



State of Human Rights in the District of Columbia as a Human Rights City

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(Both the Report and Appendices are Posted here)

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Introduction

This report represents the collective research and evaluation of numerous individuals and organizations, noted on the previous page. We are all activists dedicated to building a more just, a more equitable, and a more humane District of Columbia.

As the culmination of a campaign initiated by the American Friends Service Committee of DC Peace and Economic Justice Program and PDHRE, and broadly supported by more than 20 community organizations, on December 10, 2008, the District of Columbia Council declared Washington, DC a Human Rights City (HRC). On May 26, 2011, the Steering Committee of DC Human Rights People's Movement, the group established to focus on follow up to this historic declaration, and on the initiative of the American Friends Service Committee, created a process to develop an annual report on the human rights status of residents of the District of Columbia. This report was to focus on the achievement of political, social and economic human rights recognized as fundamental human rights by the global community.

The completed report is an evaluation of progress by the District of Columbia government toward fulfilling the promise of the 2008 declaration of the District as a Human Rights City. At the outset, we recognize the continued failures of the federal Executive and the U.S. Congress to address the long-standing demand for equal rights for our residents, including full voting rights in the Senate and House of Representatives, as well as control over our legislation and budget comparable to the 50 states, a status that can only be enjoyed with full statehood for the District of Columbia. We recognize that, with the achievement of DC Statehood, our elected government would be empowered to negotiate reciprocal income tax arrangements with surrounding jurisdictions and secure other fiscal and political goals denied District of Columbia residents under the current Home Rule status.

Nevertheless, even within the restrictions imposed by Congress via the Home Rule Charter, it is critical that we hold our elected District of Columbia government fully accountable for the commitments made upon its Declaration of D.C. as a Human Rights City, and to evaluate progress we have made in the three years since that declaration. In this report, we consider whether our District government has in fact made significant progress toward achieving basic human rights for its residents since committing itself to that task three years ago, even under the political constraints of the District's semi-colonial political status. To the extent our elected local government has failed to meet these commitments, this failure itself serves to disempower our residents in our common struggle for full self-determination, DC Statehood.

As summarized on the Report Card presented at the beginning of this document, the District has a long way to go toward achieving the promise of its declaration as a Human Rights City. In developing this report, we strive not to simply catalogue the failures of our limited government, but to illustrate for our fellow D.C. residents what we should be striving to achieve. In this way, we hope to mobilize D.C. residents to effectively demand and secure their human rights and to hold our elected officials accountable for falling so far short of that goal.

Report Card

Utilizing the criteria offered by human rights law and practice, we have developed the following Human Rights Report Card for elected officials of the District of Columbia, as well as those in the private sector whose actions have a significant impact on public policy decisions. The grades are intended as both a measure of progress in different areas of human rights practice and as identification of areas where more must be accomplished before the District can be in any sense considered a Human Rights City.

- A – Excellent – objectives achieved
- B - Decent progress but one or more significant problems remain
- C – Limited progress achieved
- D – Barely passing
- F – Failure to achieve even the most basic human rights standards

Federal Government (Executive and Congress)

F

No action on our long standing demand for DC Statehood, as well as continued federal underfunding of programs meeting basic human needs

District Government and Elected Officials

Promotion of Self-Determination and Statehood for DC	B+
Poverty reduction and income equality	F
Welfare of Children	F
Access to Affordable Housing and Ending Homelessness	F
Budgetary and Tax Priorities	D
Human Rights Education	C
Public Education	D
DC Criminal Enforcement System	D
Health	C
Immigration	A-
Discrimination on the basis of sexual orientation	A
Discrimination on the basis of race	D
Discrimination on the basis of gender	D

Note: Recommendations at the end of sections are submitted as suggestions to how the District government can more effectively address the deficiencies in present District policies. We recognize that many of these proposals have been made before and that our proposals should be a basis of a dialogue. We encourage organizations, such as the Fair Budget Coalition, Empower DC, One DC, Returning Citizens United, as well as individuals to consider, improve and expand these recommendations and join together for a Peoples Agenda to advance human rights in DC.

The International Human Rights Context

The December 10, 2008 *D.C. Human Rights Day Recognition Resolution* affirmed the District’s status as the first “Human Rights City in the United States.” In the Resolution, the District government affirmed:

WHEREAS, As a Human Rights City, Washington, DC will be joining other human rights cities around the world in working to provide leadership and advocacy to secure, protect, and promote human rights for all people;

(See Appendix for the full text of the Human Rights Day Recognition Resolution of 2008.)

Upon its declaration as a HRC, our elected District Government committed itself to strive toward securing “human rights for all people,” in particular for the people of the District of Columbia. Human rights are those rights which are essential to live as human beings – basic standards without which people cannot survive and develop in dignity. They are inherent to the human person, inalienable and universal.

As detailed by the United Nations:

The United Nations set a common standard on human rights with the adoption of the Universal Declaration of Human Rights in 1948. Although this Declaration is not part of binding international law, its acceptance by all countries around the world gives great moral weight to the fundamental principle that all human beings, rich and poor, strong and weak, male and female, of all races and religions, are to be treated equally and with respect for their natural worth as human beings.

The United Nations has since adopted many legally binding international human rights instruments. These treaties are used as a framework for discussing and applying human rights. Through these instruments, the principles and rights they outline become legal obligations on those States choosing to be bound by them. The framework also establishes legal and other mechanisms to hold governments accountable in the event they violate human rights.¹

This is the context by which the District has chosen to assert its leadership. This report focuses on compliance with the most relevant international human rights treaties. Some of these treaties have been formally ratified by the United States government, but not all. The District government has committed itself to efforts to “secure, protect, and promote human rights for all people,” and has bound itself to these core human rights obligations, even where the federal government has not done so.

The most relevant human rights treaties include:

The Universal Declaration of Human Rights (UDHR) (<http://www.un.org/en/documents/udhr/>) outlines each person's fundamental rights to housing, food, education, health care and a job at a living

¹ http://www.unicef.org/crc/index_framework.html

wage and the right of each child to health and education respectively. Relevant excerpts of UDHR include:

- *Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.*
- *Article 23: (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interest*
- *Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*
- *Article 26: Everyone has that right to education.*

The U.N. Convention on the Rights of the Child (<http://www2.ohchr.org/english/law/crc.htm>)

The International Convention on the Rights of the Child includes the following provisions:

- *Article 27: Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.*
- *Article 24: Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*
- *Article 28: Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular... (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

International Convention on the Elimination of All Forms of Racial Discrimination
(<http://www2.ohchr.org/english/law/cerd.htm>)

The International Convention on the Elimination of All Forms of Racial Discrimination commits its members to the elimination of racial discrimination and the promotion of understanding among all races. It was ratified by the United States in 1994.

- *Article 1, Part 1: In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

International Covenant on Economic, Social and Cultural Rights
(<http://www2.ohchr.org/english/law/cescr.htm>)

The International Covenant on Economic, Social and Cultural Rights was signed by the United States in 1979 but never formally ratified. Among its provisions include:

- **Article 11:** *1. The Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (<http://www2.ohchr.org/english/law/cmw.htm>), affirming the fundamental principle of the Universal Declaration of Human Rights that "all human beings are born free and equal in dignity and rights."

"Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment" is a UN resolution adopted by the General Assembly on December 9, 1988.

Principle 1 All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 5 1. These principles shall be applied to all persons within the territory of any given State, without distinction of any kind, such as race, colour, sex, language, religion or religious belief, political or other opinion, national, ethnic or social origin, property, birth or other status.

Principle 6 No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.* No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

* The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time.

Principle 8 Persons in detention shall be subject to treatment appropriate to their unconvicted status. Accordingly, they shall, whenever possible, be kept separate from imprisoned persons.

Principle 28 A detained or imprisoned person shall have the right to obtain within the limits of available resources, if from public sources, reasonable quantities of educational, cultural and informational material, subject to reasonable conditions to ensure security and good order in the place of detention or imprisonment.

Principle 31 The appropriate authorities shall endeavour to ensure, according to domestic law, assistance when needed to dependent and, in particular, minor members of the families of detained or imprisoned

persons and shall devote a particular measure of care to the appropriate custody of children left without supervision.

Principle 33 1. A detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment, in particular in case of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with reviewing or remedial powers.

Principle 36 1. A detained person suspected of or charged with a criminal offense shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. 2. The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.

To date the United States government still has not ratified the following relevant treaties:

The U.N. Convention on the Rights of the Child , International Covenant on Economic, Social and Cultural Rights and Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Promotion of Self-Determination and Statehood for DC

Fundamental to evaluating the District's efforts to secure basic human rights for its residents is its efforts to secure self-determination and Statehood for D.C. since 2008.

In 2010, the District enacted the State Commission Establishment Act to create a 51st State Commission, the purpose of which is to "educate regarding, advocate for, promote, and advance the proposition of, statehood for the District of Columbia" to D.C. residents and residents of the 50 states. The Commission is to "conduct a full and complete study f the necessary and appropriate legislation and administrative action" needed to make D.C. a state." (www.dcstatehoodyeswecan.org)

No budget or funding for the Commission was provided under the Act. The Council approved the bill as D.C. Law 18-0127, effective March 23, 2010. The majority of the Commission's members are to be appointed by the Mayor and the Members of the D.C. Council. After nearly two years, not a single member has been named to the Commission.

DC City Council: Passed resolution in support of DC Statehood and Voting Rights:
District of Columbia Council Approves Statehood Resolution
 On March 1, 2011, the District of Columbia Council unanimously approved resolution 19-41, a Sense of the Council resolution calling on Congress to admit the District of Columbia as the 51st State and thanking D.C. Delegate Eleanor Holmes Norton for introducing a statehood bill (H.R. 265).

Recommendations

- The District government should immediately appoint members to the 51st State Commission and provide adequate funding for its charge. We strongly recommend that Eleanor Holmes Norton use her official voice to promote DC Statehood nationally and internationally by holding our Executive and Legislative branches of federal government fully accountable for their continued denial of our political rights. Further, we urge Eleanor Holmes Norton to lobby the National Democratic Party to put support for DC Statehood back in the 2012 Democratic Party Platform, a statement which was removed in 2004 and 2008 Platforms (We note that the only national electoral party to presently support DC Statehood in its Platform is the Green Party of the United States).

