



Report to Congress on the  
Department of Homeland Security  
Office for Civil Rights and Civil Liberties

2008



Homeland  
Security

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## **BACKGROUND**

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### **I. CRCL Mission**

In accordance with 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the mission of the Office for Civil Rights and Civil Liberties (CRCL) is to assist the dedicated men and women of this Department to secure the nation while preserving our freedoms and our way of life. CRCL assists our colleagues in four ways:

1. We help the Department to shape policy in ways that are mindful of civil rights and civil liberties by providing proactive advice, evaluation and review of a wide range of technical, legal and policy issues;
2. We investigate and resolve complaints filed by the public regarding Departmental policies or actions taken by Departmental personnel;
3. We provide leadership to the Department's equal employment opportunity programs, seeking to make this Department the model federal agency; and
4. We are engaged with the public regarding these issues.

### **II. Reporting**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is required to report quarterly and annually to Congress. This report serves as both the fourth quarter and annual report to Congress, providing an overview of all CRCL's activities in Fiscal Year (FY) 2008 as well as activities specific to the fourth quarter, from July 1, 2008, to September 30, 2008.

### **III. Leadership and Overview of CRCL**



The Officer for Civil Rights and Civil Liberties, Daniel W. Sutherland, has led CRCL since 2003, and reports directly to the Secretary, underscoring the strong commitment to the protection of civil rights and civil liberties in the homeland security effort. Mr. Sutherland is supported by two Deputy CRCL Officers: Timothy J. Keefer, Deputy Officer for Programs and Compliance, and Stephen Shih, Deputy Officer for Equal Employment Opportunity Programs. Under this leadership, CRCL's work is divided into the following areas:

- **Programs.** CRCL provides DHS senior leadership with constructive advice that spans the horizon of issues that confront the Department. CRCL does this by, among other things, conducting Civil Liberties Impact Assessments (CLIAs) on important programs; engaging with American Arab, Muslim, Sikh, South Asian, and Middle Eastern communities; advising emergency management officials on polices concerning individuals with disabilities and other special needs; advising on immigration policy; developing and conducting training for DHS personnel on civil rights and civil liberties issues; advising programs involving information sharing and intelligence, and acting as the DHS single contact officer for human and civil rights treaties.
- **Review & Compliance.** CRCL investigates and resolves complaints from the public

- **Equal Employment Opportunity.** CRCL helps the Department to create an agency where all employees and applicants enjoy equal opportunity in the workplace. The EEO program also has authority for issuing final agency decisions on complaints of employment discrimination.
- **Accessible Information Technology.** CRCL leads the implementation of Section 508 of the Rehabilitation Act, which requires the Federal government to ensure that its information and data are accessible to persons with disabilities. CRCL and DHS CIO work together to implement these provisions through an innovative joint program office.

#### **IV. Fifth Anniversary of CRCL**

CRCL and the DHS Privacy Office joined together to host two events commemorating the fifth anniversary of the establishment of their offices on April 16, 2008. In one event, CRCL and the Privacy Office recognized the work of outstanding office employees. In another event, held at the Heritage Foundation, Secretary Michael Chertoff provided opening remarks followed by a panel discussion on the offices' achievements, milestones, and challenges of the past five years. The panel included: Daniel W. Sutherland, DHS Officer for Civil Rights and Civil Liberties; Hugo Teufel, DHS Chief Privacy Officer; Peter P. Swire, Professor in Law and Judicial Administration at Ohio State University; and Kevin Lanigan, Director of the Law and Security Program at Human Rights First.



#### **V. Overview of Accomplishments**

CRCL's goal is to address long-standing civil rights and civil liberties issues through an innovative, proactive, and practical approach to problem-solving. Using this approach, CRCL has been able to achieve a number of accomplishments in FY 2008. These accomplishments, many of which are detailed in this report, include:

- **Development of Civil Liberties Impact Assessments.** CRCL conducted the first Civil Liberties Impact Assessments for several Departmental programs, in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. These Impact Assessments help to ensure civil liberties are considered as the Department develops or implements laws, regulations, policies, procedures, or guidelines related to efforts to protect the nation against terrorism.
- **Effective Processing of Civil Rights and Civil Liberties Complaints Filed by the Public.** In FY 2008, CRCL's Review and Compliance Unit opened 158 new complaints that raised issues in the areas of abuse of authority, conditions of detention, due process, profiling, and unaccompanied minors. CRCL closed 141 complaints in FY 2008, compared to 78 in FY 2007. The investigations of these complaints produced a number of important policy recommendations to DHS component agencies, and demonstrated

that the Department will actively review its programs when members of the public submit complaints.

- **Effective Processing of Equal Employment Opportunity (EEO) Complaints.** In FY 2008, CRCL received 920 requests for Final Actions and issued 766 Final Actions. DHS also provided counseling to 1,410 individuals alleging employment discrimination and other workplace issues.
- **Inclusion of Special Needs Populations in the National Response Framework (NRF).** Throughout the development of the NRF, CRCL served as the lead for the Special Needs Work Group, which included representatives from many disciplines related to individuals with disabilities and other special needs. The work of this group resulted in the inclusion of disability and other special needs considerations throughout the NRF and its Emergency Support Functions and Annexes, including a functional definition for special needs.
- **Engagement with American Arab, Muslim, Sikh, South Asian, Middle Eastern, and Other Ethnic and Religious Communities.** CRCL continued to build strategic partnerships between the government and these minority communities. This engagement resulted in a number of important policy developments, such as the National Security Internship. This program brought Arabic speaking students into internships in DHS and FBI intelligence offices. A second example is the production of a memorandum that lays out suggestions for terminology to use when describing the terrorist threat.
- **Immigration.** CRCL actively worked with DHS components to incorporate civil rights and civil liberties protections in programs such as the E-Verify and Systematic Alien Verification for Entitlements (SAVE ). CRCL also continued its work with immigration advocacy groups concerning DHS policies and actions on a variety of issues, such as naturalization name check delays.
- **Information Sharing.** CRCL serves on the Department's Information Sharing Coordinating Council to help shape policies and programs, such as the State and Local Fusion Center Program, in a way that is mindful of civil rights and civil liberties. In addition, CRCL co-led a team (along with the DHS Policy Office) to write and develop the Department's Information Sharing Strategy, released on April 18, 2008.
- **Training.** CRCL developed two new training products this year as part of its Civil Liberties Institute, including the Asylum Seekers Overview and the Employment of People with Disabilities: A Roadmap to Success. In addition, CRCL, along with the DHS Privacy Office, conducted classroom training and collaborated with other Federal counterparts to train intelligence analysts and other personnel at State and local fusion centers.
- **Office on Accessible Systems and Technology (OAST).** In a joint CRCL and DHS CIO effort, the OAST processed 1081 Helpdesk requests to assist DHS employees in accessibility and other accommodation needs.

The details of these and other CRCL programs and activities are described in the pages that follow.

## CRCL PROGRAMS

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Under 6 U.S.C. § 345 and 42 U.S.C. § 2000-ee-1, one of CRCL's key roles is to provide DHS senior leadership with advice on issues at the intersection of homeland security and civil rights and civil liberties. CRCL fulfills this role through its Programs Division, which reviews and helps to shape DHS programs, policies, reports, regulations, and other activities in a manner that is consistent and mindful of civil rights and civil liberties. The description below provides a brief summary of CRCL Program Division's activities:

### **I. Disability and Special Needs Policy and Technical Assistance**

The mission of CRCL's Disability and Special Needs Policy and Technical Assistance Team is to integrate and coordinate disability and special needs policy across DHS, to provide technical assistance to DHS components in the implementation of disability policy, and to provide guidance to the Secretary and DHS leadership on civil rights and civil liberties issues relevant to individuals with disabilities and special needs. The Team collaborates with the components associated with the following primary DHS functional areas:

- Preparedness and Response
- Travel Security and Procedures
- Immigration
- Information Sharing and Analysis
- Research

The Team works proactively to increase awareness and enhance Department-wide compliance with Federal disability-related civil rights laws and regulations before complaints arise. The Team also develops and issues guidelines and engages in outreach and technical assistance activities to a wide array of stakeholders at the Federal, State, local, Tribal, nongovernmental, and private sector levels.

#### ***A. Implementation of Executive Order 13347, Individuals with Disabilities in Emergency Preparedness***

CRCL oversees the implementation of Executive Order (E.O.) 13347, *Individuals with Disabilities in Emergency Preparedness*, signed by President Bush in July 2004. E.O. 13347 is designed to ensure the safety and security of individuals with disabilities in all-hazard emergency and disaster situations. The E.O. created an Interagency Coordinating Council (ICC) on Emergency Preparedness and Individuals with Disabilities, chaired by CRCL. The ICC is comprised of senior leadership from more than 25 Federal departments and agencies. The Council has concentrated its work in nine major areas: (1) Emergency Communications; (2) Emergency Preparedness in the Workplace; (3) Emergency Transportation; (4) Health and Human Services; (5) Homeland Security Policy and Operations; (6) Housing; (7) Nongovernmental Outreach; (8) Research; and (9) State, Local, and Tribal Government Outreach.

CRCL leads the work of the ICC including: convening quarterly ICC meetings; developing and disseminating a monthly ICC Update Bulletin; drafting the ICC Annual Report to the President; and managing a disability resource website: <http://www.disabilitypreparedness.gov>.

### ***B. National Response Framework<sup>1</sup>***

On January 22, 2008, DHS Secretary Chertoff announced the public release of the National Response Framework (NRF). Throughout the development of the NRF, CRCL served as the lead for the Special Needs Work Group, which included representatives from many disciplines related to individuals with disabilities and other special needs. The work of this group resulted in the inclusion of disability and other special needs considerations throughout the NRF and its Emergency Support Functions and Annexes. The Special Needs Work Group also developed a function-based definition for the term “special needs populations” as used in an emergency management context.<sup>2</sup> The definition allows planners to plan for a predictable and specific set of functional support needs common among members of the populations that are typically categorized under the special needs umbrella. Notably, the development of this definition also satisfies an initial conclusion of the DHS Nationwide Plan Review that the Federal Government should develop a consistent definition of the term “special needs.” This definition is contained in the NRF glossary.

### ***C. Special Needs Planning Guide***

CRCL collaborated with FEMA in drafting of the *Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations* for use by State, local, and Tribal personnel who have responsibility for developing emergency operations plans. The guide is premised upon the function-based approach to defining special needs populations and demonstrates that upholding civil rights provisions can also increase safety and health outcomes in emergency management.

The guide incorporates extensive input from key Federal, State, and local government partners, along with nongovernmental organizations representing special needs communities. *CPG-301* will remain an interim document while feedback on field experience with this guide is sought from emergency managers during 2008. In extending this Planning Guide to the field, CRCL is working with FEMA grant recipients to incorporate the principles from the Planning Guide into DHS funded training curricula for emergency managers.

