
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 708 **Hearing Date:** April 4, 2017
Author: Skinner
Version: March 27, 2017
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *Supplemental Security Income and CalFresh: Preenrollment*

HISTORY

Source: Western Center on Law Poverty
County Welfare Directors Association of California
Root and Rebound
Ella Baker Center
Los Angeles Regional Reentry Partnership

Prior Legislation: SB 283 (Hancock) -- died in Assembly Appropriations, 2013
AB 720 (Skinner) -- Chapter 646, Statutes of 2013
AB 1468 (Committee on Budget) -- Chapter 26, Statutes of 2014
AB 2308 (Stone) -- Chapter 607, Statutes of 2014

Support: A New Way of Life Re-Entry Project; Californians United for a Responsible Budget; Catholic Charities; Contra Costa County Defenders Association; Legal Services for Prisoners with Children; Prisoner Reentry Network; Rubicon Programs

Opposition: None known

PURPOSE

The purpose of this bill is to: 1) require the Secretary of the Department of Corrections and Rehabilitation (CDCR) to establish a memoranda of understanding (MOU) with the federal Social Security Administration, as specified; 2) require the State Department of Social Services to submit a request to waive all federal laws and regulations necessary to allow for the preenrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicants' reentry into the community from a county jail or the state prison; and, 3) should a waiver be obtained, allow the counties and CDCR to establish a policy to facilitate applications for the CalFresh program for inmates prior to their release from a county jail or the state prison, as specified.

Current law creates in state government CDCR, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. (Government Code § 12838.) CDCR shall consist of Adult Operations, Adult Programs, Health Care Services, Juvenile Justice, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board. (*Id.*) As explained in the Legislative Analyst's Office Analysis of the Governor's 2017-18 Proposed Budget:

The California Department of Corrections and Rehabilitation (CDCR) is responsible for the incarceration of adult felons, including the provision of training, education, and health care services. As of January 18, 2017, CDCR housed about 129,000 adult inmates in the state's prison system. Most of these inmates are housed in the state's 35 prisons and 43 conservation camps. About 9,000 inmates are housed in either in-state or out-of-state contracted prisons. The department also supervises and treats about 44,000 adult parolees and is responsible for the apprehension of those parolees who commit new offenses or parole violations. In addition, 670 juvenile offenders are housed in facilities operated by CDCR's Division of Juvenile Justice, which includes three facilities and one conservation camp.

Existing law states the finding of the Legislature that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the effective supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. (Penal Code § 3000(a)(1).)

Under current law the Secretary of CDCR is required to establish the Case Management Reentry Pilot Program for offenders under the jurisdiction of the department who have been sentenced to a term of imprisonment under Section 1170 and are likely to benefit from a case management reentry strategy designed to address homelessness, joblessness, mental disorders, and developmental disabilities among offenders transitioning from prison into the community, as specified. The department is required to submit a final report of the findings from its evaluation of the pilot program to the Legislature and the Governor no later than July 31, 2017. (Penal Code § 3016.)

This bill provides that unless it is inconsistent with the findings of the report required pursuant to Section 3016, the Secretary of CDCR is required to establish both of the following MOU with the federal Social Security Administration:

- A MOU that would allow a person incarcerated in a correctional facility subject to this code to apply for and receive a replacement social security card. The MOU shall also be required to comply with the Privacy Act of 1974, as amended (5 U.S.C. Sec. 552a), Section 1106 of the Social Security Act (42 U.S.C. Sec. 1306), and the federal Social Security Administration's disclosure regulations and guidance promulgated thereunder.
- A MOU that would allow the federal Social Security Administration to process Supplemental Security Income claims under the prerelease program established by Section 1631(m) of the federal Social Security Act (42 U.S.C. Sec. 1383(m)) and the regulations promulgated thereunder.

This bill provides that the MOU established pursuant to this legislation cannot supplant any prior related agreement a correctional facility has entered into with the federal Social Security Administration.