Poverty Reduction and Income Inequality

The Occupy Movement nationally and locally has focused our attention on the issues of poverty and income inequality. In DC and globally, there has also been increasing income and wealth inequality. The standard measure of inequality is the Gini coefficient (named after its designer), which ranges from 0 (lowest level of inequality) to 1 (highest level).² According to the Census, DC now has the highest Gini coefficient in the US and thus the highest level of inequality nationwide: 0.532. We also have the most households in the nation making over \$200,000 (8.4 percent of households or 21,194 households).³

DC has the highest income gap between rich and poor in the nation, the highest fraction of households making over \$200,000 per year, and the lowest overall tax rate for families making over \$100,000 per year in the region. DC millionaires' overall effective DC tax is less than 7 percent of family income, the same as the poorest families, while working /middle class families pay 9-10 percent. DC's child poverty rate is now over 30 percent. There is very strong evidence for income inequality as a prime cause of bad health and a lower quality of life.⁴

The economic crisis only exacerbates these inequalities. The decreasing financial inputs to the DC government budget and the upcoming budget cuts will further increase these inequalities. Reducing tax revenues to the DC government increases the wealth of the wealthiest and decreases the wealth, attained through public education and income assistance, to the poorest, thus expanding inequality. These trends are not inevitable. People create policies, jobs, and so on.⁵ There have been over \$200 million in cumulative cuts in the District's low income program budget since 2008, especially in affordable housing and child care. And these cuts occurred during the nation's economic recession which, for low income residents, has been an effective depression. (Data compiled from budget assessment of the D.C. Fiscal Policy Institute, <http://www.dcfpi.org/category/budget>). Here is the breakdown: FY 2009 \$52 million, FY 2010 49 million, FY 2011 34 million, FY 2012 104 million, Total \$239 million in cuts.

In December 2011 DC's unemployment rate was 10.4 percent, a slight improvement from the rate over 2011 (State Unemployment Rates 2011, (<http://www.ncsl.org/issues-research/employment-working-families/state-unemployment-update.aspx>). Ward 8 had the highest unemployment rate, 25.2 percent, in

² The Gini coefficient data, including DC, is included in the Census report added to the Appendix.

³ <http://financiallyfit.yahoo.com/finance/article-111636-7790-4-where-the-200k-crowd-lives-?ywaad=ad0035&nc>.

⁴ See for example Richard Wilkinson and Kate Pickett, "The Spirit Level: Why Equality is Better for Everyone", Penguin Books, 2010.

⁵ "What can we do to change these global trends in DC?" (Globalization in my Neighborhood, <http://sociologyinmyneighborhood.blogspot.com/2011/04/globalization-in-my-neighborhood.html>)

January 2011 (“Unemployment Rate in Washington’s Ward 8 Is Highest in U.S.” <http://www.bloomberg.com/news/2011-03-30/unemployment-rate-in-washington-s-ward-8-is-highest-in-u-s-.html>, Timothy R. Homan, March 30, 2011). Nationally, the unemployment rate for Black youth (16-24 years old) was 31% (News Release, Bureau of Labor Statistics, U.S. Department of Labor, August 24, 2011). The average unemployment rate for youth in DC (ages 16 to 19) was estimated to be 50.1% in June 2011 (“Average Teen Unemployment Rate in D.C. is 50.1%, Analysis Shows”, Penny Starr, August 12, 2011, <http://cnsnews.com/news/article/average-teen-unemployment-rate-dc-501-analysis-shows-0>; this article is provided in the Appendix). Unfortunately, DC DOES has not regularly reported up-to-date unemployment rates by Ward nor by age. A more recent report indicated that youth unemployment continued to be a very serious problem (D.C. youth jobless rate tops U.S. average, Chris L. Jenkins, Washington Post, October 6, 2011, B1). A relevant study is “Increase in DC’s Unemployment Rate Falls Most Heavily on Those Least Able to Afford It” (DCFPI, June 25, 2010, <http://www.dcfpi.org/increase-in-dcs-unemployment-rate-falls-most-heavily-on-those-least-able-to-afford-it>)

Katherine Baer, who writes the highly reliable and informative blog, “Poverty and Policy,” notes further, “The already very high child poverty rate increased to 30.4 percent. This is 8.8 percent higher than the national rate and 7.7 percent higher than in 2007, just before the recession set in. Translated into more human terms, the new rate means that about 30,500 D.C. children lived in poverty last year. One tiny bright spot: the percent of children in deep poverty (households with incomes below 50 percent of the poverty threshold) dropped by 2.6 percent. It is still, however, a very high 16.2percent -- 6.6 percent higher than the national rate. (<http://wp.me/pobp0-Y6>).

Poverty

According to data from the D.C. Fiscal Policy Institute, more than one in four children in DC lives in poverty. “The child poverty rate rose from just over 22 percent to 29 percent between 2007 and 2009. This represents the largest change in poverty rates among any group in the District since the start of the recession. The number of residents living in deep poverty has risen. The number of residents living in deep poverty — meaning they live below *half* of the poverty line, or just under \$11,000 for a family of four — rose from 8 percent in 2007 to 11 percent in 2009. Over 1 in 10 DC residents – 61,128 – are living on less than half of the poverty line. This represents an increase of 14,000 residents living in deep poverty from 2007.

However, recent data is even more alarming, detailing that the District’s poverty rate as 19.2 percent. Kathryn Baer notes, “According to the ACS, the rate was 19.2 percent -- 0.8 percent higher than in 2009 and 3.9 percent higher than for the nation as a whole. The new rate means that about 109,620 District residents lived below the Census Bureau's very low poverty thresholds.”⁶

More than one in four Black residents live below the poverty line. The poverty rate among Blacks rose from 23 percent in 2007 to 27 percent in 2009. Poverty among black residents is more than three times the poverty rates for White, non-Hispanic residents and more than two and half times the poverty rates for Hispanic residents.”⁷ In 2010, 8.5 percent of non-Hispanic white District residents lived in

⁶ These vary by household size and composition. But, to give you a sense of how low they are, the average threshold of a family of four was \$22,314.”Poverty & Policy” <http://povertyandpolicy.wordpress.com/2011/09/22/dc-poverty-rate-hits-19-2-percent/>

⁷ .” (New Census Data Reveal the Uneven Impact the Recession Has Had on the District, Jenny Reed, September 28th, 2010, DCFPI).. <http://www.dcfpi.org/new-census-data-reveal-the-uneven-impact-the-recession-has-had-on-the-district>.

poverty. The poverty rate for black residents was more than three times greater -- 27.1 percent. The rate for Hispanic residents was nearly double the non-white Hispanic rate -- 14.7 percent. Deep poverty rates also varied -- from 5.9 percent for non-Hispanic whites to 14 percent for blacks, with Hispanics in the middle at 8 percent. All three of these rates are greater than the 2009 rates. The increase for Hispanics -- 4 percent -- was markedly greater than for the other two groups.

Not surprisingly, we see similar gaps in median average household income. For non-Hispanic white households, the median was \$99,220 -- an eye-popping \$45,052 more than the national median for these households. The District's black household median income was more than two and a half times lower than the median for all District households -- \$37,430, as compared to \$60,903. Hispanic households fared better, though not nearly so well as non-Hispanic white households. Their 2010 median income was \$60,798.⁸

In short, these are mostly grim figures -- and a far cry from the "one city" Mayor Gray envisions. Newly released 2011 data is even more shocking. "Between 2008 and 2010, the poverty rate among black children in the District jumped from 41 percent to 47 percent. This rise was greater than the two-point increase for black children nationwide (36 percent). Meanwhile, the overall child poverty rate in our city has risen, but at a lower rate, from 29 percent in 2008 to one-third in 2010. So things are getting worse for black children at a far greater pace than other children in D.C." (Reflections on the poverty numbers, Aparna Kumar, September 15, 2011, <http://www.dcactionforchildren.org/content/reflections-poverty-numbers>).

Hunger and Food Hardship in the District

DC has the highest rate of food hardship for households with children (37.4 percent) (2009-2010) compared to any state⁹. Consistent with this data, the Feeding America study found that D.C. has the highest rate of child food insecurity (32.3percent) in the nation compared to the 50 states reporting on data from 2009.¹⁰

Temporary Assistance for Needy Families (TANF) benefit status

"Studies have shown that most long-term welfare recipients have multiple complex barriers to employment, such as physical and mental disabilities or domestic violence. The District's current assessment and screening process does not adequately identify such barriers, and the proposed time limit policy offers very few extensions and exemptions for hardship. Further, most states that have implemented a time limit policy have done so prospectively -- meaning that the time clock would start when the policy was adopted, rather than counting months of assistance before the time limit policy was in place. This allows the time limit to serve its motivational purpose and offers families adequate time to prepare for benefit reductions. By opting to implement the time limit retroactively, nearly 7,000 District families will see benefits drop by 40 percent, shortly after new TANF programs

⁸ (Note the Source of data quoted is from: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> Sep 22, 2011). The Census Bureau released all of the 2010 ACS 1-year estimates on Thursday, September 22. Due to a technical issue, a limited number of products for smaller geographic areas are not available through American FactFinder at this time. However, all Detailed Tables are accessible in the ACS Summary File, through the Census Bureau's FTP site:

http://www2.census.gov/acs2010_1yr/summaryfile/ The Census Bureau released the full set of ACS products for all areas of 65,000 or more in American FactFinder on Tuesday, September 27.) "

⁹ (http://www.dchunger.org/press/food_hardship_dc_aug2011.htm,

¹⁰ Feeding America report "Map the Meal Gap 2011) (This data was highlighted in this column: August 26, 2011 New York Times, Failing Forward, By Charles M. Blow.)

begin to be implemented.

The time-triggered reductions will affect more than 7,000 TANF families in FY 2013. DHS has stated that the District plans to make new investments in job training programs through the Department of Employment Services to help these TANF recipients transition to employment, but it is unclear where these funds are in the budget or how they will be used. There currently is no agreement between the two agencies, and funds for adult training within DOES would not increase under the Mayor's budget plan. "

"The District's TANF program provides a monthly cash benefit to families to support them while they are searching for a job, enrolled in educational programs, caring for a child with a disability, or receiving other TANF services. The value of the District's TANF benefit has declined dramatically since 1991, when an automatic cost-of-living adjustment was eliminated. Despite some increases in recent years, the current cash assistance amount is \$428 per month for a family of three, which is just 28 percent of the federal poverty line. DC's TANF benefits have not seen any increase since 2008, and they have lost value steadily since 1990 (Figure 3 [see original report]). At its current level, the TANF benefit does not provide enough income for families to meet their basic needs, even when combined with other benefits. Given that only one-third of TANF families receive housing assistance, most TANF families experience an even greater struggle to afford basic necessities. When families are not able to meet their basic needs, it makes it even more difficult to participate in job training and other services. "

Benefits for 6,500 families with children have been cut – and further cuts are proposed

"DC's TANF program provides cash assistance and job readiness services to low-income families with children. The current TANF benefit is just \$428 a month for a family of three – 28 percent of poverty. Other states with a high cost of living, including Maryland, Massachusetts and New York, offer monthly benefits of nearly \$600 or more. (See discussion in the section, "Discrimination based on Gender," below.)

