California’s CalFresh Program: A Racial Impact Statement
November 2017 | Alliance to Transform CalFresh
Introduction

CalFresh is California’s first line of defense against hunger, a growing problem in California. Statewide, almost 4.4 million people participate in this critical program that provides stability for individuals and families who are living on low incomes. In addition, the use of CalFresh dollars spurs the economy. For every $1 in CalFresh spent, an additional $1.80 in local economic activity is generated. It is a critical program for all Californians.

As CalFresh strives for statewide excellence, equity cannot be overlooked. Our review of the data (or more accurately, lack of data), combined with survey results from CalFresh outreach staff confirms that this is not happening. Without clear and strong state leadership, clients will continue to experience inequitable and inconsistent experiences with CalFresh.

The purpose of this Racial Impact Statement¹ is to initiate a robust dialogue around how California can achieve racial and ethnic equity² within CalFresh. Holding equity as an explicit and prioritized goal is key to ensuring equitable outcomes. Additionally, without careful and constant analysis of equity goals, we continue to support structural racism, further perpetuating the struggle of historically oppressed communities, and compromising our state’s ability to thrive.

Here, we often refer to ‘people/clients of color.’ In this context, we use the phrase to include people who are non-white, people who are non-US citizens and people who are non-English speakers. We identify these sub-populations because they are most likely to face challenges and barriers in the CalFresh program that place its’ benefits out of reach.

In the following sections we share observations, program data, and communication from CDSS that highlight how a lack of focus on equity as a goal at the state level is contributing to inequity within CalFresh. We also share data from a survey of 46 respondents from over a dozen outreach partners in California about their observations and knowledge of client experiences on various issues of equity.³

¹ A Racial Impact Statement is a tool for decision makers to systematically and thoroughly assess the potential for programmatic disparities and assist in detecting unforeseen policy ramifications. http://www.sentencingproject.org/publications/racial-impact-statements/
² The National Academy of Public Administration defines the term as “The fair, just and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy.” http://www.napawash.org/fellows/standing-panels/social-equity-in-governance.html
³ The survey results are summarized in a blog post: http://transformcalfresh.org/904-2/
Executive Summary

Over the past two years, the Alliance to Transform CalFresh has been engaged in discussions, analysis and data collection of issues pertaining to inequities within the CalFresh program—resulting in this Racial Impact Statement. With a noticeable lack of data from CDSS pertaining to equitable outcomes in the CalFresh program, we conducted a survey of CalFresh outreach assistors across the state to gain their perspective. Our results indicate clearly that racial and ethnic bias is having an impact on access to benefits for people of color and non-English speakers. CDSS' limited scope of oversight and leadership regarding equity in CalFresh is resulting in inconsistent policy implementation and disparate client experiences at the county levels, ultimately preventing statewide CalFresh excellence. These disparities are linked to race, ethnicity, and language: classes that are meant to be specifically protected by civil rights laws. One major obstacle to achieving equity is that CDSS is not actively engaged in real time tracking of CalFresh program data, without which it is impossible to assess outcomes related to equity. The lack of focus on measuring and addressing issues of equity is deeply problematic, yet we believe there are actionable ways that CDSS can address the existing dearth of information and disparities in access."

Key findings:

- CDSS does not collect meaningful CalFresh program data that can be disaggregated by race, ethnicity, primary language spoken, or immigration status. Therefore, equity cannot be tracked or measured, and therefore cannot be prioritized or addressed.  
- Though the CRU (Civil Rights Unit) is mandated to administer the civil rights program, they keep no electronic database of the 500 complaints filed with them on average each year, and thus are unable to produce analysis of the trends or patterns of issues being reported. Because of this there is no way for them to anticipate or mitigate civil rights violations.  
- With no responsible party to track, analyze and provide recommendations on racial outcomes in CalFresh; there is a lack of data, clear goals, promising practices and—most importantly—action to identify and address systemic racial bias in CalFresh. As a result, clients experience inequitable treatment at the county level as they apply for and try to maintain their CalFresh benefits.  
- Our survey of CalFresh outreach staff shows that
  - Non-English speakers seeking benefits are asked more invasive questions, are admonished about their employment status, for having children, and for requesting aid. Some workers embarrass the client for not completing a form correctly and not understanding the questions; the interviews seem more like interrogations, and the overall tone of the interview is harsh.  
  - Recipients share a concern about retributive action if a person calls attention to what could be an erroneous action on their case.  
  - Access to interpretation services can be limited and inconsistent from county to county and from office to office.  
  - The most common languages to encounter these problems were Tagalog, Spanish, and Vietnamese (14% each).  

