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HB 828: TANF Eligibility; Drug-Related Felonies

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HB828: TANF ELIGIBILITY; DRUG-RELATED FELONIES

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PROJECT DESCRIPTION
House Bill 828 (HB828) was proposed in 2016 to remove the ban on Temporary Assistance for Needy Families (TANF) for individuals with felony-related drug convictions who are otherwise eligible to receive benefits. The TANF program is designed to help low income families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program: 1) Provide assistance to needy families so children can be cared for in their own homes; 2) Reduce the dependency of parents by promoting job preparation, work, and marriage; 3) Prevent and reduce the incidence of out-of-wedlock pregnancies; 4) Encourage the formation and maintenance of two-parent families (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Section 401).

With nearly 700,000 people released from state and federal prison each year, access to TANF benefits is particularly critical for helping formerly incarcerated individuals transitioning back to their home communities. Significant disparities in convictions and incarceration coupled with variations in state population between Whites and Nonwhites translate into a disproportionate impact of the felony drug ban (The Sentencing Project, 2015). Virginia is one of 14 states with a full ban on TANF benefits for individuals with felony-related drug convictions. Adoption of HB828 proposes to eliminate this lifetime ban and provide an opportunity for low income families to meet their basic needs during the period in which they are in most need.

LEGISLATIVE OVERVIEW
The purpose of HB828 is to provide a person, who is otherwise eligible to receive TANF benefits, the ability to do so regardless of prior felony drug convictions. In 1996, Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), better known as the federal welfare reform, which established TANF and the Supplemental Nutrition Assistance Program (SNAP). With the implementation of welfare, there also was controversy embedded in the language of the legislation. Specifically, Section 115 of PRWORA which denies federal benefits to people convicted of a felony drug offense:

> An individual convicted (under Federal or State law) of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) shall not be eligible for . . . (1) PROGRAM OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. The amount of assistance otherwise required to be provided under a State program funded under part A of title IV of the Social Security Act to the family members of an individual to whom subsection (a) applies shall be reduced by the amount which would have otherwise been made available to the individual under such part (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

The federal government permitted states to pass legislation to either opt out of the lifetime ban on drug offenders or to apply certain limits. While Virginia passed legislation in 2005 to lift the ban on SNAP for individuals convicted of drug possession under *Va. Code* §18.2-250, the ban remains

for those individuals seeking TANF benefits with past felony drug convictions. There is no similar ban for those convicted of violent felonies such as murder, rape, and malicious wounding.

Delegate Luke Torian introduced HB828 during the 2016 session; however, this was not the first attempt at addressing TANF eligibility with legislation through the Virginia General Assembly. Every year since 2006, legislators have introduced bills eliminating the ban on TANF benefits for persons convicted of felony drug offenses. During the 2016 session, there were three identical bills to lift the ban on TANF benefits for drug offenses. The Senate version of HB828 died with a 7-7 vote in the Senate Rehabilitation and Social Service Committee. In the House chambers, HB992, an identical bill to HB828, received bi-partisan support with a total of 17 delegates voicing support on lifting the ban on TANF benefits. Similar to the fate of the Senate bill, both House bills died during a committee vote. While there has been no success to this point, the fact that there have been 13 bills in 11 years shows a continued interest by members of the Virginia General Assembly in eliminating the ban on TANF benefits for those convicted of drug offenses. This interest follows the trend in the U.S. as "more states are loosening those restrictions—or waiving them entirely" (Wiltz, 2016).

Stakeholders Supporting the Legislation
The Virginia Department of Social Services (VDSS), as well as other local agencies across the Commonwealth of Virginia, routinely monitor and voice support for legislation removing the ban on TANF benefits, even though the implementation of the bill, if passed, would be the responsibility of VDSS and the local DSS agencies that already deliver "a wide variety of services and benefits to over 1.6 million Virginians each year" (Virginia Department of Social Services, n.d.). Besides the state and local support, the American Civil Liberties Union (ACLU) has also voiced its support for the removal of the ban on TANF benefits. The ACLU recognizes that there is no clear data or facts which support that the ban deters illegal drug activity or plays a significant role in reducing recidivism across the Commonwealth. Despite the lobbying efforts made by groups like the ACLU, The Sentencing Project, and local and state DSS agencies, as well as tracking and monitoring by the Virginia Public Access Project (VPAP) and the Richmond Sunlight, public support for HB828 has not resulted in movement in the Virginia General Assembly.

Racial Disparity: Drug Use, Convictions, and Commitments
Use. Data on illicit drug use collected by the Department of Health and Human Services has consistently shown over time that White Americans, African Americans, and Hispanic Americans use drugs at roughly comparable rates. In fact, in 2013, among persons aged 12 or older, the rate of illicit drug use was 8.8% among Hispanics, 9.5% among Whites, 10.5% among African Americans, 12.3% among American Indians or Alaska Natives, 14% among Native Hawaiians or Other Pacific Islanders, and 17.4% among persons reporting two or more races (The U.S. Department of Health and Human Services, 2013).

Convictions. According to the Sentencing Project (2015) nearly half a million people in the U.S. are incarcerated with a felony drug conviction. In 2014, there were a total of 37,924 reported drug/narcotic arrests, including drug equipment violations. Drug/narcotic and drug equipment violation arrests constitute 28.4% of the total number of persons arrested. According to the Virginia Department of Corrections (2014) more than 60 percent of Americans incarcerated were persons or color (mostly African America). In comparison, the percentage of White Americans imprisoned for drug offenses was 37%.

Commitments. Nonwhites comprise more than 60% of those imprisoned for drug crimes, (LoBianco, 2016). According to the Virginia Department of Corrections, Nonwhites are imprisoned

at a higher rate than Whites, with the largest disparity occurring with African-American males. As shown in Table 1, between fiscal year 2010 and fiscal year 2014, the percentage of those incarcerated who were White males averaged 36.6%, whereas the average of those who were nonwhite was 51.2%, with an average of 47.8%, African American males represented an overwhelming majority of those incarcerated. As of 2011, African Americans comprised 40.7% of prisoners in state prisons for drug crimes, while individuals of Hispanic origin made up another 21.1% of this population.

Table 1. State Responsible New Court Commitments (FY2010- FY2014)

Gender by Race/Ethnicity	FY2010 Number	FY2010 % of Total	FY2011 Number	FY2011 % of Total	FY2012 Number	FY2012 % of Total	FY2013 Number	FY2013 % of Total	FY2014 Number	FY2014 % of Total
Males	10,699	89%	10,449	88%	10,156	88%	10,223	87%	10,705	86%
White	4,145	34%	4,357	37%	4,256	37%	4,368	37%	4,698	38%
Black	6,030	50%	5,679	48%	5,571	48%	5,498	47%	5,683	46%
Hispanic	401	3%	293	2%	218	2%	301	3%	281	2%
Other	123	1%	120	1%	111	<1%	56	<1%	43	<1%
Females	1,359	11%	1,366	12%	1,351	12%	1,508	13%	1,723	14%
White	763	6%	841	7%	866	8%	973	8%	1,138	9%
Black	579	5%	497	4%	462	4%	510	4%	566	5%
Hispanic	5	<1%	14	<1%	7	<1%	17	<1%	13	<1%
Other	12	<1%	14	<1%	16	<1%	8	<1%	6	<1%
Total SR NCC	12,058		11,815		11,507		11,731		12,428	

Source: Virginia Department of Corrections (2015).

