

**Presumed Innocent, Yet Purged from the Rolls:
Navigating Public Assistance Programs upon Release from Cook County Jail**

By

Eleanor Sara Josephine Khirallah

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Preceptor: Yaniv Ron-El
Second Reader: Professor Andrew Hammond

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ABSTRACT

In grappling with mass incarceration, many policymakers attempt to intervene during reentry, or the process of leaving jail or prison and “reentering” the community. Some of the more obvious reentry challenges include removal from welfare programs as a result of convictions, despite the fact that welfare programs can be beneficial for reentry. Because state and federal statutes create lifetime bans on welfare programs for people with convictions, policymakers focus on removing these bans. However, it is possible that barriers to public assistance exist regardless of having a conviction, evidenced by examining the pretrial population. These people leave jail without convictions, but are still often unequipped for what waits for them after hours, days, or months of being away from their lives due to pretrial detention.

The pretrial population has been ignored in conversations about removal from or limited access to welfare programs during reentry. Because of that, I hope to highlight how pretrial detention affects this access through a case study on Cook County Jail. The bulk of my research comes from interviews with forty-one individuals, including bureaucrats from Cook County Jail and relevant welfare agencies, and people working with formerly incarcerated individuals at nonprofits and advocacy organizations.

Overall, I find that pretrial detention produces formal and informal barriers for people trying to enroll in or maintain their enrollment in Medicaid, SNAP, and SSI upon release from Cook County Jail. Formal barriers are triggered by statutes and jail procedures, while informal barriers directly result from bureaucracy and on-the-ground practices. I ultimately recommend legislative action and the implementation of programmatic interventions at the jail. If the jail wants to facilitate better outcomes upon release and lower the likelihood of a return to jail, it has to be committed to combating these barriers produced by pretrial detention.

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INTRODUCTION

“So I’m on the 94 [bus], right at the stop in front of the [Cook County Criminal] courthouse, and this guy gets on and starts waving his discharge papers, begging the driver to let him on. I get up and pay for his fare, then he sits next to me and I ask him, ‘Where are you going?’ and he says, ‘Honestly, I’m just trying to get out of here...the jail said I should just show these papers to people on public transit and see what happens.’”¹ While this is only one anecdote of an interaction Matt McLoughlin of the Chicago Community Bond Fund had with a person recently released from Cook County Jail, it represents the general level of reentry assistance one can expect to receive from the Cook County Sheriff’s Department when being released from the jail. After someone is discharged from the jail, where they end up is uncertain. Some reunite with loved ones waiting for them in the Bond Room, while others attempt to hop on the 94 and get as far away as possible. If even someone’s immediate destination upon release is unclear, what does that suggest about the future ones?

“They all come back,” is a common way people frame the issue of people leaving carceral institutions like Cook County Jail to ambiguous or unclear circumstances. Because of mass incarceration, communities are dealing with millions of people “coming back” each year, creating a crisis of reentry that necessitates action and intervention.² While more people exit jails than prisons each year,³ the majority of scholarship and policy focuses on individuals leaving prisons rather than that man waving his discharge papers on the bus. This might be because some of the obvious challenges of reentry and former incarceration are related to convictions, such as

¹ Matt McLoughlin, in discussion with the author, December 11, 2019.

² The National Reentry Resource Center, “NRRC Facts & Trends,” *Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice*, <https://csgjusticecenter.org/nrrc/facts-and-trends/>.

³ Ibid.

access to welfare programs through laws like the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which barred drug felons from receiving public assistance.

Alternatively, sixty percent of the national jail population is pretrial,⁴ and at Cook County Jail, that number is eighty-five percent,⁵ meaning the majority of jail detainees do not have the convictions that people associate with challenges of reentry. Even “a few hours at jail” can have “far-reaching impacts not only on the individuals themselves, but also on their families and communities,”⁶ and for the most part, people will spend much longer than a few hours in jail, as the national average length of jail detention is twenty-five days.⁷ As the largest-single site jail⁸ in the country, Cook County Jail is especially notable in this phenomenon, since its average length of detention is sixty-seven days, suggesting that consequences of pretrial detention might be particularly felt by its jail population.⁹ Since the majority of justice-involved individuals will only go to jails like Cook County Jail and never end up in prisons, there’s reason to examine these “impacts” if we want to truly confront the monster that is mass incarceration. Thus, despite the focus on convictions and prisons, pretrial detention can produce its own set of unique challenges or “impacts,” including issues of access to public assistance.¹⁰

Using Cook County Jail as a case study, I examine how pretrial detention affects access to public assistance, both by disrupting current access or exacerbating prior disconnection.

⁴ Vera Institute of Justice, “The State of Justice: 6. The State of Jails,” (New York: Vera Institute of Justice, 2017), <https://www.vera.org/state-of-justice-reform/2017>.

⁵ Cook County Sheriff’s Department, Business Intelligence Unit, Research Unit, *Jail Population Characteristics 2018-01-24*, (Chicago: Business Intelligence Unit, 2018).

⁶ Ibid.

⁷ Zhen Zheng, “Jail Inmates in 2016,” *Bureau of Justice Statistics*, February 2018, https://www.bjs.gov/content/pub/pdf/ji16_sum.pdf.

⁸ Matt Ford, “America’s Largest Mental Hospital Is a Jail,” *The Atlantic*, June 8, 2015,

<https://www.theatlantic.com/politics/archive/2015/06/americas-largest-mental-hospital-is-a-jail/395012/>.

⁹ Chicago Appleseed Fund for Justice, “Pretrial Delay & Length of Stay In The Cook County Jail Executive Summary,” (Chicago: Chicago Appleseed Fund For Justice, 2012), 1-2, <http://www.chicagoappleseed.org/wp-content/uploads/2012/06/CAFFJ-Pret-Trial-Delay-and-Length-of-Stay-Executive-Summary.pdf>.

¹⁰ Mindy Well, “A Look at Jail-based Reentry Programs,” (Orlando: University of Central Florida, 2012), 3, <https://stars.library.ucf.edu/etd/2251>.

Known as the “largest single-site jail in America,” Cook County Jail sits on a massive complex that spans the ninety-six acres, or the “size of seventy-two football fields,” in the middle of Chicago.¹¹ On November 11, 2018, it held 6,046 individuals.¹² 83.6 percent of that population sits in the jail on pretrial status.¹³ On any given day, approximately several hundred of those individuals are released from the jail, and the majority of those individuals return to the Chicago neighborhoods they lived in prior to incarceration. Because of the magnitude of site itself, coupled with the size of the actual jail population, Cook County Jail has a large amount of individuals being detained and released from a single location into a larger urban area, creating an accessible field for researching how detainees approach reentry, including how they access public assistance.

In terms of welfare programs, I’m specifically focusing on Medicaid, SNAP, and SSI due to several factors that I will explain in my analysis. As I will explore in the literature review, there is significant scholarship linking positive reentry outcomes and lower rates of recidivism to receipt of these public benefits, suggesting that access to public assistance can be an important part of the reentry process. Reentry is a process that Cook County Jail leadership is broadly interested in,¹⁴ but also one that the jail struggles with, as many of its detainees end up back in jail after release. For example, in 2012, there were more than 9,700 individual males and 1,100 females admitted to the jail multiple times during the year.¹⁵ Since access to public assistance is

¹¹ Nicole Gonzalez Van Cleve, “The Waiting Room,” *The Marshall Project*, October 31, 2018, <https://www.themarshallproject.org/2018/10/31/the-waiting-room>.

¹² Cook County Sheriff’s Department, Business Intelligence Unit, *Sheriff’s Daily Report 11/1/2018*, (Chicago: Business Intelligence Unit, 2018), https://www.cookcountysheriff.org/wp-content/uploads/2018/11/CCSO_BIU_CommunicationsCCDOC_v1_2018_11_01.pdf.

¹³ *Jail Population Characteristics 2018-01-24*.

¹⁴ Lesley Stahl, “Sheriff Tom Dart On 60 Minutes,” *CBS News*, May 21, 2017, <https://www.cbsnews.com/news/cook-county-jail-sheriff-tom-dart-on-60-minutes/>.

¹⁵ David Olson and Sema Taheri, “Population Dynamics and the Characteristics of Inmates in the Cook County Jail,” *Criminal Justice & Criminology*, (2012): 3, https://ecommons.luc.edu/cgi/viewcontent.cgi?article=1000&context=criminaljustice_facpubs.

something that might be able to stop the “revolving door” of Cook County Jail, there needs to be research on whether or not time spent at the jail affects that access.

From there, my research questions build off of one another to produce a baseline understanding of jail reentry and public assistance, to see if pretrial detention creates any challenges to accessing public assistance, and to explore how the jail can combat these challenges. First, what are the barriers for former Cook County Jail detainees in accessing Medicaid, SNAP, and SSI upon release from jail? By examining that question, I attempt to discover the challenges people face when trying to access Medicaid, SNAP, and SSI upon release from jail. Second, to what extent does pretrial detention at Cook County Jail either produce these barriers or exacerbate existing barriers to receiving Medicaid, SNAP, and SSI upon release from jail? Through that, I aim to see how much pretrial detention itself causes these barriers, or even the extent that pretrial detention makes someone’s existing disconnect from welfare programs more severe.

If we assume that these barriers exist and that pretrial detention produces them, then the final question becomes what programs or policies can Cook County Jail enact to combat these barriers? That portion of my analysis focuses on policy recommendations and if the jail can effectively respond to these barriers. The sheer number of people going through reentry after leaving Cook County Jail requires some response, and I believe that one of these responses can be through limiting the barriers to accessing Medicaid, SNAP, and SSI.

In the proceeding sections, my case study on Cook County Jail highlights the barriers its former detainees face in accessing Medicaid, SNAP, and SSI upon release. My research comes from documentary analysis and semi-structured interviews with relevant stakeholders from the Cook County area, including Cook County Jail administrators, welfare agency caseworkers, and

employees from nonprofits working with the formerly incarcerated and/or lower income individuals. Regardless of whether or not someone is trying to maintain their current enrollment in the identified public assistance programs, or if they are trying to enroll for the first time, I ultimately find that two categories of barriers exist for people leaving Cook County Jail—formal and informal. Formal barriers are either directly based on or triggered by federal and state statutes and Cook County Jail policies. Informal barriers come from bureaucratic decision-making practices or circumstances indirectly resulting from incarceration, like insecure housing.

From finding these barriers, I argue that pretrial detention both creates a coverage gap for people who had access to Medicaid, SNAP, and/or SSI prior to incarceration, and exacerbates any existing disconnect someone might have had from these programs prior to incarceration. I also find that the longer someone is detained at Cook County Jail, the more likely they are to lose their access to the programs. However, there are also immediate barriers that people face regardless of how long they are detained.

Since pretrial detention creates disconnections from public assistance, I argue that there needs to be explicit action done to mitigate or end these disconnections. Not only is there an obligation to prevent disconnections created by a process that cages people who are not even formally deemed guilty, but there are public health, safety, and economic reasons why Cook County Jail and federal and state legislatures should be dedicated to combating these barriers. For example, as I'll explain, access to programs like Medicaid, SNAP, and SSI are linked to better health outcomes and lower rates of recidivism for people leaving jails and prisons, suggesting that any barriers to this access are harmful in the long run for everyone involved. As a result, my policy recommendations feature legislative action and programmatic interventions. Beyond that, my research reimagines the concept of reentry as exclusively being about prisons,

and instead analyzes the role of jails like Cook County Jail in combating some of the vulnerabilities of reentry.

JUSTIFICATION OF THE SELECTED CASE STUDY AND PUBLIC ASSISTANCE PROGRAMS

My research focuses on the obstacles people face trying to access public assistance upon release from jail, with the implication that that public assistance might be able to positively affect one's experience with reentry after jail. I chose a segment of the incarcerated population that was more likely to be eligible for public assistance programs and accessible to me for interview-based data collection and field observation. I'll first provide context around the identified programs and their potential relevance to the general pretrial population to explain why the links between public assistance and pretrial detention should be explored. Next, I will construct the rationale behind the selection of Cook County as the case study for this analysis.

Both Medicaid, the jointly funded state and federal government health insurance program for citizens and permanent residents,¹⁶ and the Supplemental Nutrition Assistance Program (SNAP), the federally funded and state administered program that provides nutrition assistance to low-income individuals and families through the form of a monthly food allowance, are needs-based and related to income. Similarly, Supplemental Security Income (SSI) is income-related and needs-based, but it's also dependent on disability. It's a federally funded program administered by the federal agency, the Social Service Administration (SSA), to "assure a minimum cash income to all aged, blind, or disabled persons with limited resources."¹⁷

¹⁶ "Medicaid," *U.S. Center for Medicare and Medicaid*, <http://www.healthcare.gov/glossary/medicaid> (accessed February 3, 2019).

¹⁷ "Fact Sheet: Supplemental Security Income," *Homeless Hub*, 2002, <https://www.homelesshub.ca/resource/fact-sheet-supplemental-security-income>.

While the majority of welfare programs have eligibility standards related to convictions, these identified programs have statutes limiting eligibility based on pretrial incarceration. The existence of these explicit statutes immediately creates accessibility issues for detainees upon release from Cook County Jail. I explore these statutes as institutional barriers in my analysis.

On income alone, the general pretrial population is likely to be qualified for these programs—in a study conducted on individuals' financial circumstances prior to incarceration, it found that fifty-six percent of individuals had essentially no annual earnings, and even among those who did work, they had average earnings of \$12,780.¹⁸ If these people are in single-person households, even people with income are situated just above the federal poverty line of \$12,490, making them qualified for welfare programs if they meet other eligibility requirements.¹⁹

All of these programs have income limits and asset-tests, but SSI has an additional requirement that implicates a large portion of the pretrial population—disability. Studies suggest that 20% of people incarcerated in jails have serious mental illness, and further, that “there are more mentally ill individuals in the Los Angeles County Jail, Chicago’s Cook County Jail, or New York’s Rikers Island Jail than in any psychiatric hospital in the United States.”²⁰ Specifically, a large portion of the Cook County Jail population has mental health problems that might qualify them for SSI.²¹ If it’s true that the largest group on the SSI rolls are those with

¹⁸ Adam Looney and Nicholas Turner, “Work and Opportunity Before and After Incarceration,” (Washington, D.C.: *The Brookings Institution*, 2018), 7-8, https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf.

¹⁹ Kimberly Amadeo, “Are You Eligible for Federal Benefits in 2019?” *The Balance*, March 12, 2019, <https://www.thebalance.com/federal-poverty-level-definition-guidelines-chart-3305843>.

²⁰ “How Many Individuals with Serious Mental Illness Are in Jails and Prisons?” (Nashville: Treatment Advocacy Center, 2014), 1, <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/how%20many%20individuals%20with%20serious%20mental%20illness%20are%20in%20jails%20and%20prisons%20final.pdf>.

²¹ Alison Evans Cuellar and Jehanzeb Cheema, “Health Care Reform, Behavior Health, and the Criminal Justice Population,” *The Journal of Behavioral Health Services and Research* 41, no. 4 (2014): 453, <https://link.springer.com/article/10.1007%2Fs11414-014-9404-0>.

“psychiatric impairments,”²² or disability from mental illness, then there’s reason to assume that a large portion of these mentally ill incarcerated individuals are potentially eligible for SSI.

The identified programs are also particularly notable to the pretrial population because they may be the only programs the population can access due to their potentially childless or dependent-less status. The majority of the people incarcerated on pretrial status are adult men that have no custodial dependents or no children.²³ Unless they have a diagnosed disability, these individuals fall into the public assistance population termed “ABAWDs,”²⁴ or able-bodied adults without dependents. Due to governmental prioritization of the disabled or families with children, ABAWDs are either excluded from public assistance programs or subject to strict work requirements. The large contingent of disabled individuals within the pretrial population are already eligible for SNAP and Medicaid as a result of this disability, which serves to further increase the chance that a large group of this population is eligible for one of these programs; however, people who are “able-bodied adults” or whose disabilities are not diagnosed are typically excluded from programs, except in cases like I’ll explore with Illinois.

In addition, despite the general trend with welfare programs of requiring custodial dependents, all three of these identified programs can be offered on either an individual or household basis. They do not require dependents, and have eligibility standards based on the individual alone, meaning someone’s incarceration can be a deciding factor in whether they remain on the rolls. As a result, it’s not only more likely that this population is already enrolled or can possibly be enrolled in these programs on an individual basis, but it also suggests that

²² Gary Bond et al., “Can SSDI and SSI Beneficiaries with Mental Illness Benefit from Evidence-Based Supported Employment?” *Psychiatric Services* 58, no. 11 (2007): 1415, <https://ps.psychiatryonline.org/doi/full/10.1176/ps.2007.58.11.1412>.

²³ Jane Longo, in discussion with the author, December 2018.

²⁴ Anne Marie Buron, “Systemic Barriers to SNAP Benefits for Able-bodied Adults Without Dependents (ABAWDs),” (Chicago: *Illinois Hunger Coalition*, 2017), 2-3, <http://ilhunger.org/resources/systemicbarriersforabawds.pdf>.

isolating barriers related to pretrial detention might be easier to do, since a person's receipt of public assistance may only relate to their own circumstances.

My specific focus group is people being released from the pretrial population at Cook County Jail that may be enrolled in or eligible for Medicaid, SNAP, and SSI. The lack of custodial requirements, the financial circumstances, and prevalence of disability in the general pretrial population is notable for my research; however, I specifically selected Cook County Jail as my case study because of its size and comparably more "relaxed" or expansive eligibility standards for SNAP and Medicaid.

Cook County Jail is a massive compound that processes hundreds of people daily. Approximately 150-250 detainees enter and leave the jail daily, and its population sits anywhere from 5,900-6,400 people on any given day.²⁵ Not only are many people leaving, but a significant portion are returning back to the jail, suggesting obstacles toward "successful" reentry, if we choose to define one outcome of success as not returning to jail. In 2010, 77,942 people were discharged from the jail, and 65,960 of those people were "unique," meaning 15.4 percent of the people had been processed and released from the jail several times during the year.²⁶ The majority of these individuals are returning to a set of several Chicago communities that have above-average poverty rates and below-average high school graduation rates, suggesting the limited opportunities and positive conditions of reentry for many of these returning individuals.²⁷ For example, in one sample of former Illinois state prisoners, of which a large portion was originally detained at Cook County Jail prior to sentencing, fifty-four percent of the individuals returned to "just seven of the seventy-seven Chicago neighborhoods," all of which have similar

²⁵ Olson and Taheri, 4.

²⁶ Olson and Taheri, 7.

²⁷ Christy Visher and Jill Farrell, "Chicago Communities and Prisoner Reentry," (Washington, D.C.: The Urban Institute, 2005), 3, <https://www.urban.org/sites/default/files/publication/42891/311225-Chicago-Communities-and-Prisoner-Reentry.PDF>.

situations of poverty, high unemployment, and social disinvestment.²⁸ A study specific to the Cook County Jail population further found that 62.5 percent of inmates living in Austin, Garfield Park and Lawndale “returned to the jail within the three-year follow-up period,” compared to 51.8 percent of detainees from “other community areas in Chicago and the suburbs.”²⁹ The large churn of individuals from impoverished areas creates a site suitable for research on a reentering population that might be enrolled in or attempting to enroll in public assistance programs.

In addition to the the size of the site and the population, the jail’s location makes it possible to effectively examine the links to the identified public assistance programs because of Illinois’s comparably expansive eligibility standards. With SNAP and Medicaid, states have flexibility in increasing or decreasing their eligibility standards, such as with raising income limits or eliminating asset-tests.³⁰ SSI’s standards are dictated by the federal government without much state discretion, though some states like Illinois do offer additional state payments for the aged, blind, and disabled if they receive federal SSI benefits.³¹ I focus on the federal SSI payment since the state program is tied to it, meaning a barrier for federal SSI automatically means a barrier for state SSI. For my analysis, I ideally want to cast the widest net possible for public assistance eligibility within a jail population. Illinois has these more “desirable” eligibility conditions that make it more likely that my identified population is either already enrolled in or will be eligible to apply for benefits upon release.

As mentioned, welfare legislation generally limits the ability of ABAWDs to access assistance without work requirements. The 1996 Personal Responsibility and Work Opportunity

²⁸ Ibid., 3.

²⁹ Olson and Taheri, 7.

³⁰ United States Department of Agriculture, Food and Nutrition Services, *State Options Report: Supplemental Nutrition Assistance Program*, (Washington, DC: 2018), 2 <https://fns-prod.azureedge.net/sites/default/files/snap/14-State-Options.pdf>.

³¹ Center on Budget and Policy Priorities, “Policy Basics: Supplemental Security Income,” (Washington, D.C.: Center on Budget and Policy Priorities, 2018), 2, https://www.cbpp.org/sites/default/files/atoms/files/PolicyBasics_SocSec-IntroToSSI.pdf.

Act created the “three-in-thirty-six” rule such that ABAWDs cannot receive SNAP benefits for more than three months in a thirty-six month period if they do not meet the following work requirements: work at least twenty hours/week, participate in qualified education and training activities for at least twenty hours/week, or comply with a state-sanctioned “workfare” program.³² If someone is incarcerated for a short period, that time detained makes it impossible to maintain these work requirements, limiting the ability to access SNAP. With time limits, individuals also might have already maxed out their benefits, or they might only be eligible for a short period of time, constraining the effectiveness of the aid on the reentry process. Illinois, however, has approval from the federal government to eliminate these work requirements through an “ABAWD waiver,” in every Illinois county except for DuPage.³³ Because most of the detainees return to Cook County, they are not subjected to work requirements and more likely to be eligible for SNAP than in jail systems in other states that don’t have this waiver.

Illinois also has wider eligibility standards for Medicaid that make the majority of Cook County Jail detainees eligible based on income and regardless of dependent status. The Affordable Care Act (2010) expanded Medicaid coverage for adults without dependents making up to 138 percent of the federal poverty level.³⁴ Decided by the Supreme Court in 2012, *National Federation of Independent Business v. Sebelius* mandates that states have the choice to adopt Medicaid expansion or not—thirty-seven states, including Illinois, made the choice to adopt it.³⁵ As a result, Cook County Jail is situated within a state where Medicaid is an option for the

³² Andrew Hammond and MacKenzie Speer, “SNAP’s Time Limit: Emerging Issues in Litigation and Implementation,” (Chicago: Sargent Shriver National Center on Poverty Law, 2017), 2, https://povertylaw.org/files/docs/article/ClearinghouseCommunity_Hammond.pdf.

³³ Buron, 3.

³⁴ Larisa Antonisse, et al., “The Effects of Medicaid Expansion Under the ACA: Updated Findings from a Literature Review,” (Washington, D.C.: Kasier Family Foundation, 2018), <https://www.kff.org/medicaid/issue-brief/the-effects-of-medicaid-expansion-under-the-aca-updated-findings-from-a-literature-review-march-2018/>.

³⁵ Ibid.

majority of its low-income, dependent-less detainees. Since one study suggested that sixty percent of those entering local and county jails earned less than 133 percent of the federal poverty line, there's reason to believe that a large portion of the Cook County Jail population is eligible for Medicaid.³⁶

The take-up rates on that health insurance are limited though, prompting the need for my research on potential barriers to access. Nearly ninety percent of individuals being processed in county jails are uninsured.³⁷ Despite the fact that they might be eligible for Medicaid, that doesn't translate to enrollment and receipt of insurance. If a large portion of people entering Cook County Jail is uninsured, is below the federal poverty line, and is eligible for Medicaid, there needs to be investigation of what stops them from accessing that insurance.

With the size and location of Cook County Jail, the likelihood that its former detainees are eligible for public assistance is high. Further, the identified programs can be taken up by individuals without dependents or larger households. This creates potential for more direct analysis between pretrial incarceration and public assistance access, and as an extension of my analysis or as future research, on how public assistance may help with reentry from jails.

LITERATURE REVIEW

Since my research explores the connections between pretrial incarceration and access to public assistance, my literature review includes an overview of scholarship related to the convergence of the penal system and welfare state, reentry and the role of public assistance, and pretrial detention and release. In addition, my ultimate goal is to provide policy

³⁶ "Medicaid Expansion & Criminal Justice-Involved Populations: Opportunities for the Health Care for the Homeless Community," (Nashville: National Health Care for the Homeless Council, 2013), 2, <https://www.soa.org/Files/Sections/health-MedicaidExpansion-Justice-Final.pdf/>.

