

SHEMS DUNKIEL KASSEL & SAUNDERS P L L C

RONALD A. SHEMS

BRIAN S. DUNKIEL*

JOHN B. KASSEL

MARK A. SAUNDERS

GEOFF H. HAND
KAREN L. TYLER
ASSOCIATE ATTORNEYS

ANDREW N. RAUBVOGEL
EILEEN I. ELLIOTT
OF COUNSEL

The Vermont Association of Mental Health's JEHT First Year Grant Report (as of 6/30/06) Prepared by Eileen Elliott

A Vermont Approach to Addressing Inmate Recidivism

1. Introduction

In these lean budget years, when incarceration costs continue to climb and prison bed space is limited, Vermont has joined a number of other states in trying to break the cycle of recidivism that traps inmates who are released into communities without the economic and health care supports they need for a stable and successful reentry. Recidivism is a particular scourge for inmates with psychiatric disorders¹ who are at risk for de-compensating and tripping back into the criminal justice system if they do not have access to medication, mental health care and income support for housing and basic needs. The revolving door of re-arrest and re-incarceration is painful and demoralizing to offenders and their families and costly to communities. It burdens the criminal justice system, drives up the demand for prison beds, and strains communities' good will in accepting returning offenders.

One of the principal means of support for people with psychiatric disabilities are federal benefits like SSI, SSDI, Veteran's benefits, Food Stamps, Medicaid, Medicare, Temporary Assistance to Families, and Low Income Heating and Energy Assistance. Since none of these benefits are payable to people who are incarcerated for more than a month, even if a longer-term inmate has been enrolled in the past, he or she must reapply or seek restoration.

Applying for federal health care, disability and economic assistance benefits is a daunting process. It is even harder for newly-released inmates, who often lack the family, community supports, and education to jump through the various enrollment hoops. It is harder still for newly-released inmates with mental illness and/or substance abuse disorders who need to negotiate transportation, documentation, and social hurdles to apply for these benefits at the local social services and Social Security offices, and then survive for the weeks or months (and in the case of SSI, sometimes years) before the benefits are paid. The odds are against them. According to the National Mental Health Association, the first three to six months after release

¹ Nationwide, 16 percent of all inmates have a severe mental illness, like schizophrenia, bipolar disorder, or manic depression. Bureau of Justice Statistics (1999). Mental Health and Treatment of Inmates and Probationers. NCJ-174463. Washington, D.C.: U.S. Department of Justice

are the most critical. Thirty percent (30%) of all released inmates are rearrested for a serious crime in the first six months.² Sixty-four percent (64 %) of inmates with psychiatric disabilities are rearrested within 18 months.³

Even though the complex eligibility rules for federal programs make it very difficult for inmates to have benefits in hand when they leave prison, it is clear that ex-inmates whose immediate basic needs are met upon release are more likely to successfully settle into a community.⁴ Towards this end, the Vermont Agency of Human Services is helping inmates apply for benefits before their release date, with the goal of having all eligible inmates discharged with benefits in place. This kind of re-entry planning is hailed by the Bazelon Center for Mental Health Law as a Best Practice for Prisoners with Mental Illnesses.⁵

Vermont's Offender Reintegration Initiative was conceived of in the fall of 2005 and launched in three of the state's nine correctional facilities by January, 2006. The Initiative's goal is "All Vermont offenders receive economic and healthcare benefits that they are eligible for upon the day of release into the community and thereafter as needed and eligible."⁶ It is being led by Agency of Human Services Secretary Cynthia LaWare, who immediately recognized an opportunity to transcend traditional department lines by engaging eligibility experts from other departments to go into the prisons and work directly with inmates. Besides the obvious advantages to inmates from these personal contacts, this approach has created alliances among facility staff and other departments that help dismantle the "fortress mentality" that can isolate Corrections staff from their colleagues in the rest of the Agency of Human Services.

Another key leader of Vermont's Reintegration Initiative is The Vermont Association of Mental Health (VAMH) and its Executive Director Ken Libertoff. In 2004, Libertoff became increasingly familiar with the growing national recognition that offenders with mental illness who are released without the means to obtain health and mental health care, medication, treatment, and, where applicable, addiction services, are far more likely to re-offend, re-encounter the criminal justice system, and end up back in prison. Libertoff is a long-time advocate for mental health issues but he had never previously focused his organization's efforts on the mentally ill men and women in prison. He seized the opportunity to help inmates improve their success in communities and began pressing the Agency of Human Services in 2004 to help eligible inmates get SSI and Medicaid benefits immediately upon their release.