Unfortunately, the economic fallout of drug convictions has a disparate impact on communities of color. The racial disparities in drug offender convictions and incarceration translate into a disproportionate impact of the felony drug ban (The Sentencing Project, 2015).

The Fall Out

Each year, nearly 700,000 people are released from state and federal prison and in addition to the stigma of the criminal conviction and incarceration that they carry, a host of public policy restrictions make the reentry process challenging. They often face obstacles in securing employment, regaining their voting rights, serving on a jury, or joining the military. Further, individuals with felony convictions may potentially lose access to food stamps, TANF benefits, public housing, or federal loans to pursue an education.

The collateral consequences of a criminal conviction would be difficult to manage under any circumstances. For people who are trying to reenter society after a period of incarceration, these hindrances can be particularly damaging:

> *Many of these former inmates—most of whom live in or come from low-income communities—struggle to find employment, shake addictions and avoid criminal associations. With few job prospects, family pressures and often a lack of marketable skills, many ex-offenders backslide. A large number will be sent back to prison on technicalities, such as breaking curfew or testing positive for alcohol or drugs. Others will commit new crimes* (Lee, 2012).

In this context, access to TANF benefits is particularly critical. For formerly incarcerated individuals transitioning back to their communities, TANF benefits help to meet their basic needs during the period in which they are in search of jobs or housing

ESTABLISHING PRECEDENCE FOR CHANGE

<u>Alabama Model.</u> The state of Alabama voted to remove the ban on TANF benefits effective January 30, 2016. State officials promoted the legislation through bi-partisan support focusing on an amendment to their 2015 Prison Reform Act. To receive assistance, applicants must have completed their sentences or be in compliance with probation supervision. A person with a drug conviction in the last five years may be required to pass a drug test along with compliance with work provisions. People who previously were denied benefits could apply at their local Department of Human Resources office any time after February 1, 2016. Households that already receive benefits but have a household member who is not included in the "assistance unit" because of a drug conviction can report the newly-eligible person to their caseworker for inclusion in the unit.

<u>Delaware Model.</u> Delaware, similar to Virginia in minority demographics, is considering removing its lifetime ban on TANF for formerly incarcerated individuals (McCarty, Aussenberg, Falk, & Carpenter, 2015). In 2011, Delaware opted out of restrictions on food assistance and planned to do the same with TANF (Albright, 2016). David Bentz, a Democrat in the Delaware House of Representatives, sponsored House Bill 365 in May 2016 to remove the prohibition against receipt of TANF by persons with a drug felony. Representative Bentz focused on how TANF can help returning citizens get back on their feet and reduce the likelihood of recidivism. Co-sponsored by many Democrats and backed by advocacy groups like the American Civil Liberties Union of Delaware, on June 14, 2016, House Bill 365 passed the Delaware House of Representatives by a vote of 40 Yes, 0 No, and 1 Absent. Shortly after, the bill was passed to the Health and Social Services Committee in the Senate and the committee has reported out (Delaware State Legislature, n.d.). The bill has not been brought before the Senate for a vote.

RACIAL IMPACT ANALYSIS

To fully understand the racial impact associated with HB828, we thought it was important to explore TANF nationally. There are currently three categories of TANF ban states: no TANF ban states (NTBS) (n=13), partial TANF ban states (PTBS) (n=25), and full TANF ban states (FTBS) (n=12). For each category of states, we examined three variables for Whites and Nonwhites[1]: a) the population; b) poverty; c) and incarceration rates; and the state's population who identify as Republican and Democratic (see Appendices A-C). The national averages for each of these variables were used to establish the baseline for each variable and are presented in Box 1.

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[1] Because the populations were small for some racial and ethnic categories across some variables, we divided out racial categories into two groups White and Nonwhites.

Box 1. National Averages Used In Analysis

Population Based on National Average		Incarceration	
Percent of White people in the national population	77.1%	Percent of people who are White	39.0%
Percent of Nonwhite people in the national population	22.9	Percent of people incarcerated who are Nonwhite	61
Poverty		**Political Affiliation**	
People in Poverty Nationally	15.6%	Percent of national population who identify as Republican	26.0%
Percent of people in poverty who are White	56.4	Percent of national population who identify as Democrat	29
Percent of people in poverty who are Nonwhite	43.6		
Percent of total White population in poverty	10.8		
Percent of total Nonwhite population in poverty	23.7		

Source: US Census, American Fact Finder, 2015; Unpacking Mass incarceration (2015-2016). http://www.prisonpolicy.org/ The Marshall Project (2016). https://www.themarshallproject.org/2016/02/04/six-states-where-felons-can-t-get-food-stamps#.XkINgtOD8; The Pew research Center (2014). http://www.pewforum.org/religious-landscape-study/compare/party-affiliation/by-state/

No TANF Ban States (NTBS). Appendix A reveals that 14 states have are NTBS, providing full benefits for persons with drug-related felony convictions. *Population.* Looking at these states closer reveals that 11 out of 14 of these states (78.6%) have White populations higher than the national average and higher than their state's nonwhite populations. *Poverty.* When examining the poverty rates for NTBS 3 out of 14 states (21.4%) have a poverty rate higher than the national average. Eight out of 14 states (57.1%) have more Whites than Nonwhites below the poverty line. Whites and Nonwhites were an equal proportion of Rhode Island's population in poverty. Looking specifically at race, 6 of the 14 states (42.9%) had more Whites in poverty than the national average. When looking at Nonwhites only, 57.1 percent of states (8 out of 14) have more Nonwhites living in poverty than the national average. *Incarceration.* In 11 no TANF ban states Whites represent 78.6 percent of the incarceration population. *Political Affiliation.* When reviewing each of these states population for political affiliation, all 14 states had more of their populations who identified as either republican or democrat than the national average. Ten out of the 14 states (71.4%) had more of its population who identified as democrat than republican. Four out of 14 states (28.6%) populations leaned more republican.

Partial TANF Ban States (PTBS). As seen in Appendix B, 24 states have a partial ban on TANF benefits allowing individuals with drug felony conviction to receive benefits under certain circumstances. *Population.* When examining these states, we find that 16 out of 24 states (66.7%) have White populations higher than the national average. *Poverty.* Thirty-three percent of states (8 out of 24) have more than 15.6 percent of its population below poverty line. When looking at those below the poverty level by racial category, 13 states have more Nonwhites than Whites in poverty. Looking specifically at race, 11 of the 24 states (45.8%) had more Whites in poverty than the national average. When looking at Nonwhites only, 66.7 percent of states (16 out of 24) have more Nonwhites living in poverty than the national average. *Incarceration.* In 20 of the 24 states (79.2%) had more White people than nonwhite people incarcerated. *Political Affiliation.* When reviewing each of these states' population for political affiliation, all 24 states had populations who identified as either republican or democrat as a rate higher than the national average. A higher

proportion of states had populations who leaned democratic (15 out of 24 states; 58.3%) than republican (10 out of 24; 41.7%).

