



We're in This Together

**African-American and Immigrant Communities
Share Challenges, Policy Solutions**



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Part of the analysis in this report relies on data extracted from the Integrated Public Use Microdata Series (IPUMS), Version 5.0, developed by the University of Minnesota. Where used, we have referenced this source as IPUMS.

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African-American and Immigrant Communities Share Challenges, Policy Solutions

Immigrants and immigrant communities face many of the same challenges as African-Americans and African-American communities, and there are critical policy solutions that would make a big difference to both.

While most immigrants living in Virginia are people of color, most people of color in Virginia – including most Hispanic and/or Latino Virginians – are not immigrants. Most significant, of course, is Virginia's African-American community. There are almost 1.5 million Black and/or African-American Virginians who are U.S. born. That's 18 percent of Virginia's total population. Most African-American Virginians are descendents of people who were brought to the United States in chains and faced generations of enslavement, legal segregation, and continued discrimination – a far different history than that of most immigrant Virginians. And yet, there are a number of areas where African-American Virginians and immigrant Virginians face similar challenges today. By identifying those challenges and working together for solutions that benefit everyone, Virginia can be made a better place for all.

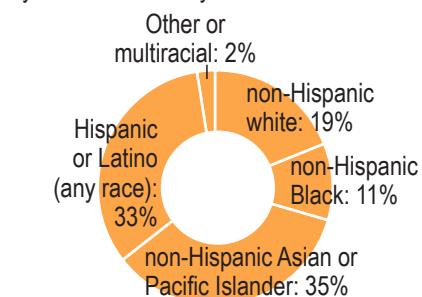
More than a million immigrants live in Virginia, four-fifths of whom are people of color. A third of immigrant Virginians identify as Asian, and another third identify as Hispanic and/or Latino. And 1 in 10 Virginia immigrants identify as non-Hispanic and Black or African-American, about a quarter of whom were born in Ethiopia.

Many Hispanic and Latino Virginians who are not immigrants live with immigrant family members. There are about 74,000 foreign-born children living in Virginia, and about 350,000 native-born children in Virginia with at least one immigrant parent. That's about 20 percent of all Virginia children, and the wellbeing and opportunities for success for these children of immigrants – most of whom are children of color – are deeply affected by the opportunities and challenges facing their parents. Virginia is also home to many native-born adults with at least one immigrant parent. These second-generation Americans are also more likely than other Virginians to be people of color.

Many Virginia immigrants are well educated and bring in good incomes; many others face challenges in the labor market. And beyond measures like income and education, many immigrant communities in Virginia share significant challenges with African-American communities, including residential segregation, schools that too often struggle to meet the needs of all students, lack of health insurance and culturally competent health care, significant caretaking responsibilities without the benefit of paid sick leave and family leave, and harsher punishment in the criminal justice system than U.S. born white Virginians.

Virginia's Diverse Immigrants

Share of foreign-born Virginians by race and ethnicity



Source: TCI analysis of ACS 2014 retrieved via IPUMS

A note on language and data

This report focuses on the shared challenges and solutions for African-American and immigrant communities in Virginia. Because these are both socially constructed and evolving categories, it is useful to provide clarifying information about the language and data used here. This analysis relies primarily on U.S. Census Bureau data, along with some program administration data such as Virginia Department of Education data. Race, ethnicity, and place of birth are self-reported in U.S. Census data.

This report categorizes people as immigrants if they are foreign-born, unless they were born abroad to American parents. For some analysis, however, whether someone was foreign-born is not known. In those cases, this report looks at the experiences of people who identify themselves as Hispanic and/or Latino or as Asian-American. Although over half of Hispanic/Latino Virginians and a third of Asian-American or Pacific Islander Virginians are U.S. born, many of these citizens by birth are living in families and communities that include immigrants. And two-thirds of Virginia immigrants identify as Hispanic or Asian-American/Pacific Islander.

For analysis of Census data, this report uses a constructed variable to separately identify non-Hispanic white Virginians; non-Hispanic Black or African-American Virginians; non-Hispanic Asian or Pacific Islander Virginians; Virginians of Hispanic, Latino, and/or Spanish origin; and other Virginians. About 10 percent of Virginia's foreign-born residents identify as Black or African-American, and for data reasons in much of this analysis Black immigrants are represented in both the African-American and immigrant data. This report includes Hispanic and Latino Virginians of any race as people of color.

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Subpar and Underfunded Schools

Too many Virginia children are stuck in schools that lack adequate financial support and fail to meet the needs of their students. This is more often the situation for students with limited English proficiency (often immigrants or the children of immigrants) and Black students than for other students. Residential segregation leads to educational segregation and, because Black and Latino families have higher poverty rates than white families, Black and Latino students are more likely than white students to attend high-poverty schools. Concentrated poverty also adds to the challenges facing children and schools, making it harder for Virginia's Black and Latino children to get the education they need to get ahead.

