



U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

Quarterly Report

October 2007 – December 2007

BACKGROUND AND SUMMARY

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. Quarterly Reporting

The *Implementing Recommendations of the 9/11 Commission Act of 2007*, Pub. L. 110-53, requires CRCL to report quarterly regarding: (1) the number and types of review of department actions undertaken; (2) the type of advice provided and the response given to such advice; (3) the number and nature of complaints received by DHS for alleged violations; and (4) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of these activities.¹ In accordance with this requirement, this report serves as CRCL's first quarterly report, covering the period from October 1, 2007, to December 31, 2007.

COMPLAINT INVESTIGATIONS

CRCL continues to investigate 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 privacy and civil liberties in its actions, 42 U.S.C. § 2000ee-1.

¹ See 42 U.S.C. § 2000ee-1.

I. Summary of Complaints Received Under CRCL Statutes

During the first quarter, CRCL received 65 new complaints. They involved the following components: U.S. Customs and Border Protection (CBP) - 11; Immigration Customs Enforcement (ICE) - 16; Transportation Security Administration (TSA) - 34; and DHS - 4 (implicate more than one component).

Of these new complaints, the primary issues are as follows:

Abuse of authority/color of law	4
Conditions of Detention	14
Discrimination	4
Profiling	31
Treatment	1
Unaccompanied Minors	11

CRCL closed 18 complaints in the first quarter. These complaints involved the following components: ICE - 10; CBP - 5; DHS - 3 (implicate more than one component).

The primary issues for these closed complaints are as follows:

Abuse of authority/color of law	1
Conditions of Detention	5
Profiling	3
Due Process/Adm Processing	1
Unaccompanied Minors	5
Watch Lists	3

II. Examples of Complaints Resolved by CRCL

A. Treatment of Unaccompanied Minors

CRCL continues to receive and handle complaints involving the treatment of unaccompanied minors. During the first quarter of FY2008, CRCL received 10 new complaints and closed an additional five complaints concerning the treatment of unaccompanied minors in DHS custody. CRCL referred eight new complaints to ICE and CBP, requesting an investigation of the allegations and final report for each. Allegations included physical and verbal abuse, inadequate food and bedding, delays in transferring minors to appropriate placements, and inadequate medical attention in DHS facilities.

CRCL continues to work with the DHS components responsible for unaccompanied minors to implement the recommendations concerning appropriate treatment by DHS, and subsequently reviews the components' compliance with those recommendations. In addition, CRCL maintains a productive relationship with leadership and staff of the U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR), which assumed responsibility under the Homeland Security Act of 2002 for the care and placement of unaccompanied minors after DHS apprehension. Finally, CRCL accepts invitations to review and comment on component policies impacting unaccompanied minors to ensure their civil rights and civil liberties are protected, such as CBP's hold room policy, ICE's draft *Flores* Regulations, and DHS policy concerning the transport of unaccompanied minors from DHS facilities to ORR placements.

B. Conditions of Detention for Adult ICE Detainees

On December 19, 2007, CRCL issued a Final Report and Recommendations to ICE regarding complaints concerning conditions of detention at a facility in New Jersey. CRCL conducted an on-site review of the facility, which housed 150 ICE detainees, along with experts in the areas of penology and environmental health and safety. Our review focused on the facility's compliance with ICE Detention Standards on Use of Force, Correspondence and Other Mail, Disciplinary Policy, Visitation, Telephone Access, Detainee Grievance Procedures, Staff-Detainee Communication, Food Service and Medical Care. CRCL made recommendations to

ICE for improvements in detainee care in the following areas: updating standard operating procedures regarding use of force; developing policies to broaden detainees' access to correspondence; increasing access for visitors; expanding access to telephones, law libraries and athletic facilities; and, ensuring access for CRCL staff to similar facilities.

C. Traveler Redress Inquiry Program

CRCL helped to implement the DHS Traveler 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 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 from 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 the complaint to determine whether the inquiry should be treated as a complaint. In the first quarter, CRCL opened three complaints based on records received from DHS TRIP. During this period DHS TRIP received 8,221 requests for redress and 248 individuals alleged that they had been discriminated against by DHS employees.

III. Examples of Ongoing Issues Being Reviewed by CRCL

A. Conditions of Detention for Adult ICE Detainees

CRCL continues to receive complaints alleging violations of the National Detention Standards (NDS) at facilities used to house ICE detainees. Many of these complaints are retained for investigation by CRCL; others are referred with a request for a report of investigation to the ICE Office for Professional Responsibility, which now has a unit that provides enhanced oversight of these facilities to ensure that detention standards are met.

