

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

January 9, 2019

Present: *Taskforce:* Amber Jochem, Corey Sherman, Devyn Wallace, Gwen Lerner, Kahlee Griffey, Karmen McQuitty, Kelly Mitchell, Kristi Cobbs, Lisa Pederson, LuAnne Buck, Nikki Bentley, Scott Behrends, Sharon Brooks, Tracy Zabel, Vicki Hunter.

DOC: Kathleen Lonergan, Mary Dombrowski, Ron Solheid, Aubrey Steckelberg, Julie Xiong

Guests: Nancy Phillips, Madeline Trenholm, Artika Roller

Next Meeting: February 13, 2019 10am-12pm Pung 1

Welcome, Introductions & Announcements:

Women's Writing Program: Next WWP reading event will be February 27 from 1-2pm at the Washington County Jail 10515 62nd St. North (off Osgood) Stillwater, MN 55082. If you would like to attend please email Gwen Lerner so she can notify the jail and programming staff.

COMPAS is looking into adding two programs (Carver County and Anoka County).

2019 Conference: May 20, 2019 at Bunker Hills Event Center, Coon Rapids. There will be no breakout sessions and lunch will be a facilitated dialogue with Joy Lewis. Conference registration is open and has been posted on the DOC website and Facebook. A call for art and poetry and nominations for the E.T. award will be added.

Year-end report- Karmen, Corey, Kristi, Nikki: working on.

Updating on-boarding materials: Nikki is working on a brochure. Aubrey is checking on a general email contact. The email is: FemaleOffenderTaskForce.doc@state.mn.us this was made several years ago but no one was informed of it. Aubrey will maintain it and any messages received will be sent to the Chair and Co-Chair. The DOC website has been updated with this email address for contact. Gwen and Roxanne are working on updating the history. Kathleen will look into changing the name in statute.

Old business:

Access to feminine hygiene products: Kelly will put together a list of questions/survey to send to Corey who will send it to Ron and Kathleen for distribution for the county jails.

October (Outstate) Meeting:

Shakopee meeting debriefing: Nikki took a lot of great notes relating to the day and things the offenders were looking for from the task force. Some of the topics that came from them include: LGBTQ+ programming, the funeral policy, CD/MI dual diagnoses, body scanner, ask that the task force go to Shakopee twice a year to meet with the women.

Housing out of Facility (HOF) Subcommittee Updates:

Programming: Caroline was collecting information. She is no longer on the task force.

Family Contact: Devyn is looking into texting capabilities of other agencies around the country.

Other:

Coordinating with American Probation and Parole Association Gender Taskforce: Vicki will contact Ron about getting the contact for this group and someone will reach out to them.

Formation of membership committee to review new applications: There are three vacant positions.

Photo of Task Force members present was taken and an article will be written in the DOC Hotline internal newsletter relating to the group.

Paul Schnell, the new Commissioner, was unable to attend this meeting but sent a message to members with the message:

All,

Just a quick note to tell you I'm sorry I wasn't able to stop by your meeting yesterday. Given that yesterday was day 3, I'm still being pulled in variety of directions and learning as much I can as quickly as I can. I look forward to being a part of the next meeting, and I thank you for participation and service.

Paul

Paul Schnell

Commissioner of Corrections

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

February 13, 2019

Present: *Taskforce:* Corey Sherman, Devyn Wallace, Kahlee Griffey, Karmen McQuitty, Kelly Mitchell, Kristi Cobbs, Lisa Pederson, LuAnne Buck, Michelle Moran, Nikki Bentley, Sharon Brooks, Tracy Zabel, Vicki Hunter
DOC: Mary Dombrovski, Aubrey Steckelberg, Sarah Walker
Guests: Cecelia Viel, Tonja Honsey, Lois Mineau, Lindsey Scheppers, Shanasha Whitson

Next Meeting: March 13, 2019 10am-12pm Pung 2

Welcome, Introductions & Announcements:

Welcome Sarah Walker & Safia Khan: Sarah welcomed and introductions of members made, along with why they joined the task force or are interested.

Women's Writing Program: No update at this time.

2019 Conference: May 20, 2019 at Bunker Hills Event Center, Coon Rapids. Conference registration is open and has been posted on the DOC website and Facebook. Send ET nominations to Kristi Cobbs.

Year-end report- Karmen, Corey, Kristi, Nikki: working on. List has been made for report and will include recommendations at the end.

Updating on-boarding materials:

Nikki is working on a brochure. Gwen and Roxanne are working on updating the history.

Housing out of Facility (HOF) Subcommittee Updates:

Need to give the recommendations to the Commissioner, may include in year-end report.

Concerns over the DOC volunteer policy and volunteers being able to contact offenders after they're released.

Membership Subcommittee:

There were 10 applicants, five are moving forward to Vicki and Corey for final approval for the three open seats.

LGBTQ* Subcommittee:

Vicki, Karmen, Lisa, Kelley, Kristi, and Michelle. Would like to review the gender non-conforming policy. Great discussion over the use of preferred pronouns and how these are determined.

Feminine hygiene products:

Kelley will send the questions to Corey and get it sent to the jail administrators.

Coordinating an April meeting with Shakopee women:

Corey/Karmen will coordinate with Scott for set up. This would be an evening presentation, no date set.

Contacting American Probation and Parole Association Gender Taskforce:

Vicki is working on connecting with the contact.

Next Meeting:

March 13, 2019 10am-12pm

Pung 2

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

March 13, 2019

Present: *Taskforce:* Amber Jochem, Artika Roller; Devyn Wallace, Gwen Lerner; Kahlee Griffey, Karmen McQuitty, Kelly Mitchell, Lois Mineau; LuAnne Buck, Nikki Bentley, Roxanne Sanderson; Scott Behrends; Sharon Brooks, Vicki Hunter
DOC: Mary Dombrovski, Aubrey Steckelberg, Sarah Walker, Safia Khan, Paul Schnell
Guests: Tonja Honsey, Aaronica Jackson; Diana Current

Next Meeting: April 10, 2019 10am-12pm Afton (1st floor West entrance)

Welcome, Introductions & Announcements:

Welcome new members!

- Lois Mineau
- Artika Roller
- Colleen Ryan

Women's Writing Program: Last reading was on February 27th at Washington County with 11 women. The program is looking at expanding to Anoka County.

2019 Conference: May 20, 2019 at Bunker Hills Event Center, Coon Rapids. All presenters are confirmed. 90 have registered so far, there is capacity for 250. Conference registration is open and has been posted on the DOC website and Facebook. Send ET nominations to Kristi Cobbs. Also soliciting for art and poetry.

Year-end report- Karmen, Corey, Kristi, Nikki: working on.

LGBTQ* Subcommittee: 1st meeting today prior to this meeting. Next steps for identifying programs and training for staff.

Girls Collaborative: Kristi and Kahlee are meeting on April 9th, 9-10:30am at YMCA to define goal areas and meet to see seat holders.

Ongoing Action Items:

Coordinating April meeting with women at Shakopee:

Scott Behrends will send dates/times by the end of the week for availability.

Contacting American Probation and Parole Association Gender Task Force:

Vicki is still working with contacting about what they are doing and if there is anything they do of interest to this task force.

Feminine Hygiene Products:

Questions were reviewed, would like to find out how many questions there should be, what format they should be in, and when/if that should be sent out with the jail survey or separate.

Updating On-Boarding Materials:

Nikki is working on a brochure. Gwen and Roxanne are working on updating the history. Aubrey will send all minutes from 2012-present to Gwen, Nikki is updating documents, Aubrey will send the acronyms sheet to her as well.

Brainstorm New Action Items

Sarah King from Victim Assistance/Restorative Justice brought light to the volunteer policy, she is a great resource and works closely with volunteers and this policy. The task force gave suggestions that she will take back to the policy revision team regarding this policy and it's hindrance of creating and maintaining supportive relationships for offenders when they are released.

Commissioner Schnell was able to stop in for a little bit of the meeting. He thanked the members and others for their commitment to the work the task force is doing, gave insight into what he envisions for the future of DOC.

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

April 10, 2019

Present: *Taskforce:* Artika Roller; Corey Sherman; Devyn Wallace; Gwen Lerner; Karmen McQuitty; Krisi Cobbs; Lisa Pederson; Lois Mineau; LuAnne Buck; Michelle Moran; Nikki Bentley; Scott Behrends; Sharon Brooks; Tracy Zabel; Vicki Hunter
DOC: Aubrey Steckelberg; Mary Dombrovski; Sarah Walker; Kelley Heifort; Michelle Smith
Guests: Stephanie Romero; Drea Sortillon; Amanda Weber; Brittany Kallman Arneson; Siri Caltvedt; Diana Current; Angie Sechler; Sanasha Whitson

Next Meeting: May 8, 2019 10:00am-12:00pm Pung 2 Conference Room

Welcome, Introductions, Announcements & Updates:

Women's Writing Program: March 27th was a reading at Sherburne County. Anoka County will be starting a writing program which will be once/week for 10 weeks and will be working with an enhanced treatment group in the community.