In March, 2005, VAMH was one of three mental health organizations that won a grant in collaboration with the Bazelon Center for Mental Health Law to work on a two year, three state initiative to help offenders with psychiatric disabilities obtain benefits at release. The other two

² "A Community Response – Improving Re-Entry into the Community for Individuals with Mental Illness," presented to VAMH by Laura Galbreath, Director of Healthcare Reform, National Mental Health Association, September 22, 2005.

³ Bazelon Center for Mental Health Law, *Building Bridges*, 1101 15th Street N.W., #1212, Washington, D 20005, 202-467-5730, www.bazelon.org (2003)

⁴ Council of State Governments, Criminal Justice / Mental Health Consensus Project, Policy Statement #23; New York, June 2002. The report may be found at <http://consensusproject.org>.

⁵ Bazelon Center for Mental Health Law, "Best Practices: Access to Benefits for Prisoners with Mental Illnesses," 1101 15th Street N.W., #1212, Washington, D 20005, 202-467-5730, www.bazelon.org (2006)

⁶ Vermont Benefits Enrollment For Inmates At Release, AHS Field Services Division, Executive Summary (2006).

organizations that are part of this small demonstration project are the Mental Health Association of Maryland and the National Alliance for the Mentally Ill of Minnesota.

VAMH is now at the one year point in the grant, which it is using to engage the Vermont Agency of Human Services in an innovative public/private partnership to advance the goal of enhancing access to benefits before inmates enter community life. VAMH is using a collaborative approach of sponsoring successive opportunities for the Agency to share its progress on assisting inmates in applying for benefits. These forums are attended by Agency staff from all of its departments, representatives from The Bazelon Center, local legislators and advocates. Their purpose is to encourage and engage the Agency in taking the Initiative statewide into all nine facilities and measuring its impact on recidivism.

VAMH held its first forum, “A Community Response – Improving Reentry into the Community for Individuals with Mental Illness and Substance Abuse Disorders” in September 2005. The forum was co-sponsored by the National Mental Health Association, which presented examples of model re-entry initiatives across the country. State officials, including the Governor, then had an opportunity to discuss “the state of the State” and express their commitment to focusing on the role benefits play in successful reentry.

VAMH also featured the initiative at its November, 2005 Annual Meeting by sponsoring a workshop titled “Optimizing Successful Reentry: Ensuring Eligible Offenders Have Access to Health and Mental Health Care.” In February, 2006 VAMH met with the key people who were implementing the Initiative in two of Vermont’s prisons for a discussion about their progress. The efforts and creativity of these individuals was so significant that a higher profile opportunity to showcase their success was warranted. So, in early June, 2006, VAMH hosted a forum entitled “‘The Restoration of Benefits Initiative’ - Building Bridges and Building Access.” VAMH used that opportunity both to commit to another forum in a year to review the Initiative’s roll-out to all nine facilities, and to identify issues that might need attention over the coming year, like tracking recidivism rates for ex-inmates receiving pre-release assistance.

At the recent June forum, Commissioner of Corrections Robert Hofman characterized this Initiative as “low hanging fruit.” Secretary LaWare referred to it at the 2005 forum as a “no-brainer.” The eligibility staff who have never worked with inmates have risen to the challenge, despite the extra work, and report professional satisfaction from the appreciation inmates express to them. The facility case workers benefit from the expertise and help the eligibility staff bring to the discharge process. And, to its immense credit, the Agency has designed the Initiative to target all offenders who may be eligible for economic and health care benefits, and not just those with psychiatric disabilities. It is thus clear that the Agency, through the ingenuity, hard work, and dedication of its people, is making this Initiative a success. VAMH has the privilege of celebrating this success while it works with the Agency to encourage the systems and culture changes necessary to make eligibility determinations a routine pre-discharge procedure in all facilities.

2. What is Vermont’s “Benefits Enrollment For Inmates at Release” Initiative and How Does it Work?

A. The Contribution of the Economic Services Division

The Economic Services Division of the Department for Children and Families (ESD) is the state entity that determines eligibility for and administers Medicaid, Food Stamps, Reach Up (Vermont's Temporary Assistance for Needy Families program), Fuel Assistance, General Assistance and the Vermont Health Access Program (VHAP), which offers health care for people who are not eligible for Medicaid. These benefits stop once an individual is incarcerated, which diminishes the resources available to the inmate's children or household.