³⁷ Alexandra Gates, Samantha Artiga, and Robin Rudowitz, "Health Coverage and Care for the Adult Criminal Justice-Involved Population," (Washington, D.C.: Kaiser Family Foundation, 2016), <https://www.kff.org/uninsured/issue-brief/health-coverage-and-care-for-the-adult-criminal-justice-involved-population/>.

recommendations to Cook County Jail, so I include an overview of literature dedicated to the implementation of jail programs.

Convergence of Penal System and Welfare State

Many scholars explore the similarities between the penal system and the welfare state. Some argue that these similarities suggest a convergence in practices and ideologies, while others argue a literal convergence that forms one institution of social control for the nation's poorest individuals. In exploring these arguments, I will first provide context on these systems in their "purest" forms. Some think about the two as separate systems—the welfare state encompasses specific programs by the government for the poor, and the penal state is a system of punishment imposed by the State through the criminal legal system.³⁸ Others take issue with defining them as separate entities. For example, some argue that the welfare state is a system of "social insurance, social rights, and social services,"³⁹ but if we use that definition, some scholars may suggest that we are implicating the criminal legal system, too, since jails and prisons provide social services to people incarcerated.⁴⁰ Ultimately, Garland argues that the welfare state is difficult to define, functioning as "a damage-limiting, problem-solving device rather than anyone's ideal social relationship."⁴¹

I rely on this ambiguity throughout my analysis, as my connections between welfare programs and the criminal legal system suggest that the welfare state goes beyond any targeted interventions or specific set of programs, and instead relates to how society responds to social problems. Literature suggests that the welfare state has evolved from solely "providing for the needs" that are "not adequately met through the market" like interruptions in income due to

³⁸ David Garland, *The Welfare State: A Very Short Introduction*, (Oxford, United Kingdom: Oxford University Press, 2016), 7.

³⁹ Ibid.

⁴⁰ Reuben Jonathan Miller and Forrest Stuart, "Carceral Citizenship: Race, Rights and Responsibility in the Age of Mass Supervision," *Theoretical Criminology* 21, no. 4 (2017): 534, <https://journals.sagepub.com/doi/full/10.1177/1362480617731203>.

⁴¹ Ibid., 8.

unemployment, but also having to provide for “social care,” like child care or more specific to my thesis, the reentering population.⁴² Governments traditionally rely on “unpaid” welfare or labor by families—mainly women—to provide this social care of children and elderly relatives.⁴³ Because my research is on reentry, I attempt to link this historical conception of the welfare state to the reentering population. Families are considered critical in the reentry process,⁴⁴ and as a result, it is possible that the government relies on kin-based care to facilitate the transition from prisons or jails to communities and society at large; however, similar to how the larger welfare state has had to evolve, the reentry-welfare state will have to eventually evolve, too, which implicates the government in the provision of reentry services, including Medicaid, SNAP, and SSI. This already hints at a literal convergence between the penal and welfare systems, as the welfare state might have to respond to needs imposed by the penal system’s churning of individuals through prisons and jails.

The penal state may itself be part of this definition of the welfare state since it provides some of these services. I look at the welfare state by focusing on Medicaid, SNAP, and SSI, and I analyze the penal system through looking at Cook County Jail. By identifying the barriers that Cook County Jail detainees face in accessing these programs, I ultimately find the potential for productive coordination and collaboration of systems that are already very similar, which is why an understanding of the literature relating to this convergence is necessary.

⁴² Peter Taylor-Gooby, “The Impact of New Social Risks on Welfare States,” in *New Risks, New Welfare: The Transformation of the European Welfare State*, (Oxford, United Kingdom: Oxford University Press, 2005), 5, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.511.2369&rep=rep1&type=pdf>.

⁴³ Hanna Kleider, “Paid and Unpaid Work: The Impact of Social Policies on the Gender Division of Labour,” *Journal of European Social Policy* 25, no. 5 (2015): 505, <https://journals.sagepub.com/doi/10.1177/0958928715610996#articleCitationDownloadContainer>.

⁴⁴ Jocelyn Fontaine, et al., “Families and Reentry: Unpacking How Social Support Matters,” (Washington, D.C.: The Urban Institute, 2012), 38, <https://www.urban.org/sites/default/files/publication/24921/1001630-Families-and-Reentry-Unpacking-How-Social-Support-Matters.PDF>.

Scholars term this convergence as “penal-welfarism.”⁴⁵ Most claim that this convergence appears through the “ideologies and the sharing of information” that “manifest across” both institutions.⁴⁶ Garland originally traces this convergence to the latter half of the 19th century in Victorian England, when the rehabilitative model of the penal system related to the benefactor-role of the welfare system to the State’s poorest subjects. In the United States, he finds a similar convergence, but he suggests that it was instead related to the “collapse” of that rehabilitate ideal and demonstrated a “more punitive orientation to welfare and punishment.”⁴⁷ Since my research is grounded in the modern criminal legal system, it is necessary to see how this shift from the rehabilitative model of punishment to a punitive one has affected our welfare system, too, since it has implications for how people view and interact with welfare outside of the penal system.

Some argue that this convergence is not solely a similar reorientation to punitive treatment of subjects, but is a very literal process that occurs through direct coordination and collaboration. Becket and Western suggest that the two systems morphed into “a single policy regime aimed at the governance of social marginality.”⁴⁸ Through that single policy regime, literature argues that the “diminishing social safety net” means that criminal legal system is “increasingly tasked with distribution of social services to the urban poor.”⁴⁹ My policy recommendations propose Medicaid, SNAP, and SSI enrollment efforts within the jail, so it’s necessary to see what that direct presence of the welfare state within a carceral space suggests

⁴⁵ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, (Chicago, Illinois: Chicago University Press, 2001), 28.

⁴⁶ Susila Gurusami, “Working for Redemption: Formerly Incarcerated Black Women and Punishment in the Labor Market,” *Gender & Society* 31, no 4. (2017): 434, <https://journals.sagepub.com/doi/full/10.1177/0891243217716114>.

⁴⁷ Michelle S. Phelps, “Rehabilitation in the Punitive Era: The Gap Between Rhetoric and Reality in U.S. Prison Programs,” *Law Society Review* 45, no. 1 (2011): 33-68, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3762476/>.

⁴⁸ Bruce Western and Becky Pettit, “Incarceration & Social Inequality,” *Journal of the American Academy of Arts and Sciences*, 2010, 18, <https://www.amacad.org/publication/incarceration-social-inequality>.

⁴⁹ Nicole Van Cleve and Armando Lara-Millan, “Interorganizational Utility of Welfare Stigma in the Criminal Justice System: Welfare Stigma in Criminal Justice,” *Criminology* 55, no. 1 (2016), <https://onlinelibrary.wiley.com/doi/10.1111/1745-9125.12128>.

about the convergence of the two systems. More broadly, the literature explains the existing need for these welfare services within the jail, as well as explores how these welfare services came to be viewed as being provided by a place like Cook County Jail.

Reentry Scholarship and the Role of Public Assistance

Whether a person is in jail for a few hours or a year, jail-time disrupts someone's life, and that disruption may affect the ability of someone to reenter the community. In scholarship, this reintegration is traditionally termed, "prisoner reentry."⁵⁰ Because this analysis relies on the concept of "reentry" when discussing leaving jails, it is important to evaluate existing scholarship in the field of prison reentry, and more so, the lack of existing scholarship around jail reentry.

In framing this discussion of criminal reentry theory, the most acknowledged definition is Petersillia's idea that reentry is a "process that includes all activities and programming conducted to prepare ex-convicts to return safely to the community and to live as law-abiding citizens."⁵¹ Most scholars acknowledge that reentry is a "process rather than a goal," but Travis suggests that the ultimate endgame is to produce "an individual who has discharged his legal obligation to society by serving his sentence and has demonstrated an ability to live by society's rules."⁵² The focus is not necessarily on the individual and their idea of success, but instead the ability to live in society, or more specifically, the community receiving the person leaving jail or prison.

Western bridges the disconnect between the formerly incarcerated individual's idea of success and scholars' framing of successful reentry as being linked to lower rates recidivism through *Homeward*, arguably the most expansive study on prison reentry. In *Homeward*,

⁵⁰ Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, (Washington, D.C.: The Urban Institute Press, 2005): 63.

⁵¹ Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry*. (Oxford: Oxford University Press, 2009), 3.

⁵² Travis, 23.

Western reorients the reentry conversation from solely being about lowering recidivism to removing the need for criminal behavior, something he does by exploring formerly incarcerated people's current and historical issues of mental illness, violence, and poverty. He argues that prisons overwhelmingly pull in people coming from these "vulnerable" conditions, and that that conditions must be mitigated and addressed when considering reentry.⁵³ He coins the term "human frailty" to encompass the problems that accumulate with people in poverty, and suggests that prison exacerbates this condition. From there, he suggests that public policy must seek to target this "frail" population regardless of seemingly "successful" or "certain" outcomes, and that we must enable and respect this struggle to access services and reach stability.⁵⁴ If the incarcerated population is notoriously vulnerable to poverty, health problems, and violence, then policymakers should be particularly concerned with how they are able to navigate release, especially if they are cut off from or limited in accessing public assistance.

The vulnerability of this population makes reentry programming and planning difficult, since most of the people leaving jails or prisons "have been in custody several times before, have a lengthy history of alcohol and drug use...have probably experienced significant periods of unemployment and homelessness, and may have physical or mental disabilities."⁵⁵ Some of the largest problems include physical and mental health illnesses, homelessness, employment, adjustment to family life, and substance abuse.⁵⁶ One study suggests that as many as eighty percent of formerly incarcerated individuals have a substance use disorder or a chronic medical or psychiatric condition,⁵⁷ while another found that the formerly incarcerated population has an

⁵³ Bruce Western, *Homeward: Life in the Year After Prison*, (New York: Russell Sage Foundation, 2018), 62.

⁵⁴ *Ibid.*, 46.

⁵⁵ Petersilia, 21.

⁵⁶ *Ibid.*

⁵⁷ Jocelyn Guyer et al., "State Strategies for Establishing Connections to Health Care for Justice-Involved Populations: The Central Role of Medicaid," (New York: The Commonwealth Fund, 2019),

HIV infection rate of five-to-seven times the general population.⁵⁸ The population is glaringly vulnerable, and upon release, those vulnerabilities are only exacerbated and harder to combat.

In order to work with this vulnerable population, Western argues that we must facilitate pathways to independence and sustainable living by shifting priorities from the criminal legal system to the welfare state, as the criminal legal system's role of handling the nation's poorest individuals is better suited by the welfare state instead.⁵⁹ He concludes that "reimagined criminal justice will concede some jurisdiction over the policy task of public safety to other agencies—departments of housing, child services, public health, education and labor,"⁶⁰ to stress that public safety is not in conflict with the idea of using non-correctional agencies to work with this vulnerable population instead of the criminal legal system. Even though that is the future goal, many argue that currently "...public policies on employment, drug treatment, housing, and health care often block successful reentry into society from jail," suggesting a gap between current policies and future programming.⁶¹ These are gaps that I explore through my examination of formal barriers, as I argue that these statutes limit public assistance access that is critical in successful reentry outcomes—however the formerly incarcerated individual defines that success.

For example, Medicaid plays a direct role in covering "the cost of treatment programs, medications such as methadone and anti-depressants, and inpatient services," all of which would benefit those suffering from substance abuse disorders, mentally health problems, and physical

<https://www.commonwealthfund.org/publications/issue-briefs/2019/jan/state-strategies-health-care-justice-involved-role-medicaid>.

⁵⁸ "Prisons and Jails," *The Center for HIV Law and Policy*, <https://www.hivlawandpolicy.org/issues/prisons-and-jails>.

⁵⁹ Western, 183.

⁶⁰ Western, 184.

⁶¹ Nicholas Freudenberg et al., "Coming Home From Jail: The Social and Health Consequences of Community Reentry for Women, Male Adolescents, and Their Families and Communities," *American Journal of Public Health* 95, 2008, 193, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2518598/pdf/0980191.pdf>.

aliments.⁶² The majority of the literature finds that health insurance upon release is specifically associated with “lower rearrest rates and drug use.”⁶³ Further, Medicaid enrollment following release or direct enrollment while incarcerated, can “help reduce recidivism...and unnecessary emergency department visits and hospitalizations.”⁶⁴

Aside from Medicaid, it is also true that “early access to fundamental supports, such as food, may mitigate the risk of rearrest or reincarceration,” which directly relates to the role of SNAP in providing food and nutrition assistance.⁶⁵ One study found that cash assistance (TANF) and food stamps (SNAP) lowered the chances of recidivism by allowing the formerly incarcerated to “make ends meet when other economic prospects were dire.”⁶⁶ Since SNAP provides a monthly electronic credit benefit for nutrition, it may be able to provide increased access to better sources of nutrition that can improve post-release outcomes.

The lack of benefits, too, can have negative impacts on the reentry process. Numerous studies find that states with high incarceration rates have less generous welfare systems and vice versa, suggesting that there are links between public assistance access and incarceration.⁶⁷ If less generous access to public assistance is linked to higher incarceration rates, then it is necessary to do a substantive study of the barriers people might face in trying to access that assistance since it might contribute to a higher risk of incarceration. For example, in 1997, the federal government terminated federal disability benefits for people receiving benefits due to a substance abuse

⁶² Dru Stevenson, “Should Addicts Get Welfare? Addiction & SSI/SSDI?” *Brooklyn Law Review* 68, no. 1 (2002): 223, <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1628&context=blr>.

⁶³ Freudenberg et al., 194.

⁶⁴ Jocelyn Guyer et al.

⁶⁵ Elizabeth Wolkomir, “How SNAP Can Better Serve the Formerly Incarcerated,” (Washington, D.C.: Center on Budget and Policy Priorities, 2018), <https://www.cbpp.org/research/food-assistance/how-snap-can-better-serve-the-formerly-incarcerated>.

⁶⁶ Crystal S. Yang, “Does Public Assistance Reduce Recidivism?” *American Economic Review: Papers and Proceedings* 107, no. 5 (2017): 554, http://www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf.

⁶⁷ David Downes and Kirstine Hansen, “Welfare and Punishment: The Relationship Between Welfare Spending and Imprisonment,” (London: Crime and Society Foundation, 2006), 1, <https://static.prisonpolicy.org/scans/csf/WelfareandPunishmentembargo.pdf>.

disorder, and as a result, a study found that “arrests rose disproportionately among likely SSI users with symptoms of drug dependence.”⁶⁸ Since my research looks at obstacles in accessing SSI, it’s important to see why the program might be beneficial to the formerly incarcerated, a group that is likely to be eligible due to physical and mental health disabilities. Not receiving benefits is correlated with higher rates of incarceration and arrest, so groups like the formerly incarcerated that are already at a higher risk of arrested in general are even more vulnerable to the effects of not being able to access welfare benefits.

Most of this literature on reentry focuses on people leaving prison, but the research is applicable to the jail population, too. Studies suggest that most jail inmates have “infectious and chronic diseases, addictions, mental health problems, and experiences with violence,” potentially worse or comparable to the prison population.⁶⁹ People also commonly return to jail more often than prisons, creating a “turnstile” situation that causes “individual, family, and community disruption...that may contribute to health disparities” in lower-income, predominately Black and/or Latinx neighborhoods. Because prisons are designed for long-term incarceration and jails for short-term, some argue that prisons offer people better facilities, more programs, and a “more regular life,” as opposed to jails, which “tend to have more transient populations and less well-developed facilities.”⁷⁰ The characteristics of the jail itself are notable, since living conditions and the breadth of programmatic interventions have been found to affect the process of reentry after release.⁷¹ As a result, jail detainees are less prepared for reentry while incarcerated, increasing the need for a response.

⁶⁸ Pinka Chatterji and Ellen Meara, “Consequences of Eliminating Federal Disability Benefits for Substance Abusers,” *J Health Econ* 29, no. 2 (2010): 226-240, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2842468/>.

⁶⁹ Freudenberg et al.

⁷⁰ Ibid.

⁷¹ Amy L. Soloman et al., “Life After Lockup: Improving Reentry from Jail to the Community,” *Urban Institute Justice Policy Center*, 2008, 21, <https://www.ncjrs.gov/pdffiles1/bja/220095.pdf>.

Individuals face distinct challenges when trying to reenter society, but many of these challenges can be linked back to the inability to meet basic needs as a result of or as a continuing circumstance beyond incarceration. Ultimately, public assistance can play a substantial role in addressing these challenges, which validates the need to see what barriers this population faces trying to access it. My research focuses on what these individuals go through when trying to access public assistance, but the underlying implication is that those obstacles hinder how “well” the person is able to reintegrate into their community.

Pretrial Detention and Release

Because the larger goal is to see how access to public assistance may be affected by incarceration regardless whether or not someone has a conviction on their record, I focus on the pretrial population. While jails do house people with various sentences and prior convictions, most of the jail population is incarcerated as a matter of pretrial detention. It’s notable that “for many accused, pretrial detention represents the initial and sole contact with our correctional institutions,” suggesting that pretrial confinement at jails creates this level of justice-involvement that “cannot be overestimated.”⁷² While some suggest that the rationale of pretrial detention is for public safety, literature overwhelmingly suggests that there are underlying yet inherent racist and classist practices and biases that contribute to why a person is incarcerated through pretrial detention.⁷³ Thus, pretrial detention pulls people into the criminal legal system, and does so for a wide range of reasons. Because my analysis focuses on this population, it’s important to understand the practices and actors that decide whether or not someone is going to be formally

⁷² Mark Place and David Sands, "Chapter 3: Incarcerating the Innocent," *Jails and Justice*, Ed. Paul F. Cromwell Jr., (Springfield, IL: Thomas, 1975), 39.

⁷³ *Ibid.*, 34.

detained for the first time within the criminal legal system—a formality that creates the need for reentry and might produce insurmountable obstacles for accessing Medicaid, SNAP, or SSI.

Many suggest that pretrial officers and judges are the key actors in determining whether or not someone is detained on pretrial status.⁷⁴ Since my research is focused on pretrial detention, it is important to analyze the biases that these decision-makers operate with. Race and gender play a substantial role—Black and Latino defendants are more likely than white defendants to be detained pretrial, and men are more likely than women to be detained pretrial.⁷⁵ Some suggest that financial disparities account for these racial discrepancies, as a different study found that the outcome of pretrial detention was based on the defendant’s ability to pay bond, such that white defendants were more likely to be released because they were more likely to be able to pay their bail.⁷⁶ This discounts the significance of racial bias in the decisions that judges and pretrial service officers operate with.

While the relevance of financial status creates more scrutiny around charges of racial bias, it does validate the literature surrounding the unfairness of bail, as that financial capability changes the defendant’s outcome of pretrial release or detention. The racial disparities in financial capability can be traced to the larger issue of the marginalization of African Americans in the United States, making bail an even more slanted process along racial lines. While issues of race are all too prevalent at every portion of the criminal justice system, its significance in the pretrial process is particularly relevant for this analysis of Cook County Jail, which like other county jails, has a pretrial population that is overwhelmingly black.⁷⁷

⁷⁴Barry Mahoney, et al., “Pretrial Services Programs: Responsibilities and Potential,” (Washington, D.C.: National Institute of Justice, 2001), 57, <https://www.ncjrs.gov/pdffiles1/nij/181939.pdf>.

⁷⁵ David Arnold, et al., “Racial Bias in Bail Decisions” Princeton University, (2018): 1, <https://www.princeton.edu/~wdobbie/files/racialbias.pdf>.

⁷⁶ Tina Freiburger and Carly Hilinski, “The Impact of Race, Gender, and Age on the Pretrial Decision,” *Criminal Justice Review* 35, no. 3 (2010): 327-328, <https://scholarworks.gvsu.edu/scjpeerpubs/4>.

⁷⁷ Cook County Sheriff’s Department, Business Intelligence Unit.

These disparities have implications for who is more likely to ultimately be convicted, as some suggest that a defendant being released or detained pretrial can affect the ultimate outcome of their case. The difference in detention versus release “affects a defendant’s ability to prepare an adequate defense or negotiate a settlement with prosecutors.”⁷⁸ For example, some argue that pretrial release reduces the incentive to plead guilty in order to be released from jail and receive a formal sentence or probation order sooner, meaning people who are detained due to racial biases or financial limitations may be more likely to plead guilty as opposed to those that are released. One study even found that “pretrial release decreases the probability of being found guilty by 15.6 percent,” and decreases the probability of pleading guilty by 12 percent.⁷⁹

Looking at these actors and biases within the pretrial process creates context around the population being investigated—who is more likely to be detained pretrial, why some stay in jail longer than others, and the accepted rationale for pretrial detention overall. Because there are these inherently problematic elements to why someone might be detained pretrial, there’s even more of a reason to be interested in what happens to them when they’re released. I ultimately find that pretrial detention creates these serious challenges for accessing public assistance, and if that defendant had been released instead, they would not have to do with the majority of these challenges. As a result, evaluating this literature on the more nefarious reasons why someone ends up in pretrial detention instead of being released suggests the wider implications of cutting welfare access off for this population.

Implementation of Jail Programming

Most scholars stress that there are significant implementation challenges with jail programming, posing a threat to the practicality of my policy recommendations. The time limits

⁷⁸ David Arnold et al., 3.

⁷⁹ Ibid, 3.

and lack of clarity on length of detention are both large obstacles when trying to create any programs within the jail.⁸⁰ While reentry scholars like Travis stress the importance of a “warm handoff” and creating linkages to care upon release, the effectiveness of this discharge planning in jails is limited because incarceration is seemingly short-term, with unexpected release times and short lengths of stay.⁸¹ Contrary to the prison and parole system, people leave jails and are no longer under the control of correctional facility, making the coordination of any services beyond release extremely challenging; furthermore, the jail population is uniquely and notoriously “hard-to-reach” by virtue of being transient and/or routinely homeless.⁸² All of these elements are inherent to the nature of the jail system, making it difficult to embrace the population.

Issues with staffing and jail facilities have large effects on implementation, too. Having buy-in from both jail administrators and correctional officers is critical.⁸³ With reentry specifically, this buy-in is hard to obtain, as “...the function [of reentry programming] is often viewed as low priority, a shallow institutional ‘after-thought’ of little importance.”⁸⁴ Because jails are already low-staffed, and are dependent on county funding, hiring someone who can focus solely on reentry is challenging, so current administrators have to take on that role. In addition, facilities have to “undergo various renovations, including replacing old furniture, painting, and wiring for computer and Internet access,” in order to even satisfy the needs of various reentry programs, such as work training courses, making their implementation less

⁸⁰ Louis Robinson, *Jails: Care and Treatment of Misdemeanant Prisoners in the United States*, (Philadelphia: The John C. Winston Company, 1994), 38-39.

⁸¹ Soloman et al., 21.

⁸² Western, 30.

⁸³ Anna Crayton et al., “Partnering with Jails to Improve Reentry,” (Washington, D.C.: The Urban Institute, 2010), 26, <https://www.urban.org/sites/default/files/publication/29146/412211-Partnering-with-Jails-to-Improve-Reentry-A-Guidebook-for-Community-Based-Organizations.PDF>.

⁸⁴ Eric Grommon, *Prisoner Reentry Programs: Penetrating the Black Box For Better Theory and Practice*, (El Paso: LFB Scholarly Publishing, 2013), 7.

feasible.⁸⁵ Because of the significant time and financial investment necessary to allow jail facilities to host reentry programs, jails may opt to ignore or deprioritize the reentry process entirely.

There are ways jails can begin to approach these problems. In order to build better connections with this “hard-to-reach” population, jails can create partnerships and collaborations with social service providers that come into contact with these individuals as a result of their mental health problems, homelessness, or lack of income.⁸⁶ Infrastructure changes aimed at creating reentry services can be effective in limiting costs of future incarceration, suggesting that the initial investment is better in the long run.⁸⁷ In addition, increasing staff-and-supervisor meetings and trainings generates more positive staff relationships and can contribute to increasing staff buy-in for programs, and some even suggest that offering jail programs to the staff themselves might increase general morale and sentiment around said programming.⁸⁸

My research both emphasizes the need to implement specific reentry-related public assistance programs and relies on interviews with the staff members who are essential in jail programming. The challenges of effective jail programming also hint at some of the informal barriers I observe through my case study. As a result, it’s necessary to both discuss the limitations of jail programming, and to see how people combat these limitations.

