

SOAR and Criminal Justice

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SSI/SSDI Outreach, Access and Recovery



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Center for Mental Health Services

SOAR and Criminal Justice

Presented by:

SAMHSA SOAR Technical Assistance Center
Policy Research Associates, Inc.

Under contract to:

Substance Abuse and Mental Health Services Administration
U.S. Department of Health and Human Services



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Webinar Instructions

- Muting
- Recording availability
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- Evaluation
- Question instructions



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Welcome!

- **Dazara Ware**
- Senior Project Associate
- SAMHSA SOAR Technical Assistance Center
- Policy Research Associates, Inc.



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Agenda

- **Accessing Benefits for Justice Involved Persons**, Dazara Ware, SAMHSA SOAR Technical Assistance Center, Policy Research Associates
- **DDS Perspective: Documenting Functional Impairments in a Controlled Environment**, Bruce Smith, Professional Relations Specialist, Disability Determination Services, Oklahoma City
- **Experience In-Reach Service**, Ashley Wright Blum, SOAR Facility Liaison, Park Center, Nashville, TN
- **Reentry Collaboration**, Bob Mann, Administrator of Mental Health Services Operations, Oklahoma Department of Corrections
- **Using SOAR to Integrate Reentry from Jail**, Cindy Schwartz, Project Director, The 11th District Judicial Criminal Mental Health Project
- **Community Re-Integration Project in NYS Prisons: An Overview**, Anica Velez, Program Director , Center for Urban Community Services
- **Questions and Answers**



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Accessing Benefits for Justice Involved Persons

Dazara Ware

Senior Project Associate

SOAR Technical Assistance Center



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What Happens to Benefits for Justice Involved Persons?

- Social Security Administration (SSA) regulates the receipt of disability benefits while a person is incarcerated
- The rules are different for both SSI and SSDI beneficiaries



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For SSI

- Incarcerated for a full calendar month, benefits are suspended
- Released in less than 12 calendar month, benefits can be reinstated upon release
- If an SSI recipient is incarcerated for 12 consecutive calendar months their SSI benefits are terminated and they must reapply
- Reapplication can be made 30 days prior to their expected release date but benefits cannot begin until release



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For SSDI

- Recipients are eligible to continue receiving SSDI until they are *convicted* of a criminal offense *and* confined to a penal institution for more than 30 continuous days
- After that time, SSDI is suspended
- SSDI can be reinstated the month following their release



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Martinez v. Astrue

- Fleeing Felon Rule (April 1, 2009)
- SSA will no longer arbitrarily deny benefits based solely on the fact that the applicant has an active felony warrant
- SSA limits suspension and denial of benefits only to active warrants issued for the crimes associated with escape or flight to avoid prosecution
- Did NOT apply to persons whose benefits were denied or stopped because of an arrest warrant due to parole or probation violation



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Clark v. Astrue

- Extends the Martinez Ruling
- Effective May 9, 2011, SSA will no longer suspend or deny SSI or SSDI payments to an individual based solely on an outstanding probation or parole violation
- Martinez ruling prohibiting applicants with warrants associated with escape or fleeing to avoid prosecution still stands



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Myth Buster

- Justice Involved Persons **can** apply for benefits!
 - With active warrants
 - Currently incarcerated (30 days prior to release)
 - On probation or parole



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Look at the numbers...

- Correctional supervision in the US = 7 Million
- Community corrections supervision = 5 Million
- Annual release from federal and state prisons = 750,000
- Serious mental illness = 125,000
- Offenders diagnosed with a SMI that were homeless in the months before their incarceration = 20 percent
- Rates may be even higher for those exiting the criminal justice system
- Access to benefits in order to promote post release success = **PRICELESS**



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Access to Benefits

- Treatment
- Housing
- Income
- Restoration of Hope



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Documenting Functionality

Bruce Smith

SOAR Trainer and Public Relations Specialist

Disability Determination Services

Oklahoma



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Remember the Definition

- The law defines disability as the inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.
- Start with institutions with mental health units
 - Different levels? Most severe.



