

Presumed Innocent, Yet Purged from the Rolls



Navigating Welfare Programs upon Release from Cook County Jail

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Introduction

“So I’m on the 94 [Damen bus], right in front of the [Cook County Criminal] courthouse, and this guy gets on and starts waving his discharge paper, begging the driver to let him get 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 that Matt McLoughlin of the Chicago Community Bond Fund had with a person recently released from Cook County Jail, it represents the general level of assistance provided by the Cook County Sheriff’s Office to those released from jail. Where they end up after discharge is uncertain. Some reunite with loved ones waiting for them in the Bond Room, while others attempt to take the 94 and get as far away as possible. If someone’s immediate destination is unclear, what does that suggest about future ones?

1. Matt McLoughlin, interview with the author, Dec. 11, 2019. Appendix A lists all interviewees mentioned in the text.

“They all come back,” is a common way to frame the issue of people leaving carceral institutions like Cook County Jail to ambiguous circumstances.² Due to mass incarceration, communities are dealing with millions of people “coming back” each year, creating a crisis of reentry that necessitates action and intervention.³ More people exit jails than prisons each year, but the majority of scholarship and policy is on convicted individuals leaving prisons rather than individuals awaiting trial and released from jails, such as the man waving his discharge papers on the bus.⁴ Reentry into society after conviction creates obvious challenges, such as access to welfare programs.⁵ The reentry of the pretrial population should be of equal concern due to its size and similar needs.

To understand the true scope of mass incarceration, we need more research on the individuals whose involvement with the justice system is with jails and not prisons. Sixty percent of the national jail population and 85 percent of Cook County Jail’s population are pretrial.⁶ Although the majority of jail detainees in the United States are not convicts, individuals who spend even “a few hours at jail” can experience “far-reaching

2. Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry* (Washington, DC: Urban Institute Press, 2005).

3. Bruce Western and Becky Pettit, “Incarceration and Social Inequality,” *Daedalus* 139, no. 3 (Summer 2010): 8, www.amacad.org/publication/incarceration-social-inequality; National Reentry Resource Center, “Facts and Trends,” Bureau of Justice Assistance, US Department of Justice, n.d., accessed Feb. 9, 2019, nationalreentryresourcecenter.org/facts-and-trends.

4. *Ibid.*

5. For example, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 bars drug felons from receiving welfare. See section 115 in Pub. L. No. 104–193, 110 Stat. 105 (1996).

6. Kevin Keenan and Emily Whitfield, eds., “The State of Jails” in *The State of Justice* (New York: Vera Institute of Justice, 2017), www.vera.org/state-of-justice-reform/2017/the-state-of-jails; Business Intelligence Unit, *Jail Population Characteristics 2018-01-24* (Chicago: Cook County Sheriff’s Office, Jan. 1, 2018).

impacts not only on the individuals themselves, but also on their families and communities.”⁷ Most detainees spend much longer in jail. The national average jail detention was twenty-five days in 2016, and the Cook County Jail average was 57.4 days in 2012.⁸ This suggests that the consequences of pretrial detention is a concern in Cook County, which has the second largest jail in the country.⁹

Cook County Jail is an ideal case study of how individuals access public assistance, due to the large number of detentions and releases from a single location into a large urban area.¹⁰ Cook County Jail is the “largest single-site jail in America,” a massive complex that spans ninety-six acres, or the “size of seventy-two football fields,” approximately five miles southwest of Chicago’s central business district.¹¹ On November 1, 2018, it

7. Business Intelligence Unit, *Jail Population Characteristics 2018-01-24*.

8. Zhen Zheng, *Jail Inmates in 2016* (Washington, DC: US Department of Justice, Feb. 2018), 6, www.bjs.gov/content/pub/pdf/ji16.pdf; “Length of Stay,” Cook County Performance Management, n.d., accessed Feb. 10, 2021, performance-archive.cookcountyil.gov/Public-Safety/Length-of-Stay/ydqd-2c8s.

9. On June 10, 2010, Harris County Jail (Houston) housed 10,264 inmates and Cook County Jail housed 9,777. See David E. Olson and Sema Taheri, “Population Dynamics and the Characteristics of Inmates in the Cook County Jail,” *Cook County Sheriff’s Reentry Council Research Bulletin*, Feb. 2012, 3, ecommons.luc.edu/cgi/viewcontent.cgi?article=1000&context=criminaljustice_facpubs.

10. “Over one third of defendants leave jail when they post bond ... more than ten thousand detainees leave jail because their cases have been dismissed. Still others are sentenced to time served or probation.” Ali Abid, *Pretrial Delay and Length of Stay in the Cook County Jail: Observations and Recommendations* (Chicago: Chicago Appleseed Center Fund for Justice, Oct. 2013), 3, [www.chicagoappleseed.org/wp-content/uploads/2012/06/CAFFJ-Pre-Trial-Delay-and-Length-of-Stay-Final.pdf](http://chicagoappleseed.org/wp-content/uploads/2012/06/CAFFJ-Pre-Trial-Delay-and-Length-of-Stay-Final.pdf).

11. Matt Ford, “America’s Largest Mental Hospital Is a Jail,” *Atlantic*, June 8, 2015; Nicole Gonzalez Van Cleve, “The Waiting Room,” Marshall Project, Oct. 31, 2018, www.themarshallproject.org/2018/10/31/the-waiting-room.

held 6,046 individuals, with 83.6 percent in pretrial status.¹² The jail releases several hundred people per day, and the majority return to Chicago neighborhoods in which they lived prior to incarceration.¹³ I will examine how pretrial detention affects access to welfare in two ways: by disrupting current access or by exacerbating prior disconnection.

Research demonstrates that receipt of welfare benefits leads to positive reentry outcomes and lower rates of recidivism.¹⁴ A comparative study found that “countries that spend a greater proportion of GDP on welfare have lower imprisonment rates” and that “the United States spends the smallest proportion of its GDP on welfare and has by far the highest imprisonment.”¹⁵ Cook County Jail leadership is interested broadly in the reentry process, but it also struggles with recidivism.¹⁶ I argue that

12. Business Intelligence Unit, *Sheriff's Daily Report 11/1/2018* (Chicago: Cook County Sheriff's Office, Nov. 1, 2018), www.cookcountysheriff.org/wp-content/uploads/2018/11/CCSO_BIU_CommunicationsCCDOC_v1_2018_11_01.pdf; Business Intelligence Unit, *Jail Population Characteristics 2018-01-24*.

13. Olson and Taheri, 4, 6.

14. Erkmen Giray Aslim et al., *The Effect of Public Health Insurance on Criminal Recidivism*, Law and Economics Research Paper Series, vol. 19 (Fairfax, VA: George Mason University, July 23, 2019), 1–54, papers.ssrn.com/sol3/papers.cfm?abstract_id=3425457; Julie Costopolous et al., “The Impact of US Government Assistance on Recidivism,” *Criminal Behavioral Mental Health* 4 (Oct. 2017): 303–11, pubmed.ncbi.nlm.nih.gov/27038185/; Crystal S. Yang, “Does Public Assistance Reduce Recidivism?” *American Economic Review* 107, no. 5 (May 2017): 551–55, www.law.harvard.edu/programs/olin_center/papers/pdf/Yang_920.pdf.

15. David Downes and Kirstine Hansen, *Welfare and Punishment: The Relationship between Welfare Spending and Imprisonment* (London: Crime and Society Foundation, Nov. 2006), 1, 4, static.prisonpolicy.org/scans/csf/WelfareandPunishmentembargo.pdf.

16. Lesley Stahl, “Sheriff Tom Dart on 60 Minutes,” *60 Minutes*, May 21, 2017, www.cbsnews.com/news/cook-county-jail-sheriff-tom-dart-on-60-minutes. In 2011, Cook County Jail admitted 10,938 men and 1,178 women two or more times during the year; see Olson and Taheri, 3.

there needs to be more research on whether the length of time spent at the jail affects access to welfare, whether pretrial detention creates these barriers or exacerbates existing barriers to receiving welfare, and how the jail can combat these challenges. I will focus on Medicaid, SNAP (the Supplemental Nutrition Assistance Program), and SSI (Supplemental Security Income) benefits, due to several factors that I will explain in the next section and in my analysis.

People leaving Cook County Jail face formal and informal barriers. Federal and state statutes and Cook County Jail policies create the formal barriers; bureaucratic practices and personal circumstances, such as insecure housing, create the informal barriers. Pretrial detention causes a coverage gap for people who had access to Medicaid, SNAP, and/or SSI prior to incarceration and exacerbates disconnections that others had from these programs prior to incarceration. The longer someone is detained, the more likely they are to lose access to the programs.

I recommend that federal, state, and county governments establish policies and programs to connect the disconnected. Not only is there an obligation to prevent disconnections created by a process that jails people who are presumed innocent, but there are public health, safety, and economic reasons for combating these barriers. Access to Medicaid, SNAP, or SSI is linked to better health outcomes and lower rates of recidivism, suggesting that any barriers to access are harmful in the long run to society. My research reimagines jails, like Cook County Jail, as having a role to play in removing some of the vulnerabilities of reentry.

Case Study and Program Selection

I selected Cook County Jail for two reasons: population size and location in a state with expanded access to Medicaid and SNAP, which increases the number and likelihood of former detainees eligible for public aid. Cook County Jail is a massive compound that processes hundreds of people daily (196.3 admission and 201 discharges per day), with an average daily population of 9,000.¹⁷ Not only are many people leaving, but a significant portion (approximately 9,500) were “admitted to the jail multiple times in 2011.”¹⁸ The majority return to the South and West Sides, which have above-average poverty and below-average high-school graduation rates, suggesting limited opportunities and a poor reentry environment.¹⁹ A sample of former Illinois state prisoners (of which a large portion were detained at Cook County Jail prior to sentencing) showed that “54 percent returned to just seven of the seventy-seven Chicago neighborhoods,” all of which have similar situations of poverty, high unemployment, and social disinvestment.²⁰ Within Cook County Jail, 62.5 percent of inmates who lived in three West Side neighborhoods (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.”²¹ The large churn of individuals from impoverished areas creates a site suitable for research

17. Olson and Taheri, 1, 4, 6.

18. *Ibid.*, 3.

19. *Ibid.*, 4; Christy Visher and Jill Farrell, *Chicago Communities and Prisoner Reentry* (Washington, DC: Urban Institute, Sept. 2005), 3, www.urban.org/sites/default/files/publication/42891/311225-Chicago-Communities-and-Prisoner-Reentry.PDF.

20. Visher and Farrell, 3.

21. David E. Olson, “Characteristics of Inmates in the Cook County Jail,” *Cook County Sheriff’s Reentry Council Research Bulletin*, Mar. 1, 2011, 7, ecommons.luc.edu/cgi/viewcontent.cgi?article=1003&context=criminaljustice_facpubs.

on a reentering population that might be enrolled in or attempting to enroll in welfare programs.

I selected Medicaid, SNAP, and SSI because these programs allow single individuals to apply. The majority of the jail’s pretrial population is independent adult men.²² Otherwise known as able-bodied adults without dependents (ABAWD), they are excluded from other programs that prioritize families.²³ Individual eligibility means incarceration could be the causal factor in whether a person is admitted to or remained on the rolls of one of my target programs. This direct analysis between pretrial incarceration and public assistance means my analysis could be applicable to future research on how to avoid recidivism, which is beyond the scope of my thesis.

Medicaid, the jointly funded federal and state health-insurance program for citizens and permanent residents, and SNAP, the federally funded and state-administered food allowance, are based on need.²⁴ The majority of the pretrial population qualifies for these programs. A 2018 study found that 56 percent of incarcerated individuals had no prior income and that the average income was only \$12,780 among former workers.²⁵

22. Jane Longo, interview with the author, [Dec. 15, 2018].

23. Anne Marie Buron, *Systemic Barriers to SNAP Benefits for Able-bodied Adults without Dependents* (Chicago: Illinois Hunger Coalition, Feb. 14, 2017), 2–3, ilhunger.org/resources/systemicbarriersforabawds.pdf.

24. “Medicaid,” US Center for Medicare and Medicaid, n.d., accessed Feb. 3, 2019, www.healthcare.gov/glossary/medicaid; “Facts About SNAP,” Food and Nutrition Service, USDA, Aug. 14, 2019, www.fns.usda.gov/snap/facts.

25. Adam Looney and Nicholas Turner, *Work and Opportunity before and after Incarceration* (Washington, DC: Brookings Institution, Mar. 2018), 7–8, www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf. The federal poverty line is \$12,490 for an individual; therefore, many pretrial individuals qualify for welfare programs if they meet other eligibility requirements. See Alison Evans Cuellar and Jehanzeb Cheema, “Health Care Reform, Behavior Health, and the Criminal Justice Population,” *Journal of Behavioral Health Services and Research* 41, no. 4 (Oct. 2014): 453.