METHODOLOGY

Within this section, I will explain my methods of data collection—documentary analysis and interviews—and provide a “map of the field” of the case study of Cook County Jail. The

⁸⁵ Jennifer Henderson-Frakes, “Structuring Employment-Based Services Within Jail Spaces and Schedules,” (Oakland: Social Policy Research Associates, 2016), 1, https://www.dol.gov/asp/evaluation/completed-studies/IB_MPR_SPR_LEAP_JailSpace.pdf.

⁸⁶ Crayton et al., 28.

⁸⁷ Mark Richmond and George W. Aderhold, *New Roles for Jails: Guidelines for Planning*, (Glen Rock: Microfilming Corporation of America, 1976), 14-15.

⁸⁸ Crayton et al., 26.

bulk of my analysis comes from these interviews; however, I also utilize documentary analysis to validate and expand on the claims made by interviewees. While the jail is my case study, I extend the “map” of the field to include nonprofits and advocacy organizations working with the formerly incarcerated in the Cook County area. In addition, since my goal is to see the link between pretrial detention and receipt of Medicaid, SNAP, and SSI upon release from jail, I also extend the case study to include relevant welfare agencies and nonprofit organizations.

The case study is the focal point of my research, but I provide policy recommendations to the jail through additional interviews with people outside of the case study. I spoke with individuals from governmental agencies, jail systems, and nonprofits either from similarly situated jail systems based on size and location, or that are also in states with expansive eligibility standards for SNAP and Medicaid. I explain the rationale for my choices of these interviewees when discussing my use of semi-structured interviews.

Documentary Analysis

There were two parts of my documentary analysis. First, I examined federal, state, or local statutes related to public assistance to fully understand Medicaid, SNAP, and SSI, as well as to see if there were any restrictions on eligibility due to pretrial detention. I supplemented that statute analysis with external policy briefs relating to these statutes and their effects on the formerly incarcerated. Second, I looked at internal policy documents from relevant correctional and welfare agencies in order to see what the departmental procedures were relating to the incarcerated or to these welfare programs. I obtained the majority of the internal policy documents through FOIA, such as the Cook County Jail intake procedure and the Chicago Police Department evidence protocol. I use this documentary analysis throughout the discussion of the

data; however, the majority of documentary analysis occurs when discussing the formal barriers, as those obstacles are related to statutes and procedures.

Interviews

My major form of data collection was semi-structured interviews with predetermined “stakeholders,” including both those directly working in the jail and welfare systems and more indirect providers, like social workers and reentry specialists. I reached out to individuals via email and phone, where I would offer a basic introduction to my research and ask to coordinate an informational interview. I did interviews over the phone, in-person, or via email, and they lasted anywhere from fifteen minutes to two hours. I did secondary interviews with some of the individuals, and the majority of them were always responsive to additional questions via phone or email.

With my phone and in-person interviews, I either recorded them or took diligent notes. Before we started, each interviewee was asked for consent to record, and had the choice to remain anonymous. I also told them they could listen to the recording or see the transcription of the interview before it was incorporated into my research. Before each interview, I sent interviewees the questions via email, so many knew the basic idea of my research and as such, might have oriented their responses around that. Because these questions were mainly about procedure and general anecdotal information on their work, I’m not concerned with desirability bias here.

Regardless of how I did the interview, I always had 10-15 preliminary guiding questions depending on how involved someone was with the jail population or the three assistance programs. My first few questions were always related to the roles people had in their respective organizations, such as, “What’s your current role with X organization?” and “What led you to

this position?” With phone and in-person interviews, my questions changed based on how they responded based on their background, making the interviews less structured and more based on impromptu follow-up questions.

I reworked and changed initial questions based on the responses to these initial background questions, but the questions were always process based. My questions for welfare administrators were much different than for the Cook County Jail Staff, since I knew that the jail staff was already directly working with the formerly incarcerated. For welfare administrators, I directly asked if they had ever worked with or offered programs to the formerly incarcerated, and their answers to that would change how I approached the rest of the interview. With the jail staff, I asked questions about intake and discharge procedure, but also about common basic needs they saw from their population both before and upon release. Since I spoke with a few jail staff members, I used those interviews as an opportunity to verify information given to me by other interviewees. My interviews with nonprofits and advocates were less about policies or procedures, and more about the stakeholder’s interactions with Cook County Jail and state welfare agencies. I also used these interviews to validate or disprove what jail staff and welfare agencies told me about working with the population.

Through their work, some of these interviewees focus on public assistance rather than incarceration, so they may have no direct interactions with Cook County Jail detainees. Colby Calloway, for example, works at Senator Gary Peters’s Constituent Services Office in Michigan; however, I interviewed her for my case study because she is the SSA Liaison for the office, so she works with Chicago’s SSA regional office and is familiar with how that office responds to people dealing with incarceration. Despite the fact that some interviewees within the case study do not directly work with Cook County Jail detainees, their work with public assistance brings

them into contact with the formerly incarcerated, so they are familiar with the process of accessing welfare upon release from any carceral setting.

I put substantive thought into whom I contacted, and I frequently received referrals and advice from interviewees. Many interviewees put me in contact with people they knew from the field, or provided information from their relative organizations that I used in my documentary analysis. Overall, I found that most of the stakeholders had duties beyond their established roles, and many accidentally ended up providing or creating programs for this population as a matter of need and circumstance.

My research on policy recommendations is based on the same interview methodology and with the same level of thought in the selection of interviewees. I spoke with people from city agencies, jail systems, and nonprofits either from similarly situated jail systems based on size and location, or that were also in states with expansive eligibility standards for SNAP and Medicaid. These interviews are acknowledged in the policy recommendations portion of the analysis.

I spoke with multiple individuals from Rikers Island in New York City because it's a similarly situated jail system based on jail size and population, as well as its location in a state operating with ABAWD waiver and Medicaid Expansion, like Illinois. Rikers Island is of comparable size to Cook County Jail and operates in a similar urban area, so its street-level bureaucrats work with detainees similar to those at Cook County Jail.⁸⁹ As a result, their insight into potential programs or even challenges that detainees face is applicable to my case study on Cook County Jail.

⁸⁹ Michael Schwirtz et al., "Rethinking Rikers," *The New York Times*, December 16, 2017, <https://www.nytimes.com/interactive/2017/12/16/nyregion/rethinking-rikers.html>.

Further, the rhetoric by officials at both Cook County Jail and Rikers Island suggests that both jails are attempting to lower recidivism and expand reentry programming. Because my research is on navigating public assistance during the reentry process, it is critical that I spoke with people working in jail systems that understood the role of reentry programming in facilitating positive outcomes upon release, like lower chances of recidivism. Mayor De Blasio has embarked on a very public plan to “reduce New York Jail’s population,” and to close Rikers in favor of smaller jails.⁹⁰ Similarly, Cook County Sheriff Tom Dart is publicly committed to lowering the Cook County Jail population through lowering recidivism and offering programs to people while they are in jail.⁹¹ Both of these men are the spokespeople of policymaking at their respective jails, and they both articulate that lowering the jail population is a major goal, meaning Rikers staff members are likely to have ideas on programming that could function in Cook County Jail and that meet the jail’s current policy goals. The Rikers Island staff suggested that they frequently get policy inspiration from Cook County Jail and vice versa, so clearly there is already a level of policy-sharing occurring.⁹²

I also spoke with people from jail systems doing innovative programming. I reached out to people from Monroe County Jail (New York) and San Diego County Jail because they had Inmate ID programs for their jail populations; however, during these interviews, I learned about other programs these jails implemented, including some public assistance enrollment outreach efforts. Although Monroe County Jail and San Diego County Jail are smaller than Cook County Jail, they also operate in states with wide eligibility standards, which allowed me to see how jails can create programs around increasing public assistance access when the jail population is not

⁹⁰ Maurice Chammah, “Inside the Mayor’s Plan to Close Rikers,” *The New Yorker*, March 22, 2019, <https://www.newyorker.com/news/dispatch/inside-mayor-bill-de-blasio-plan-to-close-rikers-island>.

⁹¹ Jane Gubser, in discussion with the author, November 16, 2018.

⁹² Anna Calabrese and Felicia Henry, in discussion with the author, November 20, 2018.

too large to create substantial implementation challenges. Because of the smaller size and budgets of these jails, I also learned how these programs can operate with limited funding, which could be persuasive when pitching policies to Cook County Jail.

The other welfare agencies and nonprofits were either found and interviewed through referrals by these jail staff members, or from extensive policy analysis on programs relating to public assistance and the formerly incarcerated. I spoke with caseworkers working at welfare agencies operating with SNAP pre-enrollment waivers and SSI prerelease agreements to see if those agreements could be implemented in Cook County Jail. The majority of nonprofit employees that I spoke with external to the Cook County Jail case study were all provided via referrals from people working in those abovementioned jail systems, mainly because these individuals did most of the legwork of the programs those jails implemented.

In total, I interviewed forty-one people. Of those people, eleven interviewees work in programs or jail systems external to Cook County, and thirty interviewees are specific to Cook County, whether they work with people in a welfare or correctional context. In the table below, I include the names of each interviewee, their title and organization, and if they are related to the case study or the policy recommendations portions of my analysis.

Table 1: List of Interviewees

Name	Title	Organization	Section of Analysis
Alan Mills	Executive Director	Uptown People's Law Center	Case Study
Jane Longo	Analyst	Health Management Associates	Case Study
Tanya Anderson	Pretrial Services Coordinator	Administrative Office of the Illinois Courts	Case Study
Cara Smith	Chief Strategy Officer	Cook County Sheriff's Department	Case Study
Samuel Elder	Social Worker	Cabrini Green Legal Aid (CGLA)	Case Study

Name	Title	Organization	Section of Analysis
Mark Mitchell	Program Manager	TeamWork Englewood	Case Study
Maanasi Laird	Intake Case Manager	TeamWork Englewood	Case Study
Jane Gubser	Chief of Programs	Cook County Sheriff's Department	Case Study
Amanda Auerbach	Consulting Administrator	TASC	Case Study
Robin Moore	Administrator	TASC	Case Study
Matt McLoughlin	Chief of Programs	Chicago Community Bond Fund	Case Study
Sheena Ward	Supervisor, Benefits Program	Heartland Alliance	Case Study
Colby Calloway	Constituent Services Representative	U.S. Senator Gary Peters Office	Case Study
Laura Lord	Assistant Program Director	Thresholds, Justice Program	Case Study
Marlena Jentz	Deputy Chief of Programs	Cook County Sheriff's Department	Case Study
Gerry Gorman	Professor	Cook County Jail Community Health Practicum	Case Study
Andrea McGlynn	Director of Clinical Services	CountyCare	Case Study
Lynne Thomas	Deputy Administrator	IDHS	Case Study
Marty Offutt-Gruber	Pretrial Officer	Kane County Circuit Court	Case Study
Kate Fink	Director, External and Governmental Affairs	USDA	Case Study
Nicole Van Cleve	Author, Professor	Temple University	Case Study
Carol West	Regional Outreach Coordinator	Get Covered Illinois	Case Study
James Kiamos	Chief Executive Officer	CountyCare	Case Study
Heather Holberg	Enrollment Manager	CountyCare	Case Study
Kasey Reagan	Collections Representative	IDHS Bureau of Collections	Case Study

Name	Title	Organization	Section of Analysis
Veronica Orozco	Pretrial Services Officer	Circuit Court of Cook County	Case Study
Ramon Marrero	Local Office Manager	IDHS	Case Study
Aimee Ramirez	Manager of Policy and Government Relation	Greater Chicago Food Depository	Case Study
Doug Nguyen	Regional Communications Director	Social Security Administration	Case Study
Anonymous	Customer Service Representative	IL HFS	Case Study
Christine Brown	Reentry Services Manager	San Diego County Sheriff's Dept.	Recommendations
John Kennedy	Captain	Monroe County Jail	Recommendations
Tonantzin Carmona	Chief of Policy	Office of the City Clerk, Anna Valencia	Recommendations
Melanie Hickcox	SNAP Project Manager	Feeding Missouri	Recommendations
Kristin Lupher	Project Director of SOAR TA Center	SAMHSA	Recommendations
Virginia Hanson	Program Specialist II, SNAP	South Dakota Department of Human Services	Recommendations
Anna Calabrese	Director of Reentry	NYC Mayor's Office of Criminal Justice	Recommendations
Felicia Henry	Program Manager	NYC Mayor's Office of Criminal Justice	Recommendations
Ashley Smith	Assistant Director, Correctional Health Services	NYC Health and Hospitals	Recommendations
Sarah Shoener	Senior Policy Advisor	City of New York: The Office of the First Lady	Recommendations
Nicole Quinn	Single Stop Director	Center for Urban Community Services	Recommendations

Map of the Field

Because the case study relies on semi-structured interviews with relevant stakeholders, I will provide a map of the field of those stakeholders and how they interact with current and

former detainees and/or welfare recipients. The barriers might also be linked to interactions between the stakeholders themselves. The interviews were conducted with people working in three areas—advocacy organizations and nonprofits, criminal legal system departments like jails and courts, and non-criminal legal system governmental agencies. These government agencies are primarily state and federal public assistance agencies, though there are some county agencies within this case study, too. While they might have clients involved in the criminal legal system, they are not explicitly for correctional or justice-related purposes.

The policy recommendations piece comes from interviews external to this case study, but those the subjects of those interviews similarly fall into those three buckets. My overview demonstrates how these aren't exact categories, and people may be linked or engaged with multiple categories, or only peripherally involved in one by virtue of being part of another. The following table breaks down how many individuals I interviewed from each group. The table does not include people that I interviewed for the policy recommendations portion of this analysis because my "Map of the Field" refers to the case study.

Table 2, Case Study, Map of the Field Table

Affiliation	Number of Interviewees
Advocacy Organizations and Nonprofits	10
Criminal Legal System Agencies and Departments	8
Non-Criminal Legal System Agencies and Departments	12
Total	30

For the criminal legal system departments and agencies, Cook County Jail is the site of the case study and the site of the pretrial detention that brings detainees into contact with these departments and advocacy groups, as well as makes them have issues and obstacles reaching the public assistance agencies. The supervising authority of and affiliated agency with Cook County Jail is the Cook County Sheriff's Office, under the leadership of Sheriff Tom Dart. People

processed by the Chicago Police Department and waiting for trial at a Cook County Circuit Court are detained here. Part of the Circuit Court is Cook County Pretrial Services, the department that initially works with the defendant and the court to help set a bond and do a risk assessment of the individual.

At the jail, the Cook County Health and Hospital System operates a hospital, or Cermak, which provides medical and mental health services to individuals incarcerated at the jail. Operating in an office at a different Cook County hospital, Stroger, is CountyCare, a managed care organization (MCO) offering Medicaid managed care plans to Illinois residents through a contract with the Illinois Department of Healthcare Services.⁹³ CountyCare initially started through a Section 1115 waiver as part of Medicaid expansion and the Affordable Care Act. Before the ACA was passed, many states applied waivers to allow them to expand coverage to groups and populations not covered under federal Medicaid guidelines, such as adults without children or without custodial status of children. In 2012, Illinois obtained a “Section 1115”⁹⁴ waiver to allow Cook County adults making 133 percent of the federal poverty level to get Medicaid and without dependents to get Medicaid through “CountyCare.” It functioned as a pilot program for the implementation of Medicaid expansion, allowing the Cook County Health and Hospital System to build the capacity to enroll the hundreds of thousands of newly eligible people in the county. After ACA passed, the Section 1115 waiver was moot since those “waived” populations were now formally eligible for Medicaid, so CountyCare transitioned into

⁹³ Jane Gubser, in discussion with the author, November 16, 2018.

⁹⁴ Section 1115 of the Social Security Act gives the federal government authority to waive Medicaid requirements to allow the state to use federal Medicaid funds in new and innovative ways. Before the ACA mandated Medicaid expansion, states would apply for waivers in order to expand coverage for populations not formally covered under Medicaid, like lower income adults without children.

an MCO, changing how it interacts with the populations it served through the Section 1115 waiver, including those at Cook County Jail.⁹⁵

Part of that pilot program was a Cook County Jail where in 2012, Treatment Alternatives for Safe Communities (TASC) worked with the jail and CountyCare to help assist detainees with enrollment into Medicaid at intake. TASC is a policy and advocacy organization, and to this day, its volunteers are in the jail daily still providing this intake service;⁹⁶ however, since CountyCare is now an MCO, TASC volunteers cannot sway detainees enrolling in Medicaid one way or another, so now, they are not automatically enrolled in CountyCare, but instead are approved for Medicaid and then offered a range of MCOs to choose from.⁹⁷ However, the majority of individuals either enrolled in Medicaid prior to entering or those who obtain it as a result of the intake procedure at Cook County Jail, are enrolled in CountyCare.⁹⁸

There are other relevant public assistance offices and agencies for this case study. Although the IL Department of Healthcare and Family Services (HFS) administers Medicaid and determines eligibility, people can apply for Medicaid at the IL Department of Human Services' (IDHS) "Family Community Resource Centers." These are local offices featuring caseworkers that work with Illinois residents to get them their benefits.⁹⁹ IDHS also oversees SNAP and other welfare programs for Illinois, too. Like Medicaid, SNAP is funded and overseen by a federal agency, the United States Department of Agriculture (USDA), while the state office, IDHS, administers it.¹⁰⁰ Alternatively, SSI is funded and administered by the federal agency, the Social

⁹⁵ John Kiamos, in discussion with the author, December 17, 2018.

⁹⁶ Robin Moore, in discussion with the author, November 11, 2018.

⁹⁷ Marlena Jentz, in discussion with the author, December 13, 2018.

⁹⁸ Andrea McGlynn, in discussion with the author, December 17, 2018.

⁹⁹ Ramon Marrero, in discussion with the author, December 11, 2018.

¹⁰⁰ Kate Fink, in discussion with the author, December 28, 2018.

Security Administration (SSA), which runs regional offices that work with SSI recipients on a case-by-case basis.¹⁰¹

All of the advocacy and nonprofit groups either work with people currently or formerly incarcerated at Cook County Jail, such as TASC¹⁰² or Thresholds,¹⁰³ and/or lower income individuals enrolled in or in need of public assistance, like Heartland Alliance¹⁰⁴ and the Greater Chicago Food Depository.¹⁰⁵ Though their larger goals may be related to poverty or welfare, the public assistance-oriented groups routinely work with the formerly incarcerated. The groups specifically focused on the jail population work with different elements of the jail system—some exclusively focus on reentry like TeamWork Englewood,¹⁰⁶ while others zero in on bail like the Chicago Community Bond Fund.¹⁰⁷ Others like Cabrini Green Legal Aid work with people both while they're incarcerated at Cook County Jail and when they leave.¹⁰⁸ Former detainees may interact with many of these agencies or none at all, but they all exist within the Cook County area to offer services to the currently and formerly incarcerated.

The map is an orientation to my thesis, but it's also only a small look what former detainees have or do not have to work with upon release. Many people rely on kin-based networks of care and reentry assistance, so the role of the family in reentry and even specifically, in providing for or maintaining the individual's welfare access, should not be undermined.¹⁰⁹ The more expansive reentry programs within Cook County Jail primarily target the mentally ill

¹⁰¹ Colby Calloway, e-mail message to the author, December 30, 2018.

¹⁰² Robin Moore, e-mail message to the author, November 11, 2018.

¹⁰³ Laura Lord, in discussion with the author, February 15, 2019.

¹⁰⁴ Sheena Ward, e-mail message to the author, February 6, 2019.

¹⁰⁵ Aimee Ramirez, in discussion with the author, December 4, 2018.

¹⁰⁶ Mark Mitchell, in discussion with the author, November 16, 2018.

¹⁰⁷ Matt McLoughlin, in discussion with the author, December 10, 2018.

¹⁰⁸ Samuel Elder, in discussion with the author, November 20, 2018.

¹⁰⁹ Elizabeth Marlow et al., “‘But, now, you’re trying to have a life’: Family Members’ Experience of Reentry and Reintegration,” (Ann Arbor: Groves Monographs On Marriage and Family, 2015), <https://quod.lib.umich.edu/cgi/t/text/idx/g/groves/9453087.0004.001/1:6/--and-justice-for-all-families-the-criminal-justice-system?rgn=div1;view=fulltext>.

population or detainees with noticeable and diagnosed substance abuse disorders,¹¹⁰ meaning jail administrators' understandings of these programs and policies might be more related to these specific populations rather than the jail population at large. In addition, upon release, the homeless and/or mentally ill population is particularly hard-to-reach, so they might not be connected with or maintain contact with any of these advocacy or nonprofit organizations, suggesting that these individual might face unique barriers separate from the ones I will lay out.

As such, my overall results are limited by the scope of this field. Since my research is Cook County based, the barriers may not be generalizable to the wider American jail population, particularly the informal barriers that are more bureaucratic in nature. Lipsky coined the concept of the "street-level bureaucrat," such as social workers, jail administrators, or benefit caseworkers that function as "front-line officials facing decisions of such irreducible complexity so far from removed from supervision that they routinely exercised discretion in ways that can not be effectively reviewed."¹¹¹ The Cook County street-level bureaucrats have specific practices, policies, and ideologies that might not be directly applicable to other jail or welfare systems. Because of this specificity, Lipsky argues that there are limited ways of challenging this discretion and overseeing these practices. This is why my policy recommendations on programmatic creation and implementation are geared towards Cook County Jail.¹¹²

While my focus on Cook County street-level bureaucrats may limit the generalizability of the on-the-ground practices, the overwhelming evidence on barriers resulting from federal public assistance statutes and jail time has national implications, since these statutes influence practices in jail systems throughout the country. Further, my interviews with caseworkers and

¹¹⁰ Jane Gubser, in discussion with the author, November 16, 2018.

¹¹¹ Charles Sabel, "Rethinking the Street-level Bureaucrat: Tacit and Deliberate Ways Organizations Can Learn," *Economy in Society: Essays in Honor of Michael J. Piore*, 2013, 3, <http://www2.law.columbia.edu/sabel/papers/Piore%20chapter.pdf>.

¹¹² *Ibid.*, 4.

administrators from other jail and welfare systems suggest that they deal with many of the same “street-level” problems as Cook County.

In addition, my literature review explains how the circumstantial problems stemming from leaving prison or jail exist for every formerly incarcerated individual. This means that exploring interventions through public assistance may be helpful regardless of the specific street-level bureaucrats in these systems. The challenges that prompt the formerly incarcerated to need public assistance are symptomatic of larger issues, too, like an inherently racist and classist criminal legal system and the failure of the welfare state. These larger nationwide issues warrant my proposal of federal legislative action, but they also should prompt other jail systems to at least explore the feasibility of my proposed programmatic interventions.

DATA AND DISCUSSION OF RESULTS

From my case study on Cook County Jail, I find that there are two broad categories of barriers for the detainees trying to access public assistance upon release from the jail—formal and informal. Formal barriers are based-in or triggered by federal or state statute, and agency codified procedure, such as Cook County Jail rules for inmates. These are institutional, or at the least, rooted in a code or statute that generates that problem or response. Informal barriers refer to primarily bureaucratic or practice-based, on-the-ground barriers, such as lack of communication between agencies. I drew this categorical line solely to demonstrate that some obstacles are based in or triggered by statute, while others are rooted in bureaucratic practice or lack thereof. As a result, some of the formal barriers and the informal barriers seemingly converge, or might fit the other category.

Some of the barriers are explicitly related to incarceration at Cook County Jail, like the indefinite length of time someone is held in the jail. Others may be produced by or exacerbated

by detention, such as insecure housing or homelessness contributing to not having a valid address for applying to programs. Both categories create problems regardless of whether or not someone was enrolled in one of the welfare programs prior to pretrial detention. However, the formal barriers are typically more likely to affect those already enrolled, while the informal barriers make it harder for people to enroll or even for jail systems to create intervention tactics aimed at increasing public assistance enrollment.