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Communication and Consistency

- Contact Social Security Field Offices
- Contact DDS and discuss
 - Better customer service
 - Reduced processing time
 - Reduced consultative exam costs
- Flag cases, specific examiners, specific medical consultants



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Collaboration

- DOC psychologists to SOAR training
- Meet with DDS staff medical consultants and specified examiners
- Discuss needs and results
- Maintain open communication
- Exchange phone numbers – if possible



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Four Areas of Functioning

- Activities of Daily Living
- Social Functioning
- Concentration, Persistence, and Pace
- Repeated Episodes of Decompensation

It is important to provide examples of difficulties even in a very structured environment



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A Work In Progress

- Practice, consistency, and communication are key components in being successful



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Experience In-Reach Service

Ashley Blum

SOAR Facility Liaison

Park Center, Nashville, TN



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How to Initiate a SOAR Model for Facilities

- Find the need
- Generate proposal
- Utilize past statistics to secure funding
- Work with SSA and DDS on pre-release agreement
- Communicate with facilities about SOAR



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How to Initiate a SOAR Claim with an Offender

- Receive referral
- Schedule initial visit
- Obtain all medical records
- Complete paper and online application
- Submit paperwork to local field office
- Communicate with DDS once claim arrives from SSA
- Once decision is made, work with facility to have inmate released
- Take inmate into SSA for release status



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SOAR Pre-Release Works!

- Inception of Facility program: **July 1, 2010**
- Total clients to date: **68 facility clients**
- Success rate: **100%**
- Average days from date of application to date of DDS decision: **39.7 days**

Oklahoma Collaborative Mental Health Reentry Program

Bob Mann

*Administrator of Mental Health Services
Oklahoma Department of Corrections*



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Program Partners

- Oklahoma Department of Corrections (ODOC)
- Oklahoma Department of Mental Health & Substance Abuse Services (ODMHSAS)
- Oklahoma Department of Rehabilitative Services
- Disability Determination Division



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How is This Interagency Mental Health Reentry Program Unique?

Beyond Collaboration

- ODMHSAS has taken ownership for the continuity of mental health services for those offenders with the highest level of mental health need
- Discharge managers, who are ODMHSAS employees, are boundary spanners with offices in DOC mental health units and serve as members of correctional mental health treatment teams
- Discharge managers participate on the ODOC mental health treatment team that creates and implements the individualized treatment plan, including reentry planning for offenders with serious mental illness



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How is This Interagency Mental Health Reentry Program Unique?

Discharge Managers are Boundary Spanners

- Central office employees of ODMHSAS, based in correctional facilities
- Have undergone full training required by DOC to work in a correctional facility and ODMHSAS required training
- SOAR (+) (SSI/SSDI Outreach, Access and Recovery) training
- Have credibility with DOC and community mental health staff



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How is This Interagency Mental Health Reentry Program Unique?

Funding Source for Services

- Goal is to leave prison with SSA benefits in place and Medicaid aligned so funding is in place for medical and mental health services following release
- Discharge managers start the SSA and Medicaid applications 120 days prior to scheduled discharge
- Collaboration with SSA and OK Disability Determination Division has increased the “allowance rate” of SSI/SSDI applications from 39 to 90 percent!
- ODMHSAS funds the program with ~\$1 million from its annual budget