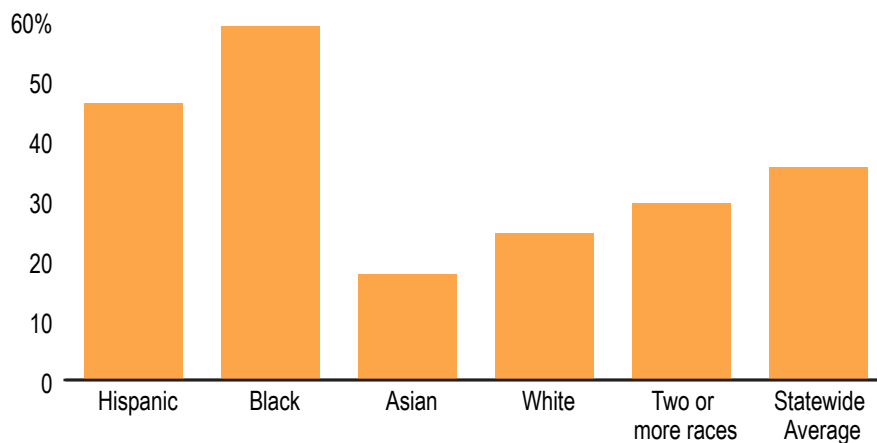
In recent years, even many of Virginia's communities of opportunity have faced challenges in providing sufficient support to maintain the high-quality schools that drew families to move there. Still, this threatened erosion in the quality of Virginia's high-performing schools hits immigrant families and those headed by African-Americans, Asian-Americans, and Latinos particularly hard, since these families are more likely to include children than families headed by non-Hispanic white Virginians and U.S. born Virginians.

Evidence

- Black children and those who identify as Hispanic or Latino are more likely than white children to attend schools where more than half the other students receive free or reduced-cost lunch – a good measure of the extent to which people in the community struggle to make ends meet.
- Just 67 percent of Virginia's students who are Black, and just 67 percent of students who have limited English proficiency (LEP), passed the math Standards of Learning (SOL) tests during the 2014-2015 school year, compared to 79 percent of all students. Similar discrepancies exist in other disciplines. And it is seen even in some of Virginia's largest, most successful school divisions. For example, within Fairfax County, just 67 percent of Black third-graders and 70 percent of third-graders with LEP passed the English reading test.
- These trends culminate in lower on-time graduation rates. While 93 percent of white students graduate high school on-time, only 86 percent of Black students and 84 percent of Hispanic students do. In addition, only 85 percent of economically disadvantaged students and 68 percent of LEP students graduated on time (2014-2015).
- More than half of immigrant-headed households, and almost half of households headed by African-Americans, include at least one child, compared to 36 percent of households headed by non-Hispanic white Virginians.

Black and Latino Students Often Attend Schools with a High Concentration of Low-Income Peers

Share of Virginia students attending schools where more than half of the students receive free or reduced-price lunch



Source: TCI analysis of Virginia Department of Education data

Causes

Separate-and-not-equal residential segregation

Virginia's cities and counties continue to have a relatively high level of de facto segregation by both race and economic circumstances, and in the absence of proactive school integration efforts, this drives schools to be segregated along the same lines. When well-off families cluster in certain neighborhoods to concentrate advantages for their children, it leaves other children left in clusters of concentrated disadvantage. And with immigrant communities and African-American communities both facing historical and contemporary barriers to employment opportunities, this results in the African-American children and the children of immigrant communities being disproportionately stuck in schools of concentrated disadvantage.

Insufficient state support for schools in economically struggling communities

Virginia does less than it did before the recession to help local governments with school costs in communities of concentrated disadvantage. In 2018, the state is expected to provide the poorest school divisions an average of \$939 less per student than was provided in 2009, after adjusting for inflation. For the wealthiest school divisions, the cut is just \$263. Because Black and Latino students are more likely than non-Hispanic white students to attend high-poverty schools, they bear the brunt of the hit.

Solutions

Equitable funding of public education

Virginia's localities struggle to cobble together the money needed for public schools in the face of arbitrary state funding cuts in recent years. Schools that are home to high concentrations of low-income students have been hit the hardest in recent years, but even places like comparatively affluent Fairfax County struggle to meet the rising needs of students. Virginians care deeply about making sure their children receive a top-quality education, and the state can and must make sure all children, no matter where they live or who their parents are, get a fair chance.

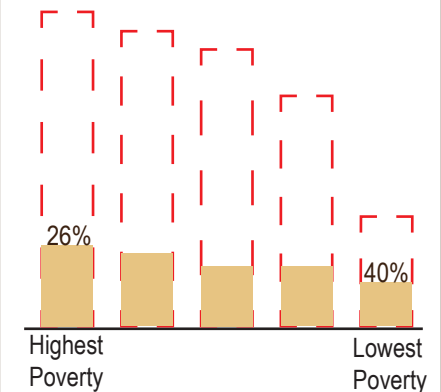
Resist school segregation

Part of making sure all students can get a top quality education means having schools and communities that serve people from all walks of life. History proves there is no such thing as a separate-but-equal education for disadvantaged children. Instead, segregation, whether de facto or by law, allows the hoarding of resources and opportunities for more advantaged families. Creating high quality schools for all students, including African-American children and the children of immigrants, requires finding ways to address the school segregation that results from current patterns of residential segregation.