Full TANF Ban States. There are 13 states with a full ban on TANF, denying all benefits to individuals convicted of drug-related felonies (Appendix C). *Population.* White populations were higher than the national average in 7 out of 13 states (53.8%). *Poverty.* Six out of thirteen states (46.2%) have poverty rates higher than the national average. Nine out of 13 states (69.2%) had more Nonwhites than Whites living in poverty. Looking specifically at race, 6 of the 13 states (42.9%) had more Whites in poverty than the national average. When looking at Nonwhites only, 69.2 percent of states (9 out of 13) have more Nonwhites living in poverty than the national average. *Incarceration.* Eight out of 13 states (61.5%) had a higher nonwhite incarcerated population than White population. *Political Affiliation.* When reviewing each of these states' population for political affiliation, all 12 states had populations who identified as either republican or democrat as a rate higher than the national average. Seven out of 13 states (53.8%) had populations who leaned republican and 4 out of 13 states (30.8%) leaned democratic. Two states were evenly divided on their populations' political affiliation.

Key Findings. Appendix D summarizes the key findings across all state TANF ban categories. There are a number of key findings from our review of states population rates, poverty rates, and incarceration rates for Whites and Nonwhites and likely political affiliation of its population. As the restrictiveness of the ban increases, the White population decreases and the nonwhite population increases. All TANF ban categories have combined poverty rates higher than the national average. As to be expected, the percent of the population is lower in no TANF ban states than in full TANF ban states. *Poverty.* Whites were a higher proportion of individuals in poverty than were Nonwhites in no TANF ban states. Alternately there was a lower proportion of Whites in poverty in states with full TANF ban states. There was a slight yet noticeable difference in the percent of Whites in poverty. The increase in nonwhite population in poverty was more pronounced as you move from no TANF ban states to full TANF ban states. *Incarceration.* The percent of Whites incarcerated decreases significantly as you move from no TANF ban states to full TANF ban states. While the percent of Nonwhites increase dramatically. *Political Affiliation.* When examining all TANF ban categories in their entirety, we see that the percentage of the population who identifies as republican increases as we move from no TANF ban states to full TANF ban states while the percentage the population who identifies as democratic decreases. In essence, states with higher percentages of Whites who are impoverished and incarcerated tend either to have no ban or a partial ban on TANF benefits; and the reverse is true for states, including Virginia, where minorities make the majority of those in poverty and the penitentiary. Based on this evidence, it is easy to conclude that the denial of TANF benefits have a disparate impact on communities of color. *Virginia.* Virginia exceeds the national average in three categories—the population of Nonwhites (29.8% of the population as compared to 22.9% nationally); the percentage of people in poverty who are Nonwhite (51.9% compared to 43.6% nationally); and the incarceration rates of Nonwhites (63% compared to 61% nationally).

Making the Connection
Public assistance and food stamps are critical income supports during the transition from prison to community living (Valbrun, 2011). With the majority of offenders with felony drug convictions being nonwhite, a notable aspect of the inequality cycle is magnified due to the harsh economic landscape surrounding the denial of TANF benefits. Couple this disparity with the inordinate amount of single-parent homes, and the result is a detrimental paradigm that continues to erode the family structure which TANF purports to address. Without TANF benefits, the income needed to sustain a quality home life for returning citizens is eroded severely.

RECOMMENDATIONS

Some variation of this legislation has been introduced—with bi-partisan backing—every year since 2006. With such frequency, and given its support in both the House of Delegates and the Senate, the desire to dismantle the drug conviction barrier is clear; and, thus, the legislation has potential. Missing, however, is language and a strategy to overcome that final hurdle of garnering widespread support that would not only move the bill out of committee, but also give it a good chance of passing both chambers of the General Assembly. Therefore, to mitigate the racial disparity and increase economic equity among the races through the implementation of HB828, we have three key recommendations.

Recommendation 1: Focusing on the Legislation's Impact on Women and Children

Family reunification is key for returning citizens. This is especially true for those with dependent children, a group that is considered the most vulnerable population. Women are the majority recipients of TANF and the number of women imprisoned for drug offenses continues to rise (Kirchner, 2013). Therefore, we recommend that the proponents of HB828 magnify the effects of the ban on women across the state, specifically women with minor children who have been incarcerated and may lack job skills and education.

The Alabama legislature noted that, for many formerly incarcerated women with children, access to cash, and food assistance may be the only thing standing in the way of homelessness, foster care, or a return to crime (Gore, 2016). By focusing on the effects on women and children, Alabama brought attention to the importance of TANF benefits and its role as a critical safety net for some of the most disadvantaged families. The supporters also identified a cost savings to their State Department of Corrections in their re-entry efforts.

Recommendation 2: Solicit Support from Majority Party

Traditionally, Republicans have been opposed to welfare. States like Arkansas, Idaho, Indiana, Iowa, Kansas, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Utah, and Wyoming, and, most recently, Alabama demonstrate that TANF benefits can be favored even in a non-democrat majority electorate (see Appendices A and B). Therefore, as a second recommendation, we suggest the solicitation of support from the majority party.

Bi-partisan consensus is building around the expansion of TANF eligibility. Fifty-two percent of Alabama's population identifies as Republican (see Appendix B), and its citizens voted for the Republican nominee in 11 of the last 12 presidential elections (The U.S. National Archives and Records Administration, n.d.). However, it recently removed its full ban on TANF benefits.

Like all of these states, the majority of Virginia's population identifies as Republican (see Appendix C); and the members of the Virginia General Assembly mirror the party affiliation of the population (Commonwealth of Virginia, n.d.a; Commonwealth of Virginia, n.d.b). But, as we see in other Republican majority states, a policy change is possible. The key is determining how to solicit that support.

We can begin by surveying committee members in the General Assembly who did not support the bill. Results garnered will inform modifications needed to increase the likelihood of bill's success in a future session. Given the new public health response to addiction, proposals from other states, such as Arkansas, Florida, Illinois, Nebraska, and North Dakota, that limit eligibility to individuals convicted of drug possession but not distribution, may be persuasive (Legal Action Center, n.d.).

Additionally, we recommend a key Republican leader introduce or co-sponsor the bill. The legislation may gain more traction with the support from key members of the majority party,

particularly committee chairs and more senior members of the House and Senate who, by virtue of experience, may be able to guide the bill through to a favorable vote.

Recommendation 3: Drug Treatment Program
This legislation has several safeguards protecting the financial component of TANF. As written, individuals with felony drug convictions seeking TANF services would have to show progress in drug treatment programming in order to continue receiving services. We suggest that the legislation detail the specifications of the drug treatment program to include a cap on the amount of TANF funds an individual would receive while completing treatment. We believe this would ensure accountability and promote self-sufficiency. By way of example, an individual would enroll in the Successful Reentry by Eliminating Addiction program (SREA) (see Appendix E for program model), which places a cap on the amount of TANF funds an individual would initially receive while in enrolled in the program. An individual may advance quickly through the program depending on the level of compliance; and once an individual completes the program he or she could qualify for the full TANF benefits.

In 2010, the Taskforce for Alternatives for Non-Violent Offenders took a similar approach with the development of the Immediate Sanctions to Probation Program legislation. This legislation purposely addressed the non-violent offenders who repeatedly entered the criminal justice system on technical violations. We believe that by taking a similar approach that incorporates accountability, this legislation would receive bi-partisan support.

