

U. S. Department of Justice

FY 2008 PERFORMANCE BUDGET

CIVIL RIGHTS DIVISION

**Congressional
Budget Submission**

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Overview for the Civil Rights Division

1. Introduction

In FY 2008, the Civil Rights Division (CRT) requests a total of \$116,789,000, 726 positions and 722 direct FTE, to enforce the country's civil rights laws in a fair and uniform manner. This request includes a total increase of \$1,713,000, 7 FTE and 13 positions (of which eight are attorneys). Increases requested are as follows:

Strategic Goal	Item	Dollars	Pos	Agent/Atty	FTE
2.4	Human Trafficking	\$1,713,000	13	8	7
Total		\$1,713,000	13	8	7

2. Background

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

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

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

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

In 2005, CRT completed the Program Assessment Rating Tool (PART) review, as part of the review of components of the General Legal Activities and Antitrust appropriations, and received an overall rating of "Effective"; the highest rating possible. To ensure the programmatic functions of this office continue to perform at a high level, DOJ was not

able to have an independent evaluation of sufficient scope and quality, the one area that this diverse array of program areas did not meet the criteria to get credit, based on the PART guidelines.

In FY 2006, the Department's Justice Management Division (JMD) offered a proposal to the Management and Planning Staff (MPS) and the Office of the Inspector General (OIG) to perform an independent evaluation of the General Legal Activities (GLA) components. The proposal recommended that MPS perform initial background interviews in a manner consistent with OIG yellow book regulations. MPS would later hand off their preliminary research to OIG to review and offer their findings and recommendations. However, OIG was unable to include the GLA evaluation in their FY 2007 docket, and as a result, JMD and the GLA components are currently exploring other options to meet the PART follow-up action of "Performing an independent evaluation of the GLAs."

3. Challenges

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

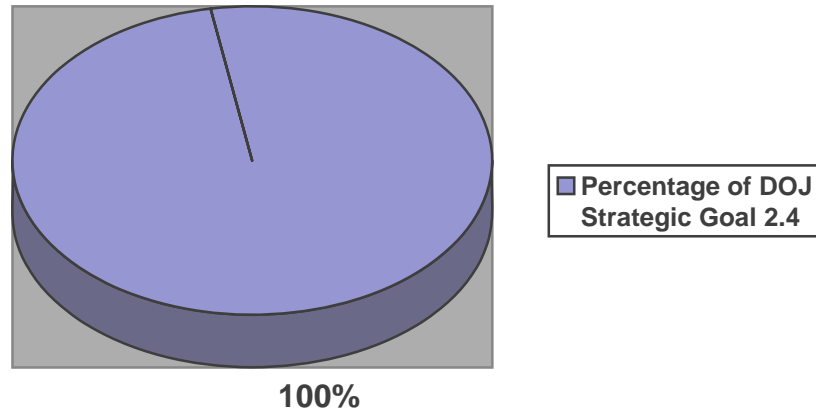
These and CRT's traditional responsibilities for fighting discrimination in housing, education, employment, mortgage lending, public accommodations, access by the disabled to services and facilities, and voting will continue to be high priorities in FY 2008.

FY 2008 Total Civil Rights Request by DOJ Strategic Goal

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

DOJ Strategic Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People (FY 2008 Request: \$116,789,000)

- Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society (2.4)



4. Full Program Costs

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

CRT is requesting 726 permanent positions, 722 direct FTE, and \$116,789,000, to support DOJ’s Strategic Goals, which represents an added program increase over the FY 2007 Congressional request level.

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

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

Both performance and resource tables define the total costs of achieving the strategies CRT will implement in FY 2008. The various resource and performance charts incorporate the costs of numerous strategies, which also contribute to the achievement of CRT’s objectives. Also included are the indirect costs for continuing activities, which are central to the operation of CRT.

5. Performance Challenges

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

Among the most important challenges facing CRT are:

- Enforcing compliance with civil rights laws in an increasingly complex and diverse society;
- Responding to high profile incidents resulting in media attention and community interest requiring prompt attention; and

- Providing timely and adequate responses to the tens of thousands of complaints and other correspondence received each year.

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

External Challenges:

- The ability to secure the diverse array of testers needed throughout the country will affect CRT's effort to implement the Attorney General's new Operation Home Sweet Home initiative, including increased testing for discrimination, and its continuing efforts to implement fully the President's New Freedom Initiative in the area of access to housing for persons with disabilities, which includes outreach to encourage voluntary compliance.
- CRT has limited control over the composition and size of its caseload. It has no control over the number of complaints it receives. Much of the work is defensive or based on referrals from other agencies. CRT's work is also closely related to the output of the U.S. Attorneys, Federal Bureau of Investigation (FBI) and other agencies. Its Supreme Court activity is dependent upon the number and types of cases that the Court decides to hear.
- CRT's trafficking caseload has essentially tripled. As these cases are extremely labor intensive, CRT's resources are being stretched to handle them. The workload associated with the 42 recently formed anti-trafficking task forces, funded by the Bureau of Justice Assistance (BJA), is also having a substantial impact on the program's workload. These task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts and requiring significant coordination efforts by CRM. CRM foresees further, possibly exponential, expansion of its caseload and coordination responsibilities.
- The demand for technical assistance to achieve compliance of civil rights laws is increasingly significant. Substantial resources are expended for training in the areas of the Americans with Disabilities Act (ADA), Trafficking Victims Protection Act (TVPA), and Limited English Proficiency (LEP), among others.
- The Supreme Court, court of appeals, and district courts determine the pace of the litigation when they set briefing schedules, oral arguments, and trial dates. CRT must abide by those schedules regardless of other cases, matters, or events. Absent CRT's timely and effective response, the government may face sanctions and default judgments. Alternatively, delayed resolution of cases may occur. Additionally, CRT continues to encounter uncooperative jurisdiction – necessitating initiation of lawsuits which require unanticipated and sometimes substantial fiscal and human resources.
- The Department of Homeland Security (DHS) received a substantial increase in its budget to hire worksite investigators, and to sanction employers who hire undocumented workers. Pending legislation would also substantially increase the penalties imposed upon employers for hiring undocumented workers. In 1991,

five years after the creation of employer sanctions, the Government Accounting Office (now the Government Accountability Office) determined that these sanctions led to a widespread pattern of discrimination – primarily against Hispanics and Asians. Likewise, we anticipate that higher penalties and enhanced enforcement of those sanctions will lead to an increase in discrimination charges filed with the Office of Special Counsel (OSC), because employers will be more hesitant about hiring workers who look or sound “foreign.”

- CRT’s workload will also increase if legislation is enacted requiring all employers to use a computerized employment eligibility verification program run by DHS and the Social Security Administration (SSA) to determine whether new hires are authorized to work in the United States. Studies have documented that employers sometimes use such systems in a discriminatory manner, including pre-screening applicants and prematurely terminating workers, which may lead to the receipt of additional charges.
- Pending immigration reform proposals, millions of workers may receive legal status that was not previously protected under the Immigration and Nationality Act’s (INA) anti-discrimination provision. Thus, upon receiving lawful permanent resident status, these individuals will be protected under the anti-discrimination provision and will be able to file charges with OSC.
- In September 2004, DOJ entered into a Memorandum of Understanding (MOU) with the Department of Labor (DOL) for enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. As more members of the National Guard and Reserve return from duty, it is anticipated that complaints against employers will increase. Since receiving this enforcement authority, CRT has received a considerable number of USERRA referrals from DOL. Assumption of this enforcement authority will continue to impact the workload of CRT in FY 2008 and into the immediate future.
- CRT faces the challenge of enforcing the ADA at a time when national attention and resources must be focused on providing for the safety and well being of all citizens. State and local governments, as well as the business community, are burdened with monetary shortfalls that tend to place the correction of access violations at a lower priority. This places an increased premium on securing voluntary compliance.
- With the passage of The Voting Rights Reauthorization and Amendments Act of 2006, additional resources will need to be devoted to address the increased litigation workload. In addition the amount of enforcement work necessary under Section 203 of VRA will be dependent on the extent to which election officials take appropriate steps to ensure fully bilingual elections.
- CRT, in its legal counsel capacity, faces the challenge of providing formal opinions and informal advice on legal and policy matters to CRT’s Assistant Attorney General’s Office, CRT’s litigating sections, and the U.S. Attorneys Offices that continue to rely upon CRT in its role as the government’s expert in court of appeals litigation.

Internal Challenges:

- Law enforcement relies primarily on people. Civil rights law enforcement is no different. Expanding skills and expertise through positive managerial intervention in areas of training, policy supporting career development and upward mobility programs will play a critical role. DOJ needs to continue its efforts to attract the “best and brightest” of all talents, and should continue to provide an accessible, welcoming work environment that increases retention. Extensive training and development will be required for any new staff hired for those positions.
- Many of CRT’s responsibilities are not performed by any other government agency. The recent loss of numerous senior staff has impacted CRT on many levels particularly in the loss of institutional memory, expertise and skill, all of which have been integral to our enforcement, training and outreach efforts. CRT expects this challenge to continue through FY 2007 and into FY 2008. Expanding the skills of existing employees through internal training and career development is critical.
- Training is a vital tool to sharpen our enforcement efforts – both across the Department and within CRT. The Professional Development Office (PDO), newly created in November 2005, has spearheaded CRT’s creation of two training conferences at the National Advocacy Center in FY 2006. These national training seminars continue our mission of educating, encouraging, and working collaboratively with the U.S. Attorney’s Offices in the vigorous enforcement of the civil rights laws; two more training conferences are scheduled for FY 2007. PDO also has created – for the first time in CRT history – a formal program of training for new CRT attorneys, as well as programs to provide continuing legal education for experienced CRT attorneys.
- Many of CRT’s cases are extremely complex; requiring teams of two or three lawyers for each case. Such long-term efforts, which tie up lawyers and support personnel for months, challenge the remainder of the staff to "cover" for them.
- Several of CRT’s current cases involve large developers who have built multiple housing complexes that do not comply with the accessibility requirements. This has resulted in large, complex, resource-intensive cases.

F. Performance of Commercial Activities

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

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Human Trafficking	Address and Expand the anti-trafficking enforcement program	13	7	\$1,713	7
	TOTALS	13	7	\$1,713	

1. Human Trafficking Enforcement Efforts

President Bush and the Attorney General have made combating human trafficking a top priority of this Administration. In a September 23, 2003, address to the United Nations, the President noted: “There’s a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of sex trade see little of life before they see the very worst of life – an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.” In addition, CRT is requesting funding for its respective portion of costs associated with the Human Smuggling and Trafficking Center (HSTC).

Trafficking in humans stands among the most offensive moral scourges in America. It is a form of modern day slave trade. A large majority of victims are forced, defrauded, or coerced into prostitution or other forms of sexual exploitation. Others are compelled to work in sweat shops, in agricultural fields, or as domestic servants. Each year, up to an estimated 600,000 to 800,000 men, women and children are trafficked against their will across international borders. Of those, 14,500 to 17,500 may be trafficked into the United States. While the actual numbers are difficult to quantify, clearly the problem is of sufficient magnitude that substantiates the need for increased dedication of resources.

The Criminal Section (CRM) of CRT currently devotes approximately 21 positions to combating human trafficking. CRM’s productivity and workload requirements in this programmatic area have increased dramatically since passage of the Trafficking Victims’ Protection Act (“TVPA”) in 2000, which greatly expanded the scope of federal enforcement authority over human trafficking offenses. Since that time, CRM’s trafficking investigations have quadrupled and prosecutions have tripled. Moreover, increasingly we are investigating and prosecuting complex cases that encompass multiple districts, multiple law enforcement agencies, numerous victims, and can require cooperation from other countries. Collateral to investigating and prosecuting these crimes, CRM staff have trained thousands of federal, State, local, and international law enforcement agents, prosecutors, NGO staff, and officials to identify, investigate, and prosecute these crimes. Accordingly, CRM urgently needs additional resources to continue its impressive anti-trafficking enforcement program, as well as to expand its ability to effectively coordinate and expand the enforcement program throughout the nation. The Department convicted more trafficking defendants in FY 2006 than in any other single year on record. CRT’s commitment to protecting society’s most vulnerable members has never been stronger.

Background

A. Summary of Current Criminal Section Workload

CRM enforces federal criminal civil rights statutes, including those which prohibit official misconduct, bias-motivated violence, and human trafficking. While the number of official misconduct and bias-motivated violence investigations have remained relatively constant over the last five years, passage of the TVPA dramatically increased the type and number of human trafficking allegations which require investigation and prosecution. For example:

- (1) In the past six fiscal years, CRM, working with the United States Attorneys' Offices, opened 639 new investigations into allegations of human trafficking – approximately 399% more than were opened in the previous six-year period.
- (2) During this same six-year period, CRM initiated prosecutions of 360 traffickers, more than a 300% increase over the previous six years. This resulted in 238 convictions and guilty pleas, a 250% increase over the 67 obtained over the previous six years.
- (3) During FY 2006, 168 new investigations were opened, 111 defendants were charged, and a record number of trafficking defendants (98) were convicted.
- (4) As of December 15, 2006, CRM had 260 open trafficking investigations, or 294% more than the 66 open in January 2001.
- (5) CRM launched a new initiative to support and assist the 42 Human Trafficking Task Forces funded through the BJA. In FY 2007, CRM staff will meet with all 42 task forces and provide training and technical assistance.
- (6) CRM has trained thousands of federal, State, and local law enforcement officers and Non-Governmental Organizations (NGOs) representatives, including through our JTN Broadcast to all USAO's, the National Conference in New Orleans, and at training programs in cities across the nation. Division personnel also trained foreign officials from a wide variety of countries, including Azerbaijan, China, India, Indonesia, Mexico, Russia, and Thailand, among others.

In addition to the dramatic increases in the number of investigations and prosecutions, the breadth of our investigations and prosecutions is widening significantly. While early cases were limited to one or two districts, we are now coordinating investigations that involve multiple brothels or businesses in different jurisdictions. Thus, CRM is now required to provide considerable coordination not only among law enforcement and prosecutors of multiple jurisdictions, but also among local and State law enforcement, the FBI, U.S. Immigration and Customs Enforcement (ICE), DOL, Department of Health and Human Services (HHS), and NGOs.

B. Victim-Centered Trafficking Investigations and Prosecutions are Labor Intensive and Costly

The raw statistics alone do not tell the full story of the impact of trafficking cases on the workload of CRM as a whole. Given the particular vulnerability of our victims and the very sensitive nature of the trauma they suffered, CRM employs a victim-centered approach to its human trafficking investigations and prosecutions. While this model is highly effective, trafficking investigations and prosecutions are significantly more labor-intensive than other types of matters handled by CRM. Unlike typical official

misconduct or bias-motivated violence matters, trafficking allegations commonly involve up to hundreds of victims, and often require international investigations, which can be extremely sensitive, time-consuming, and expensive.

The typical trafficking investigation usually requires a series of victim interviews before the prosecutor is able to ascertain the true scope of the case. These interviews often involve several sessions that are spread over several weeks. In many cases, the victim interviews alone can last hundreds of hours. Interpreters often are employed because the victim cannot speak English. Interviews requiring interpreters last at least twice as long as interviews that do not require interpreters. Pre-trial preparation and trials are also longer and more expensive as interpreters are needed for the non-English speaking witnesses.