SSI, the federally funded Social Service Administration (SSA) program, is also need-based and helps the aged (over sixty-five) or disabled.²⁶ The county jail's population with mental illnesses might qualify for SSI: "Approximately 20 percent of inmates in jails ... have a serious mental illness," and "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."²⁷ Further, those with "psychiatric disability" or "impairment" from mental illness constitute the largest group of SSI recipients.²⁸

Illinois has expansive eligibility standards for Medicaid and SNAP, which make it an ideal location for a reentry analysis, as my identified population is either already enrolled in or is eligible for benefits.²⁹ The federal government dictates SSI standards, though some states, like Illinois, offer additional payments to SSI beneficiaries.³⁰ I focus on the

26. "Fact Sheet. Social Security and Supplemental Security Income (SSI): What's the Difference?" Social Security Administration, Nov. 2009, www.ssa.gov/sf/Fact-Sheets/aianssavssfinalrev.pdf

27. Treatment Advocacy Center, *How Many Individuals with Serious Mental Illness Are in Jails and Prisons?* (Arlington, VA: Treatment Advocacy Center, Nov. 2014), 1, 2, www.treatmentadvocacycenter.org/storage/documents/backgrounders/how%20many%20individuals%20with%20serious%20mental%20illness%20are%20in%20jails%20and%20prisons%20final.pdf.

28. Gary Bond, Haiyi Xie, and Robert E. Drake, "Can SSDI and SSI Beneficiaries with Mental Illness Benefit from Evidence-Based Supported Employment?" *Psychiatric Services* 58, no. 11 (Nov. 2007): 1,415.

29. US Department of Agriculture, *State Options Report: Supplemental Nutrition Assistance Program*, 14th ed. (Washington, DC: US Department of Agriculture, May 31, 2018), 2, 49 fns-prod.azureedge.net/sites/default/files/snap/14-State-Options.pdf.

30. Center on Budget and Policy Priorities, *Policy Basics: Supplemental Security Income* (Washington, DC: Center on Budget and Policy Priorities, 2018), 2, www.cbpp.org/sites/default/files/atoms/files/PolicyBasics_SocSec-IntroToSSI.pdf.

federal SSI payment, because a barrier to federal SSI automatically means a barrier to state SSI.

The 1996 Personal Responsibility and Work Opportunity Act limits SNAP benefits to no more than three months in a thirty-six month period if applicants do not meet the following requirements: work at least twenty hours per week, participate in qualified education and training activities for at least twenty hours per week, or comply with a state-sanctioned "workfare" program.³¹ Even a short period of incarceration prevents a person from meeting the SNAP work requirement. However, the federal government has granted Illinois an "ABAWD [able-bodied adult without dependents] waiver," which eliminates the work requirement in every county except for DuPage.³² The majority discharged from Cook County Jail stay in the county and benefit from the waiver.

Illinois also has wider standards for Medicaid that make the majority of the jail's 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.³³ In 2012 the Supreme Court ruled that states have the right to expand or not expand Medicaid—Illinois was among the states that chose

31. Andrew Hammond and MacKenzie Speer, *SNAP's Time Limit: Emerging Issues in Litigation and Implementation* (Chicago: Heartland Alliance, 2017), 2, www.heartlandalliance.org/policy-and-advocacy/wp-content/uploads/sites/8/2017/09/SNAPs-Time-Limit-Emerging-Issues-1.pdf.

32. Buron, 3.

33. Larisa Antonisse et al., *The Effects of Medicaid Expansion Under the ACA: Updated Findings from a Literature Review* (Washington, DC: Kaiser Family Foundation, Mar. 2018), files.kff.org/attachment/Issue-Brief-The-Effects-of-Medicaid-Expansion-Under-the-ACA-Updated-Findings-from-a-Literature-Review.

expansion.³⁴ As a result, Cook County Jail’s low-income, ABAWD population is eligible for Medicaid.³⁵ Despite eligibility, individuals entering county jails are often uninsured.³⁶

Methodology

I analyzed documents, collected data from interviews, chose Cook County Jail as my case study, and surveyed the larger “map” of my case study: nonprofit and advocacy organizations that work with the formerly incarcerated in Cook County. For comparison, I conducted additional documentary analysis and interviews outside of the case-study area with government agencies, other urban jails, and nonprofits in states with expansive eligibility for Medicaid and SNAP.

First, I examined federal, state, and local welfare statutes in order to understand Medicaid, SNAP, and SSI in general and eligibility restrictions

34. *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012); Kathleen Gifford et al., *A View from the States: Key Medicaid Policy Changes* (Washington, DC: Kaiser Family Foundation, Oct. 2019), 5, 11, 17, 22, 38–43, 45–46, 48, 53, 56–59, 62, 64, 67–69, files.kff.org/attachment/Report-A-View-from-the-States-Key-Medicaid-Policy-Changes.

35. Of those entering local and county jails, 60 percent have earnings below the poverty line. See National Health Care for the Homeless Council, *Medicaid Expansion and Criminal Justice-Involved Populations: Opportunities for the Health Care for the Homeless Community* (Nashville, TN: National Health Care for the Homeless Council, Jan. 2013), 2, www.soa.org/globalassets/assets/Files/Sections/health-MedicaidExpansion-Justice-Final.pdf.

36. “A survey of San Francisco county jails found that about 90 percent of people who enter county jails have no health insurance. Another survey of inmates returning to the community from Illinois jails found that more than eight in ten were uninsured” after release. See Alexandra Gates, Samantha Artiga, and Robin Rudowitz, *Health Coverage and Care for the Adult Criminal Justice-Involved Population* (Washington, DC: Kaiser Family Foundation, Sept. 5, 2015), www.kff.org/uninsured/issue-brief/health-coverage-and-care-for-the-adult-criminal-justice-involved-population.

due to pretrial detention specifically. Second, I reviewed policy briefs that study the statutes’ effects on the formerly incarcerated. Third, I reviewed internal policy procedures from correctional and welfare agencies; I obtained the majority of the internal documents (e.g., Cook County Jail’s intake procedure and the Chicago Police Department’s evidence protocols) through the Freedom of Information Act.

I contacted individuals by email and phone with a basic introduction to my research and a request for an informational interview. Phone, in-person, or email interviews lasted from fifteen minutes to two hours. I conducted follow-up interviews with some individuals by phone or email.

I recorded or took notes of my phone and in-person interviews. I asked each interviewee for consent to record, offered them the chance to remain anonymous, and told them they could review the interview (recording or transcription) before I incorporated it into my research.³⁷ I sent questions by email prior to interviews, so many knew the basic idea of my research and, as such, might have oriented their response around it. Questions were mainly about procedures and general work information, thus, I was not concerned with desirability bias.

I began with ten to fifteen preliminary guiding questions, depending on how involved the interviewee was with the jail population or the three welfare programs. My first few questions were related to roles, 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 responses, which made these interviews less structured and more varied, but the questions were always about process. I asked welfare administrators if they had ever worked with or offered programs to the formerly incarcerated, and their answers changed how I approached the rest of the interview; I asked jail staff about intake and discharge procedures, about the inmates’ common basic needs before and upon release, and to verify information given to me by other interviewees; I asked nonprofits staff and prison advocates about their interactions with

37. Of forty-one interviewees, one state employee requested anonymity.

Cook County Jail and state welfare agencies, as well as to validate information given to me by jail staff and welfare agencies.

I put substantive thought into whom I contacted (see Appendix A). In total, I interviewed forty-one people: eleven outside Cook County and thirty within Cook County. I spoke with people from other city agencies, other jail systems, and nonprofits in states with large urban jails (e.g., New York City's Rikers Island) or with expansive eligibility standards for SNAP and Medicaid (e.g., California and New York).³⁸ I focused my comparison on New York, due to similarities to Illinois: both have an ABAWD waiver, Medicaid expansion, a large urban prison, and understand the need for good reentry programs and lower recidivism. Mayor Bill de Blasio seeks to "reduce New York Jail's population" and to close Rikers in favor of smaller jails, and Thomas Dart, the Cook County sheriff, is committed to lowering the jail population through more in-prison programs and less recidivism.³⁹ Due to these similarities, Rikers Island's and Cook County Jail's staff frequently share policy-planning and programmatic inspiration.⁴⁰

I also spoke with the staff in smaller jails (Monroe County Jail, New York, and San Diego County Jail), which have inmate ID programs and some welfare enrollment efforts. Like New York, California has wide eligibility standards. These smaller jails increased access to public assistance on small budgets, which could be persuasive when recommending policies to Cook County Jail.

I found interviewees in welfare agencies and nonprofits through referrals from jail staff or during my policy analysis on related programs. I spoke with caseworkers at welfare agencies that use SNAP pre-enrollment waivers and SSI prerelease agreements to see if those agreements could

38. Michael Schwirtz et al., "Rethinking Rikers," *New York Times*, Dec. 16, 2017.

39. "The Plan," NYC: A Roadmap to Closing Rikers, n.d. accessed Feb. 11, 2021, rikers.cityofnewyork.us; Jane Gubser, interview with the author, Nov. 16, 2018.

40. Anna Calabrese and Felicia Henry, interviews with the author, Nov. 20, 2018.

be implemented in Cook County Jail. Many interviewees connected me with others in their fields or provided information from their organizations that I used in my documentary analysis. Most have duties beyond their established roles and many provide services or create programs for this population as a matter of need and circumstance.

Overall, I grouped interview information into three categories: the criminal justice system (jails and courts), other government aid agencies (federal and state welfare agencies and some related county agencies), and advocacy organizations and nonprofits. The categories are not exact, as individuals associated with each category often engage with more than one category or are only peripherally involved in one by virtue of being part of another. The following outlines the operations of my case-study site, Cook County Jail, and the organizations related directly to it, which I call the *map of the field*.

The Criminal Justice System

Cook County Jail is the central node that brings pretrial detainees into contact with other parts of the criminal justice system and outside advocacy groups. It is often the source of obstacles that detainees face in accessing public aid. The jail is supervised by its affiliated agency, the Cook County Sheriff's Office under Tom Dart's leadership (2006–present). The jail detains people awaiting trial in the Cook County Circuit Court, and the court's Pretrial Services Division does risk assessments and determines bail.⁴¹

41. Editor's note: On February 22, 2021, Illinois eliminated cash bail. See Maria Cramer, "Illinois Becomes First State to Eliminate Cash Bail," *New York Times*, Feb. 23, 2021. For an overview of pretrial bail in the United States, see Barry Mahoney et al., *Pretrial Services Programs: Responsibilities and Potential* (Washington, DC: National Institute of Justice, Mar. 2001), www.ncjrs.gov/pdffiles1/nij/181939.pdf.

Government Aid Agencies

The Illinois Department of Healthcare and Family Services (HFS), which oversees the state's Medicaid budget, has contracted with the Cook County Health and Hospital System (CCHHS) to provide Medicaid in the county.⁴² Illinois launched CountyCare in late 2012 through a Section 1115 waiver, which expanded coverage to adults without children and to non-custodial parents.⁴³ The waiver allows adults making 133 percent of the federal poverty level to receive Medicaid and for adults without dependents to receive Medicaid through the pilot program. CCHHS used the pilot period to build capacity and to enroll hundreds of thousands of newly eligible county residents. According to Jay Shannon, CEO of CCHHS: "We were fortunate to get a one-year head start in Medicaid enrollment.... Everyone else had to wait until 2014 to start enrolling new Medicaid-eligible adults [through the Affordable Care Act]. We were the only plan in Illinois that was given a head start."⁴⁴ CountyCare transitioned to a managed care organization (MCO) in 2014, which changes its interactions with clients, including those in Cook County Jail.⁴⁵

Other aid offices include the Illinois Department of Human Services (IDHS), which processes Medicaid applications through local Family

42. Jane Gubser, interview with the author, Nov. 16, 2018; "Why CountyCare?" CountyCare: A Medicaid Health Plan, n.d., accessed Mar. 10, 2021, countycare.com/prospective-members/why-countycare.

43. Section 1115 of the Social Security Act gives the federal government authority to waive Medicaid requirements, which allow states to use federal Medicaid funds in new and innovative ways and to expand coverage to groups formerly ineligible for Medicaid. See "Compilation of Social Security Laws," Social Security Administration, n.d., accessed Mar. 8, 2021, www.ssa.gov/OP_Home/ssact/title11/1115.htm.

44. Cheryl England, "CountyCare: A Medicaid Expansion Success Story," Chicago Medical Society, n.d., accessed Feb. 10, 2021, www.cmsdocs.org/news/county-care-a-medicare-expansion-success-story.

45. John Kiamos, interview with the author, Dec. 17, 2018.

Community Resource Centers.⁴⁶ IDHS also processes applications for the US Department of Agriculture's SNAP program.⁴⁷ The Social Security Administration administers SSI through regional field offices.⁴⁸

Advocacy Organizations and Nonprofits

During the 2013 pilot year of CountyCare, Cook County Jail joined with the Illinois-wide nonprofit, Treatment Alternatives for Safe Communities (TASC), to enroll detainees in Medicaid during intake. TASC volunteers provide this service.⁴⁹ Now that CountyCare is an MCO, the volunteers no longer enroll detainees in CountyCare automatically but offered them range of MCOs.