4http://www.cdss.ca.gov/inforeresources/Civil-Rights/Language-Accessibility-Service-Complaint
Immigrant households are likely denied benefits at a higher rate because the document verification bar is often set higher for them than non-immigrant households.

Recommendations:

1. Broaden the scope of work of the Civil Rights Unit to include its intended mandate: “We are dedicated to providing our constituents with education, services, and proactive leadership necessary to ensure that all programs administered or supervised by the California Department of Social Services are done so equitably and effectively.” This scope must include race, ethnicity, and language.
2. Develop and implement an Implicit Bias training program for all CDSS leadership and staff, and ensure Implicit Bias training is provided for all county administration staff and frontline eligibility workers.
3. Develop a protocol and system for evaluating future CalFresh policies and business process recommendations based on anticipated impacts and outcomes by race and ethnicity.
4. Collect, publish and analyze real-time CalFresh program data to accurately reflect racial and ethnic outcomes.
5. Develop a meaningful feedback loop that includes the experiences of people of color in the creation and implementation of policies and business processes.
Observations and Findings

Inadequate State Leadership:

Reactive Statewide Oversight
It is the responsibility of the California Department of Social Services (CDSS) to see that all Californians have equitable access to the social services to which they are entitled; our social safety net policies should reflect that responsibility and commitment. And yet, CDSS is not actively engaged in tracking inequity and ensuring equal access. Without a dedicated and fiscally supported avenue of accountability, equity will not be prioritized as a goal, nor will solutions be explored.

The Civil Rights Unit (CRU) is a CDSS program that “ensures effective access and nondiscrimination to all applicants and/or recipients of benefits and services provided by the Department and county welfare departments.” The activities of the unit include “discrimination complaint investigations, county compliance monitoring, technical assistance, training, and ongoing monitoring for state and federal regulatory compliance.” The CRU’s mission says they are “…dedicated to providing our constituents with education, services, and proactive leadership necessary to ensure that all programs administered or supervised by the California Department of Social Services are done so equitably and effectively.”

Title VI of the Civil Rights Act of 1964, the federal legislation that is the basis for the CRU’s activities and mission, specifically “declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving Federal financial assistance.”

However, it has been difficult to get information about civil rights concerns in CalFresh, particularly those related to race, ethnicity and language. Though the CRU is mandated to administer the civil rights program, they keep no electronic database of the 500 complaints filed with them each year, and thus are unable to produce analysis of the trends, patterns of issues being reported, or attempts to rectify and reduce abuses.

In the December 2016 conversation with members of the ATC, Marcella Ruiz (Immigration and Civil Rights Branch Chief), Alexis Fernandez (CalFresh Policy Section Chief), and Jeff Lasiter (CalFresh Outreach Manager), it was explained that the CRU is focused primarily on ADA compliance, reasonable accommodation, general complaints from the public, and compliance evaluations.

They acknowledged that a general lack of capacity and staffing makes it very challenging to provide proactive leadership and conduct systematic review of cases that show discriminatory actions related to race and ethnicity – issues at the heart of the Civil Rights Act.

Due to the dearth of resources, instead of the “proactive leadership” noted in their mission, the CRU operates with a reactionary work model that is unlikely to be able to identify, let alone address, systemic issues related to racial and ethnic bias.

5 CDSS Programs, Civil Rights. [http://www.cdss.ca.gov/inforesources/Civil-Rights](http://www.cdss.ca.gov/inforesources/Civil-Rights)
Lack of Data Collection for Equitable Outcomes

A simple search of CalFresh data by race and ethnicity quickly highlights the lack of available information. The CDSS website does list a breakdown of CalFresh recipients by race/ethnicity, however without a comparable list of likely eligibility by race/ethnicity, it is not clear what the goal should be in terms of participation rates.7 As an example, the CDSS website notes that 55% of CalFresh recipients are ‘Hispanic/Mixed Race,’ but without knowing what percentage of the overall ‘likely eligible’ population is ‘Hispanic/Mixed Race’ we do not know if the demographic group is under-enrolled. In addition, the CDSS Data Dashboard, which is a “full service, one-stop dashboard where you can find all of the most current CalFresh data,” does not provide any of its data disaggregated by race, ethnicity, primary language spoken, or immigration status.8

In the aforementioned meeting between representatives of the ATC and the Civil Rights Unit, we were told that CDSS does not have a staff person or unit responsible for:

- Collecting data on racial outcomes of key performance metrics in CalFresh at the county or state level. This could include application processing time, application outcomes, churn outcomes, error rates.
- Identifying areas of possible racial bias in policy creation and implementation.
- Tracking the implementation of new policies or procedures to identify racial bias.
- Identifying effective, data-driven solutions for achieving equity in CalFresh at both the state and county levels.

