

Colorado Probation Research in Brief

Obtaining Federal Benefits For Disabled Offenders

Source Document: National Institute of Justice. 2008. "Corrections Today...and Tomorrow: A Compilation of Corrections-Related Articles": pp 13-24.

Key Words: Benefits, re-entry, SSDI, SSI, jail, Medicaid, disability, severe mental illness

Summary/Conclusions

The National Institute of Justice compiled several articles on obtaining federal benefits for offenders and provided the information in three parts. The information was originally published in *Corrections Today*, in three monthly installments. The three articles summarize the research conducted by the National Institute of Justice (NIJ) and Centers for Disease Control (CDC) on pilot programs in Philadelphia, Texas, Washington, and Florida. Each location developed a system to assist inmates with disability benefits prior to release. The first two states focused on prison inmates, while Washington and Florida studied the results with jail inmates.

Limitations of Information

Many of probation's clients do not serve jail time prior to or as a result of probation supervision. For those who do serve time, their incarceration must be over 30 days in length before they lose any established benefits of SSDI, SSI, or Medicaid. Research conducted specifically with probationers transitioning from jail to supervision was not included; however, conclusions for the probation population can be drawn with caution.

Caveat: The information presented here is intended to summarize and inform readers of research and information relevant to probation work. It can provide a framework for carrying out the business of probation as well as suggestions for practical application of the material. While it may, in some instances, lead to further exploration and result in *future* decisions, it is not intended to prescribe policy and is not necessarily conclusive in its findings. Some of its limitations are described above.

Assisting Probationers with Benefits

The NIJ and CDC cosponsored efforts to study the effect of pre-release coordination of federal benefits on incarcerated offenders. The study demonstrated that applying for benefits prior to release may dramatically increase chances of receiving benefits post-release and improve success in the community.

Social Security Disability Insurance (SSDI) is available to offenders who have been "found to have a physical or mental impairment that has lasted, or is expected to last, for at least a year or will result in death." Supplemental Security Income (SSI) is "available to aged, blind or disabled" with limited assets and who applied for all other possible entitlements first. Regardless of the program, SSDI and SSI require a medical determination and the process can take up to 120 days to complete. An offender can apply, while serving a jail sentence and prior to probation, so that benefits are available at the time of transfer to the community. For offenders receiving SSDI before incarceration, benefits will be suspended if incarceration lasts more than 30 days. SSDI can be reinstated by filing a request; but for those receiving SSI, benefits will be lost after 12 consecutive months of incarceration and the offender must reapply upon release.

In the Texas project, researchers found almost 50% of those who applied received benefits, when assisted with applying in prison. NIJ noted "many experts believe that continuing treatment after inmates are released results in a more successful return to society," and "could reduce crime-and hence recidivism-by releasees who continue to receive the medical and mental health treatment they need."

Many offenders using SSDI or SSI benefits are Medicaid eligible also. In Washington and Florida, researchers found that "having Medicaid benefits at the time of release from jail appeared to help detainees with severe mental illness from returning to jail in the year following their release."

Practical Applications

- √ Become familiar with the available benefits, acceptance criteria, conditions for cancellation, and reinstatement, in order to accurately assist probationers.
- √ Develop partnerships and exchange information with agencies, who can provide assistance to probationers needing benefits.
- √ Assist the probationer with expenses, through the use of Offender Services, until federal benefits are received.
- √ Use a volunteer or specially trained probation officer to assist incarcerated probationers in applying for federal benefits, at least 120 days prior to release.
- √ Use presentence investigation reports to identify the need for benefits and to inform the probationer on the application process.
- √ When supervising a probationer, who has current benefits, consider alternative sanctions to violations to avoid sentences to jail and potential loss of benefits.
- √ Ensure consistent mental health and medical treatment by scheduling appointments with probationer's providers immediately following jail release.

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