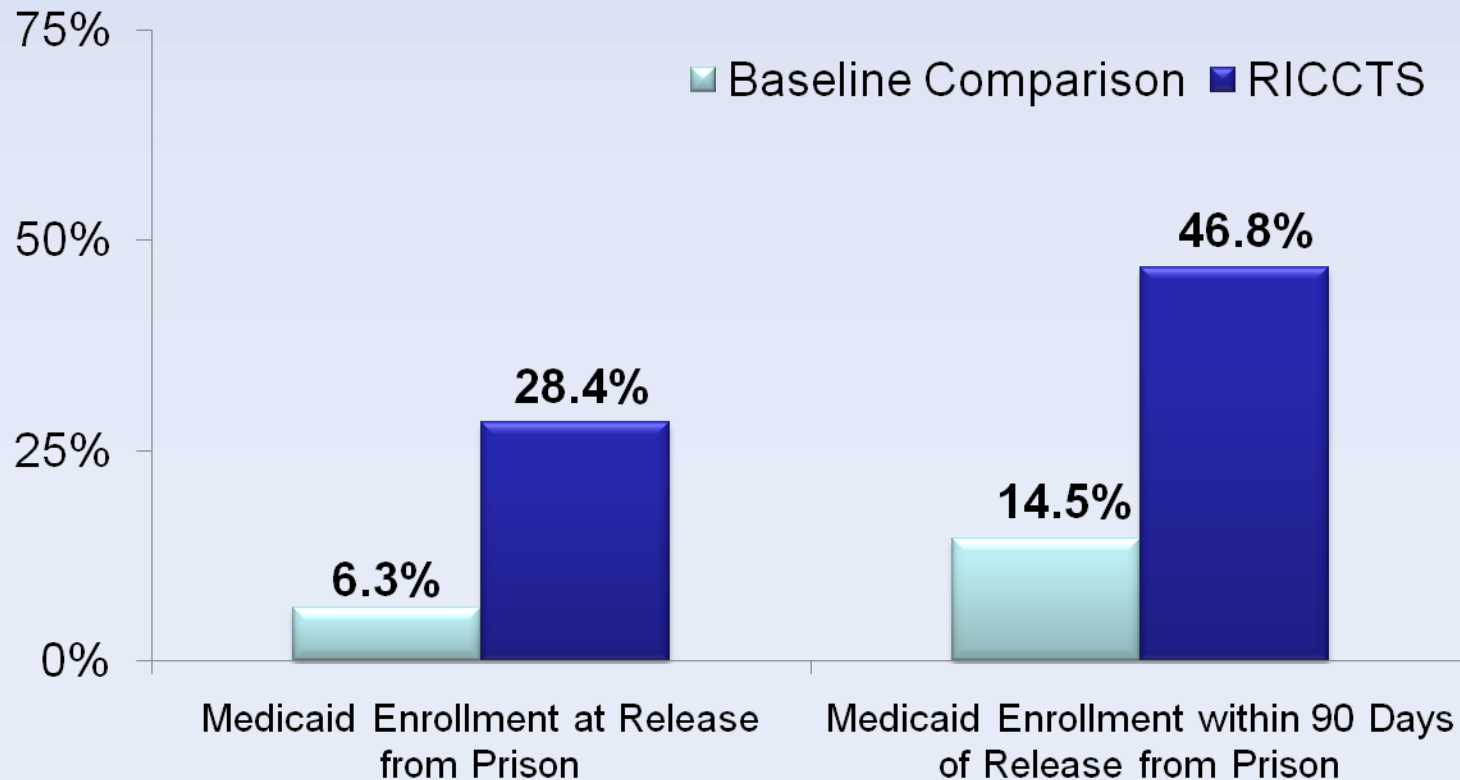
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Offenders Enrolled in Medicaid

MHRP offenders were over 4 times more likely to be enrolled in Medicaid upon release than the comparison group



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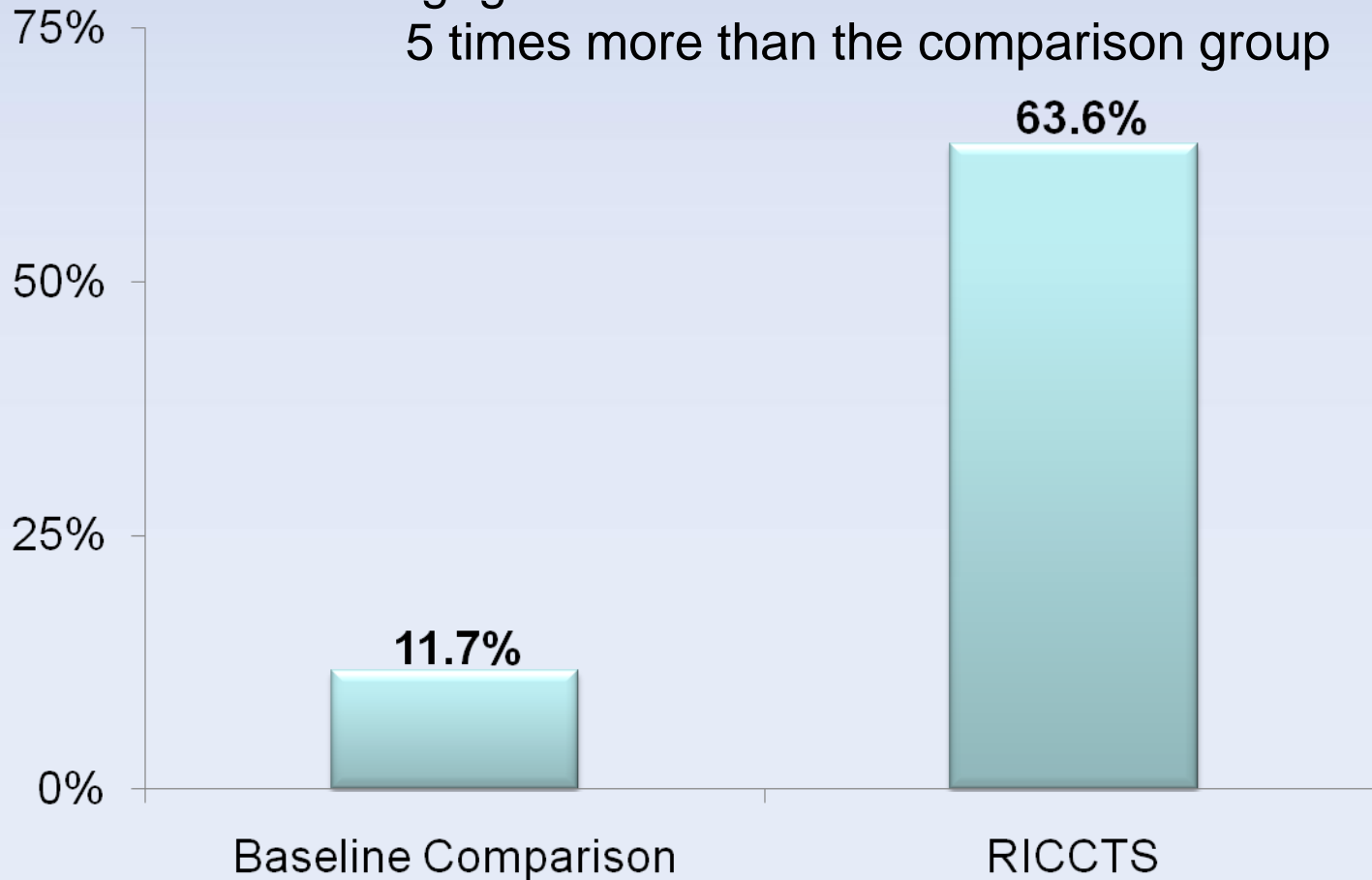