Other groups work with the currently or formerly incarcerated as part of their larger goal to alleviate poverty; these include Thresholds,⁵⁰ Heartland Alliance,⁵¹ and the Greater Chicago Food Depository.⁵² Still others help detainees specifically with reentry (Teamwork Englewood),⁵³ bail (Chicago Community Bond Fund),⁵⁴ or the courts (Cabrin Green Legal Aid).⁵⁵

This map is an orientation to my thesis, which focuses on public aid, but I recognize that my focus is only one part of the complex work that

46. Ramon Marrero, interview with the author, Dec. 11, 2018.

47. Kate Fink, interview with the author, Dec. 28, 2018.

48. Colby Calloway, email message to the author, Dec. 30, 2018.

49. Robin Moore, interview with the author, Nov. 11, 2018.

50. Laura Lord, interview with the author, Feb. 15, 2019.

51. Sheena Ward, email message to the author, Feb. 6, 2019.

52. Aimee Ramirez, interview with the author, Dec. 4, 2018.

53. Mark Mitchell, interview with the author, Nov. 16, 2018.

54. Matt McLoughlin, interview with the author, Dec. 10, 2018.

55. Samuel Elder, interview with the author, Nov. 20, 2018.

former detainees must do upon release. Many rely on kin networks for care and reentry assistance, so the role of the family in reentry and in providing for or maintaining an individual's welfare access should not be underestimated.⁵⁶ Cook County Jail's most robust reentry programs target mental illness and drug abuse.⁵⁷ Jail administrators' tend to understand the needs of these populations more than the welfare needs of the jail population as a whole. Upon release, the homeless and/or mentally ill are particularly hard to reach and are often disconnected from advocacy or nonprofit organizations, suggesting that these individuals face different barriers from the population that is my focus. As such, my overall results are limited in scope.

My research on Cook County may not be generalizable to the wider US jail population, particularly in regards to informal bureaucratic barriers, which may be unique to Cook County Jail. As the political scientist, Michael Lipsky notes, the "street-level bureaucrat," such as social workers, jail administrators, and benefit caseworkers, function as "front-line officials facing decisions of such irreducible complexity so far removed from supervision that they routinely exercised discretion in ways that can not be effectively reviewed."⁵⁸ Cook County Jail's street-level bureaucrats have practices, policies, and ideologies that might not be 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

56. Elizabeth Marlow et al., "'But, now, you're trying you're trying to have a life': Family Members' Experience of Reentry and Reintegration," in *And Justice for All: Families & the Criminal Justice System*, ed. Joyce A. Arditti and Tessa le Roux, vol. 4, *Groves Monographs on Marriage and Family* (Ann Arbor: Michigan Publishing, University of Michigan Library, 2015).

57. Jane Gubser, interview with the author, Nov. 16, 2018.

58. Charles Sabel, "Rethinking the Street-level Bureaucrat: Tacit and Deliberate Ways Organizations Can Learn," in *Economy in Society: Essays in Honor of Michael J. Piore*, ed. Paul Osterman (Cambridge, MA: MIT Press, 2013), 3.

practices. Thus, I limit my policy recommendations on program creation and implementation to Cook County Jail.⁵⁹

My focus on Cook County street-level bureaucrats may limit the generalizability of on-the-ground practices. (Although, my interviews in other jail and welfare systems revealed many of the same street-level problems as Cook County.) Barriers caused by federal welfare statutes have national implications.

The circumstantial problems of leaving prison or jail exist for most formerly incarcerated individuals. Exploring welfare interventions, therefore, may be helpful regardless of the specific street-level bureaucrats in these systems. The challenges that prompt the formerly incarcerated to need welfare are symptomatic of larger issues, too, such as an inherently racist and classist criminal justice system and the failure of the welfare state. Such nationwide issues warrant my recommendation of federal legislative action and should prompt other jail systems to explore the feasibility of my recommendations for programmatic interventions.

Data Analysis

My case study of Cook County Jail uncovered two barriers for the detainees trying to access welfare upon release from jail—formal and informal. Federal and state statutes and jail procedures create the formal barriers. Bureaucratic practices create the informal barriers. Some informal barriers are explicitly related to incarceration at Cook County Jail (e.g., indefinite length of detention) and others may be produced or exacerbated by detention (e.g., insecure housing or homelessness). Formal and informal barriers create problems regardless of whether or not someone was enrolled in a welfare program prior to pretrial detention. However, formal barriers most likely affect those already enrolled, while informal barriers make it harder for people to enroll or for jail administrators to create interventions that increase enrollment.

59. *Ibid.*, 4.

The complexity of the statutes and procedures confuses even administrators and advocates, let alone the individuals who attempt to enroll. This confusion and the on-the-ground realities triggered by statutes and procedures create the most problems for detainees trying to access welfare after leaving Cook County Jail.

Formal Barriers

Formal barriers are two fold: federal/state statutes and jail policies. Statutory barriers are Medicaid suspension and thirty-day detention limits. Jail procedural barriers are guidelines on inmate property, inmate telephone access, and access to identification cards.

Medicaid Suspension

Section 1905 of the Social Security Act prohibits “payments with respect to care or services for any individual who is an inmate of a public institution.”⁶⁰ This broad statute includes jails and does not distinguish between the pretrial and convicted population. Some states terminate inmates’ Medicaid while others, including Illinois, suspend coverage.⁶¹ Illinois mandates that the Illinois Department of Healthcare and Family Services (HFS) “shall not cancel a person’s eligibility for medical assistance, nor shall the Department deny a person’s application for medical assistance, solely because that person has become or is an inmate of a public institution, including ... a county jail.”⁶²

60. “Compilation of the Social Security Laws,” Social Security Administration, Dec. 20, 2019, www.ssa.gov/OP_Home/ssact/title19/1905.htm; see, also, Gates, Artiga, and Rudowitz.

61. “States Reporting Corrections-Related Medicaid Enrollment Policies In Place for Prisons or Jails,” Kaiser Family Foundation, 2019, www.kff.org/medicaid/state-indicator/states-reporting-corrections-related-medicaid-enrollment-policies-in-place-for-prisons-or-jails.

62. Illinois Public Aid Code, 305 ILCS 5/1–8.5 (2014, 2015), www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=030500050K1-8.5.

Lynne Thomas of HFS explained how Medicaid suspension works for inmates of Cook County Jail. An incarcerated individual’s Medicaid “services are restricted so that only inpatient hospital services are accepted by HFS claims processing” through a “manual process.”⁶³ The jail pays for inmates to receive medical care *onsite* at the jail’s Cermak Hospital, which HFS cannot claim as *inpatient* hospital services.⁶⁴ The individual’s case is “edited” but not submitted to Medicaid. As a result, the detainee remains enrolled in benefits, or if uninsured, is able to apply for Medicaid while incarcerated, and benefits are “manually” reactivated upon release.⁶⁵ Persons who apply for Medicaid while in prison may still have to wait for coverage upon release. Although federal guidelines require states to process applications within forty-five days, Thomas said that Illinois “experiences backlogs.” A person can receive temporary coverage pending approval.⁶⁶ The unpredictable length of incarceration at Cook County Jail makes “manual” case editing unfeasible, and because inmates receive medical care onsite there is there little or no financial incentive to report claims.

Despite explicit federal policy, some interviewees expressed confusion about Medicaid suspension and said that the jail has no formal process. The majority of interviewees stressed the lack of clear procedures and delays in the reactivation of benefits upon release. While Thomas stated that HFS lifts suspensions and provides a “quick” reactivation of benefits, none of the Cook County Jail employees I interviewed knew when or if suspension or reactivation had occurred. CountyCare executives expressed confusion with the system at large, claiming that their clients’ coverage is “not truly suspended” for short-term incarcerations or that clients “really just drop off the face of the earth” when they are detained in jail.

63. Lynne Thomas, interview with the author, Dec. 31, 2018.

64. *Ibid.* “Inpatient hospital services” refers to care received outside of the institution for twenty-four hours or more.

65. *Ibid.*

66. *Ibid.*

Samuel Elder of Cabrini Green Legal Aid said that after release “it takes a little while to get the process up and running again” since cases “get lost in the ether.”⁶⁷

These ambiguities about suspension prevent former inmates from caring for their health. Multiple interviewees stated that clients worry about getting medical or psychological help if they are unsure that they have Medicaid and would have to pay out of pocket. Their clients didn’t want to take the risk, even for essential services. Since having health insurance upon release leads to lower recidivism rates, there is reason for concern when a federal statute produces gaps in insurance for those in pretrial incarceration in Cook County—a population already at risk of recidivism.⁶⁸

The very real, formal barrier of Medicaid suspension and ambiguous agency practices produce barriers and should be addressed.

Thirty-Day Detention Time Limits

Federal SNAP and SSI statutes prohibit benefits for individuals who are incarcerated in a public institution for more than thirty days. These statutes are barriers for people already enrolled in SNAP and SSI upon entrance to Cook County Jail; they do not affect those who apply after release.

Regarding SNAP, the Balanced Budget Act of 1997 requires states “to verify and otherwise ensure that an individual who is placed under detention in a Federal, State, or local penal, correctional, or other detention facility for more than 30 days shall not be eligible to participate in the food stamp program as a member of any household.”⁶⁹ The Illinois Department of Human Services (IDHS), which processes SNAP applications, has one procedure for former detainees who are single and another for former detainees in households. A single person must reapply for

67. Samuel Elder, interview with the author, Nov. 20, 2018.

68. The expansion of Medicaid under the Affordable Care Act “decrease[s] recidivism for both violent and public-order crimes.” See, Aslim et al., 1.

69. Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

benefits at an IDHS office and “prove” he was released.⁷⁰ Ramon Marrero, an office manager of an IDHS Family Community Resource Center, said the application is “treated like expedited SNAP benefits,” meaning an interview is conducted the same day or by the next business day.⁷¹ Marrero said that “at the end of the day, if your income is zero, you’re going to qualify for expedited”; he described an “easy” process of verifying lack of income in “a face-to-face” or telephone interview, with benefits ready in three-to-five days.⁷² For detainees living in a household “there’s no special process,” although the caseworker might cite incarceration as a reason for removal in the case notes.⁷³ For the released person reentering a household, a caseworker reviews eligibility based on income and assets, and the applicant or a household member must provide release papers from the Cook County Department of Corrections; caseworkers “attempt” to process the request on the same day.⁷⁴

Marrero said that caseworkers restore people’s SNAP benefits fairly quickly. However, multiple interviewees in prisoner advocacy groups said that clients have problems obtaining discharge papers, are not told to keep the papers, or need to return to jail for copies. As a result, starting a new application or even the relatively simple re-addition to a household may take time.

70. Ramon Marrero, interview with the author, Dec. 11, 2018.

71. Ibid. IDHS expedites applications for individuals without income in the last thirty days; former inmates who lost SNAP after thirty days in prison are part of this category.

72. Ibid.

73. Ibid. A national study demonstrated that one of the common “hardship triggers” for SNAP beneficiaries is the loss of a wage-earning household member due to incarceration. See Kathryn Edin et al., *SNAP Food Security In-Depth Interview Study: Final Report* (Washington, DC: US Department of Agriculture, Mar. 2013), 21–22, fns-prod.azureedge.net/sites/default/files/SNAPFoodSec.pdf.

74. Ramon Marrero, interview with the author, Dec. 11, 2018.

The loss of benefits while incarcerated creates coverage gaps and increases food insecurity.⁷⁵ Aimee Ramirez of the Greater Chicago Food Depository said that a majority of individuals risk going hungry upon release from Cook County Jail.⁷⁶ Multiple interviewees said that “expedited SNAP benefits” should be extended to those who were unenrolled prior to incarceration, because federal law allows individuals without any income in the last thirty days to receive up to two months of SNAP benefits while IDHS processes their new application.⁷⁷

Some advocates questioned the “easy” and “quick” nature of IDHS processing, and its promise of expedited benefits within three days. The IDHS in-person interview can be a burden to some clients, who have to arrange childcare or transportation.⁷⁸ Although the USDA requires states to conduct in-person interviews, “most states applied for and received waivers that allow for telephone interviews in all cases,” and “new technologies and data exchange” allow some states to eliminate interviews completely.⁷⁹ Language barriers play a “large role” in stopping some from “applying for food stamps once they try and contact the food stamp

75. Emily A. 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 (Apr. 2013): 112–23, www.ncbi.nlm.nih.gov/pmc/articles/PMC3733343.

76. Aimee Ramirez, interview with the author, Dec. 5, 2018.

77. The “computer tells caseworkers” whether the person will receive one or two months. Ramon Marrero, email message to the author, Mar. 3, 2019.

78. Editor’s note: There are twelve IDHS Family Community Resource Centers in Chicago: Downtown (1), South Side (6), West Side (4), North Side (1). See “Office Locator,” IDHS, n.d., accessed Mar. 12, 2021, www.dhs.state.il.us/page.aspx?module=12.

79. Gretchen Rowe et al., *Assessment of the Contributions of an Interview to SNAP Eligibility and Benefit Determinations: Final Report* (Washington, DC: US Department of Agriculture, May 2015), xi, 2, fns-prod.azureedge.net/sites/default/files/ops/SNAPInterview.pdf.

office.”⁸⁰ The IDHS Family Community Resource Centers do have a Spanish-language telephone option, which is the second option after English. In one study, many Spanish speakers are “unaware” that a message is “repeated in Spanish and hang up during the English message.”⁸¹

IDHS has created specific procedures for working with incarcerated individuals, but further improvement is needed to on-the-ground practices. Many advocates said clients continue to have trouble navigating the current system. Matt McLoughlin of the Chicago Community Bond Fund described one client whose benefits were suspended: “Even with whatever the emergency [expedited] process is, it was still going to take over ten days,” to get benefits.⁸² McLoughlin went so far as to say that “we’re creating the situation where ... people do things like [retail theft] in order to survive,” implying that a lack of public assistance forces people to commit “Jean Valjean” crimes that could result in a return to jail.

