

Reinvest in WorkFirst/TANF: How we can strengthen basic support for Washington families facing poverty¹



Updated January 2020

When people fall on hard times, they shouldn't go without the basics – food, shelter, and other necessities that allow them to survive with dignity even in the face of economic insecurity. In Washington state, every family deserves access to the resources they need to be healthy, and the opportunities they need to thrive. WorkFirst, Washington state's version of Temporary Assistance for Needy Families (TANF), is a critical backstop against the traumatic effects of poverty for families with dependent children. It is intended to ensure that kids and parents in our state can meet their basic needs even as they're weathering hard times.

Washington state's economy has seen strong growth in recent years, but the benefits of that growth are reaching few households. Striving people and families across our state – Washingtonians working hard for low wages, those doing vital but unpaid work (like caring for children, elders, and folks with disabilities), and others pursuing education or job training in order to build a brighter future – propel our state's economy, and we all deserve to share in its prosperity. Yet, far too many across our state experience profound material hardship, with more than 44,000 families living in deep poverty in 2018 (with incomes below 50% of the federal poverty line, or \$10,210/year for a family of three).² These Washingtonians bear the brunt of stagnant wages for working people, rising costs of living, and an accelerating housing and homelessness crisis across our region.

Over the last decade, state policymakers have made dramatic cuts to the WorkFirst/TANF program that have driven families off the caseload and into greater hardship.

People and families of color are hit especially hard: Black, American Indian and indigenous, Latinx, and Pacific Islander families in Washington are up to three times more likely than their white counterparts to struggle to make ends meet.³ Women of color shoulder even steeper costs, as families headed by single women of color are up to six times more likely than white families overall to live with incomes below the federal poverty level.⁴ These trends are rooted in our nation's history of racism (colonialism, enslavement, violations of treaties with tribal nations, segregation, and more) which held back people of color and transferred wealth and opportunity to whites. And they reflect ongoing structural and institutional racism and sexism – perpetuated in hiring and pay discrimination, deep inequities in our education system, and more – which constrain opportunity for families of color (particularly those headed by women), weaken their ability to weather financial crises, and undermine their health overall.

The good news is that our state has programs in place that can help safeguard the well-being of people who are struggling to meet their basic needs. WorkFirst/TANF⁵ is one of these, serving as a lifeline for families facing crises like job loss, a medical emergency, or domestic violence. It can help families pay rent, keep their lights on, buy diapers and school supplies, and afford bus fare or gas. And beyond the provision of basic assistance, WorkFirst/TANF acts as a bridge to long-term stability through supportive services like job training.

Yet, particularly over the last decade, state policymakers have made dramatic cuts to the WorkFirst/TANF program. Punitive policy changes have driven families off the program and into greater hardship, leaving them without basic resources and critical supports like mental health services, child care, and opportunities to get good-paying jobs. Some of these choices have caused disproportionate harm to families of color, especially those who are

Black and American Indian and indigenous. These changes were not made in service of building better policy for kids and families in Washington state, but rather they were aimed at saving money during the Great Recession.

So, while WorkFirst/TANF is supposed to support families who are most excluded from opportunity, policy decisions to make the program's rules stricter and penalties harsher have instead caused further harm to people facing the greatest barriers to work and well-being – and threaten to deepen racial income and wealth disparities.

Washington is currently reaching a dramatically smaller portion of the families living in poverty in our state today than previously in the program's history. After a decade of disinvestment, WorkFirst/TANF helps only 29 families with children for every 100 living in poverty, down from 50 families for every 100 in 2008.