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Rate of Engagement

Offenders Receiving 4 Services Within 44 Days of Release

Service engagement rates for MHRP offenders were over 5 times more than the comparison group



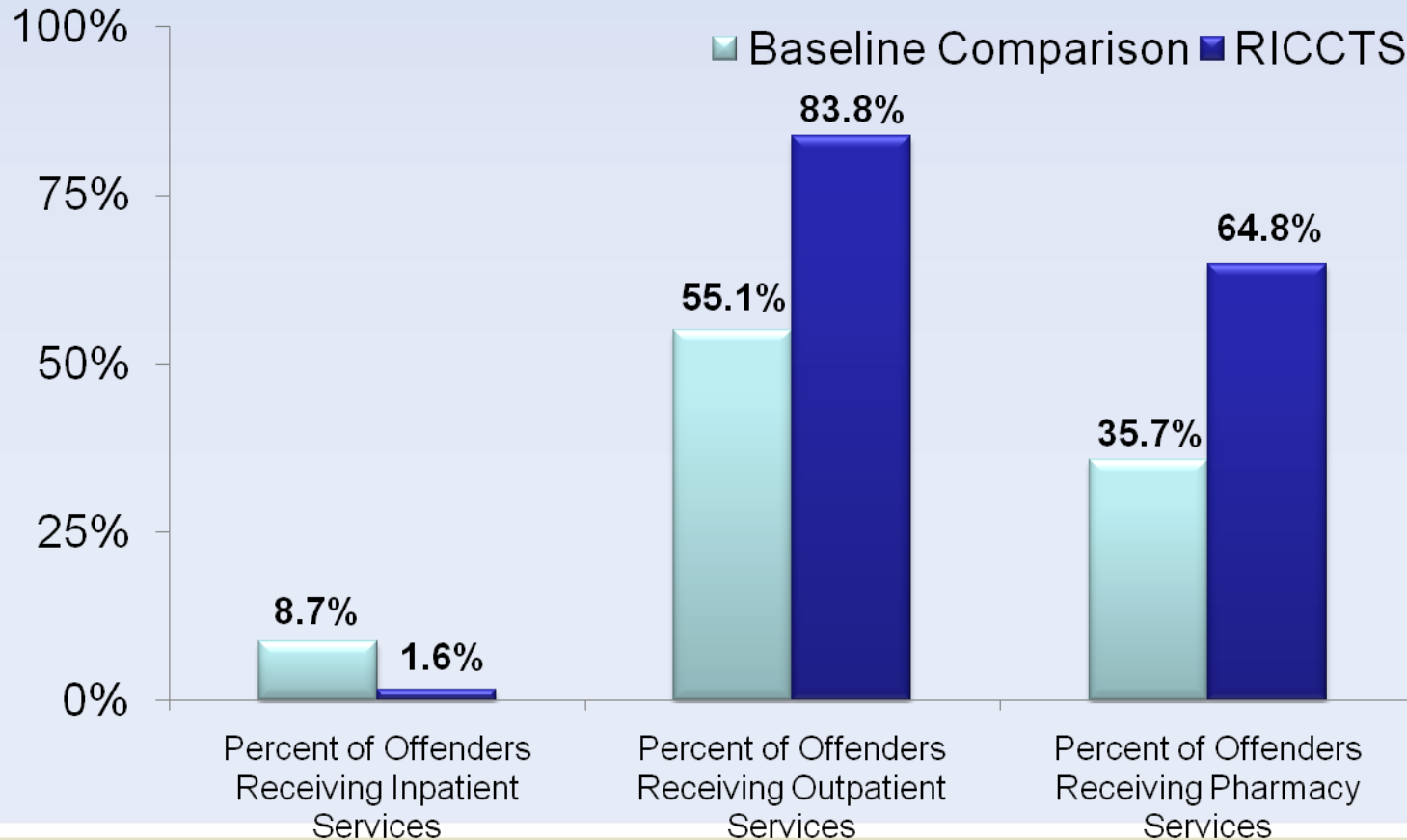
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Inpatient, Outpatient & Pharmacy Services

