



Health and Criminal Justice Reform

A Health Approach to Substance Use & Mental Health

Time to End Our Obsession with Incarceration

For the last four decades, this country has **relentlessly expanded the size of our criminal justice system**, needlessly throwing away lives and wasting trillions of taxpayer dollars.

This burden has fallen disproportionately on low-income people and people of color.

Too many people with health problems like mental health and substance use disorders have been swept up into the criminal justice system, which can often make things worse – when what they really need is access to healthcare.

The ACLU works to reduce this country's overreliance on incarceration, including by moving toward a health approach, rather than a criminal approach, to mental health and substance use disorders.

The Affordable Care Act (ACA) provides a tremendous opportunity to expand access to physical and behavioral healthcare, including **treatment for mental health and substance use disorders**. Given this historic shift, it is time to expand access to these and other health services outside of the criminal justice system.

Traditionally, most individuals in the criminal justice system did not have access to affordable healthcare coverage. Medi-Cal (California's Medicaid program) only provided coverage for low-income people who also fell into a certain category, such as the elderly, disabled, pregnant, parent, or child. This excluded adult men without dependent children, who are disproportionately represented in jail and prison.

Under the ACA, Medi-Cal eligibility requirements have broadened to include most adults under the age of 65 whose annual income is at or below 138% of the federal poverty level (\$16,105 for an individual and \$32,913 for a family of four in 2014). As a result, many people in California's criminal justice system are newly eligible for Medi-Cal. For many, this will be their first opportunity to have health insurance. There is no waiting period or disenfranchisement for Medi-Cal for formerly incarcerated individuals, and people on parole or probation can access Medi-Cal benefits.

Furthermore, the ACA requires most insurance plans (including Medi-Cal) to cover mental health and substance use disorder services. Expansion of coverage provides an opportunity for individuals with mental health and substance use disorders, who disproportionately end up in the justice system due to criminalization of their condition, to access necessary health services that they could not afford previously.

By enrolling newly eligible justice-involved individuals into Medi-Cal, the state and counties will be able to draw down significant federal dollars for physical and behavioral health services. Healthcare reform provides the financial means for California to finally address mental health and substance use disorders in the health system, rather than through the criminal justice system.

As of January 1, 2014, most low-income adults, including many under supervision in the community, are eligible for federally-funded healthcare coverage through Medi-Cal, including coverage for mental health and drug treatment.



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