### ***D. Emergency Preparedness Training, Education, and Exercises***

On October 15-19, 2007, DHS, in partnership with State and local governments, conducted the largest and most comprehensive counterterrorism exercise to date, Top Officials 4 (TOPOFF 4). More than 15,000 participants from all levels of government, international partners and the private sector participated in this full-scale, simulated response to radiological dispersal device attacks. Operational venues included Arizona, Oregon, and the U.S. territory of Guam. The

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<sup>1</sup> Note that in January 2008, the National Response Plan has been published as the National Response Framework.

<sup>2</sup> The definition of Special Needs Populations: Populations whose members may have additional needs before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures; who have limited English proficiency or are non-English speaking; or who are transportation disadvantaged.

exercise addressed policy and strategic issues that mobilized prevention and response systems, required participants to make difficult decisions and carry out essential functions, and challenged their ability to maintain a common operating picture during an incident of national significance.

As a result of CRCL’s ongoing efforts to integrate disability and special needs issues into DHS-led emergency preparedness exercises, one underlying theme for TOPOFF 4 was “to test and evaluate the handling and treatment of special needs individuals during and after a terrorist event or incident of national significance.” CRCL provided special needs subject matter experts as a resource for input prior to and throughout *all* phases of the exercise. CRCL staff and the FEMA Disability Coordinator were on-site at the Oregon venue as evaluators, focusing on issues that individuals with disabilities and other special needs populations would face during an emergency. Additionally, CRCL staff based in the Washington, D.C. metro area actively monitored and provided input into the exercise scenario as issues arose that impacted populations with disabilities.

CRCL also provided subject matter experts on the Fiscal Year 2008 Competitive Training Grants Program (CTGP), Consensus Review Panels. FEMA’s CTGP awards funds to competitively selected applicants who demonstrate their capacity to develop and deliver innovative training programs addressing high priority national homeland security training needs. CRCL contributed to the Citizen Preparedness and Participation panel that examined proposed training programs on building multi-cultural competence for preparedness outreach, education, and participation.



Additionally, CRCL’s expertise was utilized on the Intelligence/ Information Sharing and Dissemination panel that examined proposed training programs that enhance gathering and analyzing information for use by law enforcement communities, as well as timely information sharing. Once the grant funding is distributed, CRCL will collaborate with FEMA to review and provide feedback on the content of the training

throughout the entire product development process.

CRCL also engaged in proactive outreach and collaboration with emergency management higher education programs to advance special needs considerations within curricula development. In collaboration with Public Entity Risk Institute for FEMA’s Higher Education Project, two CRCL



policy advisors co-authored a chapter entitled, *The Paradigm Shift in Planning for Special Needs Populations*, published in a text book of the Institute.

### ***E. Outreach Activities***

CRCL believes that many current and future obstacles can be avoided or resolved, if collaborative relationships between the special needs communities, the Federal Government, and the private sector are established and maintained. In an effort to develop and encourage these relationships, CRCL has been, and will continue to be, proactive in its approach to participation in outreach activities.

Notably, CRCL, in partnership with the National Citizen Corps Council, established a subcommittee on Individuals with Disabilities in Emergency Preparedness. Among the first set of priorities of the ICC at the time of its inception in 2004 was ensuring that representatives from national disability consumer and advocacy organizations were provided with a forum for exchange of information and concerns regarding safety and security in situations involving natural or man-made emergencies and disasters. Participants include representatives from over a dozen national disability organizations. CRCL has been convening this subcommittee almost quarterly since 2004 to provide updates on relevant DHS work, respond to concerns, and to gather input.

Below are some highlights of most recent CRCL outreach activities in which CRCL staff presented keynote remarks, workshops, or plenary sessions:

- National Emergency Management Association Annual Conference, Portland, Oregon, September 2008;
- Disability and Elderly Emergency Management Summit, Asheville and New Berne, North Carolina, September 2008;
- Region VI Human Services and Disasters Summit, Dallas, Texas, July 2008;
- Partnerships in Emergency Preparedness: A Faith-Based and Community Workshop, Chicago, Illinois, July 2008;
- National Association of the Deaf Biannual Conference, New Orleans, Louisiana, July 2008;
- FEMA Higher Education Conference, Emmitsburg, Maryland, May 2008;
- Volunteer Organizations Active in Disaster (VOAD) Annual Conference, Little Rock, Arkansas, May 2008;
- White House Conference on Faith-based and Community Initiatives, New Orleans, Louisiana, May 2008;
- District of Columbia Conference on Service and Leadership, Washington, D.C., May 2008;
- North Carolina Developmental Disabilities Council, Raleigh, North Carolina, May 2008;
- National Black Deaf Advocates Regional Conference, Gallaudet University, Washington, D.C., April 2008.
- Association of State and Territorial Health Officials Conference, Denver, Colorado, March 2008;

- National Organization on Disability/Homeland Defense Journal, Disability and Special Needs Technical Assistance Conference, Washington D.C., January 2008; and
- TOPOFF 4, Portland, Oregon, October 2007.

In addition, CRCL continues to collaborate with the American Red Cross, Salvation Army, and other Volunteer Organizations Active in Disasters to improve our Nation’s shelters and citizen preparedness as related to individuals with disabilities, the elderly, and other special needs population.

***F. Hurricane Gustav Response***

CRCL responded to Hurricane Gustav prior to and following landfall by monitoring daily senior leadership briefings, participating in Senior Staff Video-teleconferences (VTCs), and participating in Emergency Support Function (ESF) 6 (Mass care, sheltering, and human services) and ESF 8 (health/medical) calls. Additionally, CRCL conducted outreach to numerous NGOs in the impacted region, both pre- and post-landfall to obtain information on needs/issues/concerns and to provide guidance as appropriate, including exchanging information with the FEMA Disability Coordinator. CRCL also shared information when appropriate with our ICC federal partners and with advocacy groups throughout the duration of the disaster.

**II. Engagement with American Arab, Muslim, Sikh, South Asian, Middle Eastern and Other Ethnic and Religious Communities**

One of CRCL’s priorities continues to be building and strengthening strategic partnerships with key ethnic and religious communities. Pursuant to our statutory authority, CRCL believes time invested in communicating with the public, providing information, and hearing and responding to concerns helps to shape good and effective policies that are mindful of the U.S. Constitution and Federal civil rights laws. Considering this, the CRCL Engagement Team has continued its successful outreach and engagement work with key ethnic and religious communities in FY 2008.

***A. Participation in Community Roundtables***

Local Federal officials along with community groups continue to look to CRCL for leadership on issues at the intersection of homeland security and civil rights. The core of this effort has been CRCL’s participation in roundtables with community leaders in Washington, D.C., Chicago, Los Angeles, Detroit, Houston, and Boston. This year, CRCL has attended five BRIDGES<sup>3</sup> meetings in Boston. This is the first long-term presence CRCL has had in Boston. CRCL has also maintained a strong and sustained presence in the Mid-West. In FY 2009, CRCL is on track to attend at least four quarterly meetings in Detroit and Chicago as well as initiating new efforts across Ohio in both Cleveland and Columbus.

CRCL hosted five roundtables in Los Angeles with American Arab, Muslim, Sikh, South Asian and Middle Eastern leaders, with presentations mainly focused on watch-list redress. In Houston, CRCL continues to partner with the FBI in holding roundtable meetings with community and religious leaders. This effort has been complemented by two CRCL-organized

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<sup>3</sup> The term “BRIDGES” refers to building “bridges” between the government and local communities.

events, including a Houston Youth Roundtable, attended by Secretary Chertoff, and a speech by Secretary Chertoff before the Houston South Asian Chamber of Commerce.

Throughout FY 2008, CRCL has attempted to expand its outreach efforts with immigrant communities. For example, on August 28, 2008, CRCL facilitated a meeting between representatives of the Somali American community in Columbus, Ohio, and officials from DHS, the FBI, the U.S. Attorney's Offices in Columbus and Cincinnati, and the U.S. Department of the Treasury. The meeting addressed a number of recent bank account closures affecting money service businesses run by and serving members of the Somali American community. Treasury Department representatives offered insight into the guidance they provide to banks as well as a number of resources and best practices the businesses could use to reduce perceived risks.

### ***B. Youth Roundtables***

Outreach to youth from various religious and ethnic communities continue to be a priority for the Engagement Team. In FY 2008, CRCL hosted roundtables in Houston and Washington, D.C. with young leaders from the American Arab, Muslim, Sikh, South Asian and Middle Eastern communities. Secretary Michael Chertoff and Officer for Civil Rights and Civil Liberties, Daniel W. Sutherland led discussions with the young leaders on civil rights, civic engagement, and public service.

As in previous years, CRCL has also participated in the annual conventions for Muslim Public Affairs Council (MPAC), American Arab Anti-Discrimination Committee (ADC), and Islamic Society of North America (ISNA) by representing DHS at convention exhibit booths and speaking on issues at the intersection of homeland security and civil rights and civil liberties. These events provide an opportunity to meet and interact with a wide variety of community members, who may not have the opportunity to attend CRCL's roundtable meetings.

### ***C. Joint Contact Group***

Most recently on September 24, 2008, CRCL participated in the US-UK Joint Contact Group, a biannual meeting between officials from the Department of Homeland Security and the UK Home Office. The JCG consists of multiple DHS offices and components, including CRCL. The role of CRCL is to exchange information, best practices, and other relevant reports or activities with their British Home Office counterparts who engage with key communities in the UK. The involvement of CRCL in the JCG continues to evolve as both British and American security officials seek new and innovative ways to approach security and preserve civil liberties.

### ***D. National Security Internship Program***



In FY 2008, CRCL successfully launched the National Security Internship program in partnership with the Federal Bureau of Investigation (FBI). The National Security Internship is an intensive nine-week, full-immersion summer program that combines Arabic language, classes

in Homeland Security, Intelligence and Area Studies, and on-the-job-training experience at DHS or FBI Headquarters. The goal of the National Security Internship program is to create a direct career path into DHS and FBI for some of America's best and brightest undergraduate and graduate college students who speak or are studying Arabic. The National Security Internship is open to qualified applicants who meet the requirements to receive a Top-Secret clearance. The objectives of this program are not to develop a cadre of translators, but rather to build a national security workforce of individuals who possess a higher degree of cultural competency. For additional information, please visit <http://www.nationalsecurityinternship.com>.