Human trafficking investigations often involve proactive raids of brothels and other locations where victims are held by their captors. These raids require substantial CRM resources because Section personnel have the expertise in trafficking and, as such, play a leading role in coordinating and participating in the raids. This central coordination role avoids the duplication of efforts by various USAOs, as well as federal, State and local law enforcement agencies, and non-governmental organizations. CRM attorneys, victim-witness and support staff spend months establishing probable cause, protocols, locating resources, making logistical arrangements for the victims (including food, clothing and shelter), using psychologists as interviews are conducted for traumatized individuals, and coordinating efforts to keep victims legally in the United States and to provide benefits and other governmental services. During and after the raid, CRM personnel are involved in debriefing sessions with the victims to assess the merits of the case, which can take weeks and even months.

CRM's victim-centered approach has proven quite effective in combating trafficking. Recounted below are some recent successful prosecutions, with a brief description of the significant CRM resources required to successfully prosecute these cases:

United States v. Kil Soo Lee, et al.

In the Department's largest ever human trafficking prosecution, three CRM attorneys spent nearly 2½ years in American Samoa investigating allegations that over 200 Vietnamese victims were held in involuntary servitude by the owner of a garment factory. After indictment, the victims were assigned to service providers in 25 different districts. Each victim was interviewed at least once, and many several times, requiring substantial travel by CRM attorneys to meet with them, especially as the trial approached. CRM's victim-witness coordinator spent two years working almost full time to provide and monitor the services and immigration relief to which the 200 victims were entitled under the TVPA. In the end, five attorneys and two paralegals were involved in the trial of the case. They spent over six months in trial preparation and trial. Fourteen interpreters in four languages were hired for the trial at a cost of almost \$150,000. Defendant Lee was convicted, and in 2005, he was sentenced to 40 years in prison.

United States v. Zavala and Ibanez

Two CRM attorneys, working with numerous Assistant United States Attorneys in two districts, agents and victim-witness personnel, investigated allegations that over 60 Peruvian men, women and children had been smuggled into the country and forced to work in factories on Long Island, New York. After the indictment, an additional 30

victims were identified. Simply interviewing the victims and assisting them to obtain trafficking victims' benefits required months of full-time effort. After the defendants pled guilty in November 2004, the sentencing process also required significant attorney and victim-witness time and funding. Under the Crime Victims' Rights Act of 2004, victims have a right to speak at sentencing and to provide victim impact statements. When the defendants were sentenced on two different days, six months apart, in November 2005 and April 2006, almost all of the victims had provided victim impact statements that were translated from Spanish into English and were provided interpretation assistance to understand the proceedings.

United States v. Carreto, et al.

This was a high profile case featured on national television that involved eight defendants charged in 2004 with operating a sex trafficking ring that smuggled Mexican women and girls into the United States and ultimately forced them into prostitution in New York. Attorneys spent a tremendous amount of time preparing for trial, when unexpectedly three of the eight defendants pled guilty to all 27 counts of the indictment shortly after jury selection. In addition, attorneys and victim-witness staff made considerable efforts to assist the victims to regain custody of their children, who were held by the traffickers' families in Mexico to control the women. The attorneys devoted a tremendous amount of time and energy to develop a lasting relationship of trust and support with the victims, a common phenomenon in human trafficking cases where victims are reluctant to testify about profoundly traumatic sexual experiences to foreign law enforcement that have authority to seek their prosecution. Moreover, these victims still had strong emotional and romantic ties with the defendants. Ultimately, six of the eight defendants decided to plead guilty rather than be confronted by the victims' critical testimony. In April 2006, two of the defendants were sentenced to fifty years in prison, among the highest sentences ever in a trafficking prosecution. Two defendants remain fugitives and resources will again be needed to bring them to trial when they are apprehended.

Cases with fewer victims are resource-intensive as well. Domestic servant cases, which generally involve one or two victims, pose major challenges as the level of traumatization can be significant for these isolated and often sexually abused victims. In such cases, attorneys must work closely with victim service organizations and victim-witness coordinators to help restore the traumatized victim before a thorough debriefing can take place. In addition, these investigations often require investigation in the victim's home country. For example, in United States v. Djoumessi, a husband and wife smuggled a 14-year-old girl from Cameroon into the United States with the promise of an American education. For more than four years, she was beaten and sexually assaulted, not allowed to attend school, forced to care for three young children, clean the home and prepare meals. The couple was tried in State court, but their punishments did not vindicate federal interests, nor were the victim's interests well served. A CRM attorney then conducted four years of investigation, including travel to Cameroon, and required the nearly full-time assistance of a paralegal for six months. This led to the conviction of both defendants on federal charges in March 2006.

CRM also employs a full-time victim-witness coordinator who devotes virtually all of her time to the human trafficking program. The victim-centered model of trafficking prosecution requires the victim-witness coordinator to play a central role in all stages of CRM's trafficking cases. The victim-witness coordinator plays an essential role in CRM prosecutions, as she coordinates with the numerous non-governmental organizations who

assist in the rehabilitation of trafficking victims, facilitates immigration relief benefits for the victims, and acts as a liaison between DOJ and other governmental agencies that play critical roles in the government's overall anti-trafficking program –HHS, ICE, FBI, Criminal Division, and the State Department. In addition, she spends considerable time preparing reports and providing information on CRM's human trafficking enforcement.

C. CRM's Human Trafficking Workload Expected to Increase

In addition to the increase in the trafficking caseload triggered by the passage of the TVPA, we are now seeing the fruits of the 42 recently formed anti-trafficking task forces, funded by BJA. These task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts and requiring significant coordination efforts by CRM. CRM foresees further, possibly exponential, expansion of its caseload and coordination responsibilities.

The task force approach has enabled CRM to spread its successful model of victim-centered prosecutions. This approach puts the rights of the victims first and relies on working closely with non-governmental organizations to get restoration and rehabilitation for the survivors.

Because the TVPA is a relatively new statute, and because investigation and prosecution of these matters are complex and labor intensive, CRM plays a critical leadership role coordinating the trafficking task forces throughout the country. Among other resource-intensive responsibilities, CRM attorneys and victim witness personnel are called upon to provide the task forces with regular anti-trafficking training, mentoring, and technical assistance.

Even after these task forces are up and running, coordination will be vital to ensure that these districts are not duplicating efforts as they target the same criminal organization in multiple cities. There is currently no formal coordination – other than the efforts currently being provided by the 21 CRM employees – for all of these task forces. Yet, we anticipate that our law enforcement efforts with respect to human trafficking will require many of the same coordination needs as multi-district, international narcotics investigations and prosecutions currently ongoing in the Criminal Division.

The Houston task force is a prime example of how CRM attorneys facilitate effective prosecutions through intensive coordination, mentoring and training. Formed in 2004, CRM has assisted the Houston task force in developing a number of successful prosecutions. For example, in 2005, working with task force members, CRM indicted six defendants in United States v. Salazar, eight defendants in United States v. Mondragon, and liberated over 100 women from their captors. Investigation and prosecution of those cases has required the full attention of CRM attorneys, two Assistant U.S. Attorneys and countless agents. After planning and assisting in the raid of the Mondragon operation in November 2005, CRM attorneys spent three straight months in Houston conducting follow-up interviews. Leads from these cases are being used to develop cases in other districts as well.

In October 2006, the Division created a Slavery and Trafficking in Persons Unit within CRM. This new Unit will work to enhance DOJ's investigation and prosecution of human trafficking and slavery cases, such as multi-jurisdictional cases and those

involving financial crimes. The Unit will also engage in training, technical assistance, and outreach initiatives to federal, State, and local law enforcement and NGOs.

D. CRM Is Uniquely Positioned To Lead Anti-Trafficking Efforts In The United States

In the United States, CRM has taken the lead in prosecuting trafficking cases and in training others in the skills necessary to successfully investigate and prosecute trafficking cases. CRM attorneys have gained years of experience in trafficking cases by actually investigating and prosecuting the cases. No other organization in the Nation has acquired as much knowledge or developed as many skills in fighting trafficking as CRM. Over the last six years, CRM has established effective working relationships with United States Attorneys' Offices, as well as with the law enforcement agencies which investigate trafficking cases. CRM has also developed close working relationships with the non-governmental and other organizations which provide assistance to victims of trafficking. Finally, CRM has created and refined sophisticated training programs for other prosecutors and investigators involved in the anti-trafficking effort.

The Houston task force's success, mentioned above, is based on the intensive mentoring and training which can be provided only by CRM attorneys with extensive real world experience. Replicating the Houston model in other task forces will require similar engagement by CRM attorneys, both to provide initial guidance to the task forces and the expertise to handle the many prosecutions we expect will result once the task forces are fully functioning. CRM is uniquely qualified to coordinate that effort, given its substantive expertise and its excellent working relationships with the various districts.

CRM is already playing a critical role in coordinating the task forces throughout the country. CRM personnel have developed a new initiative to conduct quarterly teleconferences involving all of the task forces, to share best practices, and encourage cooperation and coordination among the districts. During the summer of FY 2006, CRM hosted an anti-trafficking training program at the National Advocacy Center designed specifically for task force members, which will further enhance the effectiveness of the task forces. CRM also hosted the National Conference on Human Trafficking for prosecutors, service providers, and others in New Orleans in October 2006.

E. CRM Anti-Trafficking Training and Outreach Initiatives

Providing coordination and training for the task forces is only one of the many demands for training the Section receives for assistance regarding human trafficking. Since passage of the TVPA of 2000, CRM attorneys and other staff have invested substantial time in training federal investigators, State Department officials, Assistant U.S. Attorneys, local law enforcement and victim service providers.

CRT has supplemented task force training with a "train the trainer" curriculum that is available to the task forces through the 40 Community Oriented Policing Services (COPS) offices that the Department supports. This training is designed to improve the skills of each component of the trafficking team, and it provides advice on cross-disciplinary collaboration. Training emphasizes proactive investigations, victim safety and restoration, and the importance of conducting investigations across State and international borders.

In addition, in FY 2005 and FY 2006, CRM attorneys and victim-witness staff conducted more than 150 training programs for federal, state and local law enforcement agencies, prosecutors and victim coordinators; non-governmental and health care organizations; business leaders and legal practitioners; national victim groups; and organized and newly-established anti-trafficking task forces in over 40 jurisdictions in 25 States. In those two years, they also met in the United States with foreign officials and representatives from 30 countries and traveled abroad to ten countries to conduct training on human trafficking prosecutions and victim protections.

In addition to the rapidly increasing demands on CRM to prosecute trafficking cases and to provide training, CRM personnel are tasked to contribute to a number of Department-wide human trafficking outreach initiatives. These initiatives are important to the Department's comprehensive approach to combating trafficking, but our participation diverts resources from our enforcement efforts. The following are examples of these initiatives:

- During FY 2006, CRT continued to publish an Anti-Trafficking News Bulletin. This Bulletin was initially published monthly in FY 2004, and then twice in FY 2005. Current plans are to continue publishing the newsletter twice a year to provide information on the Department's anti-trafficking efforts. Each issue of the bulletin provides updates of recent case activity and describes outreach and policy activities of CRT and DOJ.
- CRM attorneys and the victim-witness coordinator regularly provide training and technical assistance to foreign officials both here and abroad. Some recent activities include conducting assessments of anti-trafficking programs in Asia, Africa, and Central America, assistance in drafting legislation to combat trafficking, and training law enforcement officials, prosecutors, judges, and service providers on issues confronted in enforcing trafficking laws and providing victim-centered services.
- CRM personnel are regularly tasked to provide information for detailed reports on human trafficking for the annual report to Congress mandated by the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, the annual U.S. Assessment, Attorney General reports and speeches, and in response to inquiries from Congress, scholars, researchers, and the media.
- CRM attorneys assist the Senior Policy Operating Group (SPOG) created by statute to coordinate the government's anti-trafficking efforts. CRM employees participate in special tasks requested by SPOG sub-committees on various issues, such as the development of a model regulation to be adopted by various federal agencies, research to identify the number and location of trafficking victims as well as the routes employed by traffickers, and services to citizen victims of domestic trafficking.
- HSTC will share intelligence information related to human trafficking and alien smuggling. DOJ along with the Department of State and DHS, will co-chair the HSTC. Within DOJ, CRT, Criminal Division, and the FBI are providing direct participation. The HSTC leverages the strengths and

authorities of those organizations to more effectively support the government's efforts to address criminal support to terrorist mobility, human smuggling and human trafficking. The Center was established in 2004 to bring together multiple federal agencies from the policy, law enforcement, intelligence, and diplomatic areas to work together to increase the development of intelligence regarding human trafficking and other transnational issues.

- CRM helped develop a model anti-trafficking law that has been adopted by sixteen States, with many others considering passing their own legislation. CRM attorneys consult frequently with State officials on developing these laws, and, in fact, one State passed a trafficking law after a CRM prosecution highlighted the problem within the State. As more States adopt these laws, the need for coordination will increase substantially to ensure that State and federal law enforcement officers and prosecutors are using their resources efficiently and effectively. Even a single State prosecution involving non-citizen victims will necessitate the involvement of CRM's victim-witness staff as those victims may be eligible for immigration relief and refugee benefits which fall under the jurisdiction of the Federal Government.

These additional outreach, training, and policy functions consume the time and effort of several attorneys, the victim-witness coordinator, and CRM management. These important initiatives use the time of CRM personnel that would ordinarily be devoted to the development and prosecution of federal cases.

The projected workload associated with resources being requested are as follows:

Number of criminal defendants charged	FY 06	FY 07	FY 08	FY 09
	200	120	214	230
Number of trafficking cases filed	FY 06	FY 07	FY 08	FY 09
	32	22	35	43
Number of trafficking defendants charged	FY 06	FY 07	FY 08	FY 09
	111	40	105	129
Number of trafficking victims successfully protected	FY 06	FY 07	FY 08	FY 09
	93	67	105	129

FY 2008 estimates reflect a lower than expected productivity because of the time lag caused by the hiring process and the learning curve associated with new hires. FY 2009 estimates will provide a better reflection as to the annualized impact that the additional resources will have.

F. Human Trafficking Additional Resources Being Requested

CRM is seeking additional resources of 13 positions, (eight attorneys) 7 FTE and \$1,713,000 both to address current case demands and to further enhance CRM’s anti-trafficking program. Specifically, CRM is seeking additional personnel resources as follows:

<u>Position</u>	<u>Grade</u>	<u>Series</u>	<u>Number</u>
Manager, Trafficking Enforcement Program	14	905	1
Coordinator, Anti-Trafficking Task Forces	14	905	1
Special Litigation Counsel, Money Laundering and Asset Forfeiture	14	905	1
Trial Attorneys	14	905	5
Victim-Witness Coordinators	13	301	1
Investigators	11	360	2
Paralegals	9	950	1
Clerical	7	318	<u>1</u>
			13

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

Additionally, CRM is seeking \$303,000 to address on-going funding requirements that present logistical challenges not seen in other CRM cases. CRM is requesting resources for abnormally high or unique costs associated with trafficking cases (e.g., depositions (\$55,000), housing and shelter for victims immediately following raids, until such time that the victims can be placed accordingly (\$95,000), interpreters (\$93,000) and translations (\$60,000)). The funding requested would also enhance the training material needed for outreach activities, and meet the unique requirements for trafficking-related cases.

CRT is requesting \$210,000 for its respective costs associated with the HSTC. CRT has no base funding for this requirement. However, costs are being distributed among DOJ, DHS, and the State Department. DOJ costs are being distributed among the FBI, Criminal Division, and CRT. The Chief Financial Officer of each of the organizations mentioned above are still working out the details of the FY 2008 anticipated cost, so this request level may change. Currently, costs will be incurred by the State Department and reimbursed by the other components. Therefore, all trafficking-related costs are included in object class 2500 and will be recurring in nature.