Deep Cuts, Little Restoration

New budget restores proportionally less funding for high-poverty schools.

Per-pupil funding restored (gold) FY17-18 compared to cuts (red) FY09-16



Note: Inflation adjusted in 2016 dollars

Source: TCI analysis of Virginia Depart. of Ed. Direct Aid Payment Sheets, FY 2009 -2018 and U.S. Census Small Area Income and Poverty Program, 2014

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High rate of adults who lack high school diplomas

Both immigrant Virginians and African-American Virginians too often lack a high school diploma. With employers increasingly requiring a high school education just to get in the door, whether or not a diploma is truly required for the job duties, people who have not completed high school face significant challenges. When combined with the continued existence of employment discrimination, many adults in both African-American and immigrant communities face challenges finding jobs.

Many adults in both African-American and immigrant communities face challenges finding jobs.

Evidence

- More than 1 of every 7 African-American Virginians and almost 1 in 5 foreign-born Virginians lack a high school diploma.

Causes

Varying challenges

For many adults without high school diplomas, the underlying causes are subpar schools. When your school is chaotic and uninspiring due to a lack of resources, young people are more likely to drop out. For some immigrant adults who lack high school diplomas, the underlying causes are often unaffordable school fees or different educational structures in their country of origin. These varying causes present different challenges in terms of providing appropriate adult educational opportunities.

Solutions

Strengthening adult education and tying it to career pathways

To make sure hardworking Virginians are not shut out from jobs due to lack of a high school diploma or general equivalency degree (GED), a robust system for high school completion, obtaining a GED, and learning English needs to be available to all Virginians. The state is taking some promising steps towards doing this and connecting these programs to career pathways, allowing low-skilled youth and adults to combine work and education while obtaining in-demand postsecondary credentials. This approach will prepare and connect adult students to college and career planning, and both academic and basic workforce skills. It is important to make sure programs are designed in ways that can reach all Virginians, including those who may be discouraged by prior educational experiences in failing schools and those who may be new to the U.S. educational system. And when allocating resources for public schools, policymakers should make sure they provide adequate funding for programs serving adults.

Low wages and low incomes

Too many workers, including many African-American and Latino Virginians, are paid too little to support a family. And too many Virginians, including many

immigrant, African-American, and Latino families, are living on less than the poverty line, which is \$24,300 for a family of four.

Solutions

Increase the minimum wage

A direct way to raise the wages of low-paid workers and address racial gaps in wages is to raise the minimum wage. Raising it to \$12 an hour by 2020 would directly or indirectly raise the wages of 875,000 Virginia workers, including more than one in three African-American and Hispanic or Latino workers.

Wage enforcement

Workplace laws are consistently under-enforced in this country. Virginia funds its state wage and hour enforcement unit at a level below what is needed to protect workers. Without proper funding, the state doesn't have enough officers to properly investigate all wage claims and conduct child labor enforcement inspections.

Paid sick and family leave

Virginia families headed by immigrants, African-Americans, Latinos, or Asian-Americans are far more likely than other Virginia households to include young children and multiple generations, and less likely to have such benefits as paid sick leave and flexible hours that are vital to balancing work and caretaking responsibilities. Making these available to more families, as is being done in some other states, would particularly help Virginia's immigrant, African-American, and other communities of color.

Evidence

- Median wages for Latino and Black Virginians are well below those of non-Hispanic white Virginians. The typical Black and Hispanic worker in Virginia makes only about \$15 an hour, compared to \$21 for white workers. Asian-Americans fare better, and high rates of labor force participation mean Virginia households that are headed by immigrants typically have slightly higher incomes than Virginia households headed by citizens by birth. But the success of some immigrants does not mean all immigrant families in Virginia are succeeding financially. Immigrant Virginians are about as likely as U.S. born Virginians to have incomes below the poverty line. And Hispanic and Latino Virginians are much more likely than non-Hispanic white Virginians to have incomes below the poverty line. Poverty rates are even higher for African-American Virginians.

Causes

Educational inequalities, including often-subpar schools, are clearly part of the reason for the low wages paid to many Virginia workers. But there are other causes as well.