Finally, in regard to SNAP enrollees, all jail administrators and Marrero of IDHS said that IDHS and Cook County Jail do not share information. Kasey Reagan of the IDHS Bureau of Collections suggested otherwise: a “cross match” between the IDHS eligibility system and Cook County creates an alert or “task” for a caseworker to review. She added that Cook County Jail is the “only County jail that has any systematic information sharing.”⁸³ Despite this, the collections bureau will charge recipients with “overpayment” fines if the released person (or household members) uses benefits that accumulated while the person was in jail; the rationale being

80. Vivian Gabor et al., *Seniors’ Views of the Food Stamp Program and Ways to Improve Participation—Focus Group Findings in Washington State: Final Report* (Washington, DC: US Department of Agriculture, June 2002), 38, www.ers.usda.gov/webdocs/publications/43151/51497_efan02012.pdf?v=0.

81. Ibid.

82. Matt McLoughlin, interview with the author, Dec. 11, 2019.

83. Kasey Reagan, email message to the author, Apr. 18, 2019.

that they did “not report that they went into an institution.”⁸⁴ This suggests that—despite agency communication—the burden of proof of incarceration rests with the SNAP recipient, which, as I will explore later, is made impossible by the fact of incarceration itself. The ambiguity around this process is alarmingly similar to Medicaid suspension, suggesting a general lack of familiarity with departmental procedures resulting from federal laws.

Regarding SSI, Title 42 of the US Public Code states that “no payment [of Supplemental Security Income] shall be made ... during any period for which such individual ... is an inmate of a public institution that is a jail, prison, or other penal institution or correctional facility.”⁸⁵ A detainee’s SSI payments are suspended for the “entire period of time from the first moment of the first day ... through the last moment of the last day of the month.”⁸⁶ Recipients must bring prison discharge papers to a local SSA office, and, if they meet current eligibility requirements, payments are reinstated during the month of release; they earn partial payments when released mid-month.

Laura Lord of Thresholds said a large part of her job was helping clients “turn SSI back on.” As with SNAP, discharge papers (also known as a letter of incarceration) are a stumbling block. The letter is the “last thing on their mind,” because they “just want to get out of there.” For someone released after business hours, “nobody from [the] record [office] will be there to give them that letter.”⁸⁷ Lord and clients must regularly return to the jail for the letter. She did commend records staff as “particularly helpful,” as well as the jail’s social workers who were willing to get

84. Ibid.

85. Public Health and Welfare of 2012, 2 U.S.C. § 1383 (2012).

86. Doug Nguyen, email message to the author, Dec. 5, 2018. For example, for a person incarcerated on June 1, SSI payments stop on July 1; for a person incarcerated in mid-June, the first “full calendar month” of incarceration began on July 1 and SSI payments stop on August 1.

87. Laura Lord, interview with the author, Feb. 15, 2019.

letters for clients who could not enter the jail because they lacked IDs.

SSI suspension becomes a termination when a person is detained for “a year or more,” including any days with an active warrant for arrest.⁸⁸ A termination triggers a new application, including a lengthy medical review.⁸⁹ Reapplicants wait an average of three-to-five months for a decision. SSI applications are not processed until the first day of the following month, which is a further delay.⁹⁰

The Social Security Administration pays jails what it calls “bounties” to report ineligible detainees.⁹¹ Participation is voluntary, but Cook County Jail is an active reporter. Under the Memorandum of Understanding between SSA and Cook County Jail (see Appendix B), the jail sends a periodic “prisoner inmate report” to an SSA field office.⁹² SSA pays the jail \$400 for inmates reported within thirty days of incarceration and \$200 for inmates reported within ninety days of incarceration.⁹³ SSA suspended SSI benefits for 584 individuals at Cook County Jail in 2017 and 419 detainees through October 2018 (see Appendix C). The jail collected \$186,400 in bounties from January 2017 through October 2018. Ibid.

88. Colby Calloway, email message to the author, Dec. 10, 2018.

89. Gary M. Pettigrew to Local Mental Health Directors et al., “DMH Information Notice NO: 98-05. Amendments to the Social Security Act,” memorandum, Department of Mental Health Archives, State of California, Mar. 17, 1998, 1, www.dhcs.ca.gov/formsandpubs/MHArchives/InfoNotice98-05.pdf.

90. “Program Operations Manual System,” Social Security Administration, Aug. 8, 2018.

91. Doug Nguyen, email message to the author, Nov. 19, 2018; Social Security Administration, *Incentive Payment Memorandum of Understanding: Agreement between the Social Security Administration and the Cook County Department of Corrections* (Washington, DC: Social Security Administration, 2018), memorandum obtained through FOIA and in the author’s possession.

92. “Program Operations Manual System,” Social Security Administration; SSA, *Incentive Payment Memorandum*, 10.

2018 for SSI and SSDI suspensions, the latter are not covered in my analysis (see Appendix D).⁹⁴

Cara Smith of Cook County Jail described the human cost of the suspensions and benefit gaps, saying that most detainees relied on the checks they though would be “waiting in their mailboxes” upon release.⁹⁵ SNAP and SSA justify suspensions or terminations when beneficiaries’ welfare needs are met by other public institutions; state agencies scramble to return these SNAP and SSI beneficiaries to the rolls after their releases; and advocates are left to deal with the on-the-ground reality of people facing benefit gaps when they most need a safety net. Matt McLoughlin of the Chicago Community Bond Fund 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.”⁹⁶ My analysis of statutes demonstrates the unraveling of access to public aid, but more so, it suggests that pretrial incarceration disconnects people from help when help is most need: the moment when a person leaves jail and tries to rebuild his or her life in Chicago.

Cook County Jail Intake and Property Procedures

Property procedures during arrest and intake create barriers when inmates attempt to retrieve their confiscated property. After release, people may not know if their belongings, including crucial identification cards, are located at the Chicago Police Department’s property section (1101 S. Homan Avenue) or at Cook County Jail (2700 S. California Avenue)—nearly three miles away. Until they track down their identification, they cannot apply or reapplying for public assistance, a barrier confirmed by all of my interviewees.

94. Social Security Administration, *Cook County Jail Statistic Information for January 1, 2017, through October 1, 2018* (Washington, DC: Social Security Administration, 2018), data obtained through FOIA and in the author’s possession.

95. Cara Smith, interview with the author, Nov. 6, 2018.

96. Matt McLoughlin, interview with the author, Dec. 11, 2019.

An arrested person is first held at a Chicago Police Department station. The lockup officer completes a two-part Personal Property Form (CPD 11.502, REV. 3/14). Part I includes an identification section (arrestee’s address, physical description, birthdate, and property list) and a detention facility section, but CPD procedure does not explain how or when the detention section is completed (see Appendix E).⁹⁷ Part II includes an inventory stub that the officer removes and places with the property in a sealed envelope, after which the office is supposed to give part II to the arrestee as a receipt (see Appendix F). The officer also completes an Arrestee and Property Transport Manifest for Cook County Jail to verify when the transfer occurred and that the property was received.⁹⁸ None of my interviewees knew of detainees who received part II or of the existence of the manifest. Cook County Jail inventories “any property received from the inmates” during booking.⁹⁹ The inmate signs and receives a Cook County property receipt and a copy is placed with the inmate’s property.¹⁰⁰ The jail’s manual states that an inmate or “authorized family members and/or other person” may pick up property “within forty-five days” of discharge.¹⁰¹ Despite these procedures, it is unclear whether the Chicago Police Department routinely transfers property to Cook County Jail. Multiple jail administrators suggested that property is never transferred, with Jane Gubser of the jail saying, “I’m not quite

97. Eddie T. Johnson, *Special Order S07-01-01: Inventorying Arrestees’ Personal Property* (Chicago: Chicago Police Department, Dec. 1, 2017), 3, 5.

98. *Ibid.*, 4.

99. Cook County Department of Corrections, *Policy 702: Custody Manual—Inmate Reception and Intake* (Chicago: Cook County Department of Corrections, Oct. 1, 2018), 5.

100. *Ibid.*, 6.

101. *Ibid.*

sure how that would happen.”¹⁰² If the jail does receive property from the police, it is returned to the individual upon release. Multiple interviewees inside and outside of the jail provided anecdotal evidence of inconsistencies in this approach.

The Chicago police transfers property after ninety-six hours from the local station to the property section on Homan Avenue, and within thirty days of transfer, a person must present the property form and a photo ID to retrieve property. (Detainees must mail copies.¹⁰³) The police do not explain how a person should proceed if the photo ID was one of the confiscated items, and the logistics of copying and mailing the form and ID from jail is difficult without the help of a jail caseworker and outside help.¹⁰⁴ Maanasi Laird of Teamwork Englewood said that “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?”¹⁰⁵

As a result of these procedures, detainees often leave Cook County Jail without IDs, a common problem of US jails and prisons: “Only one-third of state prisons ensure that individuals leave prison with a state-issued identification ... effectively barring people from driving a car, opening a bank account, leasing an apartment, or verifying their identity for prospective employers.”¹⁰⁶ Public aid is also out of reach without a state ID, birth

102. Jane Gubser, interview with the author, Nov. 16, 2018.

103. “Procedures for Return of Property” on the CPD Personal Property Form (see Appendix E); “Notice to Property Owner,” Chicago Police Department, Sept. 2015, directives.chicagopolice.org/forms/CPD-34.523-PART%204-A-ENGLISH.pdf.

104. Laura Lord, interview with the author, Feb. 5, 2019.

105. Maanasi Laird, interview with the author, Nov. 16, 2018.

106. Emily Livingston et al., *Reducing Recidivism: An Ecosystem Approach for Successful Reentry* (Washington, DC: Deloitte Center for Government Insights, 2018), 7, www2.deloitte.com/content/dam/insights/us/articles/4935_Reducing-recidivism/DI_Reducing-recidivism.pdf.

certificate, and a Social Security Card. When I asked about people’s most immediate needs after leaving jail, Laird said “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.... They never have either of these when they leave.”

Interviewees frequently discussed the difficulty of getting new IDs for clients, citing the catch-22 of needing a form of ID to get an ID and the long wait (fifteen to ninety days) for IDs to arrive in the mail.¹⁰⁷ Alan Mills said access to identification, the ID hump,” is the biggest challenge that the Uptown People’s Law Center faces in connecting or reconnecting clients to SSI: “If they have nothing, we have no way of getting them anything.”¹⁰⁸ McLoughlin expressed frustration with the entire process: “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?”¹⁰⁹

Cook County Communication Policies

The jail’s phone and internet policies bar detainees from complying with reporting obligations (including reporting their incarceration) or receiving case updates that allow them to maintain public assistance. These barriers apply only to inmates already enrolled in Medicaid, SNAP, or SSI.

Detainees can use phones “as long as they like,”¹¹⁰ but with restrictions. They may call collect to landlines but cannot receive calls. They may call cell phones if the receiver has a prepaid account with the jail’s contracted

107. “Central Issuance: Frequently Asked Questions,” Office of the Illinois Secretary of State, 2015, www.cyberdriveillinois.com/departments/drivers/drivers_license/central_issuance/ci-faq.pdf.

108. Alan Mills, telephone interview the author, [Dec. 15, 2018].

109. Matt McLoughlin, interview with the author, Dec. 11, 2019.

110. Cara Smith, interview with the author, Nov. 6, 2018.

communication service, Securus Technology.¹¹¹ Detainees share phones with others in a cellblock; the number of calls they can make depends on the division and how crowded it is.¹¹² Aside from a “reasonable number” of free calls at intake “to an attorney and to a family member,” detainees pay for calls with phone cards purchased at the commissary or have receivers accept collect calls or buy Securus prepaid cards.¹¹³

Detainees cannot access the internet. The jail does not have a computer lab due to “old infrastructure” and “bad wiring.”¹¹⁴ This prevents Medicaid and SNAP recipients from updating their cases or seeing case changes on Illinois’s online portal, ManageMyCase.¹¹⁵ Missing an online redetermination notice from Medicaid, for example, also means missing reapplication.¹¹⁶

Medicaid, SNAP, and SSI mandate that beneficiaries alert their case-worker of a change in income or incarceration.¹¹⁷ Although the agencies accept changes by various methods, detainees are limited to phone calls.¹¹⁸

111. Editor’s note: As of June 13, 2019, rates per minute are six cents within the United States, eight cents to Canada or Mexico, and thirteen cents to other countries with the jail’s new provider, Legacy Inmate Communications. See “Set Up An Inmate Phone,” Cook County Sheriff’s Office, n.d., accessed Mar. 18, 2021, www.cookcountysheriff.org/how-do-i/set-inmate-phone.

112. Cara Smith, email message to the author, Feb. 20, 2019.

113. Cook County Department of Corrections, *Inmate Information Handbook* (Chicago: Cook County Department of Corrections, [2013]), 22, www.law.umich.edu/special/policyclearinghouse/Documents/Cook%20County%20Inmate%20Manual.pdf; “Set Up An Inmate Phone,” Cook County Sheriff’s Office.

