

Support of the Department's Strategic Goals

This enhancement links to the FY 2012-2016 Strategic Plan, Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law; Objective 2.5: Promote and Protect American's Civil Rights.

The Federal government has a compelling interest in establishing and maintaining trust in the Country's public institutions, especially those vested with the mission to protect and defend its citizens. The Division's law enforcement work is designed to target unconstitutional conduct, while at the same time increasing community confidence in the police and improving public safety. Building on the experience of prior cases, the Division's investigations are more comprehensive, the findings are more thorough, and the remedies sought more detailed than ever before.

The additional positions funded through the program increase will allow the Division to enhance its multi-faceted approach to enforcement, specifically through improved performance capabilities in the Division's Criminal, Special Litigation, and Employment Sections as follows:

Criminal (CRM)

CRM enforces the Nation's criminal laws penalizing law enforcement misconduct, hate crimes, and human trafficking, among other crimes. Criminal indictments and criminal prosecutions address the most egregious incidents of individual police misconduct, and can be the impetus for widespread, positive change across entire departments. The Section's total attorney staffing ceiling is 60 attorneys who devote approximately 40% of their time to police misconduct enforcement. The program increase will add four attorneys, two investigators, and two paralegals in support of CRM's police misconduct enforcement efforts.

Section investigators prepare case files for attorney review by working with the FBI to ensure proper evidence has been collected and ensuring that case files are complete. The addition of two investigators will increase productivity by allowing the investigative staff to carry a more manageable docket of about

100 cases each. The reduction in docket size enables more efficiency in the preparation of files for prosecutor review and handling, resulting in a 4% increase in attorney productivity for each additional investigator added to the staff. Currently, a shortage of investigative staff has created backlogs as investigators struggle to develop the case files for prosecutor review.

Along with the increased productivity resulting from the additional investigative and paralegal staff, the three new attorney positions funded through the increase should help return the section to an overall 2.4 case/attorney ratio, reducing attorney burn-out and resulting in the Section bringing nine additional police prosecutions each fiscal year.

Special Litigation (SPL)

SPL's law enforcement work focuses on patterns or practices of police misconduct, and both broad investigations of departments with deeply-rooted and/or widespread structural breakdowns as well as targeted, issue-focused initiatives. Investigations always involve the use of police experts; often require the review of tens of thousands of pages of documents; and routinely involve repeated site-visits and hundreds of interviews with police officials, line officers, victims of civil rights violations, community leaders and elected officials. If violations are found, SPL seeks durable, sustainable remedies, often embodied in an injunction. Implementation of reforms is a long-term and time intensive process often lasting a decade. The Section currently has nine law enforcement related cases with injunctions or agreements that are being enforced. SPL's total attorney staffing level is 43 line attorneys, who devote approximately 33% of their time to police misconduct enforcement. The program increase will add four attorneys, three investigators, and two paralegals in support of SPL's police misconduct litigation efforts.

As with CRM, the addition of investigative staff increases efficiency through production of more timely and complete case files. The increased productivity gained through additional support staff will enhance the level of police misconduct cases the attorneys will be able to initiate. In SPL, statistics show that for each additional attorney, one additional large investigation is possible in the first year. Resource needs diminish as the emphasis shifts from investigations to enforcement; however, as the docket of cases with consent decrees grows, more resources must be committed to ensure compliance. Over time, equilibrium is reached resulting in a smaller ratio of attorneys to cases after the first year of an investigation.

Employment Litigation (ELS)

The Employment Litigation Section (ELS) enforces Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., ("Title VII") against state and local government employers. As stated by a comprehensive report on police misconduct:

A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.¹

ELS is a recognized leader in bringing challenges to public employer practices that unnecessarily screen out minorities and women. These large cases usually result in the employer changing its employment processes so that the new examinations or criteria actually evaluate candidates for what is necessary for the job and have less disparate impact on minorities and women. ELS's total attorney staffing ceiling is

¹ Lorie Fridell, Robert Lunney, Drew Diamond and Bruce Kubu, *Racially Biased Policing: A Principled Response*, Police Executive Research Forum, 68-69 (2001), <http://www.policeforum.org/library/?folderPath=/library/racially-biased-policing/a-principled-response/#documents>