With no responsible party to track, analyze and provide recommendations on racial outcomes in CalFresh, there is a lack of data, clear goals, promising practices and—most importantly—action to identify and address systemic racial bias in CalFresh. As a result, clients experience inequitable treatment at the county level as they apply for and try to maintain their CalFresh benefits.

Inequitable Client Experiences:

Eligibility Worker Bias

CalFresh outreach partners throughout the state have been recognizing patterns of inequitable client treatment for years. Evidence exists that racial bias does, in fact, impact our social safety net programs.9 In the absence of statewide data, a qualitative survey of outreach providers was conducted in which respondents were asked if they noticed a difference in the frequency that non-English-speakers and people of color experience poor or disrespectful treatment from some eligibility workers. According to the survey respondents, about 40% of their clients are treated about the same no matter their language, race or ethnicity. A third of respondents saw their clients of color treated poorly more often, and a quarter of respondents were not sure. The comments from the respondents detailed the ways that workers mistreat and speak down to clients, a pattern that has been reported for years but is difficult to capture.

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7 CDSS Programs, CalFresh. http://www.calfresh.ca.gov/PG844.htm
Respondents to the survey shared that non-English speakers are asked more invasive questions, are admonished about their employment status, for having children, and for requesting aid. Some workers embarrass the client for not completing a form correctly and not understanding the questions; the interviews seem more like interrogations, and the overall tone of the interview is harsh. See Appendix A for data visualizations and summaries of comments.

**Possible Deterrents to Appealing Eligibility Decisions**

Filing an appeal can be an intimidating process for some people. However unfounded, there is concern about retributive action if a person calls attention to what could be an erroneous action on their case. Almost 40% of the respondents to the survey were uncertain about the rates at which their clients of color filed appeals, and about a third thought that the rates of appeals were the same between white clients and clients of color. Only about 17% reported actually observing racial disparity in the rates of appeals. However, the comments from those that saw a disparity indicate that CDSS should take a deeper look at the rates of appeals requests from households of color and if there are ways to mitigate the concerns that may deter a client from utilizing a process intended to protect their rights to equal treatment and necessary benefits.

**Language Barriers**

Another way that CalFresh applicants and recipients are deterred from receiving or maintaining the benefits they are eligible for is through a lack of language accommodations – both spoken and written. State and Federal laws require states to provide interpretation services for people seeking CalFresh assistance. For every language that is required by at least 5% of the caseload or 3,000 people (whichever is lower), there should be a complementary level of certified speakers of that caseload represented in each public contact job classification.10

Moreover, the Bilingual Services Act of 1973 states: "Every state agency ... directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person." State law also requires that the “provision of interpretation services should be prompt and without undue delays.”11

However, access to interpretation services can be limited and inconsistent from county to county and from office to office.12 According the survey respondents, counties consistently provide interpreters for non-English-speaking clients only about one-quarter of the time. Another quarter of the time interpreters are “usually” provided, while about 17% of respondents have observed that for some language, interpreters are “rarely” or “never” provided, a violation of the civil rights law meant to protect non-English-speaking residents. Almost a third of respondents, however, were unsure of whether or not interpreters are available consistently, a gap in the data that deserves greater scrutiny to ensure that all CalFresh clients receive equal access to necessary benefits.

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10 CDSS, All County Letter No. 03-56. Subject: Requirements for Language Services. (October 29th, 2003)  
[http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl03/pdf/03-56.pdf](http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl03/pdf/03-56.pdf)


According to survey respondents, the most common languages to encounter these problems were Tagalog, Spanish, and Vietnamese (14% each). Mandarin, Cantonese, Russian, and Arabic were also languages for which finding interpreters was inconsistent. In fact, survey respondents from the Bay Area noted both that their clients struggled to obtain services from the county office in their language, and that they were unaware of any type of language service over the phone, even though the County does have a phone line for language access. This, along with the examples of clients not receiving interpreter services suggests the language line service is not encouraged or made available to eligibility workers in a meaningful way.