Employment discrimination

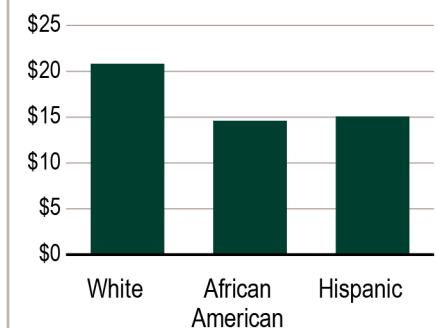
When considering the low wages facing African-American and Hispanic Virginians, discrimination on the part of employers can't be ignored. Matched-pair experimental studies show employers strongly favor non-Hispanic white applicants over Black applicants, and actually favor white applicants who had recently been released from prison over Black or Latino applicants who were not incarcerated. Black and Latino applicants were also more likely to be channeled to jobs that had less customer interaction and more manual labor. Matched-pair tests also show wage discrimination against Black workers compared to non-hispanic white workers, even after controlling for experience and education. Most studies show that employment discrimination most targets African-Americans, but Latinos also face discrimination compared to white job applicants.

Wage theft and other unfair practices by employers

Immigrant, Latino, and African-American workers are most often cheated by employers who don't pay their workers at least minimum wage. While 8 percent of white workers in a multi-city study were paid under the legal minimum wage, 19 percent of Black workers, 33 percent of Latino workers, and 15 percent of Asian or other workers were paid under the minimum wage. And for all immigrants, the rate was 31 percent.

Unequal Pay

Median Wages of Working Virginians



Source: EPI analysis of 2015 CPS data

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Separate-and-not-equal residential segregation

Related to and underlying many of these other challenges is Virginia's continued, separate-and-not-equal residential segregation, which extends to many immigrant communities. Too often,

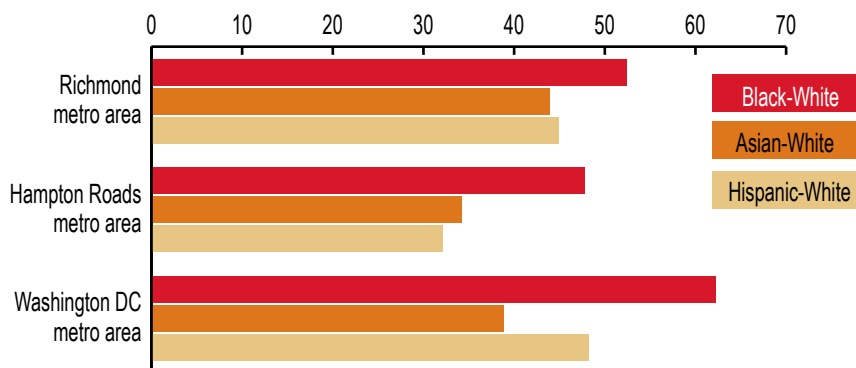
communities of color, including immigrant communities and African-American communities, are not only geographically separate from other communities but are far from good jobs and lack top-quality services such as good public schools.

Evidence

- **Residential segregation:** Virginia as a whole, and its largest metro areas, continue to have high levels of segregation. The "index of dissimilarity" is one way to measure this, examining how people are distributed across a region compared to the distribution of another group of people. Comparing where Black, Asian, and Hispanic Virginians live to where white Virginians live shows the highest levels of separation for Black Virginians. But it shows some degree of segregation for Asian and Hispanic Virginians.
- **Unequal school quality:** Too often, residential segregation by race means, for Black and Latino students, segregation into schools that are struggling with high numbers of high-need students and too few resources.
- **Travel time to work:** Half of Virginians who commute to work have trips that typically take 20 minutes or less. But immigrant Virginians typically face slightly longer commutes, with half of them 25 minutes or longer.

Major Separation Persists

Dissimilarity indexes for major Virginia metro areas
(higher numbers indicate a more unequal racial distribution of metro area residents)



Source: William H. Frey, Brookings Institution and University of Michigan Social Science Data Analysis Network's analysis of 2010 Census tract data.

Black and Hispanic home buyers face higher rejection rates and less favorable mortgage terms than white applicants with similar credit characteristics.

Causes

Residential discrimination and white racial preferences

As with employment, discrimination on the part of landlords, real estate agents, and mortgage lenders contributes to residential segregation. Matched-pair tests show adverse treatment on the basis of race against both Blacks and Latinos in the rental and sales markets. And Black and Hispanic home buyers face higher rejection rates and less favorable mortgage terms than white applicants with similar credit characteristics. While Black and Latino Americans face discrimination when they look for housing, the choices white families make may also contribute to housing segregation. White Americans are more likely than members of other racial groups to want to avoid living in neighborhoods where the majority of residents are of a different group than themselves.

Housing costs compared to incomes

In addition to the constrained choices created by discrimination, immigrant and African-American Virginians face challenges in terms of housing affordability, which limits the ability of some families to choose communities of opportunities. Almost 4 in 10 immigrant-headed households in Virginia and 4 in 10 African-American-headed households paid 30 percent or more of their income toward housing costs in 2014. Those are above the 28 percent of non-immigrant households and 25 percent of non-Hispanic white-headed households.