2019 Conference: May 20, 2019 at Bunker Hills Event Center, Coon Rapids. Conference registration is open and has been posted on the DOC website and Facebook. Send ET nominations to Kristi Cobbs. Also soliciting for art and poetry.

Year-end report- Karmen, Corey, Kristi, Nikki: working on.

LGBTQ* Subcommittee: 1st meeting today prior to this meeting. Next steps for identifying programs and training for staff.

Girls Collaborative: Kristi and Kahlee are meeting on April 9th, 9-10:30am at YMCA to define goal areas and meet to see seat holders.

Angie Sechler-Master's Project: A Policy Analysis of Restricting Access to Supplemental Nutrition Assistance and its Health Impact on Formerly Incarcerated Women in Minnesota. Angie presented her information, her findings will be attached to the minutes. MN has a modified ban on drug testing for persons convicted of felony drug offenses that apply or are on public assistance.

MCA Presentation-Karmen. MCA (Minnesota Corrections Association) is accepting program proposals, Karmen proposed the TF do a presentation at the conference. The Trans (LGBTQ*) Subcommittee will be submitting their proposals. It was suggested that a booth be done for the exhibit hall.

Ongoing Action Items:

Coordinating April meeting with women at Shakopee:

This is set up for April 22nd 6-8pm at Shakopee. As of this meeting there were 26 women signed up to attend.

Contacting American Probation and Parole Association Gender Task Force:

Vicki has been emailing with APPA but not getting any responses. She has gotten the impression they are not as active.

Feminine Hygiene Products:

Questions were reviewed, would like to find out how many questions there should be, what format they should be in, and when/if that should be sent out with the jail survey or separate.

DOC can send this out, Vicki will finish the survey and get it to Corey.

Updating On-Boarding Materials:

Nikki is working on a brochure. Gwen and Roxanne are working on updating the history. Aubrey will send all minutes from 2012-present to Gwen, Nikki is updating documents, Aubrey will send the acronyms sheet to her as well.

Brainstorm New Action Items

Input from the DOC-do they have top priorities?

Michelle Smith (Deputy Commissioner of Facility Division) attended and spoke of the Commissioner's ambitious prison reduction plans, supervision utilizing facilities, high risk revocations, and trauma informed/responsive.

Others?

There are, as of today, 16 women on HOF, 7 at Waseca, and 9 are release violators. There are none in county jails and DOC is working to return the women from Waseca.

There will be a Second Chance 5K at Shakopee, Stillwater, and Rush City.

The National AJFO conference will be in December 8-11, 2019 in Atlanta, Georgia.

Send Corey your ideas and will hash out and prioritize those and create groups for those. Please send by May 1st along with any updates.

A POLICY ANALYSIS OF DRUG FELONY RESTRICTIONS ON SNAP AND HEALTH IMPACT ON FORMERLY INCARCERATED WOMEN

Angela Sechler, MPH Graduate Student



INTRODUCTION

Minnesota has a modified ban restricting persons returning from incarceration for a drug felony from accessing the Supplemental Nutritional Assistance Program (SNAP). Formerly incarcerated persons with a drug felony must be drug-tested to receive benefits. A consequence of this policy includes a risk of food insecurity for a population already facing obstacles during their reentry.

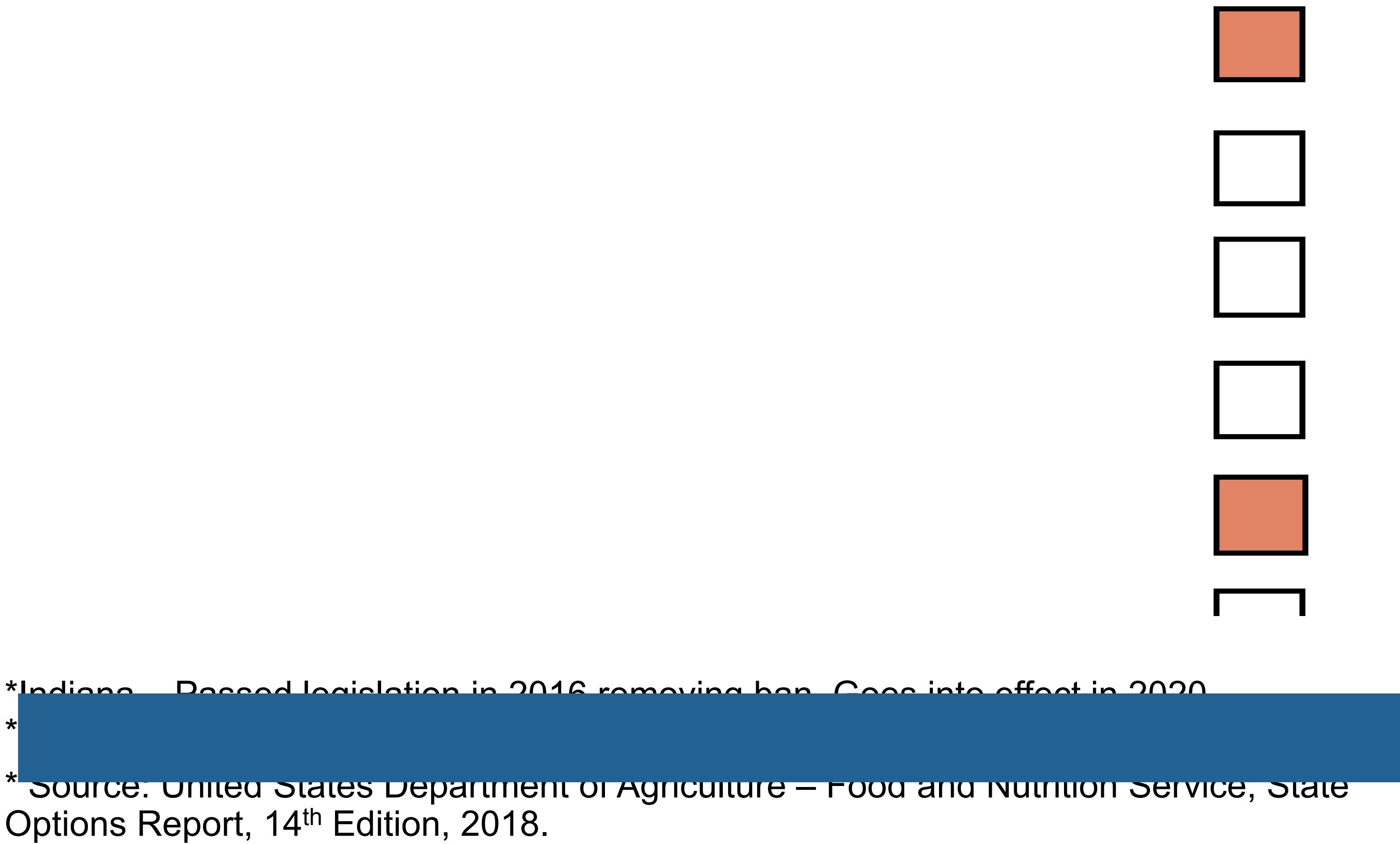
A study of selected states with a full or partial SNAP ban found 91% of individuals recently released from incarceration reported food insecurity.¹ Additionally, full eligibility for SNAP reduces recidivism risk among newly released drug felons.²

Female imprisonment rates have been rising since 1980 outpacing male incarceration by more than 50%.³ Restricting SNAP because of a drug felony could be disproportionately impacting justice-involved women.