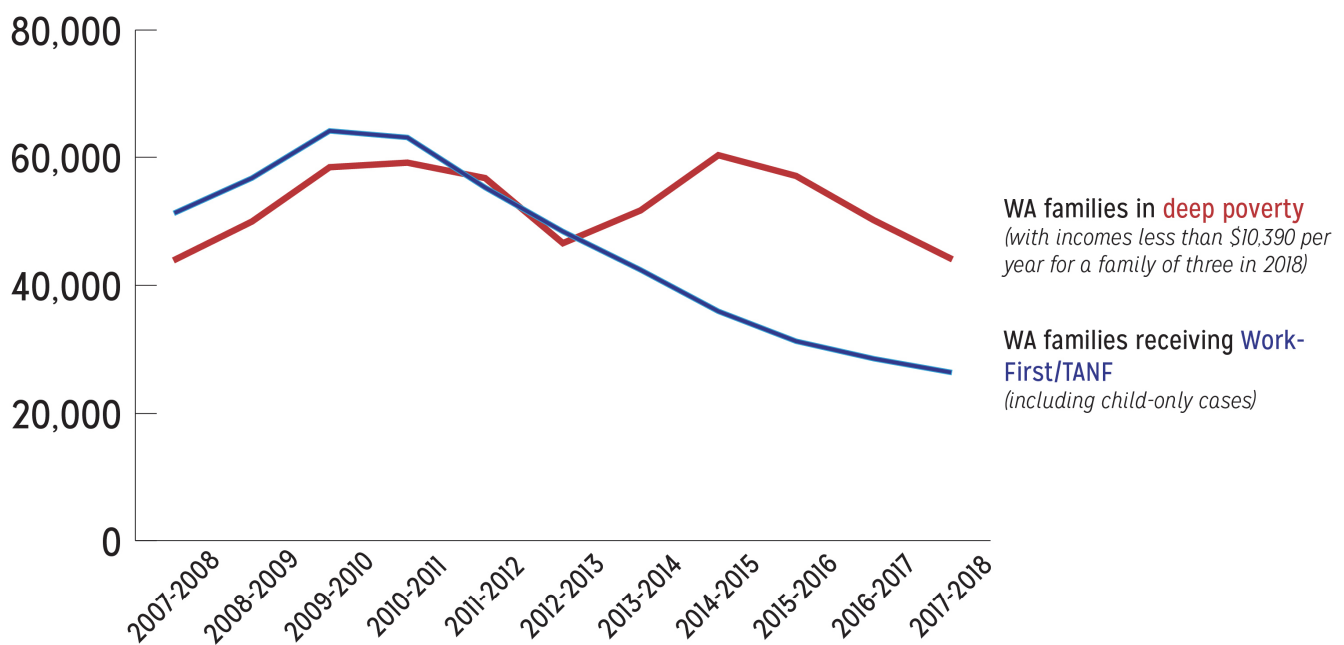
While roughly the same number of families in Washington state are living in deep poverty today as were prior to the Great Recession, the WorkFirst/TANF caseload has been cut almost in half. Even as the number of families in deep poverty rose in the wake of 2008, the WorkFirst/TANF caseload dropped rapidly – meaning that as the program was cut, families in Washington were falling into even deeper hardship.⁶

We can and must change course. Washington state lawmakers can reinvest in WorkFirst/TANF and build better, more equitable supports for children and families across our communities. This policy brief examines the significant challenges with how policymakers have designed the current program and lays out practical solutions for lawmakers to begin to build a WorkFirst/TANF program that ensures every family – regardless of their race or level of income – can meet their basic needs and secure opportunities to build a brighter future.

Figure 1.

Fewer families have access to WorkFirst/TANF despite deep and persistent need for the program

Washington state families receiving Temporary Assistance for Needy Families and those facing deep poverty, 2007-2018



Source: Center on Budget and Policy Priorities (CBPP) analysis of poverty and deep poverty data from the Census' Current Population Survey. CBPP uses two-year averages to improve reliability at the state level. WorkFirst/TANF caseload data January 2017-December 2018 from the Office of the Forecast Council.

Washington state has made staggering cuts to resources for WorkFirst/TANF since the onset of the Great Recession

WorkFirst/TANF is funded by a combination of federal and state spending. The federal government provides Washington state with a block grant to serve families with dependent children with temporary cash assistance and supportive services. In order to receive block grant funds, Washington must also spend state dollars (referred to as “Maintenance of Effort” or MOE funds) or face fiscal penalties. The WorkFirst budget is made up of both state and federal monies that are allocated to things like basic cash assistance, work supports, child care, and staffing and overhead for the Department of Social and Health Services.

But over the last decade or so, policymakers have made budget choices that led to a massive reduction of the program’s reach and undermined its capacity to help families. Since 2008, total funding for WorkFirst/TANF has been reduced by a staggering \$286 million dollars.⁷ This funding cut largely reflects the withdrawal of state dollars, as *Washington cut its state spending on WorkFirst/TANF by nearly 60% between 2008 and 2018 (in inflation-adjusted dollars)*.⁸ Much of the disinvestment has occurred in spending on basic financial assistance (cash grants), as funds continue to be drawn away from the very poorest families in our state. (See Figure 2 below.)