III. Appropriations Language and Analysis of Appropriations Language

N/A

IV. Decision Unit Justification

A. Civil Rights Division

Civil Rights Division TOTAL	Perm. Pos.	FTE *	Amount
2006 Enacted w/Rescissions and Supplementals	737	755	109,037,000
2007 Estimate	733	751	108,777,000
Adjustments to Base and Technical Adjustments	-20	-20	6,299,000
2008 Current Services	713	731	115,076,000
2008 Program Increases	13	7	1,713,000
2008 Request	726	738	116,789,000
Total Change 2007-2008	-7	-13	8,012,000

* Includes 16 reimbursable FTE in each fiscal year

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

1. Program Description

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

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

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

Criminal Enforcement (124 FTE; \$ 15,034,000)

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

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

frequently prosecutes criminal statutes arising out of and related to civil rights investigations, such as obstruction of justice, weapons violations and immigration charges.

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

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

Trafficking in humans stands among the most offensive moral scourges in America. It is a form of modern day slave trade. Each year, an estimated 600,000 to 800,000 individuals around the world are trapped, tricked, bought, sold, or transported across

international borders and held in sexual or labor servitude. There are estimates that 14,500 to 17,500 victims are trafficked into America.

Approximately 80% of the victims of human trafficking are female. Trafficking profits support organized crime. Trafficking has also been linked to other serious crimes including document fraud, money laundering, and migrant smuggling.

In addition, working with DHS, DOL, and HHS, as well as State and local law enforcement and NGOs, DOJ has formed 42 anti-trafficking task forces across the country. Task forces have been established in Houston, Northern Virginia, New York, Los Angeles, Miami, the District of Columbia, and other locations.

CRT's mission also includes combating racial profiling. This is the invidious use of race or ethnicity as a criterion in conducting stops, searches, and other law enforcement investigative procedures. Racial profiling is based on the erroneous assumption that a particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. The Bush Administration was the first to ban racial profiling in traditional law enforcement activities and remains fully committed to the elimination of invidious racial profiling by law enforcement agencies.

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

CRT also enforces several criminal statutes to uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws, including:

- Criminal provisions of the CRA of 1964 and 1968, which prohibit using force or threats of force to injure or intimidate any person involved in the exercise of certain federal rights and activities because of that person's race, religion or ethnicity;

- The Church Arson Prevention Act of 1996, which amended 18 U.S.C. §247, strengthened the criminal law against church burning and desecration by broadening the interstate commerce nexus, adding a racial motive element, and eliminating the \$10,000 damage requirement; and
- Relevant Provisions of the Partial Birth Abortion Ban Act of 2003, which bans partial birth abortions. The Act provides both criminal and civil penalties for individuals who perform such abortions. Immediately, after the Act was signed into law, federal judges in California, Nebraska, and New York enjoined enforcement of the Act against abortion providers and their affiliates nationwide. These cases are now pending before the U.S. Supreme Court. If the injunctions are lifted, CRT will be responsible for enforcing the Act's criminal prohibitions.

Performance and Resources Table – Criminal Enforcement

The Performance and Resources Table displays four performance measures, two outcome measures associated with CRT's criminal enforcement responsibilities, and is included in six Division-wide measures regarding cases and matters. The performance measures reflect the number of cases filed and defendants charged, by both involuntary servitude and all criminal civil rights violations. The outcome measures reported are the percentage of criminal cases favorably resolved, and the number of trafficking victims successfully prosecuted. Accomplishments are described under section IVA3 Performance Plan and Report for Outcomes.

B. Civil Enforcement (598 FTE; \$101,755,000)

The Civil Enforcement responsibilities of CRT encompasses a vast array of responsibilities, including enforcement of the CRA of 1957, 1960, 1964, and 1968; the VRA of 1965, as amended through 1992; the Rehabilitation Act of 1973, as amended; the Fair Housing Amendments Act of 1988; the Equal Credit Opportunity Act; the ADA; the NVRA; the Uniformed and Overseas Citizens Absentee Voting Act; the Voting Accessibility for the Elderly and Handicapped Act; the HAVA, and additional civil rights provisions contained in other laws and regulations. These laws prohibit discrimination on a variety of grounds including: disability; race; sex; national origin; and religion in areas such as education; employment; credit; housing; zoning and land use; public accommodations and facilities; State and local government offices; voting and certain federally funded and conducted programs.

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

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

Appellate Section (APP)

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

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

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

Coordination and Review (COR)

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

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

COR plays a central role in the Administration's priority of ensuring implementation and enforcement of civil rights laws affecting persons with Limited English Proficiency (LEP). COR has taken significant steps to implement Executive Order 13166, which mandates meaningful access for LEP individuals in federal and federally funded

programs. In addition, COR continues to work with approximately 80 federal agencies to ensure that they produce plans to provide meaningful access to LEP individuals in their own conducted programs. COR provides a training and outreach program, which includes regular LEP presentations to recipients and other groups, as well as widespread distribution of LEP materials to DOJ recipients. COR also oversees the Interagency Working Group on LEP, which has active representation by more than 35 federal agencies, as well as the Working Group's LEP website, www.lep.gov, which is a prime source of LEP information for federal agencies, recipients, and community groups.

In order to ensure consistent and effective enforcement, COR engages in a wide variety of activities, including the development or review and approval of model regulations, policies, and enforcement standards and procedures. It also reviews plans and data submitted by all federal funding agencies, which describe their civil rights enforcement priorities, activities, and achievements. It provides ongoing technical assistance to federal agencies and, upon request, assists agencies in investigations of particular complaints and compliance reviews raising novel or complex issues.

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

Disability Rights Section (DRS)

The ADA extends the promise of equal access to everyday life to people with disabilities. Through its multi-faceted approach toward achieving compliance with the ADA, DRS works to make this promise a reality. DRS' enforcement, certification, regulatory, coordination, and technical assistance activities, required by the ADA, combined with an innovative mediation program, provide a cost-effective and dynamic approach for carrying out the ADA's mandates. DRS also carries out responsibilities under Section 504 of the Rehabilitation Act, the HAVA of 2002, the Small Business Regulatory Enforcement Fairness Act, Executive Order 13217, Community-based Alternatives for Individuals with Disabilities, and Executive Order 12250, and the President's New Freedom Initiative, designed to improve the lives of millions of Americans with disabilities. DRS activities affect six million businesses and non-profit agencies, 80,000 units of State and local government, over 38 million people with disabilities, and more than 100 other federal agencies and commissions in the Executive Branch.

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

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

DOJ's Project Civic Access (PCA) has worked cooperatively with local governments to expand access to public facilities, services, and programs. Since January 2001, DOJ has signed 145 agreements under PCA. Through PCA, DOJ assesses entire towns and counties, providing local officials with a roadmap to bringing all of their facilities, services, and programs into compliance with federal law. PCA settlement agreements cover important civic facilities such as town halls, courthouses, polling places, libraries, and police stations. They also include recreational facilities, sidewalks, parks, emergency services, and shelters. Participants, including both local officials and people with disabilities, have lauded DOJ for the access and opportunity the PCA program has brought to their communities.

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

DRS has built an impressive mediation program to assist with disposition of the thousands of complaints received each year and the mediation program receives a portion of these to expeditiously address these issues. In FY 2006, the mediation program referred 305 matters, completed 223 of these matters and successfully resolved 82% of these cases.

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

Educational Opportunities Section (EOS)

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

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

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

EOS enforces federal statutes that prohibit discrimination in public elementary and secondary schools and public colleges and universities. The laws enforced by EOS include Title IV of the CRA of 1964, and the Equal Educational Opportunities Act of

1974. EOS also initiates enforcement activities upon receiving a referral from other agencies to enforce Title VI of the CRA of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the ADA; and the Individuals with Disabilities Education Act. EOS may intervene in private lawsuits which allege violations of the Equal Protection Clause or the education related anti-discrimination statutes referred to above. EOS also participates as amicus curiae, addressing issues in which the government has an interest. EOS represents the Department of Education (DOE) in certain types of suits filed against or on behalf of the DOE.

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

Employment Litigation Section (ELS)

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

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

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

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

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

Housing and Civil Enforcement Section (HCE)

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

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

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

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

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

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

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

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

OSC anticipates that its workload will increase significantly during FY 2007 and FY 2008 based upon a number of external factors that will have a huge impact on OSC's enforcement and outreach work.

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

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

Third, comprehensive immigration reform will likely lead to significant changes in employer responsibilities and worker obligations under the law, which means that OSC will face an environment of confusion about immigration, which may lead to greater numbers of work-authorized immigrants and U.S. citizens who appear "foreign" being denied work or fired by confused employers. Legislation may create a new class of immigrant workers, who may face exploitative working conditions.

Special Litigation Section (SPL)

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

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

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

The civil provisions of FACE are also within the area of enforcement for the SPL. Its attorneys work closely with offices of the U.S. Attorney and State Attorneys General by providing technical assistance and conducting joint FACE prosecutions.

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

Voting Section (VOT)

VOT is responsible for the enforcement of VRA of 1965, National Voter Registration Act (NVRA) of 1993, the Voting Accessibility for the Elderly and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), HAVA and other statutory provisions designed to safeguard the right to vote of racial and language minorities, disabled and illiterate persons, overseas citizens, and military personnel.

To carry out its mission, VOT brings lawsuits against States, counties, cities, and other jurisdictions to remedy violations of the above statutes. With respect to VRA, high

priority has been given to enforcement of Section 203 of the Act to ensure that appropriate language assistance is provided to citizens who are limited English proficient. In addition, extensive activities have been taken to enforce Section 2 of the Act with respect to denials and abridgements of the right to vote on account of race, color, or

membership in a language minority. VOT also defends lawsuits that the VRA authorizes to be brought against the Attorney General.

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

VOT is also responsible for enforcing the NVRA of 1993, UOCAVA, and HAVA. The HAVA, signed into law in October 2002, aims to improve the administration of elections in the United States, primarily by 1) creating a new federal agency to serve as a clearinghouse for election administration information; 2) providing funds to States to improve election administration and replace outdated voting systems; and 3) creating uniform and nondiscriminatory election technology and administration requirements that States must implement for all federal elections. Most of these requirements were effective as of 2004; the remaining requirements became effective in 2006. VOT has taken the lead in outreach and monitoring of this law. It also has ongoing outreach and monitoring efforts to ensure effective and timely implementation by the States.

2. Performance and Resource Tables

The Performance and Resource Table reflects two programmatic activities (criminal and civil). The table displays performance, outcome, and efficiency measures associated with CRT's enforcement responsibilities. The performance measure included in the Department's Performance and Accountability Report (PAR) reflects the percentage of cases favorably resolved. Accomplishments are described under section IVA3 of Performance Plan and Report for Outcomes.

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Civil Rights Division											
DOJ Strategic Goal/Objective: 2.4 Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society.											
WORKLOAD/ RESOURCES		Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Workload : Investigations/Technical Assistance/Mediation/Prosecution											
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		739 [16]	\$109,037	660 [10]	\$108,564	735 [16]	\$108,777	(13)	\$8,012	722 [16]	\$116,789
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Criminal	117 [0]	\$12,567	117 [0]	\$12,563	117 [0]	\$12,595	7	\$2,439	124 [0]	\$15,034
Performance Measure	Number of criminal cases filed	80		89		75		15		90	
Performance Measure	Number of defendants charged	135		200		120		94		214*	
Performance Measure	Number of trafficking cases filed	25		32		22		13		35*	
Performance Measure	Number of trafficking defendants charged	40		111		40		65		105*	
OUTCOME	% of criminal cases favorably resolved	80		92		80		N/A**		80	
OUTCOME	# of trafficking victims successfully protected	67		93		67		38		105*	

* Numbers have been updated to reflect CRM enhancement

** N/A due to timing of hiring of new staff.

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Civil Rights Division											
DOJ Strategic Goal/Objective: 2.4 Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society.											
WORKLOAD/ RESOURCES		Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Workload : Investigations/Technical Assistance/Mediation/Prosecution											
Total Costs and FTE (reimbursable FTE are included, but reimbursable FTE are bracketed and costs are not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		739 [16]	\$109,037	660 [10]	\$108,564	735 [16]	\$108,777	(13)	\$8,012	722 [16]	\$116,789
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Civil	622 [16]	\$96,470	543 [10]	\$96,001	618 [16]	\$96,182	(20)	\$5,573	598 [16]	\$101,755
Performance Measure	Number of matters successfully resolved	300		385		300		0		300	
Performance Measure	Number of successful mediations	150		183		150		10		160	
Efficiency Measure	Percentage of matters successfully resolved through mediation	75		82		75		0		75	
OUTCOME	% of civil cases favorably resolved	80		95		80		0		80	

PERFORMANCE AND RESOURCES TABLE
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Decision Unit: Civil Rights Division

DOJ Strategic Goal/Objective: 2.4 Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society.
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DATA DEFINITION AND QUALITY ASSURANCE:

All Workload and Performance Indicators: The data source for all indicators is the Civil Rights Division's Interactive Case Management (ICM) System, which will be transitioning to the Litigative Case Management Systems (LCMS) in late FY 2008 or early FY 2009.

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

ISSUES AFFECTING SELECTION OF FY 2007 AND 2008 ESTIMATES:

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

Current services adjustments in 2008 reflect some minor reductions to performance measure categories, in order to bring the projected workload goals in line with increased complexity of the criminal cases being prosecuted and reductions to available funding.

PERFORMANCE MEASURE TABLE											
Decision Unit: Civil Rights Division											
Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of criminal cases filed	87	93	76	63	95	83	80	89	75	90
Performance Measure	Number of criminal defendants charged	141	190	122	126	151	157	135	200	120	214
Performance Measure	Number of trafficking cases filed	N/A	N/A	10	11	25	34	25	32	22	35
Performance Measure	Number of trafficking defendants charged	N/A	N/A	40	27	43	93	40	111	40	105
Performance Measure	Number of civil matters successfully resolved	449	416	522	429	341	399	300	385	300	300
Performance Measure	Number of successful mediations	28	105	203	212	170	184	150	183	150	160
Performance Measure	Number of matters received	4,015	4,716	3,989	3,990	3,615	3,626	3,500	2,989	3,500	3,500
Performance Measure	Number of cases received	318	345	327	213	260	403	280	331	280	290
Performance Measure	Number of matters opened/pending	6,911	6,358	6,077	6,076	5,818	5,714	6,200	5,215	6,200	6,220
Performance Measure	Number of cases opened/pending	1,438	1,365	1,314	1,276	1,149	1,148	1,200	1,211	1,200	1,210
Performance Measure	Number of matters closed/resolved	4,508	4,941	3,952	4,197	3,679	4,063	3,300	3,263	3,500	3,510
Performance Measure	Number of cases closed/resolved	403	409	365	340	261	346	260	340	300	305
Efficiency Measure	Percentage of matters successfully resolved through mediation	N/A	N/A	N/A	N/A	74	78	75	82	75	75
OUTCOME Measure	% of criminal cases favorably resolved *	86	88	91	96	87	94	80	92	80	80
OUTCOME Measure	# of trafficking victims successfully protected	N/A	N/A	54	33	72	249	67	93	67	105
OUTCOME Measure	% of civil cases favorably resolved *	96	86	90	88	90	97	80	95	80	80
OUTCOME Measure	% of successful trafficking prosecutions	100	100	100	84	100	100	80	98	80	80

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

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

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

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

Among CRT's enforcement strategies are: (1) improving efforts to eradicate the modern-day slavery of human trafficking, including the trafficking of women, children, and other vulnerable victims, through more vigorous and intensified enforcement efforts, interagency coordination, and continued efforts to rescue the victims of this atrocity; (2) combating housing discrimination through "Operation Home Sweet Home," which seeks to ensure equal access to housing by improving and increasing the Division's fair housing testing program; (3) expanding efforts (a) to address voting rights violations, (b) to ensure access to the polls for all who qualify, (c) to protect the integrity of the ballot process, and (d) to promote voter confidence in our country's democratic system through activities such as vigorous election monitoring, outreach, and the Department's Ballot Access and Voting Integrity Initiative; (4) expanding the President's New Freedom Initiative to ensure that persons with disabilities have access to our nation's civic life in accordance with the ADA; (5) vigorously enforcing the requirements of Title VII by more carefully targeting governmental employers who discriminate in employment; (6) combating religious discrimination and promoting religious liberty for persons of all religious faiths and denominations; and (7) strategic targeting of outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation's civil rights laws.