Federal law prohibits Medicaid payments for care or services for inmates in correctional facilities. Due to the way Vermont's eligibility computer system is programmed, inmates' Medicaid benefits are unaffected for the first thirty days and terminated thereafter, requiring the inmate to reapply. Initially, VAMH and the Agency bogged down in discussions of suspending versus terminating benefits and the substantial computer programming barriers around suspensions. Thanks in large part to Secretary LaWare's leadership around sending eligibility specialists into the prisons, this issue became moot. As long as inmates are given pre-release assistance with their applications, the distinction between suspending and terminating (which affects the ease of reinstatement) is not a barrier for inmates.⁷

Incarcerated individuals also lose their Food Stamp benefits after 30 days, and, if they are living with and preparing food with others, the benefit will be reduced for the now-smaller household. Similarly, fuel benefits are based on the income and assets of an individual or group of people who are living together as an economic unit. Households that receive fuel assistance will also be affected if a member is incarcerated.

Reach Up benefits are paid on behalf of a dependent child to the relative or caretaker with whom the child is living. Once an individual is incarcerated and no longer caring for a child, he or she will no longer receive Reach Up. If the incarcerated individual was part of a two parent family, the remaining custodial parent will likely have an increased work requirement as well as a reduced benefit. If the inmate was a single parent, arrangements will need to be made for another caretaker for the child, and the benefit will depend on the child's new living arrangement.

General Assistance and VHAP also cease upon incarceration, but as they are not calculated based on household composition, they affect only the inmate.

1. The Initiative at the Springfield and Windsor facilities

On January 19, 2006, the Economic Services Division began sending an eligibility specialist into the Southern State Correctional Facility in Springfield once a week to meet with inmates and help them apply for benefits. One week later, on January 24, 2006, the same specialist began visiting Southeast State Correctional Facility in Windsor. The Windsor facility houses women and Springfield houses men and additionally serves as the treating facility for seriously mentally

⁷ Pre-release application assistance also satisfies the federal Medicaid legal requirement that prohibits states from terminating a person's Medicaid benefits without first checking all eligibility categories, 42 C.F.R. § 435.930(b).

and physically ill inmates from around the state. The Springfield Economic Services Division office's commitment to the implementation and success of this initiative in these two facilities is nothing less than heroic, given the creativity and extra work that this project entails, and the additional fact that it also serves the highest non-incarcerated public assistance caseload in the state.

The Enrollment Initiative is designed to work as follows: Corrections caseworkers in the facilities review a list of inmates and identify those people who have served more than 30 days⁸ and whose anticipated release date is approximately 30 days in the future.⁹ The case workers will ask these inmates if they would like the opportunity to apply for Economic Services' benefits and be interviewed on site. The case workers provide interested inmates with applications and forward their names to the ESD office. Once a week, an ESD eligibility specialist visits each facility and helps the inmates complete their applications. The specialist then files the application and makes an eligibility determination. Inmates who are deemed eligible receive their cash benefits (Food Stamps, Reach Up, and General Assistance) on an EBT card, which, ideally is given to inmates when they are released from prison.

This process is not without significant hurdles, caused in part by program rules and inflexible technology. For instance, EBT cards can not be issued without benefits on them. This threatened to be a serious obstacle to the Initiative's success since benefits are only payable when eligibility is confirmed and inmates are ineligible by virtue of their incarceration. Since it generally takes three business days to activate an EBT card once eligibility is established, it initially appeared that newly-released men and women would have to wait three days and then travel to their local ESD office to pick up their cards, which would have undermined the Agency's goal of having inmates leave facilities with their benefits in hand.

The problem was solved by putting a benefit of \$1.00 of General Assistance on each card. General Assistance is state-funded and does not have as strict eligibility prohibitions as the federal Food Stamp and Temporary Assistance for Needy Families programs. The cards are issued to the facilities and held until the inmate's release. Upon release, the Corrections caseworker notifies the eligibility specialist, who makes the final eligibility determination commencing on the release date and "loads" the individual's full benefits onto the existing card.

Much of the eligibility work and benefits coding is done manually to avoid the IT obstacles of pre-determining an individual's eligibility while they are still incarcerated. The Economic Services Department's eligibility system is automated, which is a great boon to timely, efficient and accurate benefits payments, but it is unforgiving in its application of the rules. The manual work-arounds are ingenious but time-consuming.

The Economic Services Division also solved a conundrum posed by the Food Stamp program's work-for-benefits requirement. Individuals who qualify as Able Bodied Adults Without Dependents (ABAWDs) are required to work after receiving Food Stamps for three months. Inmates who did not satisfy a work requirement in the previous thirty six months are ineligible

⁸ Benefits do not stop unless an individual has been incarcerated more than 30 days.

⁹ An application cannot be held without granting or denying eligibility for more than 30 days without triggering a legal notice.

upon release. In order to give inmates who otherwise meet the eligibility criteria (low income, limited resources) a better start when they leave prison, ESD is including these inmates within the state's existing waiver of the work rule that covers up to 15% of the Food Stamp recipients in Vermont. The Economic Services Division originally obtained the waiver to help recipients in the Northeast Kingdom, where work opportunities are few and the need to alleviate hunger great. There is room in the waiver for this subset of newly-released inmates. Ultimately, these individuals will have to satisfy the work requirement after receiving Food Stamp benefits for three months, but at least the waiver will help them during the most vulnerable period following release.