Even when interpreters are made available, there is inequity in how long people are made to wait. One in five respondents said their non-English speaking clients waited longer to be seen or speak to a worker. Specific examples include Chinese and Spanish speaking clients waiting longer at outreach events and at the call center in one Bay Area county; another Bay Area county noted that non-English speakers that apply on their own wait significantly longer to be seen than those who apply via an outreach worker.

When county offices fail to provide adequate interpretation services, non-English speaking clients may experience longer wait times, difficulty updating their case information and risk overpayments or other errors in their case. A longer wait time can be difficult for people who have jobs,13 those with illness or disabilities, and families with small children resulting in lost wages, increased child care costs, transportation difficulties, and abandoned applications.

Without sufficient multilingual staff to meet the need as required, eligibility workers may rely on interpreter services. These services are useful but the interpreters available through a telephone line may be unfamiliar with social services rules and thus have trouble translating the information or intent of a question properly.

13 58% of all SNAP households have employment during the month they receive benefits. Center on Budget and Policy Priorities, Chart Book: SNAP Helps Struggling Families Put Food on the Table. (March 1st, 2017) http://www.cbpp.org/research/food-assistance/chart-book-snap-helps-struggling-families-put-food-on-the-table#part5
In addition to interpretation services, Federal law also addresses written correspondence and requires the state to provide notices of action in a person’s preferred language for all threshold languages, but outreach staff continue to hear reports of clients receiving notices in languages other than their own, even for languages that are widely spoken in their counties.

Having documents in a language a client can understand is a key part of ensuring those clients can comply with rules and not miss important deadlines that could lead to churn. Only about a quarter of respondents to the survey had observed that their non-English-speaking clients “always” received written correspondence in the language they requested. Another 46% said their clients “usually” received written correspondence in the appropriate language, while a full 20% said they were unsure. Only about 8% said their clients “rarely” or “never” received information in the correct language.

These violations of the law create undue hardship for communities of color; receiving notices in a language that a person may be unable to read can result in increased rates of loss of benefits, overpayments and other problems that may end up being time consuming and costly.

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Inconsistent Policy Implementation and Outcomes

In our survey we asked about verifications required by county offices. The respondents shared their perceptions of how often their clients of color are asked to provide verifications in comparison to their white clients. Over a third of respondents said their clients experienced the same level of verifications requests, while just under a third said their clients of color had to provide more verifications. Over a quarter of respondents were unsure – a significant gap in understanding the experiences of applicants of color when it comes to verifying their information.

Having more hurdles in place to getting necessary benefits means that it can take longer or completely hinder people of color from getting the food they need. The verifications most commonly requested above and beyond the normal requests for information were related to income, citizenship, identification, and sworn statements. Specifically, additional verifications of income (dating back many months), citizenship or green card information, multiple forms of identification, and sworn statements were common verifications that were asked of these clients in addition to the verifications they already provided or that may be available via electronic databases. From the observations of the respondents, people of color experience a greater verification burden almost a third of the time.

Additional administrative requests place undue burden on households that can cause them to withdraw their application because the process feels daunting and overwhelming; it results in greater costs for these applicants in the form of return trips to the office, extended childcare, document fees, and missed work; it may cause those households to be denied benefits if they are unable to produce these unnecessary documents. And even in the best case scenario, it can result in delayed access to vital nutrition benefits for vulnerable families.

Based on our survey, we conclude that immigrant households are denied benefits at a higher rate because the document verification bar is often set higher for them than non-immigrant households, creating what is in essence a parallel system for immigrant households (which are often people of

Do you notice a difference in the rates at which non-English speakers or applicants of color are requested to bring verification documents (compared to English speaking or white applicants)?

- “Students who have foreign last names have been asked for proof of citizenship; similar students with "Anglo" last names are never requested for proof of citizenship.”
- “I had a case where a birth certificate wasn't enough proof. I fought for this case.”
- “Birth certificates to additionally confirm citizenship or LPR’s.
- “Clients are regularly asked to provide the SSN card if they are naturalized citizens and regularly our Chinese participants are asked for bank statements.”
- “According to the regulations, US passports and LPR cards are only supposed to be requested if someone’s citizenship/residency is "questionable" but they are consistently requested.”