This bill requires the State Department of Social Services to submit to the United States Department of Agriculture, on or before March 31, 2018, a request to waive Section 273.1(b)(7)(vi) of Title 7 of the Code of Federal Regulations and any other federal law or

regulation necessary to allow for the preenrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicants' reentry into the community from a county jail or the state prison.

This bill specifies that to the extent that any federally necessary waiver is obtained a county board of supervisors or CDCR may establish a policy to facilitate applications for the CalFresh program for inmates prior to their release from a county jail or the state prison, respectively. If a policy is established pursuant to this subdivision, the county jail or state prison must coordinate with the county human services agency to ensure the processing of applications prior to the applicants' reentry into the community.

This bill requires the State Department of Social Services work with the County Welfare Directors Association of California, representatives from county jails, and CDCR to develop any necessary procedures for the preenrollment process and to issue guidance to enable the preenrollment process.

COMMENTS

1. Need for This Bill

According to the author, this bill:

Guarantees access to Pre-Enrollment of CalFresh and Social Security Income (SSI) benefits that are fundamental for providing basic needs to incarcerated inmates after release. It also allows state prisons and county jails to acquire important documentation that inmates need in order to apply for jobs and request housing. With pre-approval of CalFresh applications, individuals can immediately participate in job training programs, while lowering the risk of recidivism. Pre-enrollment will not only improve communities, but also increase an inmate's opportunity of employment, financial stability, and most importantly, reduce their risk of reoffending.

2. Effect of Legislation

a. CalFresh Pre-enrollment

According to a recent report of behalf of the Western Center of Law and Poverty the benefits of enrolling inmates in CalFresh include:

Pre-enrollment removes barriers for formerly incarcerated individuals

Pre-Enrollment can save people leaving prison from experiencing these common barriers, while also saving the county the hassle and cost of processing needlessly denied applications. Within state prisons, the California Department of Corrections and Rehabilitation (CDCR) has requisite identification filed for incarcerated individuals. They also typically know where individuals will be released, including their specific living address, as this is important information for their probation/parole officers. They can provide this information to their counterparts at the county Human Services Agencies, which would also meet many of the verification requirements. Within county jails, they also have the same relevant information to share.

Pre-enrollment allows counties to proactively manage caseloads

Pre-enrollment also puts less of a strain on county resources because they will not have to juggle more expedited applications if they are instead allowed to process them weeks in advance. As expedited applications have a much more strict timeline upon which counties are evaluated, having the option to process applications ahead of time would help to improve their performance standards, which the USDA monitors. Furthermore, delays in processing applications costs county Human Services Agencies not only in terms of additional staff time to follow proper notification standards, but it also increases the likelihood of hunger among a group of individuals who are particularly vulnerable.

While the county Human Services Agencies would still be required by law to conduct an eligibility interview with applicants awaiting their release, in all cases, this could be accomplished over the phone or in-person at the correctional facilities.

Pre-enrollment offers another tool for reducing recidivism

With federally funded benefits, a CalFresh pre-enrollment program is one of the few resources the state and counties can offer upon release to all eligible individuals during their first few months, which are the most critical period for recidivism. A Congressional Research Services report did a survey of recidivism programs across the country and found that services that began within the correctional institutions and continued afterwards provided a continuity of care that could help to lower recidivism (James, 2015). A study on reoffending patterns among women found that state-sponsored support programs, especially services related to job training, health, education and housing that address short-term economic needs, reduce the odds of recidivism by 83% (Holtfreter et al., 2004). Research has found that re-entry programs only have to decrease recidivism rates by 2 percentage points to be cost-effective when comparing them with the cost of processing an individual through the criminal justice system and the cost to the victims (Roman & Chalfin, 2006).