As of May 22, 2006, the eligibility specialist from Economic Services worked with 56 women in Windsor and 54 men in Springfield. Of the women, 29 were granted benefits, two were denied, two were released into substance abuse treatment programs, one decided not to apply in prison, one received help in correcting an error in her health benefit premium, two simply asked questions and received information, and the rest of the applications were still pending awaiting the inmate's release. Nineteen of the women (34%) required the ABAWD waiver.

As to the 54 men who received help in Springfield by May 22, 2006, 29 were granted benefits, 9 were denied, two decided not to apply in prison (although when one of these men applied for benefits after release he said he was not offered help in prison), one received a reduced Food Stamp benefit due to a past overpayment, and the rest of the applications were open pending release. Only 5 of the men (9%) required the ABAWD waiver.

The Economic Services Office in Springfield is pursuing a more systematic approach to avoiding overpayments. It has requested a list of newly incarcerated inmates to compare against its list of program beneficiaries. The inmate list will help ESD identify those individuals whose term of incarceration will be long enough to require that their benefits close. Ideally, comparing the inmate and beneficiary lists could be done by routine computer match. Since overpayments necessitate recoupments, and recoupments reduce benefits when they are most needed following release, any coordinated effort to address overpayments will maximize the supports available to inmates.

The eligibility specialist in Springfield and Windsor has been tracking her average time per application, and over the four months she has been working with inmates, her time per application has decreased from 2 ½ hours to 1.67 hours per application. Interestingly, applications for women take twice as much time as those of men, largely because women have children with whom they may or may not be reunited upon release. It is heart wrenching (and time consuming) to prepare an application based on a mother's assumption that she will be the custodial parent upon her release, only to find out later that this is not the case. Of the 23% of the women offenders who have applied for Reach Up in Windsor, only 5% have been granted, primarily because these women will not be living with their children upon their release.

Although the Agency is not formally tracking recidivism at this time, in Windsor, none of the 56 women have returned to Windsor or come through the benefits enrollment process a second time.

Of the 54 men at Springfield, three were re-incarcerated for violations of the conditions of their release. One returned in a few days, one in three weeks, and one a month after release.

2. The Initiative at the Dale Facility

The Economic Services Division also began working with the women housed in the Dale Correctional facility in January, 2006. Fortunately, one of Dale's three Corrections case managers was formerly an eligibility specialist for fourteen years. She understands the Economic Services programs and eligibility requirements, and because she currently has computer access to, and the expertise to understand the Economic Services' eligibility system, she is able to check all the new inmates admitted to Dale each month (40 to 50), and determine which, if any benefits they already receive. She is then able to notify the Economic Services Division of any inmates who will be incarcerated longer than 30 days. This information helps avoid overpayments and recoupments that will reduce benefits to inmates when they are released.

As in Springfield and Windsor, there is one eligibility specialist who goes into the facility weekly to work with inmates. The Dale caseworker notifies the eligibility specialist at the end of each week as to whether there are inmates who are approximately two weeks from their release date and interested in applying for benefits. She includes the women's names and social security numbers, which helps the eligibility specialist research the benefits the individual received in the past and do any other advance work necessary to expedite the interviews.

As of June 29, 2006, out of twenty two women who signed up for interviews, nineteen have been approved for benefits. Two women were returned to Dale after their release - one had a second interview as she was required to reapply for benefits, while the other was re-released before her benefits closed. One woman was denied Food stamps only because she went into a drug treatment facility that takes care of her nutritional needs. Three women expressed interest in applying but declined to do so on the date of the appointment. One application remained pending. One woman needed the ABAWD waiver and one woman qualified for Reach Up benefits. The latter is fortunate enough to be working with the same eligibility specialist with whom she worked with at Dale.

In Dale, Springfield and Windsor, the biggest barrier to releasing offenders with benefits in hand is getting the referral far enough in advance of release to process eligibility and grant benefits. Too often, ESD finds itself scrambling to accommodate imminent release dates. Although the goal is to meet with offenders 30 days before their release date, the "application to approval time," where releases have occurred within two days of the interview, was 11% of the total applicants in Windsor.