In 2011, TANF benefits were cut by one-fifth – to \$342 a month for a family of three – for any family that has received assistance for more than 60 months. These cuts affected benefits for 6,500 District families. Prior to this reduction, families had not been informed that benefits would be time limited. The FY 2012 budget proposes further cuts for families receiving assistance for more than 60 months, reducing their benefits to just \$257 a month for a family of three. This will affect 7,000 families by the time the cuts go into effect in October. The cuts will occur before changes to employment services are implemented.¹¹"

Recommendations

The rapid and complete elimination of child poverty should be a priority for the District government.

- Restore TANF benefits for needy residents cut off in the last few years.
- Raise the TANF benefit to above the regional poverty level.

Employment and Workforce Development

¹¹ "WHAT'S IN THE FY 2012 BUDGET FOR TANF? July 27, 2011, DCFPI. The Cost of Cuts to DC's Cash Assistance, DCFPI Analysis of the FY 2012 Budget , <http://www.dcfpi.org/fy12-budget-toolkit>

On September 8, 2011, Mayor Gray launched his “One City, One Hire” program whose stated objective was to encourage businesses to hire DC residents with a variety of benefits to those companies who participate. The press release promised “One City • One Hire aims to get area employers to hire 10,000 unemployed District residents within the next year”.¹² However, this initiative immediately generated serious questions to its likely effectiveness. As noted by the D.C. Fiscal Policy Institute:

“Mayor Gray’s proposed budget would maintain—but not increase—local funding for adult workforce development. The FY 2012 budget would keep funding stable for adult job training and the Transitional Employment Program. One Stop Career Centers, which are funded through federal dollars, would see a 20 percent reduction and will likely see a further decline to an anticipated cut in the FY 2012 congressional appropriation for Workforce Investment Act dollars. The FY 2012 proposed budget continues a four-year reduction in local spending on youth workforce programs, primarily due to a major scaling back of the Summer Youth Employment Program. Mayor Gray’s proposal expects participation of 9,000 youth at a cost of \$12.1 million in 2012, compared 12,000 participants at \$16.3 million in 2011.”¹³

The District’s First Source law is intended to prioritize hiring under D.C. government contracts to D.C. residents. However, recent reports by the D.C. Auditor have concluded that the law is largely unenforced, resulting in the loss of hundreds of jobs for D.C. residents and millions in lost revenue for the District. Similar programs in other cities have taken a more comprehensive approach, matching job training opportunities with skills identified by employers as necessary. This is not the approach taken by the District government.¹⁴

Recommendations

- The District government should strengthen enforcement of the First Source Act and the Living Wage Act, including shutting down projects that do not hire DC residents and pay them a living wage, and use fines against these violators to fund job training and apprenticeships.
- The District government should take the lead in promoting a comprehensive program to train DC residents in jobs for the economy of the 21st century, with a focus on green jobs in urban agriculture, energy conservation and solar energy technologies. For example, high schools should have apprenticeship programs that guarantee employment upon graduation and strongly encourage and support college education with the same focus. The District should partner with non-profits especially co-ops, businesses and unions.

Housing

¹² <http://mayor.dc.gov/DC/Mayor/About+the+Mayor/News+Room/Press+Releases/Mayor+Vincent+C.+Gray+Launches+Initiative+to+Get+District+Residents+Back+to+Work>

¹³ (What’s in the Mayor’s proposed FY 2012 Budget for Workforces Development? May 19, 2011, DCFPI Analysis of the FY 2012 Budget, <http://www.dcfpi.org/fy12-budget-toolkit>).

¹⁴ <http://www.dcfpi.org/wp-content/uploads/2011/03/032311-workforce-intermediary-report2.pdf>

According to reports in 2010, nearly all low-income households in D.C. have “unaffordable housing costs.”

Four of five DC households with incomes below 30 percent of the Area Median Income [AMI] spent more than the federal housing affordability standard. (30 percent of AMI equals about \$28,000 for a family four.) Some 62 percent of households with incomes this low spent half or more of their income on housing in 2007 — up from 50 percent who had housing costs this high in 2000. Low-income households represent the vast majority of residents in need of affordable housing. While a growing number of moderate-income households also face housing affordability problems, most of the families facing such challenges are low-income. Of the 98,000 households that spend more than 30 percent of income on housing, two-thirds have income below half of the area median income. Of the 48,000 households that spend at least half their income on housing, 85 percent have incomes this low. ¹⁵

The FY 2012 District Budget made even more cuts in affordable housing funding. In the last year, DC government cut \$20 million from housing programs, ignoring the huge need for affordable housing in the city. There are 47,500 District families who pay more than half of their income in rent, and over 6,500 people are homeless.¹⁶

In its report, *An Affordable Continuum of Housing...Key to a Better City*, the Center for Nonprofit Housing and Economic Development (CNHEP) focused on the obstacle of providing a Continuum of Housing that is affordable to all. The report argues for placing a much higher priority on providing housing when allocating the District's resources, emphasizes the importance of each housing option along the continuum and concludes with key recommendations for accomplishing this goal. ¹⁷

The report notes that:

- a resident of the District earning a minimum wage of **\$8.25 per hour** would need to work **153 hours per week** to afford the 2010 fair market rent for a two-bedroom apartment.
- **47,500 households** in Washington, DC had **severe housing burdens** in 2007, spending half or more of their income on housing. More than **26,000 households** are currently on the **waiting list for public housing or housing vouchers**.
- Local funding for affordable housing has been **cut by a third in the last two years**, one of the severest reductions in funding of any major DC program.

¹⁵ “NOWHERE TO GO: As DC Housing Costs Rise, Residents Are Left With Fewer Affordable Housing Options,” February 5, 2010, DCFPI, (<http://www.dcfpi.org/nowhere-to-go-as-dc-housing-costs-rise-residents-are-left-with-fewer-affordable-housing-options>)

¹⁶ <http://housingforallblog.org/2011/12/its-time-for-dc-to-restore-the-commitment-to-affordable-housing/>

¹⁷ http://www.cnhed.org/download/123321_U127242_746634/Continuum%20of%20Housing%20Report.pdf

- The **FY 2010 budget** for affordable housing is equal to only **\$1.33 out of every \$100** of the District's locally funded budget.

Homelessness

Homelessness is on the rise in our city. Here are some DC statistics:

Total Homeless Population

2008: 6,044

2009: 6,228 (3.04 percent increase from 2008); Homeless persons per 10,000: 103.86 (highest ratio in nation compared to 50 states and Puerto Rico)

2011: 6546 (5.11 percent increase from 2009); Homeless persons per 10,000: 108 (highest ratio in nation compared to 50 states and Puerto Rico)

Chronic Homeless Population

2008: 2,184

2009: 1,923 (11.95 percent decrease from 2008)

2009 Chronic homeless percent of total homeless: 30.88 percent (3rd highest in nation, only exceeded by Louisiana and Puerto Rico)

2011: Chronic homeless percent of total homeless: 31.97 percent (3rd highest in nation, only exceeded by Louisiana)

Persons in families that were homeless:

2008: 1,836

2009: 2,294 (25 percent increase from 2008)

2011: 2,688 (17.18 percent increase from 2009)

Unsheltered Homeless

2008: 378

2009: 321 (15.08 percent decrease from 2008)

2011: 305 (4.98 percent decrease from 2009)

Severe Housing Cost Burden among Poor Households

2008: 19,606

2009: 19,948 (1.74 percent increase from 2008)

2009 percent of all Poor Households that were severely cost burdened: 72.01 percent¹⁸
(2011: no data provided)

Homelessness among Veterans

2011: 515, 19.78 percent decrease from 2009, still by far the highest rate in the nation, compared to the 50 states.

¹⁸ Source: State of Homelessness in America, January 2011, 2012, National Alliance to end Homelessness, Homelessness Research Institute.

Further exacerbating the rising homelessness in D.C. has been the closing of two major homeless shelters, without additional resources. Further documentation on the closure of the La Casa shelter, in the context of international human rights law, citing the District's status as a HRC, is found in the Appendix (MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO AMEND THE COMPLAINT, FILED BY JANE ZARA, ESQ., February 24, 2011). Note that the closure of both La Casa and the Franklin Shelter, the only downtown facility, occurred before the December 10, 2008 Declaration of the District as a HRC. Nevertheless, as a HRC, it is entirely reasonable to hold the District government thereby accountable in ongoing court proceedings regarding the impact of these closures.

Homeless Children

In recent years Washington, DC, has seen a dramatic rise in the numbers of homeless families with children. In 2009 the number of homeless individuals living in DC was 6,228, of those 1,426 were children under the age of majority.¹⁹ These figures imply that in 2009, more than 22% -- or at least one in 5- -of the total homeless population in DC was comprised of children. The economic and social conditions of Washington, DC poor are the result of the high cost of housing; where low-income families are unable to meet their monthly rent and mortgage payment face foreclosure; eviction; and are often forced to live in overcrowded and substandard conditions (UNCHR, 2010). DC's homeless children are living in transitional shelters, emergency shelters, runaway youth shelters, streets, parks, alleys, abandoned buildings and stairways (Ferrell, 2010). Meanwhile DC's homeless children rates continue to rise. In 2010, the federally mandated homeless enumeration count established an considerable increase in the number of homeless children in Washington, DC from 22% to 26% where 1,535 children were identified sleeping in shelters, abandoned buildings or on the streets (Ferrell, 2010). In 2009 school administrators identified 950 homeless students attending DC Public Schools (Seif, 2009).