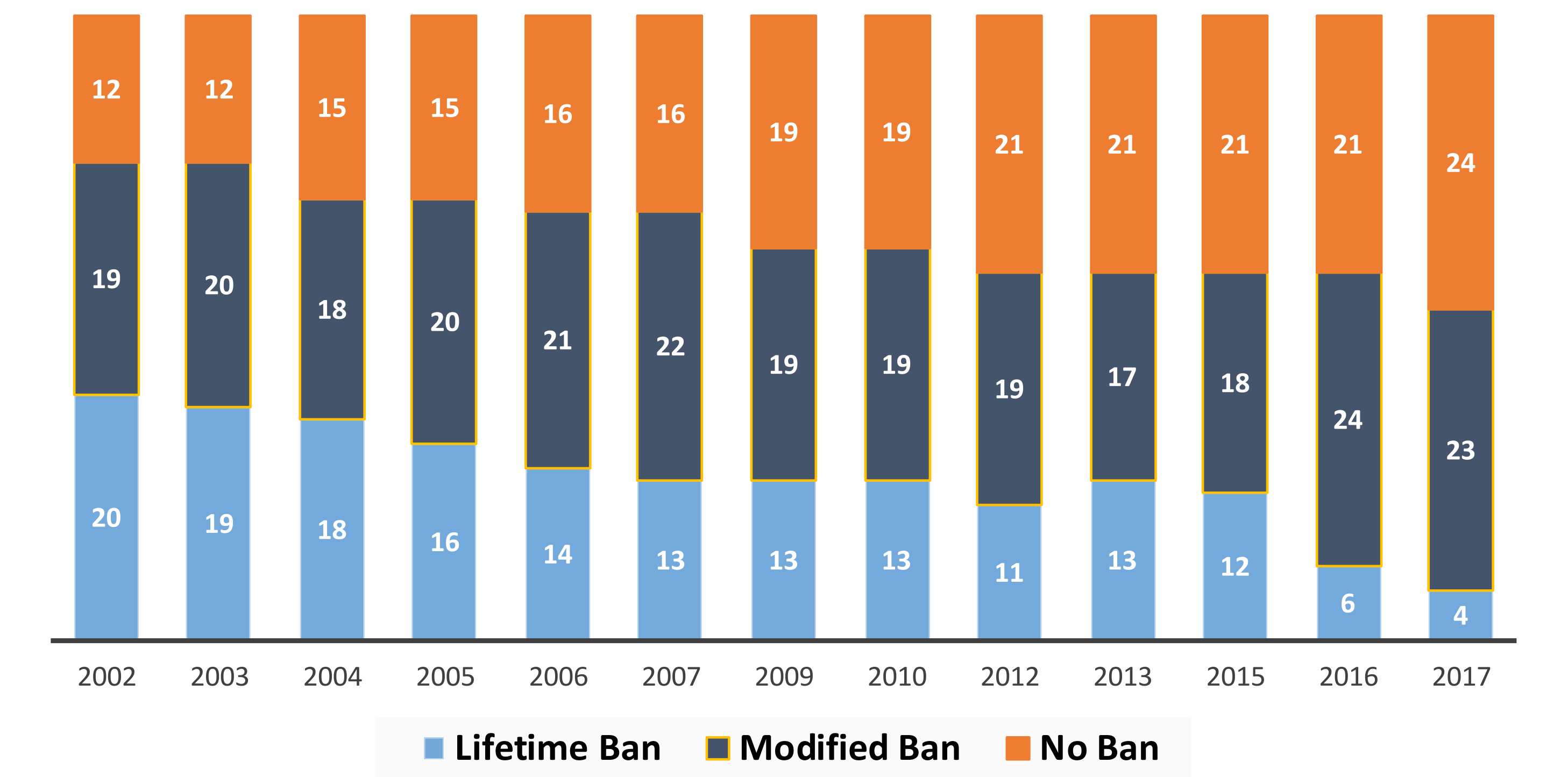
PROPOSED METHODOLOGY

- Review literature about drug testing policies for SNAP eligibility.
- Document health effects of these policies on justice-involved women and their families comparing states with these policies and states where policies have been lifted or repealed.
- Conduct key informant interviews with organizations to gather information about assisting justice-involved women and Minnesota’s existing drug testing policy.

EASING OF STATE DRUG FELONY DISQUALIFICATIONS ON SNAP



EASING OF STATE DRUG FELONY DISQUALIFICATIONS ON SNAP



* Years missing from graph reflect no report published that year.
* Source: United States Department of Agriculture – Food and Nutrition Service, State Options Reports, 2002-2018.

INTERVIEW QUESTIONS

Amid the growing political will to address rising incarceration rates by reforming criminal justice policies, this is an ideal time to learn what community organizations in Minnesota are doing to facilitate the successful reentry of women with a drug conviction history and drive policy change.

- What can be learned from community organizations actively assisting justice-involved women to successfully reconnect with their families and communities?
- Are organizations aware of Minnesota’s restrictions for accessing food assistance and risks associated with it?
- How are community organizations actively working within their community to advocate and pursue policy change?

POLICY CHANGES FROM INTERVIEWS

- Direct outreach to boost participation in food/nutrition assistance programs for women rejoining their communities after incarceration and specific efforts to ensure access to food resources for justice-involved women completing a drug sentence.
- Actions taken by local community organizations to reform Minnesota’s policy of restricting access to food for drug-involved individuals in need of food assistance.
- Additional organizational plans to decrease food insecurity and recidivism through services that address the key issues facing justice-involved women.

REFERENCES

1 Wang, E. *A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released from Prison*. AIDS Education and Prevention. 25(2).112-123, 2013.

2 Yang, C. *Does Public Assistance Reduce Recidivism?* American Economic Review: Papers and Proceedings. 107(5). 551-554. 2017.

3 The Sentencing Project. *Fact Sheet: Incarcerated Women and Girls*. Updated November 2015. www.sentencingproject.org.

CONTACT INFORMATION

Angie Sechler
Graduate Student – Executive Public Health Administration and Policy
sech0005@umn.edu
April 11, 2019

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

May 8, 2019

Present: *Taskforce:* Amber Jochem; Artika Roller; Corey Sherman; Devyn Wallace; Kahlee Griffey; Kelly Mitchell; Lisa Pederson; Lois Mineau; LuAnne Buck; Michelle Moran; Nikki Bentley; Scott Behrends; Sharon Brooks; Tracy Zabel; Vicki Hunter
DOC: Aubrey Steckelberg; Mary Dombrovski; Sarah Walker; Rubina Khan
Guests: Stephanie Romero; Drea Sortillon; Diana Current; Naomi Gaines-Young; Raelene Baker; Faye Jefferson; Hannah Steinhaus; Tonja Honsey; Bailey Riley; Cecelia Viel

Next Meeting: June 12, 2019 10:00am-12:00pm Afton Conference Room

Welcome, Introductions, Announcements & Updates

LGBTQ* Subcommittee: Cheri Mayer attended from DOC Health Services, she sits on the Transgender committee for the DOC, went over the transgender policy. Karmen was not available so will update on her meeting with Nan Larson at a future meeting. Goal going forward is to inform DOC of the changes the committee would like to see of the policy where they find it problematic or interpreted differently and wording changes.

Meeting at Shakopee: Different topics from last meeting. New faces. Issues that are not on the brainstorming list currently will be added.

Girls Collaborative: Meeting on May 14th. Agenda can be sent out, do not need to RSVP can just show up. At YMCA off Wabash.

Presentations

Minnesota Prison Doula Project Presentation

Rae – Director of the Minnesota Doula Project at Shakopee for over 9 years. Presentation will be sent out to task force.

Tonja Honsey and Rae were in Norway recently to see their prison system.

Brainstorm New Action Items

Great discussion among the task force on what ideas should be combined for a larger task/idea. Corey will be sending out a request for members to vote on the top three issues to move forward with.

The following issues were brought to the meeting, additional items added and some modified.

- Create best practices for current PREA mandated questions related to prior sexual abuse that are used at intake. Ensure that there is a trauma informed procedure.
- Re-assess the use of CIP (boot camp) program for women. Or work with Shakopee staff, such as Sandy Hand or Randy Feldstein, consider ways that CIP can be revised to be more trauma informed. Women like having CIP and it gets them early release, so we don't want to get rid of it.

- Review DOC policy precluding DOC volunteers from continuing to volunteer with women who have transitioned to the community.
- Increase Trauma-Informed Programming and Trainings
- Policy and practice changes that would foster parent child bonds.
- Lack of adequate programming and therapeutic placement in state for juvenile girls.
- Review process for addressing sexual misconduct committed by correctional staff.

DOC Task Force on Justice Involved Women and Girls Meeting

Meeting Minutes

June 12, 2019

Present: *Taskforce:* Corey Sherman; Devyn Wallace; Gwen Lerner; Kahlee Griffey; Karmen McQuitty; Kristi Cobbs; Lois Mineau; LuAnne Buck; Nikki Bentley; Scott Behrends; Tracy Zabel; Vicki Hunter
DOC: Aubrey Steckelberg; Mary Dombrovski; Sarah Walker; Safia Khan
Guests: Suluki Fardan; Katherine Nixon; Trent Andersen; Gabe Hafemann; Chaya Bloodsau Pearson; Chris Empson; Elijah Veckor; Bailey Riley; Adrienne Pabst; Cecelia Viel

Next Meeting: August 14, 2019 10:00am-12:00pm Afton Conference Room

Welcome, Introductions, Announcements & Updates

Women's Writing Program – 35th Anthology, 18 women participated. Sherburne County Jail reading was June 11th.

2019 Conference – Main complaint was the food. Overall fantastic. Conference Evaluation results shared.

Year-end report subcommittee – Should be good to go.

LGBTQ* Subcommittee – Members from IWOC joined the meeting this morning.

Girls Collaborative – Meeting June 11th. Agenda can be sent out, do not need to RSVP can just show up. At YMCA off Wabash.

DOC Updates – Reentry Clinic with Hamline will begin again. DOC has partnered with Emily Baxter from We Are All Criminals and MPWW to share stories with images with a goal of humanizing and taking away opposition.