Formal Barriers

Formal barriers come from two areas: federal and/or state statutes, and Cook County Jail Policy. In terms of federal and state statutes, the resulting barriers are Medicaid Suspension, SSI Incentive Payments, and Thirty-Day Detention Limits. With jail procedure, I demonstrate how departmental guidelines on property and external communication limit access to identification documents and methods of communication for the detainee. That limited access while incarcerated produces problems for current recipients and those attempting to enroll SSI, Medicaid, and SSI upon release from jail.

I include the “cause-and-effect” nature of the statute themselves, generating the additional bureaucratic and circumstantial hurdles that former jail detainees have to undergo to remain enrolled in welfare or apply in the first place. While these rules lead to barriers that seem bureaucratic in nature, they are labeled as “formal” rather than “informal” in order to stress how the barriers stem from statutes.

The contradicting accounts and ambiguity around many of these processes demonstrate that even providers and administrators do not know the nuances of these federal statutes, begging one to question how individuals enrolled in the assistance programs are expected to understand what might happen to their public assistance after spending time at Cook County Jail. Beyond

even the institutional barriers themselves, it really is the resulting lack of knowledge of the programs and on-the-ground realities triggered by statutes and stated procedures that create the most problems for detainees trying to access public assistance after leaving Cook County Jail.

1. Federal and State Statutes

Overall, I found that federal and state statutes create barriers that generate gaps in assistance or coverage for those who may have had access to these programs before detention at Cook County Jail. As a result, they do not seemingly affect the process of initial application

a. Medicaid Suspension

Referred to as the “Medicaid inmate exclusion policy,”¹¹³ Section 1905(a)(A) of the Social Security Act prohibits the use of federal Medicaid funds for any individual held involuntarily at a public institution, including jails. It makes no distinction between the pretrial and convicted population. Barring some exceptions, Medicaid will not cover any medical costs of incarcerated individuals, since jails are expected to fund inmates’ medical care through taxes or through programs that force inmates to pay for their care. The act doesn’t propose how states must deal with incarcerated individuals who have Medicaid, so some states choose to terminate coverage, while other states like Illinois choose to suspend coverage instead.¹¹⁴

Illinois Public Aid Law mandates that the Illinois Department of Healthcare and Family Services (HFS) cannot “cancel” an incarcerated person’s Medicaid enrollment, nor can they deny any incarcerated person’s application for Medicaid, “solely” because they’re an “inmate...of a county jail.”¹¹⁵ The Illinois statutory conception of suspension is “not cancelling,” while departmental understanding is “restriction,” suggesting that suspension is loosely defined. To

¹¹³ Gates, Artiga, and Rudowitz.

¹¹⁴ Cuellar and Cheema.

¹¹⁵ Illinois General Assembly, *305 ILCS 5/1-8.5*, Legislative Reference Bureau, <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=030500050K1-8.5>.

complicate the definition even more, the federal agency overseeing Medicaid, or the Center for Medicare and Medicaid Studies, frequently refers to the practice as “Suspension/Reclassification”¹¹⁶ in its outreach materials to state Medicaid agencies. There is clearly a flexible definition of “suspension,” and that definition produces different outcomes for someone’s Medicaid enrollment. As a result, the on-the-ground effects of Medicaid suspension might not be clear or consistent.

In Illinois, Lynne Thomas of HFS explained that the incarcerated individual’s “[Medicaid] services are restricted so that only inpatient hospital services are accepted by HFS claims processing.”¹¹⁷ She said it was done through a “manual process” by which a person’s case is “edited,” so Medicaid won’t accept any claim of medical care received by the individual while they’re incarcerated. As a result, the detainee remains enrolled in benefits, or if uninsured, is able to apply for Medicaid while incarcerated, and benefits are ultimately “manually” reactivated upon release.

If someone applies for Medicaid while incarcerated through the Cook County Jail Medicaid Enrollment Program, their case is reviewed, and if approved, similarly edited for restriction by HFS.¹¹⁸ Upon release from jail, the former detainee may still be waiting for the Illinois Department of Human Services (IDHS) to approve their Medicaid application. Federal guidelines state that the applications be processed within forty-five days, but Lynne of HFS said that Illinois “experiences backlogs.” If the processing time is longer than forty-five days, the person can receive temporary coverage pending approval.¹¹⁹

¹¹⁶ “Medicaid and Justice-Involved Populations: Strategies to Increase Coverage and Care Coordination,” *MAC Learning Collaboratives*, 2017, 12, <https://www.medicaid.gov/state-resource-center/downloads/mac-learning-collaboratives/justice-involved-populations.pdf>.

¹¹⁷ “Inpatient hospital services” refers to care received outside of the institution for 24 hours or more; however, this doesn’t apply to Cook County Jail detainees since they receive medical care through the onsite hospital, Cermak.

¹¹⁸ Lynne Thomas, in discussion with the author, December 31, 2018.

¹¹⁹ *Ibid.*

The majority of the interviewees stressed ambiguity around the suspension process, and suggested that activation of benefits does not occur seamlessly upon release. While Lynne stated that the restriction was lifted to provide a “quick” reactivation of benefits, none of the Cook County Jail employees I interviewed could say when or if this suspension and reactivation occurred. CountyCare executives even said that their clients’ coverage is “not truly suspended,” and that they “really just drop off the face of the earth” when they are detained at the jail. They claimed suspension might not even happen if their clients are only in jail for a short period of time, and expressed frustration with the system at large.

Other advocates cited stories of clients having their benefits suspended. Samuel Elder of Cabrini Green Legal Aid said that “...it takes a little while to get the process up and running again...” since cases “get lost in the ether.” Upon release, many of his clients struggled getting mental health care and paying for prescriptions due to this delay in benefits. While some interviewees suggested that there was no formal Medicaid suspension process at the jail, people still had their benefits suspended as a result of pretrial detention in Cook County, clearly demonstrating a lack of a standard procedure despite the explicit federal policy.

The ambiguity around the enforcement of the statute makes it harder to oversee and for individuals to know if their coverage has been suspended while they were incarcerated. Medicaid suspension is sparingly enforced, making it impossible for people to know if they have medical care upon release. Multiple interviewees stated that their clients felt uncomfortable seeking out medical or mental health services upon release if they weren’t sure that they could pay for it. They all said that their clients didn’t want to take the risk even if that risk involved essential medical and mental health services. The potential coverage gap generated by detention at Cook County Jail led people to not seek out medical care upon release. Since the literature review

demonstrates that receipt of health insurance upon release leads to lower recidivism rates, there's reason to be concerned with a federal statute that produces gaps in insurance for the pretrial incarceration—a population already at risk of having problems with reentry upon release from jail.

I have come to the conclusion that the jail lacks any formal Medicaid suspension practice due to two things—the unpredictable length of incarceration at the jail prohibiting feasible “manual” case editing, and the lack of a need or incentive to report. In some states, Medicaid eligibility is tied to SSI eligibility, so the SSA can share with the Center for Medicare and Medicaid Studies who is no longer eligible for SSI due to incarceration. The Center for Medicare and Medicaid Studies then shares that information with state welfare agencies, facilitating the process of automatic suspension. Illinois does not attach SSI eligibility to Medicaid eligibility, limiting the potential use of this program. In addition, because jail detainees receive medical care at the onsite hospital, Cermak, the county cannot make any Medicaid claims of “inpatient hospital services,” eliminating the chance of reimbursement funds. Not only is there little or no financial incentive to reporting any claims, but there is also no need to, since the jail already pays for and provides medical services without the use of external providers.

My theory is complicated by the fact that some people do have their cases suspended. The lack of standardization and transparency around the process makes translating information to detainees difficult, meaning people might not know whether or not their Medicaid is suspended and ultimately activated upon release. The very formal barrier of Medicaid suspension generates ambiguous agency-practices that become barriers themselves, where people may have no idea if they can go to the doctor and pay for it using Medicaid after leaving Cook County Jail.

b. Thirty-Day Detention Time Limits

Both SNAP and SSI have federal statutes that prohibit receipt of benefits for individuals who are incarcerated within a public institution like a jail for more than thirty days. These statutes serve as barriers for people already enrolled in SNAP and SSI upon entrance to Cook County Jail. They do not directly affect someone trying to apply for the first time upon release.

For SNAP, the Balanced Budget Act of 1997 requires that states create systems and “take periodic action” to make sure that people detained in local jails for more than thirty days are “not eligible to be counted as a household member participating in SNAP.” Like Medicaid suspension, federal statute doesn’t outline what this means for welfare agencies working with SNAP recipients. As a result, IDHS has two procedures, one for incarcerated individuals in single-person households, and another for incarcerated individuals in larger households.

If the person is enrolled in SNAP as single-person household, his benefits “discontinue” while he’s incarcerated at Cook County Jail.¹²⁰ In order to receive benefits again, he has to create an entirely new application, though he will have the same case number as before. Once released, the person has to come into the office to “prove” he was released; then he can start the new application.¹²¹ Ramon Marrero, an office manager of an IDHS Family Community Resource Center, said this scenario is “treated like expedited SNAP benefits,” so an interview is conducted the same day the center receives the application, or by the next business day. The person must still meet “expedited” conditions regardless of incarceration, such as not generating any income for the last thirty days, something one cannot do while incarcerated. Ramon finds that people leaving the jail “typically meet” these conditions, as “...at the end of the day, if your income is zero, you’re going to qualify for expedited...so you are released, you have no income, you’re

¹²⁰ Ramon Marrero, in discussion with the author, December 11, 2018.

¹²¹ Ramon Marrero, email message to the author, April 5, 2019.

back in the community, you're staying with a friend, I know you have no expenses." Since the process resembles the expedited scenario, benefits are given to people within three-to-five days from when the application is received by the office, but since the formal process still involves creating a new application, benefits can take up to thirty days to restart like any other new case.¹²²

Alternatively, if the detainee is part of a larger household, it's as "simple" as adding or removing them from the case. As Ramon says, "...there's no special process," but a caseworker might cite incarceration as reason for removal in the case notes. When the person is removed, the household's benefit increases or decreases depending on how much income the detained individual earned before incarceration.¹²³ Though the removal process is "simple" in practice, it can have substantial effects on the household—in a national study on SNAP recipients, one of the common "hardship triggers" for beneficiaries was the loss of a wage-earning household member due to incarceration, demonstrating how the "simple" removal of one individual has serious implications for the rest of the household.¹²⁴

After being released from jail, a person can be added back onto the case of the larger household after the caseworker reviews whether or not the person is still eligible by the standard factors—income and assets. Like with the single-person households, the formerly incarcerated individual has to prove they were released from Cook County Jail. The person must either come into the office, or have a household member come in on his or her behalf with the individual's jail release papers from the Cook County Department of Corrections. Caseworkers "attempt" to process the request on the same day, so benefits will be issued accordingly.¹²⁵

¹²² Ibid.

¹²³ Ibid.

¹²⁴ USDA, Food and Nutrition Service, Office of Research and Analysis, "SNAP Food Security In-Depth Interview Study, Final Report," (Washington, D.C.: 2013), 22, <https://fns-prod.azureedge.net/sites/default/files/SNAPFoodSec.pdf>.

¹²⁵ Ramon Marrero, in discussion with the author, December 11, 2018.

Ramon of IDHS sees discharge papers pass through his office often, and that with the papers, caseworkers can add the person back to the household fairly quickly. However, multiple interviewees from the advocacy sphere said their clients had issues obtaining the discharge papers upon release. Some even said their clients did not know they were supposed to keep the release papers, so they had to jump through hoops trying to get another copy. As a result, starting a new application or even being added back into a household can take a lot of preparation and time even before the office has started processing benefits.

The majority of individuals are already at risk of being food insecure upon release from Cook County Jail,¹²⁶ and if someone's benefits are discontinued or they are removed from the household, the resulting coverage gaps increase that risk and exacerbate food insecurity.¹²⁷ People who were not enrolled prior to incarceration also might need temporary assistance due to the lack of income immediately upon release, but the lengthy timeline for processing applications means that even if someone applied right after they were discharged from jail, they might still have to wait weeks before receiving benefits.

Multiple interviewees cited "expedited SNAP benefits" as a solution to this lack of income or coverage gap upon release from Cook County Jail. These are available to those unenrolled prior to incarceration, and as mentioned earlier, people whose cases are discontinued due to jail-time. Federal law allows individuals without any income in the last thirty days to get up to two months of SNAP benefits while IDHS processes their new application—the "computer tells caseworkers" whether the person can get one or two months.¹²⁸ Ramon described this as an "easy" process, where all his office requires is the verification of no income and "a face-to-face

¹²⁶ Aimee Ramirez, in discussion with the author, December 5, 2018.

¹²⁷ Emily Wang et al., "A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released from Prison," *AIDS Education and Prevention* 25, no. 2 (2013): 112-123, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3733343/>.

¹²⁸ Ramon Marrero, email message to the author, March 3, 2019.

interview.” If the individual cannot come into the office, Ramon said they can instead ask for a telephonic interview. Benefits are ready within three-to-five days, still creating lags in coverage, but offering a solution while someone applies for SNAP or even tries to get their benefits started up again.

The “easy” and “quick” nature of these departmental policies resulting from the *Balanced Budget Act* is questionable. Interviewees unaffiliated with state offices challenged the idea that expedited benefits were ready within three days. Matt McLoughlin of the Chicago Community Bond Fund described how one of his clients had her benefits paused after she was incarcerated, saying she and her child stayed with a friend “to get her feet on the ground,” but that when she went to get her SNAP restarted, “...even with whatever the emergency process is, it was still going to take over ten days,” to get those benefits.

Numerous studies demonstrate that telephonic and face-to-face interviews are invasive and time-consuming.¹²⁹ For the non-English or limited-English speaking community, language barriers play a “large role” in stopping them from “applying for food stamps once they try and contact the food stamp office.”¹³⁰ Offices typically have to bring in interpreters for in-person or telephonic interviews, and potential or even current enrollees might be dissuaded by the waiting time or extra effort that goes into that process. Even though Ramon’s Family Community Resource Center has a Spanish-speaking option on the phone, it’s the second option after English, and in one study in Central Washington, many Spanish-speaking individuals were “unaware” that the second message was even repeated in Spanish, so they hang up while hearing the English message.¹³¹

¹²⁹ USDA, Food and Nutrition Service, Office of Research and Analysis, 62.

¹³⁰ Vivian Gabor et al., “Seniors’ Views of the Food Stamp Program and Ways to Improve Participation—Focus Group Findings in Washington State,” (Washington, D.C.: USDA, 2002), 49, https://www.ers.usda.gov/webdocs/publications/43151/51497_efan02012.pdf?v=0.

¹³¹ Vivian Gabor et al., 39-40.

Ramon mentioned that people have to come into the office for these reapprovals and for proof of discharge, but the literature suggests that lack of transportation transportation and fear of stigma and humiliation prevented people from applying for SNAP. A case study of SNAP offices found that when they eliminated the interview entirely, the rate of churning of SNAP households went down, implying that the interview process, and specifically, the recertification interview, can be a barrier for households.¹³²

As a result of the budget bill, IDHS created a departmental procedure for working with incarcerated individuals. While that procedure is ideally “easy,” the on-the-ground realities demonstrate that that’s not the case, with the majority of advocates and nonprofit staff members saying their clients had trouble with the current system in place. Matt of the Chicago Community Bond Fund summed up their frustration by saying, “...we’re creating the situation where we’re basically demanding that people do things like that [retail theft] in order to survive,” implying that a lack of public assistance generated the need to commit crimes to meet basic necessities and survive upon release from jail.

Like with SNAP, federal law mandates SSI ineligibility for people detained for more than thirty days regardless of pretrial or sentenced status. Through Subsection XVI of U.S. Public Code—Title 42: The Public Health and Welfare, a person is ineligible for SSI benefits if he’s an “inmate” of a “public institution,” like Cook County Jail. If a detainee is currently enrolled in SSI, his payments are “suspended” if he’s in jail “throughout a full calendar month,”¹³³ or the “entire period-of time from the first moment of the first day...through the last moment of the last

¹³² Gretchen Rowe et al., *Assessment of the Contributions of an Interview to SNAP Eligibility and Benefit Determinations: Final Report*, (Washington, D.C.: Mathematica Policy Research, 2015), xxii, <https://fns-prod.azureedge.net/sites/default/files/ops/SNAPInterview.pdf>.

¹³³ Social Security Administration, “What Prisoners Need to Know,” (Washington, D.C.: 2017), 2, <https://www.ssa.gov/pubs/EN-05-10133.pdf>.

day of the month.”¹³⁴ If a person went to jail on June 4, SSI payments do not stop until August 1, since the first “full calendar month” of incarceration began on July 1; however, if that same person went to jail on June 1, instead, SSI payments stop on July 1. As a result, SSI eligibility depends on when a person is booked at jail, not “just” how long they are detained.

Upon release from Cook County Jail, suspended SSI recipients go through the process of reinstatement, where they have to come into a local SSA field office, and then prove their discharge from jail and that they meet current SSI eligibility factors. SSI payments are then reinstated during the month the person is released, with the potential to earn partial payments if they’re released in the middle of the month.

Ideally, reinstatement of benefits occurs immediately upon release, but on-the-ground, the process is much more difficult. Laura Lord of Thresholds said it was so challenging that a large part of her job was helping her clients “turn SSI back on” upon release from Cook County Jail. The letter of incarceration is not automatically given to everyone, so people have to ask for it at discharge; however, Laura said getting that letter is the “last thing on their [the detainee’s] mind” since they “just want to get out of there.” People can be released from jail at any point during the day, and if someone gets out after regular business hours, “...nobody from records will be there to give them that letter [of incarceration].” Laura has to regularly bring clients back to the jail to obtain the letter, though she suggested that many of her clients cannot even get inside with her because they don’t have IDs. Despite these problems of logistics, Laura did suggest that there were people that were “particularly helpful” in the Records Department, and some of the jail’s social workers are willing to get the records for former detainees without making them come inside.

¹³⁴ Doug Nguyen, email message to the author, December 5, 2018.

SSI suspension results from incarceration that lasts more than thirty days, but termination occurs when a person is detained for “a year or more,” including any days where was an active warrant for their arrest.¹³⁵ If termination occurs, the person has to start a new application, forcing them to go through the entire process all over again, including another medical review.¹³⁶ Multiple interviewees from advocacy organizations had worked with clients who had to reapply all over again as a result of being detained at Cook County Jail for a year or more, and they all described it as a burdensome process.

Reapplying all over again takes a significant amount of time, creating significant lapses in SSI payments upon release from Cook County Jail. People have to undergo another medical review, which naturally takes time, but they also have to wait an average of three-to-five months before a decision is made on the status of their case. Depending on when they’re released, this process can stretch even longer because the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 amended the Social Security Act to establish a new point at which SSI payments can begin, or the “application effective date.”¹³⁷ Because SSI applications are “ineffective” until the first day of the following month, a detainee being discharged from jail may immediately reapply or even initially apply upon release, but their application won’t be processed until the first day of the next month. Further, all of the interviewees working with the SSA stressed that delays are common for the reinstatement and reapplication processes.

In order to ensure that an incarcerated individual’s SSI payments are suspended or terminated, federal statute financially incentivizes Cook County Jail to share data and report ineligible detainees to the SSA. Part of the 1996 welfare reforms included an amendment to the

¹³⁵ Laura Lord, in discussion with the author, February 15, 2019.

¹³⁶ Colby Calloway, email message to the author, December 10, 2018.

¹³⁷ Gary Pettigrew, Department of Mental Health, “DMH Information Notice NO: 98-05—Amendments to the *Social Security Act*,” (Sacramento: Health and Welfare Agency, 1998), 1, <https://www.dhcs.ca.gov/formsandpubs/MHArchives/InfoNotice98-05.pdf>.

Social Security Act to create a “government bounty program,”¹³⁸ whereby SSA provides monetary payments to public institutions for sharing information on inmates for the purpose of suspension and termination.

While institutions can opt-in to the program and are not forced to share information, Cook County Jail is an active reporter. The relationship is formalized through a legal “Memorandum of Understanding” between SSA and Cook County Jail, which can be seen in Appendix A. The jail creates a “prisoner inmate report”¹³⁹ with the name of every person incarcerated in that reporting period, then sends that Excel sheet to the local SSA field office. That field office then cross-compares names of inmates to their active SSI cases to see if anyone is eligible for suspension. Because people don’t have release dates at Cook County Jail, it’s impossible for an SSA caseworker to immediately know that someone has been incarcerated for more than thirty days, so instead, they place a “prisoner alert” on the case so they can check if the person is still incarcerated when the next report is submitted.¹⁴⁰ Multiple interviewees suggested that someone could be “lucky enough” to miss the reporting period, so SSI payments might continue beyond statutory guidelines of eligibility, once again suggesting that outcome depends on when someone is arrested, and not simply length of detention.

The jail is incentivized to both share information with SSA, and do so in a “timely” manner. If the jail reports a “suspension eligible inmate” within thirty days of incarceration, they receive \$400, but if they report the same inmate within ninety days of incarceration, they only receive \$200. SSA only pays the institution for “successful” suspensions, not solely for reporting

¹³⁸ Michael Harwin, “The Inmate Exception to Federal Benefits,” in *Collateral Consequences of Common Crimes: Federal Law and Regulation*, Michael Harwin Attorneys, 4, <https://www.michaelharwinlaw.com/wp-content/uploads/2017/04/CCCC-Chap-3-ABA-Inmate-Exception-DRAFT.pdf>.

¹³⁹ Doug Nguyen, email message to the author, November 19, 2018.

¹⁴⁰ Doug Nguyen, email message to the author, November 19, 2018.

inmates—for example, Cook County Jail gets \$400 if it submits a name of a person whose SSI payments SSA can suspend due to the thirty-day detention statute.

In 2017, 584 individuals detained at Cook County Jail had their SSI payments suspended due to this program, and from January to October 2018, 419 detainees had their benefits suspended. Cook County Jail received \$110,400.000 from SSA in 2017 alone from these incentive payments, including both SSI and SSDI suspensions, the latter which is not covered in my analysis.¹⁴¹ See Appendix B for the data from SSA on its incentive payments with Cook County Jail. Part of the stated rationale for the program is that jails pay for the living needs of individuals at the “public expense,”¹⁴² such that the Social Security Administration can balance these costs through transferring the amount they would be paying the recipient outside of jail to the jail itself while it hosts the person.

Whether it be suspension or termination, people lose their SSI benefits as a result of pretrial incarceration at Cook County Jail. SSA explains that these policies exist because the person’s needs “are being met” by the jail while incarcerated, but they create gaps in payments even once the jail is no longer assumed to be meeting the person’s needs. These gaps are troubling in light of the fact that several interviewees stressed just how essential these SSI payments are to many of these individuals. Cara Smith of Cook County Jail even suggested that most of the jail detainees relied on the checks they thought would be “waiting in their mailboxes” upon release, only to find that they had no accessible income waiting for them when they left.

¹⁴¹ Social Security Administration, “Cook County Jail Statistic Information for January 1, 2017 through October 1, 2018,” (Washington, D.C: Social Security Administration FOIA Team, 2018). See Appendix B.

¹⁴² “Incentive Payment Memorandum of Understanding: Agreement Between the Social Security Administration and the Cook County Department of Corrections,” (Chicago: Social Security Administration FOIA Team, 2018). See Appendix A.

In comparison to advocates and correctional staff, welfare caseworkers made it seem much easier for people to get back on the SSI and SNAP rolls after release. They sketched out agency procedures resulting from federal policy that they believed made SNAP and SSI immediately accessible, but the on-the-ground reality was different. The majority of people working with these detainees cited numerous challenges, and overwhelmingly made it seem like their clients are more disconnected from the safety net once released from Cook County Jail.

Multiple interviewees suggested that the thirty-day mark of detention was a “tipping point” of public assistance access for jail detainees. Beyond that, they said it was a turning point for life itself. Matt McLoughlin of the Chicago Community Bond Fund stressed how “most” welfare programs are cut off after thirty days in jail, but he also asked me to “...imagine what would happen if you were removed from your life for thirty days...everything that you could think of begins to unravel.” My analysis on federal statutes demonstrates the unraveling of public assistance access, but more so, it suggests that pretrial incarceration produces disconnection from services, despite the fact that this disconnection may make reentry much more difficult.