Homeless children and youth today are one of the most vulnerable homeless populations and the fastest growing segment of the US homeless population (HUD, 2011). Home and house stability is critical for the well-being and development of youth. Washington, DC suffers the highest poverty rates and highest number of homeless families with young children in the nation. In addition DC's budget cuts in social services and assistance programs are attributed to the rise in children's homelessness, which is profoundly and directly impacting the well being of homeless families and their children.

Most alarming, researchers suggest that 30 percent of homeless children living in shelters are victims of sexual exploitation and that more than 70 percent of homeless children forced into the streets are engaging in "survival sex" to secure food, housing, and transportation. During the past four years, the number of child prostitutes in DC has seen a huge spike and the city was cited by child advocacy groups as a hub for sexual exploitation of children.²⁰ Poverty and lack of affordable housing are contributing factors to the sexual exploitation of poor and homeless children in DC. Poverty is the most frequent explanation cited for the involvement of a considerable number of youth in sex crimes (GAO, 2009). With the continued economic downturn and the increasing number of DC's homeless children who are daily confronted with factors outside and beyond their control, these children are consequently left with few options other than to sell their bodies (GAO, 2009; UNICEF, 2009). DC's negligence has unfortunate consequences. During the past four years the rate of child prostitutes in Washington, DC has seen a huge spike and the city was cited by child advocacy groups as a hub for sexual exploitation of children who are

¹⁹ (DC Kids Count, 2010).

²⁰ <http://tinyurl.com/2d52bvn>

trading sex for shelter and food.²¹

These factors prompted the DC Council to pass "The Prohibition Against Human Trafficking Bill", which included language about the prohibition of adults engaging or facilitating consensual sex with a minor in exchange for goods or services.²² While a step in the right direction, the bill fails to address the causes of child prostitution or offer program support to address the needs for children who engage in trading sex for food or intervention programs to protect or help them ward off sexual predators while in shelters or in the street. Such programs could include mandating that homeless shelters provide awareness-raising activities to change attitudes about child prostitution, as well as a surveillance system to prevent children from being coerced into prostitution.

Recommendations

- The District government should prioritize funding for the Housing Production Trust Fund, expand the provision of permanent supportive housing and open homeless shelter facilities for men, women and families in downtown DC.
- The District government should provide structural support to prevent and limit the number of families becoming homeless and reduce the number of homeless families living in shelters or in the streets. DC should implement a comprehensive structural analysis of DC's housing market; offer preventive programs; citywide system support; and employ specific measures to enable its most vulnerable population to continue to live in their own homes, provide family shelter centers available for homeless families; increase length of stay for homeless families with children in local shelters; and provide shelters for young persons presently living in the child protection or juvenile system.
- In addition it is critical if not urgent for the DC Council to consider implementing and integrating supportive social assistance services, educational support systems and comprehensive programs aimed at addressing the unique social challenges DC homeless children and youth face, as well as offer homeless services and programs to help homeless children and youth avoid exploitation; and increase funding for homeless youth intervention services tailored to their needs instead of the current available programs that mainly target the adult homeless population.
- District government should reconsider its school consolidation plans and adjust its shelter policies for youth and families to ensure homeless children maintain school enrollment.
- In addition we endorse the key public policy recommendations of *An Affordable Continuum of Housing... Key to A Better City* (see Appendix).

HEALTH

To date, no data is yet available on life expectancy or the infant mortality rate for 2009 to the present, hence we cannot yet evaluate progress made on these critical measures of health since the

²¹ : http://www.fbi.gov/pressrel/pressrel09/crosscountry_102609.htm

²² <http://www.dccouncil.us/images/00001/20090128113919.pdf>

Declaration of the District as a HRC in December 2008.

The most recent data available for the District's infant mortality rate is 2008, with the rate being 10.9 (16.5 for Black infants), with the overall rate fluctuating from 15.0 in 1999 with a dip to 10.2 in 2003. The national average for 2008 is given as 6.59.²³ The 2011 revision of the United Nations World Population Prospects report gives the U.S. rate as 6.81 (2005/2010) with Cuba's rate being 5.12.²⁴

The most recent data available indicates that life expectancy in the District rose from 61.7 for black men in 1997 to 68.9 years in 2007. For black women, the increase was from 73.6 in 1997 to 76.8, so not as large a jump but still better than the national average. White male life expectancy in the District grew from 70.3 in 1997 to 75.1 in 2007, and female life expectancy grew from 79.3 to 81.3 ("Life expectancy teetering in large sections of U.S."²⁵). Thus marked progress has been apparently made, likely because of the significant expansion of health insurance from 1997 to 2007 (see below). However, it is unclear whether the statistics include the more than 6,000 incarcerated residents housed outside the District.

Further, the impact of the current recession on the health of low income residents will surely represent an additional challenge to the District's Department of Health. An increase in child abuse, including higher rates of head-trauma cases, are likely results of the current recession (depression east of the river) ("Research examines links between child abuse and economic downturn", AP, A7, September 19, 2011, Washington Post). To the extent that District government has failed to meet its challenges regarding poverty and unemployment it has contributed to bad health, particularly among the low income population.

The District's progress in confronting its long-standing crisis in mental health care was recently highlighted.²⁶ The District has managed to meet the requirements under the *Dixon* litigation, a case filed in 1974, with a preliminary settlement reached in late 2011. The District's mental health system has been under a judicial receivership since 1997. This accomplishment marks a dramatic improvement in mental health services available to DC residents.

Access to Health Care

The District has taken important steps to meet the essential health care needs of low-income residents. It has established a program—the DC HealthCare Alliance—to provide health insurance to those who are not eligible for Medicaid. It has also expanded its Medicaid program to cover more low-income children and dental care for adults. These substantial investments in health insurance programs for low-income residents has resulted in nearly 95 percent of D.C. residents having health insurance, one of the best rates in the nation. The District covers more than 30 percent of its residents, or over 213,000 people, through its health insurance programs. Nearly 159,000 residents are enrolled in Medicaid — one of the most comprehensive Medicaid programs in the country — and Medicare. An additional 55,000 residents have coverage provided by the DC HealthCare Alliance.

Despite this investment in coverage, more than half of DC residents live in areas that lack access to

²³ 2008 INFANT MORTALITY RATE FOR THE DISTRICT OF COLUMBIA, State Center for Health Statistics, Center for Policy, Planning, and Evaluation, Department of Health, MARCH 31, 2011

²⁴ (http://en.wikipedia.org/wiki/List_of_countries_by_infant_mortality_rate).

²⁵ David Brown, A7, June 15, 2011, Washington Post, citing Kulkami et al., 2011, Falling behind: life expectancy in US counties from 2000 to 2007 in an international context. *Population Health Metrics* 9:16

²⁶ D.C. set to resolve Dixon lawsuit", Mike DeBonis, B1, September 13, 2011, Washington Post)

care.²⁷ Provider reimbursement rates offered by health insurance programs do not cover the full cost of patient care. As a result many practices face constant financial challenges as they struggle to meet patients' needs and some refuse to accept these patients altogether. Additionally, health care services and resources are not distributed equitably throughout the District. The greatest gaps in access to primary care are in Wards 7 and 8, areas of the city that also suffer from the highest prevalence of chronic diseases. These diseases, including diabetes and HIV/AIDS, could be avoided or treated with better access to primary care.

HIV/AIDS Prevention and Treatment

The HIV/AIDS crisis in the District is well known, with the highest prevalence rate in the nation. In its Report Card No. 6 (October 2009 to February 2011), the DC Appleaseed Center gave the District government As to B- in HIV/AIDS prevention and treatment, except for a C- to the Office of the State Superintendent of Education (OSSE) for its efforts for public education.²⁸

According to the National AIDS Housing Coalition the District of Columbia has over 700 households are on the waiting list for the federal program The Housing Opportunities for Persons with AIDS (HOPWA)²⁹.

Recommendations

- The District government should release its health statistics in a timely manner, noting the absence of such data to the public since 2008. While most residents are covered, there are still some who lack health insurance. A single payer system is long overdue, hence we urge the District government to establish a representative commission to begin the implementation of such a system that would guarantee universal coverage and access to first rate preventative and treatment services.

Human Rights Education

The resolution declaring DC the first human rights city in the United States noted that the American Friends Service Committee partnered with the District of Columbia Public Schools to create courses that teach our students about human rights issues. Since, progress has been made by the American Friends Service Committee to expand human rights learning to more than 1,000 students between September, 2009 and September 2011. The students are learning about human rights and are engaging in actions to bring about social change, peace and justice in their schools and communities. The Street Law program which is in nearly all the DCPS high schools and some charter schools, has a textbook that includes a human rights focus. Some of its Georgetown Law Center law student teachers educate high school students about human rights. More could be done by the City to support the efforts of the American Friends Service Committee and other organizations working to educate our young people about the values of a human rights city.

²⁷ <http://defeatpovertydc.org/the-campaign/make-basic-needs-accessible/health-care/>

²⁸ <http://www.dcappleseed.org/project/hiv-aids/assets>.

²⁹ (2012 HOPWA Need Paper, <http://nationalaidshousing.org>)

Public Education

Educational “Reform”

In spite of so-called educational reforms implemented in recent years by former Mayor Fenty and DC Public Schools Chancellor Michelle Rhee, and continued by Mayor Gray, the glaring disparities of student performance persist in our community, with continuing wide gap between African-American and white children in DCPS. As *Washington Post* reporter, Bill Turque, has observed, “The gulf in academic achievement separating public schools in the District’s poorest neighborhoods from those in its most affluent has narrowed slightly in some instances but remains vast, an analysis of 2011 test score data show. Children in Ward 7 and 8 schools trailed their Ward 3 peers in reading and math pass rates by huge margins — from 41 to 56 percentage points.”³⁰

It is important to note that, even by these measures, student performance is evaluated by standardized tests, which many critics feel have been overemphasized in recent years, at the expense of instruction focused on critical thinking and fostering creativity. Further, poverty is a critical factor largely ignored in this reform approach, a view that is supported by the gaps noted above. Unfortunately, given the ongoing lack of budgetary commitment to confronting the challenge of eliminating child poverty, the District government has yet to implement effective educational reform in DCPS. The recent closure of Parent and Family Resource Centers connected to schools in Wards 1, 7 and 8 raises again the issue of District government neglect of socio-economic factors impacting student performance.³¹

Continuing the policy of closing neighborhood schools in the Fenty administration, DC under Mayor Gray is proposing to close additional neighborhood schools with school enrollment of 300 in 2013. The majority of the schools proposed for closure are located in Wards 6, 7 and 8. School closures profoundly impact parents, communities, and, above all students. Closures affect relationships, routines, and neighborhood coherence. They force many displaced students to use public transportation that adds uncertainty in their ability to arrive at their new school on time, increasing truancy thereby jeopardizing their status and standing in their new school.