Recommendation 4: Increase Public Awareness
With the exception of stakeholders and a few interest groups, there is little familiarity with the bill and its potential impact on the community. Following the Alabama model, where an advocacy group, the Arise Citizens Policy Project, lobbied for the legislation, an aggressive media campaign and increased public support may assist with the future success of this legislation in Virginia. To that end, we suggest the following:
● Have constituents and stakeholders write letters in support of this legislation as well as schedule town hall meetings to discuss the importance of its success, so that the legislators recognize it as a concern of their constituents.
● Create a movement similar to the "Ban the Box" campaign, which amended the state employment application and removed questions relating to convictions and criminal history, to garner widespread public support.
● Solicit high level support from the Governor of Virginia, the Virginia Legislative Black Caucus, the National Association for the Advancement of Colored People (NAACP), members of state departments, and nationally-recognized and local activists by noting how racial and ethnic groups are disproportionately and negatively affected by Virginia's current policy.
● Partner with local and state criminal justice reform initiatives.
● Promote the legislation via social media, local radio, and news outlets such as The Richmond Sunlight and The Virginia Public Access Project, both of which tracked the bill during the 2016 session.

CONCLUSION
There have been numerous initiatives to address the current disparities experienced by individuals with felony convictions. Governor Terry McAuliffe signed Executive Order 41 to "ban the [criminal history] box" on state job applications to lessen criminal records as a barrier to employment (McAuliffe, 2015). Nationally, we have seen the expansion healthcare, grants for education, and housing opportunities to formerly incarcerated individuals. The 2010 Affordable Care Act expanded Medicaid coverage to formerly incarcerated individuals who previously were

denied the federal health benefit. However, as a result of a successful challenge in the United States Supreme Court, states can opt out of the benefit; and Virginia is one of 19 states that have not expanded Medicaid (Families USA, 2016). The 1994 Crime Bill denied federal funding for education to incarcerated individuals, now those who pursue two or four-year degrees from approved colleges and universities will be eligible for funding through the Second Chance Pell Grant Program (Korte, 2016). Also, the U.S. Department of Housing and Urban Development issued a notice in November 2015 notifying public housing authorities and owners of federally-assisted housing that neither a history of arrests nor recent criminal activity are bases for denying admission, terminating assistance, or evicting tenants (U.S. Dept. for HUD, 2016).

While there have been efforts in Virginia to address the racial disparities in voting, housing, and education, financial support for formerly incarcerated individuals reentering society has stalled. Since Nonwhites make up 63% of those incarcerated for felony drug charges, these convictions disproportionately affect minority communities. Virginia's current ban on TANF eligibility for individuals with felony drug convictions can drive these communities further into poverty, deprive them of the ability to care of them and their families, and increase the chances of them returning to prison. Therefore, the implementation of HB828 is one way to address the economic disparity between White communities and communities of color. The legislation would not only provide former incarcerated individuals the support needed to sustain a healthy lifestyle, but it would also fulfill one of the main purposes of the TANF program by providing assistance to needy families so that children can be cared for in their own homes.

Coupled with the Virginia Department of Corrections' Re-entry Initiative, which ensures that formerly incarcerated individuals transition successfully from prison or active supervision to their neighborhoods as law-abiding productive members of the community, HB828 would provide added support and programs to formerly incarcerated individuals enabling them to better transition back into society.

APPENDIX A. NO BAN STATES

State	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
	White (77.1%)	Nonwhite (22.9%)	Poverty (15.6%)	Percent of people in poverty who are White (56.4%)	Percent of people in poverty who are Nonwhite (43.6%)	Percent of White population in poverty (10.8%)	Percent of nonwhite population in poverty (23.7%)	White (39%)	Nonwhite (61%)	Percent of population who identifies as Republican	Percent of population who identifies as Democrat
Kansas	86.7%	13.3%	13.0%	60.3%	39.70%	10.7%	24.5%	52.0%	48.0%	46.0%	31.0%
Maine	94.9%	5.1%	13.4%	87.8%	12.20%	13.0%	29.3%	88.0%	12.0%	36.0%	47.0%
Michigan	79.7%	20.3%	15.8%	57.6%	42.40%	12.8%	30.3%	46.0%	54.0%	34.0%	47.0%
New Hampshire	93.9%	6.1%	8.2%	85.3%	14.70%	8.2%	15.9%	84.0%	16.0%	35.0%	44.0%
New Jersey	72.6%	27.4%	10.8%	33.0%	67.00%	6.1%	17.1%	26.0%	74.0%	30.0%	51.0%
New Mexico	82.5%	17.5%	20.4%	22.9%	77.10%	12.0%	26.7%	31.0%	69.0%	37.0%	48.0%
New York	70.1%	29.9%	15.4%	36.6%	63.40%	10.0%	23.2%	26.0%	74.0%	28.0%	53.0%
Ohio	82.7%	17.3%	14.8%	63.1%	36.90%	12.4%	30.6%	52.0%	48.0%	42.0%	40.0%
Oklahoma	74.8%	25.2%	16.1%	52.4%	47.60%	13.0%	25.1%	49.0%	51.0%	45.0%	40.0%
Pennsylvania	82.6%	17.4%	13.2%	57.0%	43.00%	9.8%	27.6%	39.0%	61.0%	39.0%	46.0%
Rhode Island	84.8%	15.2%	13.9%	50.0%	50.00%	9.5%	28.6%	45.0%	55.0%	30.0%	48.0%
Vermont	94.8%	5.2%	10.2%	90.9%	9.10%	11.6%	18.6%	82.0%	18.0%	29.0%	57.0%
Washington	80.3%	19.7%	12.2%	55.2%	44.80%	10.5%	21.2%	60.0%	40.0%	33.0%	44.0%
Wyoming	92.7%	7.3%	11.1%	71.7%	28.30%	9.8%	22.0%	72.0%	28.0%	57.0%	25.0%

APPENDIX B. PARTIAL BAN STATES

State	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
	White (77.1%)	Nonwhite (22.9%)	Poverty (15.6%)	Percent of people in poverty who are White (56.4%)	Percent of people in poverty who are Nonwhite (43.6%)	Percent of White population in poverty (10.8%)	Percent of nonwhite population in poverty (23.7%)	White (39%)	Nonwhite (61%)	Percent of population who identifies as Republican (26%)	Percent of population who identifies as Democrat (29%)
Alabama	69.5%	30.5%	18.5%	46.1%	53.90%	13.0%	30.8%	42.0%	58.0%	52.0%	35.0%
Arkansas	79.5%	20.5%	19.1%	57.5%	42.50%	14.9%	31.5%	52.0%	48.0%	46.0%	38.0%
California	72.9%	27.1%	15.3%	24.4%	75.60%	10.2%	20.4%	26.0%	74.0%	30.0%	49.0%
Colorado	87.5%	12.5%	11.5%	49.3%	50.70%	9.3%	21.8%	44.0%	56.0%	41.0%	42.0%
Connecticut	80.8%	19.2%	10.5%	40.0%	60.00%	6.0%	21.0%	31.0%	69.0%	32.0%	50.0%
District of Columbia	44.1%	55.9%	17.3%	14.1%	85.90%	7.4%	24.0%	3.0%	97.0%	11.0%	73.0%
Florida	77.7%	22.3%	15.7%	39.3%	60.70%	11.6%	23.4%	41.0%	59.0%	37.0%	44.0%
Hawaii	26.7%	73.3%	10.6%	21.6%	78.40%	10.8%	11.5%	57.0%	43.0%	28.0%	51.0%
Idaho	93.4%	6.6%	15.1%	72.0%	28.00%	13.5%	26.4%	77.0%	23.0%	49.0%	32.0%
Indiana	85.8%	14.2%	14.5%	63.8%	36.20%	12.2%	29.6%	59.0%	41.0%	42.0%	43.0%
Iowa	91.8%	8.2%	12.2%	74.0%	26.00%	10.6%	27.2%	66.0%	34.0%	41.0%	40.0%
Kentucky	88.1%	11.9%	18.5%	77.6%	22.40%	17.0%	30.6%	64.0%	32.0%	44.0%	43.0%
Louisiana	63.2%	36.8%	19.6%	37.0%	63.00%	12.0%	30.9%	27.0%	73.0%	41.0%	43.0%
Maryland	59.6%	40.4%	9.7%	35.4%	64.60%	6.6%	13.9%	49.0%	51.0%	31.0%	55.0%
Massachusetts	82.1%	17.9%	11.5%	50.6%	49.40%	7.8%	23.0%	49.0%	51.0%	27.0%	56.0%

APPENDIX B. (cont.)