Allegations raised in complaints retained by CRCL include issues such as: detainees' access to telephones and law libraries and other standards that provide legal access to detainees; appropriate recreation; religious accommodations; and the appropriate provision of medical and dental care. CRCL is working with ICE DRO to investigate these allegations and implement recommendations made as a result of investigations when appropriate. CRCL has retained the services of subject matter experts in the fields of corrections, medical care, and environmental health to assist with these investigations.

B. Reasonable Accommodations for Persons with Disabilities in Requesting Disaster Assistance

CRCL received a complaint alleging systemic violations of the Rehabilitation Act of 1973, as amended, by FEMA in providing access to information on disaster assistance to persons who are deaf or hard of hearing. FEMA has provided the complainants with significant information concerning steps that have been taken to address the needs of this community in times of disaster. CRCL will continue to work with FEMA to ensure that reasonable accommodations are provided to persons with disabilities to access information regarding assistance in times of disasters.²

CRCL PROGRAMS

Under its Programs Division, CRCL reviews DHS programs, policies, reports, regulations, and other activities and provides advice to DHS senior leadership and staff on issues at the intersection of homeland security and civil rights and civil liberties. The following overview provides a description of some of its first quarter activities:

² See also "CRCL Programs" Section in this report for further information on CRCL's work on inclusion of people with disabilities in emergency preparedness, recovery, and response efforts, at page 4.

I. Individuals with Disabilities and Other Special Needs Populations in Emergency Preparedness

A. Interagency Coordinating Council (ICC) on Emergency Preparedness and Individuals with Disabilities

CRCL continues to oversee the implementation of Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness*, which was signed by President Bush in July 2004. Executive Order 13347 is designed to ensure the safety and security of individuals with disabilities in all-hazard emergency and disaster situations. The Executive Order 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 20 Federal Departments and agencies.

B. TOPOFF 4

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). The exercise venues included Arizona, Oregon and the U.S. territory of Guam. 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.

Claudia Gordon, CRCL Senior Policy Advisor, and Cindy Daniel, 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. As part of a DHS VIP briefing, Margaret Schaefer, CRCL Policy Advisor, presented on CRCL's involvement in the exercise and discussed ongoing policy development geared towards improving emergency preparedness and response for individuals with disabilities and other special needs. TOPOFF's own Virtual News Network (VNN) did a feature story on effective emergency preparedness and response for individuals who are deaf or hard of hearing with assistance from the Northern Virginia Resource Center for the Deaf and Hard of Hearing. In addition, during a live interview, Ms. Gordon and Ms. Daniel discussed the impact of the disaster on individuals with disabilities. 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.

C. National Response Framework³

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 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 phrase "special needs populations" as used in an emergency management context. This definition is contained in the NRF glossary.

D. California Wildfires

During the week of October 21, 2007, CRCL staff working in coordination with FEMA's Disability Coordinator and the ICC was active in response to the outbreak of devastating wildfires in southern California and the resulting evacuation of affected residents. Activities included facilitating communication among federal partners and nongovernmental stakeholders as well as gathering information from colleagues in California to assess the need for assistance by individuals with disabilities. The monitoring of this situation continued into the recovery phase.

E. DHS Grants and Training

CRCL staff have developed and submitted a textbook chapter on special needs considerations to FEMA for publication by the Public Entity Risk Institute. The textbook is used during FEMA's training of emergency managers. The chapter, titled "*The Paradigm Shift in Planning for Special Needs Populations,*" delineates a

³ Note that the National Response Plan has been published as the National Response Framework, as of January 2008.

function-based approach to planning for individuals with disabilities and other special needs, furthering life-safety and health objectives during each phase of emergency planning.

II. Engagement with Ethnic and Religious Communities

Public outreach and engagement initiatives with key communities play a major role in the Department's mission to protect America while preserving our freedoms. We continue to believe that it is wise to invest time communicating with the public and providing information. In this regard, CRCL meets with a variety of communities (i.e., disability rights community to discuss emergency preparedness issues; immigration advocates to discuss their concerns regarding naturalization, detention, and other immigration-related policies; and ethnic and religious organizations to provide information and respond to concerns regarding the Department's policies and procedures). We have also sustained dialogues with the American Arab, Muslim, Sikh, South Asian, and Middle Eastern communities. The CRCL "Engagement Team" leads this effort and regularly engages with community leaders and nonprofit organizations across the country. The following is a brief summary of some of CRCL's work in this area during the first quarter of FY 2008:

- On October 21, 2007, CRCL attended the Council of Islamic Organizations of Michigan annual banquet with a representative from the FBI. Approximately 300 members of the local Muslim community attended.
- CRCL attended the Arab American Institute's annual conference in Detroit in October 2007. While there, CRCL met with a number of officials informally to discuss DHS outreach efforts in Detroit.
- On October 24, 2007, DHS CRCL participated in the regular Interagency Meeting with Arab, Muslim, Sikh, and South Asian community leaders hosted by the Department of Justice Civil Rights Division.
- On October 25, 2007, CRCL conducted a test call through the Incident Community Coordination Team (ICCT). The goal of the ICCT is to engage and provide community leaders with timely and relevant information from government agencies in the aftermath of any future terrorist act or homeland security incident.
- On October 30, 2007, Daniel W. Sutherland, Officer for Civil Rights and Civil Liberties, participated in a State Department-sponsored workshop for U.S. embassy officials and highlighted CRCL's outreach and engagement work with the Arab, Muslim, Sikh, and South Asian American communities. This meeting was the first part of CRCL's efforts to share news with overseas audiences of U.S. Government domestic outreach efforts.
- On November 6, 2007, CRCL participated in the American Jewish Committee's Promoting Tolerance in Central and Eastern Europe program.
- On November 7, 2007, CRCL attended the Detroit Community Roundtable Meeting, known as BRIDGES. This meeting included several government and community representatives.
- CRCL participated in the National Association of Muslim Lawyers Annual Conference in San Francisco, California, on November 9-10, 2007.
- On December 4, 2007, CRCL spoke on the Anti-Defamation League's semi-annual "Advance Training School" panel on civil liberties and distributed CRCL training DVDs to conference participants.
- On December 10-11, 2007, CRCL organized a Chicago Community Roundtable Meeting with Arab, Muslim, Sikh, and South Asian community leaders.
- On December 14, 2007, CRCL hosted a roundtable in Los Angeles with 35 community and government leaders.

- CRCL spoke at the Muslim Public Affairs Council's annual conference in Long Beach, California, on December 15, 2007.
- On December 17, CRCL participated in a Houston Community Roundtable Meeting with Arab, Muslim, Sikh, and South Asian Community leaders hosted by the local FBI Field Office.
- CRCL initiated outreach to the Somali American community by inviting key leaders to participate in existing roundtable meetings around the country. This is part of CRCL's efforts to expand its reach to more communities.

III. Immigration Initiatives

During the first quarter of FY 2008, CRCL continued to work with its DHS colleagues on the civil rights and civil liberties impacts of the Department's immigration policy initiatives. For example:

- CRCL, along with U.S. Citizenship and Immigration Services (USCIS), began work on educational training videos for employers and workers regarding E-Verify, the USCIS program through which participating employers verify the employment eligibility of new employees. The employer training video will address areas of employer non-compliance with program rules that adversely affect work-authorized workers, including U.S. citizens. The worker training video will address worker rights, and educate workers about proper use of the program.
- CRCL continued its ongoing relationship with representatives of national immigrant rights groups through its quarterly meetings sponsored by the National Immigration Forum.
- CRCL participated in a working group with USCIS, WESTAT, and non-governmental organizations, to plan the next independent study of E-Verify. CRCL also participated in the monthly meetings USCIS holds with the Social Security Administration to discuss the development of E-Verify and the Systematic Alien Verification for Entitlements (SAVE) Program.
- CRCL began work to create an outreach tool for persons who may qualify for relief under the Violence Against Women Act (VAWA) and who allege misconduct by the Department. CRCL has also begun work to ensure that the Department has consistent policies and practices across its components to implement VAWA.

IV. Civil Liberties Institute

In first quarter FY 2008, CRCL continued to train the men and women of DHS to fulfill their roles and complete their missions while respecting civil rights and civil liberties through the Civil Liberties Institute. The Civil Liberties Institute has created new training products, provided classroom training, and is partnering with other Department agencies to co-sponsor and approve training products. Specifically, some of these accomplishments include:

- CRCL recently released the *Asylum Seekers Overview* course. The on-line- and CD-ROM-based training provides essential information related to asylum seekers in the United States. The course is designed to help law enforcement officers and others perform their duties and carry out the missions of their agencies 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."

- CRCL also continued to fulfill its role to train Department personnel who work with state and local fusion centers. Fusion centers serve as a place where State and local officials, along side their Federal partners, collaborate, coordinate and share law enforcement and intelligence information in an effort to prevent future threats to the Nation. CRCL is fulfilling its fusion center training mandate by supplementing Intelligence & Analysis (I&A) orientation training for DHS participants with civil rights and civil liberties instruction. In the first quarter of 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. CRCL also conducted civil liberties training at a regional fusion center meeting held in Chicago on December 11, 2007.