### ***E. Recommendations from Muslim Americans***

In January 2008, CRCL issued a memorandum entitled, *Terminology To Define The Terrorists: Recommendations from American Muslims*. This memorandum outlines recommendations compiled by CRCL from its discussions with a broad range of American Muslim community leaders and scholars regarding appropriate terminology to be used when describing the terrorist threat. This memorandum does not state official Department of Homeland Security policy nor does it address legal definitions. The document is available at: [http://www.dhs.gov/xlibrary/assets/dhs\\_crcl\\_terminology\\_08-1-08\\_accessible.pdf](http://www.dhs.gov/xlibrary/assets/dhs_crcl_terminology_08-1-08_accessible.pdf).

## **III. Immigration Initiatives**

### ***A. Electronic Eligibility Verification Systems***

Throughout FY 2008, CRCL worked closely with the U.S. Citizenship and Immigration Services (USCIS) Verification Division to enhance civil rights protections in E-Verify and the Systematic Alien Verification for Entitlements (SAVE). This work culminated in August 2008 with the presentation of the USCIS Director's Award to CRCL's Senior Policy Advisor for Immigration. Work with the Verification Division will continue in FY 2009. The joint CRCL-USCIS employer and employee E-Verify training videos are scheduled for roll-out in FY 2009. As new interagency agreements are negotiated, CRCL will continue to provide guidance regarding the inclusion of civil rights and civil liberties protections.

### ***B. Naturalization Delays***

Also throughout FY 2008, CRCL monitored progress in the USCIS-led negotiations with the FBI's National Name Check Program to ensure that community concerns regarding the delays and backlogs in naturalization and other applications were effectively and equally addressed. In December 2006, the American-Arab Anti-Discrimination Committee (ADC) collected a sample set of 80 separate naturalization and adjustment of status applications and presented them to CRCL for review. CRCL forwarded these names to USCIS to determine the status of the files. These applications demonstrated the delays in the FBI Name Check process at that time. A total of 51 cases were pending with the FBI, 11 were pending with USCIS following the Name Check, 15 had been naturalized already, and three cases were denied or closed. CRCL re-submitted this sample set (of which 60 names remained) in early September 2008. Of this sample set, 51 – or 85% – had been adjudicated as of September 23, 2008, (47 were naturalized and four were denied). Nine others were pending action at USCIS or by the applicant, but none of the files remained with the FBI. As these remarkable improvements show, there have been many positive developments made by USCIS, working with the FBI, to streamline the name check process and eliminate its backlog of naturalization and adjustment of status applications.

### ***C. Confidentiality Provisions of the Violence Against Women Act***

In FY 2008, another priority for CRCL was evaluating the implementation of provisions of the Violence Against Women Act (VAWA)<sup>4</sup> at the Department of Homeland Security. The Act imposes certain confidentiality provisions upon Department employees and requires the Attorney General and the Secretary of Homeland Security to provide guidance to officers and employees of their Departments regarding VAWA, “including the provisions to protect victims of domestic violence from harm that could result from the inappropriate disclosure of covered information.”<sup>5</sup>

In April 2008, CRCL issued a notice explaining that complaints alleging misconduct related to the VAWA confidentiality provisions by employees of the Department of Homeland Security may be filed with this Office. This notice underlines the importance of the confidentiality provisions and provides the public with a uniform mechanism through which to file complaints.

### ***D. Immigrant Worker Roundtable***

The Immigrant Worker Roundtable (IWR) was another important CRCL initiative. The IWR brings together representatives of Federal agencies and non-governmental organizations working at the nexus of immigration, labor and employment, and civil rights law to facilitate dialogue on issues of concern to their constituencies. The first two meetings of the IWR, in January and March of 2008, featured presentations by the Director of the E-Verify program and the head of the Monitoring & Compliance Unit at E-Verify, respectively. CRCL also led a discussion about the civil rights implications of electronic verification programs.

A subsequent Immigrant Worker Roundtable provided an overview of the jurisdiction and typical workload of the participating Federal agencies, including the Equal Employment Opportunity Commission (EEOC), National Labor Relations Board (NLRB), Wage & Hour Division of the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA), and the Office of Special Counsel for Immigration-Related Unfair Employment Practices in the Civil Rights Division at the Department of Justice (OSC). Through this review, a number of areas were highlighted in which increased interagency communication and cooperation could be useful to these agencies as well as to the non-governmental organizations and general public for which they work.

### ***E. Emergency Evacuation and Advocacy***

CRCL, along with the National Immigration Law Center (NILC), initiated calls to immigration advocacy groups on July 23, August 27, and September 12. These calls allowed for the timely exchange of critical information between the highest levels of the Department of Homeland Security and community organizations on the ground. Near-instantaneous feedback was provided to DHS Office of Public Affairs and other senior policy makers regarding immigration enforcement operations and public messaging; adjustments reflecting this communication reached the public within hours. Because of these calls, life-saving information was translated and disseminated to critical population groups.

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<sup>4</sup> For additional information on VAWA, see <http://www.ovw.usdoj.gov/regulations.htm>.

<sup>5</sup> See Section 817 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005) (amending Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [8 U.S.C. 1367]).

#### IV. Civil Liberties Institute

Delivering targeted and effective training, CRCL helps to improve the Department's capacity and reputation for protecting America while respecting individual rights. In turn, this training helps build public trust and fuel cooperation with DHS's mission. CRCL has continued to assist the men and women of DHS to fulfill their roles and complete their missions while respecting civil rights and civil liberties. CRCL has branded its efforts the Civil Liberties Institute (CLI). In FY 2008, the CLI created new training products, sponsored classroom training and collaborated with Department agencies and external Federal and State partners to expand its training program in support of DHS's mission.

##### *A. Critical Civil Rights and Civil Liberties Training for the State and Local Fusion Centers Expanded*



Fusion centers serve as a place where State and local officials, alongside their Federal partners, collaborate, coordinate and share law enforcement and intelligence information in an effort to prevent future threats to the Nation. By law, CRCL is required to provide training on civil rights and civil liberties for all DHS officers or intelligence analysts deployed to State and local fusion centers and to support the training of all fusion center personnel. *Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53.*

CRCL is fulfilling its fusion center training mandate, in part, by supplementing Intelligence & Analysis (I&A) orientation training for DHS analysts with civil rights and civil liberties instruction. In addition, the DHS Privacy Office and CRCL partnered in the development and delivery of two-part training for DHS intelligence analysts who have been deployed to the field at State and Local Fusion Centers. For example:

- **Multi-forum Design.** All analysts were trained via a two phase training design that employed both interactive “webinars” and classroom training. Resource materials were also distributed, including a CD-ROM on privacy issues and personally identifiable information.
- **Phase 1 “Webinar”.** The “webinar” method allows each participant to both hear and see a common presentation despite participants being physically located at various offices around the country. The “webinar” included a series of knowledge checks and poll questions that each analyst could answer on-line with the results shown real-time for follow-up discussion. Five experts presented the materials.
- **Phase 2 Conference Workshop.** Four experts presented the Phase 2 of the analyst training in conjunction with the DHS Protective Security Advisers conference in June 2008. Topics included: “How to Handle a Privacy Incident”; “Defining Personally Identifiable Information”; “Update on Community Engagement Activities”; “Use of

Terminology in the Fight against Terror”; and “Questions to ask in a Civil Liberties Impact Assessment of Programs and Information Systems.”

In FY 2008, the CLI also accomplished significant progress in the design, planning and development of a more expansive “toolkit” of privacy, civil rights, and civil liberties resources in the information sharing environment designed to support the training in FY 2009 and FY 2010 of fusion center personnel. The tools will be web-based, computer-based and include job aids and classroom training to be delivered by DHS as well as local SLFC staff. To address field interest in an integrated approach to Federal training, the “toolkit” is being developed in partnership with the DHS Privacy Office, DHS I&A State and Local Fusion Center Program Management Office (SLFC PMO), and under an interagency agreement with the Department of Justice (DOJ) Bureau of Justice Assistance. The “toolkit” of resources on privacy, civil rights and civil liberties issues in the information sharing environment for each fusion center and will include: (1) a web portal to all of the relevant Federal materials on privacy, civil rights and civil liberties in the information sharing environment; (2) a training video with hypotheticals useful to all of the various roles at the fusion centers; (3) various job aids and handouts on specific aspects of these issues; (4) presentation materials with trainer’s notes for classroom training at the fusion centers; (5) a Training of Trainers program to assist local fusion center staff to provide training in these important areas; and (6) a geographically diverse schedule of on-site presentations.

FY 2008 accomplishments in the area of fusion center training are described below:

- **Leveraged the 2008 National Fusion Center Conference.** CRCL staff both attended and presented at the March 18-20, 2008, National Fusion Centers Conference. In addition to presenting on “*Implementing Privacy and Civil Liberties Protections in Fusion Centers*,” staff attended regional sessions and identified a cadre of fusion center personnel interested in acting as stakeholders in the development of the training “toolkit.” At the conference, CRCL also hosted a booth to distribute current Civil Liberties Institute training products. (*See Section B below.*)
- **Training Conducted for the Fusion Centers.** In FY 2008, CRCL toured a variety of fusion centers and conducted classroom training on cultural competence and civil liberties at individual fusion centers and regional fusion center conferences. Sessions included training at the Central Region Fusion Center meeting in Chicago on December 11, 2007, with participants from across the Midwest; training to fusion center personnel on January 23, 2008, at the 2nd Annual Intelligence Liaison Officer Conference at Connecticut State University; and training for fusion center personnel on January 28, 2008, in Raleigh, North Carolina (hosted by the North Carolina Information Sharing & Analysis Center (ISAAC)). Additionally, CRCL has visited and provided instruction to the Los Angeles Joint Regional Intelligence Center (JRIC); Maryland Coordination & Analysis Center (MCAC); and the Massachusetts Commonwealth Fusion Center (CFC). Plans are underway to pilot a joint training using elements of the new “toolkit” at the Maryland Fusion Center in FY 2009.
- **Collaborated with DHS Privacy and DOJ Office of Justice Programs on the Creation of “*Privacy and Civil Liberties 101: Frequently Asked Questions*” for Use with State and Local Fusion Center Training.** In order to ensure appropriate training for Federal involvement in State and Local Fusion Centers, CRCL, the DHS Privacy

- **Created Portions of the SLFC “Toolkit”.** During FY 2008, CLI staff also developed the Training of Trainer’s core material on presentation style and effectiveness that will be used as part of the roll out of the SLFC “toolkit” as well as multi-part hypothetical scenarios implicating civil rights and civil liberties issues.
- **Created a Web Portal to Training and Materials on Privacy, Civil Right and Civil Liberties.** As the result of our outreach to fusion center personnel, CRCL identified a clear need for a single on-line “roadmap” to all the Federal materials on civil rights and civil liberties issues and resources in the information sharing environment. To address this need, we partnered with the DOJ Bureau of Justice Assistance and the GLOBAL Initiative to create a web portal that will be published in FY 2009.