Figure 2. Funding for WorkFirst/TANF has been dramatically reduced since 2008, with key areas of basic support for families losing the most investment

State and federal spending in key areas of WorkFirst/TANF services, Washington state, 2008 and 2018

WorkFirst/TANF spending area	2008 spending (adjusted for inflation)	2018 spending	Percent reduction (2008-2018)
Basic cash assistance	\$306m	\$126m	59%
Child care subsidies	\$330m	\$246m	25%
Job placement and support services	\$26m	\$14m	45%

Source: CBPP analysis of actual expenditures in the WorkFirst budget 2008-2018, adjusted for inflation.

Were our state reaching the same portion of families in poverty today as it was in 2008, WorkFirst/TANF would be reaching over 20,000 additional struggling families.

Tens of thousands of families struggling to meet basic needs have lost WorkFirst/TANF support

The dramatic WorkFirst/TANF funding cuts do not tell the whole story. In 2010, state policymakers began implementing a series of policy changes, driven by a desire to cut the overall state budget, which drove the caseload down. The number of families cut from WorkFirst/TANF in the wake of these changes is staggering: while more than 50,000 families received WorkFirst/TANF in 2008, fewer than 25,000 received assistance in July 2019.

The WorkFirst/TANF caseload plummeted as the number of families in poverty was rising in the wake of the recession. It continued to fall during the economic recovery – not because fewer families were living in poverty, but because policy changes pushed families off the program and prevented more families from coming on. The result is that today, we are serving a much smaller portion of the families living in poverty in Washington than we were just a decade ago. Were our state reaching the same portion of families in poverty today as it was in 2008, WorkFirst/TANF would be reaching over 20,000 additional struggling families in addition to its current caseload.⁹

Policies that led to such sharp caseload declines include:

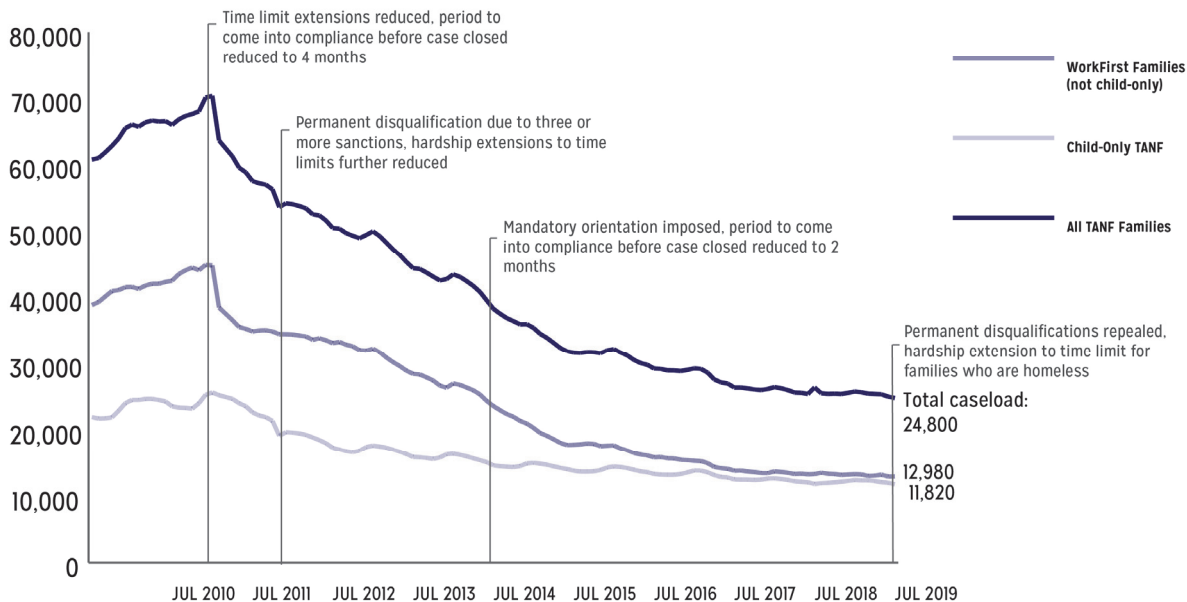
Harsher time limits that cut support for families despite ongoing need:

Prior to 2011, parents (or other caretakers) who were actively participating in the WorkFirst/TANF program and meeting the requirements set in their Individual Responsibility Plan could be granted an extension to the 60-month time limit if their families faced continued hardship. This provision made it so that families who faced significant barriers to work – like housing instability, mental illness, or the need for substance use disorder

Figure 3.