2. Cook County Jail Inmate Guidelines and Policy

a. Intake and Property Procedure

The formal intake and property procedures at the time of arrest and intake by the jail and the Chicago Police Department trigger the barrier of access to identification and related documentation. Every interviewee stressed that access to identification was the biggest challenge in accessing public assistance upon release from jail, regardless of prior enrollment status. While this may appear to be a circumstantial or informal barrier, I deem it a formal one, since both Chicago Police Department and Cook County Jail policies create and/or exacerbate conditions of limited access to identification upon release from jail.

At the initial point of arrest, the Chicago Police Department's property inventorying procedure creates ambiguity around the ultimate location of one's property after they have eventually been booked at Cook County Jail. After being arrested, a person is held at a Chicago Police Department facility, so their property—including all forms of identification—is initially taken by that unit. The lockup officer first fills out a "Personal Property Form," writing down everything the arrestee came in with, then places the property in a sealed envelope with an "inventory stub" that connects the property form to the envelope. The stub also includes information about the arrestee, like their address, physical description, and birthday.¹⁴³ From there, the arrestee is supposed to receive a "Prisoner's Receipt" that they have to present if they want to get their property back. Further, the lockup officer also completes an "Arrestee and Property Transport Manifest" form, which again records the property and allows a Cook County Jail representative to verify whether or not the property is received when the eventual transfer occurs.¹⁴⁴ None of my interviews confirmed the existence of the transport form, and none of them knew of any detainees who received a "Prisoner's Receipt."

The procedure becomes more confusing and vague when describing what happens when transferring the arrestee from police custody to Cook County Jail. There's a portion of the "Property Receipt" labeled "Detention Facility," which is seemingly for facilitating this transfer of property; however, the police department's property procedure does not explain how or when to fill it out.¹⁴⁵ It does say that the transporting officer gives the envelope with the property and inventory stub directly to "the Sheriff of Cook County representative," and does not return anything to the arrestee.¹⁴⁶ These receipts and forms can be seen in Appendix C.

¹⁴³ Chicago Police Department, "Special Order S07-01-01: Inventorying Arrestees' Personal Property," (Chicago: 2017), 3.

¹⁴⁴ Chicago Police Department, 4.

¹⁴⁵ Chicago Police Department, 5.

¹⁴⁶ *Ibid.*, 5.

The Cook County Jail intake policy attempts to pick it up from here. During booking, a sheriff inventories “any property received from the inmates.”¹⁴⁷ The inmate signs a property receipt that is seemingly different than the “Prisoner’s Receipt,” and there’s no indication of where that receipt ends up or what people do with it. A copy of the Cook County Jail receipt goes into storage containers with the inmate’s property, and the inmate receives a copy of the receipt.¹⁴⁸ The discharge procedure suggests that the jail will return all personal property to the individual, and that the inmate “must acknowledge receiving his/her property” through another receipt process; however, it also states that “authorized family members and/or other person” can pick up property “within forty-five days” of discharge, suggesting that not everyone leaves with the personal property they came in with.¹⁴⁹

Despite the existence of these procedures, it is unclear whether or not the property ultimately leaves Chicago Police Department custody and ends up at Cook County Jail. In my interviews, multiple Cook County Jail administrators suggested that property is never transferred, with Jane Gubser of the jail saying, “I’m not quite sure how that would happen.”

In the initial phases of implementation, one of the challenges with doing Medicaid enrollment at jail intake was that the inmates didn’t have IDs. Marlina Jentz of Cook County Jail said they had to use fingerprinting and “unique” jail ID numbers because none of the detainees had IDs at intake, and added, “...if an individual’s wallet stays with CPD, we’re not going to have that ID.” She even called this number the “justice system’s version of the social security number,” implying a makeshift regime of identity documents in lieu of formal documents like a social security number. Not only does this show how essential some sort of identification is when

¹⁴⁷ Cook County Department of Corrections, “Policy 702: Custody Manual—Inmate Reception and Intake,” *Cook County Department of Corrections*, October 1, 2018, 5.

¹⁴⁸ *Ibid.*, 6.

¹⁴⁹ *Ibid.*

accessing public assistance programs like Medicaid, but it also demonstrates that there's a clear gap in the property procedures and what actually happens at the jail. If jail administrators are scrambling trying to figure out how to maneuver the lack of IDs to facilitate public assistance enrollment, then there is clear reason to believe that detainees will have issues with it, too, following release.

Without knowing if the property has been transferred or not, former detainees are left grappling with where to even start. The jail gives whatever they received from the police department to the individual when they're being discharged from the jail. Multiple interviewees from both inside and outside of the jail provided anecdotal evidence implying inconsistencies with this approach. There is also a current lawsuit against the Sheriff's Department from former detainees who claim they were told their property was stolen or lost at discharge, and further, that the property intake forms didn't list most of the items they were actually arrested with, including state IDs and a social security card.¹⁵⁰

If transfer does not occur, the Chicago Police Department waits ninety-six hours before transferring it from the local unit to the Evidence and Recovered Property Section facility in Homan Square. Individuals can then retrieve the property with a photo ID and the receipt they were given when they were booked and arrested.¹⁵¹ If the photo ID was one of the confiscated items, there's no clear procedure for how they access that property. Neither the police nor the jail intake procedure suggest how the person keeps the prisoner's receipt while detained, too, begging the question of how they would ever be able to access taken property.

All property will be confiscated or destroyed unless the detainee person contacts the

¹⁵⁰ *Leoncio Elizarrri, et al., v. Sheriff of Cook County and Cook County, Illinois*, (Washington, DC: US Courts, Government Publishing Office, 2015), 3-4, https://www.govinfo.gov/content/pkg/USCOURTS-ilnd-1_07-cv-02427/pdf/USCOURTS-ilnd-1_07-cv-02427-2.pdf.

¹⁵¹ Chicago Police Department, "Notice to Property Owner," *Chicago Police Department*, 2015, <http://directives.chicagopolice.org/forms/CPD-34.523-PART%204-A-ENGLISH.pdf>.

Chicago Police Department within thirty days of the date printed on the property receipt, too.¹⁵² People are often detained at the jail and unable to pick up the property themselves, so they can send a letter to the police department that includes a copy of a photo ID and the receipt, and that names a representative to pick up the property.¹⁵³ Not only does this once again rely on having a photo ID, but it means people have to have someone on the outside that is able to pick up the property for them. The feasibility of mailing the letter is questionable, too, since the detainee would either have to have the funds to buy envelopes and stamps in the commissary to send the letter themselves, or they have to ask whoever is listed as the property representative to ask a jail caseworker to get the letter from the detainee and give it to the representative.¹⁵⁴ On this, Maanasi Laird of TeamWork Englewood commented, "...they give them thirty days to get their property, but who's to say they have someone that can come back and get their property?" suggesting that this wasn't a seamless process for many of her clients.

Because of the ambiguity around internal procedure, people leave the jail without IDs, IDs that are critical for navigating the reentry process. Not having an ID "effectively bars people from driving a car, opening a bank account, leasing an apartment, or verifying their identity for the prospective employers," and makes it impossible for people to, at least immediately, apply or reapply for public benefits.¹⁵⁵ For example, obtaining employment upon release is already hard enough for people because of the stigma of incarceration, but logistically, if a person cannot submit a photo ID for background or criminal record checks, they can't even begin the interview process. This limits the ability to earn income upon release, making the reentry process even harder.

¹⁵² "Notice to Property Owner," 5.

¹⁵³ Ibid.

¹⁵⁴ Laura Lord, in discussion with the author, February 5, 2019.

¹⁵⁵ Emily Livingston et al., "Reducing Recidivism," (Washington, D.C: Deloitte Center for Government Insights, 2018), 3, https://www2.deloitte.com/content/dam/insights/us/articles/4935_Reducing-recidivism/DI_Reducing-recidivism.pdf.

When asked what people most immediately need after leaving jail, Mark Mitchell of TeamWork Englewood first joked, "...they need a girlfriend," but then his colleague, Maanasi, quipped that "a couple of these guys think I'm their girlfriend...but really the only things they need when they first get out are an ID and a Link card...the ID will get them around and the Link card is going to feed them wherever they go...and they never have either of these when they leave." Mark's joke touches on the literature that suggests that romantic partners are essential parts of the reentry process. Maanasi, on the other hand, focuses on the need for identification and that fact that her clients never leave the jail with the IDs they came in with. People need basic identification documents like state IDs, birth certificates, and social security cards to apply for or access public assistance programs. If they're leaving the jail without those documents, then applying for these programs is inherently challenging upon release.

Interviewees frequently expressed frustration with trying to get new IDs, citing long wait times and describing the situation as a "catch-22." In order to request an ID from the Illinois DMV, a person needs some form of identification already, and even if they somehow have that, it can still take fifteen-to-ninety days to receive the ID.¹⁵⁶ Alan Mills of the Uptown People's Law Center told me that access to identification documents is the biggest challenge his firm faces when trying to connect or reconnect clients with SSI, calling it the "ID hump." He said, "If they have nothing, we have no way of getting them anything." The Chicago Community Bond Fund's Matt McLoughlin expressed blatant frustration with the entire process, saying, "...People are leaving the jail and not being given an ID...to me it's crazy...what do you do if you don't have any documentation?"

¹⁵⁶ Illinois Secretary of State, "Central Issuance: Frequently Asked Questions," *Illinois Secretary of State*, 2015, https://www.cyberdriveillinois.com/departments/drivers/drivers_license/central_issuance/ci-faq.pdf.

The most cited barrier throughout this process was access to identification. While some may argue that people might not have had documentation going into jail, it's clear that these property procedures from both the Chicago Police Department and the jail generate ambiguity and confusion that lead to people losing their property. Despite the fact that people leave the jail without identification, every interviewee stressed the importance of that documentation when trying to obtain public assistance. As a result, it's possible that people are effectually prohibited from attempting to apply for public assistance programs since they cannot start the process through verification of their own identity.

b. Cook County Jail Internet and Phone Policies

Like the federal statute-related barriers, this primarily applies to those already enrolled in SNAP, SSI, or Medicaid. Jail policy limits the detainee's ability to contact anyone outside of the jail. This makes it impossible both to alert a welfare caseworker of a change in circumstance, and to receive any calls related to case check-ins or redetermination efforts. Communication access is obviously only limited while someone is in jail, but who the person can contact while incarcerated largely impacts how they receive or do not receive their benefits upon release from Cook County Jail.

Detainees can use phones "as long as they like,"¹⁵⁷ but there are numerous restrictions, including whom they call and how often they can make calls. They cannot receive phone calls, and unless the receiver of the call sets up a prepaid account for the inmate through the jail's contracted communication service, Securus, the jail detainee can only call landlines, since cell phones cannot receive collect calls without a third party service like Securus's

¹⁵⁷ Cara Smith, in discussion with the author, November 6, 2018.

“AdvancedConnect” prepaid accounts.¹⁵⁸ Detainees share phones with other individuals in their cell block, and there is typically a maximum number of calls they can make per week depending on which division they’re in and how crowded that division is.¹⁵⁹ Aside from a “reasonable number” of free calls at intake to “an attorney or a family member,” detainees must pay for phone calls.¹⁶⁰ They can do this through buying phone cards at the commissary, or having people on the outside pay in advance for phone calls through Securus.¹⁶¹

Although detainees can use phones if they can pay for the minutes, they absolutely do not have any internet access. Jane Gubser of Cook County Jail stated that the jail’s “old infrastructure” and “bad wiring” has made it impossible to build a computer lab for detainees, and allowing any laptops or personal desktop computers would be too much of a security risk. In Illinois, SNAP and Medicaid both have the same online portal, ManageMyCase, where recipients can “easily”¹⁶² make updates or see changes to their cases; however, without internet access in jail, there’s no way of accessing this information. As a result, their only methods of external communication are the phone calls that they have to share and pay for.

The effects of these policies are twofold: people cannot report incarceration to a caseworker, and they cannot receive any calls or online portal updates relevant to redetermination or reapplication. In terms of reporting changes, each of the identified public assistance programs mandates that the individual alert their caseworker of a change in condition, whether that condition be a change in income or incarceration—it doesn’t matter.¹⁶³ Medicaid,

¹⁵⁸ Cook County Sheriff’s Office, “Set Up An Inmate Phone,” *Cook County Sheriff’s Office*, <https://www.cookcountysheriff.org/how-do-i/set-inmate-phone/>.

¹⁵⁹ Cara Smith, email message to the author, February 20, 2019.

¹⁶⁰ Cook County Department of Corrections, “Inmate Information Handbook,” (Chicago: 2013), 22, <https://www.law.umich.edu/special/policyclearinghouse/Documents/Cook%20County%20Inmate%20Manual.pdf>.

¹⁶¹ Cook County Sheriff’s Office.

¹⁶² Carol West, in discussion with the author, December 7, 2018.

¹⁶³ Ramon Marrero, in discussion with the author, December 11, 2018.

SNAP, and SSI allow individuals to make changes to their cases or update caseworkers with information via phone, in-person, though SNAP and SSI allow changes to be made via mail, too.

A phone call is the primary way someone could theoretically report any changes in circumstance, though multiple interviewees said they had never heard of this being done before. The main numbers for both state and federal welfare agencies are all toll-free 1-800 numbers, and whether or not those calls are allowed within the jail is debatable. Cara Smith of the jail said detainees could call 1-800 numbers,¹⁶⁴ but Securus Technologies claims that inmates cannot call any toll free numbers.¹⁶⁵ Matt McLoughlin even suggested that his clients at the Chicago Community Bond Fund had programs cut off because they could not call the 1-800 numbers for check-ins to “keep their benefits on while they’re in custody [at the jail].”

All interviewees who worked for state and federal welfare agencies stressed themes of “expectation” and “individual responsibility” in terms of individuals reporting incarceration. They compared the relationship between enrollees and programs to a customer and a store or a client working with a company to suggest that the individual should take the initiative in reporting this information. Ramon Marrero of IDHS said it was “easier” and “quicker” to deal with people’s cases upon release when people self-reported situations like incarceration.

Because it’s the “customer’s” responsibility to update welfare agencies on changes, there are consequences for missing case notices or failing to report changes. For example, if someone misses the redetermination notice on their ManageMyCase profile, they might miss the period to reapply for Medicaid.¹⁶⁶ Multiple interviewees even said that the jail population commonly missed redetermination notices. In addition, failure to report incarceration can have

¹⁶⁴ Cara Smith, email message to the author, February 20, 2019.

¹⁶⁵ Securus Customer Service Representative, live chat correspondence, February 15, 2019.

¹⁶⁶ Lynne Thomas, in discussion with the author, December 31, 2018.

consequences in the form of sanctions and fines stemming from claims of overpayment. One state employee, who wanted to remain anonymous, explained how IDHS has a Bureau of Collections that charges people for overpayments if they find out they received benefits while incarcerated. He suggested that the state “always figured out” if someone had been in jail and thus, owed money.

With SSI, not reporting things “timely and accurately” may lead to SSA reducing the SSI payment “by \$25 to \$100 for each time” there was a failure to report, or if they reported the change “later than ten days after the end of the month in which the change occurred.” Further, if someone “knowingly fails to report important changes,” SSA may withhold payments for six, twelve, or twenty-four months, depending on how many times a person has failed to report.¹⁶⁷ This means that people could be barred from receiving SSI for up to two years if they aren’t able to report incarceration, something that is almost impossible to do when incarcerated at Cook County Jail.

Of the interviewees that didn’t work directly with welfare agencies, there was ambiguity over how the reporting process worked, and more so, exasperation at the expectation that people would even know to report their change in status or be able to do so while detained in the jail. Aimee Ramirez of the Greater Chicago Food Depository said that this confusion extended to welfare caseworkers, too, who had no idea how reporting requirements worked. She added, “...we [the Greater Chicago Food Depository] probably would not tell someone to make sure that IDHS knows that they’re incarcerated...because they could get cut earlier than required.” Multiple other interviewees who work with welfare agencies on behalf of “clients” also stated that caseworker confusion or a lack of standard knowledge on reporting procedures was a major

¹⁶⁷ Social Security Administration, “Understanding Supplemental Security Income Reporting Responsibilities—2019 Edition,” *Social Security Administration*, 2019, <https://www.ssa.gov/ssi/text-report-ussi.htm>.

issue, as they would have family members report changes for detained individuals—or they would do it themselves—and the caseworker would preemptively and incorrectly cancel their benefits.

These advocacy-oriented interviewees were also frustrated by the assumption that people had friends or family on the outside that were willing and able to help with this process. Reporting conditions basically make it necessary that a detainee have someone outside of jail who can make these changes, or put money in their inmate trust account for the purpose of calls. Burdens are placed on the detainees and their loved ones, and these burdens are not properly communicated or even known by caseworkers and jail administrators. Interviewees referenced the abundance of the mentally ill and homeless population at Cook County Jail, and said they typically did not have anyone to help them “while in or outside of jail.”¹⁶⁸ As a result, the expectation of reporting is completely at odds with the reality of the circumstances of detainees, circumstances directly tied to communication policies and procedure at Cook County Jail.

The phone and internet policies at the jail make it impossible for detainees to comply with reporting obligations or to receive important case updates that allow them to maintain their public assistance. Detainees are barred from communicating information despite the fact that failing to do so leads to sanctions and penalties on public assistance. The lack of explicit reporting directions already generates a lack of awareness to do so, but the jail also makes it virtually impossible for someone to comply with the obligations if he or she somehow knows the reporting rules exist. In light of this, these communication policies may be directly responsible for discontinued receipt of public assistance upon release resulting from not being able to report incarceration.

¹⁶⁸ Maanasi Laird, in discussion with the author, November 16, 2018.

Informal Barriers

I also find a set of informal barriers, or the more bureaucratic or administrative elements of the jail or circumstantial realities of detention can affect access to assistance. These are not directly linked to statutes related to public assistance and pretrial incarceration, and largely come about due to the discretion and practice-making of street-level bureaucrats at the jail, the court, and welfare agencies. Further, they impact the jail population regardless of prior enrollment status, and make it hard to implement intervention methods that might connect people to public assistance or help ensure continued enrollment.

1. Indefinite Nature of Detention

Regardless of why someone is in Cook County Jail, he or she has “no idea how long they’re going to be there.” This is a circumstantial and inherent feature of incarceration at Cook County Jail, and it limits how much we can actually do for the jail population. One might argue that people leave the jail and go straight into custody at another prison, mitigating any immediate concern about what public assistance a person will or will not have access to upon release. Cara Smith of Cook County Jail demonstrated otherwise, explaining that “...only about twenty-percent go to a state prison system following their time with us...the vast majority return to the communities where they came from, either on probation, on some other form of supervision like supervision or conditional discharge, or too often, after charges are dropped.” Indefinite detention affects detainees in multiple ways—one, it limits the ability of detained individuals to work with jail administrators on receive discharge planning, including public assistance coordination; and two, it creates challenges for detainees trying to work with nonprofits and advocates to prepare for reentry.

The majority of interviewees cited the indefinite timeline of detention as making it extremely difficult to work with people leaving the jail, particularly in terms of coordinating linkages and continued receipt of public assistance. Statutes trigger suspension or discontinuation of benefits, but relevant welfare agencies have created several initiatives that allow detainees to apply for assistance while incarcerated for immediate assistance activation upon release. For example, SSA created prerelease agreements with correctional institutions, where soon-to-be-released inmates can apply or reapply for SSI benefits while incarcerated, facilitating approval and immediate activation upon release.¹⁶⁹ A template of this waiver can be seen in Appendix D.

State agencies that administer SNAP have the ability to do similar agreements, requesting the “Prisoner Pre-Release Application Filing Waiver” that allows “allows them to take applications and conduct eligibility interviews from incarcerated applications prior to their release.”¹⁷⁰ See Appendix E for an example of this waiver.

Interviewees stressed the inability to provide any programs with the pretrial population because of the indefinite length of detention. Without a release date, it’s “impossible” to implement these intervention methods. The interviewees all cited strict federal guidelines about who submits an application, when it has to be submitted, and how that submission “starts the clock”¹⁷¹ and sets timelines in motion. The “clock” they’re referring to is the deadlines that state welfare and federal welfare agencies must follow for application review, approval, and disapproval. For example, with SNAP, Ramon of IDHS explained how his office has “up to” thirty days to approve or disapprove an application, though they do have an internal office policy to do so in twenty-seven days to avoid any delays in the allocation of benefits. Within that

¹⁶⁹ Doug Nguyen, email message to the author, November 19, 2018.

¹⁷⁰ Kate Fink, in discussion with the author, December 14, 2018.

¹⁷¹ Virginia Hanson, in discussion with the author, December 7, 2018.

timeline, he said they “only” have three days to process and register an application as a case, and then they “must” conduct the interview “no more than fourteen days from” the date the office received the application.

He offered a hypothetical scenario to demonstrate the pitfalls of attempts to implement a pre-enrollment agreement in Cook County Jail, explaining how the indefinite detention means his office might approve a person before he or she is released, and thus, before they’re actually eligible for benefits. His office has to interview applicants within a certain number of days, but detainees might still be incarcerated, making it impossible to conduct any in-person or telephonic interview. Further, once it has been thirty days, Ramon and his colleagues at the Family Community Resource Center must issue an approval or denial of the case, and if a person is still in jail, that is an automatic denial. He summed it up saying, “...oh that is confusing, you cannot...you’re in jail, you cannot apply for benefits.”

Interviews with advocacy organizations validated these implementation hurdles. Aimee Ramirez explained how the Greater Chicago Food Depository proposed to have volunteers come into the jail and help pre-or-reenroll people in SNAP. She said they “got their hands slapped a bit while trying to time” how to help someone fill out an application on one day when they didn’t necessarily know the date of release. IDHS told her that the Greater Chicago Food Depository could not even manually hold applications until the date of release, since “federal rules are very strict.” She added that “...you can’t hold back that clock,” which stressed how the strict timelines of these public benefits come into conflict with the indefinite length of detention that every Cook County Jail detainee deals with.

With Medicaid, Cook County Jail developed a method to avoid the conflict between timelines and indefinite detention, showing how there might be room for intentional and well-

timed intervention. As I discuss in the “Map of the Field,” CountyCare and TASC help assist Cook County Jail detainees with Medicaid enrollment at intake. Interviews with TASC employees and external data¹⁷² both suggest that 12,000 people have been enrolled as a result of this program, and Cook County Jail administrators stressed its success and manageable implementation, with Marlena Jentz of the jail saying it “takes less than ten minutes.” Jane Longo, a former CountyCare consultant, said the program is “well-supported” by the detainees who receive insurance, and cited several notable “success stories” from a focus group one year after implementation of the program. One man claimed he “got his life together,” and another man said, “I only ever got healthcare when I was inside...I could never access healthcare on the outside, and now with CountyCare, I can.”

Despite claims that enrollment screenings occur for everyone at intake, the reach of this initiative is questionable, since the bulk of my interviewees involved in reentry services had no idea it even existed, nor did they know former detainees who had even been asked if they had insurance at intake. A few mentioned “hearing about it,”¹⁷³ but only one interviewee had a client who had successfully enrolled in Medicaid as a result of this program.

Because people enter the jail 24/7, it is impossible that TASC volunteers are able to work with every single person at intake, meaning that the program is tied to what time a person is booked in the jail. However, each interviewee from the jail stressed that intake is the best time to reach people because otherwise, they have no idea how long a person will be incarcerated. Relying solely on a quick intake screening might reach the most people due to the indefinite

¹⁷² National Association of Counties, “The Patient Protection and ACA and The Pretrial System: A ‘Front Door’ to Health and Safety,” (Washington, D.C.: Public Welfare Foundation, 2014), 6, [http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/ACA%20and%20the%20Pretrial%20System%20\(Appendix%20A-%20Cook%20County\)%20-%20NAPSA%202014%20\(1\).pdf](http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/ACA%20and%20the%20Pretrial%20System%20(Appendix%20A-%20Cook%20County)%20-%20NAPSA%202014%20(1).pdf).

¹⁷³ Gerry Gorman, in discussion with the author, February 13, 2019.

length of detention, but it also lends itself to letting people slip through the cracks, and as a result, that indefinite length produces hurdles for people trying to connect with public assistance.