In this light, a CalFresh pre-enrollment program could be an incredibly cost-effective investment for reducing recidivism. Consider the following: a single CalFresh application typically costs \$155 to process in terms of labor. However, the federal government reimburses 50% of these administrative costs, with the state and county sharing the remaining \$77.5 at 35% and 15% respectively (Senate Appropriations Committee, 2014). In contrast, the annual cost of prisons in California is calculated to be approximately \$47,000 per inmate, which equates to a cost of almost \$130 per day (California Legislative Analyst's Office, n.d.; Henrichson & Delaney, 2012). A comparison of eight California counties' corrections budgets found that in 2012, the average cost per average daily jail population (excluding jail health costs) to be around \$50,000, a rate of \$137 per day (Stevenson et al., 2013). Enrolling someone into CalFresh costs nearly the same as one day spent back in jail or prison. With access to CalFresh, participants also can utilize the CalFresh Employment and Training program, which can be an additional source of support for formerly incarcerated individuals.

(Realignment: the policy opportunity for a CalFresh pre-enrollment program; Ecaterina Burton; Advanced Policy Analysis on behalf of Western Center of Law and Poverty; Goldman School of Public Policy; October 2016.) [Footnotes Omitted]

To help facilitate enrollment in CalFresh, this legislation requires the State Department of Social Services to submit to the United States Department of Agriculture a request to waive any federal laws or regulations necessary to allow for the preenrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicants' reentry into the community from a county jail or the state prison.

b. MOU with Social Security Administration

The Social Security Administration's website explains why an MOU is necessary:

Why does SSA have MOUs with prison facilities to enumerate prisoners?

Some prison inmates need an SSN card to participate in work or educational programs while incarcerated, or to gain employment upon release from prison, but prisoners generally do not have access to the types of identity documents required for enumeration purposes. SSA can enter into a formal MOU with the correctional facility enabling SSA to consider a certification of prisoner identity statement from a prison official as evidence of identity, and, thereby, make it possible for inmates to get SSN replacement cards.

Under the terms of a signed MOU, field offices (FOs) process properly completed SS-5 applications from certain prison inmates when accompanied by a certification statement from an authorized prison official as evidence of the inmate's identity. The MOU outlines specific procedures for the correctional facility and SSA to follow to ensure the integrity of the SSN replacement card issuance process for inmates. The MOU also addresses issues of security to protect SSNs and SSN cards from misuse in order to protect the privacy of the inmates. (<https://secure.ssa.gov/poms.nsf/lnx/0110225125>.)

According to supporters of the legislation:

Statewide Access to Social Security Administration Will Improve Reentry Success

Research demonstrates that currently incarcerated people disproportionately suffer from chronic diseases. Many become disabled while incarcerated and will qualify for Social Security benefits immediately upon their release—due to disability, age, or both.

A waiver is not needed in order to ensure that an individual detained in jail or prison has access to the Social Security Administration (SSA) for the purposes of requesting a new Social Security card or to begin the process of renewing or applying for benefits through the SSA. However, a memorandum of understanding (MOU) between the prison and the SSA is needed. Thirty-nine states currently have statewide MOUs with the SSA in place but California does not. According to a recent report published by the Office of Inspector General, less than 40 percent of prisons in California have an MOU in place. A statewide MOU will enhance incarcerated individuals' access to Social Security benefits for basic needs and housing immediately upon their release.

Additionally, as the California legislature acknowledged with the passage of the California Identification Program (CAL-ID) in 2014, government-issued ID is critical during reentry. Unfortunately, many people are released from incarceration without access to valid, government-issued photo identification. The first step to obtaining government-issued ID is often providing proof of one's Social Security Number (SSN). Without immediate access to their SSN and other ID documents, incarcerated individuals preparing for reentry will find it difficult, or impossible to secure employment, housing, public benefits, and other necessary social services. [Footnotes omitted.]

Thus, this legislation would require CDCR to enter into an MOU to help facilitate inmates' access to SSI and social security cards.¹

-- END --

¹ CDCR is not required to enter into an MOU if the MOU provisions of this legislation are inconsistent with the findings of a report on reentry that CDCR is required to provide to the legislature by July 1, 21017