



Highlights of [GAO-10-256T](#), a testimony before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, Committee on the Judiciary, House of Representatives

## Why GAO Did This Study

The Civil Rights Division (Division) of the Department of Justice (DOJ) is the primary federal entity charged with enforcing federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin (i.e., protected classes). GAO was asked to review the Division's enforcement efforts and its Interactive Case Management System (ICM). This testimony addresses (1) the activities the Division undertook from fiscal years 2001 through 2007 to implement its enforcement responsibilities through its Employment Litigation, Housing and Civil Enforcement, Voting, and Special Litigation sections, and (2) additional data that could be collected using ICM to assist in reporting on the four sections' enforcement efforts. This statement is based on GAO products issued in September and October 2009.

## What GAO Recommends

GAO previously recommended that the Division, among other things, require sections to record data on protected class and subject in the Division's case management system, and determine how sections should be required to record data in the system on the reasons for closing matters. DOJ concurred. The Division plans to require all Division sections to record data on protected class and subject in its case management system as well as upgrade the system to include a field on reasons for closing matters and require all sections to record data in this field.

View [GAO-10-256T](#) or key components. For more information, contact Eileen R. Larence (202) 512-8777 or [larencee@gao.gov](mailto:larencee@gao.gov).

## U.S. DEPARTMENT OF JUSTICE

### Opportunities Exist to Strengthen the Civil Rights Division's Ability to Manage and Report on Its Enforcement Efforts

#### What GAO Found

From fiscal years 2001 through 2007, the Civil Rights Division initiated matters and filed cases to implement its enforcement responsibilities through the four sections. The Employment Litigation Section initiated 3,212 matters and filed 60 cases as plaintiff under federal statutes prohibiting employment discrimination. Most matters (3,087) were referred by other agencies. Of the 11 pattern or practices cases—cases that attempt to show that the defendant systematically engaged in discriminatory activities—9 involved claims of discrimination in hiring and the most common protected class was race (7). The Housing and Civil Enforcement Section initiated 947 matters and participated in 277 cases under federal statutes prohibiting discrimination in housing, credit transactions, and certain places of public accommodation. Most (456 of 517) Fair Housing Act (FHA) matters were initiated under its pattern or practice authority, primarily alleging discrimination on the basis of race or disability and involving land use/zoning/local government or rental issues. Most (250 of 269) cases filed as plaintiff included an FHA claim. The FHA cases primarily involved rental issues (146) and alleged discrimination on the basis of disability (115) or race (70). The Voting Section initiated 442 matters and filed 56 cases to enforce federal statutes that protect the voting rights of racial and language minorities, and disabled and illiterate persons, among others. The Section initiated most matters (367) and filed a majority of cases (39) as plaintiff under the Voting Rights Act, primarily on behalf of language minority groups (246 and 30). The Special Litigation Section initiated 693 matters and filed 31 cases as plaintiff to enforce federal civil rights statutes on institutional conditions (e.g., protecting people in nursing homes), the conduct of law enforcement agencies, access to reproductive health facilities and places of worship, and the exercise of religious freedom of institutionalized persons. The largest number of matters initiated and closed (544 of 693) involved institutional conditions (373), as did the cases filed (27).

Information on the specific protected classes and subjects related to matters and cases and the reasons for closing matters were not systematically maintained in ICM because the Division did not require sections to capture these data. As a result, the availability and accuracy of these data varied among the sections. For example, the Employment Litigation Section did not capture protected class and subject data for more than 80 percent of its matters. In contrast, these data were consistently recorded in ICM for the Housing and Civil Enforcement Section, which requires that protected class and subject data be recorded in ICM. In addition, congressional committees have requested information on reasons the Division did not pursue matters, including instances in which Division managers did not approve a section's recommendation to proceed with a case. However, ICM does not include a discrete field for capturing the reasons that matters are closed and Division officials we interviewed could not identify instances in which Division managers did not approve a section's recommendation to proceed with a case. By requiring sections to record such information, the Division could strengthen its ability to account for its enforcement efforts.