Legislative updates – Budget discussion. Ombudsman for Correction was passed. There are critical technical security needs. No housing bonds. Policies for Narcan passed. Ad Seg reform passed with NAMI. Body scanners passed. Anoka County CCA Mental Health incarceration alternatives passed.

Ongoing Action Items

Feminine hygiene products – Vicki needs to send the hygiene survey.

Updating onboarding materials – Gwen has a draft for history. August meeting will be a group photo for this. Head shots and a bio need to be sent to Nikki.

Brainstorm New Action Items

1. Best practices

- 2-5. Unaddressed trauma and sexual violence, need to be more trauma informed.

Create best practices for current PREA mandated questions related to prior sexual abuse that are used at intake. Ensure that there is a trauma informed procedure.

Re-assess the use of CIP (boot camp) program for women. Or work with Shakopee staff, such as Sandy Hand or Randy Feldsein, consider ways that CIP can be revised to be more trauma informed. Women like having CIP and it gets them early release, so we don't want to get rid of it. Create additional early release programs.

Increase Trauma-Informed Programming and Trainings, and trainings for trade skills. Discuss hiring practices and wages for jobs. Review "no touch" policy.

Policy and practice changes that would foster parent child bonds.

Lack of adequate programming and therapeutic placement in state for juvenile girls.

Other

Currently one vacancy, there will be two with Roxanne. Will revisit applications in September.

Invite Kathy Halvorson to meeting as the new Warden of Shakopee (Effective September 4th, 2019).

Report - 2019 Conference Evaluations

15th Annual Conference on Justice Involved Women and Girls

At the Margins: Intersectional Identities of JIWGs

	Disagree	Agree
<i>Conference Overall</i>		
Organized	1.0%	99.0%
Nice Accommodations	0.0%	100.0%
Good Food	25.7%	74.3%

Dr. Joi - Moderator

Prepared	0.0%	100.0%
Engaging	0.0%	100.0%
On Schedule	1.9%	98.1%

Patina Park: Native Women and Girls

Prepared	0.0%	100.0%
Engaging	0.9%	99.1%
Info Relevant	4.5%	95.5%

Jamelia Morgan: Disabled, Elderly & Aging Women

Prepared	0.0%	100.0%
Engaging	5.3%	94.7%
Info Relevant	6.3%	93.8%

Janet Bystrom: Trans & Gender Non-Binary People

Prepared	0.0%	100.0%
Engaging	14.3%	85.7%
Info Relevant	4.6%	95.4%

Anne Phibbs: Intersectionality

Prepared	0.0%	100.0%
Engaging	0.0%	100.0%
Info Relevant	4.0%	96.0%

Prepared by Vicki Hunter

**Policy Analysis of Restricting Access to Supplemental Nutrition
Assistance and Possible Health Impact on Formerly Incarcerated
Women in Minnesota**

Angela R Sechler

July 2019

Abstract

Purpose: Minnesota has a modified ban restricting persons returning from incarceration for a drug felony from accessing the Supplemental Nutrition Assistance Program (SNAP). This ban requires formerly incarcerated persons with a drug felony to be drug-tested to receive benefits. This paper analyzes the potential for unintended health consequences of the ban.

Objectives: To understand the possible health impacts of the SNAP ban on justice-involved women and their children, and document how local organizations are assisting justice-involved women with drug conviction histories to obtain food assistance despite Minnesota's policy of restricting SNAP benefits.

Methods: A policy analysis of Minnesota's modified ban included: 1) a literature review identifying research studies reporting adverse health effects on justice involved women and their children in states with full or modified drug felony bans, and 2) analysis of qualitative data from key informant interviews with local organizations assisting justice-involved women transitioning from prison to community.

Results: The literature review identified three studies presenting evidence where a partial or lifetime SNAP ban in selected states increased the risk of food insecurity, engagement in HIV risk behaviors, and/or possible reincarceration of persons with a drug conviction history. Qualitative results from key informant interviews combined with field notes taken during discussions with justice reform advocates revealed three common themes: 1) unawareness of Minnesota's food assistance ban, 2) any impact of the partial ban is perceived as a non-issue, and 3) competing priorities, such as ensuring stable housing and employment, prevent pursuing changes to the current policy.

Recommendation: The prospect of eliminating the modified SNAP ban in Minnesota is unlikely given the current political environment and competing priorities among local organizations working on behalf of formerly incarcerated women and their families. The most viable solution to Minnesota's drug testing restrictions on accessing food assistance would be revising the policy to include treatment as an alternative to penalization. "Alternatives to Incarceration" in Anoka County is proposed as a successful, evidence-based model that could be expanded to other counties in Minnesota.

Special Thanks to:

LuAnne Buck
Gina Evans
Kathleen Call
Corey Sherman
Rebecca Schlafer

MN Department of Corrections Advisory Task Force on Justice Involved Women and Girls

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Introduction

The primary objective of the project is to examine Minnesota's policy of restricting the Supplemental Nutrition Assistance Program (SNAP), also known as food stamps, for applicants with a history of drug felony conviction. More attention should be given to the structures and policies that systemically contribute to increasing health disparities in marginalized populations, especially among populations of color and Native Indigenous people, who are disproportionately impacted and endure the long-term consequences of incarceration, including, greater health disparities and systemic inequality. While most of the incarcerated population is male, an increasing number of women are serving time in prison for a drug felony. Between 1980 and 2010, the nationwide incarceration rate for women increased 646 percent compared to a 419 percent increase for men (Mauer 2013). As of 2015, the proportion of women in state prisons incarcerated for a drug offense was 25 percent nationally; higher compared to incarcerated men at only 14 percent (BJS 2018). Incarcerated women are often overlooked when it comes to reforming governmental policies preventing their successful return to their families and communities (Braithwaite 2005). While many in the public health and healthcare fields are examining how mass incarceration is a social-structural driver of health inequities, there is less understanding of the implications of existing government policy impeding formerly incarcerated women from accessing public assistance to restart their lives. For example, there are several federal and state policies currently in place restricting anyone convicted of a drug-related offense from applying for public housing, college funding, and food and cash assistance upon completion of their sentence (Katzen 2011; Wahler 2015). Such policies, also known as "collateral consequences," deny formerly incarcerated individuals access

to routine health care and social programs (Malcolm 2017) and disproportionately affect certain demographic groups, specifically populations of color, from successfully rejoining society sentencing them to a lifetime of punishment (Mauer 2015; Katzen 2011).

Methodology

A literature review was conducted and consisted of two major parts: 1) to gather background information on U.S. federal drug policy and the 1996 Welfare Reform Act to better understand the formation of Minnesota's modified ban of restricting food assistance for individuals with a drug conviction history, and 2) to identify peer-reviewed journal articles comparing existing drug testing policy restrictions for SNAP applicants and the possible health impacts in states where the federal ban for accessing nutrition assistance remains. The database, PubMed, was used and searches were primary concentrated on using a combination of key words that included "incarceration," "women," "drug felony policies/ban," "drug testing policies," "SNAP," "health impact" "reentry" and "food insecurity." From the review, key findings mentioning the possible adverse health effects of these policies on justice-involved women, their children and the larger societal cost was limited. Most of the peer review literature focuses on the consequences of incarceration on women and the associated barriers to obtaining employment, housing, education, and familial reconnections. Few studies were found on post-incarceration consequences related specifically to the health impacts of formerly incarcerated women with a drug felony history not being able to access food assistance. As a result, only three peer review studies (Tuttle 2019; Yang 2017; Wang 2013) revealed some evidence of there being a health impact on formerly incarcerated women prevented from accessing food

assistance due to a lifetime or partial SNAP ban. Due to limited findings from peer reviewed research, much of this paper draws on the existing body of grey literature much of it identified from national reports published by research and advocacy organizations addressing the subjects of felony disenfranchisement and drug policy reform including the drug felony SNAP ban.

Since women represent the largest percentage of applicants for food assistance (Mauer 2013; Wahler 2015) and the fastest growing segment of the incarcerated population often serving a drug felony sentence, a second component of the project included key informant interviews with groups or organizations working with formerly incarcerated women impacted by Minnesota's policy of restricting access to food assistance. The underlying purpose of the interviews was to learn directly from organizations about what forms of assistance are likely to help incarcerated women ensure a successful transition from prison to community. A series of ten open-ended questions were designed to gather qualitative information to gain a ground-level understanding of the familiarity with Minnesota's drug testing policy and its effect on formerly incarcerated women and their families (Appendix A). Key informant interviews were conducted with representatives from two Minnesota-based organizations working with justice-involved women: Reentry Services Eden (RS Eden) and the Second Chance Coalition. Relevant information was also gathered while participating at a meeting of the Minnesota Department of Corrections Advisory Task Force on Justice Involved Women and Girls (DOC Task Force) and attending the 2019 Metropolitan State University's forum "Understanding and Responding to Mass Incarceration: Women in the System" (2019 Metro State Forum). Both meetings were

opportunities to hear directly from those working within the prison system on behalf of women, as well as formerly incarcerated women impacted by the system. Discussions with participants and field notes taken while attending these gatherings contributed to the qualitative findings of this project.