114. Jane Gubser, interview with the author, Nov. 16, 2018

115. Carol West, interview with the author, Dec. 7, 2018.

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

117. Ramon Marrero, interview with the author, Dec. 11, 2018.

118. Medicaid, SNAP, and SSI accept changes by phone or office visit; SNAP and SSI also accept changes by mail.

Multiple interviewees said they had never heard of inmates being able to call the state and federal welfare agencies’ toll-free numbers. Cara Smith of the jail said detainees could call toll-free numbers, which was refuted by Securus Technologies and McLoughlin of the Chicago Community Bond Fund.¹¹⁹ Failure to report incarceration can mean sanctions and fines for overpayment. One anonymous employee explained that the IDHS Bureau of Collections “always figured out” if someone had been in jail and charges for overpayments received while incarcerated. Kasey Reagan, also from the Bureau of Collections, said in her experience that most people “would elect to voluntarily return the funds [on their Link Cards] to avoid or pay off the overpayment from their incarcerated time.”¹²⁰ As Reagan explained, a person could be taxed 10 percent of their monthly benefits “for not reporting that they went into an institution.”¹²¹ The point remains, though, that the jail’s communication policies limit an incarcerated person’s ability to contact agencies and avoid collection or the tax.¹²²

119. Cara Smith, email message to the author, Feb. 20, 2019; Securus Technologies customer service representative, live chat with the author, Feb. 15, 2019; Matt McLoughlin, interview with the author, Dec. 11, 2019. Several states and the Federal Bureau of Prisons prohibit inmates from making toll-free calls. See, “Phone Correspondence with an Offender,” Virginia Department of Corrections, n.d., accessed Mar. 14, 2021, vadoc.virginia.gov/families-friends-of-offenders/phone-correspondence-with-an-offender; “Program Statement: Inmate Telephone Regulation,” Federal Bureau of Prisons, Feb. 11, 2008, www.bop.gov/policy/prog-stat/5264_008.pdf; “Telephone Calls,” Department of Corrections and Community Supervision, n.d., accessed Mar. 14, 2021, doccs.ny.gov/telephone-calls.

120. Kasey Reagan, email message to the author, Apr. 18, 2019.

121. Ibid.

122. SSA also includes various sanctions for failing to report changes in a “timely and accurate” manner, which include withholding SSI benefits for six months to two years. See “Understanding Supplemental Security Income Reporting Responsibilities—2019 Edition,” Social Security Administration, 2019, www.ssa.gov/ssi/text-report-ussi.htm.

All interviewees at state and federal welfare agencies stressed themes of “expectation” and “individual responsibility” for detainees. They compared the relationship between enrollees and their programs as a worker to a company, who must take the initiative on reporting. Ramon Marrero of IDHS said it was “easier” and “quicker” to deal with cases upon release if people had self-reported incarceration. Inmate advocates expressed exasperation at the expectation that people know they have a duty to report a change in status or would even be able to do so while incarcerated. They said that jail caseworkers or administrators are unaware of the state’s reporting expectations and do not facilitate reporting. This places an undue burden on the detainees, who must navigate communications on their own. The assumption that detainees have friends or family who are able to help is also untenable, especially for the jail’s mentally ill or homeless who typically do not have anyone “in or outside of jail.”¹²³ Advocates said that welfare agency caseworkers themselves often do not understand reporting procedures: detainees or their families would report changes, and the caseworker would cancel benefits preemptively and incorrectly. As a result, reporting expectations are at odds with the circumstances of detainees, circumstances directly tied to jail communication policies and procedures.

123. Maanasi Laird, interview with the author, Nov. 16, 2018.

Informal Barriers

Informal barriers are the jail’s bureaucracy and the circumstances of detention caused by the discretion and practices of street-level bureaucrats at the jail, the court, and welfare agencies. Informal barriers affect aid recipients regardless of prior enrollment status.

Indefinite Detention

Regardless of why someone is in Cook County Jail, he or she has “no idea how long they’re going to be there.”¹²⁴ Cara Smith of the jail said that “only about 20 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, ... or ... after charges are dropped.”¹²⁵ For 80 percent of detainees indefinite detention creates barriers in two ways: it limits the ability of jail administrators to organize a coherent discharge plan, and it limits the ability of advocates and state agencies to prepare for reentry. All of the jail administrators see value in a good discharge plan: “Is it there? Yes. Could it be better? Yes.”¹²⁶

Currently, Medicaid is the only aid program that people apply for upon entering jail. A national study indicates that jail intake is an ideal point to enroll people in Medicaid: “It is expected that roughly 5.9 million (one-third) of the newly insured Medicaid population in 2016 will be people who will have been booked into jails during the year. By 2022, that number is estimated to increase to approximately 7 million.”¹²⁷ As

124. Cara Smith, interview with the author, Nov. 10, 2019.

125. Ibid.

126. Marlena Jentz, interview with the author, Dec. 13, 2018.

127. National Association of Pretrial Services Agencies, *The Patient Protection and ACA and the Pretrial System: A “Front Door” to Health and Safety* (Washington, DC: National Association of Pretrial Services Agencies, Feb. 2014), 6, www.pacenterofexcellence.pitt.edu/documents/Patient%20Protection%20and%20Affordable%20Care%20Act%20and%20the%20Pretrial%20System.pdf.

discuss earlier, CountyCare and the nonprofit, Treatment Alternatives for Safe Communities (TASC), enroll people in Medicaid during intake. TASC has enrolled twelve thousand people, and Cook County Jail administrators stressed its success and manageable implementation, with Marlena Jentz of the jail saying it “takes less than ten minutes.”¹²⁸ Jane Longo, a former CountyCare consultant, said that the program is “well-supported” by the detainees who receive insurance; she cited several notable “success stories” from a focus group one year after the program’s implementation: one man “got his life together” and another said that “I only ever got health care when I was inside.... I could never access health care on the outside, and now with CountyCare, I can.”¹²⁹

Jail administrators stressed that intake is the best time to reach people for intervention. Currently, the jail enrolls people in Medicaid but does not tell detainees about how to select a managed care organization (MCO) upon release from jail. There’s “no time” to explain MCOs at intake, despite the fact that interviewees frequently call plan selection “confusing.”¹³⁰ Carol West of Get Covered Illinois emphasized the importance of “critical” health-care literacy for new inmates: “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?”¹³¹ Allowing individuals to select their managed care plans can “facilitate continuity of care,

128. Ibid. The jail had to first overcome the fact that the police had confiscated the new inmates’ IDs. Jentz said the jail uses fingerprints and “unique” jail ID numbers, which she calls the “justice system’s version of the Social Security Number.”

129. Jane Longo, interview with the author, [Dec. 15, 2018].

130. Marlena Jentz, interview with the author, Dec. 13, 2018.

131. Carol West, interview with the author, Dec. 7, 2018.

maintenance of needed medication regimes, transfer of medical records, and the establishment of a medical home.”¹³² Without explaining MCOs or helping people select their plans on-site, the jail fails to provide full access to Medicaid.

Statutes trigger suspension or discontinuation of benefits, but welfare agencies do have initiatives that allow detainees to apply for assistance while incarcerated for immediate assistance upon release. SSA has prerelease agreements with correctional institutions.¹³³ SNAP’s Prisoner Prerelease Application Filing Waiver “allows them to take applications and conduct eligibility interviews from incarcerated applications prior to their release.”¹³⁴ Interviewees stressed, though, that without a known release date, it is “impossible” to implement these prerelease applications. The interviewees all cited strict federal guidelines about who can submit an application, when, and how submission “starts the clock” and sets deadlines in motion.¹³⁵ Ramon Marrero of IDHS described a hypothetical scenario to demonstrate the pitfalls of implementing a pre-enrollment agreement in Cook County Jail. A Family Community Resource Center must interview applicants within a certain number of days of application,

132. David Panush to Jennifer Kent, letter regarding Coordinated Care Assessment Project Comments: [California] Prison and Jail Reentry, Dec. 20, 2018, p. 7, calhps.com/wp-content/uploads/2018/12/DHCS-Coordinated-Care-Pilot-Project-Comments-12.20.18.pdf.

133. Doug Nguyen, email message to the author, Nov. 19, 2018; Social Security Administration, *Audit Report: The Social Security Administration’s Pre-release Procedures of Institutionalized Individuals* (Washington, DC: Social Security Administration, Feb. 2015), B1–2, oig.ssa.gov/sites/default/files/audit/full/pdf/A-02-14-24085_0.pdf.

134. Kate Fink, interview with the author, Dec. 14, 2018; Ecaterina Burton, “Realignment: The Policy Opportunity for a CalFresh Pre-enrollment Program” (MA thesis, University of California at Berkeley, 2016), 30–33, wclp.org/wp-content/uploads/2016/10/Reducing-Hunger-Recidivism-by-Pre-Enrolling-Into-CalFresh.pdf.

135. Virginia Hanson, interview with the author, Dec. 7, 2018.

but detainees might still be incarcerated, making it impossible to conduct an in-person or phone interview; within thirty days the office must approve or deny the application. If the jail extends incarcerations, then inmates' applications are automatically denied. He summed up the process as "confusing."¹³⁶

The jail is currently trying to implement an SSI application legal clinic at discharge, which has proven to be particularly difficult, due to SSI's lengthy application.¹³⁷ Without knowing the length of a detainee's stay, it is hard to determine when to start the SSI process.

Posting bond does not make aid applications more orderly. The jail may take hours to discharge some people and discharges others too early. In just one example, the Chicago Community Bond Fund "communicated with the guy's brother [to pick Leon up], and we thought that everything was lined up.... His brother gets there and his brother, Leon, is gone, and he can't figure out where he is.... We find out a day later that Leon got let out of 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."¹³⁸

Other advocates confirmed these implementation hurdles and grapple with planning their clients' discharge. Samuel Elder of Cabrini Green Legal Aid said the release date is a "guessing game" and the hardest part of his job; together with multiple interviewees, he relies on public defenders who "had a sense of how that court date is going to go."¹³⁹ Even when a caseworker has an "expected release date," often "people kind of get released out of the blue."¹⁴⁰ Aimee Ramirez explained how the Greater Chicago Food Depository proposed to come into the jail and pre- or

136. Ramon Marrero, interview with the author, Dec. 11, 2018.

137. Marlena Jentz, interview with the author, Dec. 13, 2018.

138. Matt McLoughlin, interview with author, Dec. 11, 2019. Editor's note: Chicago's Uptown neighborhood is approximately ten miles from Cook County Jail.

139. Samuel Elder, interview with the author, Nov. 20, 2018.

140. Ibid.

re-enroll people in SNAP: her staff "got their hands slapped a bit while trying to time" how to help someone fill out an application without a known release date; IDHS told the depository that it could not keep prefilled applications until the date of release, because "federal rules are very strict."¹⁴¹ The rigidity of application deadlines makes an orderly reentry difficult nationwide:

While adequate time is needed in order to secure resources, to communicate with agencies and persons involved in an inmate's reentry plan, and to meet with the inmate, corrections agencies must be mindful that many activities specifically focused on the moment of release cannot be planned for too far in advance. For example, housing can only be secured once an individual's release date is known; similarly, benefits and resources available to prisoners at the moment of release, or soon after, are contingent upon timely submission of application material based upon a known release date.¹⁴²

The depository is working with the jail to include a food insecurity or SNAP-eligibility screening at intake, but it's more of a "long-term" goal at this point.¹⁴³

The majority of interviewees said that direct interaction with inmates is more effective than providing referrals or outreach materials. Discharge planning is especially important for people with mental illnesses and substance-abuse disorders, who are more likely to be responsive to a warm hand-off "in which the client never loses contact with the referring

141. Aimee Ramirez, interview with the author, Dec. 4, 2018.

142. Nancy La Vigne et al., *Release Planning for Successful Reentry: A Guide for Corrections, Service Providers, and Community Groups* (Washington, DC: Urban Institute, Sept. 2008), 6, www.urban.org/sites/default/files/publication/32056/411767-Release-Planning-for-Successful-Reentry.PDF.

143. Aimee Ramirez, interview with the author, Dec. 4, 2018.

provider until contact with the new provider is established.”¹⁴⁴ Interviewees said that good discharge programs are essential to decreasing recidivism and increasing positive outcomes overall. Currently, though, discharge planning is a “very difficult gymnastics, kind of at the drop of a dime... We never know when someone leaves and goes to court, whether they’re going to come back [to the jail] with an order to release them.”¹⁴⁵

Extended Detention

The length of stay at Cook County Jail is much longer than the national average.¹⁴⁶ I codify extended stay as an informal barrier, because it is linked to current and historical bureaucratic practices of Cook County Criminal Court, which is “plagued by unnecessary delays” that violate the constitutional right to a speedy trial.¹⁴⁷ Extended stays bar SSI and SNAP recipients from keeping benefits, which require periodic redeterminations and are suspended after thirty days of incarceration.