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

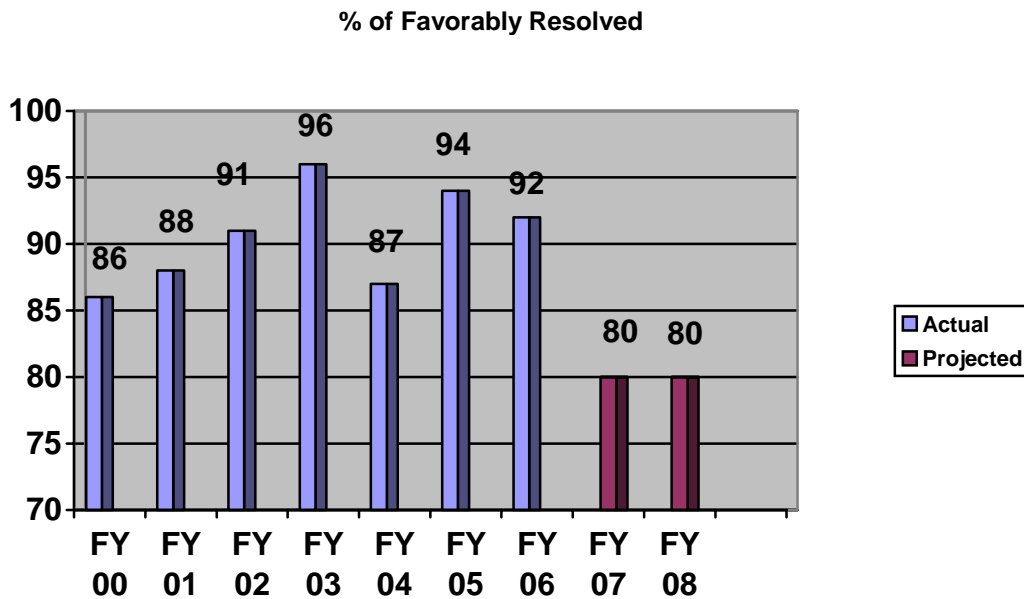
In the proceeding Performance and Resources Tables, CRT’s performance, resources and outcomes are illustrated by these two programmatic areas. CRT’s Interactive Case Management (ICM) System provides the data source for all indicators. The ICM system provides uniform guidance and reporting guidelines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

In support of DOJ’s Strategic Objective 2.4 (Uphold the civil and constitutional rights of all Americans, and protect vulnerable members of society) CRT reports outcome measures in DOJ’s Performance and Accountability Report (PAR). CRT reports outcome performance measures for its accomplishments in percent of cases favorably resolved (both criminal and civil related cases) in the PAR.

The Criminal enforcement area includes performance measures to track enforcement efforts to protect victims from involuntary servitude and human trafficking, an important Attorney General initiative. CRT works closely with the FBI and ICE to identify victims, many of who are women and children, of illegal trafficking.

In the area of DRS’ mediations program, the percentage of successful mediation has increased this fiscal year, despite the increasing complexity of matters referred. In FY 2006, the mediation program handled 305 matters and completed 223, of which 82% were successfully resolved, compared to 78% in FY 2005. The mediation program saves the tax payers a significant level of funding, versus these cases having to resort to costly litigation, while bringing the most expeditious resolution to the issues.

Criminal Enforcement:



During FY 2006, CRM received more than 9,000 complaints alleging criminal interference with civil rights, with more than 3,300 requiring investigation by the FBI and other investigative agencies. A substantial majority of the complaints involved allegations of official misconduct, especially allegations of physical abuse by law enforcement officers. In FY 2006, 89 new cases were filed charging 200 defendants with

civil rights violations, representing the highest total number of defendants charged in the past two decades. A total of 180 defendants, including some defendants charged in prior years, were successfully prosecuted.

Allegations of police abuse and other official misconduct, which comprises the majority of complaints reviewed by CRM, continue to be a high priority. Also, in FY 2006, 66 law enforcement officers, including police officers, deputy sheriffs and State and federal prison correctional officials, were charged with having used their positions to deprive individuals of constitutional rights, such as the right to be free from unwarranted assaults and illegal arrests and searches.

Racial and religious violence incidents remain another priority area for prosecution. During FY 2006, 19 defendants were convicted in connection with crimes such as cross-burnings, arson, vandalism, shootings and assault.

As part of CRM's hate crime enforcement responsibility and in support of the war on terrorism, it has spearheaded DOJ's law enforcement response to address post-September 11th "backlash" violence and threats against Arabs, Muslims and South Asians. The FBI has investigated more than 750 incidents. Federal charges have been brought in 27 cases against 35 defendants, yielding the convictions of 32 defendants. With the assistance of DOJ in a number of cases, State and local authorities have brought more than 150 criminal prosecutions.

Additionally, DOJ enforces the criminal provisions of FACE, working in conjunction with CRT's Special Litigation Section, which has enforcement responsibility over the civil provisions of that Act.

CRM lawyers continue to participate in training and outreach programs relating to criminal civil rights enforcement. For example, CRM participated in training Border Patrol Agents along the southwest border, lectured at FBI In-Service Training of local law enforcement supervisors from across the country at the FBI training center in Quantico; and trained new diplomatic security agents for the State Department.

CRM continues to devote substantial attention to combating human trafficking. The TVPA, enacted in October of 2000, broadened the servitude statutes to reach psychological and non-violent forms of coercion. During FY 2006, 93 victims were protected as a result of federal charges filed in 32 new cases against 111 defendants for holding persons in involuntary servitude and forced labor.

CRM also designed and launched a series of interactive human trafficking training sessions broadcast live on the Justice Television Network in which nearly 80% of the U.S. Attorney's Offices participated; and designed and provided the content at the 2006 National Conference on Human Trafficking in New Orleans, LA. They also trained thousands of federal, State, and local law enforcement officers and NGO representatives at training programs across the nation, including at the National Advocacy Center, and in Austin and Houston, Texas; Charleston, South Carolina; Lee County and Miami, Florida; Los Angeles, Sacramento and San Francisco, California; Oklahoma City, Oklahoma; Pittsburgh, Pennsylvania; Quantico, Virginia; Salt Lake City, Utah; and other cities. CRM personnel also trained foreign officials from a wide variety of countries, including Azerbaijan, Brazil, Bulgaria, China, India, Indonesia, Mexico, Russia, Thailand,

Turkmenistan, and the United Kingdom. CRM has supported the President's Initiative Against Trafficking and Child Sex Tourism by performing assessments of anti-trafficking activities in targeted countries and making recommendations on program development. For example, Division prosecutors have worked with their Mexican counterparts to undertake joint investigations, to conduct training for police and prosecutors, and to assist Mexican policymakers in developing anti-trafficking legislation in that country.

Here are a few human trafficking case examples:

Two defendants in New York were sentenced to 50 years in prison, two of the longest prison sentences ever imposed in a sex trafficking case, and a third defendant was sentenced to 25 years in prison, after pleading guilty to forcing young Mexican women into sexual slavery in brothels throughout the New York City metropolitan area.

Five defendants in Houston pled guilty to forcing women to work as "bargirls" in Houston area bars. The defendants had smuggled the women into the United States from Honduras and El Salvador, and sold some of the women to other bar owners. The defendants threatened to harm the women and their families if they tried to escape or stop working in the bar.

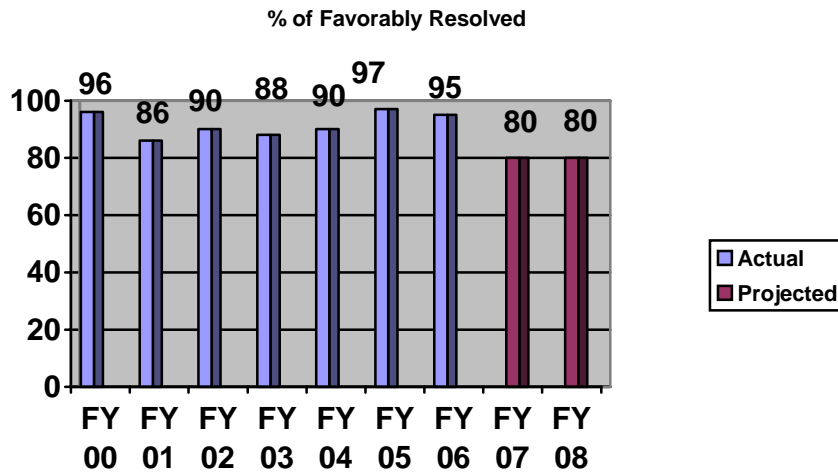
A defendant in Dallas was recently sentenced to 10 years in prison and fined \$460,000 after pleading guilty to forcing Korean women to work as prostitutes at several Dallas area brothels. The women owed large smuggling debts to the defendant and worked as prostitutes to discharge that debt.

Two affluent doctors in Milwaukee were sentenced to four years in prison following their conviction of forced labor for using coercion and threats to force a 38 year old Filipina national into providing domestic labor and services for them for over 20 years.

Guilty pleas were entered by seven Detroit-area defendants who participated in a scheme to recruit Russian and Ukrainian women to travel to the United States, where they were held in a condition of servitude in strip clubs in southeastern Michigan. Also, five defendants pled guilty to conspiring to bring aliens from other countries into the United States illegally to provide them with employment at their granite and marble business. Once in the United States, the aliens resided in apartments leased by the granite company, and they were induced to provide labor for cash or for credit against the cost of their rent, furniture, utilities and visa applications. The defendants threatened to report the aliens' illegal status to DHS as a means to keep the aliens under their employment.

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

Civil Enforcement:



This measure was established for reporting Department-wide targets for its legal components. The FY 2006 success rate level was 95%. Target levels of an 80% success rate are being established for both FY 2007 and FY 2008. This includes enforcement responsibilities associated with eight of the programmatic areas within CRT.

A summary of significant civil programmatic accomplishments is included below:

APP: From October 1, 2005, through September 30, 2006, APP filed 144 briefs and substantive papers in the Supreme Court, the courts of appeals, and the district courts. Eighty-seven of these filings were appellate briefs for the Office of Immigration Litigation (OIL). Excluding OIL decisions, 90% of the decisions reaching the merits were in full or partial accord with CRT's contentions. The Supreme Court reached the merits in five cases; all were consistent with the government's position. The courts of appeals rendered 31 merits decisions, 87% of which were in full or partial accord with CRT's contentions. The district courts rendered three decisions; all were consistent with the government's position.

The following are highlights of significant wins in the Supreme Court in FY 2006:

Arlington Central School District Board of Education v. Murphy, No. 05-18. The Court interpreted whether the fee-shifting provision of the Individuals With Disabilities Education Act (IDEA), 20 U.S.C. 1415(i)(3)(B), allows prevailing party parents in an IDEA action to recover expert fees. The Court substantially agreed with the United States as amicus curiae, that because the IDEA is Spending Clause legislation, it has to give clear notice of any expert fee recovery, and the clear statutory language did not provide such notice and did not allow for recovery of expert fees.

United States v. Georgia, No. 04-1203. A State prison inmate claimed the Georgia corrections system violated Title II of the Americans with Disabilities Act (ADA) by failing to accommodate his disabilities. The Solicitor General argued that Title II is a valid exercise of Congress's authority under Section 5 of the Fourteenth Amendment, as applied in the prison context. The Court declined to decide whether Title II's abrogation is valid with respect to the statute's prophylactic protection in the prison context but held the abrogation is valid for private claims independently stating constitutional violations.

In the courts of appeals, our successes have included the following:

Courts of Appeals – Constitutionality

In the wake of the Supreme Court’s decision in *Tennessee v. Lane* in 2004, CRT has actively defended the constitutionality of Title II of the ADA and its abrogation of States’ Eleventh Amendment immunity in a variety of contexts.

Courts of Appeals – Criminal Cases

United States v. Picklo, No. 05-14989 (11th Cir.). The Eleventh Circuit affirmed all counts of Picklo’s conviction. A jury convicted Picklo of violating (1) 18 U.S.C. 242 (deprivation of a federal right under color of law); (2) the Hobbs Act, 18 U.S.C. 1951 (robbery affecting interstate commerce); (3) 18 U.S.C. 1521(a)(1)(C) (attempted murder to prevent that person from reporting a crime to federal officials); and (4) 18 U.S.C. 924(c) (using and carrying a firearm during and in relation to a crime of violence).

United States v. Hobbs, Kratzer, Nos. 05-4744 & 05-4745 (4th Cir.). The Fourth Circuit affirmed defendants’ convictions. Defendants were convicted of violating 18 U.S.C. 241 after they and others agreed to hang a noose, burn a cross, and throw a dead raccoon on the property of an African-American family that had recently moved into the previously all-white town.

United States v. Briston, No. 05-1292. The Third Circuit affirmed defendant’s conviction. Briston falsely claimed the police department had already spent the money. He then forged documents and planted false evidence to cover up his actions. Briston was convicted of violating 18 U.S.C. 242 by depriving the victim of property without due process of law; 18 U.S.C. 666 by embezzling, stealing, or unlawfully converting to his own use property valued at \$5,000 or more; and 18 U.S.C. 1503 by obstructing justice.

Court of Appeals – Amicus

Wisconsin Community Services v. City of Milwaukee, No. 04-1966 (7th Cir.). CRT filed an amicus brief at the en banc level at the court’s invitation. The Seventh Circuit agreed with CRT that the Title II regulation, 28 C.F.R. 35.130(b)(7), “makes clear that the duty to accommodate is an independent basis of liability under the ADA,” and thus “a plaintiff need not allege either disparate treatment or disparate impact in order to state a reasonable accommodation claim under Title II.” The court also agreed that Section 35.130(b)(7) applies to municipal zoning decisions and that in order to prevail on a reasonable-accommodation claim, the plaintiff must show that the challenged rule or decision “hurt[s] persons with disabilities ‘by reason of their handicap.’”

Although APP anticipates that its workload will increase significantly during FY 2007 and FY 2008, there will be factors that may significantly impact its work:

APP’s work is closely related to the output of trial-level litigation programs of CRT, and its Supreme Court activity is dependent on the number and types of cases which the Court decides to hear. The Supreme Court and courts of appeals determine the pace of the litigation when they set briefing schedules and oral arguments.