### ***B. Civil Liberties Institute New Training Products and Outreach***

The Civil Liberties Institute training effort involves the development, maintenance, and delivery of training using a broad range of tools. This year, we developed two new products: (1) the Asylum Seekers Overview; and (2) the Employment of People with Disabilities: A Roadmap to Success. CRCL also disseminated the remaining core training products to DHS personnel, other Federal agencies, and non-governmental organizations across the country and the public. Below is a brief overview of the CLI products:

- **Asylum Seekers Overview.** In FY 2008, CRCL released the *Asylum Seekers Overview*, an on-line- and CD-ROM-based training course that provides essential information related to asylum seekers in the United States. The course is designed to help DHS law enforcement officers and others perform their duties and carry out their agency’s missions while preserving the rights of asylum seekers. The course addresses a recommendation of the U.S. Commission of International Religious Freedom (USCIRF) in its *Report on Asylum Seekers in Expedited Removal*. Specifically, the Commission recommended “specialized training to better understand and work with a population of asylum seekers, many of whom may be psychologically vulnerable due to the conditions from which they are fleeing.”
- **Employment of People with Disabilities: A Roadmap to Success.** This on-line training for DHS hiring managers was completed in FY 2008. Secretary Chertoff sought to “renew and strengthen [our] effort to integrate persons with disabilities and their talents into the homeland security effort.” CRCL was tasked with taking the lead for the Department in this area. This new course provides a key resource for DHS managers seeking to increase employment of people with disabilities. CRCL developed a targeted marketing plan that extended beyond the primary target audience at DHS and reached out across the Federal Government via contacts with the cross-agency Federal Disability Workforce Consortium. As a result of this outreach, CRCL is now working with three external Federal agencies and programs to adapt the course for their use.



- **Introduction to Arab American and Muslim American Cultures for DHS Personnel.** This hour-long training DVD provides insights from four national and international experts on issues of concern to Arab American and Muslim American communities. It is designed for DHS personnel who interact with Arab Americans, people from the Arab world, Muslim Americans, and people from the Muslim world.
- **National Detention Standards Training.** This online and CD-ROM-based training was produced in cooperation with Immigration and Customs Enforcement’s (ICE) Detention and Removal Office in 2006. It emphasizes certain elements of the standards for facilities housing immigration detainees. In FY 2009, CRCL will be creating a supplement to update the course with the new performance-based detention standards announced in late September 2008.
- **Guidance Regarding the Use of Race for Law Enforcement Officers.** This CD-ROM provides basic training on the Department of Justice (DOJ) racial profiling guidance, which is binding on all federal law enforcement officials.
- **U.S. Customs and Border Protection (CBP) Supervisory Communications. Supporting the Cornerstone of Professionalism.** This interactive CD-ROM-based training, designed in cooperation with CBP’s Office of Training and Development, is targeted to all CBP managers and supervisors with an emphasis on the basic elements of professionalism, integrity and communications with employees. A number of video scenarios help equip managers to earn respect from their employees by effectively demonstrating personal accountability, positive communications skills, coaching, teamwork, conflict resolution and stress management.
- **TSA Screener Training on Travelers with Disabilities.** With CRCL support, the Transportation Security Administration (TSA) developed several initiatives to enhance the screening of people with disabilities, including: (1) an in-depth training video; and (2) a pocket-sized reference card.
- **Educational Posters.** CRCL disseminates posters that provide guidance to DHS personnel on how to screen and, if necessary, search individuals in the course of their duties.



- **“Sikh Americans and the Kirpan” Poster.** An educational poster on how to screen those who carry a *kirpan*, a religious sword. Designed especially for those working at airports or U.S. Federal facilities.
- **Two Head Coverings Posters.** Posters depicting common Muslim American and common Sikh American head coverings guide DHS personnel on the appropriate ways in which to screen and, if necessary, search Muslim or Sikh individuals wearing various types of religious head coverings.

The posters are being disseminated in hard copy and electronic form for website use.

CRCL has also reviewed training efforts by agencies of the Department and others in the information sharing environment to ensure compliance with civil rights and civil liberties and suggest ways to incorporate respect for civil rights and awareness for cultures and communities.

CRCL reviews various instructor guides, training modules and classroom scripts throughout the year, often adding essential information about the rights and responsibilities of DHS personnel.

### ***C. New Classroom Training Programs for Immigration and Customs Enforcement (ICE) on Civil Liberties Issues***

At the request of Immigration and Customs Enforcement (ICE) in the fourth quarter of FY 2008, the Civil Liberties Institute and the CRCL Review and Compliance Division collaborated with the ICE Office of Professional Responsibility training unit at the Federal Law Enforcement Training Center (FLETC) to design and pilot a two-hour training session on civil liberties issues that arise in the context of DHS investigation of complaints from the public. The new module is part of a week-long session that all ICE fact finders attend as part of their training on handling administrative investigations. In FY 2008, CRCL tested the program and trained over 100 ICE employees. In FY 2009, CRCL's goal is to train 200–300 ICE investigators over the course of eight to 12 training sessions to increase awareness of and ability to spot civil rights/civil liberties issues.

In the fourth quarter of FY 2008, CRCL also had preliminary conversations with the ICE Leadership Development Center in Dallas, Texas, regarding the development of: (1) an instructor-led module on the range of civil rights and civil liberties issues and concerns about which ICE managers must be aware as they oversee programs; and (2) a supplement to the equal employment opportunity (EEO) training already mandated for all new ICE supervisors and managers. In FY 2009, the four-hour module will be integrated into the mandatory two week orientation for new supervisors and managers offered on a monthly basis at the ICE center. CRCL anticipates that these modules will serve as models for potential similar programs that might be offered at other DHS components.

Looking forward, the Civil Liberties Institute will continue to help DHS build a culture that respects civil rights and civil liberties. In the coming year, CRCL plans to expand its training for fusion center personnel as well as testing and expanding the civil liberties training programs offered in conjunction with DHS components.

## **V. Office on Accessible Systems & Technology**

The Officer for Civil Rights and Civil Liberties and the DHS Chief Information Officer (CIO) continue to work together on the implementation and enforcement of Section 508<sup>6</sup> throughout the Department. CRCL and CIO established a Department-wide Section 508 program in 2005, run by the Office on Accessible Systems & Technology (OAST).

### ***A. Accessibility Helpdesk***

The Office on Accessible Systems & Technology (OAST) runs an Accessibility Help Desk to assist DHS employees with disabilities in meeting their accessibility and accommodation needs. The DHS Accessibility Help Desk serves as a single point of contact for accessibility needs including: assistive technology; needs assessments; training to improve the usability and accessibility of electronic documents; websites; IT systems and applications; e-learning;

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<sup>6</sup> Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), August 7, 1998.

multimedia; and technical support. In FY 2008, OAST processed 1081 Helpdesk requests from 15 DHS components, several government agencies outside of DHS, and public entities, in the following areas: Technical Assistance (376); IT Requests (205); Document Reviews (266); Application Reviews (66); COTS/GOTS Reviews (85); EA Reviews (58); 504 Accommodations (22); Non-Federal Accommodations (3).

### ***B. Coordinators Activity Reporting Tool***

In FY 2008, OAST launched the Coordinators Activity Reporting Tool (CART) which was distributed to all component Section 508 Coordinators. At the beginning of each month, a new tool is provided to Section 508 Coordinators and returned to OAST at the end of the month. Submitted information includes the number of trainings provided, acquisitions reviews below \$2.5 million, software applications and COTS/GOTS reviewed, outreach efforts and technical assistance provided. This information is then compiled to reflect the overall progress that DHS is making towards Section 508 compliance. During FY 2008, component Section 508 Coordinators reported the following accomplishments:

- U.S. Customs and Border Protection (CBP) received approval for a FY 2009 budget to stand up a Section 508 Program Management Office;
- Transportation Security Administration (TSA) created a Section 508 Compliance Guide to be distributed to new TSA employees during in-processing as well as current employees;
- In August, U.S. Coast Guard (USCG) awarded a contract for Section 508 Support Services;
- The service-wide procurement software program (PRISM PRO) was modified to capture Section 508 information at U.S. Secret Service (USSS). A single field labeled "Section 508 Applicability" was added that included the following drop-down list of compliance options and descriptions: Fully Compliant- VPAT Documentation in File; Not Applicable- Not Electronic / Information Technology; Not Compliant- Justification & Exception included in file; and Partially Compliant- Justification and VPAT in file.
- USCIS worked with OAST to align Section 508 test documents with DHS Section 508 testing standards and published the updated document to the ITDL and OIT Website.
- The Federal Emergency Management Agency (FEMA) was awarded a contract for a Federal Relay Service.

### ***C. Document Accessibility***

OAST personnel assisted DHS employees from various components in reviewing and remediating 266 document files including simple forms, memoranda, handbooks, manuals, budget and training related documents and reports. OAST continues to encourage participation in training to increase proficiency in creating accessible documents department-wide.

### ***D. Training***

OAST personnel successfully trained a total of 832 employees from numerous DHS components, including Classroom/One-On-One/Hands-on to 550 employees and Online Training to 282 employees.

OAST also developed the following trainings during FY 2008: (1) Introduction to Accessible Multimedia; (2) Software/Web Testing Process and Tool; (3) Section 508 Web Standards and

Compliant Online training went live on DHScovery; (4) Web Accessibility Testing training will launch on October 30; and (5) Disability Awareness Training to better educate the DHS IT Helpdesk in assisting personnel with disabilities.

OAST also added the following Web-based trainings to meet the training needs of those involved in the testing process for Section 508 compliance or developing or remediating documents to be 508 compliant: (1) Accessibility Testing Techniques Using JAWS; (2) PDF Accessibility Testing & Repair; and (3) Creating Accessible Document Structure Using Microsoft 2003.

#### ***E. Applications Accessibility Assessments***

The OAST Web Accessibility and Remediation Program (WARP) is responsible for evaluating the accessibility of Websites DHS wide. OAST established a baseline measure in the second half of FY 2007 and since that time OAST has evaluated all known DHS and component Web sites quarterly. Results are then shared with component CIOs and 508 Coordinators. DHS Web sites have improved accessibility by 35% overall the inception of this program and 21% in fiscal year 2008. Five components measure 100% accessible– ICE, NPPD, S&T, USCIS, and USSS.

