



**GENERAL SERIES  
Denver Program Circular**



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**Prisoners in Colorado Community Correction Centers  
(Halfway Houses)**

In the State of Colorado, halfway houses are known as Community Correction Centers. All of the Community Correction Centers in Colorado are privately owned and operated and they have contracts with the Department of Public Safety, the Division of Criminal Justice.

Due to the different requirements of the Social Security Laws for Title II and Title XVI, there has been some confusion over the correct procedure for prisoners who are transferred from a correctional institution (prison or jail) to a Community Correction Center (halfway house) or a work release program. The purpose of this program circular is to clarify the procedures for each Title.

**TITLE II CASES**

There are several different scenarios that occur when a prisoner leaves prison.

1. The prisoner is officially released because of completion of a sentence, parole or a pardon.

**Reinstate Title II benefits. Obtain official release papers. GN 02607.840**

2. The prisoner is not officially released but they have been transferred to a hospital.

**Do not reinstate Title II benefits. GN 02607.200**

3. The prisoner is not officially released but they leave the facility daily to go to work.

**Do not reinstate Title II benefits. GN 02607.200**

4. The prisoner has been placed in a Community Correction Center (halfway house), at absolutely no expense (other than the cost of monitoring) to the institution, the correctional agency or to any agency to which the correctional institution has transferred authority over the individual. That is the individual pays for his/her own basic living needs e.g. food, clothing, rent, utilities etc. **SSA will reinstate benefits. GN 02607.200**

**NOTE:** Colorado provides the Community Correction Centers a supplemental payment to cover costs of housing residents. There is a cost to the State of Colorado for residents who are housed in Community Correction Centers. Therefore, such individuals are not permitted to receive Title 2 benefits.

In most cases, the Community Correction Center provides basic food, clothing and shelter and then charges the individual a fee. However, the fee that is charged to the individual does not cover all of the individual's expenses and the facility receives additional government funding for each individual residing in the Community Correction Center. The purpose of charging a fee is to help the individual



ease back into society and to start making him/her responsible again for his/her own rent, food, clothing and other expenses. Since public funds are still being expended on his behalf because he/she is not totally out on his/her own yet, **SSA will not reinstate benefits. GN 02607.200**

**NOTE:** Prisoners who are Not Guilty by Reason of Insanity (NGRI) who are participating in pre-release or community based programs **can be paid SSA benefits** if they live outside of the correctional (i.e. mental institution) institution and are placed on conditional release or similar type of authorized special release status. **GN DEN02607.850 - DEN**

6. Prisoners who are placed on home confinement, home detention, or tethering programs will be residing outside of the correctional institution at no expense (other than the cost of monitoring) to the institution, the correctional agency or to any agency to which the correctional institution has transferred authority over the individual. **SSA will reinstate benefits. GN 02607.840**

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## TITLE XVI POLICY

### BACKGROUND

An inmate of a public penal facility throughout a month is ineligible for SSI (N22). However, there are situations where individuals are placed, by penal authorities, in facilities other than traditional "behind bars" incarceration.

In the State of Colorado offenders can be released from jail and placed in Community Correctional Centers which can also be considered as Halfway Houses. However, these individuals remain classified as inmates (as opposed to "parolees").

Colorado Statute allows Community Correction Centers to be either public or private facilities. Currently, all the centers are privately owned and operated and are contracted with the Department of Public Safety, the Division of Criminal Justice. Individuals residing in privately owned Colorado Community Correction Centers are potentially eligible for SSI.

### POLICY

For SSI eligibility purposes, it must be determined if any or all of the halfway houses are agents of the Colorado Division of Criminal Justice. A private facility is considered public via an agency relationship to a public penal authority, only if the private facility has the authority to confine individuals for punitive/correctional purposes.

For us to determine that a private facility is an agent of a public penal agency, the private facility must have the authority to confine (i.e., "lock-up") the individual as punishment for violating his/her agreement with the community parole officer or violating probation. Only a governmental penal agency has this legal authority. If the private facility is performing such confinement (e.g., doors/gate locked with a guard), then it is highly likely that the private facility is acting as an agent for the penal authority which would then preclude SSI eligibility for the individuals residing in the facility.

Individuals placed in Colorado Community Correction centers are either finishing their prison sentence or are individuals on probation who have avoided a prison sentence. Rarely do parolees reside in the centers. Individuals residing in the centers are provided meals and shelter. They pay rent of \$500 per month. They are free to come and go, although there may be future consequences

if rules are not adhered to. Security staff in the facility cannot detain the offenders. The offenders are not "locked up."

## TERMINATION

There are approximately thirty-five private Colorado Community Correction centers in Colorado. An average offender spends from six to eight months in a center. These private centers are **not** agents for the Colorado Division of Criminal Justice because they are not performing the correctional function of confinement. All residents in the centers are treated the same and are not confined. They are potentially eligible for SSI benefits and if allowed are in an "A" living arrangement. Any in-kind support and maintenance (**ISM**) received in conjunction with any governmental, medical, or social services is not income.

## REFERENCES

- Colorado Community Correction Center Listing
- SI00520.001C.2.
- SI 00520.009
- Program Circular SSIT 02-05
- EM dated 10/05/06 on Colorado Community Correction Centers

Any questions about the Title II portion of this circular should be referred to Tracy Tweten, Denver Region, Center for Program Support 303-844-0839. Questions about the Title XVI portion should be referred to Nancy Gradel, SSI Team, 303-844-7098.

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