45 attorneys and approximately 33% of ELS's cases and investigations involve police departments. The program increase will add one attorney, one investigator, and one paralegal in support of ELS's mission to reduce police misconduct through equity in hiring practices. Cases that challenge a department's hiring or promotion policies are significant undertakings that require a large commitment of resources. Because of the large volume of documents and data that must be analyzed, the Section usually assigns two attorneys and a paralegal to this type of investigation and may increase the team to three attorneys if the case is litigated. These investigations can take over a year to complete and during that year can take approximately half of an attorney's time. One additional attorney position will permit ELS to increase its caseload regarding police hiring and promotion practices and increase the ability to find, investigate, and litigate potential violations. The added attorney position will allow the Section to investigate a minimum of two additional police departments a year and expect to resolve 2-3 cases annually.

ELS's additional investigator position would be filled by an individual who would assist in identifying and investigating police departments for enforcement actions by conducting statistical analyses of the departments' workforces and hiring practices and analyzing the hiring practices at issue to see if they actually evaluate candidates on job-related criteria. Additionally, ELS will use this investigator to conduct statistical analyses regarding disparate treatment claims of minorities in hiring and promotion. Currently, ELS is forced to rely on consultants for these types of analyses. Having the capacity to conduct this work in-house would significantly increase ELS's efficiency.

In summary, the additional resources will allow CRT to make changes in policies and practices related to the use of force; stops, searches and arrests; custodial interrogations; photographic line-ups; prevention of discriminatory policing; community engagement; recruitment; training; officer assistance and support; performance evaluations and promotions; supervision; and misconduct investigations. The work will encourage greater civilian oversight and will foster community interaction and partnerships.

Effective policing and constitutional protections go hand in hand. We owe it to the communities, and to the law-abiding officers who put their lives on the line every day, to address the serious challenges confronting too many police departments. The Division is committed to working alongside its law enforcement partners in a spirit of fairness and professionalism, to ensure that all necessary reforms are achieved, and the public is effectively and honorably served.

Justification

The Civil Rights Division enforces both the criminal and civil statutes that protect the civil rights of persons in their interactions with law enforcement officers. As a result of the complexity of these matters, the lack of private right of action under Section 14141, and the cost of investigation and litigation, the Civil Rights Division plays a unique and critical role in ensuring that police practices across the United States are constitutional. CRT's unique mission within the Department also alleviates conflict of interest in the prosecution of local police departments by the U.S. Attorneys' Offices, and protects their role as partners in local enforcement.

Over the last three years, the Division's overall workload has increased in both complexity and scope while staffing ratios have been dramatically reduced. The Criminal Section (CRM) maintained a robust docket of color of law cases. Allegations of police abuse and other official misconduct, which comprise the majority of complaints reviewed by CRM, continue to be a high priority. In FY 2013, 83 law enforcement officers, including police officers, deputy sheriffs, and State prison correctional officials, were 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. The number of cases indicted by the CRM Section has grown from a low in 2003 of 63 cases (of which 27 were police cases) to 141 in 2013 (of which 47 were police cases). From 2003 to 2013, the Section essentially doubled its case load with the same staff. In FY 2014 to date, the number of defendants charged in this area is already 10.

The investigations conducted by CRT's Special Litigation Section (SPL) have similarly increased in both number and scope. The Section has more active police pattern or practice investigations of law enforcement agencies than any other time in the Division's history. The Section has 25 active law enforcement pattern or practice cases: nine open investigations, five matters in litigation, and 11 matters that have been resolved by an agreement that SPL is enforcing.

With the combined growth in the overall docket, the increase in demand for action on police misconduct matters has outstripped the level of resources available to the Division. On average, each large, civil police investigation or matter in enforcement requires 1,900 hours of attorney time in the first year of an investigation. From initiation to conclusion, these cases often take years to complete. While the workload requirements fluctuate over time, a significant commitment of resources is required throughout. On at least a weekly basis, the Division is contacted by community groups, public officials or, in some cases, police leaders asking SPL to open a pattern or practice investigation. Preliminary reviews of these matters have identified very serious concerns that would benefit from the Division's intervention.