Even more troubling, D.C. schools expert, Mary Levy, has highlighted the problems of the bloated D.C. Public Schools bureaucracy, which starves schools of resources while maintaining unnecessary and highly-paid administrative positions. According to Ms. Levy:

1. The number of DCPS central administration employees rose by 112, or 18 percent from 2007 to 2010 (the tenure of Michelle Rhee), while enrollment went down by 6,600 or 12 percent. Since FY 2003 central office FTEs are up 38percent while enrollment is down by 28 percent.
2. As of October 1, 2010, about 100 of the central office staff have salaries of over \$100,000 per year.
3. Per student spending went up 28 percent during Ms. Rhee’s tenure, compared to inflation of 6 percent, leading to the possibility that better student/staff ratios, smaller classes and

³⁰ “Huge achievement gaps persist in D.C. schools”, Bill Turque, August 6, 2011, *Washington Post*; also see “D.C. schools have largest black-white achievement gap in federal study”, Lyndsey Layton, December 7, 2011, *Washington Post*.

³¹ (“D.C. schools criticized over closure of parent-family centers”, Bill Turque, August 31, 2011, *Washington Post*).

other resources were responsible for the modest test score improvements that did occur. Unfortunately, the level of spending – which is high compared to other school districts -- can't be sustained.

4. DCPS is now losing half its teacher workforce within 5 years, and half its new teacher hires within 2 years.
5. The percentage of inexperienced (first and second year) teachers has risen to almost 20 percent.
6. Beginning teachers (first and second year) are 25 percent of the teachers in three wards with mostly low-income students (1, 5, and 8).³²

One specific program that DC has initiated and is fairly successful is the universal pre- K program that offers needed help to low income families. Unlike other cities faced with budget cuts, the DC Council chose not to cut or curtail its funding- and to their credit the Council has allocated funding it through 2014. DC's Pre-K program offers measurable improvements to young children and their low income families and has made a concerted effort to improve participants educational outcomes, which have improved according to educational experts who have tracked it. Most of the children enrolled are Black, Hispanic and Amharic. Children as young as 2- 3 years old enroll for free and each child is daily offered two balanced meals with fresh vegetables and fruit. The program provides health services including access to nurses and therapists. Many of these programs operate from 7:00 am- 7:00 pm freeing parents to seek jobs or work. It is of course imperative for this important program to be monitored and potential obstacles to full utilization be identified and overcome.

School Modernization in the District

In August 2010, the Washington Lawyers' Committee for Civil Rights & Urban Affairs produced an important report on the DC schools, *The State of the District of Columbia Public Schools 2010: A Five Year Update*. The report noted the troubled history and positive steps taken by the DC Public School system in the prior five years. In particular, the discussion of the school facilities modernization efforts lays out much of the important background on this issue.

D.C. school facilities suffered from decades of neglect, forcing the majority of DCPS students to attend dilapidated and often unsafe schools. A lawsuit filed by Parents United against the District in 1992 “found 5,695 total fire code violations throughout the D.C. public schools and deemed the vast majority of them to be life-threatening.” (*Parents United v. Kelly*, Civil Action No. 92-3478 (D.C. Sup. Ct. June 10, 1994). In 1998, a U.S. Army Corps of Engineers report found that 84percent of D.C. school facilities were “in poor physical condition.” (*Parents United for the D.C. Public Schools, Leaving Children Behind: The Underfunding of D.C. Public Schools Building Repair and Capital Budget Needs* (July 2003), at 3.)

Five years later, a 2003 Parents United report explained that D.C. schools facilities had not improved: “roofs were leaking, windows needed to be replaced, boilers were failing, plumbing, wiring and heating systems were old and unreliable. Many of the floors, walls and ceilings were in poor condition, and people often avoided the use of the bathrooms altogether. There were very few schools in

³² (Testimony Before The Mayor Of The District Of Columbia, Hearing On The DC Public Schools Budget For FY 2012, Mary M. Levy, March 14, 2011)

the District of Columbia with working science laboratories.” (p. 21) In response to the dire conditions of D.C. school facilities, DCPS developed a Facility Master Plan (“Master Plan”) designed to modernize the DC schools. Approved by the Board of Education in 2001, the Master Plan envisioned spending \$3.5 billion over 10-15 years on school modernization. Unfortunately, the Plan stalled in 2005. The Superintendent, without any source of funding in the proposed budgets, proposed scrapping the Master Plan, in favor of a much more modest program to renovate partially those buildings in the most dire need of repair.

As of April 2010, nearly ten full modernizations had been completed, with plans in place to undertake phased improvements throughout D.C. schools. These modernization efforts have led to hundreds of children residing in all areas of D.C. now attending state-of-the-art educational facilities. According to the Office of Educational Facilities Modernization, from 2007 to 2010, 13 schools and 33 athletic fields and playgrounds were fully modernized; 11 more schools were scheduled for partial or full overhauls for 2011. Despite positive reviews, the modernization campaign hasn't escaped criticism. According to a Post interview with Lew [Allen Y. Lew, former Facilities Construction Head] earlier this year, 12 of the 16 overhauls he oversaw for Fenty went over budget. A report published in May by the D.C. Auditor similarly found that Lew had defied existing contracting rules and made any accounting of expenditures surprisingly difficult.

It is clear that DCPS facilities were in dire need of improvement, and that the amounts budgeted as of 2005 were insufficient to do the job. It is also clear that the school modernizations undertaken since 2007 have substantially improved the physical environments in which thousands of DCPS students receive instruction. Nonetheless, there are concerns about which schools were chosen for early modernization efforts – whether the needs of the poorest students in the worst facilities were given priority -- and whether the modernization efforts overall were done in conjunction with a broader educational plan.³³

The physical state of DCPS facilities has dramatically improved over the past five years. It is fair to say that the large majority of schools provide students with environments much more conducive to learning than they did just five years ago.

Recommendations

- In 2007 Council Chair Vince Gray eliminated the DC Council's Education Committee and consequently made education the responsibility of the Committee of the Whole: While the Education Reform Act gave the D.C. Council an expanded role in overseeing D.C. public schools, unfortunately the Committee of the Whole fiduciary record is negligent and oversight ineffectual. The DC Council and Chair should reestablish the DC Council Education Committee of five to improve the DC Council's legislative and fiduciary oversight.
- The Education Reform Act established Mayoral control for the District of Columbia Public

³³ (Mary Levy, Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools (March 26, 2009); Margot Berkey, Testimony Before the District of Columbia Council Committee of the Whole on the Master Facilities Plan for the District of Columbia Public Schools (March 26, 2009). Further, According to a Washington Post interview with the head of the modernization efforts, 12 of the 16 overhauls he oversaw went over budget. (<http://www.washingtonpost.com/wp-dyn/content/article/2011/02/12/AR2011021203335.html>)

Schools (DCPS) and created 6 costly educational agencies with complicated bureaucracy and redundant functions

- In 2008 the GAO outlined several structural problems DC’s Education Reform Act has produced and recommended the evaluation and alignment DC’s numerous educational agencies.³⁴ So far DC has failed to address GAO’s recommendations or address the heavy top, costly, redundant education bureaucracy. The DC Council should re-evaluate the 2007 Education Reform Act and consider GAO’s recommendation to streamline and consolidate the function, role and objective of all six bureaucratic education agencies.
- Since 2009, DCPS families have been left out without any structural support to address their needs- the DC Council should consider re- establishing an independent office to address DCPS parents needs.
- Finally, the District Government should proceed with a reopening of neighborhood public schools, reversing the pattern of closure since the Fenty administration. More neighborhood public schools would reduce transportation costs as well as neighborhood and city wide air pollution levels, and increase the teacher to student ratio, a metric critical to improving the educational performance of the students.

DC Criminal Enforcement

The system of enforcement of criminal laws in the District of Columbia (D.C.) is one of the most complex in the United States. Due to D.C.’s non-state status, it has forfeited control over much of the criminal law system. Unlike “state” prisoners in other jurisdictions, DC has no prison (although it maintains two large jails for pretrial detention), does not prosecute its own cases, does not appoint its own judges, nor does it supervise formerly incarcerated people after their release. The federal government handles all of these chores, and pays for them, limiting DC’s influence over these aspects of local law enforcement.

Despite this surrender of local control in many respects, the local DC government (Mayor and Council) has power to create criminal laws and to arrest and hold pre-trial detainees. Prosecution and trial of criminal defendants are handled by federal prosecutors and federally-approved local judges, but they prosecute people arrested by local police under DC laws. Local officials have no role in sentencing, incarceration, or post-sentence supervision.

Human Rights and DC’s Enforcement of Criminal Laws

Despite its limited role in the criminal enforcement system, there are serious human rights implications in the way D.C. handles this limited role. D.C. has the highest rate of incarceration in the U.S. Overwhelmingly, the incarcerated population in D.C. is made up of African American and other people of color. Yet the problem is not simply disproportionate representation of African-American men in DC’s criminal justice system, but rather a system that systemically and selectively arrests, prosecutes, incarcerates, brutally mistreats, and retains on surveillance the mass of the population of African-American men in this city. In a city where 50.7 percent of the population is African-American, and fewer than half of these are adult men, nearly 90 percent of D.C.’s incarcerated population is African-American. (Another six percent of the incarcerated population consists of Latino men.)

³⁴ <http://www.gao.gov/new.items/d08549t.pdf>.

Overwhelmingly, African-American men are arrested and convicted not for violent offenses but for low level misdemeanors and drug offenses. According to an important report by the Justice Policy Institute (JPI), *Money Well-Spent*³⁵, while crime has dropped for the last decade in DC, arrest rates continue to soar. This increase is largely due to massive increases in drug arrests (up 11 percent), which occur overwhelmingly in the District's poorest areas (Wards 7 and 8). Similarly, while crime rates among DC youth also fell, arrests soared, with a whopping 46 percent during the first six months of 2010. More than 94 percent of youth arrested in DC are African-American. It is also notable that rates of use of illicit drugs are comparable among African-American and white populations, few whites are arrested or prosecuted for drug offenses.