Harmful policy changes caused a sharp decline in the number of families receiving TANF

Washington state families receiving Temporary Assistance for Needy Families and WorkFirst/TANF policy changes, July 2009-July 2019



Source: Washington State Caseload Forecast Council, July 2009-July 2019.

Note: A portion of the caseload are “child-only” cases, in which an adult caretaker – other than a parent – receives cash assistance on behalf of a child but does not receive benefits themselves. Harsh policy changes have harmed families across the WorkFirst/TANF caseload and fueled the diminishing availability of all types of support

treatment – could get more time to address those barriers.

Beginning in February 2011, Washington state policymakers enacted a much more restrictive time limit policy, narrowing time limit extensions to a few specific categories of hardship.¹⁰ This has resulted in abruptly cutting families off of support even as they face deep, ongoing economic insecurity. And the stricter policy has clear racist impacts: state data show that inflexible time limits cause particular harm to Black and American Indian and indigenous families in our state (who, because of structural and institutional racism, face greater barriers to work, greater barriers to documenting hardships that could qualify them for an extension, and bias in the provision of state services).¹¹ (See on pages 7 and 8 of this brief for further information.)

In 2019, state lawmakers established an additional time limit extension category for families experiencing homelessness (defined narrowly in the policy as living on the streets or in shelters, and thus excluding families who are doubled up or couch surfing). While this was an important first step toward maintaining basic support for some Washington kids

and families in crisis, the legislature left intact the harsh time limit that is itself driving harm.

Stricter sanctions for who face barriers to work requirements: Over the last decade, Washington state has shifted its sanction policies and goals away from a focus on bringing a parent into compliance with work requirements to instead punishing the entire family in increasingly harsh ways. This started with the adoption of full-family sanctions in 2006, which completely cuts off benefits to the entire family unit – including children – when parents encounter barriers to meeting their required number of work hours.

In addition, from 2010 to 2014, Washington continued to make sanctions harsher by shortening the initial period during which a family was in partial sanction, and accelerating the timetable for closing a family’s case. The state also established longer “lock-out” periods, requiring families who have been sanctioned to then wait a longer length of time before becoming eligible to receive benefits again.

And, from 2011-2019, state law permanently disqualified families who’d been terminated three

times due to a non-compliance sanction. This was a severe penalty that automatically barred families from any support in the future – no matter how dire their circumstances. During the 2019 legislative session, state lawmakers took the important step to eliminate the permanent disqualification policy, recognizing its extremely harmful impact.

Suspension of child support pass-through: In 2011, Washington state suspended its child support pass-through and disregard policy, which had previously allowed TANF recipient families to retain a portion of child support payments made by a noncustodial parent (\$100 per child, \$200 maximum). Following this recession-era change, the state now collects and withholds the entire amount of any child support being paid to a child who is part of a family receiving TANF – which both reduces total family income and has been shown to undermine child support compliance and noncustodial parent-child relationships.¹²

Mandatory Orientation: In 2014, Washington applied a new requirement that families attend a mandatory orientation before they can be deemed eligible for WorkFirst/TANF support. This was layered on top of the already-existing application process, comprehensive evaluation, and development of the Individual Responsibility Plan. The orientation, usually scheduled for a set time, requires families to make yet another trip to the Community Service Office before they can receive basic assistance – requiring

families to re-arrange their schedules, secure transportation, and find child care. This has created an unreasonable barrier for thousands of families who are in crisis and must now attend an orientation. In the last two years, approximately 122 families per month were denied assistance for missing a WorkFirst/TANF orientation.