Funding

Base Funding

FY 2013 Enacted				FY 2014 Enacted				FY 2015 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
71	52	71	\$11,928	71	52	71	\$11,928	71	52	71	\$12,174

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorneys (0905)	\$121	9	\$1,089	\$1,031
Investigators (010-099)	74	6	444	324
Paralegals (0900-0999)	65	5	325	225
Total Personnel	\$260	20	\$1,858	\$1,580

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2015 Request (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Litigative Consultants	\$0	0	\$70	\$71

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	71	52	71	\$12,174	\$0	\$12,174	\$0
Increases	20	9	10	\$ 1,858	\$70	\$ 1,928	\$1,651
Grand Total	91	61	81	\$14,032	\$70	\$14,102	\$1,651

Item Name: **E-Verify**

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Strategic Objective 2.5: Promote and protect Americans' civil rights

Budget Decision Unit(s): Civil Rights Division

Organizational Program: Civil Rights Division

Component Ranking of Item: 3 of 3

Program Increase: Positions 3 Agt/Atty 2 FTE 3 Dollars \$305,000

Description of Item

To date, more than 500,000 employers throughout the United States use E-Verify, an Internet-based electronic verification system administered by the Department of Homeland Security that allows employers to confirm an individual's employment eligibility. The number of employers enrolling in E-Verify has been increasing at a staggering rate, as has E-verify-related discrimination against work-authorized employees.

The Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) enforces the anti-discrimination provision of the Immigration and Nationality Act (INA). This provision prohibits employers from discriminating on the basis of national origin and citizenship or immigration status in the employment eligibility verification process, which includes the E-Verify process. In large part because of the increase in E-Verify-related discrimination in FY13, the Division collected nearly \$900,000 in civil penalties from employers who were violating the statute.

Pursuant to a Memorandum of Understanding entered into by U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security and OSC in 2010, USCIS has been referring to OSC an increasing number of matters involving E-Verify-related discrimination over the past two years. However, the Division is unable to investigate the vast majority of cases referred. Moreover, OSC has received an increasing number of E-Verify-related charges and has had to devote significant resources to E-verify related policy work and hotline calls, through which OSC staff provides assistance and information to the public regarding the INA. The additional resources requested would be used to enforce the laws that protect employees from E-verify-related discrimination and supplement its enforcement efforts with critical E-Verify policy and hotline work.

The Civil Rights Division's request includes a program enhancement of 3 positions (including 2 attorneys and 1 paralegal) and \$305,000. These resources will enable the Department to open more investigations and hold more employers accountable for violating the INA.

Support of the Department's Strategic Goals

The Division's enhancement request seeks to direct greater resources to fighting discrimination that violates the INA, including E-verify-related discrimination, which relates directly to The Attorney General's Strategic Goal 2. This type of discrimination disproportionately affects minority, disadvantaged and immigrant populations, and increased resources are necessary to investigate, prosecute and seek redress on behalf of those who are harmed.

Justification

The Civil Rights Division will expand civil enforcement efforts, including investigations and cases of E-verify-related discrimination, in order to protect work-authorized employees from being discriminated against in violation of the anti-discrimination provision of the INA.

Funding

Base Funding

FY 2013 Enacted				FY 2014 Enacted				FY 2015 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
11	7	8	\$1,298	11	7	8	\$1,304	11	7	8	\$1,311