The reliance on quick intake procedures due to the indefinite length of detention also limits the actual awareness detainees might have about the public assistance programs. Although the jail enrolls people in Medicaid, detainees are not told about or explained the process of connecting with a managed care organization, which happens once released from jail. Individuals are enrolled in Medicaid, and then upon release, they have to choose which health plan they want. There's "no time"¹⁷⁴ to explain all of this at intake, despite the fact that interviewees frequently called the process of selecting a plan as "confusing." Carol West of Get Covered Illinois emphasized how "critical" healthcare literacy is when trying to enroll the justice-involved population, saying:

"...we're working with people that may have never had insurance in their life, and there needs to be that education piece...these questions are very personal, and there's a trust issue with...not only going online and just throwing your information out there, but there's a trust issue with am I going to make the right choice for myself and my family?"

Without explaining managed care organizations and allowing people to select their plans on-site, the jail fails to fully provide "access" to Medicaid. Allowing individuals to select their managed care plans can "facilitate continuity of care, maintenance of needed medication regimes, transfer of medical records, and the establishment of a medical home."¹⁷⁵ Ignoring this critical part of the Medicaid process means detainees are not entirely connected to the service-related elements of health insurance.

¹⁷⁴ Marlena Jentz, in discussion with the author, December 13, 2018.

¹⁷⁵ David Panush, "Coordinated Care Assessment Project Comments: Prison and Jail Reentry," (San Francisco: California Health Policy Strategies, L.L.C., 2018), 7, <https://calhps.com/wp-content/uploads/2018/12/DHCS-Coordinated-Care-Pilot-Project-Comments-12.20.18.pdf>.

The length of time that jail employees and TASC volunteers have with detainees limits the ability for effective and productive engagement. Interviewees all cited the indefinite length of detention as a challenge of implementing any linkages to public assistance programs for detainees upon release. Aimee Ramirez suggested that the Greater Chicago Food Depository is working with the jail to see if they could incorporate a food insecurity or SNAP eligible screening at intake, but it's more of a "longterm" goal than anything else. Because of indefinite lengths of detention, intake is sometimes the "only" time that people can get connected to services, but it's such a short process that there isn't time to fully explain public assistance options.

The indefinite timeline of detention leads jail administrators to focus on intake as opposed to discharge planning, despite the fact that it is critical in helping individuals during the reentry process, including facilitating public assistance access.¹⁷⁶ The majority of interviewees suggested the constant tension between attempts at discharge planning and the indefinite sentences. Cara Smith of the jail stressed how discharge programming is essential to decreasing recidivism and increasing various positive outcomes post-release, but she described discharge planning at the jail as a "very difficult gymnastics, kind of at the drop of a dime" because "...we never know when someone leaves and goes to court, whether they're going to come back with an order to release them."

Without knowing how long someone is going to be there, administrators have trouble creating programming that might allow individuals to learn more about programs. All of the jail administrators wanted to create more discharge planning, and on the subject, Cook County Jail's Marlina Jentz said, "Is it [discharge planning] there? Yes. Could it be better? Yes." They see

¹⁷⁶ Nancy La Vigne et al., "Release Planning for Successful Reentry," (Washington, D.C.: The Urban Institute, 2008), 6, <https://www.urban.org/sites/default/files/publication/32056/411767-Release-Planning-for-Successful-Reentry.PDF>.

value in helping with public assistance at discharge, but are faced with the limitations imposed on them due to the indefinite timeline pretrial detention mandates. Marlena even mentioned that the jail is currently trying to implement an SSI application legal clinic at discharge; however, she and other interviewees said that this was particularly challenging with SSI because of how long the SSI application takes—without knowing if a detainee is going to have a longer or shorter stay, it's hard to assess whether or not they can start the SSI process. Without any definite release date, detainees are then left without discharge planning that could coordinate linkages to public assistance programs.

Interviewees from nonprofits and advocates also grapple with discharge planning for their clients. Samuel Elder of Cabrini Green Legal Aid called the entire release process as a “guessing game,” and said it was the hardest part of this job. A general lack of clarity about release dates was noted by every person working with detainees immediately upon release. Multiple interviewees said communication between public defenders and the nonprofits or advocates themselves sometimes limited confusion since the public defenders “had a sense of how that court date is going to go.” The caseworker may then organize discharge planning around that date, but even this “expected release date” generated issues, too, since “people kind of get released out of the blue” regardless of what the public defender says.

Even when people bond out and are supposed to be released, the actual timeline of formal discharge creates issues for people working with detainees in a reentry setting. Interviewees reported a lack of clarity around how long the discharge process lasts. Sometimes people bond out and have to still wait hours in jail before they are formally discharged. Matt McLoughlin even told a story about a man who was released earlier than the jail told the Chicago Community Bond Fund after it bonded him out, saying,

“...so we communicated with the guy’s brother [to pick Leon up], and we thought that everything was lined up, so for whatever reason, his brother gets there and his brother, Leon, is gone, and he can’t figure out where he is, and we find out a day later that Leon got let out of the jail, and wasn’t given bus fare, and walked from 26th and California to Uptown at like 11 o’clock at night to get home...”

If advocates have trouble even knowing when their client is released, it’s almost impossible to coordinate the direct reentry assistance that is crucial to formalizing linkages to care. The majority of interviewees suggested that direct facilitation of enrollment into public assistance programs was the most effective way of increasing access. In general, they suggested that providing very direct connections to public assistance or other programs like mental health treatment or substance abuse classes was more effective than simply referrals or outreach materials.

The need for direct coordination with discharge planning is especially true for people with mental illnesses and substance abuse disorders, who are more likely to be responsive to discharge planning if they have a “warm hand-off” from the jail to the community. A “warm hand-off” describes a “transition process in which the client never loses contact with the referring provider until contact with the new provider is established,” and in this case, refers to a person receiving direct linkages to care or enrollment in public assistance programs.¹⁷⁷ Without that warm hand-off, interviewees with mentally ill clients face serious challenges in even maintaining contact with said clients, let alone making sure the people actually received the ideal care or welfare payment.

Overall, the indefinite length of detention produces challenges for people working on-the-ground to engage the jail population in various programs, including SNAP, Medicaid, and SSI. Without knowing how long someone is incarcerated, there’s a limited space for intervention

¹⁷⁷ Panush, 8.

services. This limits direct linkages to and even awareness of public assistance programs for detainees, functioning as a barrier when trying to navigate welfare upon release from Cook County Jail.

2. Extended Length of Detention

At Cook County Jail, the length of stay is not only indefinite, but also much longer than that national average, making it much harder for detainees to access welfare upon release. My analysis of the formal barriers largely demonstrates that receipt of SSI and SNAP is threatened based on how long someone is incarcerated, and since Cook County Jail functions with extremely long lengths of stay, it's clear that this functions as a barrier for detainees trying to access public assistance. Because this extended length of detention can be linked to the implementation of "unconstitutional bail practices" and the current and historical bureaucratic practices of Cook County Court, I codify this as an informal barrier.

Interviewees described being exasperated with the court taking too long to call trials, and multiple interview subjects cited bail practices as generating a crisis where thousands of people are in jail because they can't afford to leave, only further increasing the backlog of cases. Cara Smith said, "Jails are inherently...always supposed to be...a short-term stay for people," but stressed that Cook County Court was unique in producing extended lengths of detention for people at the jail. Being in jail longer means that people's SSI and SNAP cases might be discontinued, but it also means that people's lives are interrupted longer. The majority of interviewees suggested that the longer a person is incarcerated, the harder it is to "keep things together on the outside."¹⁷⁸ People are at a huge risk of losing their jobs or housing, and because they're detained, are kept from potential sources of incomes that may limit the need for public

¹⁷⁸ Matt McLoughlin, in discussion with the author, December 11, 2019.

assistance. When discussing the effects of pretrial incarceration on his clients, Matt McLoughlin of the Chicago Community Bond Fund was particularly frustrated, saying,

“...the most outrageous thing is that this is all occurring before people have been convicted of anything...I think everyone is probably in agreement that the most serious thing you can do to a person is take their life...The second most serious thing you can do to a person is put them in a cage. And we’re obviously doing that at astonishing rates that are disgusting, and the consequences even for just that short period of time are just so severe...”

The longer someone is incarcerated, the more likely they are to experience these “severe” consequences. Because Cook County Jail incarcerates the pretrial population for a comparatively long time, there’s reason to believe this functions as a very unique barrier to this specific population.

While Cook County has taken steps to address “unconstitutional bail practices” through bail reform and General Order 18.8A,¹⁷⁹ it hasn’t solved the issue of extended detention, as Cook County Court currently has a case backlog that extends the pretrial process. Interviewees attributed this to many things, including overscheduled courtrooms and overwhelmed public defenders, who each have “as many as eighty-to-ninety cases” in Cook County Criminal Court. One extensive study cited the “failure of judges and police commanders to ensure that officers appear in court when needed,” and the “overburdened” state of Illinois crime lab that “can take up to a year to return basic DNA samples.”¹⁸⁰ The Illinois Supreme Court audit of the Cook County court even found that there were “problems with staffing, supervision, training, organization, information sharing and ‘a general lack of understanding’ among court and law

¹⁷⁹ General Order 18.8A states that no defendant is detained prior to their trial solely because he cannot afford to post bail. In doing so, it established the use of pretrial service interviews and risk-assessment tools in assessing detention and bond. It also creates the “presumption that any conditions of release imposed shall be non-monetary in nature,” and states the court “shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings.” Further, the court will consider a person’s social and economic circumstances when setting conditions of release, and must see if the person can afford to pay a monetary bond.

¹⁸⁰ Spencer Woodman, “No-Show Cops and Dysfunctional Courts Keep Cook County Jail Inmates Waiting Years for a Trial,” *Chicago Reader*, November 16, 2016, <https://www.chicagoreader.com/chicago/cook-county-jail-pre-trial-detention-investigation/Content?oid=24346477>.

enforcement officials about how the system is supposed to work,” that contributed to the backlog.¹⁸¹

Tanya Anderson of the Illinois Courts Administrative Office suggested the significant Pretrial Services caseload as potential reason for delay in case calling. Pretrial Services officers conduct the risk assessments prior to bond hearings, and since they’re dealing with high caseloads, resource constraints, and limited support staff, how fast they work impacts how long someone is held in jail, even before a bond hearing. Regardless of why these conditions exist in Cook County Court, they extend how long someone stays in Cook County Jail, an extension that can produce extensive challenges for navigating public assistance.

Extended lengths of detention make people more likely to hit the thirty-day “tipping point” for SSI and SNAP, but it also makes people more likely to miss check-ins and notices from state welfare agencies that allow them to either maintain their assistance or have an easier time reapplying. Interviewees said a common problem for jail detainees, regardless of the welfare program they were enrolled in, was that they missed their redetermination notices while in jail. Alan Mills of the Uptown People’s Law Center described a person who misses his SSI redetermination as “essentially starting from scratch,” to suggest how these notices are essential in maintaining coverage.

With SNAP, Ramon of IDHS explained how the redetermination process is much “shorter” and “easier” than the initial application process; however, if someone misses their redetermination notice because it is sent in the mail while the person is incarcerated, their case is closed, meaning they have to undergo the longer application process. The perception of intensive

¹⁸¹ “How To Unclog Cook County’s Criminal Courts,” *The Chicago Tribune*, March 23, 2014, <https://www.chicagotribune.com/opinion/ct-xpm-2014-03-23-ct-evans-editorial-20140323-story.html>.

and long applications routinely deters people from applying for SNAP,¹⁸² suggesting that missing the redetermination notice might make a formerly incarcerated individual less likely to re-enroll, even if he needs to due to food insecurity. Further, if the case is closed due to missing an “ReD,” Ramon’s Family Community Resource Center office can’t identify a person, meaning the person would have to once again bring in sources of identification, which as described in the formal barriers, is a huge challenge for the formerly incarcerated.

When people spend long enough in custody, their public assistance access is threatened, making them meet thirty-day thresholds of suspension or making the entire reapplication process more difficult. Because of these larger issues of bail practices and court backlogs, the jail keeps people in pretrial custody for a long period of time, generating serious challenges for the detainees even beyond public assistance.

3. “Siloed” Services and Relationships Between County Agencies

The larger organizational structure of Cook County Government and within the justice system itself creates bureaucratic challenges for increasing awareness and access to both the formerly and currently incarcerated. These hurdles stem from street level bureaucrats’ inability or reluctance to share data and collaborate with other departments, which not only thwart intervention efforts by the bureaucrats themselves, but also nonprofits and advocates trying to connect the formerly incarcerated to public assistance.

One of the most apparent frustrations across my interviews with people directly involved at Cook County Jail was the relationship between Cook County Jail and Cook County Health and Hospitals System. Despite the fact that Cermak operates onsite at the jail, it is run by Cook County Health and Hospitals System, meaning all of the medical and mental health services at

¹⁸² Vivian Gabor et al., 22.

the jail are under the jurisdiction of the Cook County Health and Hospitals System.¹⁸³ They are separate entities that both “answer to the [Cook County Board],”¹⁸⁴ rather than one to the other, making attempts at coordination, collaboration, and oversight by one over the other very difficult. On this relationship, Gerry Gorman of the UIC Nursing Cook County Jail Community Health Practicum even remarked, “...the two don’t really get along.”

Interviewees routinely stressed having to navigate this relationship when trying to implement public assistance related programming since issues like food insecurity, disability, and health insurance are all linked to public health and thus, are of interest to both the jail and the health system. Advocates frequently reported having to go to the jail for some records and the health system for others, suggesting a general level of confusion with whom they had to reach out to and why. When the Greater Chicago Food Depository tried to start focusing more on the justice-involved population, Aimee Ramirez said she had separate conversations with the Health System and the Sheriff’s Department to learn how they could do SNAP outreach in the jail, even though the Health System operates a medical center on the jail site. Without coordination and collaboration between the two, advocates clearly have trouble implementing any programs that could link detainees to public assistance.

The relationship between the Health System and the jail is only one example of the larger issue of departmental organization and coordination within Cook County Jail and the wider Cook County Justice System. Interviewees within the jail suggested that their ability to implement programming was limited by the fact that the departments of Cook County’s Criminal Justice System function independently of one another. Cara Smith of the jail described the system as “siloeed,” and explained that “...probation just operates on its own, so if someone is being

¹⁸³ Jane Gubser, in discussion with the author, November 16, 2018.

¹⁸⁴ Ibid.

transitioned to probation, we often have a very difficult time making sure there's an appropriate transition of care that follows the person to the new agency that's going to be monitoring them." Because there's sporadic communication about when people are leaving or what services they do or do not have access to, it's hard to create interventions that would connect detainees to public assistance upon release.

There's a clear lack of communication within and between Cook County governmental agencies, something that not only limits opportunities for intervention, but makes it harder for detainees to maintain existing public assistance. One can see this through the relationship between the Cook County Health and Hospitals System and CountyCare, the county Medicaid agency. The CountyCare executives all cited frustration with not only the lack of data sharing, but also the lack of existing data, too, as they claimed that they really have no idea when or if any of their clients are in jail. Without this data sharing, CountyCare has trouble "reengaging" people after they leave Cook County Jail.

Andrea McGlynn revealed that her CountyCare team is trying to create an alert system so they know when their Medicaid clients enter and leave jail. If an alert system was in place, CountyCare could reactivate benefits automatically, and ensure that people could pay for medical treatment and prescriptions upon release. She said they could also potentially then reach out to these people for specific reentry-focused care. The relationship between the health system and the jail could allow for this alert system, as Andrea even said, "...we have this beautiful thing in place, we just don't leverage it...the health system and health plan data could talk...could coordinate."

4. Inefficiencies of Federal and State Welfare Agencies

These inefficiencies primarily include application processes, client-agency caseworker interactions, and lengthy waiting times. This is a larger challenge for anyone trying to access public assistance, but it is particularly notable for the formerly incarcerated population, as the former detainee might only be forced to deal with these inefficiencies as a result of pretrial incarceration.

Some interviewees affiliated with the federal and state welfare agencies indicated that the process to restart benefits was easy, but advocates and nonprofit staff working with former detainees on-the-ground suggested otherwise. They all described confusing and extensive application processes and negative interactions between their clients and state welfare agencies. Their clients routinely never have any documents they came in with or are supposed to receive from the jail, and multiple interviewees independently described navigating the application process as a “maze” and “puzzle.” Manaasi of TeamWork Englewood even said that she had a client wait eight hours at a Family Community Resource Center while trying to restart SNAP after incarceration. Though there’s a network of people attempting to help former detainees get their public assistance back, they are limited by the bureaucracy of these state agencies, implying that people lose coverage due to pretrial detention and then face these impossible obstacles trying to get it back. Ultimately, one interviewee conceded: “they’re [former detainees] just screwed.”

Interviewees also provided numerous anecdotes of clients who were told conflicting things by different caseworkers in a way that affected their benefits directly, or even their ability to apply for benefits in the future. Further, many advocates claimed that a lot of what their clients “get” depends on the caseworker, where caseworkers sometimes don’t know the intricacies of

incarceration and benefit eligibility, or exercise discretion in ways that can help or hinder recipients.

While Kate Fink of the USDA asserted that “there is no ‘discretion’ in the approval of benefits” due to strict federal standards of eligibility, advocates claimed that caseworkers played a very large role in whether or not their clients received benefits just by how easy or hard they made the application process on a case-by-case basis. Multiple interviewees noted that their clients felt stigmatized by the welfare caseworkers, and that they were too embarrassed to admit incarceration. One interviewee also suggested that her clients were given arbitrary “assignments” to prove they had “used their time in jail well,” in order to even start applying for benefits.¹⁸⁵ As a result, the application process is hindered by caseworker discretion and a lack of knowledge among caseworkers over the nuances of pretrial detention and eligibility.

On the day I interviewed her, Maanasi of TeamWork Englewood was particularly frustrated with IDHS. She was trying to help a man recently released from Cook County Jail get enrolled in SNAP after they were discontinued, so she used the ManageMyCase profile to log-on and try to start the application process. When her client was initially released, though, an IDHS customer services representative gave him confusing information about whether or not he physically had to go into a Family Community Resource Center before he could start the application online. Because he went to the office, and then tried to start the application online, by the time Maanasi was on his online profile, his account had been blocked due to “identity fraud.” During our interview, she was still on hold with the Department, trying to get the person to take the fraud hold off of the account. Her coworker, Mark, said this happens “all the time,” and that

¹⁸⁵ Manaasi Laird, in discussion with the author, November 16, 2018.

it makes the SNAP application process take even longer because they [advocates and clients] have to keep calling and trying to get caseworkers to remove the fraud holds.

Many interviewees also cited agency backlogs as increasing the time it took for their clients to apply or reply for benefits. All of the agencies affiliated with SNAP, SSI, and Medicaid were referenced as having delays with case decision timelines, meaning the interviewees' clients waited longer than federal guidelines suggest for a decision on whether or not they were approved for benefits. For example, with Medicaid, IDHS has to follow federal guidelines that the applications have to be processed within forty-five days, but "Illinois has experienced backlogs."¹⁸⁶ If someone needs medical services within that timeframe, they can apply for retroactive payment upon approval. However, multiple interviewees said their clients saw retroactive payments as "risky" and "anxiety-producing," as most of them did not have the initial financial resources necessary for doctor's visits, nor did they want to accrue debt waiting for a potential approval for Medicaid. Additionally, Lynne Thomas of HFS suggested that people can receive temporary medical coverage if the final Medicaid decision takes longer than forty-five days to come about, but none of the other people I interviewed knew of clients that received this temporary coverage on-the-ground.

Overall, the federal and state welfare agencies themselves are riddled with inefficiencies like backlogs, confusing application processes, and caseworker discretion, such that former detainees have a hard time applying for benefits upon release. While one might argue that this affects anyone, regardless of pretrial incarceration at Cook County Jail, the need for these interactions with between former detainees and state and federal agencies partially stems from the coverage gaps produced by jail-time. This barrier is not always solely linked to a history of

¹⁸⁶ Lynne Thomas, in discussion with the author, December 31, 2018.

pretrial incarceration, but these inefficiencies still create serious challenges for former detainees specifically upon release from the jail.

5. Lack of Valid Address

By nature of being in Cook County Jail, detainees are not able to access any mail at the “valid address” they had prior to incarceration. Upon release, though, many still struggle with obtaining the “valid address” that the public assistance programs rely on for communication with recipients. One of the wider challenges of reentry is insecure housing. The Prison Policy Initiative found that formerly incarcerated individuals are ten times as likely as the general public to face homelessness, and that compared to those who have gone to jail once, “those who have had a long history of going in and out of jail are twice as likely to be homeless.”¹⁸⁷ This poses a particular threat to Cook County Jail, as a considerable amount of its jail population are repeat-stayers, with many of the people I spoke to describing Cook County Jail as a “revolving door.”

The majority of interviewees cited homelessness or unstable housing as a fundamental problem for the jail population. At Cook County Jail, it’s so common that intake officers are “good at knowing what the shelter addresses are”¹⁸⁸ because so many people rattle them off during intake. The jail even has a van that directly escorts people to Pacific Garden Mission, a Chicago homeless shelter, upon release.¹⁸⁹

Although insecure housing can be preexisting and circumstantial prior to incarceration, multiple interviewees noted that former detainees struggled with housing as a result of detention. Even an arrest can “often trigger...eviction of you or your entire household from public or

¹⁸⁷ Tanvi Misra, “The Homelessness Problem We Don’t Talk About,” *CityLab*, August 16, 2018, <https://www.citylab.com/equity/2018/08/the-homelessness-problem-we-dont-talk-about/567481/>.

¹⁸⁸ Cara Smith, in discussion with the author, November 10, 2019.

¹⁸⁹ Jane Gubser, in discussion with the author, November 16, 2019.

private housing.”¹⁹⁰ Logistically being in jail makes it both impossible to directly pay rent, and to continue earning any income or subsidized housing voucher to pay rent, both of which can lead to losing housing. For those that lived with friends or family before incarceration, it’s possible that pretrial detention means they cannot go back “for whatever reason,” including pending domestic violence charges or fear of being “back” in an environment that might have contributed to why they are in jail, like drug use.¹⁹¹

Medicaid, SNAP, and SSI require the submission of a valid address with the application, and they also routinely send check-ins and important information via mail. TeamWork Englewood’s Maanasi Laird even recounted anecdotes of clients trying to get new Link cards after leaving Cook County Jail who “missed” receiving the physical card in the mail due to “bouncing from shelters or friends’ homes.” If the jail population struggles with insecure housing, then that lack of a valid address is going to effectually bar many of the people from accessing public assistance regardless of whether or not they are eligible for it. Multiple interviewees suggested that the lack of a valid address was a major concern when trying to connect their clients with public benefits, as many of their formerly incarcerated clients lost benefits if they did not respond to requests via mail for additional information or complete redetermination requests.

With SNAP, for example, state welfare agencies send midpoint and redetermination notices by mail, and if people miss those notices due to a changed address or a nonexistent permanent mailbox, they’ll lose benefits.¹⁹² Ramon of IDHS said his office allows anyone claiming to be homeless to use the office’s mailing address for the purpose of submitting the

¹⁹⁰ Bronx Defenders, Housing and Reentry, “Know Your Rights: Housing and Arrests or Criminal Convictions,” *Bronx Defenders*, October 2, 2010, <https://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>.

¹⁹¹ Laura Lord, in discussion with the author, February 15, 2019.

¹⁹² Ramon Marrero, email message to the author, April 3, 2019.

application. From there, though, the person has to come into the office routinely to “see if there is any mail generated for him/her,”¹⁹³ which creates numerous other issues, including the need for transportation.

Even receiving notice of cancellation can be difficult for former detainees without a valid address. When Medicaid, SNAP, and SSI cases are closed, individuals are supposed to receive a notice, but if they’re currently detained or are released without a valid address, they might have no idea that they’ve lost their benefits until they go to the doctor or try to use their Link card at the grocery store. Overall, the interviewees generally suggested that they did not know how detainees could learn that they lost their Medicaid, SNAP, or SSI while they were incarcerated nor how they could access reinstatement information upon release, especially if their addresses had changed or if they were already homeless or transient. After explaining the very minimal process by which people are notified via mail about suspension or termination of their SSI benefits and the chance to appeal the decision, Colby Calloway of Senator Gary Peters’s office said, “I don’t feel like there is any effort on the part of SSA to connect with people exiting jails.”