Another program that increases visibility of Section 508 compliance is our COTS/GOTS Testing Program that was stood up in FY 2007. Last year, OAST assembled the tools and expertise to conduct Section 508 compliance assessments for COTS/GOTS items to be deployed at DHS Headquarters, and a central repository to store the results. In FY 2008, the number evaluated expanded to 79, for an increase of 293% from last year. Based on 508 test results, 36 passed outright, 24 passed with exceptions, and 19 failed and were prevented from being loaded onto DHS workstations. The process has assisted end-users to recognize that more accessible (Section 508 compliant) items are sometimes available that meet their business needs.

#### ***F. Enterprise Architecture (EA)***

OAST processed a total of 58 EA reviews, including Program Alignments (24); Technical Insertions (31); Data Insertions (2); Service Insertions (1). OAST provided comments for the Technical Reference Model Current Analysis Update and for the DHS Enterprise Portal Standards that were integrated into the final revisions. Both of these EA Reviews will impact processes within DHS and all components. OAST was also invited to become an active member of the Data Management Working Group (DMWG) as a result of the EA Review performed for the Enterprise Data Management Concept of Operations update. The Homeland Security Information Network (HSIN) also requested that OAST test its application and the associated Common Operational Picture application as a result of the EA Review comment submissions.

During the fourth quarter, OAST submitted the Application Accessibility Testing Tools technical insertion in front of the EACOE. OAST requested that the following tools used for application testing be inserted within the DHS Technical Reference Model (TRM): Microsoft Object Inspector, Java AccessBridge/Java Ferret and the Web Accessibility Toolbar. Once approved, OAST will have an Assistive Technology and Accessibility Testing Tools category in the DHS TRM.

#### ***G. Acquisition Reviews***

OAST personnel reviewed a total of 361 acquisitions packages in the amount of \$3,871,054,257.

Of that, 330 acquisition packages were approved totaling \$3,740,523,103 and 29 National Security Exceptions (NSE) were granted.

### ***H. Major Accomplishments***

In FY 2008, OAST hosted its first Section 508 Coordinators Offsite meeting. Coordinators from all DHS components convened to discuss a myriad of topics to include the DOJ Section 508 Survey, TAFISMA Accessibility button use, Acquisition Reviews, Section 508 in the DHS SDLC, COTS/GOTS testing, and Document Accessibility Training.

In April, the Telecommunications and Electronic Information Technology Advisory Committee (TEITAC) delivered their recommendations to the U.S. Access-Board for updating the Section 508 of the Rehabilitation Act of 1973 accessibility standards and Section 255 of the Telecommunications Act of 1996. DHS and the Social Security Administration (SSA) were the only two Federal agencies on TEITAC. DHS provided input on a wide range of topics related to accessibility of information technology as well as the Federal perspective regarding recommendations of other non-members. Of importance in the committee recommendations are increased, detailed requirements for voice and text communications to improve accessibility of such systems for people with hearing disabilities, and improved, consolidated, and more specific standards for user-interfaces, Web, and electronic content.

During FY 2008, OAST collaborated with DHS's Privacy Office to release Section 508 compliant e-learning courses Culture of Privacy Awareness, Privacy 101 and Privacy 201. OAST also collaborated with the Chief Human Capital Office (CHCO) and provided test scripts and a list of life cycle deliverables to be used in the EmpowHR development process. At the time, EmpowHR was remediating Section 508 compliance gaps and these documents helped them more effectively meet these requirements. OAST also partnered with the CHCO Advanced Distributed Learning Program and provided standardized language for externally linked courseware. This approach directs users to contact the DHS Helpdesk email account if they encounter any problems, driving any issues to the OAST Helpdesk for tracking and resolution in coordination with Component Section 508 Coordinators.

## **VI. Information Sharing**

CRCL provides civil rights and civil liberties advice to DHS senior leaders and program managers on intelligence and information sharing programs and activities to ensure that such activities are conducted in a lawful manner consistent with Constitutional, statutory, regulatory, and other legal and policy requirements, including applicable civil liberties standards.

In furtherance of this mission, CRCL serves as an active member on the Information Sharing Coordinating Council (ISCC). Comprised of members from various DHS offices and components, the ISCC coordinates DHS information sharing activities and implements tasks outlined from the Office of the Program Manager in the Information Sharing Environment (ISE). The ISCC meets on a bi-weekly basis and works to find common solutions to critical cross-cutting information sharing challenges facing DHS. In FY 2008, CRCL co-led an integrated project team along with the DHS Policy Office to write and develop the Department's Information Sharing Strategy. On April 18, 2008, the Secretary signed and officially released the Strategy, available at:

[http://www.dhs.gov/xlibrary/assets/dhs\\_information\\_sharing\\_strategy.pdf](http://www.dhs.gov/xlibrary/assets/dhs_information_sharing_strategy.pdf). CRCL has also participated in developing, reviewing, and commenting on numerous information sharing related documents including information sharing standards, documents, concepts of operations, and reports. CRCL has also participated in the Intelligence Shared Mission Community under the ISCC, which provide forums to address key mission information sharing challenges.

CRCL also continues to collaborate with the Department of Justice's Global Initiative and the ISE Privacy Guidelines Committee, where CRCL heads an interagency sub-working group on civil rights and civil liberties issues. In FY 2008, CRCL helped to prepare and distribute a civil rights and civil liberties guidance paper, which discussed civil liberties issues, policies, and training in the ISE. This paper is available at: <http://www.ise.gov/docs/privacy/CR-CL%20Guidance%20Final%2008-11-08.pdf>. CRCL also contributed to the Privacy and Civil Liberties Implementation Guide to help Federal agencies implement the *Guidelines to Ensure that the Information Privacy and Other Legal Rights of Americans are Protected in the Development and Use of the Information Sharing Environment* (ISE Privacy Guidelines). This Guide is available at: <http://www.ise.gov/docs/privacy/PrivacyImpGuide.pdf>.

## **VII. Civil Liberties Impact Assessments**

CRCL staff is regularly called upon to give civil rights and civil liberties advice on a variety of policies and programs. The Civil Liberties Impact Assessment (CLIA) provides a formal, written evaluation of a program to identify potential civil liberties concerns. Ideally, the CLIA should be conducted early in the program life cycle to assist the program office in developing strategies and measures to address civil rights and civil liberties concerns. CRCL has drafted a Department Directive on CLIAs that is anticipated to be finalized in early FY 2009. Below is a summary of the CLIAs completed and in process during FY 2008:

- The CLIA on the Homeland Security Information Sharing Fellows Program was mandated by Section 512 of the 9/11 Act, this CLIA was completed and delivered to Congress on April 18, 2008.
- The CLIA on the State, Local and Regional Fusion Centers was mandated by Section 511 of the 9/11 Act, this CLIA is complete and submission to Congress is awaiting formal Departmental clearance. CRCL visited several fusion centers and gathered additional materials and information which will be used to draft a one year follow-up CLIA in FY 2009, also required by Section 511 of the 9/11 Act.
- The CLIA on the National Applications Office (NAO) was mandated by Title VII of the 2008 Omnibus Appropriations Act, Public Law 110-161. The Act provided that no funds would be available to commence operations of the NAO until the GAO reviews a certification by the Secretary that these programs comply with all existing laws, including all applicable civil liberties standards. CRCL conducted a CLIA for the NAO as part of the Secretary's certification. The NAO CLIA was forwarded to Congress and GAO. During the fourth quarter of FY 2008, CRCL along with OGC and the Privacy Office participated in meeting with GAO staff to discuss the findings and provided formal comments to the draft GAO report.
- The CLIA on the National Immigration Information Sharing Operation (NIISO) was also mandated by Title VII of the 2008 Omnibus Appropriations Act, Public Law 110-161.

- The CLIA on the Interagency Threat Assessment and Coordination Group assessment was mandated by Section 521(c) of the 9/11 Act. As required, a draft CLIA is being coordinated with the DHS Privacy Office, the Chief Privacy and Civil Liberties Officer for the Department of Justice, and the Civil Liberties Protection Officer at the Office of the Director of National Intelligence.
- The CLIA on the Northern Border Railroad Passenger and Cargo Screening was mandated by Section 1523 (b)(1)(2) of the 9/11 Act, the CLIA is complete and submission to Congress by CBP is awaiting formal Departmental clearance. CBP anticipates the complete package will be submitted to Congress in the first quarter of FY 2009.

## **COMPLAINT INVESTIGATIONS**

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CRCL investigates complaints under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, which require the DHS Officer for Civil Rights and Civil Liberties to:

- Review and assess information alleging abuses of civil rights, civil liberties, and racial, ethnic, or religious profiling, 6 U.S.C. § 345(a)(1);
- Oversee compliance with Constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights or civil liberties of individuals affected by the programs and activities of the Department, 6 U.S.C. § 345(a)(4);
- Investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General, 6 U.S.C. § 345(a)(6); and
- Periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering civil liberties in its actions, 42 U.S.C. § 2000ee-1(a)(2).

In September 2003, CRCL and the DHS Office of the Inspector General (IG) signed a Memorandum of Understanding (MOU) to establish an effective process for coordinating and tracking investigations of alleged civil rights and civil liberties violations. All complaints received by CRCL are reviewed first by the IG. If the IG declines to investigate, the complaint is returned to CRCL for retention or referral. The IG also receives direct complaints from the public alleging civil rights or civil liberties abuses. Pursuant to the MOU, the IG will notify CRCL regarding any complaints the IG has directly retained or referred to DHS components. In late 2004, the Intelligence Reform and Terrorism Prevention Act (IRTPA) codified this process.

### **I. Summary of Complaints Received Under CRCL Statutes**

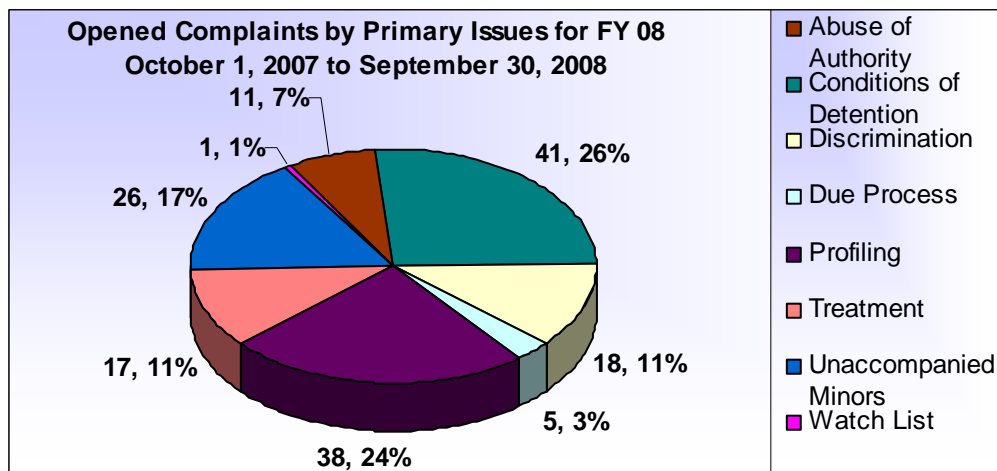
During the fourth quarter of FY 2008, CRCL received 29 new complaints. They involved the following components: U.S. Customs and Border Protection (CBP) - 6; Immigration Customs

Enforcement (ICE) - 12; Transportation Security Administration (TSA) - 6; Citizenship and Immigration Services (CIS) - 3, and DHS - 2 (implicate more than one component). CRCL closed 66 complaints in the fourth quarter, almost double the number of 36 closed in the third quarter. These complaints involved the following components: ICE - 21; CBP - 14; TSA - 28; United States Coast Guard (USCG) - 1; DHS - 2 (implicate more than one component).