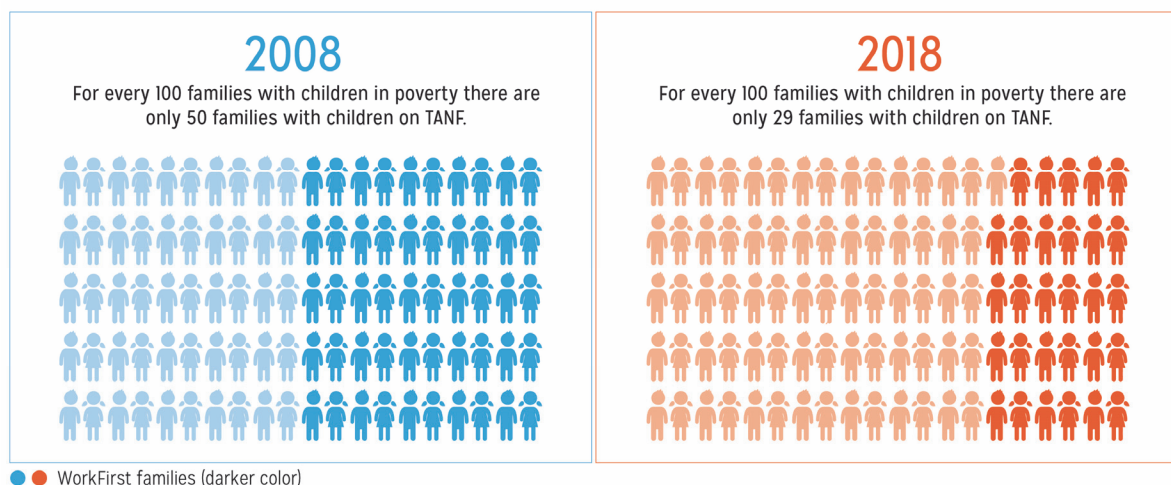
Cuts to basic assistance and support services: Washington also cut the cash grant during the Great Recession, which not only made the assistance families receive even more meager than it was, but it also lowered income eligibility guidelines for the program. While WorkFirst/TANF basic assistance remains extremely low (leaving recipient families at just 32% of the federal poverty line), recession-era cuts to the cash grant were restored with small increases in 2017 and 2018. In order to furnish a benefit that would *actually* support families to address the true cost of living, however, Washington state would need to make much more substantial investments in basic assistance.

Cuts to WorkFirst/TANF have pushed families into deeper hardship, worsening homelessness, mental, and behavioral health challenges

State studies have demonstrated that families who have been cut off WorkFirst/TANF in the wake of

Figure 4.

WorkFirst/TANF is helping a smaller portion of Washington families in poverty than it was a decade ago



Source: Center on Budget and Policy Priorities (CBPP) analysis of Current Population Survey data for families below 100 percent of the federal poverty line. CBPP uses two-year averages of the poverty and caseload numbers to improve the reliability of the data at the state level. Caseload data from the Washington State Caseload Forecast Council.

these changes face steep barriers to financial stability and overall well-being. The declining caseload should not be mistaken as proof that more families are moving out of poverty – instead, the data suggest that many families have fallen into deeper hardship. Punitive policy choices and deep cuts to the WorkFirst/TANF budget have resulted in particular hardship for families experiencing homelessness and housing insecurity, as well as for those navigating mental health needs. Data from the Washington state Department of Social and Health Services (DSHS) show that among families removed from WorkFirst/TANF:

- Since 2015, nearly three out of every four parents cut off the caseload due to time limits have **mental health** needs, and nearly half live with a serious mental illness.
- Since 2015, roughly two of every five parents removed from WorkFirst/TANF due to time limits or non-compliance sanction needed **substance use disorder treatment**.
- In 2018, more than one third of all households cut off WorkFirst/TANF due to time limits or non-compliance sanction were **homeless at the time** they lost benefits.¹³

Stripping away basic support precisely at a time when families face crises can deepen trauma and toxic stress, and is particularly dangerous for young children. Families who are homeless, facing mental health challenges, and constrained by barriers associated with structural and institutional racism, are most in need of support; yet under the current WorkFirst/TANF policies, the most likely to be cut off of benefits.

As caseloads fell, the state cut WorkFirst/TANF and used funds to plug holes in other parts of the budget

Punitive policy decisions have left the WorkFirst/TANF caseload in a state of free fall. Sadly, rather than reinvest in the program to serve more families, state budget writers saw caseload decline as an attractive source of revenue and regularly used “caseload savings” and “underspent funds” in WorkFirst/TANF to plug holes in other parts of the state budget.

The biggest withdrawals from the WorkFirst/TANF budget were made as the number of families with children facing hardship in Washington was rising. As poverty was rising in the wake of the recession, the state even siphoned federal funds designed to help respond to rising poverty rates. At the same time, state policymakers chose to enact policies that kicked many families off the program and cut the level of assistance and services. Rather than serving more families, the state swapped federal dollars for state dollars and used the savings to plug holes in other parts of the state budget.