Other findings of the Justice Policy Institute report include:

- As prison populations have grown, so too have racial disparities in the justice system; this is especially evident in arrest and incarceration patterns for drug offenses. Despite comparable usage of illicit drugs, in 2008 African Americans, who make up 12.2 percent of the general population, comprised 44 percent of those incarcerated for drug offenses. The report notes that disproportionate enforcement of drug laws in communities of color destabilizes families and communities and decreases the likelihood of positive outcomes for children and other family members left behind.
- Policing efforts in the District targeting low-income communities and communities of color are not uncommon. "Summer crime emergencies" produce extreme, neighborhood-wide responses that are frequently the result of a highly-publicized incident of violence. In D.C., over half of all arrests occur in police districts 1, 3, and 6, which roughly coincide with Wards 1, 6 and 7, and are areas that are primarily made up of communities of color.⁵² Nearly half of arrests for drug offenses occur in wards 7 and 8,⁵³ where most residents are black and have the lowest median incomes in the city.
- As noted, 90 percent of the people in D.C. Department of Corrections custody are African American, though African Americans make up only 50.4 percent of D.C.'s total population. Hispanics make up 6 percent of the people in custody and whites, who make up 40.6 percent of D.C. residents, are only 2.2 percent of people in custody. For those sentenced to the custody of the Bureau of Prisons from D.C., nine out of 10 are black, 2 percent are Hispanic and 3 percent are white.
- The racial and ethnic disparities are even more apparent when looking at youth and the D.C. justice system. Over half (55 percent) of the youth in custody were from the majority African-American Wards 7 and 8, which have the lowest median incomes, lowest levels of high school graduation, and highest unemployment in the District.. Only two youth in custody resided in mostly-white Ward 3, which has the highest median income, highest levels of high school graduation, and lowest levels of unemployment. In 2009, the majority (about 96 percent) of the 358 youth committed to D.C.'s Department of Youth Rehabilitation Services (DYRS) is African American; about 4 percent were Latino and there was only one white youth. About 90 percent were young men; 85 percent were under age 18, including 14 children age 13 and younger.

Incarceration of DC Prisoners in the Federal Bureau of Prisons (BOP)

³⁵ <http://www.justicepolicy.org/research/1904>

The District of Columbia's criminal enforcement system overwhelmingly targets non-white residents, particularly African-American males. This racially discriminatory system produces thousands of prisoners to be housed in the federal Bureau of Prisons (BOP). The D.C. government maintains no role in monitoring, overseeing, or even advocating on behalf of D.C. prisoners in the federal system. This role is left to underfunded private organizations.

If the D.C. government were to oversee and monitor treatment of its prisoners in the federal prison system, it would learn that D.C. prisoners are subjected to routine abuse and violations of their basic human rights. There are approximately 6,000 DC prisoners in the BOP, representing fewer than three percent of the total in the BOP. However, DC prisoners, overwhelmingly African-American, serve their sentences primarily in the most dangerous, high-security prisons, the 14 U.S. Penitentiaries. Unlike most other prisoners in the federal system, D.C. prisoners are mostly convicted of "street crimes" (petty robberies, etc.) and drug law violations. They are therefore considered to be more dangerous than other prisoners in this system, who tend to be higher level offenders (so-called "white collar criminals") and more often white.

In the BOP, DC prisoners are subjected to the harshest treatment available in this inhumane system. On August 1, 2011, the BOP issued a revision of its Disciplinary Rules.³⁶ Under the new rules, prisoners can be held in solitary confinement for as long as 18 months for violations of prison rules. Even simple infractions, like insolence toward staff or wearing inappropriate clothes, can land a prisoner in solitary confinement.

The UN Human Rights Committee has stipulated that use of prolonged solitary confinement may amount to a breach of Article 7 of the ICCPR. The UN Committee against Torture has made similar statements. For D.C. prisoners, and for other prisoners in U.S. prisons, the human rights abuses are ongoing and extensive. Although the D.C. government does not itself torture its prisoners, it exposes its prisoners to torture without objection or monitoring, nor does it even recognize that such practices are occurring.

The D.C. Revitalization Act, which closed D.C.'s prisons in 2001, also mandated that 50 percent of DC prisoners be housed in privately-owned prisons. This obvious politically-inspired requirement has resulted in the disproportionate incarceration of D.C. prisoners in for-profit facilities. Prisoners in these facilities have minimal opportunities for educational advancement or work, and are subjected to intolerably poor medical treatment.

The requirement that fifty percent of D.C. prisoners be held in privately-owned prisons led to the opening of the Rivers Correctional Institution in Winton, North Carolina by the Wackenhut Corporation (now The GEO Group) in 2001. That facility houses 1300 federal prisoners, including nearly 900 DC prisoners. Since the first months after the facility was opened, the local prisoners' rights advocates have received an onslaught of complaints about inadequate medical care and security issues. Medical treatment for this population of 1300 men is provided by one doctor, along with a small nursing staff. As is the case in other private prisons and in public prisons with privately-run medical services, complaints about medical care – and litigation – are rampant. A class action suit filed on behalf of all prisoners at Rivers was filed in June 2007. Another report by the D.C.-based Justice Policy Institute, *Gaming the System*, details the political motivations and miserable conditions inherent in the private prison system. (<http://www.justicepolicy.org/news/2615>).

³⁶ <http://www.bop.gov/DataSource/execute/dsPolicyLoc>

Parole

D.C. sends more people to prison every year for violations of their parole or supervised release than it imprisons for committing new felonies. This means that more people go to prison for *not* violating the law than for committing crimes. The system of parole (post-release) supervision in D.C. is federal, but like the incarceration system, the D.C. government takes no role in monitoring, overseeing or advocating for D.C. residents under the control of federal paroling agencies. The responsibility for widespread human rights violations that occur under these entities is shared by the D.C. government and the federal government.

In 2008, approximately 1,506 people were sentenced to felonies in the DC court system and sent to the BOP. That same year, more than 1,700 people were sent to the BOP on parole revocations. These violations were overwhelmingly technical or administrative in nature, not new criminal behavior. Overall, approximately 60 percent of all parole revocations are for technical violations, not for violation of any law.

As a result, the DC prisoner population is increasingly made up of older male prisoners serving relatively short prison terms for violating parole rules. Their lives are uprooted, their families separated, and employment lost when their parole is revoked. Regardless of the public policy merits (or lack thereof) of technical violations of parole, it is difficult to find a reasonable justification for the practice of imprisoning parole violators in prisons hundreds of miles from home.

Recommendations

- Stronger legislation and enforcement are imperative to end long standing discrimination against people with criminal records.
- The District should take steps to regain control over its criminal justice system.
- These would include re-forming the DC Board of Parole, removing DC parolees from the jurisdiction of the US Parole Commission; taking over prosecutorial functions from the Office of the U.S. Attorney; and eventually relocating D.C. prisoners to a local prison from the federal Bureau of Prisons.
- The D.C. Office of the Attorney General should investigate arrest procedures and practices by the Metropolitan Police Department and other police agencies to address apparent racially-biased policing practices in D.C. In particular, the practice of mass misdemeanor and minor drug possession (including marijuana) arrests, mostly targeting African-American youth, should be re-evaluated and discontinued. We must put an end to the scandalous imposition of “New Jim Crow” policing practices, which target African-Americans for arrest and prosecution, and subsequent stigmatization as an “ex-offender.”

Racial Discrimination

Although the African-American community is well-represented in the District government, racism as a component of urban structural adjustment policies affecting Black and Latino residents in particular, is a continuing historical legacy.³⁷ According to a 2011 report by the U.S. Commission on Civil Rights, African-Americans continue to face rampant discrimination in housing and employment in D.C.³⁸ The

³⁷ for a cogent analysis of structural adjustment and poverty go to: Structural Adjustment—a Major Cause of Poverty by Anup Shah, November 2010, <http://www.globalissues.org/article/3/structural-adjustment-a-major-cause-of-poverty>

³⁸ http://www.washingtonpost.com/local/dc-needs-to-enforce-housing-discrimination-law-report-says/2011/07/14/gIQAWh0EI_story.html

report, “Affirmatively Furthering Fair Housing in the District of Columbia,” notes that landlords still often refuse to rent to African-Americans and there are only a few subsidized housing units west of Rock Creek Park, a predominantly white area. Some analyses of national housing policies and the process of gentrification have described this process as neoliberal restructuring of our political economy, concluding that these policies are deliberate and driven by the growing political power of the big corporate sector, especially real estate developers. Moreover, racial discrimination in housing has been identified as a component of the process of gentrification.³⁹ The recent wave of foreclosures has reignited concerns about racial discrimination. Has Gentrification driven “ethnic cleansing”, the displacement of people of color, in DC? Whether intentional or not, historic and ongoing gentrification has driven out Black residents, particularly middle/working class families, who as a result of housing policies and rising rents, could no longer afford to live in the District. Forty years ago, 71% of D.C. residents were Black, now (2010) only 50.7% are Black (Demographics of Washington, D.C., http://en.wikipedia.org/wiki/Demographics_of_Washington,_D.C.). Growing income inequality in the District is consistent with these changes in demographics.

More subtle is discrimination faced by African-Americans in D.C. with criminal records. There are at least 60,000 District residents with criminal records.⁴⁰ Based on arrest records, at least 90 percent of these individuals are African-American,⁴¹ most likely higher, given that 94 percent of youth arrested in D.C. are African-American. According to the Council for Court Excellence, a DC-based advocacy organization, the unemployment rate for this population is 46 percent or more.

Approximately 2,500 to 3,000 formerly incarcerated people return to DC every year from prison, with most of these subject to ongoing supervision by the Court Services and Offender Supervision Agency (CSOSA), according to CSOSA statistics.⁴² Fewer than half of these returning residents are placed in halfway houses, which provide free housing of sorts for a limited period time after release from prison. Of the remaining fifty percent of returnees, at least half of these (or 25 percent overall) are homeless immediately upon their return to DC. Some live in homeless shelters (which are now overcapacity), while others live informally with family or friends (sleeping on couches, floors, etc.) or on the streets. There are a small number of underfunded reentry programs in DC, providing job training and a few providing “transitional” housing.

The disproportionate rate of police involvement in the African-American community contributes to the staggering levels of unemployment, homelessness, and social dislocation faced by this community. As noted, the rate of arrests is vastly disproportionate to behavioral factors like drug use, with African-Americans arrested in overwhelmingly disproportionate numbers for drug offenses when illegal substance abuse among the white and African-American communities is similar. Targeted police enforcement in low income and predominantly African-American communities results not only in high rates of arrest and incarceration but also increased unemployment and homelessness.