State	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
	White (77.1%)	Nonwhite (22.9%)	Poverty (15.6%)	Percent of people in poverty who are White (56.4%)	Percent of people in poverty who are Nonwhite (43.6%)	Percent of White population in poverty (10.8%)	Percent of nonwhite population in poverty (23.7%)	White (39%)	Nonwhite (61%)	Percent of population who identifies as Republican (26%)	Percent of population who identifies as Democrat (29%)
Minnesota	85.4%	14.6%	10.2%	59.4%	40.60%	8.3%	26.4%	47.0%	53.0%	39.0%	46.0%
Montana	89.2%	10.8%	14.6%	75.3%	24.70%	13.2%	30.0%	69.0%	31.0%	49.0%	30.0%
Nevada	75.7%	24.3%	14.7%	36.8%	63.20%	10.8%	20.8%	44.0%	56.0%	37.0%	46.0%
North Carolina	71.2%	28.8%	16.4%	44.0%	56.00%	11.9%	28.0%	36.0%	64.0%	41.0%	39.0%
North Dakota	88.6%	11.4%	11.0%	67.7%	32.30%	9.2%	31.6%	59.0%	41.0%	50.0%	37.0%
Oregon	87.6%	12.4%	15.4%	65.5%	34.50%	14.1%	25.9%	69.0%	31.0%	32.0%	47.0%
Tennessee	78.8%	21.2%	16.7%	59.9%	40.10%	14.2%	28.9%	51.0%	49.0%	48.0%	36.0%
Utah	91.2%	8.8%	11.3%	60.7%	39.30%	9.7%	24.9%	64.0%	32.0%	54.0%	30.0%
Wisconsin	87.6%	12.4%	12.1%	61.1%	38.90%	9.8%	30.2%	52.0%	48.0%	42.0%	42.0%

Source. US Census, American Fact Finder, 2015
Unpacking Mass incarceration (2015-2016). http://www.prisonpolicy.org/
The Marshall Project (2016). https://www.themarshallproject.org/2016/02/04/six-states-where-felons-can-t-get-food-stamps#.XkINgtOD8
The Pew Research Center (2014). http://www.pewforum.org/religious-landscape-study/compare/party-affiliation/by/state/

APPENDIX C. FULL BAN STATES

	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
	White (77.1%)	Nonwhite (22.9%)	Poverty (15.6%)	Percent of people in poverty who are White (56.4%)	Percent of people in poverty who are Nonwhite (43.6%)	Percent of White population in poverty (10.8%)	Percent of nonwhite population in poverty (23.7%)	White (39%)	Nonwhite (61%)	Percent of population who identifies as Republican (26%)	Percent of population who identifies as Democrat (29%)
Alaska*	66.5%	33.5%	10.3%	41.7%	58.30%	6.7%	16.0%	40.0%	60.0%	39.0%	32.0%
Arizona	83.5%	16.5%	17.4%	35.5%	64.50%	11.3%	27.5%	35.0%	65.0%	40.0%	39.0%
Delaware	70.4%	29.6%	12.4%	44.1%	55.90%	8.2%	19.0%	38.0%	62.0%	29.0%	55.0%
Georgia*	61.6%	38.4%	17.0%	35.8%	64.20%	12.0%	26.6%	33.0%	67.0%	41.0%	41.0%
Illinois	77.3%	22.7%	13.6%	40.1%	59.90%	9.2%	23.3%	30.0%	70.0%	33.0%	48.0%
Mississippi*	59.5%	40.5%	22.0%	35.1%	64.90%	13.7%	35.0%	30.0%	70.0%	44.0%	42.0%
Missouri	83.3%	16.7%	14.8%	66.6%	33.40%	12.9%	27.1%	57.0%	43.0%	41.0%	42.0%
Nebraska	89.1%	10.9%	12.6%	61.1%	38.90%	9.7%	26.9%	52.0%	48.0%	47.0%	36.0%
South Carolina*	68.4%	31.6%	16.6%	43.4%	56.60%	12.4%	29.0%	31.0%	69.0%	43.0%	43.0%
South Dakota	85.5%	14.5%	13.7%	57.7%	42.30%	9.8%	37.4%	55.0%	45.0%	53.0%	33.0%
Texas	79.7%	20.3%	15.9%	23.4%	76.60%	9.3%	24.3%	33.0%	67.0%	39.0%	40.0%
Virginia	70.2%	29.8%	11.2%	48.1%	51.90%	8.6%	16.7%	37.0%	63.0%	43.0%	39.0%
West Virginia*	93.6%	6.4%	17.9%	88.9%	11.10%	17.3%	29.5%	65.0%	35.0%	43.0%	41.0%

Source. US Census, American Fact Finder, 2015
Unpacking Mass incarceration (2015-2016). http://www.prisonpolicy.org/
The Marshall Project (2016). https://www.themarshallproject.org/2016/02/04/six-states-where-felons-can-t-get-food-stamps#.XkINgtOD8
The Pew Research Center (2014). http://www.pewforum.org/religious-landscape-study/compare/party-affiliation/by/state/

APPENDIX D. KEY FINDINGS

	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
Policy Type	White	Nonwhite	Poverty	Percent of people in poverty who are White	Percent of people in poverty who are Nonwhite	Percent of White population in poverty	Percent of nonwhite population in poverty	White	Nonwhite	Percent of population who identifies as Republican	Percent of population who identifies as Democrat
National Average	**77.1%**	**22.9%**	**15.6%**	**56.4%**	**43.6%**	**10.8%**	**23.7%**	**39.0%**	**61.0%**	**26.0%**	**29.0%**
No BAN (n=14)	71.4%	21.4%	21.4%	57.1%	42.9%	42.9%	57.1%	78.6%	21.4%	28.6%	71.4%
Partial BAN (n=24)	66.7%	33.3%	33.3%	50.0%	50.0%	45.8%	66.7%	79.2%	20.8%	41.7%	58.3%
FULL BAN (n=13)	53.8%	46.2%	46.2%	30.8%	69.2%	46.2%	69.2%	*38.5%*	61.5%	53.8%	30.8%
Virginia	70.2%	29.8%	11.2%	48.1%	51.9%	8.6%	16.7%	37.0%	63.0%	43.0%	39.0%