As the state cut funding to WorkFirst/TANF – thus pulling funding away from critical services like cash assistance and job support services for families – it still needed to meet federal Maintenance of Effort (MOE) requirements. Rather than maintaining its support for WorkFirst/TANF families, the state started counting current Labor and Industries medical spending, Pre-K, higher education, financial aid, and spending in the public school system to makeup for the loss in MOE. The result is a diversion of funds away from basic assistance and toward other state priorities not aimed explicitly at alleviating and reducing poverty – marking a net loss of resources dedicated to families with the lowest incomes.

Families who are homeless, facing mental health challenges, or constrained by barriers associated with structural racism are most in need of support; yet under current WorkFirst/TANF time limit and sanction policies, they are the most likely to be cut off of benefits.

Punitive TANF policies have deeply racialized origins and stark racist impacts

The disproportionate harm to families of color caused by punitive WorkFirst/TANF policies is embedded within a broader context of structural racism at the federal and state levels. While it may appear race-neutral on its face, WorkFirst/TANF is in fact shot through with racial bias – both in the politics that facilitated its passage, and in the ongoing impact of its implementation. Harsh policies in WorkFirst/TANF (like strict time limits and full-family sanctions) largely take their roots in a period during the 1990s when states across the nation began to introduce “welfare-to-work” approaches in their cash assistance programs and, later, when federal law transformed TANF’s predecessor program into a block grant.¹⁵

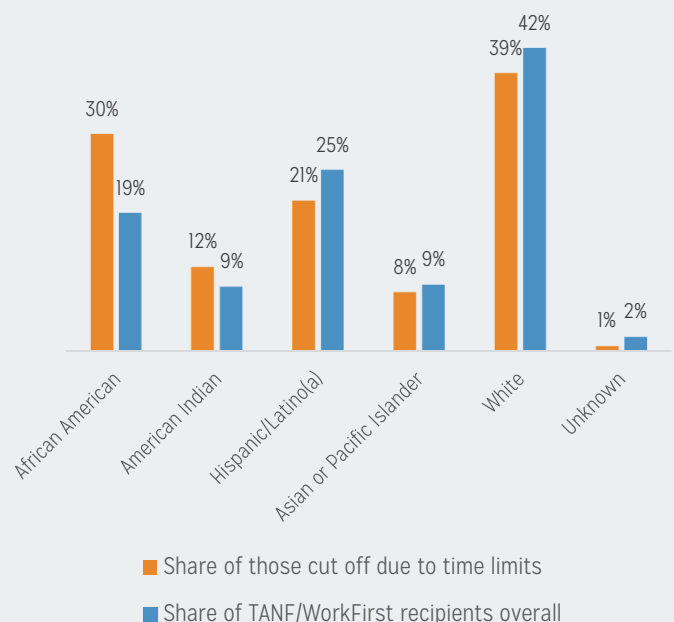
In the debate to mobilize support for these changes, Black women and other women of color were wrongly scapegoated as overly “dependent” on government assistance and accused of defrauding social service systems. These and other deeply racist stereotypes about Black women figured centrally in the national rhetoric around cash assistance, despite the fact that ***the majority of benefit recipients were (and continue to be) white***.¹⁶ Even though Washington state did not enact its harshest time limits and sanction policies until the onset of the Great Recession, the punitive WorkFirst/TANF policies on the books today are informed by the 1990s policy framework – which relies on deeply racist stereotypes.

The systemic racism at the root of TANF’s policy design continues to drive disproportionate outcomes for kids and families of color today. Washington State Department of Social and Health Services (DSHS) data show clearly that families of color are harmed the most by our state’s punitive WorkFirst/TANF policy choices. In particular, Black and American Indian families are more likely than other groups to be cut off or denied an extension due to Washington state’s strict and inflexible time limit policy. While Black people represented just 19% of the overall WorkFirst caseload from 2015 to 2018, they were 30% of those cut off of support due to time limits. American Indian and Alaska Native people were overrepresented among families cut off due to both time limits and harsh sanctions – 9% of TANF clients overall, but 12% of those removed from the caseload due to time limits and sanctions.¹⁷

Black and American Indian and indigenous families face greater barriers to securing family-wage jobs and a pathway out of poverty than their white peers, including employment discrimination, reduced access to college, and racial wealth inequity that leaves entire communities with a diminished financial cushion to weather crises. Because of the cumulative effect of these barriers, some families of color may need a longer period of time to transition off TANF. Some families of color are also more likely to face greater challenges to meeting onerous work requirements due to barriers rooted in structural racism (lower levels of education, limited formal work experience, lack of transportation and child care) and employment discrimination – leaving them more vulnerable to harsh sanction policies.