Personnel Increase Cost Summary

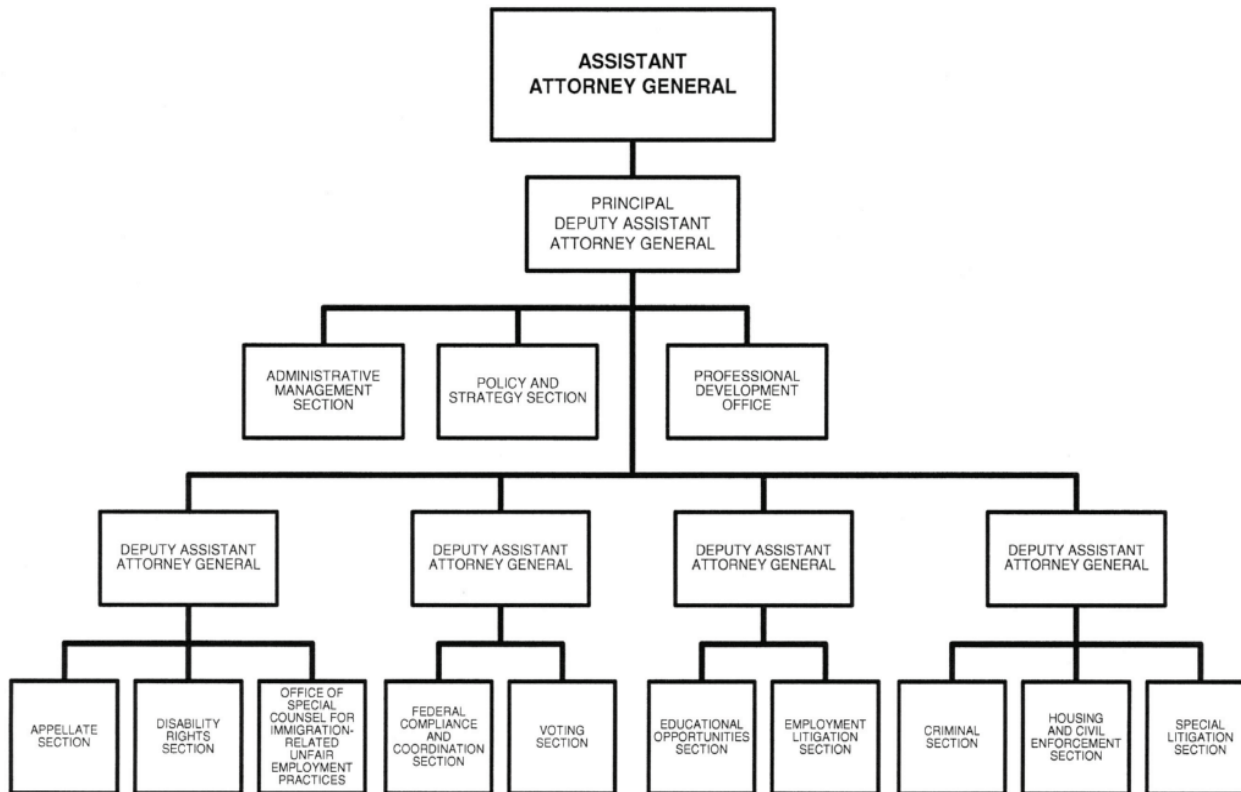
Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2015 Request (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Attorneys (0905)	\$121	2	\$242	\$115
Paralegal (900-998)	63	1	63	\$45
Total Personnel	\$305	3	\$305	\$161

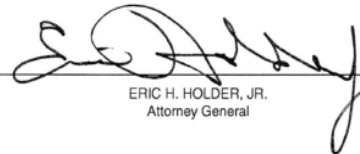
Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	11	7	8	\$1,311	\$0	\$1,311	\$0
Increases	3	2	2	\$305	\$0	\$305	\$161
Grand Total	14	9	10	\$1,616	\$0	\$1,616	\$161

A: Organizational Chart

CIVIL RIGHTS DIVISION



Approved by:  Date: April 22, 2010
ERIC H. HOLDER, JR.
Attorney General

B. Summary of Requirements

Summary of Requirements

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

	FY 2015 Request		
	Direct Pos.	FTE	Amount
2013 Enacted	715	607	146,608
2013 Rescissions (1.877% & 0.2%)	0	0	-3,040
2013 Sequester	0	0	-7,227
Total 2013 Enacted (with Rescissions and Sequester)	715	607	136,341
2014 Enacted	714	606	144,173
Base Adjustments			
Pay and Benefits	0	0	2,035
Domestic Rent and Facilities	0	0	8,368
Total Base Adjustments	0	0	10,403
2015 Current Services	714	606	154,576
Program Changes			
Increases:			
E-Verify Administrative Review	3	2	305
Civil Rights Enforcement	50	25	5,072
Police Misconduct Enforcement	20	10	1,928
Subtotal, Increases	73	37	7,305
Total Program Changes	73	37	7,305
2015 Total Request	787	643	161,881
2014 - 2015 Total Change	73	37	17,708

Note: The FTE for FY 2013 is actual and for FY 2014 and FY 2015 is estimated.