Appendix E. Successful Reentry by Eliminating Addiction

Phase I (Orientation: 30 days)	Phase II (Connection: 90 days)	Phase III (Commitment: 60 days)	Phase IV (Self Sufficiency: 30 days)
Bi-weekly check-in with Social Worker Weekly UA screens Substance Abuse Treatment Group	Bi-weekly check-in with Social Worker Weekly UA screens Substance Abuse Treatment Group Participation in Workforce Development	Monthly check-in with Social Worker Monthly UA screen Substance Abuse Treatment Group Participation in Workforce Development or Full-Time employed	Monthly Check-in Participation in Workforce Development or Full-Time employed
Orientation: Social Worker will assess the total eligible benefits. Social Worker will release 15% of the total benefits The participant must submit a required application to be approved to advance to the next phase. The Social Worker can withhold any benefits during this time if the participant fails to meet the requirements while in orientation.	Phase II: Social Worker will continue to assess the client's readiness for successful reentry. If the participant has demonstrated compliance the Social Worker can increase the benefit amount to 30% -40% of the total benefits. The participant must submit a required application to be approved to advance to the next phase.	Phase III: Social Worker will continue to monitor the participant's progress. The participant should be enrolled in a workforce development program or full-time employed. The participant should be actively participating in treatment groups. If the participant has demonstrated compliance the Social Worker can increase the benefit amount to 50%-60% of the total benefits. The Social Worker can also withhold or reduce benefits at any time if the participant fails to meet the requirements. The participant must submit a required application to be approved to advance to the next phase.	Phase IV: Social Worker will assess the participant's readiness for self-sufficiency. At this time, the participant should have completed the required treatment groups, workforce development program or has continued in the program in lieu of not securing Full-Time employment. If the participant has demonstrated compliance the Social Worker will release the full entitled benefits amount to the participant.

REFERENCES

Albright, M. (2016). The News Journal. Retrieved from
http://www.delawareonline.com/story/news/politics/2016/05/17/drug-felons-
assistance/84490372/.

Beitsch, R. (2015). "States Rethink Restrictions on Food Stamps, Welfare for Drug Felons."
The Pew Charitable Trusts. Retrieved from http://www.pewtrusts.org/en/research-and-
analysis/blogs/stateline/2015/07/30/states-rethink-restrictions-on-food-stamps-welfare-
for-drug-felons.

Council on Virginia's Future. (2016). Measuring What Matters to Virginians. Retrieved from
http://vaperforms.virginia.gov/indicators/economy/poverty.php.

Commonwealth of Virginia. (n.d.a). Senate of Virginia. Retrieved from
http://apps.senate.virginia.gov/Senator/index.php.

Commonwealth of Virginia. (n.d.b). Virginia House of Delegates Member Listings. Retrieved
from http://virginiageneralassembly.gov/house/members/members.php.

Delaware State Legislature. (n.d.). Retrieved from http://legis.delaware.gov.

Families USA and U.S. Census Bureau American Community. A 50-State Look at Medicaid
Expansion. February 2016. Retrieved from http://familiesusa.org/product/50-state-look-
medicaid-expansion.

Gore, L. (2016). Alabamians with Drug Convictions Now Eligible For Food Stamps, Other
Benefits. Retrieved from
http://www.al.com/news/index.ssf/2016/02/alabamians_with_drug_convictio.html.

Korte, G. (2016). Pell grants for prisoners: Obama to give inmates a second chance at college.
Retrieved from http://www.usatoday.com/story/news/politics/2016/06/24/pell-grants-
prisoners-obama-give-inmates-second-chance-college/86312598/.

Lee, T. (2012). Recidivism Hard To Shake For Ex-Offenders Returning Home To Dim
Prospects. Retrieved from http://www.huffingtonpost.com/2012/06/09/recidivism-harlem-
convicts_n_1578935.html.

Legal Action Center. (n.d.). Summary of State Laws Modifying the Federal Ban on TANF (Cash
Assistance) and Food Stamps. Retrieved from
https://lac.org/toolkits/TANF/TANF_summary.htm.

Kaiser Family Foundation. (n.d.). March 2014 Census Current Population Survey. Retrieved
from http://kff.org/other/state-indicator/distribution-by-
raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%2
2sort%22:%22asc%22%7D.

Kirchner, L. (2013). "Should a Drug Conviction Mean a Lifetime Ban on Welfare and Food
Stamps?" Retrieved from https://psmag.com/should-a-drug-conviction-mean-a-lifetime-
ban-on-welfare-and-food-stamps-5e63e895fbcd#.ma0ztf9uc.

McAuliffe, T. (2015). Executive Order Forty-One: Implementation of "Ban the Box" Hiring
Policies in the Commonwealth. Retrieved from
https://governor.virginia.gov/media/3762/eo-41-ban-the-boxada.pdf.

McCarty, M., Aussenberg, R., Falk, G., Carpenter, D. (2015). Drug Testing and Crime-Related
Restrictions in TANF, SNAP, and Housing Assistance. Retrieved from
https://fas.org/sgp/crs/misc/R42394.pdf

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104–193,
110 Stat. 2105. (1996).

PR Newswire. (2016). Remarks as Prepared for Delivery by The Honorable Terry McAuliffe.
Retrieved from http://www.prnewswire.com/news-releases/remarks-as-prepared-for-
delivery-by-the-honorable-terry-mcauliffe-588320292.html.

Prison Policy Initiative. State Prison Demographics by State. (2014). Retrieved from
http://www.prisonpolicy.org/profiles/.

Solomon, A. (2012). In Search of a Job: Criminal Records as Barriers to Employment. Retrieved
from http://www.nij.gov/journals/270/pages/criminal-records.aspx.

The Pew Research Center. (n.d.) Party affiliation by state (2014). Retrieved from
http://www.pewforum.org/religious-landscape-study/compare/party-affiliation/by/state/.

The Sentencing Project. (2015). Trends in U.S. Corrections. Retrieved from
http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf.

The U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates. (n.d.)
Retrieved from
http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

The U.S. Department of Health and Human Services Substance Abuse and Mental Health
Services Administration. (2013). Results from the 2013 National Survey on Drug Use
and Health: Summary of National Findings. Retrieved from
http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NS
DUHresults2013.htm.

The U.S. Department of Justice Drug Enforcement Administration. (n.d.). Drug Schedules.
Retrieved from https://www.dea.gov/druginfo/ds.shtml.

The U.S. National Archives and Records Administration. (n.d.). Electoral Votes, by State.
Retrieved from http://www.archives.gov/federal-register/electoral-
college/votes/votes_by_state.html.

Valbrun, M. (2011). States: Food Stamp, Welfare Bans for Drug Felons Counterproductive.
Retrieved from http://newamericamedia.org/2011/04/states-food-stamp-welfare-bans-for-
drug-felons-counterproductive.php.

Virginia Department of Corrections. (2014). Virginia Department of Corrections Demographic
Report FY 2014. Retrieved from
http://vadoc.virginia.gov/about/facts/research/VADOCDemographicReportFY2014.pdf.

Virginia Department of Corrections. (2015). State Responsible Offender Population Trends
FY2010-FY2014. Retrieved from https://vadoc.virginia.gov/About/facts/research/new-
statsum/offenderpopulationtrends_fy10-fy14.pdf.