PRIMARY ISSUES FOR NEW COMPLAINTS		PRIMARY ISSUES FOR CLOSED COMPLAINTS:	
Abuse of authority/color or race	2	Abuse of authority/color or race	8
Conditions of Detention	8	Conditions of Detention	12
Discrimination	7	Discrimination	7
Due Process/Adm processing	3	Due Process/Adm processing	2
Profiling	0	Profiling	28
Treatment	9	Treatment	2
Unaccompanied Minors	0	Unaccompanied Minors	7
<b>TOTAL:</b>	<b>29</b>	<b>TOTAL</b>	<b>66</b>

In FY 2008, CRCL received 157 new complaints, a 20 percent increase over the 130 complaints received in FY 2007. For FY 2008, the complaints involved the following components: ICE - 57; TSA - 49; CBP - 35; U.S. Citizenship and Immigration Services (USCIS) - 4, Federal Emergency Management Agency (FEMA) - 1, and DHS - 11 (implicates more than one component). CRCL has received a total of 575 complaints as of September 30, 2008.

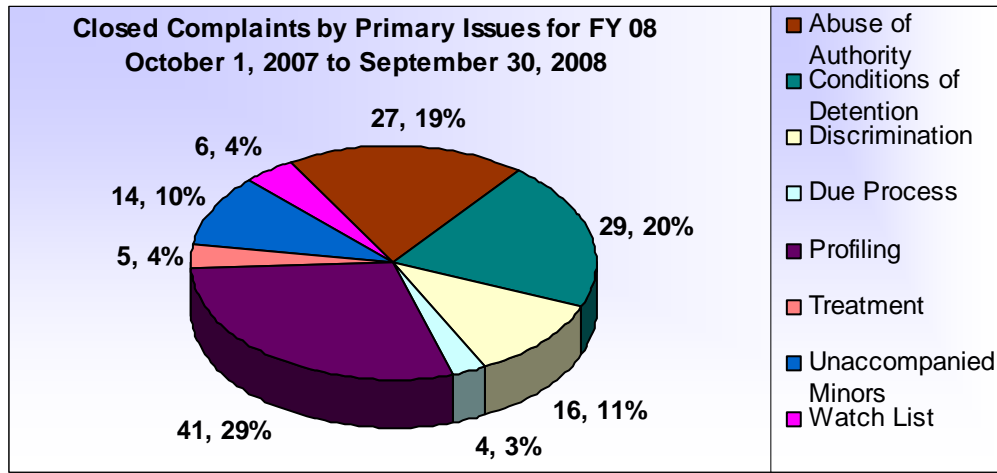
The primary issues for new complaints in FY 2008 are as follows:



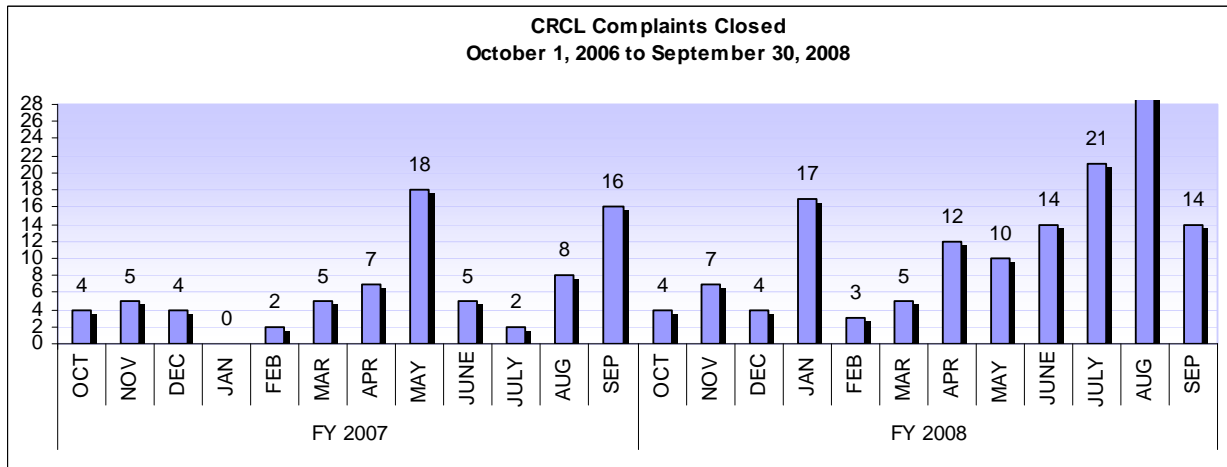
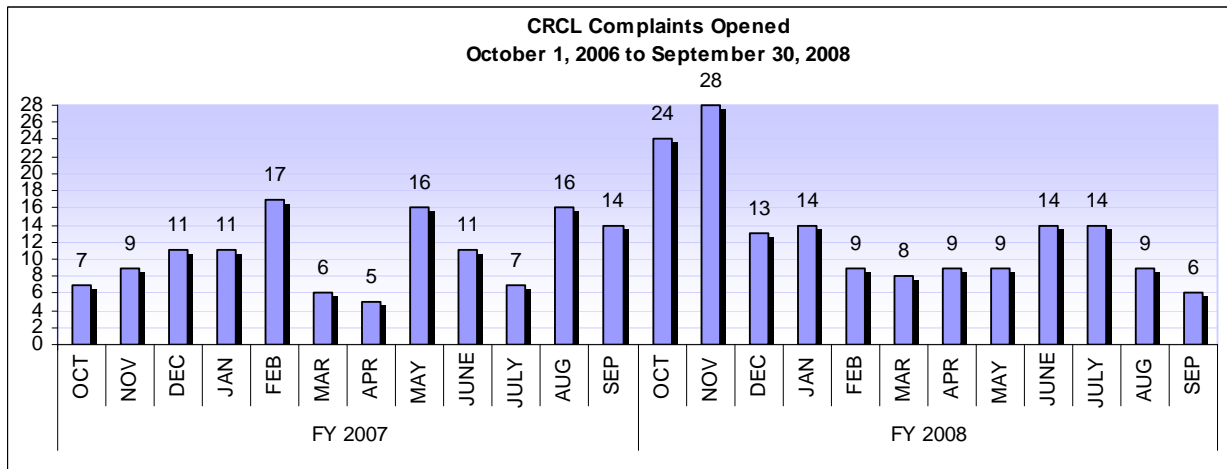
CRCL closed 142 complaints in FY 2008, compared to 78 in FY 2007. CRCL dramatically increased the ratio of closed complaints to open complaints (140 open to 78 closed) from FY 2007 to FY 2008 (157 open to 142 closed). The closed complaints in FY 2008 involved the following components: ICE - 62; CBP - 37; TSA - 33; United States Coast Guard (USCG) - 1; USCIS - 1; Federal Law Enforcement Training Center (FLETC) - 1; DHS - 7 (implicates more than one component).



The primary issues for closed complaints in FY 2008 are as follows:



The tables below illustrate on a monthly basis the number of complaints opened and closed by CRCL in FY 2007 and FY 2008.



As of September 30, 2008, the Review and Compliance Division had 211 open complaints. Of those, 58 were retained for investigation, 130 were referred to a DHS component for investigation, seven were kept by the IG for investigation, and 16 were in process.

## **II Examples of Complaints Resolved by CRCL**

The Review and Compliance Division addressed a wide range of civil rights and civil liberties complaints in FY 2008. Below are examples of some of the most significant issues identified in complaints and addressed by CRCL this fiscal year.

### ***A. Conditions of Detention for Adult ICE Detainees***

CRCL regularly receives complaints alleging violations of the National Detention Standards (NDS). During the fourth quarter, CRCL resolved two complaints alleging inadequate medical care at Immigration and Customs Enforcement (ICE) detention facilities located in New Jersey and California. In the New Jersey complaint, CRCL issued recommendations to ICE to ensure a detainee receives appropriate medical attention. In the California complaint, CRCL concluded after consultation with a medical expert that the detainee had received adequate and timely medical care while in ICE custody.

In FY 2008, CRCL received several complaints regarding detention conditions at a facility operating under an Intergovernmental Service Agreement (IGSA) with ICE. CRCL conducted two on-site reviews of the facility. CRCL's follow-up review confirmed appropriate steps had been taken to address the issues raised in the complaint. The Review and Compliance Division continues to work with ICE DRO on additional recommendations for improvements in female detainee care including: increased access to the law library; appropriate out of cell time; and improved access to staff-detainee communication. Further recommendations were made to ICE for improving the ICE Detainee Guide, to include translations into Spanish and other languages represented by a significant number of the detainee population.

CRCL in FY 2008 also resolved several complaints received from the American Bar Association Commission on Immigration and individual ICE detainees concerning conditions of detention at another IGSA. CRCL, accompanied by penology and environmental health and safety experts, conducted an on-site review of the facility. CRCL recommended improvements to ICE for detainee care in the following areas: standard operating procedures regarding use of force; policies to broaden detainees' access to correspondence; increased access for visitors; expanded access to telephones, law libraries and athletic facilities; and access for CRCL staff to similar facilities.

### ***B. Death of Detainee While in ICE Custody***

During FY 2008, CRCL issued Final Report and Recommendations to ICE regarding an investigation into a detainee death. CRCL utilized medical experts to assist in evaluating the care and treatment the detainee received. CRCL learned that the detainee died from a rare medical condition and was not able to make a determination whether earlier medical evaluation and treatment would have resulted in a different outcome. As part of the investigation, CRCL reviewed the detention facility's compliance with the ICE Detention Standards on Medical Care and made recommendations for possible improvements in detainee care.

### ***C. Treatment of Unaccompanied Minors***

During the fourth quarter of FY 2008, CRCL resolved and closed seven complaints referred to the U.S. Border Patrol for response. Allegations included physical and verbal abuse, inadequate food and bedding, inadequate medical attention in DHS facilities, and delays in the transfer of minors to appropriate placements.