V. Office on Accessible Systems & Technology

The Officer for Civil Rights and Civil Liberties and the DHS Chief Information Officer (CIO) continue to collaborate to fully implement and enforce the provisions of Section 508⁴ throughout the Department. In 2005, the two offices worked in concert to establish a Department-wide Section 508 program, run by the Office on Accessible Systems & Technology (OAST). OAST has been a catalyst for great progress in the Section 508 compliance area.

OAST successfully conducted the first quarterly Web Accessibility Review for FY08 of all DHS websites. In all, 119 websites consisting of 217,805 files were evaluated for Section 508 compliance. Results show that DHS website accessibility improved by 9% this quarter and 23% since the program began back in February 2007.

OAST developed and launched its first “Introduction to Accessible Multimedia” course for DHS employees. The course reviews the Section 508 law and standards that apply to creating accessible multimedia.

OAST successfully trained 365 employees from numerous DHS components on Section 508 compliance via classroom and online training.

In its first quarter of operation, OAST processed 149 Accessibility Help Desk requests from numerous DHS components. Assistance was provided in the following categories:

- | | |
|-----------------------------------|----|
| • Technical Assistance | 65 |
| • Application Reviews | 39 |
| • Document Review/Remediation | 18 |
| • Enterprise Architecture Reviews | 13 |
| • IT Requests | 13 |
| • 504 Accommodations | 3 |
| • Non-Fed Accommodations | 1 |

OAST conducted 49 IT acquisition reviews (over \$2.5 million) for Section 508 compliance. These reviews impacted more than \$549 million worth of IT investment this quarter. In all, 41 were approved, 8 are pending, and 3 received a National Security Exceptions (NSE).

VI. Intelligence Community Activities and Information Sharing

CRCL has continued to work with DHS components on intelligence and information sharing activities to ensure that these activities are conducted in a lawful manner consistent with Constitutional, statutory, regulatory, and other legal and policy requirements, including applicable civil liberties standards.

⁴ See 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.

CRCL has continued to actively participate in the Department's the Information Sharing Coordinating Council (ISCC). The ISCC is charged with coordinating DHS information sharing activities, including fulfilling Department tasks outlined in the Information Sharing Environment (ISE) – Implementation Plan. Under the ISCC, CRCL has contributed to departmental policies and programs, such as developing an information sharing strategy, the State and Local Fusion Center Concept of Operations, and the information sharing architecture. 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.

CRCL also continues to work closely with the Office of Intelligence and Analysis in reviewing programs, policies, and activities to protect and safeguard civil rights and civil liberties. Some of these programs include: the National Applications Office (NAO), the State and Local Fusion Center Initiative, the Interagency Threat and Coordination Group, and the Information Sharing Fellows Program.

VII. Legislative Activities

CRCL continues to keep Congress apprised of its activities, roles, and responsibilities through numerous briefings with Congressional members. CRCL has also continued its work in implementing the 9/11 Commission Act⁵, enacted on August 3, 2007, through its participation on a Department-wide implementation working group. CRCL made significant progress in the first quarter in two main areas: 1) developing and implementing a process to conduct civil liberties impact assessments of the State, local, and regional Fusion Centers, the Information Sharing Fellow's Program, and the Threat Assessment and Coordination Group; and 2) providing training on civil rights and civil liberties standards to Departmental employees. CRCL has already begun working on many other 9/11 Act initiatives and will continue to work on the Act's implementation throughout FY 2008.

EQUAL EMPLOYMENT OPPORTUNITY

CRCL provides Departmental guidance and standards for establishing and maintaining effective affirmative programs of 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.*

I. Program Management

In the first quarter of FY 2008, the CRCL Equal Employment Opportunity (EEO) Programs staff continued to evaluate component programs and to provide required reports to the Office of Personnel Management and the White House Initiative on Historically Black Colleges and Universities, including the following:

- FY 2008 Annual Plan on Executive Agency Actions to Assist Historically Black Colleges and Universities;
- FY 2007 Annual Report to the President on Hispanic Employment in the Federal Government;
- FY 2007 Federal Equal Opportunity Recruitment Plan Accomplishment Report and Plan Certification for FY 2008; and
- FY 2007 Disabled Veterans Affirmative Action Plan and Report.

⁵ See Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53.

