Criminal Justice 101 & Eligibility for Health Care Coverage

Prepared by: Colorado Criminal Justice Reform Coalition
July 2018
CCJRC

Eliminate the overuse of the criminal justice system and advance community health & safety

- Policy advocacy
- Trainings/Education
- Campaigns
- Resource for justice involved people
Presentation Roadmap

- Importance & Need for Healthcare Services
- Criminal Justice 101
- Eligibility of Health Care Coverage for Justice Involved People
- Resources & Considerations
- Take Care Health Matters Campaign
Importance & Need for Healthcare Services

- Over 120,000 justice involved people in Colorado on any given day.

- Majority now have the ability to have health insurance through Health First Colorado (Colorado’s Medicaid Program).

- Providing health care, particularly behavioral health services, to justice involved individuals has been shown to reduce recidivism rates.
Importance & Need (cont.)

- People incarcerated in the Dept. of Corrections (FY2016) with a moderate to severe need:
  - Males: 36% medical, 35% mental & 73% substance use disorder
  - Females: 71% medical, 77% mental & 79% substance use disorder


- People released from incarceration are over 100 times more likely to die from an overdose within 2 weeks post-release than the general public.
Criminal Justice 101
There isn’t a single criminal justice system – broad categories are:

- court system
- law enforcement
- corrections

There are many different ways that people can be “justice involved” which can impact whether they are eligible for Health First Colorado or tax subsidies through Connect for Health Colorado (i.e. the private marketplace).
The court system in Colorado is divided into 22 independent Judicial Districts. Each has courts that will hear different kinds of cases, i.e. criminal, civil, family law, etc. Some operate “specialty courts” like drug court or veterans court.

Each Judicial District has an independent Probation Office and a Chief Probation Officer. Probation Officers are officers of the court.

Each judicial district has an elected District Attorney who is responsible for filing and prosecuting criminal cases.

Colorado has a unified state Public Defender's Office that represents indigent clients. The Public Defender has numerous offices across the state. There are also defense attorneys in private practice across the state.
Jails are operated by the local county, generally the county Sheriff’s Department. Some municipalities also have their own jail.

There are 56 county jails in Colorado. Some counties do not operate their own jail but have an agreement with another county jail.

People can be in jail for many different reasons.

Each jail will have someone who is responsible for inmate medical care.
The Colorado Dept. of Corrections (DOC) manages, supervises and operates the 19 state prisons and contracts with 3 private owned prisons.

Most people released from prison will be required to serve a period of supervision, called “parole” after they are released. Parole officers work for the Dept. of Corrections, not the court. There are numerous parole offices across the state.

The state also contracts with community corrections programs, aka “halfway houses” in numerous (but not all) judicial districts. There are currently 34 community corrections programs in Colorado.
Non-Denver Metro Community Corrections Facilities
Denver Metro Community Corrections Facilities
Criminal Justice Involvement

**BOND**

- When people are first arrested for an offense, they may be released from jail on bond awaiting trial or other disposition of the criminal case. People on bond are living in the community and they have not been convicted (or yet sentenced) for a criminal offense. Depending on the jurisdiction and circumstances, people may be supervised by pretrial services while on bond.

**PROBATION**

- Probation is a sentence option for people convicted of either misdemeanor or felony offenses where the person is living in the community and under supervision of a probation officer with court oversight.
JAIL

- People can be in jail for a number of different reasons. It is a very fluid population and people may not be in jail for a very long time.

- **Pre-trial detainees** - people that are in jail who have not been convicted of a criminal offense and have not (yet) made bond. These individuals may be supervised by pretrial services.

- **Convicted – serving jail sentence** – people who have been convicted and sentenced to serve a period of time in jail.

- **Immigration hold/detainer** – people can be in jail because Immigration Control Enforcement (ICE) or other law enforcement agency/court has placed a hold or detainer on a person because of another pending legal action.
Criminal Justice Involvement

PRISON
• People in prison have been convicted of a felony and sentenced to serve a period of time in prison.