The referral problem is largely caused by the difficulty in accurately predicting release dates. Inmates may be transported to a hearing with the expectation that they will be returning, and are instead released directly from court. There is also a lot of movement of inmates among facilities, particularly Windsor and Dale, to accommodate court dates, security concerns, mental health needs, etc. The flux makes it difficult to schedule interviews and plan for release. Inmates who have passed their minimum sentence and are awaiting housing may be released as soon as housing becomes available, which can happen without advance notice. The operation of the

furlough statute's 90 day early release provisions, added to 28 V.S.A. § 808 in 2005, also makes firm release dates unpredictable. Although there is a list of inmates (the daily headcount) that can be sorted by facility, caseworker, and predicted release date, the release dates are automatically calculated based on the offense and are ultimately unreliable because there are so many variables.

Unfortunately, it is not a solution to simply start the application process earlier. The farther a person is from release, the more unknowns there are that prevent applications from being complete, such as the onset of SSI or SSDI benefits, housing arrangements, household composition, and whether a medical condition will result in the waiver of a work requirement. Also, applications can neither be post-dated nor held inactive for longer than 30 days. According to law, if an application has been pending for over 30 days, a denial notice must be sent (in this case to the facility, which is wasteful and confusing).¹⁰ When an application is denied, the applicant must start from scratch. Applications are too time consuming to do repeatedly until an application aligns with a release date.

ESD must also be notified when an offender is released so the benefits can be put on the cards. There were also 6 instances in Windsor when the eligibility specialist was not notified of the offender's release. There have been no "failures to notify" since April, so this problem may simply be a normal glitch in launching a new program with new demands.¹¹ The Economic Services Division also reports that as Corrections caseworkers get used to the Initiative and the advance planning it entails, they have done a much better job of tracking upcoming releases and scheduling offenders for interviews two to three weeks before the anticipated release date. As the Agency's Deputy Secretary and former corrections commissioner Steve Gold acknowledged at the June, 2006 forum, arranging for another structured activity in inmates' already highly structured lives is an immense challenge for facilities staff, and they have risen to the challenge.

Since the work requirements for Reach Up, Food Stamps and General Assistance are waived if an applicant is disabled, the eligibility specialists working with inmates need to coordinate their efforts with those of the Vocational Rehabilitation Division of the Department of Disabilities, Aging and Independent Living (VR) to make sure the disabled inmates apply for SSI and SSDI while they are incarcerated. Economic Services statistics show that 14 % of the women applicants in Windsor were disabled as were 20 % of the male applicants in Springfield. The cooperation and coordination among Economic Services, Corrections and Vocational Rehabilitation staff to identify inmates who may be eligible for SSI and SSDI is one of the strongest successes of the Initiative.

B. The Contribution of the Division of Vocational Rehabilitation to the Initiative by helping inmates apply for SSI and SSDI

Supplemental Security Income (SSI) provides financial support to low income individuals who are blind, disabled or elderly. In Vermont, individuals who are eligible for SSI are automatically eligible for Medicaid. For inmates with psychiatric disabilities Medicaid is essential for proper

¹⁰ 7 C.F.R. § 272.2(g) (Food Stamps) ; *Robidoux v. Kitchel*, 876 F.Supp 575 (D. Vt. 1995)

¹¹ Windsor does not necessarily have a poor record of notifications, but the since the Springfield ESD staff have kept meticulous records of their efforts, these are the statistics available.

care, treatment and medication. To be eligible for SSI due to a disability, individuals must have a diagnosed disorder and be so disabled that they can not engage in any “substantial gainful activity” in the national economy.

SSI cash benefits are suspended once an individual is incarcerated for a full calendar month and terminated after one year. Individuals whose benefits have been terminated must reapply, and resubmit evidence of their disability and financial need. SSI eligibility is a prerequisite to Medicaid eligibility, and must be established or restored first, before Medicaid will be available.

Social Security Disability Insurance (SSDI) is an income support program for individuals with disabilities who have a sufficient prior work history. Recipients of SSDI are automatically eligible for Medicare after they have received SSDI for two years. SSDI benefits are suspended 30 days after incarceration but are never terminated. They can be reinstated the month following the month of release.

Since 2005, the Department of Disabilities, Aging and Independent Living has been working with the Department of Corrections and the Social Security Administration to help inmates who are still in prison apply for or reinstate their SSI/SSDI benefits. The three entities signed a “Pre-Release Agreement” which allows the Social Security Administration to accept applications while a person is still incarcerated and expedite the processing. Completed applications for SSI/SSDI benefits can be accepted three to four months prior to the anticipated release date. If the timing is right, a disabled inmate may have SSI on the day he or she is released and returns to the community. This is exceptionally difficult to do, but at least the pre-release agreement makes it possible.

