



**MICHIGAN
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Written Testimony of Lisa Ruby
On behalf of the Michigan Poverty Law Program

House Criminal Justice Committee

Hearing on SB 384 and 385

November 9, 2015

Chairman Heise and members of the House Criminal Justice Committee, my name is Lisa Ruby. I am the public benefits attorney at the Michigan Poverty Law Program (MPLP). The Michigan Poverty Law Program is the statewide support center for legal services programs in Michigan. As the public benefits attorney at MPLP, I provide research, training, and litigation support to legal services offices statewide and engage in legislative and administrative advocacy. In providing support to legal services attorneys throughout the state, I regularly come in contact with attorneys working with recipients of food, medical and cash assistance and am familiar with the challenges these families face on a daily basis. I am here to express my concerns with the proposed bill and why it will negatively impact Michigan's most vulnerable families.

This bill does not apply only to suspected food assistance trafficking, it pertains to all types of public assistance: cash assistance, Medicaid, child day care, disability assistance, etc. It subjects thousands of eligible recipients to warrantless arrests who may have no knowledge of the alleged activity they are accused of. For example, a nursing home resident who, months after being approved for Medicaid, is found to have missed listing one of her assets on her Medicaid application would become subject to a warrantless arrest. To make matters more alarming, she would be subject to arrest by an armed individual with no law enforcement training.



The bill provides no due process. Recipients of public benefits are not flight risks, are easily located, and there is no reason that they should be subjected to a warrantless arrest. The Department of Health and Human Services (DHHS) has a process in place by which recipients suspected of fraudulent activity are notified and provide due process. The threat of criminal prosecution is enough to assure compliance; adding the threat of immediate arrest by an armed agent will do nothing to ensure cooperation.

Welfare recipients do, at times, receive benefits to which they are not entitled. However, there are many reasons why this may occur that are in no way criminal or the fault of the individual. Verifications are lost in the mail, computer systems make errors, changes in eligibility are not recorded by caseworkers, and there can be misunderstandings of reporting requirements. These inadvertent overpayments could quickly rise to the level of a felony, as the threshold is just \$500 - one month's worth of Food Assistance for a family of three. An individual that receives notice of such an overpayment from DHHS has the opportunity to research the accusation, consult an attorney, and respond. The likelihood of having a just result in the current system is far greater than a warrantless arrest and subsequent incarceration without due process. In addition, the person being arrested will always be the adult in the family, leaving children without caregivers in the home. Empowering inspector general agents to carry out these types of arrests will lead to the detaining of law abiding citizens who may have made a simple mistake in reporting income. An investigation would reveal these errors without disrupting families already burdened by poverty.

Arming inspector general agents and giving them the authority to execute warrantless arrests is a bad idea. The proposed bills have no provision for training these individuals, and there is no money allocated in the state budget for training. History shows us that despite extensive training and instruction, mistakes are made by people in law enforcement. Individuals

are injured or killed. Not only will the proposed legislation subject individuals to unnecessary threats to their life and liberty, it will make the state vulnerable to litigation from those that are injured and their families. The safety of the public should be considered when thinking about arming and empowering agents whose primary responsibility is investigation.

Thank you for the opportunity to submit these comments. Please contact me if you have any questions.

Lisa Ruby
Staff Attorney