B. Summary of Requirements

Summary of Requirements

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2013 Enacted with Rescissions and Sequester			2014 Enacted			2015 Technical and Base Adjustments			2015 Current Services		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Rights Division	715	607	136,341	714	606	144,173	0	0	10,403	714	606	154,576
Total Direct	715	607	136,341	714	606	144,173	0	0	10,403	714	606	154,576
Balance Rescission			0			0			0			0
Total Direct with Rescission			136,341			144,173			10,403			154,576
Reimbursable FTE		29			29			0			29	
Total Direct and Reimb. FTE		636			635			0			635	
Other FTE:												
LEAP		0			0			0			0	
Overtime		4			4			0			4	
Grand Total, FTE		640			639			0			639	

Program Activity	2015 Increases			2015 Offsets			2015 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Civil Rights Division	73	37	7,305	0	0	0	787	643	161,881
Total Direct	73	37	7,305	0	0	0	787	643	161,881
Balance Rescission			0			0			0
Total Direct with Rescission			7,305			0			161,881
Reimbursable FTE		0			0			29	
Total Direct and Reimb. FTE		37			0			672	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			4	
Grand Total, FTE		37			0			676	

C. Program Changes by Decision Unit

FY 2015 Program Changes by Decision Unit

Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Civil Rights Division				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
Civil Rights Enforcement	Civil Rights Division	50	25	25	5,072	50	25	25	5,072
Police Misconduct Enforcement	Civil Rights Division	20	9	10	1,928	20	9	10	1,928
E-Verify	Civil Rights Division	3	2	2	305	3	2	2	305
Total Program Increases		73	36	37	7,305	73	36	37	7,305

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2013 Enacted with Rescissions and Sequester		2014 Enacted		2015 Current Services		2015 Increases		2015 Offsets		2015 Total Request	
	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount
Goal 2 Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law												
2.5 Promote and protect American civil rights by preventing and prosecuting discriminatory practices	636	136,341	635	144,173	635	154,576	37	7,305	0	0	672	161,881
Subtotal, Goal 2	636	136,341	635	144,173	635	154,576	37	7,305	0	0	672	161,881
TOTAL	636	136,341	635	144,173	635	154,576	37	7,305	0	0	672	161,881

Note: Excludes Balance Rescission and/or Supplemental Appropriations.

E. Justification for Technical and Base Adjustments

Justifications for Technical and Base Adjustments

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

	Direct Pos.	Estimate FTE	Amount
Pay and Benefits			
1 <u>2015 Pay Raise</u> This request provides for a proposed 1 percent pay raise to be effective in January of 2015. The amount requested, \$653,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$457,100 for pay and \$195,900 for benefits).			653
2 <u>Annualization of FY 2014 Pay Raise:</u> This pay annualization represents first quarter amounts (October through December) of the 2014 pay increase of 1.0% included in the 2014 President's Budget. The amount requested, \$222,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$155,400 for pay and \$66,600 for benefits).			222
3 <u>FERS Regular/Law Enforcement Retirement Contribution:</u> Effective October 1, 2014 (FY 2015), the new agency contribution rates are 13.2% (up from the current 11.9%, or an increase of 1.3%) and 28.8% for law enforcement personnel (up from the current 26.3%, or an increase of 2.5%). The amount requested, \$889,000, represents the funds needed to cover this increase.			889
4 <u>Health Insurance:</u> Effective January 2015, the component's contribution to Federal employees' health insurance increases by 3 percent. Applied against the 2014 estimate of \$4,329,000, the additional amount required is \$128,000.			128
5 <u>Retirement:</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$143,000 is necessary to meet our increased retirement obligations as a result of this conversion.			143
Subtotal, Pay and Benefits	0	0	2,035
Domestic Rent and Facilities			
1 <u>General Services Administration (GSA) Rent:</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$1,106,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective FY 2015 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provides data on the rate increases.			1,106
2 <u>Moves (Lease Expirations):</u> GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2015.			7,262
Subtotal, Domestic Rent and Facilities	0	0	8,368
TOTAL DIRECT BASE ADJUSTMENTS	0	0	10,403

F. Crosswalk of 2013 Availability

Crosswalk of 2013 Availability

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Program Activity	2013 Appropriation Enacted w/o Balance Rescission ¹			Supplementals			Sequester			Reprogramming/Transfers			Reallocations			Carryover	Recoveries/ Refunds	2013 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
Civil Rights Division	715	607	143,568	0	0	0	0	0	-7,227	0	0	0	0	0	2,525	0	0	715	607	138,866
Total Direct	715	607	143,568	0	0	0	0	0	-7,227	0	0	0	0	0	2,525	0	0	715	607	138,866
Reimbursable FTE		29			0			0		0				0					29	
Total Direct and Reimb. FTE		636			0			0		0				0					636	
Other FTE:																				
LEAP		4			0			0		0				0					4	
Overtime		0			0			0		0				0					0	
Grand Total, FTE		640			0			0		0				0					640	

Footnotes:

1) The 2013 Enacted appropriation includes the 2 across-the-board rescissions of 1.877% and 0.2%

Reprogramming/Transfers

Reallocations:

\$2,525,000 was reallocated from GLA's ALS account to the Civil Rights Division for Automated Litigation Support.