On November 4, 2004, Deputy Attorney General James B. Comey requested assistance from the six litigating divisions and U.S. Attorneys Offices, in handling immigration

litigation for the Office of Immigration Litigation. Since November 2004, APP has been assigned to prepare and file approximately 230 briefs in response to petitions for review from decisions of the Board of Immigration Appeals. Such assignments are expected to continue through at least FY 2007.

COR: The mission of COR is multi-faceted, with responsibilities under Executive Order 12250 for overseeing the implementation and enforcement by federal agencies of Title VI of the CRA of 1964, as amended, and similarly worded non-discrimination statutes. In addition, COR is responsible for overseeing the implementation of Executive Order 13166, which requires access for persons with limited English proficiency (LEP) in federal and federally assisted programs.

COR continued to coordinate meetings of the Federal Interagency Working Group on LEP (IWG), which includes more than 35 federal agencies, to help ensure consistency and information sharing regarding language access activities across the Federal Government. COR maintains the IWG's LEP website, www.LEP.gov, which has fast become a prime source of LEP information for federal agencies, recipients, and community groups. The site's hits rose from 83,599 in FY 2004 to 220,495 in FY 2005. At the end of FY 2006, hits had exceeded FY 2004 and 2005 combined, with a total of 338,869 hits. The site is currently being revamped to make it more user-friendly, and COR anticipates that individuals accessing the site will continue to increase in FY 2007 and FY 2008 in response to improvements and significant additions to the site.

Assistant Attorney General Wan J. Kim is supportive of COR's leading role with a major two-day Interagency LEP Conference, which will be held on March 15 and 16, 2007, at the National Institutes of Health in Bethesda, MD. This Conference is sponsored by a number of federal agencies working together, and will build upon the success of CRT's original 2004 LEP Conference and the subsequent 2005 Law Enforcement LEP Summit. We anticipate having between 400 to 500 attendees from around the country, who will represent a wide variety of LEP experts, including federal, State and local government officials, public sector and community organization representatives, invited by the federal agencies involved. COR will be inviting the Governors' offices of all 50 States and the Executives of local counties and cities.

At the beginning of FY 2006, COR carried a docket of 206 open administrative complaints of discrimination against recipients of DOJ assistance, most of which were in various preliminary stages. During FY 2006, COR completed five investigations and issued Letters of Findings in each matter. At the end of the first quarter of FY 2007, COR had a caseload of 66 active investigations (in which the recipient has been formally notified of the initiation of the investigation). Of those 66 cases, 39 allege discrimination on the basis of national origin because of denial of services to LEP individuals and the remaining matters involve other types of discrimination on the basis of race, color, national origin, or religion. COR will continue, during FY 2007 and FY 2008, to investigate and resolve complaints alleging race, color, national origin, sex, and religious discrimination and to provide technical assistance to recipients, federal agencies, and the public.

COR continues to pursue negotiations with many police departments, courts, and corrections departments to resolve complaints against those recipients, especially in the area of LEP issues. In a number of cases, the recipients are eager to work with DOJ to

develop plans to provide services to LEP persons and comply with Title VI. COR has had success in developing new LEP policies in negotiations with a number of recipients, including two court systems, two police departments, a town and a large State corrections system. It is expected that COR will sign settlement agreements with a number of recipients in the early part of FY 2007, since negotiations are ongoing and reaching the final stages with these recipients. During FY 2006, COR conducted 33 LEP training sessions, more than doubling the 15 training sessions it conducted in FY 2005. COR has received requests for training in FY 2007 and expects the number of these requests to continue to grow during this fiscal year and in FY 2008. In the first quarter of FY 2007, COR has conducted four LEP training sessions.

In the areas of Title VI and Title IX, COR conducted 11 Title VI training sessions and three Title IX training sessions during FY 2006. COR may begin conducting Title VI training in Spanish during FY 2007, as part of its outreach efforts. Requests for training sessions during FY 2007 have already been received and three Title VI training sessions have been conducted so far in the first quarter of FY 2007. As with its LEP training, COR expects requests for this training to continue to grow during FY 2007 and FY 2008. During FY 2006, there was a 62 percent increase in hits on COR's website over FY 2005; the website provides extensive technical assistance on federally assisted programs.

COR is continuing to provide extensive technical assistance on Title IX compliance reviews of universities to the Department of Energy, the National Science Foundation, and the National Atmospheric and Space Administration. COR has also initiated two Title VI projects examining outreach that were approved in FY 2006 and will be conducted during FY 2007. One involves outreach to community organizations and the other looks at ensuring outreach by federal agencies.

DRS: Since the January 2001 signing of the New Freedom Initiative, CRT has achieved results for people with disabilities in over 2,000 ADA actions including lawsuits, settlement agreements, and successful mediations. Examples of the DRS's most meritorious resolutions are:

DOJ has signed 146 settlement agreements with 139 communities under its PCA initiative, a wide-ranging effort to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA. These agreements with communities in all 50 States and the District of Columbia improve access at town halls; police and fire stations; courthouses; recreation facilities and parks; as well as the accessibility of sidewalks; voting technology; disaster response planning; and government websites. Some of the communities recently reaching agreements with DOJ include Springhill, LA; Fontana, CA; Barnstable County, MA; Maui, HI; Waukegan, IL; Durham, NC; North Las Vegas, NV; Billings, MT; Arlington County, VA; and Newark, NJ.

In FY 2006, DRS entered a consent decree to improve the accessibility of Detroit's fixed route public bus systems and negotiated nationwide consent decrees with the country's largest movie theater chains to provide "comparable lines of sight" for patrons who use wheelchairs in stadium style movie theaters.

DRS joined a settlement agreement with Washington Hospital Center and private plaintiffs to provide accessible hospital rooms and equipment to individuals with

disabilities. It resolved by consent decree a lawsuit alleging that Royal Oak, MI, violated the ADA by denying Easter Seals a land use permit needed to relocate a day facility, Dreams Unlimited Clubhouse, that provides support services for adults with severe and persistent mental illness.

DOJ entered into an agreement with Ticketmaster, Inc., to make its ticketing services more accessible for people with disabilities. It also required a Missouri nursing home, by consent decree, to pay damages to a nurse's aide allegedly fired because of HIV disease and to adopt policies to prevent HIV discrimination in its employment practices. In addition, DOJ entered a consent decree that resolves allegations that Town Sports International, Inc., excluded a child from one of its summer camps because of her diabetes in violation of the ADA. Under the order, the company and its local sport club have agreed to provide all campers with diabetes with an equal opportunity to attend TSI camps and to participate in all camp programs, services, or activities.

DOJ reached two comprehensive settlement agreements with the University of Chicago and Colorado College, the first under an initiative to review private colleges and universities, including proprietary schools. Both agreements address a wide array of issues and require the schools to ensure increased access to their campuses for students, faculty, and visitors - particularly those with mobility, hearing, and vision disabilities. DOJ also entered into a settlement agreement with NPC International, Inc., which operates approximately 800 Pizza Hut restaurants in 25 States and is the largest single franchise of Pizza Hut restaurants in the United States. NPC will ensure accessible parking, entrances, seating areas, toilet rooms, self-service counters, and accessible routes through the restaurants. NPC also will build future facilities in compliance with the ADA Standards for Accessible Design.

DOJ's ADA Technical Assistance Program carries out a wide variety of activities to promote voluntary compliance with the ADA, providing free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public. Highlights from FY 2006 include:

- More than 46,000 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 has been visited 3.1 million times and its pages and graphics viewed more than 49.2 million times, increases of 48% and 37% over FY 2005.
- Created "Expanding Your Market", a new series of concise, reproducible documents about bottom-line benefits for businesses who provide accessibility to customers with disabilities. The series offers resources for businesses working to improve access and everyday examples of how accessibility can serve diverse market segments. The first four publications in the series are titled "Customers with Disabilities Mean Business," "Tax Incentives for Businesses," "Accessibility Benefits Older Adult Customers" and "Building a Diverse Customer Base."

– DRS added a fully accessible streaming video titled “*Police Response to People with Disabilities*,” an eight-part video for use in law enforcement roll call training, to its Website.

– More than 25,000 State and local law enforcement agencies and police training academies throughout the country received two new compliance assistance publications on providing effective communication with people who are deaf or hard of hearing. The pocket guide on *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement* and a *Model Policy for Law Enforcement on Communicating with People Who Are Deaf or Hard of Hearing* were mailed to departments, as well as information on how to order the videotape *Police Response to People with Disabilities* and other ADA publications. Each of the 671 police training academies also received a copy of the video.

– Participated in more than 70 speaking and outreach events in FY 2006, reaching over 210,000 people, including sending staff to distribute information and answer questions at nine national conferences and one State fair to promote public awareness of the ADA.

– DOJ has continued its initiative to help small businesses comply with the ADA. In FY 2006, the ADA Business Connection conducted four leadership meetings in four cities with more than 180 participants from small and mid-sized businesses, large corporations, and organizations of people with disabilities. The program also produced *Customers with Disabilities Mean Business*, a document providing demographic and economic information, identifying people with disabilities as a largely untapped market of customers and potential employees.

– DOJ published a notice of certification in the Federal Register and held a ceremony in Cary, NC, to recognize that the NC Accessibility Code had been certified as equivalent to the accessibility requirements of title III of the ADA. NC is the sixth State in the country to receive ADA certification.

In FY 2007 and 2008, CRT will continue its innovative and multi-faceted approach toward achieving compliance with the ADA. Activities will include:

DRS continuing its successful PCA initiative to ensure that cities, counties, towns, and villages throughout the United States comply with the ADA.

DRS continuing to work to ensure that new facilities are constructed in compliance with the ADA Standards for Accessible Design and that covered entities, including universities, hospitals, public transit systems, social service agencies, and sports and cultural establishments, meet all applicable accessibility obligations.

DRS continuing to provide free information and technical assistance directly to businesses, State and local governments, people with disabilities, and the general public. Both the highly-acclaimed ADA Information Line and the popular ADA website anticipate increases in the number of people served in FY 2007 and FY 2008.

DRS continuing to respond to States requesting that their accessibility codes be evaluated for consistency with ADA standards. Currently, four State codes are under review.

DRS continuing to offer complainants and respondents the opportunity to resolve complaints by participating in mediation.

DRS will issue a regulatory assessment and Notice of Proposed Rulemaking to adopt updated ADA Standards for Accessible Design.

EOS: In FY 2006, EOS continued its initiatives. First, EOS's school desegregation docket was active in FY 2006. It opened 16 investigations, initiated 38 case reviews, identified 14 districts as needing further relief, and negotiated seven consent decrees and six out-of-court settlements. It also obtained relief in 11 litigated cases, which desegregated schools and classrooms, improved facilities for minority students; desegregated faculty and recruited minority faculty and staff; eliminated segregative transfers; eliminated the practice of granting awards on a racially dual basis; and denied intervention to parties whose interests did not further the goals of the cases.

Finally, EOS worked with school districts to achieve unitary status, and as a result, 38 of the long-standing desegregation lawsuits were dismissed. In U.S. v. Covington County Sch. Dist. (MS), after discovery and on the eve of trial, the parties negotiated a consent decree entered by the court that integrated a virtually all-white K-12 school, provided enrichment programming at a virtually all-black elementary school, and reduced the bus ride times for students attending the virtually all-black elementary school. In U.S. v. Columbus Munic. Sch. Dist. (Lowndes County) (MS), the court entered a consent decree requiring the district to engage in specific construction and renovations to make the virtually all-black schools comparable to the majority white schools and remedy educational inequalities at the virtually all-black schools, including offering advanced class and teacher training. In U.S. v. Bertie Board of Education (NC), the court entered a consent decree requiring the district to close two schools, one which was majority white in the heavily black district, and the second which was majority black with an aging facility.

EOS projects that these initiatives will continue in FY 2007 and FY 2008.

Second, in FY 2006, to ensure equal educational opportunities for English Language Learners (ELL), EOS, as part of a nationwide effort, opened five investigations involving school districts in New York, Texas and Illinois. These districts have significant or new immigrant populations. The purpose of the investigations were to ensure that ELL students were receiving proper services to enable them to overcome language barriers that impede equal participation in the school districts' educational programs. In U.S. v. State of Texas (TX), EOS successfully defended the constitutionality of the Equal Educational Opportunities Act (EEOA), with the court ruling that the EEOA validly abrogated the individual States' Eleventh Amendment immunity. In U.S. v. Chicago Bd. of Educ. (IL), EOS negotiated a consent decree that requires the District to offer magnet schools, to monitor student transfers, to offer compensatory programs at racially identifiable schools, and to ensure adequate services to English Language Learner students.

To ensure the civil rights of children, EOS will continue in FY 2007 and FY 2008 with its initiative begun in FY 2005 to ensure equal educational opportunities for ELL. This will ensure that immigrant children are receiving proper services to assist them in overcoming language barriers.

EOS also continued its religious discrimination docket to ensure that students are not discriminated against on the basis of religion in public schools. In FY 2006, 20 investigations were opened into complaints alleging discrimination on the basis of religion in, among other areas, free speech, religious dress, access to facilities, and harassment. In O.T. v. Frenchtown Elementary School District (NJ), EOS filed an amicus brief supporting the plaintiffs' motion for summary judgment. In the brief, EOS argued that the defendants engaged in unconstitutional viewpoint discrimination by censoring the plaintiff's performance of a religious song at an after-school talent show based solely on the song's religious perspective. Summary Judgment was granted in our favor. In Colorado Christian University v. Weaver (CO), EOS filed an amicus brief in support of plaintiffs. Plaintiffs challenge their exclusion from State-funded financial assistance programs that enable Colorado students to attend any college in the State if it is not pervasively sectarian. EOS's brief argues that the exclusion violates the First and Fourteenth Amendments by granting a preference to some religious faiths but not to others.

ELS: During FY 2006, ELS filed three Section 707 pattern or practice suits and three Section 706 suits under Title VII, as well as four USERRA suits; obtained 17 judgments, consent decrees and out-of-court settlements; and initiated 56 investigations.

TITLE VII, SECTION 707 SUITS:

On April 3, 2006, ELS filed United States v. City of Virginia Beach, Virginia, alleging that the City has engaged in a pattern or practice of discrimination, in violation of Section 707 of Title VII, by using a mathematics test to screen applicants for the entry-level position of police officer in a manner that had an unlawful disparate impact against African-American and Hispanic applicants. The same day we filed our complaint, the parties filed a proposed consent decree. The Court provisionally entered the decree on April 14, 2006; and, following a fairness hearing, the Court gave final approval to the decree on July 24, 2006. The decree enjoins the City from using the challenged mathematics test as a separate pass/fail screen with its own cutoff score, but allows the City to continue to use it as one component of its written examination. The decree also requires the City to provide remedial relief (including up to 15 priority police officer hires, retroactive seniority and a total back pay award of \$160,000) to those African-American and Hispanic applicants who were otherwise qualified for the position of entry-level police officer, but failed the mathematics test between 2002 and the present.

On July 24, 2006, ELS filed United States v. City of Chesapeake, Virginia, alleging that the City has engaged in a pattern or practice of discrimination, in violation of Title VII, by using a mathematics test (the same mathematics test as that used by Virginia Beach, above) to screen applicants for the entry-level police officer position in a manner that has an unlawful disparate impact against African-American and Hispanic applicants. This case is currently in discovery.