In FY 2008 CRCL continued to work collaboratively with the Border Patrol to receive and handle complaints involving the treatment of unaccompanied minors. CRCL with the Border Patrol conducted eight follow-up reviews of Border Patrol facilities involved in prior year complaints to determine if CRCL's recommendations were being implemented. CRCL found significant improvements during the onsite visits. Working with CRCL staff the Border Patrol in FY 2008 also developed and implemented a comprehensive hold room policy that, among other positive provisions, ensures improved timeliness for unaccompanied minors' release or transfer.

### ***D. Complaints Filed Under Section 504 of the Rehabilitation Act of 1973***

During the fourth quarter of FY 2008, CRCL closed two complaints and issued decisions and recommendations to the U.S. Coast Guard (USCG) and the Federal Protective Service (FPS) regarding alleged discrimination based on failing to provide a reasonable accommodation for individuals with disabilities. In the Coast Guard complaint, after investigation CRCL concluded that USCG officials had not discriminated against the employee in violation of Section 504 when they denied the complainant a raise in grade in his Merchant Mariner's license. The FPS complaint alleged discrimination based on disability when a policy contained in a security services contract between FPS and a private security company disqualified persons who wear hearing aids from contract security positions. CRCL concluded the policy violated Section 504, and provided recommendations to ICE to address the FPS requirement that contract employers disqualify persons who wear hearing aids from contract security positions.

In FY 2008, CRCL resolved five complaints alleging a lack of reasonable accommodations for persons with disabilities at pedestrian border crossings. These complaints focus on the inability of some persons with disabilities to stand in long lines waiting for inspection and admission into the United States. CRCL concluded that CBP and ICE are required to provide reasonable accommodation for individuals with disabilities provided that they articulate such a need at the time of their crossing, and that such accommodation is provided consistent with CBP's mission and safety and security concerns. CRCL also issued two Findings of Fact, Conclusions of Law, and Remedies for Section 504 complaints whose appeal times had not run by September 30, 2008, and therefore remained open in FY 2008.

### ***E. Allegation of Racial Profiling and Discrimination***

During the fourth quarter, CRCL closed a complaint regarding allegations that a high school student was racially profiled by CBP Officers on the jet way of her DC-bound flight from Puerto Rico. CRCL investigated the complaint in cooperation with the San Juan Director of Field Operations for CBP. CRCL determined the CBP officers who conducted the inspection acted within the scope of their authority, properly asked questions regarding citizenship, and followed CBP protocols.

In FY 2008, CRCL closed two complaints, each alleging that a female was forced to remove her hijab for a photograph during admission processing into the United States. In one case CRCL found that CBP had a stored photograph of the complainant not wearing her hijab. CRCL encouraged CBP to continue to educate port of entry staff regarding DHS policies regarding the screening of religious headgear, which generally permit wearing a head covering for religious purposes in an official photograph, provided that the head covering does not obscure the face.

### **III. Examples of Ongoing Issues Being Reviewed by CRCL**

Additionally in FY 2008, CRCL participated in ICE DRO workgroups to develop and draft new performance-based detention standards. Many of CRCL's recommendations, edits and comments are incorporated in the new ICE Performance-Based National Detention Standards.

#### ***A. Treatment of Unaccompanied Minors***

In FY 2008, CRCL received complaints concerning the treatment of unaccompanied minors in DHS custody. CRCL and the Border Patrol completed work on a new directive outlining the Border Patrol's responsibilities regarding the appropriate custodial treatment of unaccompanied minors, which was signed by Border Patrol Chief David Aguilar and disseminated to the field in June 2008. This comprehensive new directive specifies shorter time periods unaccompanied minors can remain in Border Patrol custody before being transferred to HHS/ORR care. The directive additionally specifies accommodations that unaccompanied minors must be provided, including clean bedding, hot meals, and emergency medical care.

CRCL continues to work collaboratively with ICE, CBP and the Department of Health and Human Services, Office of Refugee Resettlement (HHS/ORR) to create the first "Joint Operations Manual" (JOM). CRCL anticipates the JOM will be released in FY 2009. This long-awaited manual defines each agency's standard operating procedures regarding the apprehension, processing, care, and placement of unaccompanied minors who enter the United States illegally and without a parent or guardian. The JOM also contains a section outlining how to submit a civil rights or departmental policy violation to CRCL.

Throughout FY 2008, ICE DRO and CBP jointly provided transportation of unaccompanied minors from DHS facilities after apprehension and processing to HHS/ORR placement facilities.

#### ***B. Treatment of Juveniles and Families in Detention***

In FY 2007, the Officer for Civil Rights and Civil Liberties assigned a CRCL liaison to the newly created ICE DRO Juvenile and Family Residential Management Unit (JFRMU). Continuing in FY 2008, CRCL has worked collaboratively with JFRMU management and staff on various civil rights and liberties activities. For example, in FY 2008 CRCL assisted DRO and the JFRMU to develop the Department's first family detention standards. The "Family Residential Standards" are now available through the ICE DRO website.

#### ***C. Medical Care Complaints and Training on CRCL Complaints for ICE Fact Finders***

CRCL continues to work on complaints regarding the provision of adequate medical care to ICE detainees. Since its inception, CRCL has opened approximately 98 ICE complaints regarding medical issues. Some of the significant medical issues raised in these complaints include:

medication administration, lack of appropriate care for chronic medical conditions, and lack of proper emergency care. In FY 2008 to better address serious medical complaints, the Division began working with ICE to make immediate changes when necessary, in response to the identification of serious medical concerns. This practice enables ICE to quickly remedy immediate medical issues when necessary, and enables CRCL to evaluate and monitor the adequacy of treatment.

During FY 2008, Review and Compliance partnered with the DHS Civil Liberties Institute to create a classroom training course for ICE Fact Finders assigned to conduct investigations of complaints referred by CRCL. To date, nearly 100 ICE officials have completed the training course. Evaluations show that the majority of participants acquired an increased knowledge of CRCL's functions and the range of civil rights and civil liberties issues potentially implicated by DHS activities. Additionally, CRCL has noticed an increase in the quality of reports from ICE following implementation of the training course. In FY 2009, CRCL plans to institutionalize this partnership and offer training at least twice each quarter. See the Civil Liberties Institute section of this report for more information.

#### ***D. Traveler Redress Inquiry Program***

CRCL initially helped to implement the DHS Travel Redress Inquiry Program (TRIP) program. DHS TRIP serves as a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs. Travelers may contact DHS TRIP by email, postal mail or via an online submission form. For additional information on how travelers may file a complaint, visit <http://www.dhs.gov/trip>. Requests received by DHS TRIP are routed for redress to the appropriate DHS components. Components review and address the request.

CRCL receives DHS TRIP inquiries from travelers who assert that they have been discriminated against on the basis of race, disability, religion, gender, or ethnicity by DHS employees. When CRCL receives an inquiry, CRCL reviews it to determine whether the inquiry should be treated as a complaint. In the fourth quarter, DHS TRIP received 6,967 requests for redress and 307 individuals alleged that they had been discriminated against by DHS employees. For FY 2008, DHS TRIP received 30,292 requests for redress and of those 1,162 alleged discrimination by DHS employees. For FY 2008, CRCL opened five of these TRIP allegations as complaints.

## **EQUAL EMPLOYMENT OPPORTUNITY**

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CRCL provides Departmental guidance and standards for establishing and maintaining effective programs for diversity management and equal employment opportunity, as required under both Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et seq.*, and Section 501 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 *et seq.* To meet this objective, the Deputy Officer for EEO Programs and staff develop program plans, monitor implementation, and submit annual progress reports to the Office of Personnel Management, the White House Initiatives staff, the Equal Employment Opportunity Commission (EEOC), and other appropriate agencies for the following program elements:

- Model EEO Program, EEOC's Management Directive 715 Report;
- Historically Black Colleges and Universities Initiative;
- Tribal Colleges and Universities Initiative;
- Federal Equal Employment Opportunity Recruitment;
- Hispanic Employment;
- Veterans with Disabilities;
- President's Management Agenda Score Card;
- Reasonable Accommodations;
- EEO Program Evaluations; and
- Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act).

FY 2008 was a transitional period for the EEO Programs Office staff. Three career senior managers including the Deputy Officer retired this fiscal year. The new Deputy Officer, Stephen Shih, came on board during the fourth quarter. Also this fiscal year, a Delegation of Authority (DHS Delegation 19002) was signed, granting the Officer for Civil Rights and Civil Liberties authority to functionally integrate the Department's civil rights, civil liberties, and EEO programs.

## **I. EEO Complaint Program Management**

CRCL's EEO Program is responsible for issuing DHS final actions on complaints of discrimination based on race, color, sex, national origin, religion, physical or mental disability, age, parental status, sexual orientation or protected genetic information filed by current or former employees, or applicants.

### ***A. Providing Leadership to Component EEO and Civil Rights Offices in EEO Complaint Processing***

DHS continues to have a robust informal EEO counseling process. In fourth quarter FY 2008, DHS provided counseling to 163 aggrieved individuals alleging employment discrimination and other workplace issues. A total of at least 1,410 individuals were counseled in FY 2008 (this total does not include additional counseling conducted by the Federal Emergency Management Agency (FEMA), which has not yet migrated onto the DHS enterprise system for tracking complaints). In fourth quarter FY 2008, 223 formal complaints were filed bringing the total to 919 formal complaints filed in FY 2008. The most common issues cited in complaints were promotion/non-selection and non-sexual harassment, and the most common bases were reprisal and age. Note the reported numbers are preliminary as CRCL is currently reviewing all FY 2008 data for its annual submission of the EEOC Form 462 Annual Federal EEO Statistical Report.

### ***B. Effective Processing of Final Actions in EEO Complaints***

During the fourth quarter of FY 2008, DHS CRCL received 215 requests for Final Actions (FAs) (including requests by FEMA) and issued 137 FAs. In FY 2008, DHS CRCL received a total of 920 FA requests and issued 766 FAs. As of September 30, 2008, the inventory of FAs consisted of 574 cases.

### ***C. Proactive EEO Compliance Program***

As a model EEO Program, DHS must ensure legal compliance through full and timely response to final EEOC orders directing corrective action and relief. CRCL's goal is to maintain a proactive EEO compliance program, i.e., the program monitors relief, ensures implementation of remedies, and promptly informs EEOC of the status of its cases. CRCL began the fourth quarter with 64 cases and closed 22 cases. CRCL has an inventory of 48 cases as of September 30, 2008.

### ***D. Alternative Dispute Resolution***

CRCL continues to provide guidance to component EEO Alternative Dispute Resolution (ADR) coordinators to ensure that mediation services are adequately provided when requested, and to assess use of ADR in preventing or resolving disputes. Metrics have been developed to assess future areas of improvement and increased efficiencies in component ADR programs.