VR has trained Corrections’ case managers in the Springfield, Windsor and Dale facilities to recognize disabilities that may trigger eligibility for SSI or SSDI benefits. The case managers make referrals to VR, which sends both a Social Security Assistant and a vocational counselor into the facility to visit the inmate. The pairing emphasizes both the voluntary vocational assistance that is available to an inmate upon release, as well as the possibility for cash and health benefits. If it appears that the inmate may be eligible for benefits, the Social Security Assistant will take over and work with the inmate to complete an SSI or SSDI application. The VR counselor who has met the inmate will pass the referral along to the VR office closest to the inmate’s home, and the inmate is encouraged to contact the office upon his or her release.

VR encourages case managers to refer inmates to it up to six months before the release date to give the Social Security Assistants time to gather the necessary information to submit an initial application. Although reinstatements are relatively easy, initial applications require hours of investigation. The Social Security Assistants have to track down and collect inmates’ medical and treatment records, work history and birth certificates. As the SSA accepts only on-line applications, the Social Security Assistants must take the information they gather back to their offices and enter it into the online application. As of June, 2006, VR has filed 16 new applications for inmates in Springfield, four in Windsor, and 11 in Dale. It has also sought reinstatements for 2 inmates in Springfield, four in Windsor, and 4 in Dale.

VR is aware of just one of these applications being granted so far, although all of the reinstatement requests have been granted. One of the biggest challenges to VR is getting inmate referrals early enough. No application has yet been filed the allowable four months prior to release. It is also very difficult for VR to follow up with inmates once they have been released to see if benefits were granted as there is no tracking system for SSA actions on applications. VR and SSA are presently working on such a system. In addition, VR and DOC staff are optimistic that as they work through their learning curve and eliminate the backlog of potentially eligible inmates who are nearing release dates, the referrals will be made earlier.

It is also difficult and time consuming to obtain an inmate's medical records, which SSA requires to support the SSI or SSDI application. The Social Security Assistant starts by requesting records from the inmate's case manager, who must obtain them from DOC's central office. In some cases, the DOC medical records are insufficient and SSA may require additional medical documentation. The Social Security Assistant then needs to get releases from the inmate and search for outside records. Although it is possible to arrange for supplementary DOC medical examinations, it is not an easy request to accommodate. All of the maneuvering necessary to collect supporting medical documentation for disabled inmates underscores how vitally important it is for these inmates to be given pre-release assistance in applying for benefits.

The cost of this assistance is low, particularly in light of the human and system savings if establishing SSI eligibility reduces recidivism. As of early June, 2006, the cost of VR's services to inmates, which is paid for by Corrections under a contract with VR, was approximately \$1,000.00. One social security assistant visits both Springfield and Windsor. She started going into the Springfield facility in October, 2005, and added Windsor to her caseload in February, 2006. Another social security assistant began working with women in the Dale facility in March, 2006. Social security assistants are contractors who earn between \$12.00 and \$14.00 an hour plus mileage, depending on their experience and length of service. DAIL estimates that expanding service to all nine facilities will cost the state \$30,000.00.¹² It plans on hiring another social security assistant to work with inmates in the St. Johnsbury, Newport, St. Albans and Chittenden facilities, and to expand the territory of the social security assistant working with Windsor and Springfield inmates to include Rutland.

3. Recommendations regarding Issues to Track in the Coming Year

A. The Initiative Requires More Resources

The people in the Springfield office of Economic Services who are involved in this Initiative have energetically tackled the challenges in undertaking this important work. They have a strong sense of commitment to the inmates with whom they are working. They are realistic, however, that they will need more resources to keep this effort ongoing.

The first resource problem is adequate staffing. The eligibility specialist doing this work planned to spend one day each week in both the Springfield and Windsor facilities. Her regular case load was to be covered by staff out of the adjacent district of Hartford. Hartford has been

¹² At the June forum, the Commissioner of Corrections said it costs approximately \$40,000.00/year to incarcerate an inmate.

experiencing its own staff shortages, and can no longer provide the support. The Brattleboro office is also unable to devote consistent back up assistance to the Springfield office.

The Windsor facility also has a shortage of staff to support this endeavor. It has recently requested that the eligibility specialist come every two weeks because it does not have the capacity to generate a weekly list of inmates expected to be released in the next 30 days and provide those inmates with applications to fill out in advance. Rather than easing the burden on the Economic Services Division, interviewing every other week at Windsor is problematic because there are too many inmates for the worker to see in one day. On a recent visit, the eligibility specialist had a list of eight people who were within a day or days of their release date. This puts incredible strain on the eligibility specialist and results in offenders being released without benefits.

The Springfield eligibility specialist also needs a laptop to use in the facilities she visits. Ultimately, laptops will be needed for all the eligibility specialists visiting inmates to help them prepare applications more efficiently. Presently, however, the need for a laptop at Dale is less acute because the Corrections caseworker/former eligibility specialist involved has the program knowledge and online access to help ESD work with inmates.