Figure 5. Black and American Indian families are disproportionately penalized by harsh WorkFirst/TANF time limit policy

Individuals by race/ethnicity as a percentage of those removed from WorkFirst/TANF due to time limits and of the caseload overall, Washington state, 2015-2018



Source: Washington State Budget & Policy Center analysis of Department of Health and Social Services data. Figures are the averages of state fiscal years 2015, 2016, 2017, and 2018.

Compounding this, families of color experiencing hardships are also more likely to face barriers to obtaining the documentation needed to secure an extension to the time limit or an exemption from program requirements. With the domestic violence time limit extension, for example, women of color are more likely to be wrongly perceived as the aggressor by police in an incident of domestic violence, have a greater risk of becoming involved in the child welfare system after reporting, and face a lack of culturally responsive advocacy services¹⁸ – all of which make it harder for women of color to disclose abuse, and thus obtain documentation. By not accounting for these and other barriers that families of color face, Washington state's inflexible time limit it is set up in a way that punishes those who are already furthest from opportunity.

A body of evidence from research done in other states also suggests families of color face racial bias as they navigate state services. Researchers have repeatedly found that TANF caseworkers were more likely to impose sanctions on Black TANF recipients than on their white counterparts.¹⁹ Implicit bias is embedded in nearly all human interactions,²⁰ and it's likely that racial bias influences caseworkers'

decision-making here in Washington state as well.

Washington state policymakers should immediately roll back harsh WorkFirst/TANF policies that are driving racially disproportionate outcomes across our state. In the 2020 legislative session, state lawmakers should pass legislation to restore broad-based time limit extensions and eliminate harsh sanction policies to begin to mitigate harm to Black and American Indian families. Policymakers should also create a statewide Office of Equity to increase the accountability of government agencies to create more equitable outcomes for communities of color, reduce racial bias, and facilitate systems change. These are important initial steps, but broader, more structural changes are needed in order to meaningfully counteract racism as it is embedded in TANF policy. Lawmakers at the state and federal levels, as well as administrative officials who enact policy at the agency level, must also pursue strategies to boost benefit levels to more closely reflect what families actually need to get by, undo harsh and ineffective work requirements, and ensure that a greater share of kids and parents facing economic hardship in our state have access to basic cash assistance.

State lawmakers should take immediate steps to restore support for families through WorkFirst/TANF:

After nearly a decade of disinvestment, WorkFirst/TANF cannot adequately serve families experiencing poverty in Washington state without restoring the resources that have been drawn away from basic assistance and undoing harsh policy choices that push families off support. Policymakers can take common-sense steps to reinvest in the program and reverse the trend, ensuring that when families hit hard times in Washington, they do not go without the basics:

- 1. Restore broad-based hardship extensions** to the time limit, so that families who are meeting program requirements can access support beyond 60 months if they face ongoing need.
- 2. Eliminate full-family sanctions** and re-establish a longer period of time for families to come back into compliance when they are sanctioned, so that parents have a reasonable opportunity to address barriers to meeting program requirements.
- 3. Eliminate the mandatory orientation** and integrate its content into the one-on-one comprehensive evaluation or the development of the Individual Responsibility Plan in order to remove an unnecessary barrier to assistance.
- 4. Restore the child support pass-through** to allow families receiving TANF to retain child support payments made by a noncustodial parent and boost their overall financial security.
- 5. Require that caseload savings and underspent funds be reinvested** in WorkFirst/TANF to move more families out of poverty.
- 6. Increase the grant amount** to cover more of the increase in the cost of meeting basic needs, and index grant increases to the cost of inflation.

Conclusion

WorkFirst/TANF is supposed to be a critical backstop measure against homelessness, hardship, and the traumatic effects of deep poverty on children and families in Washington state. Yet, decades of disinvestment and harmful policy choices have diminished its ability to deliver on its promise of support and pathways out of poverty for our state's families. It's time to put WorkFirst/TANF on the right track by enacting some practical, common-sense measures to restore support for families in Washington.