In partnership with the Office of the Chief Human Capital Officer, CRCL EEO participates as a member of the DHS Federal Human Capital Survey Sub Council. The group designed and developed questions for use in the DHS-specific human capital survey to assess employee satisfaction. CRCL ensures that EEO, civil rights, and civil liberties matters are considered in determining the questions asked and in analyzing the results received. DHS has had a low rating compared to other Federal agencies in employee satisfaction. CRCL participates in the review of action plans developed at the components to improve workplace morale, reduce turnover, and increase productivity and job satisfaction.

## **II. EEO Program Evaluation**

Under 29 C.F.R. § 1614.102(a)(10), each agency is required to establish a system for periodically evaluating the effectiveness of the agency's overall EEO effort. While components submit several reports to CRCL annually on outreach efforts, complaint program statistics, recruitment plans, and accomplishments, these reports do not reflect such things as customer satisfaction or information about the effectiveness of the program in carrying out its mission. The CRCL Office of EEO Programs developed a methodology for evaluating the nine DHS component EEO Offices to ensure efficiency, effectiveness and compliance with EEOC and statutory requirements. The first DHS component evaluated was the Federal Law Enforcement Training Center (FLTEC) in Glynco, Georgia, in FY 2007.

In FY 2008, a second DHS EEO Program evaluation on-site visit was conducted at FEMA from June 2, through June 6, 2008. The results were encouraging, identifying areas for program improvements as well as agency best practices. Beginning in FY 2009, CRCL plans to conduct three annual on-site component program evaluations. CRCL will share information concerning best practices among components to encourage continuous program improvement, with the ultimate goal of each component's program becoming a model EEO program.

## **III. Training**

In FY 2008, DHS developed a new training program, "Employment of People with Disabilities: A Roadmap to Success." The program includes a 45 minute training video describing the

Department's initiative, identifies the tools that make hiring people with disabilities a convenient option, and contains personal testimonials from four DHS employees with disabilities. This training program may be viewed via the internet at <http://www.dhs.gov/CivilLibertiesInstitute>. DHS Components in FY 2008 continued incorporating disability awareness, recruiting, hiring and accommodating individuals with disabilities into their existing management training programs, including orientation for new supervisors. Consequently, a total of 11,777 managers and supervisors received disability awareness and hiring training during FY 2008.

With respect to ADR, CRCL provided training at the DHS Women's Leadership Forum in February 2008, entitled "The Dynamics of Workplace Conflict" with the goal of reducing the number of EEO complaints and employee grievances agency-wide. CRCL also designed and delivered a training module in August 2008 entitled "The Dynamics of E-mail Conflict," a timely and growing problem in a technological age that can damage workplace efficiency and effectiveness.

CRCL EEO staff offered the Department's first White House Initiatives training on Historically Black Colleges and Universities (HBCUs) and Tribal Colleges and Universities (TCUs). The training provided comprehensive program assistance to personnel responsible for planning and/or reporting their Component's HBCU's and TCU's initiatives. Training participants included HBCU and TCU coordinators, DHS managers and supervisors, EEO/Civil Rights directors, human resources officers, and budget officers.

#### **IV. Commitment to Hiring People with Disabilities**

CRCL continues to work with DHS Components to expand employment opportunities for an underutilized American resource – individuals with disabilities. DHS excels in continuing to increase participation of individuals with disabilities at the highest levels. In FY 2008, the DHS 3.7% participation rate of employees with disabilities at the SES level, in fact, *exceeded* the Government-wide participation rate of 3.52% at the SES level. Three DHS components, the U.S. Coast Guard (USCG), Immigration and Customs Enforcement (ICE), and DHS Headquarters (HQ), also distinguished themselves at the SES level with a participation rate for employees with disabilities of 7.69%, 7.27%, and 6.25%, respectively. The Secret Service reported its first employee at the SES level with a disability. FEMA reports the only DHS SES employee with a targeted disability. Further, U.S. Citizenship and Immigration Services (CIS), FEMA and CBP all increased participation rates at the GS-13, GS-14 and GS-15 levels-, while DHS HQ increased participation rates at the GS-15. People with disabilities comprised 9.1% of the Federal Law Enforcement Training Center (FLETC) workforce, the highest participation rate of DHS's nine major operating component – an impressive accomplishment for the nation's premier law enforcement training center. ICE, CBP, CIS, and TSA increased their hiring of individuals with disabilities, while CIS, U.S. Secret Service (USSS), TSA, and USCG increased hiring of individuals with targeted disabilities.

##### ***A. Disabled Veterans***

DHS remains among the most active participants in Department of Defense Operation Warfighter Program (OWP), with components hosting a total of 48 service members, nine of whom were permanent hires since the program began in FY 2005. DHS also assists wounded



service members in their search for detail assignments and employment opportunities outside Washington, DC. For example, when an OWP participant placed with the Federal Air Marshal Service in Washington, DC became eligible to receive his outpatient care close to his home in western Pennsylvania, the Federal Air Marshal Service retained him in their Pittsburgh field office. He reported to DOD “I think it’s a great opportunity for the wounded warriors coming back.”

### ***B. Internships and College Recruiting for Individuals with Disabilities***

In FY 2008, DHS components reported hiring a record high of 183 interns with disabilities. DHS hired these interns from a variety of sources, including the Workforce Recruitment Program (WRP) for College Students with Disabilities and the Microsoft Foundation – American Association of People with Disabilities (AAPD) Federal I.T. Scholars.

During FY 2008, DHS also significantly increased participation in the U.S. Department of Defense’s Computer Electronic Accommodation Program (CAP). Specifically, DHS employees requested 342 products and services from CAP, saving DHS a total of \$147,341.61 – an increase of 89% in the number of products and 79% in the CAP savings to DHS from FY 2007.

## **V. Headquarters Equal Employment Opportunity Office (HQ EEO)**

The DHS HQ EEO Office expanded the practice begun last fiscal year of a weekly electronic mail message sent to over 1,000 organizations, including minority serving institutions, professional societies, bar associations, and advocacy groups. As in FY 2007, the HQ EEO continues to use this listserv to share information on DHS and OIG vacancies and programs including the Science and Technology Directorate’s University Program.

Working with the Office of the Chief Human Capital Officer (CHCO) HQ EEO conducted outreach with the following organizations:

- Maryland Division of Rehabilitation Services;
- Operation War Fighter Program;
- Military Severely Injured Center;
- Army Wounded Warrior Program;
- Department of Labor Transition Assistance Program (TAP);
- National Security Education Program’s (NSEP) Job Forum;
- National Association For Employment Opportunity (NAFEO) which represents 118 Historically Black Colleges and Universities (HBCU); and
- Various diversity-focused events targeting African Americans, American Indians, Asian Pacific, Hispanic Americans, Individuals with Disabilities, Military/Veterans with disabilities and Women.

In the fourth quarter FY 2008, HQ EEO conducted EEO briefings to over 250 new DHS employees. Additionally, in FY 2008, DHS HQ EEO Office provided supervisors and managers the training courses:

- Preventing Unlawful Harassment for DHS Supervisors and Managers – this course

- Windmills – This course presented to over 50 employees addresses the attitudes and challenges faced by individuals with disabilities and how employees can sustain an inclusive workforce for all individuals, including those with disabilities.

The HQ Selective Placement Coordinator (SPC) in the fourth quarter conducted the following outreach programs to support the Department’s efforts to attract and retain a diverse workforce, to include veterans, veterans with disabilities and their spouses:

- Transition Assistance Class held at Fort George Meade for service personnel, veterans and their spouses.
- DHS Career Opportunity Outreach at the Walter Reed Army Medical Center – Mologne House.
- DHS Career Opportunity Outreach presentation to Department of Labor’s Disability Program Managers, and to Rehabilitation Counselors from Virginia, Maryland and the District of Columbia.

During FY 2008, HQ EEO continued to focus on programs for career development of internal DHS employees. In collaboration with DHS components, HQ EEO sponsored the second annual Department of Homeland Security Equal Employment Opportunity Office - Federally Employed Women’s (FEW) Pre-Conference – “DHS & You: A Partnership for Your Future” and the DHS EEO Women’s Leadership Forum – “Pathways to Leadership”.

## ACRONYMS

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ADL	Automated Distance Learning
ADR	Alternative Dispute Resolution
CANAR	Consortia of Administrators for Native American Rehabilitators
CAP	Computer Electronic Accommodation Program
CBP	U.S. Customs and Border Protection
CIO	Chief Information Officer
CHCO	Office of the Chief Human Capital Officer
CRCL	Office for Civil Rights and Civil Liberties
CD-ROM	Compact Disc-Read Only Memory
COTS	Commercial Off-the-Shelf
DART	DHS Accessibility Requirements Tool
DHS	Department of Homeland Security
DOD	Department of Defense
DRO	Detention and Removal Office
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EOP	Emergency Operations Plans
ESF	Emergency Support Function

FAD	Final Agency Decision
FAMS	Federal Air Marshals Service
FEMA	Federal Emergency Management Agency
FLETC	Federal Law Enforcement Training Center
FY	Fiscal Year
GOTS	Government Off-the-Shelf
HBCUs	Historically Black Colleges and Universities
HQ	Headquarters
I&A	Office of Intelligence & Analysis
ICE	U.S. Immigration and Customs Enforcement
ICC	Interagency Coordinating Council
ICCT	Incident Community Coordination Team
IG	Inspector General
IGSA	Inter-Governmental Service Agreement
ISCC	Information Sharing Coordinating Council
ISE	Information Sharing Environment
IT	Information Technology
MD	Management Directive
MSIs	Minority Serving Institutions
NDS	National Detention Standards
NIMS	National Incident Management System
NO FEAR	Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002
NRF	National Response Framework
NSEP	National Security Education Program
OAST	Office on Accessible Systems & Technology
ORR	Office of Refugee Resettlement
PGC	Privacy Guidelines Committee
PMF	Presidential Management Fellows
PR	Purchase Requests
SES	Senior Executive Service
SLFC	State and Local Fusion Centers
SLRFC	State, Local and Regional Fusion Center
SPC	Selective Placement Coordinator
TAP	Transition Assistance Program (TAP)
TCUs	Tribal Colleges and Universities
TRIP	Travel Redress Inquiry Program
TSA	Transportation Security Administration
TOPOFF 4	Top Officials 4
U.S.	United States
USCG	U.S. Coast Guard
USCIS	U.S. Citizenship and Immigration Services
USCIRF	U.S. Commission of International Religious Freedom
USSS	U.S. Secret Service
WARP	Web Audit and Remediation Program
WHITCU	White House Initiative for Tribal Colleges and Universities