Based on qualitative information gathered from field notes, discussions with meeting participants, key informant interviews and a review of the literature, alternatives to Minnesota's existing partial SNAP ban are explored followed by a single recommended solution. Considerations for the future conclude the paper.

Results

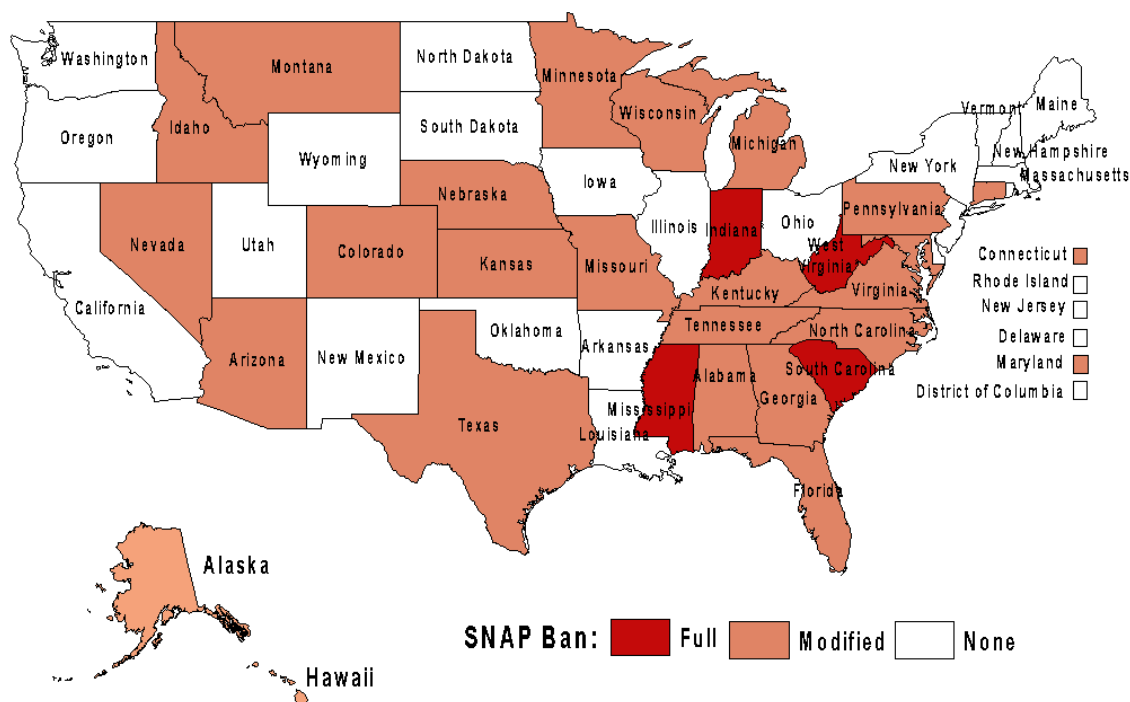
Review of the Literature

The literature review begins with a brief history of U.S. welfare reform and the "War on Drugs" policy in the 1990s. The timing of both events led to the rise in drug felony arrests (Mauer 2015; McCarty 2015) across the U.S. potentially exposing more people with a drug felony history to the lifetime ban on welfare programs including SNAP benefits. How the SNAP ban is currently implemented today by states with a detailed explanation of Minnesota's modified ban policy is explained. A synopsis of the benefits of SNAP is presented followed by the findings of peer reviewed studies in the few states where research on possible health impacts of the SNAP ban were conducted.

Welfare Reform

Criminality and the use of drugs among populations experiencing severe economic inequality were prominent concerns among policy leaders and the subject of welfare reform debates of the 1980s and 1990s (McCarty 2016). In 1996, the 61-year old program, Aid to Families with Dependent Children, was repealed and replaced by a federal block program called Temporary Assistance for Needy Families (TANF) (Center on Budget and Policy Priorities, 2015). That same year, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) also known as federal “welfare reform” legislation was passed during the Clinton Administration, which imposed time limits and work requirements on beneficiaries of public assistance programs. Included was statutory language imposing a “lifetime ban” on eligibility for TANF and SNAP benefits for anyone convicted of a drug felony (Falk 2016, McCarty 2016). The federal legislation prohibited states from providing welfare or food assistance to individuals convicted of a drug felony. However, states were given the authority to modify or opt out of the federal ban entirely. States have the option of modifying or opting out of TANF, SNAP or both bans. As of January 2017, most states had modified or opted out of the ban on SNAP benefits, while the full lifetime ban currently remains in effect in four states (Figure A) (USDA, 2017).

Figure A



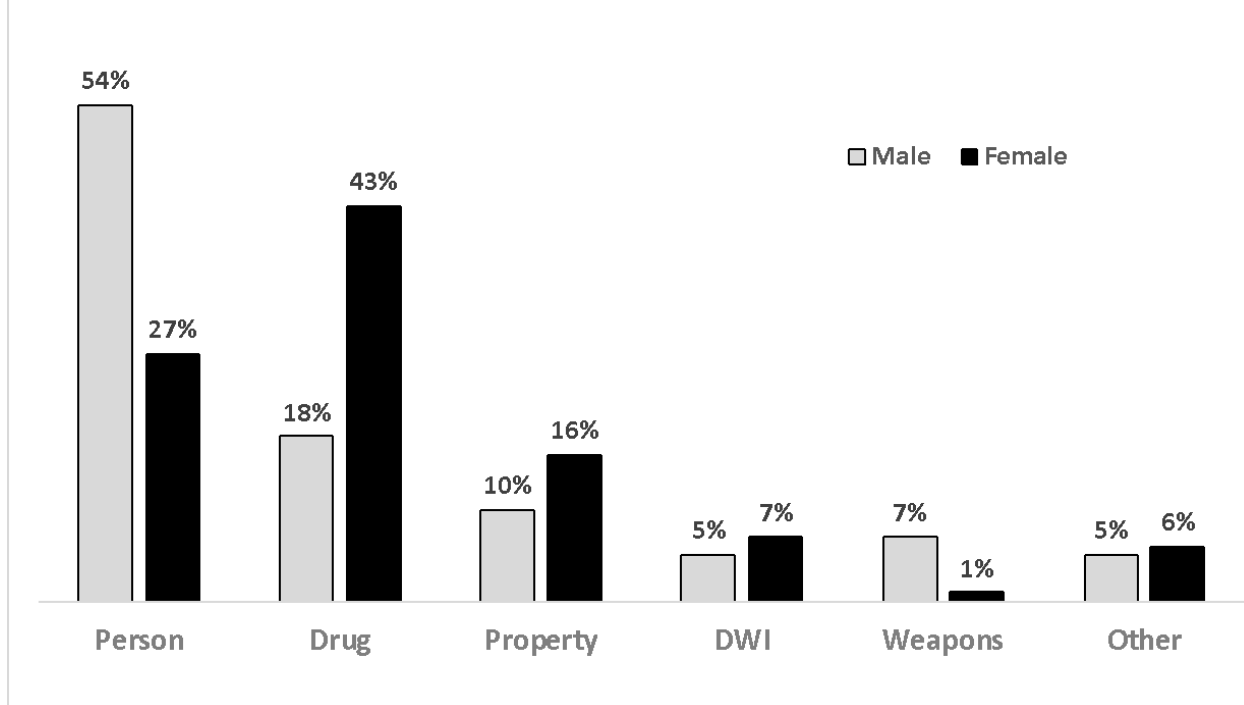
States that have implemented a modified version of the SNAP ban include Minnesota. State modifications may include requiring the completion of a drug rehabilitation program, or limiting the ban to drug traffickers, or restricting the ban to those who fail drug testing in order to be eligible for TANF, SNAP, or both. Minnesota requires “an individual who has been convicted of felony level drug offense committed during the previous 10 years from the date of application or recertification shall be subject to random drug testing as a condition to continued eligibility [for SNAP benefits]” (Minn. Stat. § 256J.26). Placing restrictions or lifetime bans preventing

access to the nation's social safety net programs was possibly thought of as a way of preventing the misuse of taxpayer funded programs (McCarty 2016). However, some suggest it was the consequence of having a national "War on Drugs" policy emphasizing punishment over treatment, which contributed to the rapid increase in the rates of incarceration we see today (Mauer 2007; Alexander 2011).

The Impact from the "War on Drugs"

During the same time that the "War on Drugs" led to the passage of the drug felony ban on social safety net programs, other drug-related sanctions aimed at creating a "drug-free America" were established (McCarty 2016). As a result, incarceration skyrocketed in the U.S., especially among women. After 1980, when drug enforcement was at its peak, drug offenders serving in prison and jail increased 1,100 percent (Mauer 2007). The number of incarcerated women increased by 646 percent compared to a 419 percent increase for men (Mauer 2013). As of 2015, a higher percentage of women (25 percent) than males (14 percent) in state prisons were serving time for a drug offense (BJS, 2018). Minnesota reflects similar trends. Women comprise a smaller percentage of the total incarcerated population (6.9 percent) but are more likely serving for a drug felony (43 percent) compared to men (18 percent) (MN DOC, 2017) (Figure B).