Virginia Department of Corrections. (2016). State Responsible Offender Demographic Profile:
FY2014. Retrieved from
https://vadoc.virginia.gov/about/facts/research/VADOCDemographicReportFY2014.pdf.

U.S. Department for Housing and Urban Development - Notice PIH 2015-19. (2015). Guidance
for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on
Excluding the Use of Arrest Records in Housing Decisions. Retrieved from
https://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf

Virginia Department of Social Services. (n.d.). About Us. Retrieved from
https://www.dss.virginia.gov/geninfo/index2.cgi.

Wilson, V. (2016). State Unemployment Rates By Race And Ethnicity At The Start Of 2016
Show A Plodding Recovery, With Some States Continuing To Lag. Retrieved from
http://www.epi.org/publication/state-unemployment-rates-by-race-and-ethnicity-at-the-
start-of-2016-show-a-plodding-recovery-with-some-states-continuing-to-lag-behind/.

Wiltz, T. (2016). More States Lift Welfare Restrictions for Drug Felons. Retrieved from
http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/08/09/more-
states-lift-welfare-restrictions-for-drug-felons.

The Justice League Presents
The Racial Impact Analysis of House Bill 828

HB 828
TANF Eligibility for
Drug Related
Felonies

Meet the Justice League
Minority Political Leadership Institute Class of 2016

| Gregory Hopkins City of Richmond | Carla Jackson Virginia DMV | Rana Wilson CSRA, Inc. | Ramunda Young NOVA |

Project Overview

- Project Description
- Legislative Analysis
- Racial Impact Analysis
- Recommendations
- Conclusions
- Questions

Project Description: What is House Bill (HB) 828?

The purpose of HB 828 is to provide a person who is otherwise eligible to receive TANF benefits the ability to do so regardless of prior felony drug convictions.

Introduced by Delegate Luke Torian in 2016

What's TANF?

The Temporary Assistance for Needy Families (**TANF**) program provides temporary financial assistance for pregnant women and families with one or more dependent children. **TANF** provides financial assistance to help pay for food, shelter, utilities, and expenses other than medical.
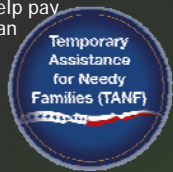
Why the Fight for TANF?

| Cash | Childcare | Transportation | Jobs |

Legislative Overview: PRWORA

1996 Federal Welfare Reform

- Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)
- Supplemental Nutrition Assistance Program (SNAP)
- TANF (Temporary Assistance for Needy Families)

Legislative Overview: PRWORA

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 specifically denied TANF benefits to individuals:

- convicted of a drug felony
- under federal or state law
- involving use, distribution, or possession a controlled substance.

However, states can either opt out or apply limits.

Legislative Overview: History of the TANF Bill

14 Bills have been introduced in the last 11 years

- 2006 SB240 (Sen. Ticer)
- 2007 SB835 (Sen. Devolites-Davis)
- 2008 SB642 & SB296 (Sen. Puller & Ticer)
- 2009 SB872 (Sen. Ticer)
- 2010 SB576 (Sen. Ticer)
- 2011 HB1632 (Del. Watts)

- 2012 HB 420 (Del. Watts)
- 2013 SB 835 (Sen. Favola)
- 2014 HB 1068 (Del. Orrock)
- 2015 SB 819 (Sen. Favola)
- 2016 HB 828, HB 992 & SB 635
  (Del. Torian, Sen. Favola & Del. Lopez)

Who Supports This Legislation

The Virginia Department of Social Services and the American Civil Liberties Union of Virginia have supported attempts to lift the ban annually.

Supporting Incarcerated Individuals

Affordable Care Act (2010)

SNAP Benefits (2011)

Pell Grant (2016)

Housing (2016)

Establishing precedence for Change: Alabama

- 32% population of non-whites
- Removed ban on TANF benefits effective January 30, 2016

- Bi-partisan support

- Amendment to their 2015 Prison Reform Act

Establishing Precedence for Change: Delaware

- 32% population of non-whites
- 34% non-white drug offenders

- Opted out of restrictions on food assistance in 2011

- Bill to remove TANF ban passed Delaware House of Representatives on June 14, 2016

- Bill not brought before the Senate for a vote

Racial Disparity: Drug Use, Convictions, Commitments

- Illicit drug use among person 12+
  - 8.8% among Hispanics
  - 9.5% among Whites
  - 10.5% among African Americans,
  - 12.3% among American Indians or Alaska Natives,
  - 14% among Native Hawaiians or Other Pacific Islanders,
  - 17.4% among persons reporting two or more races

(The U.S. Department of Health and Human Services, 2013).

Racial Disparity: Drug Use, Convictions, Commitments

Drug Convictions by Race in Virginia
- Whites = 37%
- Non-Whites = 69%

Virginia Department of Corrections 2014

Racial Disparity: Drug Use, Convictions, Commitments

Nearly half a million people in the U.S. are incarcerated with a felony drug conviction.

2015 Sentencing Report

How Is TANF Eligibility Defined in VA?

TANF is for needy families with children. To qualify, family must:

- Include a child, under age 18, who is a U.S. citizen or eligible immigrant who will graduate from high school before age 19

- Include at least one adult relative of the child

- Be needy

- Meet "good conduct" requirements

Racial Impact Analysis: Methodology

3 Categories of TANF Ban

- No Ban (n=14)

- Partial Ban (n=24)

- Full Ban (n=13)

The state of welfare for drug felons

■ Full ban ■ Partial ban ■ No ban
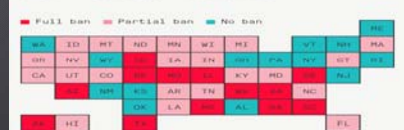
SOURCE: THE PEW CHARITABLE TRUSTS, LEGAL ACTION CENTER

Most states have also completely or partially lifted the ban on SNAP benefits, 5 full ban and 1 partial ban states have not.

Racial Impact Analysis: Methodology

Box 1. National Variable Used In Analysis As Standards			
Population based on national average		**Incarceration**	
Percent of white people in the national population	77.1%	Percent of people who are WHITE	39.0%
Percent of NON WHITE people in the national population	22.9	Percent of people incarcerated who are nonwhite	61
Poverty		**Political Affiliation**	
People in Poverty Nationally	15.6%	Percent of national population who identify as Republican	26.0%
Percent of people in poverty who are WHITE	56.4	Percent of national population who identify as Democrat	29
Percent of people in poverty who are NONWHITE	43.6		
Percent of TOTAL WHITE population in poverty	10.8		
Percent of TOTAL NON WHITE population in poverty	23.7		

Source: U.S. Census , American Fact Finder 2015

Racial Impact Analysis: No TANF Ban states (n=14)

No-Ban States

States with White Populations Higher than the National Average

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Racial Impact Analysis: Partial TANF Ban States (n=24)

Partial-Ban States

States with White Populations Higher than the National Average

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Racial Impact Analysis: FULL BAN States (n= 13)

Full-Ban States

States with White Populations Higher than the National Average

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Racial Impact Analysis Key Findings, *Population*

- No Ban (n=14)
  - 78.6% of states (11 out of 14) have a white population higher than the national average
  - 21.4% of states (3 out of 14) have a nonwhite population higher than the national average
- Partial Ban (n=24)
  - 66.7% of states (16 out of 24) have a white population higher than the national average
  - 33.3% of states (8 out of 24) have a nonwhite population higher than the national average
- Full Ban (n=13)
  - 53.8% of states (7 out of 13) have a white population higher than the national average
  - 46.2% of states (6 out of 13) have a nonwhite population higher than the national average

