



TO: Members of the Michigan Senate Committee on Families, Seniors and Veterans

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

DATE: September 22, 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—organizations working to advance criminal justice reform, disability advocates, and others who have joined in solidarity to ensure equitable access to food for all who call Michigan home.

The League joins our HFJ partners in thanking Senator Ananich for introducing Senate Bill 1006 to 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 disabled 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. Michigan has only partially waived the ban: a person who otherwise qualifies for food assistance and has completed punishment for one felony drug conviction can receive assistance, but a person with more than one drug felony conviction arising from separate incidents that occurred after Aug. 22, 1996, is barred for life from receiving food assistance.

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. The drug felony ban is another policy that deserves reconsideration as access to SNAP benefits has been proven to reduce recidivism—by as much as 13.1%, according to one national study.

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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 and, as a result, **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 healthcare costs that make it difficult to afford all of their basic needs—including 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. In Michigan, 80% of people with substance use disorder and 38% of people with mental illness report that they can't get the treatment they need. 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—disabilities that may often be “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 challenges that people with disabilities already face due to discrimination. Public social services programs help to make the transition successful. However, since many justice-involved individuals have more than one drug conviction occurring in separate incidents, Michigan's SNAP ban prevents 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 inflicted on 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 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.