

Senate Bill 167

Successful Re-Entry & Access to Jobs Act

Senator Skinner (D – 09)

THIS BILL

SB 167 calls for the California Department of Social Services (DSS) to seek authority from United States Department of Agriculture (USDA) to pre-enroll eligible Californians into CalFresh prior to release from prison or jail and prescribes processes for counties to implement the waiver. Additionally, it allows for the California Department of Corrections and Rehabilitation (CDCR) to enter into a memorandum of understanding with the Social Security Administration so that individuals can apply to get a replacement social security card and Supplemental Security Income (SSI) while awaiting release.

ISSUE

California's state prisons and county jails currently have the responsibility to prepare people for being released back into society; however, they do not have authorization to pre-enroll individuals into all available social assistance programs for which they are eligible nor to acquire certain key documents on their behalf. Specifically, individuals being released from county jails or state prisons cannot pre-enroll into CalFresh (known nationally as the Supplemental Nutrition Assistance Program) without state action. Additionally, most jails and prisons do not have the appropriate federal authority to support people leaving prison in acquiring their Social Security card or applying for Supplemental Security Income, even when disability or age makes it clear that they would qualify. This lack of access to these critical services through pre-enrollment prior to release makes individuals' re-entry difficult, increases the likelihood of recidivism and increases the workload on county administrators of safety net services.

Countless studies have found *immediate* access to basic needs supports and job training (available through CalFresh) reduces recidivism, contributes to

successful re-entry of individuals who have been incarcerated, and keeps our communities safer.

CURRENT LAW

In response to a US Supreme Court order to address prison overcrowding, Governor Brown worked with the State Legislature, local governments, law enforcement and probation leaders, to realign the supervision of people with non-violent offences to local law enforcement. Public Safety realignment was codified by AB 109 in 2011, and subsequently amended by legislation in 2012.

AB 109 created Local Corrections Community Partnerships tasked with planning and implementing policies to reduce recidivism and promote public safety. In addition to law enforcement leadership, County Human Services Agencies are mandatory participants in local councils, as work supports, homelessness prevention, employment & training, and other human services are essential to achieving cost-effective solutions to California's high recidivism rates.

Several laws since AB 109 have been passed to address the need for both state prisons and county jails to link individuals to key services prior to release. In 2013, Governor Brown signed AB 720 (Skinner), which gave county jails the option to pre-enroll individuals into MediCal. In 2014, Governor Brown signed AB 2308 (Stone), which made California's Cal-ID program mandatory for all individuals in state prison. It authorized the DMV and CDCR to create a MOU so that the CDCR could provide all eligible individuals with a state-issued ID card prior to their release.

Federal law allows for pre-enrollment into CalFresh and SSI, but only when appropriate permission is secured from the federal administering agencies. Federal law also allows state prisons to assist people who are incarcerated to secure a copy of their Social Security card. To date, California has not yet sought

this permission. State law is currently silent on this topic.

BACKGROUND

A report by the Reentry Policy Council of the Council of State Governments credits public benefits and job training as key contributors to successful prisoner reentry and recommends that states opt out of bans against people with prior drug-related felony convictions.¹ The Reentry Policy Council is a bipartisan working group with representatives of national associations of probation and parole, correctional administrators, courts, police, mental health and housing experts, among others.²

Harvard's Bruce Western said that the costs to pre-enrolling access to benefits like CalWORKs and CalFresh, "...are offset by increased employment and reduced crime and correctional costs for program participants...Achieving these objectives will yield a sustainable public safety that overcomes the long-term negative consequences of criminal punishment and promotes the economic improvement of poor communities."³

Thousands of Californians are released from prison or jail every year on parole or probation. Unfortunately, with few or no job prospects, approximately two-thirds of those released from prison will be rearrested – and almost one-half will be re-incarcerated—within three years of their release. The vast majority (80%) of incarcerated individuals are low-income, thus being eligible for programs such as MediCal and CalFresh.⁴

Pre-enrollment ensures individuals have immediate access to benefits that are essential for their basic needs. It also gives county Human Service Agencies more time to process applications in advance. It allows state prisons and county jails to acquire key documents, such as a social security card or government-issued I.D. that individuals need in order to apply for jobs or acquire housing. Finally,

¹ *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community.* Council of State Governments. Reentry Policy Council. New York: Council of State Governments. January 2005,

² http://www.reentrypolicy.org/about/reentry_policy_council

³ Western, Bruce. 2008. "From Prison to Work: A Proposal for a National Prisoner Reentry Program." (Washington, DC: The Brookings Institution, 2008) 3-5

having CalFresh applications approved prior to release means these individuals can also immediately participate in its job training program. Providing pre-enrollment access to these types of benefits to individuals being released will not only improve outcomes of a very vulnerable population, but also improve public safety by increasing their chances of employment and financial stability and reducing their risks of reoffending.

SUPPORT

County Welfare Directors Association (Co-Sponsor)
Ella Baker Center (Co-Sponsor)
Root and Rebound (Co-Sponsor)
Western Center on Law and Poverty (Co-Sponsor)
California Hunger Action Coalition

OPPOSITION

None on File

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⁴ Eisen, L.B. (2014). *Paying for Your Time: How Charging Inmates Fees Behind Bars May Violate the Excessive Fines Clause.* New York, NY: Brennan Center for Justice. Retrieved from <https://www.brennancenter.org/analysis/paying-your-time-how-charging-inmates-fees-behind-bars-may-violate-excessive-fines-clause>