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that is more difficult and burdensome. This is an example of systemic racism and must be addressed by CDSS and California counties.

In your work with CalFresh applicants/recipients what have you noticed about the written communications sent to non-English speaking households?

- “I was assisting a Spanish speaking client and she received a Notice of Action letter in Vietnamese. She did not read or speak Vietnamese.
- Our Cantonese speaking clients constantly receive notices in English, Spanish is usually in Spanish.
- We’ve had several Chinese speaking clients that receive notices of action in English or that have been sent forms to fill out that are in English - when they only read/speak/understand Chinese (Cantonese).
- Client has stated on application that they prefer correspondence in Spanish but keep receiving documents in English.
- They bring their letter to a worker to translate for them because they can’t read in English.
- Clients just usually come in to the office asking me to read and explain the notification to them because they don’t read English.
- I have heard a couple of times that Amharic speakers are sent information in Arabic.

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In addition to the issue of worker discretion creating unequal outcomes, sometimes overly generic policies and procedures create confusion for specific sub-populations. For example, the Income Reporting Threshold (IRT) information that households receive is exceptionally confusing for mixed-immigration status households.

When immigration ineligible income earners in mixed status households apply for benefits, their income and expenses are prorated to calculate the benefit allotment for the eligible members of their household. The communication they receive from CDSS that explains their IRT and reporting responsibilities, the AR 2 form, lists only the number of eligible household members, the household’s prorated income, and the IRT for the number of eligible household members, without an explanation as to why those numbers do not reflect the reality of their household, or how the prorated amounts were calculated.

This often leaves mixed immigration status households confused about why their IRT is lower than their true overall household income. Seeing that their total income is already above the IRT amount, they may think they are already disqualified and therefore not submit their required documents in order to keep receiving benefits.

Conversely, households that do not understand their reporting responsibilities are at a much higher risk of inadvertent overpayments. Without a policy or procedure on communicating effectively with mixed immigration status households about their IRT, these CalFresh recipients are more likely to lose benefits, or receive benefits that they later have to pay back.
Conclusion

There is clear evidence from our survey that racial and ethnic bias is having an impact on access to benefits for people of color and non-English speakers. CDSS’ limited scope of oversight and leadership regarding equity in CalFresh is resulting in inconsistent policy implementation and client experiences at the county levels, preventing statewide CalFresh excellence. Moreover, the lack of available data, the lack of analysis of existing data, and the lack of a specific person or team that focus on developing and analyzing equity data indicate an opportunity for CDSS to better lead the responsibility of ensuring equitable access to the CalFresh program. We believe that CDSS should further investigate, produce regular equity data, and begin dialogue with impacted groups about these shortfalls.

The investigation will require analyzing data on program outcomes by race/ethnicity and languages spoken, incorporating an equity lens into all quality control mechanisms, developing a way of analyzing future policies and practices based on what predicted impacts they will have on communities of color and immigrant populations, and creating a structure of accountability within CDSS to determine who is ultimately responsible for developing equity goals and ensuring equitable outcomes in CalFresh. Perhaps most importantly, this work will require the engagement of communities of color and their representatives to ensure the identified solutions will truly have the desired impact.

A strong system would have regular and well-maintained data collection and analysis systems, provide guidance to counties on how to mitigate disparities, ensure compliance with the standards for equitable access, and work proactively with policy department to ensure that policy guidance and legislative analysis includes an equity lens. These processes will include systemic processes for staff and representatives from communities of color to influence and provide guidance on these processes. We look forward to further exploring and implementing promising solutions. Without measures like these in place, we will continue to see disparate outcomes and the perpetuation of racially biased systems as California struggles to meet its mandate for equitable access and statewide CalFresh excellence.

Recommendations:

1. Broaden the scope of work of the Civil Rights Unit to include its intended mandate: “We are dedicated to providing our constituents with education, services, and proactive leadership necessary to ensure that all programs administered or supervised by the California Department of Social Services are done so equitably and effectively.” This scope must include race, ethnicity, and language.
2. Develop and implement an Implicit Bias training program for all CDSS leadership and staff, and ensure Implicit Bias training is provided for all county administration staff and frontline eligibility workers.
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5. Develop a meaningful feedback loop that includes the experiences of people of color in the creation and implementation of policies and business processes.