TITLE VII, SECTION 706 SUITS:

On March 21, 2006, ELS filed United States v. Municipio de Vega Alta. Our complaint alleged that the defendant municipality discriminated on the basis of sex against three female police officers who filed charges with the EEOC and similarly situated female officers in the terms, conditions and privileges of their employment. The discrimination alleged against the female officers included barring them from supervisory duties, regular shift work, driving patrol cars and other motorized vehicles, and conducting investigations commensurate with their experience. Our complaint also alleged that the defendant municipality retaliated against a male police officer by giving him inferior terms, conditions and privileges of employment because he participated in the EEOC's investigation of discrimination charges filed by the female officers. The case currently is in discovery.

On September 29, 2006, ELS filed United States v. City of San Antonio. Our complaint alleges that the City, in its Police Department, unlawfully discriminated against Detective Cheri Estrada on the basis of sex, in violation of Title VII of the Civil Rights Act of 1964, when the department forced her to take a light-duty position under the department's mandatory maternity light-duty policy, despite Detective Estrada's ability to perform her job in her full-duty capacity. The department has since revised the policy to eliminate the requirement. The lawsuit seeks injunctive relief to require compliance with Title VII and monetary compensation for Detective Estrada.

USERRA SUITS:

On January 12, 2006, ELS filed Woodall, et. al v. American Airlines, Inc., alleging that American Airlines violated USERRA when it reduced the benefits to Mark Woodall, Michael McMahan and Paul Madson, and a class of similarly situated military pilots employed by American who had taken military leave, while American Airlines did not reduce the same benefits of those of its pilots who had taken similar types of non-military leave. This is the first class action filed by DOJ under USERRA.

On March 1, 2006, ELS filed Bower v. Roadway Express, Inc., alleging that Roadway violated USERRA when it failed to properly reemploy Mr. Bower after his active military duty, and to make reasonable efforts to accommodate Mr. Bower's disability that he incurred while in the Army. A confidential agreement was reached resolving this case in November 2006.

In FY 2007 and FY 2008 ELS will continue:

Its current target effort to investigate jurisdictions for possible Title VII §707 violations. ELS also anticipates the initiation of approximately 8 new investigations from this targeting effort in FY 2007;

Assisting APP with its OIL briefs investigations of USERRA matters referred to the section by the DOL;

Reviewing and investigating §706 charges of violations by State and local governments referred to ELS by the EEOC; and

As a part of a consortium of five federal agencies, continue to assist in the development of the 2010 census EEO Special File.

HCE: HCE has implemented the Attorney General's February 2006 initiative to combat housing discrimination – called "Operation Home Sweet Home" – with improved targeting of discrimination testing, increased testing, and expanded public awareness efforts:

- HCE achieved a 38% increase in the number of paired tests conducted in FY 2006 (compared to FY 2005). For FY 2007, HCE has an even more ambitious goal. HCE plans to increase the number of tests from the FY 2006 level by approximately 50% in order to achieve an all-time, single-year high in testing.
- In addition to increasing the record high level of testing, HCE expects to achieve in FY 2007, we will continue to enhance our efforts to obtain testers of the type, in the locations, and at the time they are needed. The contract testers will give HCE greater ability to respond quickly to allegations of discrimination and to expand the types of discrimination that can be tested as well as the locations where we can conduct testing.
- The expanded testing conducted in FY 2006 - FY 2008 is likely to produce substantial evidence to support cases alleging systemic discrimination in violation of the FHA that otherwise would not be identified.
- In order to better target our testing, and focus our enforcement efforts more generally, HCE has broadened its outreach efforts to private fair housing groups, as well as to government agencies that enforce State and local fair housing laws, by contacting those groups by mail and speaking at major fair housing conferences.
- HCE created a new website devoted to fair housing enforcement to increase public awareness. In addition, HCE continued its Multi-Family Access Forum, a program designed to educate housing professionals, and to establish a dialogue between housing professionals and disability advocates, about compliance with the accessibility requirements of the FHA for new multi-family housing. HCE held two sessions in FY 2006, one in Dallas, Texas and one in Atlanta, Georgia. In November 2006, HCE held an additional session in Phoenix, Arizona.
- HCE established a tip line and e-mail address to enable persons who believe they have been victims of housing discrimination to contact us easily.

HCE has continued to achieve major accomplishments in its enforcement efforts. HCE's FY 2006 accomplishments include the following:

- **Fair Lending:** HCE engaged in pre-suit negotiations in several cases involving home, business, consumer and automobile lending, including one redlining case that resulted in a \$4.3 million settlement in October 2006. HCE opened significant investigations of alleged pricing discrimination in home loans, utilizing home mortgage reporting data that first became available in 2005. HCE

also distributed almost \$1.7 million in damages and consumer financial grants to 50 victims and four non-profit agencies, resulting from the settlement of a fair lending lawsuit alleging discrimination against Hispanic customers.

- **Religious Discrimination:** In HCE's first consent decree in a RLUIPA case, an Orthodox Jewish group obtained the right to continue to operate a house of worship at its current location. HCE also filed its fourth RLUIPA case.
- HCE filed a major pattern or practice case alleging race, national origin and familial status discrimination against one of the largest landlords in the Los Angeles area. HCE settled one case alleging systemic race discrimination by a landlord for \$575,000. During FY 2006, HCE negotiated the principle terms of a significant settlement of a systemic discrimination case, including claims of race, disability and familial status discrimination, which we expect to finalize in the near future. HCE also successfully litigated a race discrimination case based upon evidence developed by our testing program, settling with the owner of the rental property and obtaining a favorable judgment and a civil penalty against the rental agent.
- HCE continues to enforce vigorously the FHA's accessibility requirements for multi-family housing. In FY 2006, HCE filed three such cases, and the courts entered five settlements. HCE also engaged in pre-suit negotiations in five cases. HCE is also making sure that the more than 12,000 new accessible housing opportunities resulting from our FY 2005 settlements are becoming available on schedule. In other disability discrimination matters, HCE is enforcing the rights of disabled residents of senior housing complexes to use their mobility aids in the public and common use areas, settling one such case and litigating another. HCE also has filed, and is engaged in pre-suit negotiations or is litigating several cases aimed at preventing discrimination against persons with disabilities who reside in group homes.
- HCE's efforts to end sexual harassment by landlords continued in FY 2006. HCE filed four cases, and settled two cases. HCE also filed its first sexual harassment case under the Equal Credit Opportunity Act.

In the second half of FY 2006, the Department transferred authority to enforce the Service Members Civil Relief Act from its Civil Division to CRT, with HCE being tasked with that responsibility. We have established contacts with the Department of Defense and the private bar, which we anticipate will lead to enforcement activity in FY 2007 and FY 2008.

OSC: During FY 2006, OSC received 346 charges filed by U.S. citizens and legal immigrants (or their representatives) alleging unlawful employment discrimination based upon citizenship status or national origin, unfair documentary practices during the employment eligibility process, or retaliation. During this period, OSC issued letters of resolution or entered into settlement agreements in 76 charges, or 27% of the 281 charges closed during this period, and recovered \$221,913 in back pay for victims, and \$25,710 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. In addition to complete charge investigations, OSC

also reviewed 122 incomplete charges to determine jurisdiction and obtain additional information necessary to make the charges complete.

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

For example, since March 2006, OSC has received approximately 85 charges of citizenship status discrimination filed by the Programmers Guild (a non-profit organization representing technical and professional workers in the information technology (IT) field). These charges, arising in multiple jurisdictions, allege that the respondent companies placed job advertisements on various internet job search engines seeking temporary visa holders to the exclusion of U.S. citizens and work authorized immigrants.

In addition to investigating and resolving charges, OSC conducts an extensive, nationwide public education campaign to teach workers, employers and concerned organizations about the anti-discrimination provision of the INA. An essential component of OSC's outreach includes its grant program. In FY 2006, OSC awarded grants to 11 organizations to educate workers and employers in areas with sizable and/or emerging immigrant populations about their rights and responsibilities under INA. Directly and through its grantees, OSC participated in 436 public outreach sessions. OSC also handled approximately 7,567 calls through its employer and worker hotlines, and distributed thousands of written educational packets to the public annually.

OSC has pioneered an informal intervention process that permits resolution of employment issues at the earliest possible stage, minimizing injuries to victims and employers' exposure to liability. Many callers are confused about proper practices to follow when hiring immigrant workers. During FY 2006, through telephone hotlines available to both workers and employers, OSC successfully intervened with 189 employers to facilitate the hiring or immediate return to work of potential victims and to assist employers with systemic changes to policies and practices to prevent future discrimination. OSC will continue to conduct informal intervention activity to resolve questions and disputes, including misunderstandings about employment eligibility documentation requirements.

In FY 2007 and 2008, OSC's workload may increase significantly based upon a number of factors that portend increased discrimination against U.S. citizens and legal immigrants who look or sound "foreign." DHS is expected to significantly expand its efforts to address the growing number of undocumented workers in the United States, including heightened enforcement of employer sanctions by ICE. The General Accountability Office (GAO) has determined that employer sanctions have led to a widespread pattern of discrimination – primarily against Hispanics and Asians. Thus, heightened enforcement of employer sanctions is likely to lead to an increase in discrimination charges received by OSC. We expect this phenomenon to be magnified

by greater use of computerized verification systems by employers to determine whether new hires are authorized to work in the United States. Studies have documented that some employers use such systems in an unlawfully discriminatory manner. Immigration reform, if passed by Congress, will likely create new immigrant workers who may face exploitative working conditions. Further, post 9-11 backlash discrimination will likely continue.

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

For FY 2006, CRT conducted over 123 investigatory and compliance tours; initiated eight new CRIPA investigations of 12 publicly operated facilities; issued eight findings letters; and entered into eight formal agreements with jurisdictions to remediate deficiencies in 15 public facilities. As a result of CRT's CRIPA efforts, institutionalized persons who were living in dire, often life-threatening conditions now receive adequate care and services.

Additionally, SPL invigorated its commitment to monitoring settlement agreements to ensure compliance is achieved and matters are closed promptly thereafter. Significantly, SPL settled two highly contested litigations involving two separate juvenile justice facilities in Mississippi and Maryland. Illustrative of CRT's important health care work is a recent historic settlement with California involving four state mental health care facilities that provide inpatient psychiatric care to nearly 5,000 people committed civilly or in connection with criminal proceedings. SPL found a pattern and practice of preventable suicides and serious, life-threatening assaults by staff and other patients. In two instances, patients were murdered by other patients. The extensive reforms required by the consent decree ensure individuals in the hospitals are adequately protected from harm, are provided adequate services to support their recovery and mental health, and are served in the most integrated setting appropriate for their needs.

In FY 2006, CRT has aggressively pursued contempt actions against several recalcitrant jurisdictions to address their failure to, after having ample opportunity, achieve compliance with agreed-upon settlement remedies. These actions involved a prison, a set of juvenile facilities, and a system of community-based mental health service providers. For example, on December 4, 2006, the court issued a permanent order granting the relief sought by the United States in United States v. Puerto Rico, 94-2080 (D.P.R.). In November 2006, the United States applied for a temporary restraining order and preliminary injunction directing Puerto Rico to immediately prevent facility staff criminally charged with institutional child abuse from having contact with confined youth in Puerto Rico's juvenile facilities.

Where SPL's attempts at cooperative settlement failed, we aggressively pursued litigation against recalcitrant jurisdictions in FY 2006, to secure constitutional reform. In September 2006, CRT's motion for summary judgment against the Terrell County, Georgia Jail was granted. The court resolved all claims in favor of DOJ and determined

that conditions relating to medical care, mental health care, protection from harm and fire safety at the jail were unconstitutional.

So far in the first quarter of FY 2007, SPL has opened a country-wide investigation involving 19 juvenile facilities, and continued its investigations of 67 facilities, and monitor the implementation of consent decrees, settlement agreements, memoranda of understanding, and court orders involving 97 facilities. Most recently, on December 15, 2006, SPL filed a lawsuit against Oklahoma pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 to address a pattern or practice of unlawful conditions at the L.E. Rader Center, a juvenile justice facility in Sand Springs, Oklahoma. The lawsuit alleges that conditions at the facility routinely and systemically deprive youths of federally protected civil rights. During SPL's two and a half year investigation, we found evidence of numerous civil rights violations, including youth-on-youth violence, staff-on-youth violence, sexual misconduct between youths and staff, an inadequate system to prevent suicide and self-injurious behavior, and inadequate psychotropic medication administration. Numerous efforts by CRT to settle the case amicably failed.

In FY 2008 SPL plans to open at least 10-14 new CRIPA investigations, covering juvenile justice facilities, nursing homes, and facilities for persons with developmental disabilities; issue 8-14 findings letters, enter 6-12 agreements resolving investigations; and tour over 100 facilities. Similarly, at least seven significant CRIPA settlement agreements are set to conclude in FY 2008, depending upon each jurisdiction's successful compliance with the terms of the settlement agreements. Confirming each jurisdiction's compliance status will likely require significant manpower, including multiple on-site tours with consultants and extensive document review.

Regarding our police misconduct statutory authority, SPL continues to pursue all allegations of constitutional violations we receive to determine if a pattern or practice investigation is warranted. During FY 2006, CRT focused its resources on vigorously monitoring the enforcement of its twelve existing settlement agreements to ensure timely compliance with the terms of those agreements. For example, on December 23, 2006, SPL timely terminated its December 23, 2003 settlement between the City of Villa Rica and the United States – having found that the city fully complied with required remedial measures to ensure that the police department conducts its law enforcement activities in a non-discriminatory manner.

Additionally, SPL anticipates continuing in FY 2008 to work cooperatively with police departments to implement widespread reforms, including training, supervising, and disciplining officers and implementing systems to receive, investigate, and respond to civilian complaints of misconduct.

VOT: In FY 2006, VOT continued to place major emphasis on the monitoring of elections. VOT monitored 66 elections in 55 political subdivisions in 22 States, using 817 federal observers from the Office of Personnel Management (OPM) and 271 DOJ staff.

VOT's priority on enforcement of Section 203, which mandates that certain jurisdictions provide language assistance to affected language minority communities, continued

throughout FY 2006. In FY 2006, VOT filed four Section 203 and 208 lawsuits; the courts also approved consent decree in four cases and another claim was resolved by a Memorandum of Agreement.

Section 2 prohibits against voting practices and procedures that are intended to be racially discriminatory or shown to have a racially discriminatory impact. In FY 2006, one case, which was resolved with a consent decree, was filed under Section 2 in Georgia. A second case was filed against the City of Euclid in Ohio. VOT also won a preliminary injunction in a Florida case.

VOT initiated litigation under the UOCAVA against the States of North Carolina, Alabama and Connecticut. A consent decree was entered with the State of North Carolina to ensure that the rights of uniformed and overseas voters were protected. The Alabama case was resolved by State legislation, and a settlement was reached with the State of South Carolina without filing in court. In Connecticut, the court entered a stipulated agreement.

Voting filed a lawsuit against the State of Missouri to enforce the list maintenance requirements of NVRA. Another NVRA case was filed against the State of Indiana and was resolved with a consent decree, and a case against the State of Maine under HAVA and the NVRA was filed and also resolved by consent agreement.

With respect to Section 5 of the VRA, the level of submissions received has been far in excess of comparable years. In FY 2006, CRT received 20,393 submissions of voting changes for administrative review. This high number is due to the provisions in HAVA which took effect on January 1, 2006. VOT has filed one lawsuit under Section 5 which was resolved with a consent decree.