Unfair barriers to mobility, including barriers to drivers licenses and lack of public transportation

Virginia's decision to limit access to driving coupled with the state's failure to create and maintain top-quality public transportation options in all of the state's major metro areas presents significant challenges. Immigrants are twice as likely as other Virginians to rely on public transportation to get to work, and Virginians of color are far more likely than non-Hispanic white Virginians to use public transportation. But in much of the state these systems are subpar. The Washington, DC metro region's public transportation – including buses and commuter trains as well as the troubled Metro rail system – provides reasonable access for the region's residents, including suburban and low-income residents, to the region's jobs. But the state's other large metro areas have much weaker systems. The Richmond area ranks 92nd out of the 100 largest metro areas in the U.S. in terms of public transportation between homes and workplaces, and the Hampton Roads area is little better, 78th out of 100. (Together, these three large metro areas are home to over two-thirds of Virginia's population.)

Solutions

Enforcing fair housing laws

Virginia should make sure families and real estate professionals understand Virginia's fair housing laws. And the state needs to conduct thorough investigations and take enforcement actions when

violations occur. Too often, people don't know the law and their rights when they face discrimination. And the state can strengthen its fair housing laws to include banning discrimination against renters who use Housing Choice vouchers to pay for their housing. Banning that type of discrimination would open up more

communities of opportunity to low-income Virginians, many of whom are people of color.

Building more affordable housing in communities of opportunities

A critical part of addressing separate-and-unequal housing segregation is to provide more access for lower-income residents to communities of opportunity where there are good jobs and good schools. The state can take steps to do this by reducing regulatory barriers to affordable housing in communities of opportunity and providing public funding to make building high-quality affordable housing in high-cost areas more feasible.

Extending public transportation to suburban job centers and suburban communities with high numbers of lower-income people

While reducing housing segregation and providing more access to communities of opportunity are important long-term goals, in the short term Virginia can also provide resources to improve public transportation – especially in the Richmond and Hampton Roads areas – to help families reach jobs and other opportunities no matter where they live and whether or not they have a car and license.

Removing unfair barriers to drivers' licenses

In a state where residents of many counties and cities have no access to public transportation, structural barriers that prevent some residents from getting and keeping driver's licenses for reasons unrelated to their driving safety are unfair and counterproductive. These barriers include laws and court practices that result in suspended licenses (and, therefore, the loss of the ability to legally get to a job for many people) for failure to pay fines and fees that the person may be too poor to pay. They also include the blanket barrier on access to driver's licenses in Virginia for undocumented immigrants.

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Lack of health insurance and quality health care

Too many African-American Virginians and immigrant Virginians are locked out of health insurance due to decisions by Virginia's legislature. And for those who have insurance or can afford care out of pocket, there are often barriers related to lack of culturally and linguistically competent care.

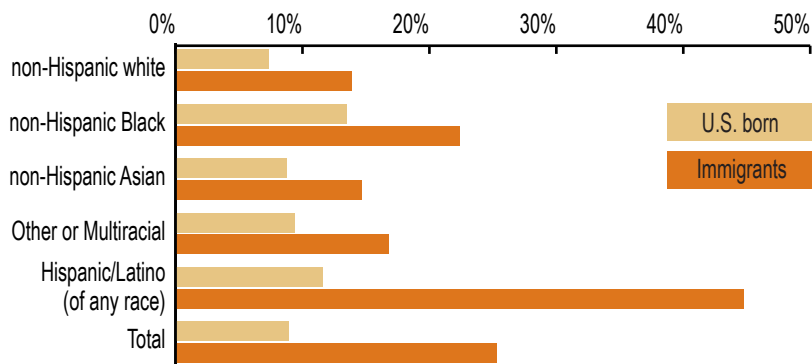
Virginia could go a long way toward fixing Virginia's health insurance gaps by fixing Virginia's deliberate barriers to health insurance.

Evidence

- **Insurance rates:** Immigrant Virginians and Virginians of color, especially African-Americans, are much more likely than U.S. born white Virginians to lack health insurance. Just 7 percent of U.S. born non-Hispanic white Virginians are without any health insurance coverage, compared to 14 percent of Virginians who identify as Black or African-American, including 22 percent of Black immigrants living in Virginia. Hispanic or Latino Virginians are even less likely to have health insurance – almost half of all Hispanic or Latino immigrants in Virginia have none. Access to insurance is somewhat better for non-Hispanic white and Asian immigrants, but in all cases immigrants have lower rates of health insurance than is typical for U.S. born Virginians. All told, a majority of Virginia's uninsured residents are people of color.
- **Lack of quality, respectful care:** Being able to afford health care is important, and so is getting high quality, respectful, culturally and linguistically competent services. Immigrant Virginians and African-American Virginians face barriers to culturally competent services. National research shows that racial minorities face disparities in everything from the use of cardiac diagnostic procedures to the prescribing of pain relievers, even after controlling for socioeconomic status, whether the patient had insurance, and other health factors. African-American, Asian-American, and Latino patients are more likely than white patients to report that their medical provider judged them unfairly or treated them with disrespect based on race or ethnicity, and are also more likely to report unfair or disrespectful treatment based on how well they spoke English.

