



D.C. POLICY

CENTER

Public Hearing
B23-97, “Access to Public Benefits Amendment Act of 2019”

Committee on Human Services
Councilmember Brianne K. Nadeau, Chairperson

April 24, 2019 10:00 AM
John A. Wilson Building

Testimony of Kathryn Zickuhr
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Good morning, Chairperson Nadeau and members of the committee. My name is Kathryn Zickuhr, and I am the Deputy Director of the D.C. Policy Center, an independent, non-partisan think tank in the District of Columbia. I thank you for the opportunity to testify on the Access to Public Benefits Amendment Act of 2019.

The legislation before the Committee today will ensure that the District can continue to provide SNAP benefits and other District benefits for residents who have been convicted of felony drug offenses, and do so without asking about past drug felonies on benefits application forms or without forgoing any federal reimbursement.¹ As the Committee knows, D.C. has already opted out from denying TANF benefits to some residents with drug felony convictions, and this legislation would extend that opt-out to apply to SNAP and other locally-funded cash assistance programs.

The D.C. Policy Center supports this legislation. Denying needed supports—whether public benefits, such as TANF or SNAP, or access to public housing—to eligible residents solely because that person has been previously convicted of a felony drug offense is wrong, and counterproductive to the policy goals of advancing racial equity, reducing recidivism, and improving outcomes for returning citizens and their families.

Collateral consequences for felony arrests or convictions only compound existing inequities, as people of color are disproportionately likely to be involved in the criminal justice system in the first place.

As the Washington Lawyer’s Committee has documented, Black residents in D.C. are disproportionately likely to be arrested, convicted, and incarcerated for

¹ According to District of Columbia Sentencing Commission 2017 Annual Report, the number of defendants sentenced for felony drug convictions increased by 80 percent between 2015 and 2017 (pages iii and 28), and accounted for 29 percent of felonies (page 25). Almost a quarter—24 percent—of felony drug cases were sentenced to prison, 28 percent received short split sentences, and the remaining 48 percent were sentenced to probation. Taken together, over half of felony drug offenders were sentenced to at least some period of incarceration (prison or short split sentences) in 2017 (page 27). More: <https://scdc.dc.gov/page/2017-annual-report>

involvement in all types of crimes, including drug offenses.² Black defendants also accounted for almost 93 percent of felony offenders sentenced by the D.C. Superior Court.³

Furthermore, an analysis by the Prison Policy Initiative found that incarcerated people had a median annual income of just over \$19,000 (in 2014 dollars) before their incarceration. This is 41 percent less than similarly-aged non-incarcerated people, and the largest gaps between incarcerated incomes and non-incarcerated incomes were among Black and Latinx residents.⁴

There is no need to withhold these basic social supports as further “punishment,” and denying important supports such as SNAP only increases the likelihood that these residents will reoffend.

D.C. residents who have been arrested, convicted, or incarcerated face very often have difficulty finding and maintaining stable employment. A D.C. Policy Center publication by Robin Selwitz found that, among D.C. residents who have been released from prison and who are on parole, probation, or supervised release under the supervision of the Court Services and Offender Supervision Agency (CSOSA), only 42 percent were employed. Meanwhile, 43 percent were unemployed, and 15 percent had their employment status listed as “unknown.”⁵

Additionally, as Dr. Bruce Ormond Grant noted in a 2018 D.C. Policy Center analysis, “D.C.’s lack of a local prison system makes reentry particularly difficult, as residents who are incarcerated are held in federal prisons across the United

² “Racial Disparities in Arrests in the District of Columbia, 2009-2011: Implications for Civil Rights and Criminal Justice in the Nation’s Capital.” Washington Lawyers’ Committee for Civil Rights & Urban Affairs (July 2013) Available at https://www.washlaw.org/wp-content/uploads/2018/12/wlc_report_racial_disparities.pdf.

³ “The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law.” Washington Lawyers’ Committee for Civil Rights & Urban Affairs (October 22, 2014) Available at http://www.washlaw.org/pdf/wlc_collateral_consequences_report.PDF

⁴ Analysis of BJS Survey of Inmates in State Correctional Facilities (2004) the Census Bureau's American Community Survey (2004) by Bernadette Rabuy and Daniel Kopf in “Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned.” Prison Policy Initiative (July 9, 2015) Available at <https://www.prisonpolicy.org/reports/income.html>

⁵ Robin Selwitz, “Obstacles to employment for returning citizens in D.C.” D.C. Policy Center (August 17, 2018) Available at <https://www.dcpolicycenter.org/publications/barriers-to-employment-for-returning-citizens-in-d-c/>

States that offer very little to prepare them for life after they complete their sentence. Each year, thousands of formerly incarcerated residents are returned to their D.C. neighborhoods, and in many cases, have not had opportunities to build very skills to access and persist in the labor market. As such, their employability, or their ability to secure and persist in subsidized or unsubsidized employment, requires wrap-around services.”⁶

There is also strong evidence that public benefits reduce recidivism and improve economic outcomes for returning citizens and their families.⁷ A recent study in the *American Economic Review* found that “eligibility for welfare and food stamps significantly decreases recidivism among newly released drug offenders,”⁸ and another recent working paper suggests the federal ban on receiving SNAP benefits increased the likelihood of recidivism among people with drug felony convictions.⁹

Instead, we should continue to advance policies that support our residents who have been involved in the criminal justice system. We urge the Committee and the Council to support this legislation, and reduce the collateral consequences that exacerbate existing inequities for these individuals, their families, and their communities.¹⁰

Thank you.

⁶ Bruce Ormond Grant, “Reducing barriers for job-seekers.” D.C. Policy Center (May 23, 2018) Available at <https://www.dcpolicycenter.org/publications/reducing-barriers-for-job-seekers-in-d-c-and-the-metro-region/>

⁷ Darrell, Thompson, “No More Double Punishments Lifting the Ban on SNAP and TANF for People with Prior Felony Drug Convictions.” CLASP (March 2019) Available at [https://www.clasp.org/sites/default/files/publications/2019/04/2019.03.15%20No%20More%20Dou](https://www.clasp.org/sites/default/files/publications/2019/04/2019.03.15%20No%20More%20Double%20Punishments.pdf)
[ble%20Punishments.pdf](https://www.clasp.org/sites/default/files/publications/2019/04/2019.03.15%20No%20More%20Dou) (pages 2-5)

⁸ Crystal S. Yang, “Does Public Assistance Reduce Recidivism?” *American Economic Review Papers & Proceedings* (2017). Available at <https://doi.org/10.1257/aer.p20171001>

⁹ Tuttle, Cody, “Snapping Back: Food Stamp Bans and Criminal Recidivism.” SSRN (June 12, 2018) Available at <http://dx.doi.org/10.2139/ssrn.2845435>

¹⁰ For more, see findings in “The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law.” Washington Lawyers’ Committee for Civil Rights & Urban Affairs (October 22, 2014) Available at http://www.washlaw.org/pdf/wlc_collateral_consequences_report.PDF