



TO: Members of the Michigan House Committee on Families, Children, and Seniors

FROM: Gilda Z. Jacobs, President & CEO, Michigan League for Public Policy

DATE: December 2, 2020

SUBJECT: Support of SB 1006 regarding access to food assistance benefits for individuals convicted of drug felonies

The Michigan League for Public Policy is a nonpartisan policy institute dedicated to economic opportunity for all, and advocates for state-level policy that helps people and families with low incomes achieve economic security. All of the League's work is done through a racial equity lens. We are proud to be a part of Hungry for Justice (HFJ), a diverse statewide coalition of members with broad areas of expertise and experiences who have joined in solidarity to ensure equitable access to food for all who call Michigan home.

The League thanks Senator Ananich for introducing Senate Bill 1006 to permanently eliminate Michigan's policy of denying food assistance benefits to certain people who have been convicted of drug felonies, and we urge the committee to support this vital step in advancing food security and economic justice. The ban unfairly extends punishment long after individuals have served their sentences, and systemic factors in employment, healthcare, and law enforcement mean that people with disabilities, particularly people of color, are overrepresented both among the food-insecure population and in justice system involvement. Undoing this harmful policy is especially urgent during the COVID-19 crisis, as widespread economic hardship combined with rapidly rising food prices have made it even more difficult for hundreds of thousands of Michigan families to get enough to eat.

Since 1996, federal law has prohibited individuals with felony drug convictions from receiving food assistance from the Supplemental Nutrition Assistance Program (SNAP). However, states are allowed to waive the restriction in full or in part and provide assistance to otherwise qualifying individuals with felony drug convictions. Until recently, Michigan had only partially waived the ban: a person who otherwise qualified for food assistance and had completed punishment for one felony drug conviction could receive assistance, but a person with more than one drug felony conviction arising from separate incidents that occurred after Aug. 22, 1996, was barred for life from receiving food assistance. We applaud the Michigan Legislature for choosing to discontinue the ban for the 2021 budget year; now, we encourage you to pass Senate Bill 1006 to ensure through statute that drug convictions will not be used to deny food assistance to families in subsequent years.

This ban was put into place at a time when "getting tough on drug crimes" was a popular political platform. More recently, a growing recognition that "tough on crime" isn't necessarily "smart on crime" has driven a series of bipartisan criminal justice reforms, including legislation to raise the age of juvenile jurisdiction to 18 and the recently enacted Clean Slate package. The drug felony ban is another

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policy that warrants reconsideration as **access to SNAP benefits has been proven to reduce recidivism—by as much as 13.1%, according to one national study.**

The people most likely to experience the drug felony ban are generally not drug kingpins; rather, they are people who may have gotten involved in the drug trade out of economic desperation or are merely struggling with an addiction. The most common substance involved in Michigan drug convictions is heroin, a sign of the devastation the opioid crisis has wrought on communities across the state—urban, suburban and rural alike.

The ban has distinct impacts on people with disabilities, who face numerous structural barriers to employment and earning capacity. As a result, **they are unemployed at nearly three times the national average and, when working, paid only 63 cents for every dollar paid to workers without disabilities.** At the same time, they may also face above-average costs for healthcare and other basic needs that make it difficult to afford food. **Working-age adults with disabilities are four times more likely to experience food insecurity than those without disabilities.**

There's a long tradition in the United States of effectively criminalizing disability by warehousing people in prisons and jails rather than investing in systems and services to ensure access to their basic needs, including healthcare, jobs and food. Nationwide, **people in prisons are nearly three times as likely to have a disability as the nonincarcerated population, and those in jails are more than four times as likely.** Cognitive disabilities and mental health issues—which are often “invisible” to law enforcement officers and other members of the community—are the most common disabilities among incarcerated people. Additionally, disability is more prevalent in communities of color, which have also borne the brunt of “tough on crime” policies—especially the war on drugs.

Returning citizens often face job and housing barriers and social stigmas when trying to reintegrate into their communities, which can compound the discrimination challenges that people with disabilities already face. Public social services programs help to make the transition successful. However, since many justice-involved individuals have more than one drug conviction, the SNAP ban has prevented many returning citizens from receiving assistance as they get back on their feet.

The denial of food assistance to one person has a ripple effect on their entire family, especially when the person has a disability or is a parent or other caregiver to someone with a disability. **Parents are more likely to plead guilty to drug felonies to lessen the impact of a conviction on their families.** Women are more likely than men to be incarcerated for a drug offense and also to be a child's sole parent. A parent's incarceration is linked to higher food insecurity rates and the development of learning disabilities and other chronic health conditions among children. **The average SNAP benefit in Michigan is \$1.32 per person per meal**—a modest investment that can reduce the prevalence and severity of chronic disease, deter recidivism, and strengthen families moving forward following contact with the justice system.