Many Virginians Lack Health Insurance

Share of Virginia residents without health insurance, by race and immigration status



Source: TCI analysis of ACS 2014 via IPUMS

Causes

Virginia's choices to shut people out

Virginia lawmakers have made a number of choices to limit access to health insurance, including in some cases where the federal government would cover all the cost. By not closing the health care coverage gap, policymakers leave 230,000 Virginians without insurance. On top of that, Virginia places additional barriers for lawfully present immigrants before they can obtain health insurance through Medicaid, above-and-beyond the five-year waiting period that federal law requires. Lack of culturally and linguistically competent care is a national problem, and while educational institutions for the health field are now incorporating some training in cultural competency, Virginia is not among states that mandate cultural competency training as part of continuing medical education.

Solutions

Fixing Virginia's unfair choices

Virginia could go a long way toward fixing Virginia's health insurance gaps that hit immigrants, African-Americans, and Latinos by fixing Virginia's deliberate barriers to health insurance. This can include closing the coverage gap by expanding Medicaid and, as an important corollary, making sure immigrant Virginians have a decent shot at qualifying for Medicaid, removing the state's extra barriers on Medicaid access for immigrants that go beyond federal requirements.

Making sure everyone who is eligible has the opportunity to enroll

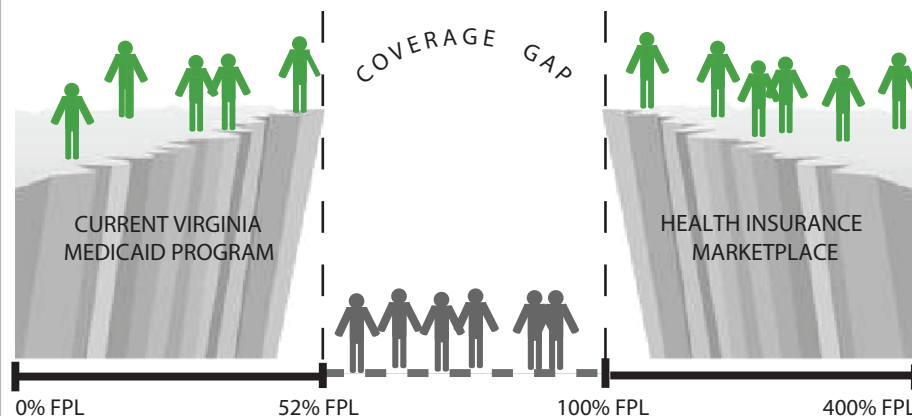
In addition to removing legal barriers to public health insurance, Virginia should make sure everyone who is eligible knows about these programs and is able to enroll. This must include outreach efforts targeting under-enrolled communities and providing program information and registration forms in a variety of languages.

Working with medical schools and state boards to provide cultural competency training

Virginia should be a leader in providing appropriate care for all patients, not just those with whom doctors and nurses already share cultural norms and language. Policymakers can make sure Virginia's public medical and allied health schools are providing clinically relevant cultural information. Virginia can also consider including either a requirement that medical professionals take courses in cultural competency as part of their continuing education work or requiring that all continuing education courses include some clinically relevant cultural and linguistic information.

Coverage Gap

230,000 uninsured Virginians are now in the coverage gap, where they are unable to enroll in Medicaid or get tax credits to help buy coverage in the new marketplace.



Under Virginia's current Medicaid program, working parents must have incomes below 52% FPL to be eligible, but in many parts of the state the eligibility level is even lower. Childless adults are not currently eligible for coverage no matter how poor they are, unless they are elderly, disabled, or pregnant.

Source: TCI analysis of DMAS data

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Extra family caretaking responsibilities, but less access to paid time off

Virginia's immigrant and African-American families are more likely than other Virginia families to include young children who require caretaking or to be multigenerational households. Workers from these communities are less likely than U.S. born white workers to have paid time off or flexible work schedules. When combined with the very high cost of childcare, this creates high burdens on many families who already struggle to make ends meet.