Under its' enforcement responsibility under Title III of the HAVA, CRT continues to place priority on compliance with the requirements that went into effect on January 1, 2004, and to prepare for expansive new requirements (integrated State voter registration lists; new accessible voting devices and polling places) that went into effect on January 1, 2006. In FY 2006, CRT continued its multi-faceted approach to informing State and local officials of their obligations under the new law. DOJ filed lawsuits against the States of New York, Alabama and Maine and was able to resolve another lawsuit with a settlement agreement in California. VOT also filed a lawsuit against a county in Arizona under HAVA which was resolved with a consent decree.

VOT anticipates an increased workload in FY 2007 and 2008 for the following reasons:

On July 27, 2006, President Bush signed the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Reauthorization and Amendments Act of 2006. The Act has been strengthened so as to make objections and litigation under the statute more likely. In addition, a number of individuals and groups have indicated publicly that they will attempt to challenge the new provisions, and one such case already has been filed. This will involve VOT in a significant volume of contested litigation. There may be unanticipated litigation in FY 2007 and FY 2008 resulting from the new Act;

VOT anticipates increasing activity under Section 2. VOT has initiated a major outreach effort that has begun to identify problems for new minority groups (Hispanic and Asian

citizens), especially in the Southeastern United States, and is initiating outreach to Arab American and South Asian groups. This outreach promises to result in the identification of additional cases of discrimination;

VOT has had increasing activity under Sections 203 and 208. Since 2001, VOT has set a record for the number of cases filed in each of the past three years. The Section anticipates a high volume of such cases to continue;

VOT has begun active enforcement of Section 208 of the VRA, and will have filed, since 2001, at least 80 percent of all cases ever filed under this provision in the history of the Act. We anticipate a significant volume of such cases;

VOT expects increased litigation under Section 5 of the VRA. VOT also recently has identified a significant backlog of unprecleared voting changes that may lead to litigation;

VOT anticipates increased activity under the bailout provisions of VRA. Again, in the wake of amendments to the Act, a significant number of officials have expressed an interest in promoting bailout lawsuits;

VOT anticipates an increase in litigation under the NVRA. VOT recently obtained SSA list of deceased Americans, and will match that list against State voter registration lists to identify violations of the NVRA list maintenance provisions. This will assist us in identifying violations and lead to increased litigation;

VOT anticipates a significant increase in HAVA litigation. The dearth of available qualifying voting machines for States to purchase and the special sensitivity of forcing major adjustments on State election machinery on the eve of major elections –with the prospect of a complete collapse – have been major barriers to enforcement actions; and

VOT anticipates a high level of election monitoring in FY 2007, and, indeed, has already experienced a record off-year monitoring effort in the beginning of FY 2007. Additional heavy monitoring is expected in municipal and other elections in Section 203 jurisdictions, and in the State of Mississippi, which has its major State and local elections in 2007. VOT anticipates another record level of election monitoring in FY 2008.

b. Strategies to Accomplish Outcomes

In FY 2006 and continuing throughout FY 2008, CRT will perform its mission of protecting the civil rights of all Americans by: (1) improving efforts to eradicate the modern-day slavery of human trafficking, including the trafficking of women, children, and other vulnerable victims, through more vigorous and intensified enforcement efforts, interagency coordination, and continued efforts to rescue the victims of this atrocity; (2) combating housing discrimination through “Operation Home Sweet Home,” which seeks to ensure equal access to housing by improving and increasing the Division’s fair housing testing program; (3) expanding efforts (a) to address voting rights violations, (b) to ensure access to the polls for all who qualify, (c) to protect the integrity of the ballot process, and (d) to promote voter confidence in our country’s democratic system through activities such as vigorous election monitoring, outreach, and the Department’s Ballot Access and Voting Integrity Initiative; (4) expanding the President’s New Freedom Initiative to ensure that persons with disabilities have access to our nation’s civic life in accordance

with the Americans with Disabilities Act (ADA); (5) vigorously enforcing the requirements of Title VII by more carefully targeting governmental employers who discriminate in employment; (6) combating religious discrimination and promoting religious liberty for persons of all religious faiths and denominations; and (7) strategic targeting of outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation's civil rights laws.

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

Other Initiatives:

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

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

Training is a vital tool to sharpen our enforcement efforts – both across the Department and within CRT. The PDO, newly created in November 2005, has spearheaded CRT's creation of two training conferences at the National Advocacy Center this year. These national training seminars continue our mission of educating, encouraging, and working collaboratively with the U.S. Attorney's Offices in the vigorous enforcement of the civil rights laws; two more training conferences already are scheduled for next year. PDO also has created – for the first time in CRT's history – a formal program of training for new Division attorneys, as well as programs to provide continuing legal education for experienced Division attorneys.

CRT has resolved major police misconduct investigations with numerous police departments across the United States. This dramatic increase in successful resolutions reflects DOJ's innovative cooperative approach to such matters, focusing on fixing the problems, not the blame. Previously, DOJ approached such investigations with a purely litigation mindset, which requires secrecy and creates adversaries. The Administration

determined early on that this approach was largely counterproductive. Rather, CRT has begun approaching these investigations with a cooperative model, with litigation held as a fallback position if cooperation does not work. This model is driven by the assumption that most, if not all, police departments want to comply with the law and provide quality public service in a constitutional manner. This cooperative approach has implemented more reform – faster, in more cities – than would have been possible solely through litigation. Moreover, ongoing monitoring and technical support enhances the success of these agreements and ensures their enforcement.

In other sections, to ensure the civil rights of children, EOS will continue in FY 2008 with its initiative begun in FY 2005 to ensure equal educational opportunities for ELL this is to ensure that immigrant children are receiving proper services to assist them in overcoming language barriers. Monitoring elections will continue as a priority for VOT to ensure compliance with Section 203 (which mandates that language assistance be provided), the UOCAVA, and Title III of HAVA.

Activities promise a continued mix of litigation, amicus briefs, formal and informal settlements, and mediated resolutions. Much of CRT's enforcement efforts will continue to focus on resolution without litigation. For example, under a contract, DOJ refers complaints to professional mediators who have been trained in the legal requirements of the ADA. Since January 2001, the mediation program has successfully resolved more than 1,000 complaints. The average cost of a successfully mediated case is about \$2,800 in mediation contractor costs, minimal when compared to the costs of investigating and litigating individual cases. The mediation program allows DOJ to rapidly resolve individual cases to achieve meaningful ADA compliance while utilizing fewer resources -- both in terms of cost and staff hours. It also has resulted in increased access for thousands of individuals throughout the country. This reflects CRT's commitment to linking resources and performance.

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

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

- OSC will teach workers, employers, and concerned organizations about the anti-discrimination provision of the INA;
- CRM attorneys will participate in training and outreach programs relating to criminal civil rights enforcement, such as trafficking of persons, training Border Patrol Agents, lecturing at the FBI training center, etc;

- COR will provide technical assistance and training as requested by State and local recipients, federal agencies, organizations and the public such that individuals from across the country can learn the importance of language access; and
- VOT will work with the United States Election Assistance Commission on voluntary guidance to jurisdictions on compliance with HAVA.

In the area of Human Capital Workforce Planning, specific activities and/or actions are planned to meet the standards for success under the Human Capital initiative of the President's Management Agenda (PMA) include:

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

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

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

c. Results of Program Assessment Rating Tool (PART) Reviews

During FY 2005, the Civil Rights Division was assessed through OMB's PART along with five other litigating components (**ATR, CIV, CRM, ENRD, and TAX**), collectively named the GLA Program. At the end of the assessment, the GLA Program received a rating of Effective. Other findings showed that:

- The Program effectively achieves its goal of resolving cases in favor of the government. Favorable resolutions, in turn, punish and deter violations of the law; ensure the integrity of federal laws and programs; and prevent the government from losing money through unfavorable settlements or judgments.

- The Program collaborates effectively with its partners, notably the U.S. Attorneys Offices. The two programs work closely to share expertise, make referrals, and designate cases for prosecution, while minimizing any overlap of responsibilities.
- The Program exhibits good management practices. This includes strong financial management, collecting and using performance information to make decisions, and holding managers accountable for program performance.

Additionally, to exhibit continual improvement of our practices, the Program was to perform the following follow-up actions:

- Seek regular, independent evaluations of the Program's effectiveness at resolving cases in favor of the government. GLA components are contemplating possible options to perform our independent evaluation.
- Complete leadership training and mentoring program to improve the quality of the program's management. CRT has completed this task with the establishment of PDO. The program offered a five-day training course to new and recently hired attorneys during the month of June and offered a second course in September. PDO has been coordinating training material with staff throughout CRT.
- Work with the Department's Chief Information Officer to evaluate and purchase litigation software that will improve productivity and efficiency.”
 1. CRT began using A.L. Coder - (Artificial Intelligence Corder) This application streamlines the process of coding by automating the process.
 2. CRT purchased Optical Character Recognition (OCR) software to convert 3 million voting applications to VOT's STAPS application. This provides a portable readable format allowing significant efficiencies.
 3. Software implemented by CRT as a version control to track all changes to source code written. This also allows programmers to recoup previous versions, as a safety control.
 4. The Justice Management Division is leading an effort to consolidate the case management functions of all Litigating components into one system. The new Litigation Case Management System (LCMS) will introduce new technology to the Department, increase efficiency, and provide seamless information sharing. CRT will be transitioning to LCMS in late FY 2008 or early FY 2009.

Program Increases

Item Name: **Human Trafficking**

Budget Decision Unit(s): Civil Rights Division

Strategic Goal(s) & Objective(s): 2.4 Uphold the civil and Constitutional rights of all Americans, and protect vulnerable members of society

Organizational Program: Human Trafficking

Program Increase: Positions **13** Agt/Atty 8 FTE 7 Dollars **\$1,713,000**

Description of Item

CRT is proposing an enhancement in its human trafficking program. The request would fund 13 positions, 7 FTE and \$1,713,000. The FY 2007 current services base funding for human trafficking is 21 positions (18 attorneys), 21 FTE, and \$3,100,000. After enhancement, this program would represent 34 positions (26 attorneys), 28 FTE and \$4,813,000.

Justification

In addition to the increase in the trafficking caseload triggered by the passage of the TVPA, we are now seeing the fruits of the 42 recently formed anti-trafficking task forces, funded by the Bureau of Justice Assistance. These task forces have begun to produce high volume and complex trafficking cases, often involving multiple districts.

The task force approach has enabled CRM to spread its' successful model of victim-centered prosecutions, which comply with the letter and spirit of the TVPA, the United Nations Protocol and have become a touchstone for other countries' efforts. This approach puts the rights of the victims first and relies on working closely with non-governmental organizations to get restoration and rehabilitation for the survivors. Because the TVPA is still a relatively new statute, however, and because investigation and prosecution of these matters is both complex and labor intensive, the trafficking task forces will require regular training, mentoring, and technical assistance from CRM attorneys and victim-witness personnel.

Impact on Performance (Relationship of Increase to Strategic Goals)

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

Funding

Base Funding

FY 2006 Availability				FY 2007 President's Budget				FY 2008 Current Services			
Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)	Pos	agt/atty	FTE	\$(000)
21	18	21	\$2,900	21	18	21	\$3,000	21	18	21	\$3,100

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)	FY 2009 Net Annualization (Change from 2008) (\$000)
Attys	\$105	8	\$837	\$675
Victim-Witness Coordinators	\$93	1	\$93	\$67
Investigator	\$82	2	\$164	\$111
Paralegal	\$63	1	\$61	\$28
Clerical	\$45	1	\$45	\$22
Total Personnel	\$396	13	\$1,200	\$903

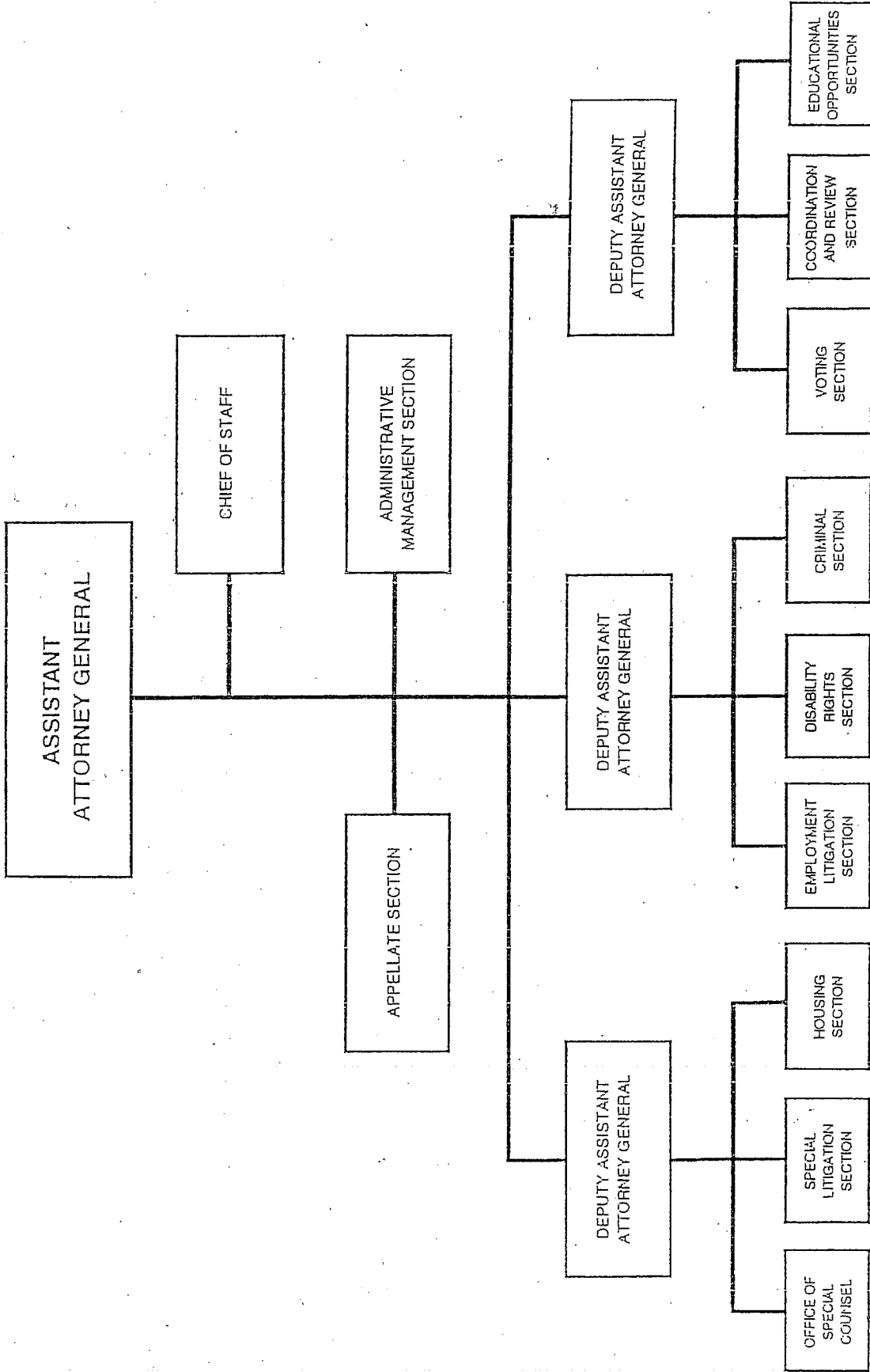
Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)	FY 2009 Net Annualization (Change from 2008) (\$000)
Translation			\$60	\$3
Depositions			\$55	\$2
Interpreters			\$93	\$3
Housing/Shelter			\$95	\$5
Human Trafficking Smuggling Center (HSTC)			\$210	\$11
Total Non-Personnel			\$513	\$24

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	21	18	21	\$3,100	\$0	\$3,100
Increases	13	8	7	\$1,200	\$513	\$1,713
Grand Total	34	26	28	\$4,300	\$513	\$4,813

CIVIL RIGHTS DIVISION



Approved by: *Janet Reno*
 JANET RENO
 Attorney General

Date: 2/29/00

B: Summary of Requirements

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

	FY 2008 Pres. Budget		
	Perm. Pos.	FTE	Amount
2006 Enacted (with Rescissions, direct only)	737	739	\$109,037
2006 Supplementals			
Total 2006 Enacted (with Rescissions and Supplementals)	737	739	109,037
2007 President's Budget (Information Only)	733	735	113,583
2007 Continuing Resolution Level (as reflected in the 2008 President's Budget; Information Only)			
2007 Estimate (direct only)*	733	735	108,777
2007 Rescission Against Balances			
2007 Estimate (with Rescissions)	733	735	108,777
Technical Adjustments			
Base Adjustments			2,533
Total Technical and Base Adjustments			2,533
Adjustments to Base			....
Increases:			....
2008 pay raise (3.0%)			1,737
2007 pay raise annualization (2.2%)			578
Changes in Compensable Days			569
Thrift Saving Plan			150
Health Insurance			204
GSA Rent - rate increase			502
DHS security charges			19
Security Investigations			20
Subtotal Increases	....	....	3,779
Decreases:			....
Employee Compensation Fund	....	....	(13)
Unfunded Positions and FTE Reduction	(20)	(20)	....
Subtotal Decreases	(20)	(20)	(13)
Total Adjustments to Base	(20)	(20)	3,766
Total Adjustments to Base and Technical Adjustments	(20)	(20)	6,299
2008 Current Services	713	715	115,076
Program Changes			
Human Trafficking	13	7	1,713
Total Program Changes	13	7	1,713
2008 Total Request	726	722	116,789
2007 - 2008 Total Change	(7)	(13)	8,012
2008 Rescissions from Balances			....