Figure B
Male and Female Incarceration by Type of Offense
Minnesota 2017



Source: MN Department of Corrections - FY2017 Notable Statistics

Minnesota's Modified Ban

Minnesota's drug felony disqualification is classified as a "modified ban," requiring anyone convicted of a drug felony in the last 10 years to agree to undergo random drug testing if they apply for economic assistance (Minn. Stat. § 256J.26). Failing a drug test the first time leads to sanctions applicable to other government benefits and places a 30 percent reduction on the food assistance granted (MN DHS 2014). Failing a drug test a second time, leads to permanent disqualification from the food assistance program (MN DHS 2014).

Minnesota counties and tribes are responsible for having a data sharing agreement for transferring conviction data and drug testing results to be matched with individuals on

economic assistance programs at the MN Department of Human Services (MN DHS 2014). County agencies are encouraged to coordinate efforts with local probation and court services to share the cost of processing random drug testing (MN DHS 2017). In a 2014 report to the MN Legislature from the MN DHS Inspector General's Office, conviction data shared by the courts going back to July 1, 1997 revealed the results of a newly implemented DHS data sharing process: the number of matched individuals with drug felony conviction history enrolled in economic assistance programs totaled 2,758, or 1.6% of program participants (MN DHS 2014). A majority of these matches were drug felony convictions that occurred more than five years prior (MN DHS 2014). Of the 2,758 matched individuals receiving economic assistance, only ten or 0.4 percent were tested with just one person testing positive for drugs (MN DHS 2014). According to DHS, the small number of tests administered was likely due to new procedures and policies still being developed at the county level (MN DHS 2014). The low percentage of eligible beneficiaries applying for public assistance who were also identified as having a drug conviction history suggests that drug testing requirements are a deterrent to enrollment. We should perhaps reexamine the value and unintended consequences of having a modified ban in Minnesota.

The Importance of SNAP Benefits

The Supplemental Nutrition Assistance Program (SNAP) is considered "the cornerstone of the nation's safety net and nutrition assistance programs" (Rosenbaum 2013). Formerly known as Food Stamps, SNAP is designed to supplement the household budgets of low-income families by providing additional funds to purchase food needed for well-balanced, nutritional meals

preventing adverse health outcomes associated with hunger. Research shows SNAP relieves families of food insecurity and contributes to improved adult and child health outcomes (Tuttle 2019). The program serves a wide range of low-income households, including families with children, the elderly, and disabled (Rosenbaum 2013). Nationally, the SNAP participation rate was 83 percent of all eligible individuals in 2015 (USDA 2018). Unlike TANF, the federal government pays the full cost of SNAP benefits and shares program administration costs with states (The Center on Budget and Policy Priorities, 2018). For the incarcerated population, SNAP eases the impact of other obstacles and costs associated with reentry, like securing employment, finding housing and purchasing health insurance (Mohan 2017).

Minnesota grants SNAP benefits as part of the Minnesota Family Investment Program (MFIP) (MN DHS, 2016). Minnesota households can receive a combination of cash and/or food benefits depending on their circumstances (MN DHS MFIP Program 2019). The majority of MFIP enrolled adults were female (81 percent) (MN DHS 2016). In 2016, 82 percent of Minnesota adults were white, but comprised 36 percent of MFIP recipients, while the remaining 63 percent of MFIP recipients were people of color and comprised only 17.9 percent of Minnesota's population (MN DHS 2016). Recent statistics about nutritional assistance reveals the SNAP program serves 454,000 Minnesotans, or 8 percent of the population (The Center on Budget and Policy Priorities MN SNAP Fact Sheet 2018).

The Public Health Consequences of Restricting SNAP Benefits

A review of the literature reveals being incarcerated has both health and social consequences putting individuals released from prison at a health disadvantage. Those previously incarcerated are at an increased risk of having chronic health problems, poor mental health and reduced life expectancy (Wildeman 2017; Massoglia 2015). Research shows that justice involved women of color are especially vulnerable to poorer health outcomes and more likely to endure social isolation due to the stigmatization associated with being incarcerated (Freudenberg 2002; Braithwaite 2005). Individuals who become incarcerated typically enter the system struggling with a complex set of unmet social and mental health needs having to do with poverty, unemployment, homelessness, and poor health (Wolkomir, 2018). These same needs will likely remain after incarceration. The period of transition from incarceration to community reentry is a particularly vulnerable time period for individuals who struggle with substance use and can be a “crucial factor determining reentry success.” (Begun 2016). Making it harder to access post-incarceration support services can diminish the probability of a successful reentry. Formerly incarcerated females with a drug felony history in Minnesota may be placed at greater risk of having worse health outcomes due to a conditional drug policy that can permanently disqualify them from receiving food assistance.

The effects of incarceration extend to the families of the incarcerated, especially the children. Frequently women are the sole providers for their children with “two-thirds of incarcerated women having children younger than 18 years and 15 percent with infants younger than 6 weeks” (Braithwaite 2005). Individuals returning after serving time are potentially at greater

risk of food insecurity. Researchers comparing states with a lifetime or modified version of the SNAP ban found a majority of the recently released prisoners participating in the study were food insecure (91 percent) (Wang 2013). Additionally, participants who reported not eating for entire day were more likely to live in a state with a version of the SNAP ban compared to a state without the SNAP ban (78 percent versus 42 percent) (Wang 2013). Furthermore, participants who had not eaten for an entire day were more likely to engage in HIV risk behaviors such as injection drug use or unprotected transactional sex (Wang 2013).

This has public health implications for households headed by formerly incarcerated women in Minnesota. Although, Minnesota's partial drug ban does not reduce or eliminate SNAP benefits of eligible members living in the same household, having less assistance coming into a household forces a parent to stretch limited funds and possibly take health risks to meet her family's nutritional needs. Food insecurity for children of an incarcerated parent contributes to childhood adversities that lead to negative health outcomes continuing into adulthood (Carlson S 2018; National Academies of Sciences, Engineering, and Medicine, 2017; Palacio V, 2017).

The Recidivism Effect

The risk of returning to prison for the formerly incarcerated population is greater where partial bans on food assistance exist. A study on recidivism in Florida, where a modified ban was enacted disqualifying access to SNAP for drug traffickers only, revealed that denying individuals' access to SNAP created a financial motive to return to crime, therefore increasing the likelihood of returning to prison (Tuttle 2019). Additional evidence indicates there is a window of time

shortly after release from prison where full access to public assistance, including SNAP, significantly decreases recidivism among individuals with a drug felony history (Yang 2017). In fact, the same research study reaffirmed that when minimal eligibility to food assistance was provided there was no effect on recidivism of drug offenders while *unrestricted* food stamp access lowered recidivism for newly released drug offenders (Yang 2017).

Qualitative Results

Qualitative information was gathered from two sources: 1) key informant interviews with LuAnne Buck, Division Director of Corrections Programs for RS Eden, and Gina Evans, Vice President of MN Second Chance Coalition, and 2) discussions at the DOC Task Force meeting held on April 10, 2019 in Saint Paul, Minnesota and the 2019 Forum *Understanding and Responding to Mass Incarceration: Women in the System* held April 12, 2019 at Metro State University in Saint Paul, Minnesota. Both are described below.

Key Informant Interviews

Findings from a review of the literature were used to formulate a series of questions to conduct key informant interviews with local organizations working to assist justice involved women overcome barriers to obtaining supplemental nutrition assistance. The following areas of inquiry were the basis for the questions:

- What can be learned from community organizations actively assisting justice-involved women to successfully reconnect with their families and communities?

- Are organizations aware of Minnesota's restrictions for accessing food assistance and risks associated with it?
- How are community organizations actively working within their community to advocate and pursue policy changes to Minnesota's modified food assistance ban?

In Minnesota, public health leaders, advocates for families and children, and activists from communities of color are partnering and drawing attention to the racial and ethnic disparities in the incarcerated population (MDH, 2017). Interviews with two organizations, RS Eden and the Second Chance Coalition, provided critical insight on what life is like after incarceration. Both organizations are actively working on behalf of the incarcerated population assisting men and women as they confront the collateral consequences associated with being incarcerated.

RS Eden is a non-profit organization providing direct assistance to formerly incarcerated men and women, including permanent supportive housing, substance abuse recovery services, and job training. Second Chance Coalition, also a nonprofit organization, provides professional training seminars designed for anyone impacted by the justice system, access to community resources, and advocates for legislative changes to existing policies that interfere with the successful transition from incarceration.