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Notes

¹ This brief is an updated version of an earlier Washington State Budget & Policy Center report of the same name, previously released in 2018. It has been updated to reflect the most recent data on outcomes for children and families who have been removed from the WorkFirst/TANF caseload as well as policy changes that occurred in 2018 and 2019.

² Center on Budget and Policy Priorities (CBPP) analysis of 2017-2018 poverty and deep poverty data from the Census' Current Population Survey. CBPP uses two-year averages to improve the reliability of the data at the state level.

³ U.S. Census Bureau, 2017 5-year American Community Survey, Table S1702.

⁴ Ibid. Families headed by single women (including whites and women of color) are more likely to live poverty than other families, a trend that reflects the particular barriers to economic security single mothers face (including occupational segregation, hiring and pay discrimination, and the high cost of child care). Census data treat gender as a binary category, and as such do not adequately reflect the experiences of gender non-conforming people, who also face heightened economic instability and gendered barriers to work and well-being.

⁵ This brief uses "WorkFirst/TANF" to refer to the policy that supports low-income families with dependent children with basic cash assistance and other supportive services. The WorkFirst/TANF caseload includes both WorkFirst cases (households with an adult recipient or an ineligible parent) and child-only cases (households that do not have an adult recipient). WorkFirst/TANF spending refers to all state Maintenance of Effort and federal block grant dollars that Washington state directs toward basic cash assistance, child care, and work supports for families with very low incomes, as well as other services that draw from state MOE and federal TANF dollars but do not directly serve TANF-eligible families (like public education, college tuition, and medical expenses for people with work-related injuries).

⁶ CBPP analysis of poverty and deep poverty data from the Census' Current Population Survey. CBPP uses two-year averages of the poverty data and the TANF-to-Poverty ratios to improve the reliability of the data at the state level.

⁷ CBPP analysis of actual expenditures in the WorkFirst budget 2008-2018, adjusted for inflation.

⁸ Ibid.

⁹ Washington State Budget & Policy Center (B&PC) analysis of actual expenditures in WorkFirst 2008-2018, caseload data, and Current Population Survey Data, 2007-08 and 2017-18, based on two-year averaging.

Notes continued

¹⁰ The categories of hardship that qualify for a time limit extension include: disabled adult, applied for SSI/SSDI, family violence, caring for a disabled child or adult, open CPS case – first dependency order, and 55 year old caretaker relative. As of July 2019, there is also an extension category for homelessness (living in shelter or in a place unfit for human habitation). Families must be able to provide documentation that proves they are eligible under one of these categories.

¹¹ B&PC analysis of Washington State Department of Social and Health Services (DSHS) data on TANF recipients terminated for reaching the 60-month time limit, SFY 2015-2018.

¹² Maria Cancian et al., “The Effects of Child Support Pass-Through and Disregard Policies,” Institute for Research on Poverty, (2006).

¹³ B&PC analysis of DSHS data on TANF recipients terminated for reaching the 60-month time limit and/or non-compliance sanction. Figures are averages of SFY 2015, 2016, 2017, and 2018 data. Homeless includes people who lack a fixed, regular, and adequate nighttime residence, or are living in emergency or domestic violence shelter, or couch surfing.

¹⁴ Vanessa Sacks and David Murphy, “The prevalence of adverse childhood experiences, nationally, by state, and by race or ethnicity,” Child Trends, (2018).

¹⁵ Congressional Research Service, “The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History,” (2019).

¹⁶ Sparks (2003), Kandaswamy (2006), Roberts (2007).

¹⁷ B&PC analysis of DSHS data on TANF recipients terminated for reaching the 60-month time limit, SFY 2015-2018. American Indian and indigenous people comprise 9% of the caseload, but 12% of those removed due to time limits.

¹⁸ Crenshaw (1991), Roberts (2002), Hampton et al. (2007), Garcia and McManimon (2011), Brown (2012).

¹⁹ Wu, Cancian, and Meyers (2004), Fording, Soss, and Schram (2009), Kalil, Seefeldt, and Wang (2016).

²⁰ Cheryl Staats et al., “State of the Science: Implicit Bias Review 2015,” Kirwan Institute (2015).



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