* The Department of Justice 2008 budget request was built on a starting point that recognized progress in enacting the FY 2007 appropriation. The starting point used (referred to throughout this document as the "Estimate") is the average of the Senate Committee and House passed marks, less one percent, unless noted otherwise.

Estimates by budget activity	2006 Enacted w/Rescissions and Supplementals			2007 Estimate			2008 Adjustments to Base and Technical Adjustments			2008 Current Services			2008 Increases			2008 Offsets			2008 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Division	737	739	\$109,037	733	735	\$108,777	(20)	(20)	\$6,299	713	715	\$115,076	13	7	\$1,713	....	....	....	726	722	\$116,789
Total	737	739	109,037	733	735	108,777	(20)	(20)	6,299	713	715	115,076	13	7	1,713	....	....	....	726	722	116,789
Reimbursable FTE		16			16						16										16
Total FTE		755			751			(20)	....		731			7							738
Other FTE:																					
LEAP								....	....					....
Overtime		4			4			....	....		4			....							4
Total Comp. FTE		759			755			(20)	6,299		735			7							742

C: Program Increases/Offsets By Decision Unit

FY 2008 Program Increases/Offsets By Decision Unit

Civil Rights Division

(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Civil Rights Division				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Human Trafficking	Civil Rights Division	13	8	7	\$1,713	\$1,713
Total Program Increases		13	8	7	\$1,713	\$1,713

D: Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Strategic Objective	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Current Services		2008				2008 Request		2007-2008 Total Change	
	FTE	Amount \$000s	FTE	Amount \$000s	FTE	\$000s	Increases		Offsets		FTE	Amount \$000s	FTE	Amount \$000s
							FTE	Amount \$000s	FTE	Amount \$000s				
Goal 2: Enforce Federal Laws and Represent the Rights and Interests of the American People 2.4: Uphold the civil and constitutional rights of all Americans and protect vulnerable members of society	755	\$ 109,037	751	\$ 108,777	731	\$ 115,076	7	\$ 1,713	-	-	738	\$ 116,789	(13)	\$ 8,012
GRAND TOTAL	755	\$ 109,037	751	\$ 108,777	731	\$ 115,076	7	\$ 1,713	-	\$ -	738	\$ 116,789	(13)	\$ 8,012

E. Justification for Base Adjustments

Justification for Base Adjustments Civil Rights Division

Increases

2008 pay raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2008. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,737,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$1,216,000 for pay and \$521,000 for benefits).

Annualization of 2007 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2 percent. The amount requested, \$578,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$405,000 for pay and \$173,000 for benefits).

Changes in Compensable Days: The increase costs of two more compensable days in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$484,000 and applicable benefits \$85,000 by 260 compensable days. The cost increase of two compensable days is \$569,000.

Thrift Saving Plan (TSP): The cost of agency contributions to the Thrift Savings Plan will also rise as FERS participation increases. The contribution rate is 4.3 percent and the increase of the TSP is \$150,000.

Health Insurance: Effective January 2006, this component's contribution to Federal employees' health insurance premiums increased by 2.4 percent. Applied against the 2007 estimate of \$2,987,000, the additional amount required is \$204,000.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$502,000 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 in FY 2007 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$19,000 is required to meet our commitment to DHS. The cost estimates were developed by DHS.

Security Investigations: The \$20,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Decreases

Unfunded Positions and FTE Reduction: Based on CRT's assessment of its personnel resources, a reduction of 20 positions and 20 FTE is included in FY 2008.

Employees Compensation Fund: This decrease of \$13,000 reflects the estimated billing from the Department of Labor for actual costs in 2006 of employees' compensation fund, which will be billed in 2008.

* ATBs must be recalculated following final FY 2007 action.

F: Crosswalk of 2006 Availability

Crosswalk of 2006 Availability

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2006 Availability				
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount		
Civil Rights Divisor	737	739	110,447			(1,410)						(443)						737	739	108,594
TOTAL	737	739	\$110,447	....	....	(\$1,410)	....	....	\$0	....	....	(\$443)	....	....	\$0	737	739	\$108,594		
Reimbursable FTE		16																	16	
Total FTE		755																	755	
Other FTE																				
LEAP																				....
Overtime		4																		4
Total Compensable FTE		759																		759

Enacted Rescissions. Funds rescinded as required by the Department of Justice Appropriations Act, 2006 (P.L. 109-108) and the Department of Defense Appropriations Act, 2006 (P.L. 109-148).

Reprogrammings and Reallocations: In FY 2005, Congress approved the permanent reprogramming of 16 Honors Program attorney positions, 16 FTE and \$2,305,000 from the Department's General Legal Activity (GLA) components to the U.S. Attorneys. The amount reprogrammed from the Civil Rights Division was \$443,000.

G: Crosswalk of 2007 Availability

Crosswalk of 2007 Availability

Civil Rights Division
Salaries and Expenses

(Dollars in Thousands)

Decision Unit	2007 Estimate			Rescissions			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Civil Rights Division	733	735	108,777			....			....				733	735	108,777
TOTAL	733	735	\$108,777	....	....	\$0	....	....	\$0	....	....	\$0	733	735	108,777
Reimbursable FTE		16												16	
Total FTE		751				....			....			....		751	
Other FTE															....
LEAP															4
Overtime		4												4	
Total Compensable FTE		755				....			....			....		755	

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources

Civil Rights Division

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2006 Enacted			2007 Planned			2008 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Bureau of Prisons	\$1,194	....	....	\$1,243	....	....	\$1,198	....	....	(\$45)
Federal Bureau of Investigation	357	....	....	61	....	....	400	....	....	339
Drug Enforcement Administration	121	....	....	133	....	....	185	....	....	52
Exec. Office for U.S. Attorneys	165	....	....	184	....	....	175	....	....	(9)
U.S. Marshals Service	89	....	....	124	....	....	140	....	....	16
Community Relations Service	7	....	....	6	....	....	(1)
Office of Justice Programs	398	....	....	365	....	....	565	....	....	200
Justice Management Division	17	....	....	20	....	....	35	....	....	15
Executive Office for Immigration Review	9	....	....	11	....	....	49	....	....	38
Office of Inspector General	15	....	....	8	....	....	(7)
Department of State	0
Executive Office for U.S. Trustees	5	....	....	7	....	....	2
ATF	111	....	....	130	....	....	145	....	....	15
HHS/Office of Civil Rights	1,976	....	....	1,976	....	....	2,200	....	....	224
National Defense Intelligence Center	11	....	....	13	....	....	6	....	....	(7)
NASA	6	....	....	....	....	....	....	....	....	0
White House	41	....	....	....	....	....	....	....	....	0
Office of Violence Against Woman	69	....	....	....	....	....	....	....	....	0
USAID	55	....	....	84	....	....	....	....	....	(84)
Department of Defense	2	....	....	....	....	....	....	....	....	0
Budgetary Resources:	\$4,621	....	....	\$4,371	....	....	\$5,119	0	0	\$748

I: Detail of Permanent Positions by Category

Detail of Permanent Positions by Category

Name of Budget Account

Salaries and Expenses

Category	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Request							
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Adj. to Base Increases	Adj. to Base Decreases	Total ATB	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Attorneys (905)	328	14	324	14	....	....	....	8	....	8	332	15
Paralegals / Other Law (900-998)	115	....	115	....	....	....	....	1	....	1	116	....
Personnel Management (200-299)	10	....	10	....	....	....	....	....	....	....	10	....
Clerical and Office Services (300-399)	242	2	242	2	....	(20)	(20)	4	....	4	226	1
Accounting and Budget (500-599)	6	....	6	....	....	....	....	....	....	....	6	....
Information & Arts (1000-1099)	3	....	3	....	....	....	....	....	....	....	3	....
Social Sciences, Econ, and Kindred (100-199)	24	....	24	....	....	....	....	....	....	....	24	....
Architects (808)	6	....	6	....	....	....	....	....	....	....	6	....
Mathematics & Statistics Group (1500-1599)	3	....	3	....	....	....	....	....	....	....	3	....
Total	737	16	733	16	....	(20)	(20)	13	....	13	726	16
Location												
Headquarters (Washington, D.C.)	737	16	733	16	....	(20)	(20)	13	....	13	726	16
U.S. Field	....	....	....	....	....	....	....	....	....	....	....	....
Foreign Field	....	....	....	....	....	....	....	....	....	....	....	....
Total	737	16	733	16	....	(20)	(20)	13	....	13	726	16

J: Financial Analysis of Program Changes

Financial Analysis of Program Changes
Civil Rights Division
Salaries and Expenses
(Dollars in Thousands)

Grades:	Civil Rights Divison	
	Human Trafficking	
	Pos.	Amount
GS-14	8	\$864
GS-13	1	81
GS-12	2	142
GS-9	1	47
GS-7	1	38
Total positions & annual amount	13	1,172
Lapse (-)	(6)	-586
Other personnel compensation	....	0
Overtime	....	13
Total FTE & personnel compensation	7	599
Personnel benefits	....	182
Travel	....	73
Transportation of things	....	4
Communication, rents, and utilities	....	8
BlackBerrys/Cell Phones	....	1
Printing	....	6
Health Unit	....	17
Other services	....	585
Contractor Services	....	0
JMD Personnel Cost	....	5
Supplies and materials	....	14
Equipment	....	113
Buildout	....	106
Total, 2008 program changes requested	7	\$1,713

K: Summary of Requirements by Grade

Summary of Requirements by Grade

Civil Rights Division
Salaries and Expenses

Grades and Salary Ranges	2006 Actuals		2007 Estimate		2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$111,676 - \$168,000	18		18		18		....
GS-15, \$110,363 - 143,471	267		263		263		....
GS-14, \$93,822 - 121,967	71		71		79		8	
GS-13, \$79,397 - 103,220	89		89		90		1	
GS-12, \$66,767 - 86,801	63		63		65		2	
GS-11, \$55,706 - 72,421	71		71		71		....
GS-10, \$50,703 - 65,912	7		7		7		....
GS-9, \$46,041 - 59,852	36		36		33		(3)	
GS-8, \$41,686 - 54,194	21		21		18		(3)	
GS-7, \$37,640 - 48,933	62		62		55		(7)	
GS-6, \$33,872 - 44,032	8		8		6		(2)	
GS-5, \$30,386 - 39,501	11		11		8		(3)	
GS-4, \$27,159 - 35,303	12		12		12		....
GS-3, \$24,194 - 31,451	1		1		1		....
GS-2, \$22,174 - 27,901	....		....	....	....		....
GS-1, \$19,722 - 24,664	....		....	....	....		....
Total, appropriated positions	737		733		726		(7)	
Average SES Salary		\$ 152,000		\$ 156,104		\$ 159,538		
Average GS Salary		\$ 85,753		\$ 88,068		\$ 90,006		
Average GS Grade		13.40		13.40		13.40		

L: Summary of Requirements by Object Class

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

Object Classes	2006 Actuals		2007 Estimate		2008 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	569	51,315	644	56,780	631	59,622	(13)	2,842
11.3 Other than full-time permanent	87	6,644	87	6,594	87	6,802	....	208
11.5 Total, Other personnel compensation	4	829	4	672	4	687	....	15
<i>Overtime</i>	....	....	....	....	....	....	....	....
<i>Other Compensation</i>	....	....	....	....	....	....	....	....
11.8 Special personal services payments	....	(25)	....	....	....	....	....	....
Total	660	58,763	735	64,046	722	67,111	(13)	3,065
Reimbursable FTE:	10		16		16			
Full-time permanent	....						
Other Object Classes:								
12.0 Personnel benefits		14,249		13,962		14,901		939
13.0 Benefits-former		22		....		....		....
21.0 Travel and transportation of persons		3,418		4,120		4,193		73
22.0 Transportation of things		466		566		570		4
23.1 GSA rent		12,419		14,434		14,936		502
23.2 Rental payments to others		339		381		381		....
23.3 Comm., util., & other misc. charges		1,836		1,922		1,931		9
24.0 Printing and reproduction		391		424		430		6
25.1 Advisory and assistance services		4,033		2,557		3,394		837
25.2 Other services		7,393		3,261		4,894		1,633
25.3 Purchases of goods & services from Government accounts		3,226		2,078		2,789		711
25.4 Lease expirations		72		17		17		....
25.6 Medical Care		64		83		83		....
25.7 Operation and maintenance of equipment		482		383		383		....
26.0 Supplies and materials		770		323		337		14
31.0 Equipment		617		220		333		113
32.0 Land & Structures		....		....		106		106
42.0 Insurance/Idemnities		4		....		....		....
Total obligations		108,564		\$108,777		116,789		8,012
Unobligated balance, start of year				....		....
Unobligated balance, end of year								
Recoveries of prior year obligations		....		....		....
Total requirements		108,564		108,777		116,789		8,012
Relation of Obligation to Outlays:								
Total Outlays		....		....		....
Obligated balance, start of year		....		....		....
Obligated balance, end of year								
Recoveries of prior year obligations		....		....		....
Outlays								

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

Civil Rights Division Salaries and Expenses

Status of Congressionally Requested Studies, Reports, and Evaluations

1. The House Report associated with the FY 2006 Department of Justice appropriation directs the Civil Rights Division to submit a yearly update on its efforts to address human trafficking. Target response to Committee is May 1, 2007.