MHRP offenders had 80% less inpatient admissions than the comparison group (\$776,000 estimated savings from 2/07 to 10/09); and received over 50% more outpatient services than the comparison group



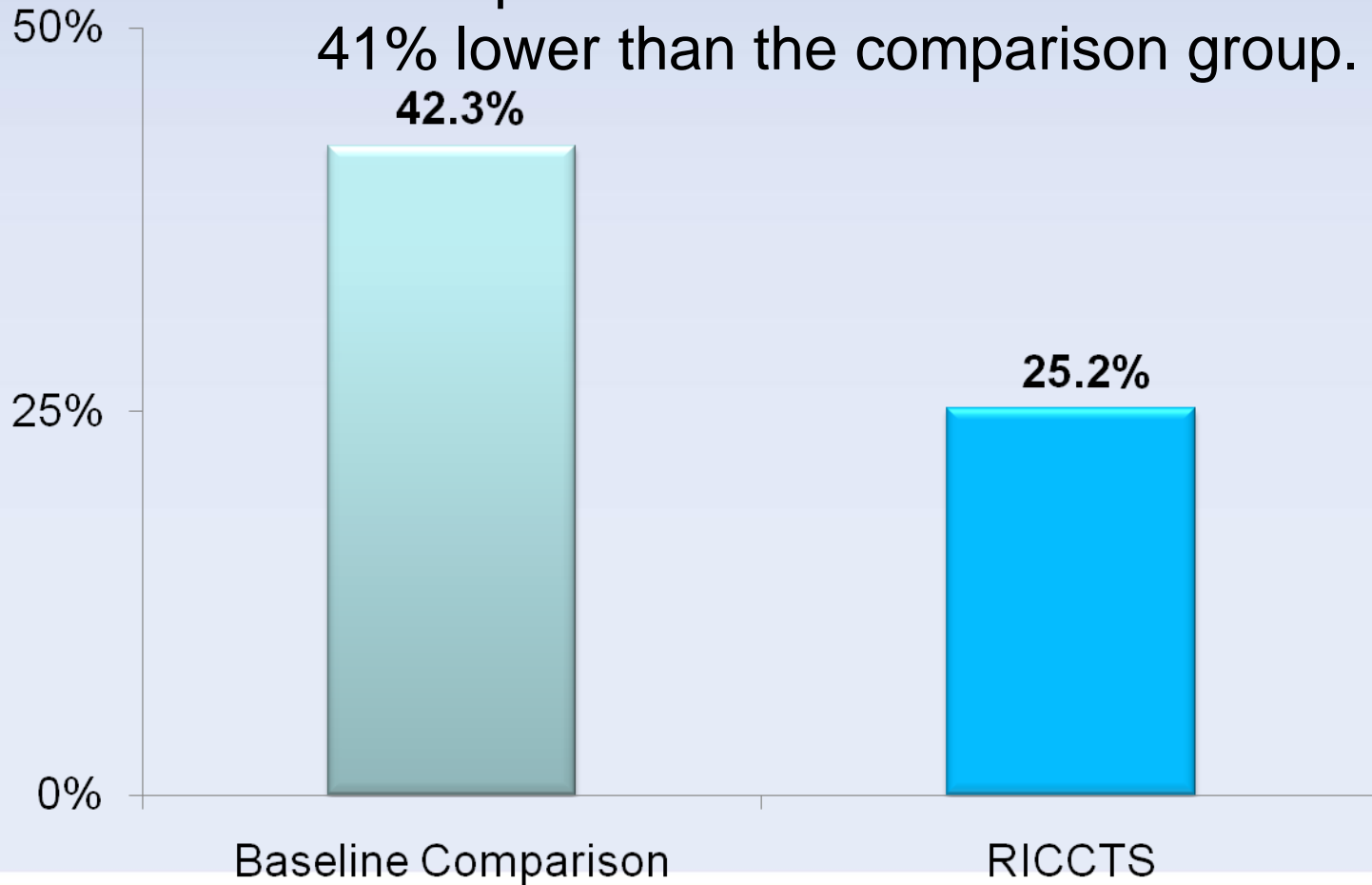
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Offenders Returning to Prison Within 36 Months