Evaluation of the programs revealed many accomplishments. These include, for example, the following:

- ICE signed four Memoranda of Understanding with Historically Black Colleges and Universities (Jackson State University, Morgan State University, Florida Memorial University, and Huston-Tillotson University) to provide internships to criminal justice majors.
- The Office of the Chief Human Capital Officer signed a Memorandum of Understanding with the Urban League Black Executives Exchange Program (BEEP) for speakers for Historically Black Colleges and Universities. Over 150 DHS employees have volunteered to participate in BEEP.
- The FEMA Career Enhancement Program for administrative support staff was very successful in addressing the needs of diverse participants.
- Several components exceeded the Federal government average of 5.3% for new hires of disabled veterans (U.S. Coast Guard (USCG) 9.38%; U.S. Citizenship and Immigration Services 8.73%; and FLETC at 7.30%).

Opportunities for strengthening programs were also identified and the CRCL EEO staff has developed strategies to address these needs, including technical assistance and training. To assist components in recruiting, CRCL sponsored the creation of a new recruitment video that showcases DHS as America's newest and most dynamic Federal Government organization. The distribution matrix for this video with relevant information includes, but is not limited to, minority-serving institutions (such as Historically Black Colleges and Universities, Tribal Colleges and Universities, and Hispanic Serving Institutions) and professional organizations. DHS recruiting advertisements were also placed in newspapers and magazines serving minorities, women and individuals with disabilities.

The Deputy Officer for Equal Employment Opportunity Programs met with new Senior Executives and Flag Officers to discuss equal employment opportunity principles and the value of employing a diverse workforce.

To further DHS's commitment to the principles and mandates of Executive Order 13270 on Tribal Colleges and Universities signed by President Bush on July 3, 2002, CRCL hosted a workshop to match the capabilities and needs of the institutions with the missions of DHS components. Representatives from eight Tribal Colleges and Universities (TCUs), including three presidents, one WHITCU board member, and the WHITCU Executive Director and her staff, joined over 30 DHS officials for this event.

II. Headquarters Equal Employment Opportunity

The Headquarters (HQ) EEO staff works aggressively with external organizations to recruit for positions in the Office of the Inspector General and HQ Directorates at the following institutions:

- Maryland Workforce Navigators Coordinators;
- Department of Labor Veterans Liaisons;
- OPM Liaison at Walter Reed Army Medical Center;
- Northern Virginia Division of Rehabilitation Services;
- Maryland Division of Vocational Rehabilitation Services;
- Connecting with your Future, October 2007;
- National Association for Equal Opportunity in Higher Education (NAFEO);
- Norfolk State University;
- Perspectives Conference of People with Disabilities;
- Walter Reed Army Medical Center; and
- Bethesda Naval Hospital.

III. EEO Complaint Program Management

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

DHS continued to have a robust informal EEO counseling process. In the first quarter of FY 2008, DHS provided counseling to 470 aggrieved individuals alleging employment discrimination and other workplace issues. Recognizing that Alternative Dispute Resolution (ADR) offers an opportunity for the parties to address both the instant complaint and other underlying issues in an expedited manner, DHS has continued its ADR efforts. In the first quarter of FY 2008, DHS presented ADR as an option to 221 counselees and ADR was attempted 123 times. Mediation, the most often used ADR technique, on average takes four to six hours and offers a substantial savings in time and money when compared to administrative processing of a typical EEO complaint. In the first quarter of FY 2008, the number of formal complaints filed totaled 276. The most common issues alleged during that time period were promotion/non-selection and non-sexual harassment.

B. Effective Processing of Final Actions in EEO Complaints

In the first quarter of FY 2008, DHS CRCL closed 239 complaints of employment discrimination. Of these closures, 17 were resolved by withdrawal, 26 were resolved by settlement, and 190 were final agency decisions (FADs) issued by CRCL.

C. Proactive EEO Compliance Program

In order to have 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 have an EEO compliance program that is proactive, i.e., monitors relief, ensures implementation of remedies, and informs EEOC of the status of its cases. To this end, in the first quarter of FY 2008, CRCL:

- Continued a proactive approach to the evaluation of Component compliance programs with notification to Component heads of identified problems;
- Provided ongoing compliance support to all DHS Components;
- Continued to emphasize the utilization of a tracking system to better manage cases; and
- Attempted to implement relief in a more timely manner.

CRCL also reduced its compliance inventory by 11 cases for a pending compliance inventory of 57 cases at the end of the first quarter of FY 2008.

CONCLUSION

In accordance with the 9/11 Act, this report has covered many of CRCL's activities in the first quarter, including information pertaining to Review and Compliance, Programs, and Equal Employment Opportunity. CRCL looks forward to continued progress as the Office approaches its five year anniversary in the second quarter of FY 2008.