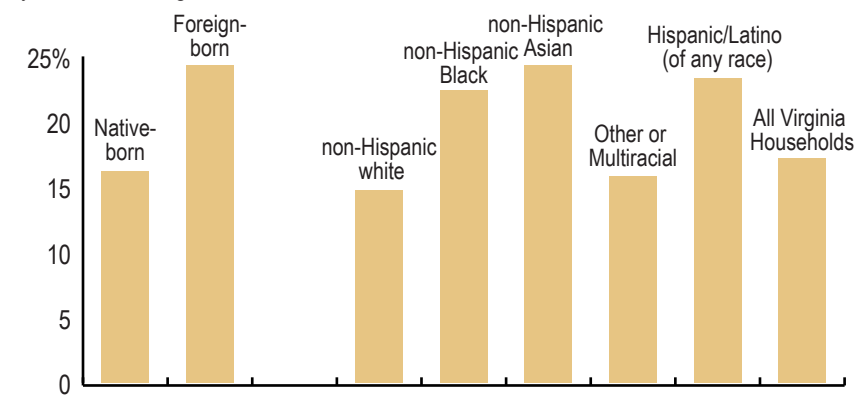
Expanding paid sick and family leave, and protecting workers through fair scheduling, are critical steps for both immigrant and African-American families.

Evidence

- **Many immigrants and African-American Virginians live with children, or in multigenerational households that are likely to include seniors:** Many immigrants and African-American Virginians live with children, or in multigenerational households that are likely to include seniors. Virginia families headed by immigrants or racial minorities are far more likely to include young children than households headed by U.S. born and non-Hispanic white Virginians. And they're also far more likely to be multigenerational households, which can also bring additional challenges, including financial obligations and time caring for elders who may no longer be independent. About 1 in 4 immigrant households, and almost 1 in 4 households headed by someone who identifies as African-American, Asian, or Hispanic, includes multiple generations of adults. That's compared to less than 1 in 6 households headed by non-Hispanic white Virginians.
- **Lack of paid time off:** For working adults with young children or others in their household who require care, flexible schedules and paid time off are particularly critical. But Black and Latino workers are less likely than white workers to have flexible hours or days, even after controlling for age, education, and occupation. And immigrant workers are far less likely than other workers to have employers that provide paid sick days.
- **Child care costs are often unaffordable:** The typical cost of infant care in a Virginia day care center is \$10,458 a year. That's 14 percent of the typical Virginia family's income, well above the 10 percent of family income that the Department of Health and Human Services considers affordable, and it's a far higher share of the income of poor and near-poor families. It's also almost as high as a year of tuition at some of Virginia's public four-year colleges.

Multigenerational Families

Share of Virginia households with multiple generations of adults, by race and immigration status of the head of household



Source: TCI analysis of ACS 2014 via IPUMS

Causes

Demographics, community values, and economics

Immigrant Virginians and Virginians of color are more likely to live with children or in multigenerational households due to both demographics and community values. Immigrant Virginians are far more likely than other Virginians to be young or middle-aged adults, rather than being elderly, contributing to the high share of immigrant-headed households who have young children at home. And, immigrant families and U.S. born families of color, including African-American families, may have cultural values that favor living in multigenerational households. Finally, when individuals and families are struggling to make ends meet, living with relatives may provide some relief, but also bring extra caretaking responsibilities.

Solutions

Paid sick/family leave and fair scheduling

Expanding paid sick and family leave, and protecting workers through fair scheduling, are critical steps for both immigrant and African-American families. Other states are moving forward in a number of ways. Options for providing paid family and sick leave include a payroll-funded state insurance system similar to unemployment compensation or requiring large employers to provide paid sick and family leave to employees. Options for providing fair scheduling include incentivizing employers for providing flexibility where possible to workers and requiring reasonable advance notice of changes to shifts or hours.

Subsidized child care and affordable care for adults with disabilities, including respite care

Helping families with the cost of dependent care – whether for young children or older relatives – is also important for Virginia's families of color and immigrant families. State policymakers can work to provide high-quality early education options such as the Virginia Preschool Initiative (VPI) to all low- and moderate-income families. Doing so through VPI would likely require boosting state per-pupil support so that localities in all areas of the state can provide high-quality options. The state can also work to connect low-income working families with subsidized child care options through federal programs, and expand state support for similar programs. And for adults who need extra support, the state can make sure all eligible families are connected to appropriate home health care options, including respite care, and reconsider arbitrary limits on the hours that home health care workers spend with their patients.



Photo: Army medicine; unmodified; CreativeCommons CC-BY-2.0.

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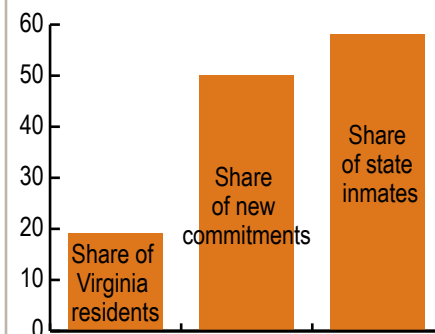
Disproportionate involvement with the criminal justice system

African-American Virginians and immigrant Virginians face different types of law enforcement contact, but both groups are too often being “policed”

rather than “protected,” and members of both communities often face far harsher punishments for the same crimes as U.S. born white Virginians.