Cara Smith said that “jails are ... supposed to be ... a short-term stay for people,” but stressed that Cook County Criminal Court’s practices are unique and produce extended detentions.¹⁴⁸ The majority of interviewees confirmed that the longer a person is incarcerated, the harder it is to “keep things together on the outside.”¹⁴⁹ People lose housing and jobs as well as opportunities to seek new work that might limit the need for welfare: “The most outrageous thing is that this is all occurring before people have been convicted of anything.... I think everyone is probably

144. Panush, 8.

145. Cara Smith, interview with the author, Nov. 10, 2019.

146. Zheng, 6; “Length of Stay,” Cook County Performance Management.

147. Spencer Woodman, “No-show Cops and Dysfunctional Courts Keep Cook County Jail Inmates Waiting Years for a Trial,” *Chicago Reader*, Nov. 16, 2016.

148. Cara Smith, interview with the author, Nov. 10, 2019.

149. Matt McLoughlin, interview with the author, Dec. 11, 2019.

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.”¹⁵⁰

Tanya Anderson of the Administrative Office of the Illinois Courts said that the first source of delay is Pretrial Services, which conduct risk assessments prior to bond hearings. Pretrial officers have a backlog due to high caseloads, resource constraints, and limited support staff.¹⁵¹ Cook County has taken steps to address cash-bail practices that hurt poor inmates disproportionately, but the problem of extended detention remains for pretrial inmates denied bond.¹⁵² Interviewees noted the case backlog in Cook County Criminal Court and overwhelmed public defenders, who each have “as many as eighty to ninety cases.”¹⁵³ A US Department of Justice report criticized Cook County “judges and police commanders who fail to ensure that officers appear in court when needed and a state crime lab so overburdened it can take up to a year to turn around basic DNA samples.”¹⁵⁴ An Illinois Supreme Court audit of the court found “problems with staffing, supervision, training, organization, information sharing and ‘a general

150. Ibid.

151. Tanya Anderson, telephone interview the author, [Feb. 15, 2019].

152. “No defendant [shall be] held in custody prior to trial solely because the defendant cannot afford to post bail, to ensure fairness and the elimination of unjustifiable delay in the administration of justice” and requires the court to “consider the defendant’s social and economic circumstances when setting conditions of release.” See “General Order 18.8A: Procedures for Bail Hearings and Pretrial Release,” State of Illinois, Circuit Court of Cook County, July 17, 2017, www.cookcountycourt.org/Manage/Division-Orders/View-Division-Order/ArticleId/2562/GENERAL-ORDER-NO-18-8A-Procedures-for-Bail-Hearings-and-Pretrial-Release.

153. Samuel Elder, interview with the author, Nov. 20, 2018.

154. Woodman.

lack of understanding’ among court and law enforcement officials about how the system is supposed to work.”¹⁵⁵

Interviewees said that a common problem for detainees, regardless of the welfare program, is missing redetermination notices while in jail.¹⁵⁶ Alan Mills of the Uptown People’s Law Center described someone who misses an SSI redetermination as “essentially starting from scratch.”¹⁵⁷ Missing a SNAP redetermination notice closes a case file, which requires a person to complete a lengthy application and again provide proof of identity.¹⁵⁸ “Starting from scratch” is a barrier for recent inmates, who, as detailed above, struggle to regain confiscated IDs, as well once again gathering proof of income or medical disability.

Siloed Services and Agency Relationships

Street-level bureaucrats in Cook County operate in a massive system that stymies collaboration. The system prevents government officials and advocates from launching new programs to connect the formerly incarcerated with public assistance. Cara Smith of the jail described the system as “siloed” and offered one example: “Probation just operates on its own. If someone is being 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.”¹⁵⁹

155. “How to Unclog Cook County’s Criminal Courts,” *Chicago Tribune*, Mar. 23, 2014.

156. Benefit recipients must periodically prove eligibility by completing lengthy “redetermination” forms. See “Medical, Cash and SNAP Redetermination Notice,” Illinois Department of Human Services, revised Jan. 2018, www.dhs.state.il.us/onenetlibrary/12/documents/Forms/IL444-1893-IES.pdf.

157. Alan Mills, telephone interview the author, [Dec. 15, 2018].

158. Ramon Marrero, interview with the author, Dec. 11, 2018.

159. Cara Smith, interview with the author, Nov. 6, 2018.

Another example is the relationship between Cook County Jail and Cook County Health and Hospital System (CCHHS). The jail houses the onsite Cermak Hospital, which CCHHS runs, but CCHHS and Cermak Hospital “answer to the [Cook County Board]” separately, making coordination, collaboration, and oversight difficult.¹⁶⁰ Gerry Gorman of the University of Illinois at Chicago Nursing’s Community Health Practicum said that “the two don’t really get along.”¹⁶¹

As noted earlier, the majority of people who enter the jail with health insurance are enrolled in CountyCare, the county’s Medicaid plan. CountyCare executives all cited a lack of data and a lack of data sharing between CCHHS and the jail. CountyCare does not know when or if any of its clients are in jail and has trouble “reengaging” them after release. Andrea McGlynn is trying to create an alert system that would allow CountyCare to reactivate benefits automatically; the system would ensure that clients have coverage of medical treatments and prescriptions upon release and allow CountyCare to contact inmates and plan reentry-focused care: “We have this beautiful thing in place, we just don’t leverage it.... The health system and health plan data could talk, ... could coordinate.”¹⁶²

Advocates understand that health is linked to food insecurity, disability, and health insurance but, when they attempt to help current and former inmates, they discover records and responsibilities are divided between CCHHS and the jail, which creates a general confusion of whom to contact and why. Even though CCHHS operates the jail’s hospital, Aimee Ramirez had to hold separate conversations with CCHHS and the Sheriff’s Office about launching SNAP outreach in the jail, because the two entities do not have a joint committee to oversee coordination and collaboration.¹⁶³

160. Jane Gubser, interview with the author, Nov. 16, 2018.

161. Gerry Gorman, interview with the author, Feb. 13, 2019.

162. Andrea McGlynn, interview with the author, Dec. 17, 2018.

163. Aimee Ramirez, interview with the author, Dec. 4, 2018.

Agency Inefficiencies

Federal and state welfare agencies 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. One could argue that bureaucratic inefficiencies affect everyone's interactions with government agencies, but former detainees are often forced into this maze due to the coverage gaps produced by prolonged pretrial detention.

Some agency interviewees stressed the ease of restarting benefits, but advocates suggested otherwise. They described confusing and extensive application processes and negative interactions between their clients and state welfare agencies. Multiple interviewees independently described navigating the process as a "maze" and a "puzzle." Laird of Teamwork Englewood had a client who spent eight hours at a Family Community Resource Center trying to restart SNAP.¹⁶⁴ One interviewee was forced to concede bluntly that former detainees "are just screwed."¹⁶⁵

Backlogs at the Medicaid, SNAP, and SSI agencies prolong case decisions, with clients waiting longer than federal guidelines for approval of benefits. For example, IDHS is supposed to follow federal guidelines and process Medicaid applications within forty-five days, but "Illinois has experienced backlogs."¹⁶⁶ Clients who receive medical care during the application period can apply for retroactive payment after approval; however, multiple advocates said their clients view retroactive payments as "risky" and "anxiety-producing." Most cannot afford to pay upfront for doctors' visits and do not want to accrue debt while waiting for a potential approval from Medicaid. Lynne Thomas of HFS said that people can receive temporary medical coverage if the final Medicaid decision takes longer than forty-five days, but none of my other interviewees knew of clients who had received this temporary coverage.

164. Manaasi Laird, interview with the author, Nov. 16, 2018.

165. Matt McLoughlin, interview with the author, Dec. 11, 2019.

166. Lynne Thomas, interview with the author, Dec. 31, 2018.

Agency caseworkers often lack knowledge about the nuances of pretrial detention and aid eligibility. Advocates provided numerous anecdotes of caseworkers giving clients conflicting information that affected their benefits or that prevented them from applying for future benefits. Other agency caseworkers exercise discretion that helped or hindered recipients. Kate Fink of the USDA asserted that "there is no 'discretion' in the approval of benefits" due to strict federal standards of eligibility, but multiple advocates noted that their clients felt stigmatized by welfare caseworkers and were ashamed to admit incarceration.¹⁶⁷ Maanasi Laird of Teamwork Englewood said her clients were given arbitrary "assignments" to prove they had "used their time in jail well" before they could apply for benefits.¹⁶⁸

Laird was particularly frustrated with IDHS on the day of our interview. She was trying to enroll a man released from Cook County Jail in SNAP. An IDHS representative had given him confusing information about whether or not he had to go to a Family Community Resource Center before he could start the application online; he went to the office and then tried to start the application online. Laird's later attempt to access his profile and finish his application blocked his account for identity fraud. During our interview, she was on hold with IDHS, trying to lift the fraud hold. Her coworker, Mark Mitchell, said this happens "all the time" and delays the SNAP application.¹⁶⁹

Lack of Valid Address

The Prison Policy Initiative found that the formerly incarcerated are ten times more likely than the general public to face homelessness and "those

167. Kate Fink, interview with the author, Dec. 28, 2018.

168. Manaasi Laird, interview with the author, Nov. 16, 2018. For the incarcerated person's "debt to society" and expectation to "give back," see Reuben Jonathan Miller and Forrest Stuart, "Carceral Citizenship: Race, Rights and Responsibility in the Age of Mass Supervision," *Theoretical Criminology* 21, no. 4 (2017): 542, journals.sagepub.com/doi/full/10.1177/1362480617731203.

169. Mark Mitchell, interview with the author, Nov. 16, 2018.

who have had a long history of going in and out of jail are twice as likely to be homeless.¹⁷⁰ Homelessness or insecure housing means welfare programs do not have a valid address to communicate with clients. This is a particular concern at Cook County Jail, which many interviewees described as a “revolving door.” Pretrial incarceration exacerbates circumstances that cause the lose a valid address and produces an informal barrier to maintaining or receiving Medicaid, SNAP, and SSI.

The majority of interviewees cited homelessness or unstable housing as a fundamental problem for the jail population.¹⁷¹ Jail intake officers are “good at knowing what the shelter addresses are,” because people mention them so often during intake.¹⁷² The jail also has a van to take released inmates to Pacific Garden Mission, a homeless shelter on the Near South Side.¹⁷³ Even an arrest can “trigger” the eviction of a person or an “entire household from public or private housing.”¹⁷⁴ Jail time can makes it impossible to pay rent through a loss of income or subsidized housing vouchers. Those who had lived with friends or family may not be able to return “for whatever reason,” including pending domestic violence charges or fear of being “back” in an environment, such as drug use, that contributed to detention.¹⁷⁵

170. Tanvi Misra, “The Homelessness Problem We Don’t Talk About,” Bloomberg CityLab, Aug. 16, 2018, www.bloomberg.com/news/articles/2018-08-16/the-jail-to-homelessness-pipeline.

171. See, also, Eric Grommon, Jason Rydeberg, and Timothy Bynum. *Understanding the Challenges Facing Offenders Upon Their Return to the Community: Final Report* (Lansing: Michigan State University, Jan. 2012), 13–14, cj.msu.edu/_assets/pdfs/mjsc/MJSC-UCFOURC-Jan2012.pdf.

172. Cara Smith, interview with the author, Nov. 10, 2019.

173. Jane Gubser, interview with the author, Nov. 16, 2019.

174. “Know Your Rights: Housing and Arrests or Criminal Convictions,” Bronx Defenders, Oct. 2, 2010, www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions.

175. Laura Lord, interview with the author, Feb. 15, 2019.

State welfare agencies send midpoint and redetermination notices for SNAP by mail; if people miss those notices they will lose benefits.¹⁷⁶ Teamwork Englewood’s Maanasi Laird recounted anecdotes of clients who “missed” receiving their new Link Cards, because they were “bouncing from shelters or friends’ homes.” Colby Calloway of Senator Gary Peters’s Michigan office said, “I don’t feel like there is any effort on the part of SSA to connect with people exiting jails.”¹⁷⁷ Medicaid and SSI also notify individuals by mail of closed cases. Individuals in detention or who are released without a valid address may be unaware of lost benefits until they go to the doctor or try to buy groceries with an expired Link Card. Interviewees did not know how detainees could learn that they had lost these benefits while they were incarcerated or how they could access reinstatement information upon release, especially if their addresses had changed or if they were already homeless or transient. These struggles with insecure housing effectively bar many from obtaining public assistance despite their eligibility.

Policy Recommendations

Pretrial detention creates formal and informal barriers for Cook County Jail inmates who are eligible for Medicaid, SNAP, or SSI. First, I propose legislative action, because federal statutes create formal barriers to eligibility for individuals in pretrial detention. Second, I propose jailhouse programs that address informal barriers and promote awareness of eligibility and enrollment for all prisoners, regardless of length of stay.¹⁷⁸

176. Ramon Marrero, email message to the author, Apr. 3, 2019. Marrero said that IDHS allows the homeless to use the office’s address on their applications, which requires them to return to the office routinely to “see if there is any mail.”

177. Colby Calloway, email message to the author, Dec. 30, 2018.

178. The longer the incarceration, the more inevitable the barriers, but certain barriers exist regardless of length of stay. Thus, while my recommendations are mindful of the length of detention, I attempt to embrace welfare enrollment for as many people as possible, including those with “only” short lengths of stay.