³⁹ Wyly, E.K. and D.J. Hammel, 2004, Gentrification, segregation, and discrimination in the American urban system. *Environment and Planning A* 36 (7): 1215 -1241. <http://www.geog.ubc.ca/~ewyly> s.

⁴⁰ See “Unlocking Employment Opportunity for Previously Incarcerated Persons in the District of Columbia,” Council for Court Excellence, November 2011 <http://www.courtexcellence.org/>

⁴¹ See “Money Well-spent,” Justice Policy Institute, 2009. <http://www.justicepolicy.org/research/1904>

⁴² See the CSOSSA Reentry Fact Sheet at http://csosa.gov/reentry/resources/reentry_fact_sheet.pdf.

Our District government should be held fully accountable for budgetary policies that adversely impact on people of color, especially children. The same principle applies to women, especially poor women receiving woefully inadequate TANF benefits and resources from other programs for low income residents. Since a disproportionate fraction of DC residents who live below the poverty line and live in substandard housing are African American and Latino these facts in itself constitute a violation of the International Convention on the Elimination of All Forms of Racial Discrimination. Similarly, the lack of full citizenship rights, including full voting representation in the House and Senate as well as the continued veto power of Congress regarding budgets and legislation passed by District government likewise constitutes a violation of this International Convention. Dr. Doudou Diene, Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance held a Town Hall in DC on June 5, 2008, to collect testimony and data for a report to the UN Human Rights Council. The data provided in this report document the continued violation of this International Convention by the District government in the areas of economic and social rights.

In employment at least one example of racial discrimination by our District government stands out, in the treatment of African American firefighters by the D.C. Department of Fire and Emergency Services; “Black D.C. firefighters file lawsuit”, Spencer S. Hsu, Washington Post, October 16, 2010, B1. Readers can find more on this issue at: <http://abolishracism.blogspot.com/2008/04/rally-press-release.html>. [http://en.wikipedia.org/wiki/Demographics_of_Washington,_D.C.\)](http://en.wikipedia.org/wiki/Demographics_of_Washington,_D.C.).

Recommendations

- The D.C. Council must pass the Human Rights for Ex-offenders bill, which would bar discrimination against otherwise qualified job and housing applicants based on their criminal records.
- The D.C. Office of Human Rights and the Office of the Attorney General must step up enforcement of existing laws banning race discrimination in housing, utilizing testing and other mechanisms to insure equal access to decent and affordable housing.

Discrimination Against Women

The D.C. advocacy organization, Defeat Poverty DC, has effectively demonstrated that poverty disproportionately affects women in D.C. In DC, women are 35 percent more likely to be in poverty than men.⁴³ In 2009, the District had the highest percentage of women in poverty in the Metropolitan region, with 63 percent of DC’s low-income working families – families earning 185 percent of the federal poverty level – are headed by single women. While there are many factors that contribute to the disproportionate number of women living below the federal poverty level, certain factors are more prominent than others.

Wage disparity can be cited as one of the top reasons women continue to live below the federal poverty line. Working women continue to earn less than their male counterparts. Women-headed families in the District have the lowest median incomes regionally with earnings of \$35,700 in 2008, compared to the median income for all families in the metropolitan region of \$67,308 and the median income for male-headed families in the District of \$52,889.⁴⁴

⁴³ http://defeatpovertydc.org/2010/09/poverty-in-dc-a-women%E2%80%99s-issue/#_edn1

⁴⁴ 2006-2008 American Community Survey

Childcare expenses also bear disproportionate on women. Childcare is one of the most expensive costs single women with children must budget bear. The costs of childcare have significantly increased over the past five years, and can account for up to 70 percent of a family's budget. In the District, a family with an infant and a preschooler would pay \$24,627 for childcare.⁴⁵ This can consume nearly 70 percent of the median income of women-headed families, which is \$35,700 a year.⁴⁶ Consequently, the family is left with 30% of its income to cover expenses such as housing, food and savings.

The lack of job training and education is also a significant factor in the low earnings and the increasing number of women living in poverty. Low levels of education hinder the ability of women to compete for living wage jobs. Only 40 percent of low-income working female heads of household in the District have high school degrees, and only 31 percent have any post-secondary education.⁴⁷ With 82 percent of the jobs in D.C. held by those with a Bachelor's degree or higher this puts these women at a significant disadvantage in securing high wage jobs.⁴⁸ Unfortunately many women and their families are unable to cover all necessary costs of living in the District of Columbia.

Many women must rely on the federally-funded but locally-administered program, Temporary Assistance for Needy Families (TANF), to support their families. In the 1990s, the federal government eliminated the Aid to Families with Dependent Children program, replacing it so some extent with TANF. TANF provides only temporary financial assistance program to low income families with dependent children, and for pregnant women in their last three months of pregnancy. This temporary financial assistance is supposed to support recipients while also helping them find jobs that will allow them to support themselves.

In 2009, an estimated 73.7 percent of female-headed households in the nation's capital city lived below the federal poverty guideline. In December 2010, the D.C. government cut TANF benefits by 20 percent,⁴⁹ reducing benefits to \$257/month for 7,000 long-term recipient families (those that have received assistance for 60 months or more). The current maximum monthly TANF benefit for a District family of three is \$428, almost 28 percent below the federal poverty line. Compared to other high-cost cities (e.g., a family of three in Los Angeles can receive up to \$723, while a family in New York can receive as much as \$691 a month), DC's TANF benefit fails to provide the support necessary for women and families to move towards self-sufficiency. Furthermore, inflation continues to decrease the adequacy of TANF benefits to meet basic needs. If a cost-of-living adjustment had been in place since 1991, a family of three in DC would be receiving a monthly benefit of \$665 this year.⁵⁰

Recommendations

⁴⁵ http://www.naccrra.org/publications/naccrra-publications/publications/State_Fact_Bk_2010_All_070710.pdf

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ <https://analyzer.dcnetworks.org/>

⁴⁹ <http://povertyandpolicy.wordpress.com/tag/tanf-benefits-cut/>

⁵⁰ Joni Podschun. 2010. *TANF Issue Paper*. Washington, DC: DC Fiscal Policy Institute and SOME, Inc. (So Others May Eat). http://www.some.org/docs/TANF%20Issue%20Paper%20_6-10-09.pdf

- Besides raising the TANF level above the regional poverty level, implement a cost-of-living adjustment to secure the purchasing power of TANF for DC's women and children struggling with poverty. Ensure that TANF recipients have access to and are therefore able to pursue training according to skill sets, which will lead to long-term security, rather than siphoning recipients to the most easily available job or work program.
- Anti-discrimination laws must be vigorously enforced, and if necessary strengthened. The economic and social status of women and people of color must be prioritized by District budgeting and policy; see sections on poverty, housing etc.

Immigrants Rights

While we saw various examples of the chipping away of our civil liberties on a national level during this past year, District residents can be proud of several actions taken by elected officials that reinforce our conviction that DC can actually become a Human Rights City. The Department of Homeland Security logged the record removal of 396,906 persons during Fiscal Year 2011 touting this number as proof that it is rooting out serious criminals only, however it is important to note that the overly broad definition used by DHS ranks minor traffic offenses or entering the U.S. without a visa on a par with violent crimes.

On Oct 21 2011, Mayor Vincent Gray signed an executive order banning police officers and other public agencies (including the D.C Department of Corrections) from making inquiries into a person's immigration status. According to Gray's executive order, the District's law enforcement officers may not inquire about the immigration status of individuals or share information about immigration status with federal agencies except when that status pertains directly to a criminal investigation. The Executive Order also prohibits law enforcement agencies from making incarcerated youth and adults in their custody available to federal immigration enforcement officials for interviews without a court order. The decision reinforces executive orders by past District mayors, but the mayor and council members say it goes further by explicitly setting standards for how the city's criminal justice system will deal with immigrants.⁵¹

Because the ban also applies to the other public agencies, a person's immigration status cannot be an issue in seeking health care services, or registering in primary/secondary school public schools in the District. Activists working to eliminate domestic violence see this move on the mayor's part as an aid to encouraging persons to report abuse and to seek help for family members without putting a family member at risk for deportation.

A little more than a month later, on November 15, 2011, the entire D.C. Council introduced legislation indicating that police and corrections officials should cooperate with the "Secure

⁵¹ <http://privateofficernews.wordpress.com/2011/10/21/washington-dc-now-a-sanctuary-city-by-executive-order-www-privateofficer-com/>

Communities” program only in the case of violent crimes. This bill would shorten the amount of time local police are authorized to hold illegal immigrants for the federal Immigrations and Customs Enforcement before letting them free. Proposed by at-large Councilman Phil Mendelson and backed by the entire Council, the bill would limit the time police can hold someone on an ICE civil detainer to 24 hours, down from the federally recommended 48 hours.

Also, before the year was out, Councilmembers Phil Mendelson and Jim Graham prepared legislation to facilitate the obtaining of a license to operate a motor vehicle by persons who do not have a Social Security number. This bill, the "Non-Driver's Identification Card/Driver's License Amendment Act of 2011," stipulates that: “The Mayor shall request a social security number, if such a number has been issued to the applicant, for an operator's permit for the purposes of administering and enforcing the laws of the District of Columbia. The Mayor shall not require a social security number from an applicant if the applicant does not have such a number.” The same stipulation applies to the application for a Non-Drivers Identification Card.

Obviously the decision on the final draft of the legislation to eliminate the obligation to provide a Social Security number to obtain an operator’s permit, as well as the vote on The Immigration Detainer Compliance Amendment Act ,will not take place until later in 2012. If passed and signed by the Mayor, this legislation will still have to pass through the odious process of congressional approval, reminding us once more of the colonial status in which the District of Columbia still exists. Nonetheless, under the present national climate of hostility toward the immigrant population, these actions by the City Council and the Mayor remind us once again that the District of Columbia stands out among the nation’s municipalities and shows its potential to become a full-fledged Human Rights City.

Unfortunately, immigrants lacking legal documentation continue to face significant economic hardship, including wage theft and the lack of enforcement by the District government. Documentation for wage theft is provided in the Appendix.