Incarceration Hits Black Virginians More Often

Share Black/African-American



Source: TCI analysis of U.S. Census and Virginia Department of Corrections data

Evidence

- **Heavy policing of some communities:** African-American Virginians are too often profiled and targeted by police for minor infractions such as simple drug possession. Even as crime rates have dropped sharply in Virginia, arrest rates have only declined slightly and incarceration rates remain high. Drug arrests in Virginia rose 51 percent between 2002 and 2012, and half of drug arrests in Virginia are for simple possession of marijuana. Black Virginians are almost three times more likely than white Virginians to be arrested for marijuana possession, despite the fact that marijuana is used at comparable rates by whites and blacks. Meanwhile, undocumented immigrant Virginians too often fear that police and sheriffs will report them to federal authorities even when they are the victim or witness to a crime, rather than the suspected perpetrator.
- **Harsher consequences – incarceration and detainers:** After arrest, African-American Virginians often face far harsher consequences than white Virginians for the same offenses. For example, a study of court cases in Hampton Roads found that white defendants were more successful than African-American defendants at getting their charges reduced through plea bargains. The effect of these discrepancies can be seen in the fact that Virginians who identify as African-American or Black are 19 percent of Virginia’s population, but they are 50 percent of new court commitments and 58 percent of state-responsible inmates as of 2014. While Black Virginians are targeted by Virginia’s system of mass incarceration, immigrant Virginians face other challenges. Last year, U.S. Immigration and Customs Enforcement issued almost 1,600 detainers for people held in local and state facilities in Virginia, and during 2016 ICE has begun large-scale raids in the South, targeting families from Central America.

Causes

Heavy policing of some communities and bias in the criminal justice system

One reason for the high levels of contact – and therefore criminal charges – between law enforcement and African-American individuals and communities is that African-Americans are far more likely than other Virginians to live in communities with high rates of law enforcement per capita. And within a particular city or county, neighborhoods that are home to more racial minorities may have more officers assigned to their precinct. With more police on the street, minor infractions such as driving with an expired vehicle registration or walking down the street with an open container are more likely to turn into arrests. And in addition to these neighborhood and locality impacts, a solid body of evidence shows that law enforcement officers stop a higher share of African-American and Latino people than white people. The same biases, particularly implicit bias, may be driving differences in the prosecution and subsequent sentencing of different people.

The self-perpetuating logic of tough-on-crime policies

The penalties for being convicted of a crime often extend well beyond the formal sentence, and sometimes result in people and communities being caught in a cycle of law enforcement involvement. For example, if someone is arrested and jailed, is not released on their own recognizance, and cannot afford bail, that person will often lose their job and is also more likely to end up with a conviction and sentence than someone who was able to make bail. And when, like in Virginia, driver's licenses are suspended for failure to pay court fees and many courts fail to adequately consider a person's ability to pay before imposing punishments – and Virginia chooses to prevent some immigrants from getting licenses at all – too many people end up with charges for driving on a suspended license that land them deeper in the cycle of criminalization.

Solutions

Tracking of traffic and pedestrian stops to get a handle on the problem

While there is a significant amount of data from national studies on racial bias in traffic and pedestrian stops, there is very little Virginia-specific data. Requiring the tracking and compilation of basic data on all law enforcement stops of pedestrians and vehicles would provide better information that can be used as the basis of future policy decisions.

Stop preventing some Virginians from legally driving just because they're poor or undocumented immigrants

Policymakers should make sure no Virginian loses a driver's license just because they're poor. License suspensions may be a valid enforcement tool in some circumstances, but should not be used against people who are too poor to pay their fines, fees, or child support. And policymakers can also extend driving privilege cards to undocumented immigrants who live in Virginia. Everyone is better off when all drivers on the road are trained, tested, licensed, and insured.

Use available tools and training to help recognize and overcome bias

There are a number of tools and training that law enforcement, legal, and judicial officers can use in recognizing and avoiding implicit and explicit bias in the criminal justice system. These include trainings on implicit bias; requiring that prosecutorial decisions be approved by another prosecutor who sees the case file without any racially identifying information; making law enforcement, legal, and court staff better reflect the community's racial diversity; and providing periodic independent audits of police, prosecutorial, and court decisions. Virginia policymakers should work to make sure at least some of these remedies are available and implemented across the state.

Adopt an evidence-based rather than punitive approach to criminal justice

Most fundamentally, Virginia's communities and families, especially those of color, would be safer and better off if the state adopts an evidence-based and problem-solving approach to criminal justice, rather than a punitive approach. Virginia's drug courts, community-based treatment programs for troubled youth, and efforts to improve mental health treatment are strong steps in the right direction. More can be done, and it is essential to make sure Virginians of all races and immigration statuses have equal access to these alternative pathways. Since African-American individuals and communities are hurt most by the current punitive approach, a shift toward evidence-based models at the state level would most help these communities. For immigrant communities, state law enforcement agencies should make it clear that they are not interested in the immigration status of victims or witnesses of crimes. These steps would help build trust between communities and law enforcement, improving everyone's safety.



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