---

Racial Impact Analysis Key Findings, *Poverty*

- No Ban (n=14)
  - 21.4% of states (3 out of 14) have a poverty rate higher than the national average
  - 57.1% of states (8 out of 14) have more whites than nonwhites in poverty
  - 42.9% of states (6 out of 14) have more whites in poverty than the national average for whites
  - 57.1% of states (8 out of 14) have more nonwhite people in poverty than the national average for nonwhites
- Partial Ban (n=24)
  - 33.3%of states (8 out of 24) have a poverty rate higher than the national average
  - 50.0% of states (12 out of 24) have more whites than nonwhites in poverty
  - 44.0% of states (8 out of 24) have more white people in poverty than the national average for whites
  - 66.7% of states (16 out of 24) have more Nonwhite people in poverty than the national average for nonwhites
- Full Ban (n=13)
  - 46.2% of states (6 out of 13) have a poverty rate higher than the national average
  - 30.8% of states (4 out of 13) have more whites than nonwhites in poverty
  - 46.2% of states (6 out of 13) have more white people in poverty than the national average for whites
  - 69.2% of states (9 out of 13) have more non white people in poverty than the national average for nonwhites

Racial Impact Analysis
Key Findings, *Incarceration*

- No Ban (n=14)
  - 78.6 % of states (11 out of 14) have **more whites than nonwhites incarcerated**
  - 21.4% of states (11 out of 14) have **more nonwhites than whites incarcerated**
- Partial Ban (n=24)
  - 79.2 % of states (19 out of 24) have **more whites than nonwhites incarcerated**
  - 20.8% of states (5 out of 24) have **more nonwhites than whites incarcerated**
- Full Ban (n=13)
  - 61.5% of states (8 out of 13) have **whites than nonwhites incarcerated**
  - 38.5% of states (5 out of 13) have **nonwhites than whites incarcerated**

Racial Impact Analysis
Key Findings, *Political Affiliation*

- No Ban (n=14)
  - 28.6% of states (4 out of 14) have more people who identify as **republican** than the national average
  - 71.4% of states (10 out of 14) have more people who identify as **democrat** than the national average
- Partial Ban (n=24)
  - 41.7% of states (10 out of 24) have more people who identify as **republican** than the national average
  - 58.3% of states (14 out of 24) have more people who identify as **democrat** than the national average
- Full Ban (n=13)
  - 53.8% of states (7 out of 13) have more people who identify as **republican** than the national average
  - 30.8% of states (4 out of 13) have more people who identify as **democrat** than the national average

TANF: Addressing a Need

| Poverty by race and ethnicity	VA	USA
Total	11.5%	15.6%
White	9.2%	12.8%
Black	20.1%	27.3%
Hispanic	15.8%	24.8%
American Indian/Alaskan Native	13.9%	28.8%
Asian	8.3%	12.7%
Native Hawaiian ad Other Pacific Islander	11.0	20.7%
Sources: US Census, 2014		

TANF: Addressing a Need

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Ranking 12th in the nation, Virginia has a relatively low poverty rate.

Yet widespread rates of poverty over the last five years primarily impacted non-whites in Virginia.

TANF: Addressing a Need

Non-whites: 66.8%

Whites: 30.3%

Non-whites 66.8%

Whites 30.3%
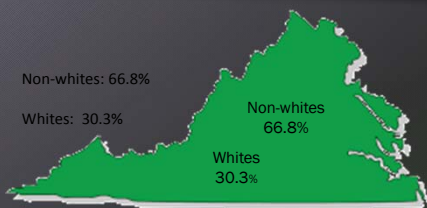
Source: U.S Department of Health and Human Services

Racial Impact Analysis
Key Findings

	POPULATION		POVERTY					INCARCERATION		POLITICAL AFFILIATION	
Policy Type	White	Non-White	Poverty	Percent of people in poverty who are white	Percent of people in poverty who are non-white	Percent of white population in poverty	Percent of nonwhite population in poverty	White	Non-White	Percent of population who identifies as Republican	Percent of population who identifies as Democrat
National Average	77.1%	22.9%	15.6%	56.4%	43.6%	10.8%	23.7%	39.0%	61.0%	26.0%	29.0%
No BAN (n=14)	71.4%	21.4%	21.4%	57.1%	42.9%	42.9%	57.1%	78.6%	21.4%	28.6%	71.4%
Partial BAN (n=24)	66.7%	33.3%	33.3%	50.0%	50.0%	45.8%	66.7%	79.2%	20.8%	41.7%	58.3%
FULL BAN (n=13)	53.8%	46.2%	46.2%	30.8%	69.2%	46.2%	69.2%	38.5%	61.5%	53.8%	30.8%
Virginia	70.2%	29.8%	11.2%	48.1%	51.9%	8.6%	16.7%	37.0%	63.0%	43.0%	39.0%

Who's Affected?

Impoverished Individuals

Those Without Help

Incarcerated Individuals

Disparate Outcomes

- TANF creates financial independence and stability.

- Formerly incarcerated individuals desire financial independence and stability.

- Formerly incarcerated individuals experience discrimination when searching for employment.

Financial Independence

Disparate Outcomes

- Given the scale of drug convictions annually, the number of individuals affected by the ban is potentially quite substantial.

- The TANF ban does not target any demographic groups specifically.

- However, the dynamics of social class and varying criminal justice policies and practice produce highly disparate effects on women, children, and communities of color.

The Sentencing Project : A Lifetime of Punishment

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Recommendations

- Focus on Legislation's that Impact on Women and Children

- Solicit Support from the Majority Party

- Introduce Drug Treatment Program

- Increase Public Awareness

Recommendation #1:
Consider Legislation's Impact on Women & Children

- Legislation must magnify the **effects** of the ban on women with children who are **minors (under 18 years old),**

- Legislation must demonstrate the **effects of homelessness**, recidivism, and foster care among formerly incarcerated women.

Recommendation #2:
Solicit Support from the Majority Party

- **Survey** the members of the General Assembly who voted "No"

- **Solicit** support from **Republican** leaders

- **Request co-sponsorship** or introduction of the bill by a **key** Republican member

Recommendation #3:
Drug Treatment Program, S.R.E.A.

Successful Reentry by Eliminating Addiction (S.R.E.A.)

- Specifications outlined in the legislation
- Include a **cap** on the amount of TANF funds while completing treatment
- Qualify for TANF benefits upon **successful completion of the program**

Recommendation #4:
Increase Public Awareness

- Form letter **writing** campaign
- Create a **movement** similar to the "Ban the Box" campaign to garner widespread public support
- **Solicit** high level support and rally key officials as stakeholders
- **Partner** with local and state criminal justice reform initiatives
- Promote the legislation via **social media, local radio, and news** outlets

CONCLUSIONS: The Results **Without** TANF

66.8% of non-whites are disproportionately affected by the lack of TANF benefits

MASSIVE DISPARITIES CONTINUE
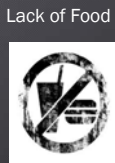
Lack of Food   Poverty Increases   Incarceration

Conclusion

With TANF benefits, disparities including economic equity and basic needs equality, begin to balance out for all racial groups our society.

Questions?