G. Crosswalk of 2014 Availability

Crosswalk of 2014 Availability
 Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Program Activity	FY 2014 Enacted			Supplemental Appropriation	Reprogramming/Transfers			Carryover	Recoveries/Refunds	2014 Availability		
	Direct Pos.	Estim. FTE	Amount	Amount	Direct Pos.	Estim. FTE	Amount	Amount	Amount	Direct Pos.	Estim. FTE	Amount
Civil Rights Division	714	606	144,173	0	0	0	0	0	0	714	606	144,173
Total Direct	714	606	144,173	0	0	0	0	0	0	714	606	144,173
Balance Rescission			0									0
Total Direct with Rescission			144,173									144,173
Reimbursable FTE		29				0		0			29	
Total Direct and Reimb. FTE		635				0		0			635	
Other FTE:												
LEAP		0				0		0			0	
Overtime		4				0		0			4	
Grand Total, FTE		639				0		0			639	

H. Summary of Reimbursable Resources

<p align="center">Summary of Reimbursable Resources Civil Rights Division Salaries and Expenses (Dollars in Thousands)</p>												
Collections by Source	2013 Actual			2014 Planned			2015 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
BOP	0	10	1,320	0	10	1,208	0	10	1,209	0	0	1
FBI			479			730			733			3
DEA			173			170			173			3
EOUSA			257			179			180			1
USMS			100			82			82			0
CRS			0			21			21			0
OIG			0			10			10			0
OJP			307			350			351			1
JMD			72			45			45			0
EOIR			37			50			50			0
ATF			222			138			145			7
ATR			0			5			5			0
HHS		19	5,478		19	6,800		19	6,800		0	0
OVC/NAVC			3			42			42			0
VW/WEP			0			10			10			0
OARM			6			14			14			0
UPSC			0			0			0			0
NDIC			0			0			0			0
NSD			0			0			0			0
CFPB			111			110			111			1
OPM			67			67			67			0
DHS			18			10			10			0
Budgetary Resources	0	29	8,650	0	29	10,041	0	29	10,058	0	0	17
Obligations by Program Activity	2013 Actual			2014 Planned			2015 Request			Increase/Decrease		
	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount	Reimb. Pos.	Reimb. FTE	Amount
Civil Rights Division	0	29	8,650	0	29	10,041	0	29	10,058	0	0	17
Budgetary Resources	0	29	8,650	0	29	10,041	0	29	10,058	0	0	17

I. Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Category	2013 Enacted with Rescissions and Sequester		2014 Enacted		2015 Request				
	Direct Pos.	Reimb. Pos.	Direct Pos.	Reimb. Pos.	ATBs	Program Increases	Program Offsets	Total Direct Pos.	Total Reimb. Pos.
Miscellaneous Operations (010-099)	7	0	7	0	0	0	0	7	0
Economist (110)	3	0	3	0	0	1	0	4	0
Civil Rights Analyst (160)	16	0	16	0	0	2	0	18	0
Personnel Management (200-299)	11	0	11	0	0	2	0	13	0
Clerical and Office Services (300-399)	151	5	151	5	0	20	0	171	5
Accounting and Budget (500-599)	7	0	7	0	0	1	0	8	0
Architect (808)	10	0	10	0	0	0	0	10	0
Attorney (905)	384	24	383	24	0	36	0	419	24
Paralegal / Other Law (900-998)	102	0	102	0	0	9	0	111	0
Information & Arts (1000-1099)	3	0	3	0	0	0	0	3	0
Mathematical Statistics (1529)	3	0	3	0	0	2	0	5	0
Information Technology Mgmt (2210)	18	0	18	0	0	0	0	18	0
Total	715	29	714	29	0	73	0	787	29
Headquarters (Washington, D.C.)	715	29	714	29	0	73	0	787	29
U.S. Field	0	0	0	0	0	0	0	0	0
Foreign Field	0	0	0	0	0	0	0	0	0
Total	715	29	714	29	0	73	0	787	29