Returns to prison for RICCTS offenders were
41% lower than the comparison group.



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Using SOAR to Facilitate Re-Entry from Jail

Cindy Schwartz

Project Director, Jail Diversion Program

The Eleventh Judicial Criminal Mental Health Project



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Jail Diversion Program

- The Eleventh Judicial Criminal Mental Health Project, Miami-Dade County, Florida
- Designed and implemented to divert people with serious mental illnesses away from the criminal justice system into community-based treatment and services



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Innovative Plan

- Utilize SOAR approach to access and expedite benefits
- All program participants are screened for eligibility for federal entitlement benefits
- Eligible participants are provided with assistance with the SSA application process as soon as possible
- Provide an incentive for treatment providers



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Results

Date of Decisions: 7/1/08 - 11/19/12

Total Number of Records: 181

Approved: 165

Denied: 16

Approval Rating: 91.16%

Average Time to Decision: 45 days



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Expansion Project Grant

- Created specialized unit to expedite access to benefits
- Expand target population to include individuals re-entering the community after completion of jail sentence
- Program Evaluation to assess efficiency of accessing benefits and effectiveness of jail diversion and re-entry planning



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Results

Date of Decisions: 9/1/11 - 11/19/12

Total Number of Records: 71

Approved: 67

Denied: 4

Approval Rating: 94.37%

Average Time to Decision: 30 days



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Evaluation

Type of crime	2 years prior (n, avg. arrests)	2 years post (n, avg. arrests)
Misd	33 (2.9)	17 (1.8)
Felony	25 (1.6)	15 (1.3)
Both	57 (5.8)	17 (4.3)



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Interesting Finding

- The number of bookings after the approval of benefits was statistically significantly lower than the two year period before the approval of benefits.
- The finding does not indicate that the SOAR program alone was responsible.
- SOAR leads to faster approval of benefits for individuals who historically do not have many resources; therefore by being approved for benefits it is easier for them to afford medical and mental health care, housing, and other basic needs.
- It is possible that these resources are resulting in the lower number of bookings, but based on the available data this relationship has not been explored at this time.



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For Additional Information

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Community Re-Integration Project in NYS Prisons

Anica Velez, Program Director

Center for Urban Community Services (CUCS)



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Components

- Entitlements Liaison at the Community Orientation and Reentry Program (CORP) unit at Sing Sing Correctional Facility
- Expansion to Bedford Hills Correctional Facility
- Training and Technical Assistance to Pre-Release Coordinators in other NYS Prisons



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CORP Outcomes

- 87% approval rate for SSI/D
- 100% Medicaid and Medication Grant Program approvals
- 112 days average time for determination
- 67% SSI/D decisions received prior to, or within 1 month of release
- 99.4% approval rate for Supportive Housing applications



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STEP Outcomes

- 78 % approval rate for SSI/D
- 100% Medicaid and Medication Grant Program approvals
- 46 days average for determination
- 91% SSI/D decisions received prior to, or within 1 month of, release
- 100% approval rate for Supportive Housing applications



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Lessons Learned

- Avoid broad statements in discharge summary and/or psychiatric evaluations
- If possible, have a designated liaison at SSA and the DDS in your state
- Frame context for red flags
- To ensure an appropriate housing level determination include strengths and skills as well as service needs and high risk information
- Think in terms of functional impairment
- Provide specific functional information that is relevant to the type of housing you are seeking
- Good supporting documentation
- Engagement with aftercare provider prior to release is pivotal



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For Additional Information

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Questions and Answers

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