Legislative Action

Congress needs to amend the Social Security Act (which governs Medicaid),¹⁷⁹ the US Public Code (which governs SSI),¹⁸⁰ and the Balanced Budget Act of 1997 (which governs SNAP)¹⁸¹ to exclude pretrial detainees from suspension of benefits. These amendments would recognize the unique bureaucratic challenges of those in pretrial detention and protect them as a class. The amendments would bring the earlier statutes into agreement with the language of the most recent federal statute, the No Social Security Benefits for Prisoners Act (NSSBPA), which was signed into law in 2009.¹⁸² NSSBPA amends Title II (SSDI) and Title XVI (SSI) “to prohibit retroactive payments to individuals” who have been convicted of crimes and excludes individuals who have only been accused of crimes.¹⁸³ Cook County Jail regularly houses people for longer than thirty days for reasons unrelated to the severity of charges or the fault of the detainee, such as backlogs in the county’s criminal justice

179. Section 1905 prohibits Medicaid “payments with respect to care or services for any individual who is an inmate of a public institution.” See “Compilation of the Social Security Laws,” SSA.

180. Title 42 states that “no payment [of Supplemental Security Income] shall be made ... during any period for which such individual ... is an inmate of a public institution that is a jail, prison, or other penal institution or correctional facility.” See Public Health and Welfare of 2012, 2 U.S.C. § 1383 (2012).

181. The act requires states “to verify and otherwise ensure that an individual who is placed under detention in a Federal, State, or local penal, correctional, or other detention facility for more than 30 days shall not be eligible to participate in the food stamp program as a member of any household.” See Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997).

182. Pub. L. No. 111-115, 111 Stat. 4218 (2009).

183. Ibid. SSDI eligibility is based on disability and work credits; SSI eligibility is based on age/disability and low income. See Brandy Bauer, “SSI vs. SSDI: the Differences, Benefits, and How to Apply,” National Council on Aging, Nov. 23, 2020, www.ncoa.org/article/ssi-vs-ssdi-what-are-these-benefits-how-they-differ.

system, a lack of funds to post bail, racially biased bail terms, or the inability to hire a private attorney.¹⁸⁴ Finally, I recommend that suspension of benefits be replaced by a pause in benefits during the time that Cook County Jail pays for inmates’ health care and food. Jail administrators would be responsible for notifying the relevant agencies as part of their standard intake and release procedures (see below for details). Pausing benefits would eliminate the bureaucratic—and unnecessary—hoops that force state officials’ to create ad hoc suspension policies and that force inmates into the difficult process of notifying agencies of incarceration from jail and of reactivating benefits upon release.

Direct Enrollment Programs and Single-Stop Model

In regards to Medicaid, Illinois and Cook County Jail should end case-worker discretion and the informal practice of not suspending and not reporting. A formalized system would pause detainees’ benefits at intake and reactivate benefits automatically upon release, similar to Rikers Island Jail. Ashley Smith of New York City’s Health and Hospitals System explained that Rikers shares inmate data with the city’s Human Resources Administration, which reactivates Medicaid automatically upon release, a process that “takes, at most, twenty-four hours.”¹⁸⁵ This procedure should be relatively easy to implement, because the data already exists in the Cook County system.¹⁸⁶

184. David Arnold, Will Dobbie, and Crystal S. Yang, “Racial Bias in Bail Decisions” (Working Paper 23421, National Bureau of Economic Research, Cambridge, MA, May 2017), 3, www.nber.org/papers/w23421; Douglas L. Colbert, Ray Paternoster, and Shawn Bushway, “Do Attorneys Really Matter? The Empirical and Legal Case for the Right of Counsel at Bail,” *Cardozo Law Review* 23 (2002): 1,719–93, digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1290&context=fac_pubs.

185. Ashley Smith, telephone interview the author, [Feb. 15, 2019].

186. Andrea McGlynn, interview with the author, Dec. 17, 2018.

In regards to SNAP, Cook County Jail should incorporate food-security screenings into its intake procedure, which the Greater Chicago Food Depository considers a long-term goal.¹⁸⁷ Multiple interviewees described SNAP pre-enrollment programs in other state prisons where detainees are screened. SNAP applications could be started at Cook County Jail even without a known release date by using flexibility in the federal guidelines for on-the-ground administrators. Virginia Hanson of the South Dakota Department of Social Services said that caseworkers “hold applications” for people expected to be released after South Dakota’s thirty days SNAP-waiver mandate. They “flag it on their calendar” to process the application 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.”¹⁸⁸ If Illinois welfare agencies are not willing to shoulder this burden, external partners might. Melanie Hickcox of Feeding Missouri, a nonprofit similar to the Greater Chicago Food Depository, helps individuals complete applications in prison and submits the applications on their behalf close to the release date; the “clock” starts in Missouri (as in Illinois) when an application is received.¹⁸⁹ Holding SNAP applications would require Cook County Jail administrators to dedicate a group of staff members to monitor and submit applications by email to IDHS caseworkers when a release date approaches. Despite limitations that would need to be overcome—e.g., staff training and release-date ambiguity—this recommendation could be the start of a larger conversation around targeted outreach and enrollment for detainees.

In regards to SSI, Cook County Jail should assist detainees who might be eligible. Marlena Jentz of the jail said that its administrators are already considering a mini-clinic for SSI, where a legal team would come and

187. Aimee Ramirez, interview with the author, Dec. 5, 2018.

188. Virginia Hanson, interview with the author, Dec. 7, 2019.

189. Melanie Hickcox, telephone interview the author, [Feb. 15, 2019].

assist detainees with SSI applications.¹⁹⁰ A recommended improvement would be to use the technical assistance offered by the SSI/SSDI Outreach, Access, and Recovery Program (SOAR) of the Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the US Department of Health and Human Services.¹⁹¹ SOAR offers free online seminars for caseworkers, social workers, and correctional officers working with “high-risk” individuals, including the currently and formerly incarcerated. Jails and state prisons that implement SOAR training see higher SSI application approval rates and lower recidivism rates for former inmates.¹⁹²

SOAR can “facilitates partnerships with community service providers to share information, acquire pre-incarceration medical records, and translate prison functioning into post-release work potential.”¹⁹³ Participating institutions may apply for SAMSHA grants targeted at interventions for specific populations, like the homeless or mentally ill.¹⁹⁴ Kristin Lupher, a SOAR coordinator, said that this program is designed specifically for discharge planners within carceral institutions, state caseworkers, and advocates for the formerly incarcerated.¹⁹⁵ Lupher stressed that the training is most successful when organizations “dedicate a position to focus

190. Marlena Jentz, interview with the author, Dec. 13, 2018.

191. “What is SOAR?” Substance Abuse and Mental Health Services Administration, n.d., accessed Mar. 19, 2021, soarworks.prainc.com/content/what-soar.

192. Kristin Lupher, interview with the author, Dec. 11, 2018.

193. Dazara Ware and Deborah Dennis, *Best Practices for Increasing Access to SSI/SSDI Upon Exiting Criminal Justice Settings* (Washington, DC: US Department of Health and Human Services, Jan. 2013), 4, soarworks.prainc.com/sites/soarworks.prainc.com/files/bestpracticesCJ-508.pdf.

194. Kristin Lupher, interview with the author, Dec. 11, 2018. For example, SOAR training explains how to use jail disciplinary infraction reports to demonstrate symptoms of mental illness to SSA.

195. Ibid.

on the applications,” rather than simply adding SOAR or SSI application preparation into the “massive” caseloads of existing staff.¹⁹⁶ This may be hard to implement at the jail due to resource constraints, such as existing staff caseloads and the lack of funding for new staff.¹⁹⁷ Additionally, the SSI application requires a release date, though Lupher said that “it doesn’t really matter ... SSA just needs ... an expected release date.”¹⁹⁸ Similar to my SNAP proposal, this recommendation depends on less bureaucracy, but even having jail staff complete the free training might facilitate more baseline SSI outreach for detainees.

Although Cook County Jail could implement these recommendations individually, I further recommend that the jail incorporate them into a single-stop service, modelled on the Rikers Island program. Nicole Quinn, the program’s coordinator, describes its two benefit centers, which are run by the nonprofit Center for Urban Community Services (CUCS) as a “one-stop shop for public benefits right on the Island.”¹⁹⁹ CUCS counsels detainees on SNAP, Medicaid, and cash assistance and makes referrals to affiliated agencies and community health organizations; an on-site Legal Aid Society—much larger than Cook County Jail’s proposed legal clinic—provides “assistance on ... eviction prevention; public benefits appeals; employment issues; and family law issues.”²⁰⁰ This successful jail-nonprofit collaboration has been well received by jail staff, which suggest it could also work in Cook County.

196. Ibid.

197. Jane Gubser, interview with the author, Nov. 16, 2018.

198. Kristin Lupher, interview with the author, Dec. 11, 2018.

199. Nicole Quinn, email message to the author, [Feb. 15, 2019].

200. “Rikers Island Single-Stop Support Center,” Center for Urban Community Services, 2018, program description shared by Nicole Quinn and in the author’s possession. See, also, “CUCS Benefit Centers,” Center for Urban Community Services, n.d., accessed Mar. 19, 2021, www.cucs.org/financial-stability/benefit-centers.

Inmate ID Program

I recommend that Cook County Jail implement an identity card program, similar to one at New York’s Monroe County Jail.²⁰¹ Twice a month, Department of Motor Vehicles staff process state ID applications for pretrial detainees. Former inmates leave jail with either a real or temporary state ID.²⁰² Monroe County Jail’s size (1,300 inmates) may prevent translating this ideal program to Cook County Jail (6,046 inmates), due to larger costs and more complicated logistics.²⁰³ If that is the case, then the jail could issue Chicago CityKey cards, which Chicago residents may use as a “valid, government-issued ID” throughout the city, including city agencies.²⁰⁴ Tonantzin Carmona of the clerk’s office said that the card, which is issued without a fee, may function as secondary identification for federal and state welfare programs for people with Social Security Cards.²⁰⁵ The clerk’s office has worked with jail and prison administrators and Safer Foundation, a nonprofit advocate for those with criminal records, to expand the list of documents to include Cook

201. “Inmates at Monroe Co. Jail Can Now Receive Non-Driver ID Cards,” WHAM ABC 13, June 27, 2018, 13wham.com/news/local/inmates-at-monroe-co-jail-can-now-receive-non-drive-id-cards.

202. John Kennedy, email message to the author, Dec. 13, 2018.

203. Erin L. George, *New York’s Jails by the Numbers* (New York: JustLeadership-USA, Mar. 26, 2018), 4, justleadershipusa.org/wp-content/uploads/2018/03/FREENewYork-ByTheNumbers_032618.pdf; Business Intelligence Unit, *Sheriff’s Daily Report 11/1/2018*.

204. The card “serves as a government-issued ID, a Chicago Public Library Card, a Chicago Transit Authority Ventra Card, and a Chicago prescription drug discount card.” See “Chicago CityKey,” Office of the City Clerk, n.d., accessed Mar. 19, 2021, www.chicityclerk.com/chicagocitykey.

205. Tonantzin Carmona, interview with the author, Feb. 22, 2019. The Chicago CityKey does not require applicants to have a Social Security Number or fixed address.

County Department of Corrections IDs and Illinois Department of Corrections verification forms, conditions-of-aftercare release papers, and parole documents.²⁰⁶

In 2019 the clerk's office began issuing CityKey Cards to women inmates at Cook County Jail, had hoped to expand the program to men, and was "in talks with the Illinois Secretary of State's office about helping inmates get state identification."²⁰⁷ After confirming eligibility, CityKey Cards are printed "within minutes" at the clerk's office, at mobile sites, or in jail (for women inmates). CityKey could benefit up to two-thirds of detainees who are Chicago residents, but not the remaining detainees who reside in the suburbs or elsewhere.²⁰⁸ Immediate access to ID cards is an advantage over the Monroe County Jail state ID program, in which some inmates leave with temporary cards and may have trouble receiving real cards if they lack a mailing address.

These policy recommendations would require a cultural shift at the jail and additional staff training, which potentially limits successful implementation at Cook County Jail. Gerry Gorman of UIC Nursing said that all jail employees are "incredibly diligent and committed to helping the population" but are "very" confined to their roles and rarely knew or understood "things happening across cells or in different departments."²⁰⁹ Numerous interviewees discussed the general low morale of the jail's staff, especially among correctional officers. In order to

206. Ibid.

207. Andy Grimm, "Female Inmates Issued CityKey ID Cards in Jail Pilot Program," *Chicago Sun-Time*, Nov. 8, 2019, chicago.suntimes.com/news/2019/11/8/20955419/inmates-chicago-citykey-id-card-jail-program. The program's expansion was threatened by city budget cuts in 2020; see Justin Laurence, "Cuts to City Key ID Program Proposed," Block Club Chicago, blockclubchicago.org/2020/10/28/cuts-to-city-key-id-program-proposed-to-help-close-citys-1-2-billion-budget-gap.

208. Olson and Taheri, 4.

209. Gerry Gorman, interview with the author, Feb. 13, 2019.

implement successful programs, interviewees stressed that buy-in from correctional officers, who interact the most with detainees, is essential. Sociologist Nicole Gonzalez Van Cleve said that correctional officers "make fun" of Sheriff Dart and his reform efforts and do not think jails should give inmates "handouts."²¹⁰ Inmates, in turn, harbor fears about the jail staff.²¹¹ However, jail leadership can improve correctional officers' morale and buy-in by including them in the planning process and offering services to the officers themselves.²¹²

Conclusion

Despite a presumption of innocence during pretrial incarceration, a person must navigate complex challenges, including access to Medicaid, SNAP, and SSI, while in Cook County Jail and after release. These welfare programs are crucial. They lower recidivism and extend the basic human rights of food, health, and housing to an often demonized group—the poor and formerly incarcerated.