Meetings

Included with information collected from the key informant interviews were field notes taken during discussions with members of the DOC Task Force on Justice Involved Women and Girls

and participants at the 2019 Metro State Forum. Both gatherings provided the opportunity to talk with and hear from justice reform advocates and formerly incarcerated women about addressing existing barriers and policy changes necessary for ensuring access to community resources. Each meeting expounded on the experiences of formerly incarcerated women ranging from internal challenges and external barriers for successful reentry to creating resources for women leaving prison and the ongoing activism addressing prison reform.

Common Themes

Information gathered from the key informant interviews and discussions at the DOC Taskforce meeting and the 2019 Metro State Forum can be condensed into the following themes:

1) unawareness of the food assistance ban, 2) the negative impact of the ban is perceived as a non-issue, and 3) upon learning more about the policy, competing priorities, such as ensuring stable housing and employment, prevent pursuing changes to the current policy.

Unawareness of the Food Assistance Ban

Unfamiliarity was the most common reaction when informing others of Minnesota's partial ban policy. From both discussions and one interview, no one was aware that Minnesota has any policy restricting access to food assistance. Attending the DOC Taskforce meeting and the 2019 Metro State Forum addressing women's incarceration issues revealed this is a policy that most people are simply unaware exists. A small percentage of Minnesota's formerly incarcerated population are potentially impacted by the policy - only 1.6 percent of SNAP participants were identified as being convicted of a drug felony going back to 1997 (MN DHS, 2014). Therefore,

general awareness of the partial ban is likely overshadowed by national attention on current prison reform issues in addition to increasing efforts to address the collateral costs that come from being incarcerated including unemployment, homelessness, and civic disenfranchisement.

The Negative Impact of the Ban is seen as a Non-Issue

Among the organizations interviewed, Minnesota's food assistance ban was not rated as having the same level of negative impact as other post-incarceration barriers currently facing women. In describing the activism currently underway at the Minnesota Legislature, Gina Evans, from Second Chance Coalition said it best: "There's so much to be done. You have people on probation for 40 years [in Minnesota] and those who can't find employment because they have something on their record from 35 years ago. We're working on solitary confinement, reinstating the ombudsman for corrections, [advocating for] access to mental health care while in custody, DHS changes... [the partial ban policy] is bit fine-tuned," meaning a low priority. (Interview Second Chance Coalition, 2019).

At RS Eden, women have access to meals as part of their treatment programs making it unnecessary to connect them with food assistance. LuAnne Buck, at RS Eden, agreed that they are not always able to meet the long-term food assistance needs of many women entering their doors once they have completed program. "Even for the women who release back into the community from here, we get them connected with Ramsey County Human Services if they're from Ramsey County to get benefits started. Once they're released from us, we don't track them after that" (RS Eden Interview 2019).

Competing Priorities Prevent Pursuing Changes to the Current Policy

The final common theme from the interviews was that competing priorities prevent efforts to pursue policy changes to Minnesota's modified food ban. Proposing policy change to the ban was not included with other legislative priorities for either organization despite agreement on its importance. Both individuals interviewed said they were unaware of any organizational efforts targeting Minnesota's ban on food assistance programs. This usually had to do with the overwhelming work of ensuring other important needs for housing and employment were being addressed. For example, the Minnesota Second Chance Coalition was concentrated on the following priorities for the 2019 Minnesota Legislative session: 1) the reduction of fines and fees for minor violations disproportionately impacting formerly incarcerated populations, 2) a reduction in the length of felony probation periods, and 3) the restoration of voting rights after sentence completion (MN Second Chance Coalition 2019 Legislative Agenda).

Filling current housing facilities and finding alternatives that provide the recently released incarcerated population permanent supportive housing was a much higher priority for RS Eden. Federal funding restrictions prevent access to permanent supportive housing for a person leaving incarceration with no place to live. Release from prison means having to be without a home for six months before qualifying as "chronically homeless" and eligible for permanent supportive housing (RS Eden Interview 2019). Changing Minnesota's partial ban on food assistance at this time is simply not considered as vital in comparison to other justice reform policies being considered in the Minnesota Legislature.

RS Eden and the Second Chance Coalition strive to address the injustices of the collateral consequences associated with being incarcerated. Both organizations mentioned community support as being necessary for their existence and ongoing work. RS Eden sees itself as being the “staging ground” for getting formerly incarcerated women back on their feet by connecting women in the Twin Cities area with local community support services. Second Chance Coalition is engaging entire communities, not just individuals directly impacted by incarceration, in order to draw attention and change public perception about people with a history of incarceration. Both organizations are valuable community assets helping women resume their lives after incarceration.

Recommendations

Addressing the rising rates of drug felonies among women should be a priority for all leaders in government, and this is especially true for state policy leaders looking to rein in corrections spending and enact policies addressing drug addiction, including the growing opioid epidemic in Minnesota. Additionally, the successful reentry of formerly incarcerated persons is essentially a community process. County and city officials should also be seeking alternative measures to break the systemic, negative cycle of incarceration and its impact on residents, their families, and neighborhoods. Addressing any barriers to successful reentry of individuals with a drug felony history could include revising the partial ban on public assistance programs. Based on the review of the literature and key informant interviews, below I propose three options for revising Minnesota’s modified food ban.

Potential Solutions

1. Eliminate the Modified Food Ban

Not every convicted felon is required to undergo drug testing as a condition to receive food assistance and other public services in Minnesota; only individuals with a drug felony history. Minnesota's current law presents extra barriers to accessing public resources, which are designed as a safety net for anyone eligible to restart their lives. For incarcerated individuals encountering barriers to reconnecting with their families and communities, there is a greater risk of recidivism (Tuttle 2019; Yang 2017). In fact, public assistance programs can significantly decrease the likelihood of recidivism. Most likely, recidivism is reduced because having access to food assistance lessens the economic burden for previously incarcerated individuals looking to resume their lives (Yang 2017). If the financial stress of acquiring food can be reduced, then the odds of having to resort to illegal means of obtaining resources is also reduced.

This solution would also prevent county governments from using scarce resources for drug testing on a population that is just over one percent of eligible beneficiaries receiving economic assistance. Data in 2013 from the Minnesota Department of Human Services (DHS) shows only 1.2 percent of the general population in Minnesota was convicted of a drug felony (Serres 2013). Counties also report the process of identifying, tracking, drug testing and sharing test results with DHS as being costly and time consuming (Serres 2013).

If we are serious about ending the cycle of incarceration and discontinuing the penalization of drug felons beyond their sentences, eliminating drug testing requirements for all public

assistance programs in Minnesota could be one solution. The current policy of restricting food assistance disproportionately impacts justice-involved women struggling with substance abuse (Freudenberg 2002). Timely access to food assistance may eliminate troubling public health consequences contributing to greater isolation, poorer health and food insecurity for formerly incarcerated individuals (Wang 2013). Providing unconditional access to food assistance lowers the risk of recidivism (Yang 2017). It also would eliminate the need for county governments to expend resources for drug testing and reporting to DHS. Conducting a cost benefit analysis identifying the economic benefits of treatment over drug testing and the avoided costs of reincarceration may help garner public and political support if cost savings were established. Ideally, any cost benefit analysis would compare the individual and societal costs of untreated substance use to the costs of potential reincarceration. Evidence of a lower return on investment could possibly lead to eliminating drug testing conditions on all public assistance programs.

An argument against eliminating the partial ban is that it would be unachievable given Minnesota's current political environment of divided government. Not everyone considers the partial ban as being a barrier to accessing food assistance, but instead a necessary policy preventing the misuse of taxpayer dollars. Interviews revealed that justice reform advocates rank the partial drug felony ban as a low priority issue given the array of prison reforms and barriers currently being considered. As noted from at least one key informant interview, the gravity of the partial ban is a concern, but the practicality of eliminating the partial ban in Minnesota is just not politically realistic.

2. A Drug Testing Policy as a Condition for TANF Only

Currently, Minnesota's drug testing conditions apply to individuals receiving food assistance regardless of whether they receive benefits through MFIP or not. The penalties of a drug test failure are the same for the food and cash assistance programs if the beneficiary receives both. (MN DHS 2019). Given possible political resistance to eliminating drug testing as a condition for the food assistance program, an alternative solution is modifying Minnesota's drug testing policy by maintaining restrictions on TANF assistance only. It is not uncommon for states reluctant to lift restrictions on public assistance to employ drug conviction disqualification policies to tighten eligibility and save state money. Delaware and South Dakota are state examples where a modified drug ban allows felony drug offenders to receive SNAP, but not TANF benefits (Mauer 2015).

Maintaining drug testing policies for TANF eligibility, but removing them for SNAP would benefit the economic interests of Minnesota as well. SNAP benefits are entirely funded by the federal government (McCarty 2016). Conditioning access to SNAP decreases the amount of federal funds returning to Minnesota. A comparison of states shows Minnesota ranks as one of the least federally reliant states with only 27 percent of its general budget comprised of federal funds (Maciag 2017). Employing drug testing conditions eliminates federal funds for SNAP creating a loss of federal revenue for the state.