PAROLE
• Parole is a period of supervision following release from state prison. People on parole are still under the jurisdiction of the state Dept. of Corrections and are supervised by a parole officer. They are considered parolees – not inmates.
Eligibility of Health Care Coverage for Justice Involved People
Health First Colorado & Connect for Health Colorado 101

Health First Colorado (Colorado’s Medicaid Program)
- Public health insurance program for low-income individuals
- Colorado Department of Health Care Policy & Financing (HCPF)
- Can enroll anytime

Connect for Health Colorado (Marketplace)
- Marketplace to purchase private health insurance & apply for tax subsidy to help cover the cost of purchasing health insurance
- Can choose from a variety of health plans
- Open enrollment period or qualifying life event
Eligibility Depends on Income & Family Size

Health First Colorado
(Colorado’s Medicaid Program)
• Covers the vast majority of
Coloradans up to **133% FPL** (about
$1350/month) for a single adult.

Connect for Health Colorado
(Marketplace)
• Private insurance, including tax
credits, for those up to **400% FPL** (about
$4000/month) for a single adult.

Family size is based on who you claim and how you file your
taxes, not necessarily who lives with you.

If you are eligible for Health First Colorado, you **cannot** be
eligible for tax credits to purchase private insurance.
Eligibility Depends on CJ Status

Most justice involved individuals will be eligible for coverage.

Clients are **NOT** eligible for coverage if they are considered an inmate of a public institution & are being held involuntarily.
## Eligibility during Pretrial Phase

<table>
<thead>
<tr>
<th>Pretrial Status</th>
<th>Eligible for Health First Colorado</th>
<th>Marketplace</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible for Coverage?</td>
<td>Eligible for Tax Credits?</td>
</tr>
<tr>
<td>On bond or diversion pending disposition</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>In jail pending disposition</td>
<td>No*</td>
<td>Yes**</td>
</tr>
</tbody>
</table>

* The jail or prison facility is responsible for all health care services provided in-house. Health First Colorado can reimburse for medical care provided to an incarcerated person admitted as an inpatient in a hospital for at least 24 hours.

** Private insurance *may* pay for inpatient or outpatient services received while someone is in jail pretrial as long as the person continues to pay premiums and receives treatment in-network.
## Eligibility while Incarcerated

<table>
<thead>
<tr>
<th>Serving Sentence</th>
<th>Eligible for Health First Colorado</th>
<th>Marketplace**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eligible for Coverage?</td>
<td>Eligible for Tax Credits?</td>
</tr>
<tr>
<td>- In jail</td>
<td>No*</td>
<td>No</td>
</tr>
<tr>
<td>- In jail on work release</td>
<td>No*</td>
<td>Yes</td>
</tr>
<tr>
<td>- In prison</td>
<td>No*</td>
<td>No</td>
</tr>
</tbody>
</table>

* The jail or prison facility is responsible for all health care services provided in-house. Health First Colorado can reimburse for medical care provided to an incarcerated person admitted as an inpatient in a hospital for at least 24 hours.

**Marketplace enrollment must be discontinued within 30 days of being sentenced to a period of incarceration though people on work release may be able to continue private insurance coverage.
## Eligibility in Community

<table>
<thead>
<tr>
<th>In Community</th>
<th>Eligible for Health First Colorado</th>
<th>Marketplace**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Eligible for Coverage?</td>
</tr>
<tr>
<td>- Probation</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- Parole</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- Community Corrections (Residential &amp; Non-Residential)*</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>- House arrest/home confinement</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- All residents of Community Corrections facilities in Colorado, except for Gateway: Through the Rockies in Colorado Springs, are eligible for Health First Colorado (Colorado’s Medicaid Program) as long as they meet the income requirement.
Eligibility Recap

• Most justice involved people will be eligible for some form of health care coverage as long as they meet the income requirement and their status in the criminal justice system allows them to qualify.

• If someone who has Health First Colorado begins to earn more money than the qualifying income level, they can become ineligible for coverage and will have to purchase private health insurance.
Considerations & Resources
Considerations

- The criminal justice system may not be aware of or engaged in opportunities offered through Health First Colorado.
- Many justice involved people have never had health insurance or a primary care provider.
- Will greatly benefit from health care navigation services.
- May have restrictions and requirements they must comply with that could affect the delivery of health services.
- May be under a significant amount of stress that can be adversely affecting their health.
Considerations (cont.)

- Establish relationships with criminal justice agencies to ensure justice involved people are getting enrolled.

- Establish access to care pilots with various criminal justice agencies to ensure justice involved people are receiving health care services.

- Educate justice involved individuals about what having health insurance means and how to access services.
Take Care Health Matters Campaign
Take Care Health Matters

- Website
- Resource Guide
- Presentations & Trainings
- Client Level Materials
- Technical Assistance
- Advocacy & Support
Questions? Comments? Discussion?

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