J. Financial Analysis of Program Changes

Financial Analysis of Program Changes

Civil Rights Division
 Salaries and Expenses
 (Dollars in Thousands)

Grades	Civil Rights Division						Total Program Changes	
	Civil Rights Enforcement		Police Misconduct Enforcement		E-Verify			
	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount	Direct Pos.	Amount
GS-14	25	2,931	9	1,078	2	239	36	4,248
GS-13	0	0	0	0			0	0
GS-12	17	1,491	0	0			17	1,491
GS-11	4	264	6	396			10	660
GS-9	3	162	5	272	1	51	9	485
GS-7	1	42	0	0			1	42
Total Positions and Annual Amount	50	4,890	20	1,746	3	290	73	6,926
Lapse (-)	-25	-2,445	-10	-873	-2	-145	-37	-3,463
11.5 Other Personnel Compensation		0		0		1	0	1
Total FTEs and Personnel Compensation	25	2,445	10	873	2	146	37	3,464
12.0 Personnel Benefits		664		272		43		979
21.0 Travel and Transportation of Persons		156		69		10		235
22.0 Transportation of Things		16		7		8		31
23.1 Rental Payments to GSA		31		12		0		43
23.3 Communications, Utilities, and Miscellaneous Charges		12		4		2		18
24.0 Printing and Reproduction		22		9		1		32
25.1 Advisory and Assistance Services		243		174		21		438
25.2 Other Services from Non-Federal Sources		563		61		8		632
25.3 Other Goods and Services from Federal Sources		20		83		13		116
25.5 Research and Development Contracts		12		5		0		17
25.7 Operation and Maintenance of Equipment		53		21		0		74
26.0 Supplies and Materials		462		186		3		651
31.0 Equipment		373		152		50		575
Total Program Change Requests	25	5,072	10	1,928	2	305	37	7,305

K. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Object Class	2013 Actual		2014 Availability		2015 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	553	65,294	552	69,125	589	73,411	37	4,286
11.3 Other than Full-Time Permanent	54	5,047	54	4,900	54	4,900	0	0
11.5 Other Personnel Compensation		138		650		703		53
<i>Overtime</i>	4	20	4	50	4	60	0	10
11.8 Special Personal Services Payments	0	0	0	224	0	224	0	0
Total	607	70,479	606	74,899	643	79,238	37	4,339
Other Object Classes								
12.0 Personnel Benefits		19,643		20,972		23,111		2,139
13.0 Benefits for former personnel		8		8		8		0
21.0 Travel and Transportation of Persons		2,946		3,650		3,885		235
22.0 Transportation of Things		656		657		688		31
23.1 Rental Payments to GSA		16,005		16,637		17,743		1,106
23.2 Rental Payments to Others		381		400		443		43
23.3 Communications, Utilities, and Miscellaneous Charges		2,173		2,263		2,281		18
24.0 Printing and Reproduction		72		120		152		32
25.1 Advisory and Assistance Services		1,599		1,790		2,228		438
25.2 Other Services from Non-Federal Sources		17,985		13,285		13,917		632
25.3 Other Goods and Services from Federal Sources		5,027		8,287		8,403		116
25.4 Operation and Maintenance of Facilities		21		32		32		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		61		62		62		0
25.7 Operation and Maintenance of Equipment		95		115		132		17
26.0 Supplies and Materials		383		396		473		77
31.0 Equipment		1,322		600		1,298		698
32.0 Land and Structures		0		0		7,787		7,787
Total Obligations		138,856		144,173		161,881		17,708
Subtract - Unobligated Balance, Start-of-Year		0		0		0		0
Subtract - Reallocation/Reprogramming		-2,525		0		0		0
Subtract - Recoveries/Refunds		0		0		0		0
Add - Unobligated End-of-Year, Available		0		0		0		0
Add - Unobligated End-of-Year, Expiring		10		0		0		0
Total Direct Requirements	0	136,341	0	144,173	0	161,881	0	17,708
Reimbursable FTE								
Full-Time Permanent	29		29		29		0	
23.1 Rental Payments to GSA (Reimbursable)		178		187		187		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		12		12		12		0