Discrimination based on Sexual Orientation

Our elected District government deserves credit for a major achievement in human rights since our declaration of a Human Rights City in December 2008, with its legalization of same-sex marriage. In March 2010, the Religious Freedom and Civil Marriage Equality Amendment Act was implemented after the federal courts refused to allow opponents an opportunity to repeal the law via referendum. The District joined just a handful of states that granted full legal equality in marriage to same-sex couples.

The District’s Human Rights Act, which protects against discrimination in housing, employment and public accommodations, includes bans on discrimination based not only on sexual orientation but also provides legal protections to transgender individuals that surpass those in any other jurisdiction. The D.C. Department of Corrections has adopted the most progressive policy in the U.S. on housing and treatment of transgendered individuals in D.C. jail facilities.

There remain serious problems around violence against sexual minorities, in particular a spate of fatal and non-fatal attacks on transgendered people in DC.⁵² There have also been reports of violence against lesbians that have not garnered sufficient police reaction, according to advocates.⁵³

⁵² <http://washingtonexaminer.com/local/crime-punishment/2011/09/police-investigating-death-attacks-transgender-people>.

Nonetheless, in stark contrast to conditions in other cities for gay, lesbian, and transgendered individuals, D.C. provides a broad range of legal protections and practical opportunities.

Recommendations

- The human rights of LGBT community must be vigorously protected by proactive action of our District government and its police. The LGBT community should be partners in formulating and implementing these policies.

Meeting the District's Human Rights Obligations

Aside from changes in policies which require little or no budgetary commitment, we examine here whether the District government could have better met its human rights obligations drawing on untapped revenue and by changing its budgetary priorities.

1) District taxes

The federal income tax structure is already progressive, but the District's overall tax burden is regressive for most families; for incomes above \$33K the tax rate steadily declines as incomes rise. Taking into account the federal deduction offset, District millionaires now pay a lower rate than all but the poorest families, averaging \$12,400 a year (the federal poverty level in 2009 was \$21,800 for a family of four, with the self sufficiency income being more than twice this level. DC millionaires' overall effective DC tax is between 6 and 7 percent of family income, in the same range as for the poorest families, while working /middle class families pay 9 to nearly 11 percent (see this data at ITEP, Who Pays?, <http://www.itepnet.org/whopays.htm>, and reports from the DC Fiscal Policy Institute; note that the overall tax burden consists of income, property and sales tax payments; the impact of the increase of the tax rate to 8.95 percent is included in the estimate made above for the high income families).

Here is some relevant documentation:

<http://www.dcfpi.org/taxes-on-dc-families-remain-lowest-in-the-region>

Taxes on DC Families Remain Lowest in the Region
by Aleksandra Gajdeczka February 16th, 2011



In the last twenty years, DC taxpayers in the greater than \$100,000 bracket increased in number from 12,000 to 51,693 (in 2009). In 2008, the taxable income of DC residents with incomes of \$100K to 200K was \$3.36 billion, for \$200K and above \$7.01 billion

⁵³ <http://unfinishedlivesblog.com/2011/08/08/five-d-c-lesbians-attacked-but-police-refuse-to-file-report/>

(<http://www.irs.gov/taxstats/article/0,,id=171535,00.html>, Table 2, Individual Income and Tax Data, by State ... Tax Year 2008, IRS). In 2009, the year with the most recent data available, DC taxpayers with incomes over \$100,000 had a taxable income of \$11.1 billion, for over \$200,000 the taxable income was \$7.5 billion (<http://www.irs.gov/taxstats/article/0,,id=171535,00.html>, Table 2. Individual Income and Tax Data, by State And Size of Adjusted Gross Income, Tax Year 2009). These values have very likely increased in the past year, because of stock market rebound, with the 2007 values closer to now (personal communication, Matt Gardner, ITEP; in 2007 DC taxpayers with incomes over \$200,000 had a taxable income of \$8.8 billion). As an example of potential revenue enhancement using the 2009 data, a modest 2 percent increase in the DC income tax payment for those making \$200,000 or more would generate an additional \$150 million per year, using the 2007 data, \$176 million per year.

Note that on September 20, 2011, the D.C. City Council voted to modestly increase the District income tax rate from 8.5 percent to 8.95 percent on *additional* income over \$350,000 a year. SOS, Jews United for Justice along with other groups and individuals deserve a lot of credit for their organizing efforts, building on the decade long “tax the rich” campaign of the DC Statehood Green Party, for winning this tax hike on the wealthy which finally “broke the ice”, i.e., the long standing refusal of the City Council to pass such a tax hike, since it reduced the income tax rates by enacting Tax Parity in 1999, with most of the benefit going to the wealthy. Nevertheless, this tax hike will have a minor impact on our revenue stream because it was coupled with an exemption on taxing out of state bonds purchased before January 1, 2012. The District CFO Gandhi’s Fiscal Impact Statement – “Municipal Bond Amendment Act of 2011”, September 19, 2011 estimated the net total gain in revenue for the next 4 years at only \$8.4 million, since the reduction in revenue from the cancellation of the tax on out of state bonds will be almost as large as the increase in revenue from the income tax change alone. The change in the top bracket to 8.95 percent alone is estimated to bring in \$107 million in additional revenue at the end of 4 years.

We find it highly misleading to argue that wealthy DC residents will leave the District if they are required to pay slightly higher rates, given the advantages of living here, namely lower commuting costs and especially time, cultural opportunities etc. A recent study by the Center for Neighborhood Technology found that transportation costs for an average Washington household average \$12,000 per year (WP, March 24, 2010, B4). Further, the 31 hours of congested traffic per week on the Capital Beltway alone would discourage most wealthy District residents from considering moving to the suburbs (WP, January 21, 2010, B1). Who will buy their high-priced homes if they move? The wealthy have been steadily moving into the District in the last two decades, despite the lower tax rates of suburban Virginia (Maryland had until recently a lower tax rate for the top 5percent income bracket, but now it is about 1 percent higher than DC). Further, the advantages noted for living in the District justify a modestly higher tax rate for wealthy residents than what the same income residents would pay in the suburbs, at least 1-2percent higher, judging from historical comparisons for the last few decades. And as a further step to help prevent a small fraction from moving as well as to fully capture the income tax owed by cheaters who pretend not to be DC residents, the Council could have considered hiking the property tax for these non-resident pretenders. Reducing the income gap and "misery index" in the District would have benefitted the wealthy as well as everyone else by reducing crime, stimulating consumer spending and reducing class/racial polarization.

2) Subsidies to the corporate sector and other potential sources of revenue

In past years huge subsidies to the big corporate sector have been derived from our tax derived

revenue (e.g., Convention Center, Baseball Stadium). Developers are seeking \$35 million in additional subsidies for two Marriott hotels across from the Convention Center (“D.C. is asked to help finance two hotels”, Jonathan O’Connell, A13, September 19, 2011, Washington Post). A recent example of highly problematic corporate subsidization is the \$50 million for renovating seating for the VIPs at the Verizon Center. When Councilmember Michael Brown introduced B18-0400, the Exemptions and Abatements Information Act of 2009 (to date not passed into law) he estimated that up to \$350 million/year was potentially lost from our revenue from unjustified tax exemptions and abatements (a useful analysis of this bill is found in Ed Lazere’s testimony to the City Council, April 14, 2010, available at: <http://www.dcfpi.org/testimony-of-ed-lazere-executive-director-at-the-public-hearing-on-bill-18-400-the-exemptions-and-abatements-information-act-of-2009-district-of-columbia-committee-on-finance-and-revenue>).

About \$150 million per year has been paid in recent years in rent to corporations for municipal use when refurbished publicly owned property could be used instead (Empower DC’s estimates). Mayor Gray and the Council could have mounted an aggressive public campaign to get hundreds of millions of dollars potentially waiting to be collected from PILOTs (payments in lieu of taxes) from the World Bank, IMF, Fannie Mae and other legally non-taxable institutions. Other communities around the country have obtained PILOTs, so should DC, a point made by Janene Jackson Esq., then the Senior Vice President of Government Relations and Public Policy, D.C. Chamber of Commerce, at the Taxes & Your Money Workshop, DC Democratic State Convention, June 12, 2010. Of course, once corporate welfare is significantly reduced and other revenue streams are created, then the tax burdens for all DC residents could be potentially reduced.

And here is a critically important recommendation: we urge any new revenue generated by tax increases and cuts in unjustified subsidies to the corporate sector, as well as a significant fraction of fiscal year end budget surpluses must be required to go directly into essential low income programs in the budget that have been chronically underfunded for many years, and that this provision be put into any new legislation providing for such changes in tax and subsidy policies. Further, the implementation of this requirement must be carefully monitored and vigorously enforced, given the long standing record of diversion of budgetary funding from essential programs by the Council.

In addition, we recommend serious consideration of the establishment of a DC Partnership Bank. Such a bank would be publicly owned and publicly accountable that, in partnership with local financial institutions, would deliver quality, sound financial services to promote jobs, sustainable local businesses and affordable housing in Washington, DC; enhance the financial health of the city’s general fund; and to enhance the District of Columbia’s sovereignty over its fiscal and monetary policies. The mission of the DC Partnership Bank is to implement this vision by:

- Depositing DC tax dollars in the Partnership Bank which in turn can use these deposits to back investments in the local economy through partnerships with community banks, credit unions, and local private banks, thereby promoting jobs, affordable housing and an environmentally sustainable DC;
- Raising revenue for the city by returning a portion of the bank’s revenues to the city’s general fund;
- Reducing the costs to the city of financing infrastructure investments by avoiding high interest rates on borrowing from other financial institutions.

Right now, the District of Columbia government deposits money with commercial banks, mostly large Wall Street banks. Those banks invest most of that money in ventures outside of D.C. With a D.C.

Partnership Bank, those dollars, potentially billions of dollars per year, would be deposited in the D.C. Partnership Bank and invested in the local economy with the interest earned benefiting the city.

The Bank of North Dakota provides a perfect example of a strong partnership between a state bank and independent community banks. With 93 state chartered banks, North Dakota has a thriving independent banking sector. More information about public partnership banks can be found at:

<http://www.publicbankinginstitute.org>, <http://www.stateinnovation.org/statebanks.aspx>,

<http://www.newrules.org/banking/rules/bank-north-dakota>,

http://www.banknd.nd.gov/about_BND/pdfs/faqs.pdf

Conclusion

We encourage DC residents, local authorities and organizations committed to human rights to use this report and its recommendations and join together to insure that our community lives up to the ideal of a Human Rights City for meaningful positive economic and social change.