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Blanche Carney, MSS, CCM
Commissioner

April 1, 2019

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

As the Philadelphia Department of Prisons, we are writing to express our strong opposition to the United States Department of Agriculture's (USDA) Proposed Rule on Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults Without Dependents (ABAWDs) published in the Federal Register on February 1, 2019. Although the proposed rule claims to promote economic self-sufficiency, it will disproportionately harm formerly incarcerated individuals.

The goal of the SNAP program, formerly known as the food stamp program, is to alleviate food insecurity and combat hunger by offering nutritional assistance to low-income individuals and families. Currently, federal laws allocate SNAP benefits for no more than three months in a three-year period to childless unemployed and underemployed adults aged 18 to 50 (referred to as ABAWDs) who meet certain work or educational requirements. This law currently grants states flexibility in ameliorating the law's harsh impact by temporarily waiving the time limit in areas that have an unemployment rate of over 10 percent or a lack of sufficient jobs. Additionally, the law allows states to exempt individuals from the time limit by utilizing a pool of exemptions known as the "15 percent exemption."

USDA's proposed rule dramatically reduces the states' discretionary power in administering the waivers and ends the unlimited carryover of ABAWD percentage exemption. This would unfairly punish vulnerable individuals for being jobless.

The proposed rule seeks to reduce the SNAP program's use, which undermines our department's goals. Our department strives to not only provide a safe, lawful, and humane correctional environment, but also to prepare reentering incarcerated persons to become law-abiding citizens. Each year from 2012 to 2015, about 25,000 people, disproportionately people of color, were released annually from prison and jail back into the Philadelphia community.ⁱ Data on the national level show that 91 percent of individuals released experience food insecurity, with the highest rates of insecurity during the first few months following release.ⁱⁱ SNAP is critical in not only providing for basic nutritional needs, but also rehabilitating these individuals. Furthermore, the entire Philadelphia community benefits from guaranteeing SNAP benefits to formerly incarcerated individuals. Studies have shown that SNAP can help reduce recidivism by allowing formerly incarcerated people to make ends meet, which can help reduce the one year re-incarceration rate of people released from the Philadelphia Department of Prisons, which was 38.1% in Fiscal Year 2018.ⁱⁱⁱ

In justifying its recommendations, USDA makes problematic assumptions that do not account for the extraordinary stigmatization and challenges formerly incarcerated individuals endure when reintegrating into society. The USDA claims that while waivers were appropriate during the Great Recession, they are no longer necessary, given the decrease in the national unemployment rate. Since the national unemployment rate has decreased from 9.9 percent in April of 2010 to 3.9 percent in April of 2018, USDA wants to make the waiver criteria more stringent to allegedly better align with the economic reality.^{iv} However, the national unemployment rate for incarcerated individuals is 27 percent, which is worse than the Great Depression's high unemployment rate of 25 percent.^v The proposed SNAP changes wrongfully attribute the inability to secure full time employment to an unwillingness to work. This calculus clearly does not take into account the insurmountable barriers formerly incarcerated individuals face. Without job security, these individuals struggle to put food on the table for themselves and families, further demonstrating the need for SNAP.

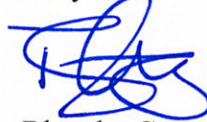
Nearly 60 percent of formerly incarcerated Philadelphians are unemployed after one year of being released, which means that at least 10,000 formerly incarcerated individuals each year could be penalized by the harsh proposed changes.^{vi} Formerly incarcerated individuals have lower educational and literacy rates than the general populace, making it even more difficult for them to secure employment. Generally, the average offender in Philadelphia prisons has a 10th grade education level, and most can only read at the 7th grade reading level.^{vii}

Even with local legislation prohibiting employment discrimination based on a criminal record, formerly incarcerated Philadelphians face many barriers in securing and maintaining employment. In addition to the role of low educational attainment rates, the high unemployment rate for formerly incarcerated individuals is largely caused by structural factors outside their control, such as employers' prejudice against people with criminal records. Employers routinely deny the practice of discrimination against people with criminal records. However, people with

criminal records get a callback for jobs at half the rate of people without records, which suggests a discrepancy between what employers say and actually practice.^{viii} In addition, studies suggest that formerly incarcerated individuals of color have an even lower chance of becoming employed. Implicit racial discrimination is yet another structural barrier outside of these individuals' locus of control. The majority of formerly incarcerated individuals will have trouble obtaining and retaining fulltime employment overall, let alone in three months. For the minority who find jobs, they typically receive an income that places them well below the poverty line, which makes SNAP benefits even more critical.^{ix}

For the sake of the individuals, and the community as a whole, we must recognize the additional hurdles formerly incarcerated Philadelphians must overcome when reentering into society. Instead of developing policies that punish them for their past, we should create policies that help rehabilitate and reintegrate them into society. Therefore, the Philadelphia Department of Prisons urges USDA to rescind the Proposed Rule for the Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57.

Very best,



Blanche Carney, MSS, CCM
Commissioner

ⁱ Data and Metrics Subcommittee of the Philadelphia Reentry Coalition, "Calculating a Unified Recidivism Rate for Philadelphia, last modified March 2018, <https://www.phila.gov/media/20180312114152/Executive-Summary-Calculating-a-Unified-Recidivism-Rate-for-Philadelphia-Final-March-2018.pdf>.

ⁱⁱ Emily A. Wang, Gefei A. Zhu, Linda Evans, Amy Carroll-Scott, Rani Desai, and Lynn E. Fiellin, "A Pilot Study Examining Food Insecurity and HIV Risk Behaviors among Individuals Recently Released from Prison," *AIDS Education and Prevention*, 25, no. 2 (2013): 112-23; Crystal S. Yang., "Does Public Assistance Reduce Recidivism," *American Economic Review: Papers & Proceedings*, 107 no. 5 (2017): 551-555.

ⁱⁱⁱ Julie Christie, "Infographic: Life After Incarceration," *The Inquirer*, August 11, 2017, https://www.philly.com/philly/news/special_packages/the-reentry-project/infographic-life-after-incarceration-20170811.html; Yang, "Does Public Assistance Reduce Recidivism." City of Philadelphia Five Year Financial and Strategic Plan Years 2020-2024, presented to City Council March 7, 2019, published online https://www.phila.gov/media/20190306121321/FY20-24-FYP_FINAL.pdf

^{iv} Proposed rule, page 981.

^v Lucius Couloute and Daniel Kopf, “Out of Prison & Out of Work: Unemployment among Formerly Incarcerated People,” *Prison Policy Initiative*, last modified July 2018, <https://www.prisonpolicy.org/reports/outofwork.html>.

^{vi} Terry-Ann Craigie, “Employment After Incarceration: Ban the Box and Racial Discrimination,” *Brennan Center for Justice*, last modified October 13, 2017, <https://www.brennancenter.org/blog/employment-after-incarceration-ban-box-and-racial-discrimination>; OpenDataPhilly, “People Released to Philadelphia from Prison & Jail”; “Workers with Employment Barriers,” last accessed January 10, 2019, <https://www.philaworks.org/data-trends/>.

^{vii} “Workers with Employment Barriers.”

^{viii} Devah Pager, Bruce Western, and Naomi Sugie, “Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records,” *The Annals of the American Academy of Political and Social Science*, 623, no. 1 (2009): 195-213.

^{ix} Couloute and Kopf, “Out of Prison & Out of Work”; Adam Looney and Nicholas Turner, “Work and Opportunity Before and After Incarceration,” Brookings Institution, last modified 2018.