Everyone needs healthy food to survive and thrive. Michigan's drug felony ban is unfair in singling out people convicted of one type of crime, regardless of the relative harm to other individuals or the larger society. It is unjust in its disparate and profound impacts on people with disabilities and people of color. And it is ineffective in terms of public safety, health and the wise use of taxpayer dollars.

We urge you to approve permanent elimination of this policy through Senate Bill 1006, and we stand ready to support you in fighting for food and nutrition justice for all Michiganders during the COVID-19 crisis and beyond.



REPEAL MICHIGAN'S SNAP DRUG FELONY BAN: Michiganders with Disabilities are Disproportionately Punished

Gina Thompson, Intern | September 2020

Under federal welfare reform legislation enacted in 1996, states may permanently ban people with felony drug convictions from benefits under the Supplemental Nutrition Assistance Program (SNAP), regardless of demonstrated need. Michigan's lifetime ban applies to people with felony convictions from two or more separate incidents of drug possession, use or distribution.

It's time that Michigan stops singling out people with drug convictions and completely lifts the ban, as 26 other states have done. Food security directly affects recidivism, and the ban has distinct impacts on people with disabilities, who are already disproportionately affected by hunger and the criminal justice system. Due to the [racial disparities in the war on drugs](#), the ban is especially punitive for disabled people of color. As the COVID-19 pandemic has reaffirmed the critical connections between food security, stable employment and public health, it's even more urgent that the state changes its policy to support healthy food access for all.

Full eligibility for SNAP benefits **reduces** the probability that someone with a drug conviction will return to prison within one year by 13.1%¹

40% of SNAP participants are in families that include an elderly or disabled person.²

The average monthly SNAP benefit in Michigan is

\$1.32

per person per meal²—a modest investment with an outsized impact on success for returning citizens and their families.

Criminalization of Disability

People with disabilities are overrepresented in prisons and jails due to public disinvestment in healthcare and supportive services; discrimination in policing; lack of accessibility and accommodations in the courts; and the criminalization of substance use disorder (SUD).

People in prisons are nearly **three times** as likely to have a disability as the nonincarcerated population, and those in jails are more than **four times** as likely.³

The most common disabilities among incarcerated people relate to **cognition and mental health.**³

In Michigan jails:



4 in 5 people have a mental illness and

1 in 3 need medication to treat it.⁴

Healthcare barriers prevent **80%** of all Michiganders with SUD and **38%** of those with mental illness from getting the treatment they need.⁵

Disability is more prevalent in communities of color, which are also more heavily policed than white communities: **one in four Black people** and **three in ten American Indian/Alaska Natives** have a disability, compared to **one in five White people.**⁶

Black people are incarcerated at **3.6 times** the rate of White people in Michigan jails and **6.2 times** the white rate in Michigan prisons.⁷

Native Americans are incarcerated at **2 times** the rate of White people in the state's jails and **2.5 times** the white rate in Michigan prisons.⁷

Twice the Punishment and Zero Support

Returning citizens are often released without health insurance and other vital supports in place, and many reentry programs aren't designed to meet the needs of participants with a disability. Finding employment is difficult due to discrimination against formerly incarcerated people and people with disabilities. Access to SNAP supports a successful return to the community.

Michiganders convicted of drug crimes serve an average sentence of **6.4 years**.⁸

63 cents
for every dollar



A criminal record may affect future earnings especially for people with disabilities, who are already unemployed at nearly **three times** the national average and, when working, paid only 63 cents for every dollar paid to workers without disabilities.⁹

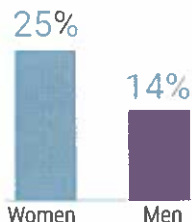
Working-age adults with disabilities are **four times** more likely to be food insecure than those without disabilities.¹⁰

Due to employment barriers, the employment rate among African Americans with disabilities is only **25%** compared to the average of **33%** for all people with disabilities.¹⁰

Food Security for the Whole Family

A parent's or caregiver's involvement with the justice system affects the whole family. Extending SNAP to households moving forward after drug-related incarceration would keep more children and people with disabilities out of poverty and ensure families can stay together.

Women make up an outsized percentage of incarcerated people with a drug offense.¹¹



Nationwide, **60%** of women in prisons and **80%** of women in jails have dependent children.¹¹

Parents are more likely to plead guilty to drug felonies to avoid separation from their families, and **women** are more likely than men to solely parent children.



1 in 9 Black children have a parent in jail or prison compared to **1 in 28 Latinx children** and **1 in 57 White children**.¹¹

Children of incarcerated parents are more likely to develop **learning disabilities and chronic health conditions like PTSD, asthma and migraines**.¹²

61% of **SNAP** participants are in families with children and **40%** are in families that include an elderly or disabled person.²

SNAP out of it—Remove the drug felony ban for food assistance!

Hungry for Justice is a statewide coalition of organizations and members fighting to ensure equitable access to food for all Michiganders.

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