Kudos go to Corrections for recognizing how important a laptop is to the Springfield and Windsor initiative, and donating one for the eligibility specialist to use. Unfortunately, it is an older model that does not have the memory to run the Excel spreadsheets needed to track the program statistics. That work is now done by the Springfield district manager back on her desktop.

It is clear that this Initiative has the unqualified support of the leadership of the Agency and its departments. The Agency is committed to expanding eligibility services to the Caledonia Work Camp and the St. Johnsbury and Newport prisons in July, 2006. By September, 2006, services will start at the remaining facilities in St. Albans, Burlington, and Rutland. If it is successful, the Agency and its staff will have carried this Initiative from conception through full implementation in a year – an impressive achievement. However, based on the experience gained in Springfield, Windsor and Dale, the successful roll-out and institutionalization of benefits assistance over time will need additional staff and computer support to be sustainable. The additional resources are modest, but when funding is tight and stretched among so many important competing priorities, a strong case must be made for even a few staff members and nine new laptops.

B. The Recidivism Rates Must be Measured to Justify the Initiative

The key to the longevity and success of this Initiative is measuring how much it pays off in keeping inmates out of prison. The Economic Services Division in Springfield collects and tracks vital data under its control about the Initiative – the number of applicants interviewed, the number granted, the hours expended in processing each application, the age of the applicants, whether they have disabilities, etc. This is important for assessing the costs of the Initiative. It is equally important for the Agency to measure the Initiative's commensurate benefits by tracking the recidivism rate for inmates who have left facilities with their benefits in hand, as compared against the general population of released inmates, and, ideally, those who have applied for

benefits on their own after their release. A decreased recidivism rate attributable to ready availability of benefits at release will likely more than justify the devotion of additional resources to the Initiative. Moreover, recidivism rates within inmate benefits programs is data that is being pursued nationwide. Since Vermont needs to collect recidivism data anyway to resource its own program, it should seize the opportunity to contribute to the national understanding of how to help inmates successfully reenter and remain in our communities.

C. The Benefits of Face to Face Contact Should be Maintained

The Agency is weighing the benefits of replacing the face to face interviews with telephone interviews. The telephone interview would be conducted by an eligibility specialist in the office that will serve the inmate upon release. One of the chief advantages would be continuity; the same eligibility specialist would work with an inmate before and after release. Nonetheless, the eligibility specialist, district manager and field services director in Springfield support continuation of face to face interviews. Despite their concern over the shortage of staff and the availability of a suitable laptop, they see the in-person interviews as an important connection with inmates. The interview is one of the first opportunities inmates have to interact with people from outside the facilities, and it is an important step in getting comfortable with such interactions. If the interviews are done by phone, the workers will also lose valuable opportunities that result from having a consistent presence in the facilities.

For instance, the connections between offenders and the eligibility specialist have yielded opportunities to ferret out situations where benefits are still being mistakenly paid during incarceration. Being able to close these cases is a help to the affected inmates, because their benefits upon release would otherwise be reduced until the overpayments are recouped in full. Inmates are reportedly grateful to get the help. Finding and closing these cases is also a boon to the state because it prevents the state from being tagged with overpayment errors and possible federal sanctions.

In another situation recently, the eligibility specialist found out that an inmate had mistakenly been enrolled in a health care program with a premium. Had the specialist not corrected this, she would have failed to pay the premium and lost her health insurance and access to care.

There are also benefits to Corrections staff and Economic Services staff in working together weekly and getting to know each other's programs and responsibilities. Such benefits are not always quantifiable, but they improve the Agency's customer service over all by increasing the awareness and respect employees have for their interconnected efforts. It would be a shame to lose the human to human benefits in a drive towards system efficiency.

D. Increased Efforts Are Needed to Identify Inmates for Services Prior to Their Release.

Despite the difficulty in accurately predicting release dates, the Agency needs to focus on strategies for targeting inmates sufficiently in advance of their release dates to allow Economic

Services and Vocational Rehabilitation to help them apply for benefits. The timing is such a key factor in meeting the Agency's goal of releasing inmates with benefits in hand that this aspect needs the sort of creative problem-solving that characterized Economic Services' approach to EBT cards and the work for benefits requirement. Even though there will always be uncontrollable events dictating release dates, working on ways of helping Corrections staff identify inmates is critical to the Initiative's overall success.