Pretrial incarceration is partially responsible to these challenges involving navigating public assistance without a valid address. On the one hand, if someone is currently enrolled and detained, they can miss Medicaid, SNAP, or SSI redetermination notices or check-ins and lose their enrollment status, regardless of how long the person is incarcerated at Cook County Jail. On the other hand, pretrial detention can also create circumstances by which people lose their housing and valid address upon release, making the individual rely on ad-hoc agency practices like the one Ramon of IDHS mentioned in order to even apply for or access benefits.

¹⁹³ Ibid.

Insecure housing cannot solely be linked to the existence of pretrial incarceration, and wider agency practices of relying on mail to convey important information can limit accessibility for someone regardless of whether or not that person has a history of incarceration. However, pretrial incarceration can produce circumstances by which someone doesn't have a valid address, and thus, cannot seek out Medicaid, SNAP, and SNAP, which is why I argue that pretrial incarceration does produce this informal barrier of lack of a valid address.

Policy Recommendations

The existence of these formal and informal barriers suggests that pretrial detention in-and-of-itself creates and exacerbates a person's disconnection from Medicaid, SNAP, and SSI upon release from jail. This disconnect occurs for those enrolled or unenrolled prior to incarceration, and applies to anyone at Cook County Jail who might be eligible for one of these programs. The longer a person is incarcerated in jail, the more likely they are to experience more of these barriers upon release; however, people may experience these barriers regardless of how long they are in Cook County Jail, suggesting that any policy recommendations should be mindful of the length of detention, but still attempt to embrace as many people as possible, including those with only short lengths of stay.

Before I propose my policy recommendations, I do want to stress that all of the programmatic proposals require the coordination and the buy-in of jail staff and administration, which potentially limits their successful implementation at Cook County Jail. My case study revealed overwhelming ambiguity and conflicting understandings around the same procedures within the jail. Gerry Gorman of UIC Nursing described how all of jail employees were "incredibly diligent and committed to helping the population," but that they were "very" confined to their roles at the jail, meaning they rarely knew or understood "things happening

across cells or in different departments.”

Numerous interviewees also suggested that morale was generally low for Cook County Jail staff, especially correctional officers. In order to implement programs successfully, interviewees stressed that correctional officers were essential since they interacted with detainees the most. Nicole Van Cleve, author of *Cook County: Racism and Injustice in America's Largest Criminal Court*, even told me that correctional officers “make fun” of Sheriff Tom Dart and his reforms, and do not see the jail as being a space for “handouts,” implying serious implementation challenges for programs that specifically target welfare. However, buy-in can be created by incorporating the correctional officers more in the planning process of these interventions or even offering services to the officers themselves. Multiple interviewees even noted that offering programming to correctional officers made them more likely to “go along with it” for detainees. These abovementioned limitations do not eliminate the need for interventions, so my policy recommendations attempt to mitigate the challenges as much as possible.

Because the formal barriers are tied to federal statutes, I am proposing legislative action on SNAP and SSI eligibility related to public institution confinement, as well as the language around Medicaid suspension. After analyzing these barriers, though, one of the most glaring issues is a lack of knowledge of the application process and eligibility for these programs. A large portion of the Cook County Jail population will only be in jail for a short period of time, meaning programs cannot be linked to length of stay, and instead need to be as early as possible to one, eliminate any need for any coordination or pseudo-state surveillance upon release from jail, and two, reach the most people possible for the purpose of increasing connections to these programs. With that in mind, direct enrollment and awareness efforts while incarcerated are my more immediate policy recommendations. Similar to the case study, the bulk of my policy

recommendations are based on semi-structured interviews with street level bureaucrats of other jail systems, welfare agencies, and nonprofits.

1. Legislative Action

Congress needs to amend both the Social Security Act and the Balanced Budget Act of 1997 to change the language relating to confinement in a public institution. Currently, its statute implicates people regardless of charge or conviction, so the ineligibility language could instead be changed to, “if a person is convicted of a criminal offense and sent to jail or prison for more than thirty continuous days.” The Social Security Act already uses this language for SSDI, too, so there’s already a standard understanding that public assistance eligibility does not have to be linked to pretrial detention. This is not a matter of drawing a line of worthiness between pretrial detainees and charged individuals, but instead, incorporates the bureaucratic challenges and nuances of pretrial detention.

Cook County Jail regularly houses people for much longer than thirty days for reasons that are not even tied to the person or their specific cases, meaning we’re potentially cutting off thousands of people from public assistance even if they are impoverished and unable to pay their bond, or sitting in a jail cell waiting for a courtroom to call their case on a charge of petty theft. Pretrial detention can be arbitrarily stretched and extended barring any charge or acceptance of guilt, while at least a sentence stems from a plea bargain or trial. Regardless of how unfair and riddled with conflict trials and plea bargains are, the decision is at the least set in stone, such that welfare agencies can respond accordingly. With pretrial detention, the lack of an explicit release date makes it impossible for welfare agencies to respond accordingly, creating more ambiguity around cases of suspension or discontinuation of benefits, and leading to challenges for people trying to access public assistance.

Congress must also formally address Medicaid suspension rather than allowing it to exist as a function of state agency practice-making or procedure. The Social Security Act allows flexibility by merely mandating that federal Medicaid dollars cannot pay for medical bills, so some state correctional systems terminate coverage all together and others, like Illinois, suspend it. Congress should amend this language to include a directive of Medicaid suspension, eliminating the state's ability to choose suspension or termination, or to create ad hoc suspension policies that limit the ability for standard intervention.

2. Direct Enrollment Programs and Single-Stop Model

Cook County Jail needs to standardize its Medicaid suspension policies rather than relying on caseworker discretion and the informal practice of not suspending and not reporting. If the jail formalizes the system, detainees' benefits can be paused when they enter jail, and then automatically reactivated upon release, similar to what Rikers Island Jail is doing. Ashley Smith of the NYC Health and Hospitals System explained that Rikers shares inmate data directly with the New York City Human Resources Administration, so they can do automatic reactivation of Medicaid. She said the process "takes at most, twenty-four hours." As Andrea McGlynn of CountyCare suggested, this data already exists in the Cook County system; they just don't use it. If there's a standard procedure in place, it lessens the confusion around a detainee's Medicaid coverage upon release, leading to fewer instances of people avoiding medical or mental health care because they are not sure if they have health insurance. A formal practice facilitates the immediate activation of benefits for people enrolled during the Medicaid intake program, and provides for the consistent reactivation of benefits for those with coverage prior to incarceration, meaning former detainees do not have to navigate the bureaucracy of Medicaid state agencies and managed care organizations to get their coverage back.

With SNAP, Cook County Jail can incorporate food security screenings into its intake procedure, similar to what the Greater Chicago Food Depository's Aimee Ramirez suggested. If a detainee's food screening indicates food insecurity, jail staff and volunteers can begin the process of SNAP enrollment similar to Medicaid. Multiple interviewees described SNAP pre-enrollment programs in state prisons where SNAP applications are started and interviews are conducted in the prisons themselves, but then said that it would be hard to implement these programs in jails due to the timing of applications and lack of release date.

However, numerous interviewees implied that there was on-the-ground flexibility to the federal guidelines relating to application processing time. Virginia Hanson of the South Dakota Department of Social Services said that her staff members would "hold applications" if the person wasn't actually going to be released before the thirty days the South Dakota SNAP waiver mandated. Her team would "flag it on their calendar" to process the case later, or "go ahead and put the application on, deny it, and then use the same application sixty days later...for the next month, as it's still eligible."¹⁹⁴

If welfare agencies aren't willing to shoulder this burden, external partners might be. Melanie Hickcox of Feeding Missouri, a nonprofit similar to the Greater Chicago Food Depository, goes into prisons to help individuals fill out the applications, then she submits the applications on behalf of the individuals. Similar to Illinois, Missouri says that the "clock" starts when the application is received, so Melanie submits the applications near the end of the person's release, then that person can be interviewed and approved for benefits once out of prison.

¹⁹⁴ Virginia Hanson, in discussion with the author, December 7, 2019.

The on-the-ground decisions of caseworkers and volunteers suggest that someone could hold SNAP applications for individuals processed at the jail until they are released. This person could be a staff member of an external partner, like the Greater Chicago Food Depository, or a caseworker from the state welfare agency. IDHS caseworkers would receive notice of pending release via email or through the creation of an electronic file transfer from the Cook County Department of Corrections to IDHS. Obviously, this program requires administrative maneuvering, coordination between the jail and IDHS, and a team of staffers dedicated to actively monitoring and submitting applications, which might limit its feasibility. It also relies on ambiguity around processing time, potentially leading to the same issues of standardization that we see with Cook County Jail's current Medicaid suspension policy. As of now, though, there's nothing in place to even attempt to facilitate access to SNAP upon release, so this program may be the start of a larger conversation around targeted outreach and enrollment for detainees.

The jail should also offer legal assistance and outreach to detainees who might be eligible for SSI. Marlena Jentz of Cook County Jail said that jail administrators are already considering the creation of a mini-clinic for SSI, where a legal team would come into the jail to assist with SSI applications. One way to improve this potential clinic is to make use of technical assistance offered through the SSI/SSDI Outreach, Access, and Recovery Program (SOAR). The Substance Abuse and Mental Health Services Administration (SAMHSA) created SOAR to offer training and seminars to caseworkers, social workers, and correctional officers that work with "high-risk" individuals, including the current and formerly incarcerated. It offers free online trainings that teach people how to fill out SSI applications in the most productive manner, with the goal of increasing application approval rates.¹⁹⁵

¹⁹⁵ Kristin Luper, in discussion with the author, December 11, 2018.

Beyond this outcome-based goal, SOAR also “facilitates partnerships with community service providers to share information, acquire pre-incarceration medical records, and translate prison functioning into post-release work potential,” suggesting that it may even be helpful for community organizations in addition to the jail. For example, SOAR training explains how to use jail disciplinary infraction reports for the purpose of demonstrating symptoms of mental illness to SSA, something that is helpful to anyone working with the justice-involved population.¹⁹⁶ Outcomes in jail systems and state prisons that implemented SOAR training are positive, with all of them seeing high SSI application approval rates and lower recidivism rates of inmates who received benefits as a result of the program as opposed to those who did not participate.¹⁹⁷

Funded by SAMSHA, SOAR training is free and primarily online, making it easily accessible and low-cost to implement. Participating institutions can also apply for SAMSHA grants targeted at interventions for specific populations, like the homeless or mentally ill. Kristin Luper, a SOAR coordinator, said this program is most successful for the justice-involved population when training is offered to social workers or discharge planners within the carceral institutions, or with providers and nonprofits that work with the formerly incarcerated. If Cook County Jail’s recruited legal team received this training, they might be better suited to help detainees start the process of applying for SSI.

Kristin stressed that she has seen the most success when a county [jail] can “dedicate a position to focus on the applications,” rather than simply adding SOAR or SSI application preparation into the “massive” caseloads of existing staff. This may be hard to implement at the

¹⁹⁶ Ibid.

¹⁹⁷ Dazara Ware and Deborah Dennis, “Best Practices for Increasing Access to SSI/SSDI Upon Exiting Criminal Justice Settings,” *SAMSHA*, January 2013, 5, <https://soarworks.prainc.com/sites/soarworks.prainc.com/files/bestpracticesCJ-508.pdf>.

jail due to standard resource constraints, such as existing staff caseloads and the lack of funding for new staff members.¹⁹⁸ Additionally, the SSI application requires a release date, though Kristin suggested it was “only an expected release date,” and that in her experience, “it doesn’t really matter...SSA just needs *a* date.” Similar to my SNAP proposal, this proposal relies on bureaucratic ambiguity, but even having jail staff take the time to do the free training might facilitate more baseline SSI outreach for detainees.

These programs could individually be implemented, or incorporated into one “Single-Stop” services model already being used at Rikers Island. Multiple Rikers interviewees described their Single Stop Services model, run by a community provider, the Center for Urban Community Services (CUCS). Nicole Quinn, the coordinator of the program, described it a “one-stop shop for public benefits” that’s an office “right on the Island.” Detainees meet with CUCS staff to receive counseling on SNAP, Medicaid, and cash assistance, and are provided with referrals to affiliated agencies and community health organizations. There’s also an onsite Legal Aid Society that provides “assistance on...eviction prevention; public benefits appeals; employment issues; and family law issues,” which is a much larger version of the SSI/SSDI legal advice site that Cook County Jail is already considering.¹⁹⁹ There’s already staff buy-in, so there is reason to believe increasing the breadth of services might be well-received.

3. Inmate ID Program

In order to target the access to identification barrier, I also recommend the implementation of an “Inmate ID Program.” Monroe County Jail in New York currently has a program where pretrial detainees can apply for and access non-driver IDs directly at jail. DMV

¹⁹⁸ Jane Gubser, in discussion with the author, November 16, 2018.

¹⁹⁹ “Rikers Island Single Stop Support Center,” *Center for Urban Community Services*, 2018 (accessed via email message from Nicole Quinn to the author).

volunteers come in twice a month to help process and start applications, and if the ID is not ready by the time the person is released, he leaves with a temporary one, and the ID will be mailed to them directly. Detainees are immediately given some form of ID upon release, and they don't have to wait at the DMV or pay the cost of getting a new license upon release, limiting some of the major hurdles of accessing identification documents.²⁰⁰

The Monroe County Jail program is ideal, but it's an entirely different jail system than Cook County Jail, as its system hosts 1,300²⁰¹ individuals compared to Cook County Jail's 6,046,²⁰² creating challenges of funding and logistics. However, it is possible that the jail can build on and use an existing program within the City of Chicago called CityKey, a municipal ID program. Administered by the Office of City Clerk Anna Valencia, CityKey IDs can be used by Chicago residents as a "valid, government-issued ID" throughout the city, including city agencies. Tonantzin Carmona of the City Clerk's office said it works on a case-by-case basis with county, state, and federal offices, and could function as a secondary ID for certain public assistance programs if the person had a way to prove their SSN, since that isn't required with the CityKey process.

Many advocates and nonprofits I interviewed complained about the "puzzle" of obtaining identification without any documents, but CityKey eligibility factors are "flexible...and evolving," to increase the likelihood that someone can receive an ID. People can use a wide range of documents to get to the "three points" required to verify identity, including birth certificates, report cards, and utility bills. The clerk's office made the language of the CityKey ordinance purposely vague so they could expand the list as necessary. Through working with

²⁰⁰ John Kennedy, email message to the author, December 13, 2018.

²⁰¹ Erin George, "New York's Jails By The Numbers," *Just Leadership USA*, March 26, 2018, 4, https://justleadershipusa.org/wp-content/uploads/2018/03/FREEnewyork-ByTheNumbers_032618.pdf.

²⁰² *Sheriff's Daily Report* 11/1/2018.

community stakeholders, reentry organizations like the Safer Foundation, and jail and state prison administrators, the clerk's office specifically expanded the list to include Cook County Department of Corrections ID cards and Illinois Department of Corrections verification forms, conditions of aftercare release papers, and parole documents.²⁰³

After eligibility is confirmed, CityKey IDs are printed “within minutes” at the Clerk's office or one of the office's mobile sites. For jail detainees, this immediate facilitation of access to a form of ID can make their attempts at accessing public assistance substantially easier upon release. Contrary to the issues with the Monroe County Jail Program, CityKey prints the ID at the jail, limiting issues of accessibility for homeless or detainees without secure housing. Tonantzin of the City Clerk's office even suggested that her team is already working with the jail on a pilot program to start printing IDs for some low-risk detainees, suggesting that the relationship between the Clerk's office and the jail is already there to implement this program. CityKey might be exclusively limited to detainees that are Chicago residents, though, so detainees from suburban districts might miss out; however, the majority of the jail population is from Chicago, and if we can begin to facilitate ID access for that large portion, I think the program is still valuable and feasible regardless of the limitations based on residency.

The Need for Action

I urge Cook County Jail and policymakers across the country to engage with these proposals of programs and legislative action. In its current form, pretrial incarceration has the disturbing ability to pull in some of the most vulnerable people that have a history of disconnection from the State other than the criminal justice system. The jail population is notoriously “hard-to-reach,” such that pretrial detention might be the only form of contact some

²⁰³ Tonantzin Carmona, in discussion with the author, February 22, 2019.

people have with the State. Thus, we need to use the time we have with these individuals now to foster more positive interactions between the State and these people in the future. We have the immediate opportunity to use this situation to help connect people to the welfare state that historically missed or even failed them.

Overall, investing the time and money into connecting people to services while in-custody means we spend less money incarcerating people in the future. As I suggested in my literature review, numerous studies link lower recidivism rates and positive outcomes post-release to receipt of public assistance, decreasing the cost of future incarceration. While the average monthly cost of incarceration for one person at Cook County Jail may be \$4,290, the maximum monthly SSI benefit is \$750,²⁰⁴ meaning the government spends more on incarceration than someone's welfare check. Imagine someone is released after thirty days in jail and we suspended their SSI payments. If the individual ultimately returns to jail as a result of lacking basic income because of the suspension, the government spends even more on a second stint at the jail than it would on any SSI check the person might have gotten while they were in jail the first time.

Pretrial incarceration produces many of these disconnections even though people haven't even been convicted of anything. These are individuals whose lives are interrupted and uprooted for crimes they have not even been found guilty of committing. Through my case study, numerous people told me about clients who lost their jobs, houses, and families as a result of lengthy pretrial detention at Cook County Jail, all of which may lead people to depend even more on public assistance upon release. Jail time makes self-sufficiency and sustainability

²⁰⁴ Melissa Linebaugh, "Illinois Disability Benefits: Social Security Disability Insurance and SSI," NOLO, <https://www.nolo.com/legal-encyclopedia/illinois-disability-benefits-social-security-disability-insurance-ssi.html>.

infinitely more challenging, suggesting that we have an obligation to facilitate reconnection or create an initial connection to welfare programs.

CONCLUSION

Despite having the “presumption of innocence,” people are “presumed ineligible” from welfare programs during the process of pretrial incarceration. Upon release from Cook County Jail, a person will face insurmountable challenges in navigating reentry. One of those challenges includes access to SNAP, Medicaid, and SSI even though these programs are crucial to avoiding future incarceration. Beyond avoiding incarceration, access to even the bare minimum of the social safety net can be critical in survival, particularly in a world that demonizes the poor and formerly incarcerated.

I focus on the pretrial population as a single group, but there are ultimately two distinct groups to be considered—people currently connected to public assistance but losing it due to detention at Cook County Jail, and people who are traditionally disconnected from welfare that have an even harder time even potentially accessing it after jail time. Formal barriers almost exclusively affect people who have been detained for more than thirty days, while informal barriers will affect anyone, even people only “staying” for a few hours. Because Cook County Jail deviates from the norm of “short-term” incarceration in jail systems, there’s even more reason to believe that a large portion of people are facing serious challenges in accessing SNAP, Medicaid, and SSI upon release because the barriers pile on the longer someone is incarcerated.

Cook County Jail needs to dedicate serious investment to combating or mitigating these barriers as much as possible. Illinois is uniquely situated where most of the jail population is eligible for at least one of these programs, suggesting that there is both a large pool of potential enrollees and a group of people entering the jail already enrolled, thus facing the risk of

disenrollment due to lengthy detention. If it's true that these programs productively contribute to the lives of people upon release, then the jail needs to make the most of these "desirable" conditions in Illinois, namely, expansive eligibility factors.

In addition to legislative action, I offer several programmatic recommendations that aim to connect the disconnected, and at the least, make it easier for people to access these programs upon release. Upon release from jail, people are confronted with limited access to basic needs and larger issues of survival, such that programmatic interventions should directly facilitate this connection and do so while a person is incarcerated.

I do want to caution that we should not idealize jail systems as welfare centers. These potential connections to welfare programs are only made possible by the deprivation of liberty through incarceration. There are numerous systemic and institutional reasons why people may end up in jail, including the overpolicing of communities of color, a lack of social investment in marginalized communities, and the State's failure to provide a social safety net that might prevent crimes of survival.²⁰⁵ As a result, we cannot rely on jails alone to step in where the welfare state has not been able to. My recommendations attempt to reconcile with this disconnection by using the jail to reach a population that is historically disenfranchised and hard-to-reach, but that does not mean that we should solely conceive of the jail system as a welfare one. I merely want to use the fact that jails function as a point of state contract with this hard-to-reach population to tap into the existing network of potential eligible welfare recipients.

Implementation will be challenging. The truth is that jail systems might not have the best infrastructure currently in place for working with people in a welfare context as opposed to exclusively a carceral one. Multiple interviewees stressed how discharge planning was already

²⁰⁵ Andrea Ritchie and Beth Richie, "The Crisis of Criminalization," *Barnard Center for Research on Women*, 2017, 4, <http://bcrw.barnard.edu/wp-content/nfs/reports/NFS9-Challenging-Criminalization-Funding-Perspectives.pdf>.

challenging, especially when it was a secondary role thrown on someone already overburdened with an existing caseload of other duties. They also discussed the importance of relationship and trust-building when working with people on public assistance, which might be incompatible with the current staff-detainee relationship at Cook County Jail. One interviewee described how detainees frequently referenced common fears and assumptions that the Sheriff's Department was deliberately poisoning their food, with many male detainees convinced that they were being fed diets that would "emasculate" and "feminize" them for easier control. With that lack of trust, it's unclear if the jail population would even be receptive to receiving this assistance, but I firmly believe that there still is an obligation to try.

Matt McLoughlin told me that he sees putting someone to death and putting someone in a cage as the two worst things you can do to a person. At Cook County Jail, he argued that we're doing the latter. However, putting someone in a "cage" and releasing them without any basic produces the "death" of eligibility for SNAP, SSI, and Medicaid—and that "death" produces an obligation of intervention. People are locked up in Cook County Jail before they are formally charged as "guilty," and as a result of that detention, are removed from the welfare system and formally charged as "ineligible."

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APPENDIX A

Relevant Portions of the MOU Between Cook County Jail and the Social Security Administration, obtained via FOIA on December 21, 2018

Image A1: Page 1 of the MOU establishes the relationship between SSA and the Cook County Department of Corrections.

T2/T16 IPMOU

**INCENTIVE PAYMENT MEMORANDUM OF UNDERSTANDING
(IPMOU)**

**AGREEMENT BETWEEN
THE SOCIAL SECURITY ADMINISTRATION
AND THE
COOK COUNTY DEPARTMENT OF CORRECTIONS**

Article I, Purpose & Legal Authority

The parties in accordance with sections 1611(e) (1) (I) and 202(x) (3) of the Social Security Act (the Act) enter into this agreement. The agreement provides the terms and conditions under which the reporting entity (Reporter) will provide to the Social Security Administration (SSA) information about certain confined individuals, on its own behalf and/or on behalf of other facilities/institutions for whom it will report as identified in Article III B.1 of this agreement and under which SSA will pay facilities/institutions for information that results in the suspension of payments to certain confined individuals (see article II B) receiving Supplemental Security Income (SSI) payments under title XVI of the Act, 42 U.S.C. 1381 et seq., as well as suspension of benefits to individuals receiving Retirement Survivors and Disability (RSDI) benefits under title II of the Act, 42. U.S.C. 402 et seq. The responsibilities of each party to the agreement are also provided.

Title XVI of the Act sets forth the conditions under which individuals are eligible for SSI payments. Title II of the Act sets forth the conditions under which individuals are eligible for RSDI payments.

Based on sections 202(x) (1), 202(x) (3), and 1611(e) (1) (A) of the Act (codified at 42 U.S.C. §§ 402(x) (1), 402(x) (3) and 1382(e) (1) (A) respectively), the Social Security Administration is required to limit/deny the payment of benefits to: any individual for any month during which he/she is confined to a jail, prison, or other penal institution or correctional facility under a conviction of a criminal offense; certain individuals (see article II C) confined by court order in an institution at public expense in connection with certain verdicts or findings with respect to such offenses; and to certain individuals who, immediately on completion of confinement based on a conviction of an offense, an element of which is sexual activity, are confined by court order in an institution at public expense based on a finding that such individual is a sexually dangerous person or a

Image A2: Page 2 provides the definitions that link pretrial detention to eligibility.

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sexual predator or a similar finding (title II of the Act); or to any individual for any month throughout which the individual is an inmate of a public institution (title XVI of the Act).

