



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

Reject Proposals to Stop Benefits for Outstanding Warrants: Bad Policy Cuts Off Social Security, SSI

Legislative proposals such as H.R. 2792 would bar payment of Social Security and Supplemental Security Income (SSI) benefits to people with an outstanding arrest warrant for an alleged felony or for an alleged violation of probation or parole. This would revive an old, failed policy that had catastrophic effects for many people with disabilities and seniors, employing procedures that did not withstand judicial scrutiny.

Does NOT Help Law Enforcement Secure Arrests

The Social Security Act already prohibits payments to people fleeing from law enforcement to avoid prosecution or imprisonment. The Social Security Administration (SSA) currently notifies law enforcement of the whereabouts of every person with a warrant for an alleged felony or an alleged violation of probation or parole who turns up in SSA's databases. This bill would not change these policies and procedures.

Cuts Off Social Security, SSI for Hundreds of Thousands of People Whom Law Enforcement is Not Pursuing

Based on prior experience with SSA's failed former policy, the people who would be affected are those whose **cases are inactive and whom law enforcement is not pursuing**.

- Most of the warrants in question are decades old and involve minor infractions, including warrants routinely issued when a person was unable to pay a fine or court fee, or a probation supervision fee.
- Many people are not even aware that a warrant was issued for them, as warrants are often not served on the individual.
- Some people will be swept up as a result of mistaken identity, or paperwork errors, which can take months or even years to resolve.

Impact of Cuts would be Severe

Resolving these warrants can be extremely hard and costly: people often must go before a judge in the issuing jurisdiction, and typically need counsel to assist them in navigating the process. Often, people have moved in the intervening years and live far from the issuing jurisdiction. **Cutting off benefits will not help resolve the warrant.**

- Social Security and SSI provide the only source of personal income for over one in three beneficiaries. Losing this income will cause many people to become homeless and unable to meet their basic needs – much less, resolve a warrant.
- A very high percentage of people who would lose benefits have mental illness or intellectual disability. Many are unaware of the violation, may not have understood the terms of parole or probation, or may have other misunderstandings about their case.

- Many people will lose Medicare outpatient (Part B) coverage because of inability to pay quarterly premiums.

Cuts Would Worsen Over-Criminalization

Over half of all Americans lack even \$500 to cover an emergency. With so many people struggling to make ends meet, it is no surprise that many warrants are issued for failure to pay fines or probation supervision fees, or for bouncing a bad check. H.R. 2792 would exact harsh punishment and leave people with little recourse to resolve the warrant – a ***step backward in bipartisan efforts*** towards criminal justice reform.

Case Examples

The following are real-life examples of individuals affected by SSA's former failed policy. See additional case examples in testimony from Justice in Aging.

Mistaken Identity: Rosa Martinez, the lead plaintiff in *Martinez v. Astrue* was, in 2008, a 52-year old woman who received notice from SSA that she was losing her disability benefits because of a 1980 arrest warrant for a drug offense in Miami, FL. Ms. Martinez had never been to Miami, never been arrested, never used illegal drugs, and is eight inches shorter than the person identified in the warrant. Despite an obvious case of mistaken identity, Ms. Martinez was left without her sole source of income while she cleared up the error on her own, without any help from SSA. It was only after filing a lawsuit that Ms. Martinez was able to receive her benefits.

"Fleeing" to a nursing home: A man in a Macon, GA nursing home had his benefits stopped because of a 1978 warrant from Seattle, WA that he knew nothing about. The charge was fraud against an innkeeper, stemming from his inability to pay a \$50 motel bill when the job he went there for fell through and he had to move on to the next job site. Although the motel owner seized all his belongings, he was unaware any criminal charges had been filed. He was one of at least three nursing home residents in Macon whose benefits were suspended because of an outstanding warrant.

Suicide Attempt Leads to Warrant: In July 2000, a man attempted suicide in Ohio by trying to jump off a railroad bridge. The police stopped train traffic while they talked him down. Several days later, they issued a warrant for his arrest for interruption of public services – a felony in Ohio – but never served the warrant, despite having his address. Several weeks later, he moved to Minnesota where he was in and out of hospitals, attempted suicide several times, but finally stabilized. In 2002, he received a notice from SSA terminating his SSI benefits because of the outstanding warrant from Ohio. Both his therapist and attorney contacted the authorities in Ohio, but were unable to get the charges dismissed. The man maintained that he was unable to go to Ohio to resolve the warrant because he had no money and the trip would be harmful to his mental health.

Juvenile Survivor of Childhood Abuse: A young man in California with intellectual disability and other mental impairments had his SSI benefits stopped because of an Ohio warrant issued when he was 12 years old and running away to escape an abusive stepfather. The 4'7" tall, 85-pound boy was charged with assault for kicking a staff member at the detention center where he was being held until his mother could pick him up. Many years later, he had no recollection of the incident.

Prepared June 14, 2017 by the CCD Social Security Task Force. For more information contact Kate Lang, Justice in Aging, klang@justiceinaging.org or T.J. Sutcliffe, sutcliffe@thearc.org.