4. Other Recidivism Reduction Successes to Celebrate

A. Photo IDs

Another key success of the Initiative is the upcoming provision of photo ID cards to inmates at release. Corrections, in conjunction with the Department of Motor Vehicles, has arranged for all nine facilities to have the equipment to issue photo IDs by the end of July, 2006. IDs are essential for many daily transactions, yet they are frequently lost in the process of incarceration and are difficult for inmates to replace. The new IDs will be signed by the Agency Secretary but will not identify the holders as ex-inmates. The Department of Motor Vehicles will accept the IDs as a valid form of ID for the purpose of applying for a driver's license, as long as the holder's date and place of birth are derived from judicial records.

B. Veterans Benefits

An important, related initiative is the collaboration among the Department of Corrections, Vermont Protection and Advocacy, and the Veterans Benefits Administration to obtain Veteran's benefits for eligible inmates. Veterans with a physical or mental disability may be eligible for cash benefits. The type of benefit depends on whether the disability results from an injury or illness that was incurred or aggravated during active military service. There are two types of cash benefits – disability compensation and pension benefits.

For an individual to be eligible for disability compensation, (1) he or she must be discharged from the military service for reasons that are "other than dishonorable;" (2) the disease or injury must be incurred or aggravated in the line of duty; and (3) the disability may not be the result of the individual's willful misconduct or substance abuse. The amount of the compensation, which is non-taxable and paid monthly, depends on the veteran's level of disability. There are 10 grades of disability, from 10% to 100%.

Low-income wartime veterans (with 90 days or more of active military service, at least one day of which was during a period of war) who are permanently and totally disabled may be eligible for a pension benefit. The disability must be for reasons unconnected with military service or willful misconduct, and the veteran must have been discharged for reasons that were not dishonorable.

Veterans are also eligible to obtain health care, including mental health care. In October, 1996, Congress passed the Veterans' Health Care Eligibility Reform Act of 1996, which allowed for the creation of a standard medical benefits package with a full range of inpatient and outpatient services. Veterans are divided into 8 priority groups. The VA is no longer accepting new

Priority 8 veterans for enrollment, but veterans with service connected disabilities are in Priority groups 1-3 and still eligible for health care coverage.

Disability compensation is terminated after a veteran has been convicted of a felony and incarcerated for 60 days. The pension benefit is terminated after a veteran has been convicted of a felony or a misdemeanor and incarcerated for 60 days. Like Medicare and Medicaid, Veterans health benefits are not payable to jails or prisons.

Veterans cash and health care benefits may be reinstated upon release, and, if appropriate steps are taken, can be payable starting right at release. The VA needs written confirmation of the release date and notice of the release by either the offender or the state at one of its 58 regional offices.

Most Veterans need help with initial applications. The process of applying for disability compensation benefits is complicated and lengthy and requires a great deal of supporting service and medical documentation, dates and facts. Helping Veterans obtain this assistance pre-release is another important component of helping vulnerable disabled inmates access income and health care assistance to stay out of prison.

C. Re-entry Meetings

There are now monthly reentry meetings at the Springfield and Windsor facilities that the ESD worker attends, along with representatives from every AHS department, the community mental health center¹³ and the Springfield family center. The meeting is convened by the facility's supervisor, and the inmates' case managers and probation officers present information on the offenders who are about to be released. The other attendees brainstorm issues and the services that will be needed. Each meeting addresses the needs of approximately four offenders. These re-entry meetings at each facility promise to be immensely helpful to the successful release of the offenders discussed. It will be important, as these re-entry meetings get institutionalized, to track the recidivism rate of offenders who were the subject of these planning meetings.

There are many more efforts within the Department of Corrections devoted to reducing recidivism and supporting inmates through re-entry. Although they are beyond the scope of this report, all of them deserve recognition and support. Among these efforts are the Incarcerated Women's Initiative, a three-year grant funded-initiative in Chittenden County that provides wrap-around services for newly-released inmates, sustained efforts (for years now) on increasing transitional housing opportunities throughout the state, and a federally funded re-entry process in eleven communities. Although the money for the latter initiative ends on June 30, 2007, there are several bills in Congress requesting continued funding. There is also a system-wide effort to screen new all inmates for the benefits they received prior to incarceration, and to perform the mental health screenings and evaluations required by 28 V.S.A. § 907.

¹³ Corrections and the Health Department's Division of Mental Health are jointly responsible for working with the community mental health centers on "discharge planning for community services." 28 V.S.A. § 907(4)(G).

5. Conclusion

Vermont is making significant strides in trying to help inmates prepare for life outside prison. It has undertaken an important project in the last year to see if helping inmates apply for the federal benefits to which they are entitled, by virtue of their medical condition or poverty level, will keep them from returning to prison. This project will be extended throughout the state in a few months, and will give Vermont and other states important information about the role income supports and health care plays in stabilizing inmates' lives.