Section 1611(e)(1)(I)(i) and section 202(x)(3) of the Act authorize SSA to enter into agreements described in those sections with a specified type of interested State or local institution (such as a jail, prison, or other penal institution or correctional facility or other institutions in which people are confined by court order at public expense). These sections of the Act provide the general terms and conditions under which, based on this agreement, the Reporter will provide information about confined individuals to SSA. SSA will also use the information provided by the Cook County Department of Corrections under authority of sections 205(j)(1)(A), 205(j)(5), 1631(a)(2)(A)(iii) and 1631(a)(2)(E) of the Act which require SSA to revoke certification for payment of benefits to representative payees under certain circumstances and investigate and monitor the performance of such representative payees. (See also 20 C.F.R. 404.2050; 416.655). The incarceration or confinement of a representative payee is a circumstance that SSA will consider under the above referenced representative payee provisions.

This agreement and any subsequent addenda supersede any similar agreement entered into previously under the above-cited statutory provisions by the reporter and SSA concerning disclosure of records of confined individuals or inmates of public institutions.

Section 552a(a)(8)(B) of title 5, U.S.C., as amended by section 402(a)(2) of Public Law 106-170 exempts this agreement, and information exchanged under this agreement, from certain provisions of the Privacy Act, i.e., those relating to computer matches.

Article II, Definitions

- A. "Confined" refers to individuals who are confined to a facility/institution described in Article I of this agreement under authority of law at any time during the period covered by this agreement.
- B. "Other Confined Individuals" (Title XVI Beneficiaries) are individuals who are confined to a jail or similar facility throughout any month during the period covered by this agreement. This individual remains confined if transferred from one public institution to another or if temporarily absent from such an institution, or resides in the institution as of the beginning of a month and dies in the institution during the month.

Image A3: Page 4 provides more definitions that I explore throughout my analysis.

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and/or on behalf of other facilities/institutions identified in this agreement.

- I. **"Facility Identification Code"** means the six-character code that SSA will assign to a facility or institution that confines individuals and is covered by this agreement. This code must be furnished with each submission of inmate data to SSA concerning the facility/institution's confined individuals in order for SSA to process any incentive payments due the facility/institution under this agreement.
- J. **"Throughout a month"** means that a title XVI individual is confined in an institution as of the first instant of a calendar month and stays through the last instant of the month. Suspension applies in any month throughout which an individual is confined as an inmate of a jail, prison, other similar facility or other such public institution.

Example 1: If an individual enters an institution on April 30 and is released on June 3, the individual would be confined throughout May.

Example 2: If an individual enters an institution on May 1 and is released on June 30, the individual would not have been confined in an institution throughout either May or June.

Under the SSI program, an individual who is confined in a public institution is considered as remaining confined in a public institution if he is transferred from one such institution to another or if he is temporarily absent for a period of not more than 14 consecutive days. Also, an individual is considered confined in an institution throughout a month if he is confined in the institution as of the beginning of a month and dies in the institution during the month.

- K. **"More than 30 continuous days"** means that a title II individual has been convicted and remains confined in an institution for a period of more than 30 continuous days following the conviction. Suspension applies in any month in any part of which the individual is convicted and confined.

Example 1: Individual is convicted on April 28, enters an institution on April 30 and is released on June 3. The individual would be convicted and confined for more than 30 continuous days. Benefits would be suspended for all three months, April, May, and June.

Image A4: Page 5 creates the rules of reporting.

T2/T16 IPMOU Page 5

Example 2: Individual is convicted on May 1, enters an institution on May 1 and is released on June 30. The individual would be convicted and confined for more than 30 continuous days in an institution. Benefits would be suspended for both months, May and June.

Article III, Description of Records to be Matched

- A. General
1. The Reporter will identify confined individuals for SSA.
 2. SSA will determine which of these confined individuals are receiving SSI payments, RSDI payments and/or acting as representative payees.
- B. Source of Reporter Records
1. These records are compiled from Cook County Jail.
 2. A reporter may opt to qualify only for the payment of title XVI Incentive Payments. If the Reporter chooses that option, then the Reporter must provide the following data elements:
 - a. Social Security number (provide all numbers the individual has been known to use)
 - b. Name (provide all names the individual has been known to use); (Note: provide all known combinations of Social Security Number/Name identities);
 - c. Date of birth (known or alleged);
 - d. Confinement date, i.e., the date the inmate was admitted to the facility or the date custody of the individual began;
 - e. Facility identification code; and
 - f. Other identifying information as required in the attached Enumeration Verification System (EVS) User Package for Correctional Institutions.
 3. A Reporter may opt to qualify for the payment of both title XVI incentive payments and title II incentive payments. If the Reporter chooses that option, then, the Reporter must provide the following data elements:

Image A5: Page 10 creates the incentive payments and establishes the value of payments.

T2/T16 IPMOU Page 10

NOTE: See article III, B.2. for data elements required to qualify for Title XVI incentive payments as described above.

RSDI (Title II) Incentive Payments

In accordance with section 202(X)(3) of the Act, SSA will pay an incentive payment to a facility/institution covered by this agreement for information on a confined and convicted individual which the Reporter furnishes to SSA within the time periods specified below, provided that the confined individual is:

- Is receiving an RSDI payment for the month preceding the first month in which the confined individual is in a facility/institution; and
- Determined by SSA to be ineligible for an RSDI payment for any part of the first month as a result of the information provided by the Reporter under this agreement.

NOTE: See Article III, B.3 for the data elements required to qualify for Title XVI and/or Title II incentive payments as described above.

Payment of Incentives

SSA will pay such facility/institution:

- \$400 if the Reporter furnishes the information on a confined individual described above to SSA within 30 days after the date the individual's confinement in such facility/institution begins; and/or,
- \$200 if the Reporter furnishes such information to SSA after 30 days after such date but within 90 days after such date.
- The dollar amounts above will be reduced by 50 percent if the Commissioner is also required to make a payment to the reporter with respect to the same individual under an agreement entered into under section 202(x)(3)(B); and, conversely will be reduced by 50 percent if a payment is made with respect to the same individual under section 1611(e)(1)(I)(I).

If SSA cannot validate the SSN of a confined individual, SSA will take no further action.

SSA will not pay an incentive payment for information concerning a confined individual if, prior to SSA's receipt of the information, SSA has already determined that the individual is ineligible for SSI or RSDI payments or in cases in which SSA's

Source: "Incentive Payment Memorandum of Understanding Between Cook County Department of Corrections and the Social Security Administration." Washington, DC: Social Security Administration. Accessed December 21, 2018.

APPENDIX B

Data on Incentive Payments Between SSA and Cook County Jail Obtained by FOIA on December 21, 2018.

Image B1: Number of SSI Suspensions of Cook County Jail Detainees from 1/1/2017 to 10/1/2018.
 These individuals had their SSI payments suspended as a result of being incarcerated at the jail for more than thirty days.

Cook County Jail Statistical Information for
 January 1, 2017 through October 1, 2018

2

Title XVI Prisoner Suspensions for 1/2017 through 10/1/2018

Month 2017	# of Title XVI Suspensions
1/2017	25
2/2017	35
3/2017	45
4/2017	52
5/2017	56
6/2017	60
7/2017	98
8/2017	47
9/2017	54
10/2017	64
11/2017	36
12/2017	12
Total 2017	584

Month 2018	# of Title XVI Suspensions
1/2018	54
2/2018	37
3/2018	54
4/2018	16
5/2018	39
6/2018	36
7/2018	80
8/2018	72
9/2018	31
10/1/2018	0
Total 2018	419

Image B2: Concurrent SSI and SSDI Suspensions of Cook County Jail Detainees from 1/1/2017 to 10/1/2018. These individuals receive both SSI and SSDI payments.

Concurrent* Prisoner Suspensions for 1/2017 through 10/1/2018

Month 2017	# of Concurrent Suspensions
1/2017	10
2/2017	5
3/2017	10
4/2017	4
5/2017	12
6/2017	7
7/2017	21
8/2017	16
9/2017	9
10/2017	12
11/2017	13
12/2017	1
Total 2017	120

Month 2018	# of Concurrent Suspensions
1/2018	2
2/2018	5
3/2018	9
4/2018	5
5/2018	2
6/2018	8
7/2018	2
8/2018	8
9/2018	4
10/1/2018	1
Total 2018	46

* A concurrent beneficiary receives part of his or her monthly benefit from the Title II trust fund and part of his or her benefit from the General fund. (Title XVI fund).

Image B3: Incentive Payments Paid to Cook County Jail by SSA for 2017 and from January 1, 2018 to October 1, 2018. This data includes payments made by SSA to the jail for both SSI and SSDI suspensions.

- **Incentive Payments (IPs) Paid to Cook County Jail for 1/2017 – through 10/1/2018**

Month/Year	IP Amount
01/2017	13,200.00
02/2017	8,200.00
03/2017	5,400.00
04/2017	6,000.00
05/2017	5,800.00
06/2017	7,400.00
07/2017	4,400.00
08/2017	14,400.00
09/2017	10,800.00
10/2017	13,800.00
11/2017	13,600.00
12/2017	7,400.00
Total IPs Paid 2017	\$110,400.00

Month/Year	IP Amount
01/2018	2,400.00
02/2018	11,000.00
03/2018	8,000.00
04/2018	8,600.00
05/2018	4,200.00
06/2018	3,600.00
07/2018	10,600.00
08/2018	11,800.00
09/2018	13,000.00
10/1/2018	2,800.00
Total IPs Paid 2018	\$76,000.00

Source: Social Security Administration, Office of Government Information Services, FOIA Team. “Cook County Jail Statistical Information 1/1/2017-10/1/2018.” Washington, D.C.: Social Security Administration, 2018. Accessed on December 21, 2018.

Images C3 and C4: Personal Property Form with Prisoner's Receipt and Inventory Stub. After an arrest, the police officer doing intake at the local facility inventories the arrestee's personal property on this form and provides the arrestee with the "Prisoner's Receipt," which details their rights and information on who can pick up the property.

PERSONAL PROPERTY FORM
CHICAGO POLICE DEPARTMENT

RECEIPT NO. **P**

DATE RECEIVED _____ DISTRICT/UNIT NO. _____

NAME OF OWNER _____

OWNER'S ADDRESS _____ CITY _____ C.B. NO. _____

TOTAL CASH AND COINS MUST BE \$500.00 OR LESS

MONEY COUNT	1's	2's	5's	10's	20's	50's	100's	Coins	TOTAL VALUE OF CASH AND COINS
NUMBER									

QTY	ITEM	QTY	ITEM

LOCKUP PERSONNEL (SIGNATURE) _____ STAR No./EMP. No. _____

CPD-11.502 (Rev. 3/14)

(SEE OTHER SIDE) **PRISONER'S RECEIPT**

DATE PROPERTY RECEIVED _____ C.B. NO. _____

LOCKUP PERSONNEL (SIGNATURE) _____ STAR No./EMP. No. _____

BY _____ PROPERTY OWNER (SIGNATURE) _____

FROM _____

PLACE THIS LOWER PORTION IN THE PROPERTY ENVELOPE.

INVENTORY STUB

RECEIPT NO. **P**

DATE - DAY - MONTH - YEAR _____

FROM LOCKUP PERSONNEL RETURNING PROPERTY (SIGNATURE) _____ STAR No./EMP. No. _____

TO _____ OWNER'S SIGNATURE _____

OWNER'S ADDRESS _____ CITY _____

PROCEDURES FOR RETURN OF PROPERTY

- Ask lockup personnel for your property when you leave the District station.
- If you did not receive your property when you left, within 96 hours present this receipt, in person, at the District Station listed on the reverse side to claim the property. After 96 hours, your property is held at the Evidence and Recovered Property Section (ERPS) at 1011 S. Human Avenue.
- If you do not contact the Department to claim and obtain your property within 30 days of the date on this receipt, it will be considered **abandoned** under Chicago Municipal Code Section 2-84-160, and disposed of by the Department.
- If you are still in custody or otherwise cannot appear in person to claim your property, you may give a signed letter to another person authorizing that person to claim your property on your behalf. Anyone seeking to claim property on your behalf must do so within 30 days from the date of this receipt.
- You or a person authorized by you can present photo identification to the District station desk personnel and request your property or, if the property is located at ERPS, request a copy of the property inventory form. The property inventory form is **not** receipt for the property sent to ERPS. You will need to have the property inventory form available when contacting the ERPS about your property.
- If the property is located at ERPS, present the property inventory form and photo identification to ERPS at 1011 S. Human Avenue, between 8:00 AM and 3:00 PM, Monday - Friday, excluding holidays to obtain your property. Call ERPS at (312) 746-8777 to confirm that your property is available.
- Further information concerning the Chicago Police Department inventorying and property return procedures can be found on its website at <http://cpdnow.chicago.gov>.

IF ORIGINAL RECEIPT IS MISSING, THIS PORTION MAY BE SIGNED AND ATTACHED TO THE DUPLICATE, AFTER PROPER IDENTIFICATION OF OWNER.

PROPERTY RETURNED TO LOCKUP PERSONNEL (SIGNATURE) _____ STAR No./EMP. No. _____

PROPERTY RETURNED TO (OWNER'S SIGNATURE) _____ DATE RETURNED _____

OWNER'S ADDRESS _____ CITY _____

CPD-11.502 (REV. 3/14)

Source: Chicago Police Department, Evidence and Recovered Property Section. "Property Procedure and Forms." Chicago: Olivia Madina, CPD Office of Legal Affairs, 2018. Accessed on December 13, 2018.

APPENDIX D

Template for SSI Prerelease Agreement

SSA creates these agreements with correctional agencies in order to facilitate reenrollment or initial enrollment in SSI upon release.

Image D1: Page One of the Pre-release Agreement

Pre-release Agreement¹

Parties: _____ (called the “facility”)

_____ (called the “local office”)

The facility:

1. Identifies patients or residents scheduled or considered for discharge from the facility within 30 days after the notice of the SSI eligibility decision or for whom eligibility for Social Security benefits has been established;
2. Provides the local SSA office with the names of potential pre-release applicants, as well as their social security number, date of birth, and anticipated discharge date;
3. Refers only those individuals who appear to meet the SSI income and resource criteria or those potentially entitled to Social Security benefits;
4. Provides nonmedical information for development of whether the individual meets all eligibility requirements;
5. Provides current medical evidence consistent with SSA guidelines and recommendations of the Disability Determination Services (DDS) and a statement about the individual’s ability to handle funds;
6. Notifies the local SSA office of any changes that could result in discharge over 30 days after the notice of the eligibility decision;
7. Notifies the local SSA office as soon as the facility discharges the patient or resident; and
8. Designates a liaison to:
 - o handle all referrals;

¹ SSA’s Policy Operations Manual (POMS) SI 00520.930 *Exhibits of the Pre-release Procedure, Agreement, and Referral*. (March 9, 2012)

Image D2: Page 2 of the Template of the Pre-release Agreement

- o notify the local SSA office of any pertinent changes; and
- o respond to any local SSA office inquiries.

The local SSA office:

1. Provides guidelines for the kinds of information requested from the facility;
2. Reviews with facility personnel the pre-release procedures at least once a year and whenever procedures or the facility liaison changes;
3. Designates a local SSA office liaison to:
 - o assist the facility’s staff in initiating and completing pre-release applications; and
 - o respond to the facility’s inquiries.
4. Processes all pre-release claims in an expeditious and timely manner;
5. With the individual’s permission, notifies the facility of the eligibility decision.

Manager _____	Social Security Field Office _____
Date _____	Address & Phone _____
Superintendent _____	Facility Name _____
Date _____	Address & Phone _____

Source: Social Security Administration, Office of the Inspector General. “Audit Report: The Social Security Administration’s Pre-release Procedures of Institutionalized Individuals.” *Social Security Administration*. February 3, 2015. https://oig.ssa.gov/sites/default/files/audit/full/pdf/A-02-14-24085_0.pdf.

APPENDIX E

SNAP Prisoner Pre-Release Application Filing Waiver

State agencies that administer SNAP request this waiver from the USDA's Food and Nutrition Service. It allows the agency to take applications and conduct eligibility interviews from incarcerated individuals prior to their release, so the state agency can issue benefits immediately upon the individual's release if she or he is eligible for assistance.

Image E1: A waiver approval letter from the USDA to the South Dakota Department of Human Services. Virginia Hanson, one of my interviewees, currently works with clients receiving SNAP as a result of this waiver at the South Dakota Department of Human Services.

	
MAY 28 2010	
<p>United States Department of Agriculture</p> <p>Food and Nutrition Service</p> <p>3101 Park Center Drive</p> <p>Alexandria, VA 22302-1500</p>	<p>2100028</p> <p>SUBJECT: SNAP – South Dakota Waiver Request – 7 CFR 273.1(b)(7)(vi) and 7 CFR 273.2(c)(1) – Waiver of the Application Processing Regulations for Incarcerated Individuals – Initial – Approval</p> <p>TO: Jody Cornwell Regional Director Supplemental Nutrition Assistance Program Mountain Plains Region</p> <p>This is in response to the South Dakota State agency's request to allow applications to be submitted by incarcerated individuals prior to their release date and define the application date as the date the individual is released from the facility. The State agency's request would waive the provisions that certain residents of public institutions are ineligible for SNAP benefits and would allow the State agency to process and approve applications from the date of release if the applicant is released within the 30 days from the date of application. This waiver would only apply to those individuals scheduled to be released within 30 days from the date the State agency receives the application.</p> <p>This waiver is intended to improve access to SNAP benefits for former prisoners at a particularly vulnerable time, when they have just been released from prison and are unlikely to have the resources needed to ensure their own food security.</p> <p>All non-waived SNAP rules and regulations will be adhered to in the application process, including the screening for and providing of expedited service as required under 7 CFR 273.2(i)(2).</p> <p>The Food and Nutrition Service is approving the waiver request for 2 years as requested with conditions attached. If you have any questions, please contact Vicky Robinson at (703) 305-2476 or by email at vicky.robinson@fns.usda.gov.</p> <p></p> <p>Angela Kline Chief Certification Policy Branch Program Development Division</p> <p>Attachment</p>

AN EQUAL OPPORTUNITY EMPLOYER

Image E2: Page one of the waiver itself, detailing how eligibility is being adjusted in order to allow applicants to be screened during incarceration

Waiver Response

1. **Waiver Serial Number:** 2100028
2. **Type of Request:** Initial
3. **Primary Regulation Citation:** 7 CFR 273.1(b)(7)(vi)
4. **Secondary Regulation Citation:** 7 CFR 273.2(c)(1), (e)(1), (g)(1), and (i)(3)
5. **State:** South Dakota
6. **Region:** MPRO
7. **Regulatory Requirements:** The Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.1(b)(7)(vi) prohibit a resident of an institution from participating in SNAP.

SNAP regulations at 7 CFR 273.2(c)(1) provide that State agencies must document the date the application was filed by recording the date of receipt at the local office. However, when a resident of an institution is jointly applying for SSI and SNAP prior to leaving the institution, the filing date of the application that the State agency must record is the date of release of the applicant from the institution. The length of time a State agency has to deliver benefits is calculated from the date the application is filed at the local office designated by the State agency to accept the household's application, except when a resident of a public institution is jointly applying for SSI and SNAP prior to his/her release from an institution. Residents of public institutions who apply for SNAP prior to their release from the institution shall be certified in accordance with §273.2(g)(1) or §273.2(i)(3)(i), as appropriate. Each household has the right to file an application form on the same day it contacts the local office during office hours. State agencies shall document the date the application was filed by recording on the application the date it was received by the local office. When a resident of an institution is jointly applying for SSI and SNAP prior to leaving the institution, the filing date of the application to be recorded by the State agency is the date of release of the applicant from the institution.

SNAP regulations at 7 CFR 273.2(e)(1) provide that, except under some exceptions, households must have a face-to-face interview at initial certification.

SNAP regulations at 7 CFR 273.2(g)(1) provide that eligible households must be given an opportunity to participate no later than 30 calendar days from the date of application, except residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution. Residents of public institutions who apply for SNAP prior to release shall be given an opportunity to participate no later than 30 calendar days from the date of release from the institution.

Image E3: Page two of the waiver explores the goals of the waiver, and sets the timeline of this program. This one is for 2010-2012, but South Dakota currently has a similar one in effect because they reapplied.

2100028

Page 2

SNAP regulations at 7 CFR 273.2(i)(3)(i) provide that households entitled to expedited service shall receive benefits no later than the seventh calendar day from the date of application, except that residents of a public institution (that jointly apply for SSI and SNAP) who are entitled to expedited service, the 7-day count starts from the date the application is filed, which is the date of release of the applicant from the institution.

8. **Proposed Alternative Procedures:** The South Dakota State agency requests to allow applications to be submitted from incarcerated individuals prior to their date of release from the institution. As permitted with residents of public institutions who apply jointly for SSI and SNAP benefits prior to release, the State agency would define the date of application as the date the individual is released from the institution.

The State agency also proposes to conduct interviews by phone (if permitted by the facility) without the need to document household hardship.

Approximately 2000 individuals are released from South Dakota correctional facilities annually. The State agency believes that accepting applications from prisoners prior to release will improve access to SNAP and help reduce recidivism.

9. **Action and reason for approval and denial:** As requested, The Food and Nutrition Service (FNS) is approving this waiver for a 2-year period from June 1, 2010 through May 31, 2012.

This approval waives the regulations at 7 CFR 273.1(b)(7)(vi) prohibiting a resident of an institution from participating in SNAP. Rather than deny the application, this waiver would allow the State agency to begin processing the application, including the conducting of the interview and obtaining the necessary verifications, prior to the applicant's release from prison.

This waiver also provides that the date of application will be the date the individual is released from the institution rather than the date the application is received at the local office. This waiver further allows the State agency to conduct a phone interview, if permitted by the facility, without the need to document household hardship.

All non-waived SNAP rules and regulations will be adhered to in the application process, including the screening for and providing of expedited service as required under 7 CFR 273.2(i)(2). The Food and Nutrition Act restricts provision of expedited service to those who meet certain income and resource criteria. As a

Image E4: Page three of the waiver discusses the legislative basis for the waiver, and creates conditions for these applicants and their households.

2100028
Page 3

consequence, the State agency must ensure that only those prisoners who meet expedited service eligibility criteria are afforded expedited service. Households entitled to expedited service shall receive benefits no later than the 7th calendar day from the date the application is filed, which is the date of release of the applicant from the institution. The State agency should take note that there is no restriction against offering eligibility determination in less than 7 days to any household, but that they must ensure that only households eligible for expedited service have their verification postponed until after issuance.

10. **Regulatory or legislative basis for action:** This waiver is approved under 7 CFR 272.3(c)(1)(ii), which allows FNS to approve waivers that result in a more effective and efficient administration of the program.
11. **Conditions and reasons:** Approval is based on the following conditions:
 - The waiver applies only to new applicant households;
 - This waiver applies only to those individuals scheduled to be released within 30 days from the date the State agency receives the application;
 - Only merit system personnel may conduct the interview and determine the eligibility of a prison application;
 - This waiver does not apply to prisoners who are joining an existing SNAP household or who are being released to an ineligible institution; and
 - The State agency must screen prisoners for and ensure that prisoners meet expedited service eligibility before allowing postponement of verification until after issuance.
12. **Information required for extension:** At least 90 days before the waiver expires, the State agency must submit a report that documents the mode of operation of the waiver, any problems encountered, and the payment error rate for the waiver group. The State agency should use a sample size of 25 cases for calculation of a payment error rate for this group. The State should provide payment error information for all South Dakota cases from the same time period to serve as a comparison group.
13. **Expiration date:** This waiver is approved for a two-year period, from June 1, 2010 through May 31, 2012.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the South Dakota State agency.
15. **Quality Control procedures:** No special procedures are required for cases subject to the provisions of this waiver. Cases should be reviewed using standard review procedures contained in the FNS handbook 310.

Source: Ecaterina Burton. "Realignment: The Policy Opportunity for a CalFresh Pre-Enrollment Program." Oakland: University of California at Berkeley, 2016. <https://wclp.org/wp-content/uploads/2016/10/Reducing-Hunger-Recidivism-by-Pre-Enrolling-Into-CalFresh.pdf>.