An argument against using drug testing policies to restrict drug felons from receiving TANF assistance is that TANF serves as safety-net for low-income families. As of 2019, the cash

portion of MFIP for a family of three was \$532 while the food portion totaled \$453 per month (DHS, Facts About MFIP 2019). The trade-off would be greater financial impact on households if the drug testing policy on TANF was maintained. For the same reasons that SNAP is a safety-net for families struggling to pay for food, TANF provides temporary cash assistance to families struggling financially (McCarty 2016). Female-headed households with children would continue to be disproportionately impacted since women comprise the vast majority of recipients of TANF benefits as well (Mauer 2015, McCarty 2016).

Creating variation across programs by applying drug testing conditions to TANF and not all forms of public assistance raises concerns about causing confusion among potentially eligible recipients and the equity and fairness across the programs (McCarty 2016). While states have the authority to design federal assistance programs to meet their population's needs and budgetary constraints, policymakers may not want to create additional variation in what is already a complex set of eligibility criteria for public assistance.

3. Alternatives to Penalization

The elimination of random drug testing for individuals receiving food assistance may not be possible in the current political environment of divided government. Instead, the solution could be aligning current policy with newly proposed and locally tested programs that encourage alternatives, like providing treatment for drug use rather than reducing benefits and permanently disqualifying individuals from Minnesota's food assistance program. Treatment may be considered an expensive option. However, evidence shows that penalties and permanent disqualification from food assistance places recipients at risk of food insecurity

potentially leading to drug relapse and possible reincarceration - a more costly alternative (Tuttle 2019; Yang 2015). In 2015, the average cost per inmate in Minnesota was \$41,366 with Minnesota spending a total of \$403,729,705 in prison expenditures, averaging \$75 per taxpayer (Mai 2017). There is also evidence that allocating taxpayer dollars for treatment has economic benefits for communities, including reductions in drug-related crime, emergency room use, hospitalizations, as well as helping preserve job earnings (Ettner 2006; Krebs 2017). An evaluation of a statewide substance abuse program in California found treatment costs to be \$1,583 on average while the associated monetary benefit to society was \$11,487 over nine months of client follow-up (Ettner 2006). Additionally, an evaluation of opioid use disorder treatment programs for individuals linked to the correctional system found that providing publicly-funded treatment was associated with lower costs of policing, corrections, and crime victimization (Krebs 2017).

A model program called “Alternatives to Incarceration” (ATI) piloted in Anoka County in 2018, is designed to divert non-violent drug offenders with substance use disorders from being re-incarcerated for not following the conditions of supervision (MN DOC 2019). The ATI program has successfully redirected individuals to services in the community, such as aftercare treatment, sober support groups, while also expediting the process of getting clients into inpatient treatment when necessary (MN DOC 2019). The success of the program rests with assigning case managers to participants and working with probation officers to complete chemical assessments and coordinate timely treatment (MN DOC 2019). Completion of a drug treatment program rather than the use of random drug testing as a deterrent for drug use is

more likely to have positive outcomes for the formerly incarcerated population and the community. Based on a review of its first year, ATI reported a 62 percent success rate among the 21 participants (MN DOC 2019).

Critics of this solution would point to evidence showing most drug felons do not use drugs themselves (Mauer 2015). Felony statistics from the Bureau of Justice Statistics showed 56 percent of the drug convictions in 2006 were for selling drugs, not using drugs (Mauer 2015), which could be another reason for dropping the policy of drug testing altogether and making the need for addiction treatment unnecessary.

Also, one cannot equate *occasional* drug use to addiction. Federal data show that while “24 percent of adults report using drugs once or more times a year, only one percent were determined to be addicted based on multiple survey questions” (Palacio 2017). Another study of TANF beneficiaries who tested positive for drug use “had similar income and were employed at the same level as TANF beneficiaries who tested negative for drug use” indicating drug use is not necessarily indicative of addiction (Palacio 2017).

Final Recommendation

The current political environment makes the prospect of major policy reform unlikely and given where the energy is concentrated in the justice reform movement, eliminating the partial ban is an impractical enterprise. Given the evidence showing public benefits from investing in treatment, the most viable solution to current drug testing restrictions for accessing food

assistance is creating parity with programs that view drug involvement as a behavior deserving of treatment rather than a lifetime of penalization.

Investing in treatment is the most viable option because an evidence-based model in Minnesota exists. Anoka County's "Alternatives to Incarceration" is already experiencing success in redirecting non-violent drug offenders to treatment after a violation of conditions of supervision and could serve as an evidence-based model for revising the state's modified drug felony ban policy. Expanding the ATI program would be required. House bill H.F. No 1028 proposing an expansion of the program to other counties was attempted during the 2019 Legislative Session but failed to survive. The ATI program has supporters among justice reform advocates and proponents in the MN Legislature and MN Department of Corrections who attested to the success of the program. Chances are good that a proposal to expand the program will be introduced again during the 2020 Legislative Session. Modifying Minnesota's drug testing requirement to redirect someone to treatment services prioritizes their behavioral health needs over penalization and possible reincarceration.

Public support for changing existing drug policies is growing. A report from the Pew Research Center revealed that 67 percent of Americans favor treatment over jail for drug use (PEW 2014). Revising the mandatory drug testing policy to allow treatment as alternative to losing food assistance would also place Minnesota among a majority of states with non-penalizing modified drug bans requiring enrollment in drug treatment programs (National Conference of State Legislatures 2018; Palacio 2017). Similar to other chronic diseases, like diabetes,

hypertension or asthma, addiction can be successfully managed with ongoing treatment. (National Institute on Drug Abuse, 2018). Conducting a cost benefit analysis may also show that public investment in drug treatment brings greater savings compared to the costs associated with drug testing and reincarceration. More importantly, offering treatment for a failed drug test while receiving food assistance would demonstrate Minnesota's commitment to addressing drug addiction as a treatable health condition rather than criminalizing it.

Future Considerations

What does this mean for the future of Minnesota's modified food assistance ban? As long as the penalization of drug use rather than treatment and rehabilitation continue to inform our policies that perpetuate punishment for the formerly incarcerated, our commitment to reducing health inequities in Minnesota will be in vain. This is especially true for formerly incarcerated women who are 1) disproportionately women of color, and 2) more likely to serve for a drug felony as compared to men, and 3) more likely to parents of minor children compared to men. Minnesota's modified drug felony ban is one of many forms of structural racism that continues to prevent the formerly incarcerated from exiting the prison system successfully and rejoining their communities. We should recognize that human frailty exists within all of us, and that restoring dignity rather than enacting a lifetime of punishment should inspire our policies for accessing social safety net programs.

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Unpublished Key Informant Interview:
Lu Anne Buck, Division Director of Corrections, RS Eden, April 26, 2019.

Unpublished Key Informant Interview:
Gina Evans, Advocate/Lobbyist, Second Chance Coalition, May 7, 2019.

Appendix A

Key Informant Interview Instrument

Organization Name: _____

Date: _____

Opening Intro: My name is Angie and I'm currently a graduate student finishing my Master's in Public Health. I'm focusing on Minnesota's policy of restricting access to food assistance when an individual has a history of a drug felony conviction. In Minnesota, persons with history of a drug conviction must be drug-tested to receive benefits. A consequence of this policy includes a risk of food insecurity for a population already facing obstacles during their reentry. I'm specifically interested in learning what organizations, like yours, are doing to assist justice-involved women with accessing food assistance.

I'll start by asking a few general questions about this organization's work assisting justice-involved women as they rejoin their communities and families, and later more specific questions about the organization's work to assist women who have histories of drug felony convictions.

Opening questions:

- 1) How is this organization currently meeting the gender-specific needs of justice-involved women?

- 2) What does this organization do to help ensure access to food assistance for justice-involved women?

- 3) Are staff in this organization familiar with Minnesota's policy that anyone who has served time for a drug felony must be drug tested when applying for food assistance?

The following questions pertain to justice-involved women who have a history of drug felony conviction.

Please answer the next question with a yes or no.

- 4) Does this organization engage in any direct efforts or outreach to encourage participation in food assistance programs for women who have completed a drug-related felony sentence?

☐ Yes

☐ No (if no, skip to Q8)

- 5) What are those direct efforts?

- 6) In your opinion, how much better off are these women after organizations like yours help them overcome challenges to accessing food assistance? Is there something that stands out most?

- 7) Is this organization doing any work to help reform Minnesota's policy of restricting access to food assistance for people with a history of a drug felony conviction? **(skip to Q9)**

- 8) If no, what might be keeping this organization from helping to secure food assistance?

- 9) Are there additional plans or current activities by this organization to help decrease recidivism among women with a history of drug felony conviction?

- 10) What's necessary for organizations like yours to exist?

Thank you for your time and sharing your work with me today.