I focused on the pretrial population as a single group, but there are ultimately two distinct groups to be considered: people connected to public assistance who lose aid due to detention and people disconnected from welfare whose disconnection grows after detention. Formal barriers almost exclusively affect people with aid who have been detained for more

210. Nicole Gonzalez Van Cleve, telephone interview the author, [Feb. 15, 2019]. See, also, Nicole Gonzalez Van Cleve, *Cook County: Racism and Injustice in America's Largest Criminal Court* (Stanford, CA: Stanford University Press, 2016).

211. For example, men at the jail commonly fear that officials add poisons to their food, which will "emasculate" and "feminize" them for easier control. Gerry Gorman, interview with the author, Feb. 13, 2019.

212. "Ten Steps Correctional Directors Can Take to Strengthen Performance," Pew Center on the States, May 2008, www.prisonlegalnews.org/media/publications/pew_report_ten_steps_corrections_dir_can_take_to_strengthen_performance_may_2008.pdf.

than thirty days, while informal barriers affect everyone, even people detained for only a few hours. Cook County Jail deviates from the norm of jails as a form of short-term incarceration, which causes a larger portion of people to face barriers to Medicaid, SNAP, and SSI benefits upon release. Cook County Jail should combat or mitigate these barriers as much as possible by taking advantage of Illinois's expansive eligibility factors.

Many of Illinois's jail population are eligible for at least one of these welfare programs; the pool of potential enrollees and people entering the jail already enrolled is large; and these programs provide a safety net that helps former inmates rebuild productive lives. There are numerous systemic and institutional reasons why people end up in jail, including the over policing 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.²¹³ Until such large-scale injustices within the criminal justice system are ameliorated, jail will continue to receive a population that is historically disenfranchised, hard-to-reach, and potentially eligible for welfare. The jail's leadership already recognizes that "on any given day, between 25 and 30 percent of the inmates at Cook County Jail suffer from mental illnesses" and has twice hired psychologists as wardens, with the understanding that treating mental illness in jails reduces recidivism and increases quality of life.²¹⁴ For the same practical and humanitarian reasons, the jail should now recognize the needs of its larger population who receive or are eligible for public aid.

213. Andrea J. Ritchie and Beth E. Richie, *The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response*, vol. 9, *New Feminist Solutions* (New York: Barnard Center for Research on Women, Sept. 19, 2017), 4, bcrw.barnard.edu/wp-content/nfs/reports/NFS9-Challenging-Criminalization-Funding-Perspectives.pdf.

214. "Mental Health Policy and Advocacy," Cook County Sheriff's Office, n.d., accessed Mar. 20, 2021, www.cookcountysheriff.org/departments/mental-health-policy-advocacy; Nader Issa, "Cook County Jail Hires 2nd Consecutive Mental Health Professional as Warden," *Chicago Sun-Times*, Mar. 6, 2019.

Implementation will be challenging. Since the 1970s, the US criminal justice system has viewed incarceration as punitive and not rehabilitative.²¹⁵ At the level of on-the-ground administration, multiple interviewees stressed the importance of relationships and building trust when working with people on welfare, which will require a cultural shift given the current staff-detainee relationship at Cook County Jail. I believe firmly, though, that there remains an obligation to try. Mass incarceration has produced a class of people in the United States—"carceral citizens"—which is overwhelmingly poor people of color.²¹⁶ This will require reimagining Cook County Jail as a critical site of intervention—rehabilitation, if you will—for marginalized people. As my thesis has demonstrated, there is a growing understanding among mayors and sheriffs of the practical need to reintegrate pretrial detainees into the general population as a means of reducing recidivism; nonprofit advocates are willing to help in this endeavor; and Illinois's expansion of federal welfare benefits makes these interventions feasible. Cook County Jail is ideally situated to become a model for these types of reforms, and I urge the jail's leaders to try. ○

215. 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 (Mar. 2011): 33, www.ncbi.nlm.nih.gov/pmc/articles/PMC3762476.

216. Miller and Stuart, 533–34.

Appendix A: Interviewees Cited in Text

Criminal Justice System — 9 contacts

TITLE	AFFILIATION	LOCATION
Tanya Anderson Pretrial coordinator	Administrative Office of the Courts	Illinois
Anna Calabrese Re-entry director	Mayor's Office of Criminal Justice	New York
Gerry Gorman Clinical professor of nursing	University of Illinois Chicago	Illinois
Jane Gubser Program head	Cook County Jail	Illinois
Felicia Henry Re-entry manager	Mayor's Office of Criminal Justice	New York
Marlena Jentz Program administrator	Cook County Jail	Illinois
John Kennedy Captain	Monroe County Jail	New York
Cara Smith Policy chief	Cook County Jail	Illinois
Unknown name Customer service	Securus Technologies	Texas

Government Agencies — 15 contacts

TITLE	AFFILIATION	LOCATION
Anonymous Collections employee	Department of Human Services	Illinois
Colby Calloway Social Security liaison	US Senator Gary Peters (D-MI)	Michigan
Tonantzin Carmona Policy chief	Office of the City Clerk of Chicago	Illinois
Kate Fink External affairs director	USDA Food and Nutrition Services	DC
Virginia Hanson Program specialist	Department of Social Services	South Dakota
John Kiamos Chief executive	CountyCare Medicaid	Illinois
Jane Longo Administrator	CountyCare Medicaid	Illinois
Kristin Lupher SOAR project director	Substance Abuse and Mental Health Services Administration	DC
Ramon Marrero Administrator	Department of Human Services	Illinois
Andrea McGlynn Clinical service director	CountyCare Medicaid	Illinois
Doug Nguyen Communications director	Social Security Administration	Illinois

Continued

Government Agencies — 15 contacts *continued*

TITLE	AFFILIATION	LOCATION
Nicole Quinn Program director	Center for Urban Community Services	New York
Kasey Reagan Service administrator	Department of Healthcare and Human Services	Illinois
Lynne Thomas Senior administrator	Department of Healthcare and Family Services	Illinois
Carol West ACA coordinator	Department of Human Services	Illinois

Nonprofits — 11 contacts

TITLE	AFFILIATION	LOCATION
Samuel Elder Social worker	Cabrini Green Legal Aid	Illinois
Melanie Hickcox SNAP project manager	Feeding Missouri	Missouri
Maanasi Laird Case manager	Teamwork Englewood	Illinois
Laura Lord Program administrator	Thresholds	Illinois
Matt McLoughlin Cofounder	Chicago Community Bond Fund	Illinois
Alan Mills Chief executive	Uptown People's Law Center	Illinois
Mark Mitchell Reentry director	Teamwork Englewood	Illinois
Robin Moore Release administrator	Treatment Alternatives for Safe Communities	Illinois
Aimee Ramirez Policy manager	Greater Chicago Food Depository	Illinois
Nicole Gonzalez Van Cleave Sociology professor	Brown University	Rhode Island
Sheena Ward Medicaid coordinator	Heartland Alliance	Illinois

Appendix B: MOU between SSA and Cook County Jail (pp. 1-2, 10)

Source: Social Security Administration, *Incentive Payment Memorandum of Understanding: Agreement between the Social Security Administration and the Cook County Department of Corrections* (Washington, DC: Social Security Administration, 2018), memorandum obtained through FOIA and in the author's possession.

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

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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.

Appendix B: MOU between SSA and Cook County Jail *continued*

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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).

Appendix C: SSI (Title XVI) Suspensions at Cook County Jail

Source: Social Security Administration, *Cook County Jail Statistic Information for January 1, 2017, through October 1, 2018* (Washington, DC: Social Security Administration, 2018), data obtained through FOIA and in the author's possession.

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

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

<u>2017</u>		<u>2018</u>	
Number of Title XVI Suspensions		Number of Title XVI Suspensions	
January	25	January	54
February	35	February	37
March	45	March	54
April	52	April	16
May	56	May	39
June	60	June	36
July	98	July	80
August	47	August	72
September	54	September	31
October	64	October	0
November	36		
December	12		
Total	584	Total	419

Appendix D: SSI/SSDI Incentives Paid to Cook County Jail

Source: Social Security Administration, *Cook County Jail Statistic Information for January 1, 2017, through October 1, 2018* (Washington, DC: Social Security Administration, 2018), data obtained through FOIA and in the author's possession.

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

2017		2018	
Payment Amount		Payment Amount	
January	\$13,200	January	\$2,400
February	8,200	February	11,000
March	5,400	March	8,000
April	6,000	April	8,600
May	5,800	May	4,200
June	7,400	June	3,600
July	4,400	July	10,600
August	14,400	August	11,800
September	10,800	September	13,000
October	13,800	October 1	2,800
November	13,600		
December	7,400		
Total	\$110,400	Total	\$76,000

Appendix E: CPD Personal Property Form, part I

Source: Olivia Medina, Public Information Officer, Office of Legal Affairs, Chicago Police Department, to author, Dec. 13, 2018.

PERSONAL PROPERTY FORM RECEIPT NO. **P**
CHICAGO POLICE DEPARTMENT DISTRICT/UNIT NO.

DATE RECEIVED: _____ CITY: _____ C. & NO. _____

NAME OF OWNER: _____

OWNER'S ADDRESS: _____ CITY: _____ C. & NO. _____

TOTAL CASH AND COINS MUST BE \$100.00 OR LESS TOTAL VALUE OF CASH AND COINS

MONEY COUNT NUMBER	1p	2k	5k	10k	20k	50k	100k	Cash
QTY								
ITEM								
QTY								
ITEM								

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

CPD-11.502 (REV. 2/14) DETENTION FACILITY
(SEE OTHER SIDE) DO NOT DETACH THIS PERMANENT COPY FROM THE BOOK

DATE PROPERTY RECEIVED: _____ C. & NO. _____

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

BY: _____ PROPERTY OWNER (SIGNATURE)

FROM: _____ SHOW THE RECEIPT NO. ON PROPERTY INVENTORY.

PROPERTY INVENTORY NO. _____ 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: _____

PHYSICAL DESCRIPTION

SEX: _____ HEIGHT: _____ RACE: _____ HAIR COLOR: _____ EYE COLOR: _____

BUILD: SLENDER MEDIUM HEAVY GLASSES: _____

OTHER PHYSICAL CHARACTERISTICS: _____

PROPERTY OWNER'S BIRTH DATE: _____

DAY: _____ MONTH: _____ YEAR: _____

5/2/18

CPD-11.502 (REV. 2/14)

Appendix F: CPD Personal Property Form, part II

Source: City of Chicago, "Exhibit 3: Chicago Police Department Sample Forms," n.d., 19–20, accessed Mar. 21, 2021, www.chicago.gov/content/dam/city/depts/dps/ContractAdministration/Addendum/2017Addendum/Spec136744Exhibit3.pdf

PERSONAL PROPERTY FORM		RECEIPT NO.	
CHICAGO POLICE DEPARTMENT		2526801	
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		TOTAL VALUE OF CASH AND COINS	
	-1s	-5s	Coins
NUMBER			
CITY	ITEM	CITY	ITEM
LOCKUP PERSONNEL (SIGNATURE)		STAR NO./EMP. NO.	
CPD-11.502 (REV. 3/14)			
PRISONER'S RECEIPT			
DATE PROPERTY RECEIVED		C. B. NO.	
LOCKUP PERSONNEL (SIGNATURE)		STAR NO./EMP. NO.	
PROPERTY OWNER (SIGNATURE)			
FROM (PLACE THIS LOWER PORTION IN THE PROPERTY ENVELOPE)			
INVENTORY STATUS		RECEIPT NO.	
P 2526801			
1. PULL, DO NOT FLIP, STUB DOWNWARD TO REMOVE CARBON & DISCARD		2. REMOVE FROM THE ORIGINAL LEAVE DUPLICATE IN BOOK	

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	
A. Ask lockup personnel for your property when you leave the District station.	
B. If you did not receive your property when you left, within 80 hours present this receipt, in person, at the District station listed on the reverse side to claim the property. After 80 hours, your property is held at the Evidence and Recovered Property Section (ERPS) at 1611 S. Human Avenue.	
C. 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 2-64-16b, and disposed of by the Department.	
D. 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.	
E. 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 your receipt for the property sent to ERPS. You will need to have the property inventory form available when contacting the ERPS about your property.	
F. If the property is located at ERPS, present the property inventory form and photo identification to ERPS at 1611 S. Human Avenue, between 8:00 AM and 3:00 PM, Monday - Friday, excluding holidays to obtain your property. Call ERPS at (312) 748-6777 to confirm that your property is available.	
G. Further information concerning the Chicago Police Department inventorying and property return procedures can be found on its website at http://www.chicago.gov/oc/20 .	
IF ORIGINAL RECEIPT IS MISSING, THIS PORTION MAY BE SIGNED AND ATTACHED TO THE DUPLICATE, AFTER PROPER IDENTIFICATION OF OWNER.	
PROPERTY RETURNED BY 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)	

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