



“Project 100%”: History, Problems, and Your Rights

P100: History of a Violation of Privacy Rights

Every day, throughout San Diego County, for nearly 20 years, applicants for welfare benefits have been visited by law enforcement agents from the San Diego District Attorney’s office, empowered by a county program called “Project 100%.” They show up, unannounced, and sift through the applicant’s home. They have looked inside dresser drawers, refrigerators, laundry hampers.

The searches are conducted in the homes of people who have done nothing more than apply for welfare. This is an “anti-fraud” measure, but the applicants haven’t done anything to raise any suspicion of fraud.

The ACLU of San Diego & Imperial Counties sued the county in 2000, claiming the searches violate the privacy rights of aid applicants merely because they’re poor. The case went to the highest appeals court in California, but unfortunately survived the legal challenge based on a bizarre ruling that the “home visits” are not searches and are voluntary. However, applicants who don’t agree to the searches are disqualified from eligibility.

For a search to be reasonable under the Fourth Amendment, there needs to be some type of individualized suspicion that the person has done something wrong. A judge writing for the minority said that upholding Project 100% “strikes an unprecedented blow at the core of Fourth Amendment protections,” and called the case “an assault on the poor.”

The San Diego ACLU is continuing to investigate P100 to see if the project should be challenged again in the courts.

“When the government is allowed to show up unannounced without a warrant and search people’s homes, it is bad news for all of us.”

New York Times editorial on P100, Nov. 28, 2007

Project 100% is a program run by San Diego County’s District Attorney’s Office in partnership with the County’s Health and Human Services Agency. Virtually everyone in San Diego County who applies for CalWORKs—California’s public assistance program that provides cash aid and services to eligible families—must consent to a “home visit” by a Public Assistance Investigator before cash benefits can be issued. San Diego County is the only county in the nation with such a program.

The ACLU of San Diego & Imperial Counties has long-standing and current concerns about P100. The most basic concern is that the program forces people to open their homes to the District Attorney’s office for the sole reason that they are applying for benefits. The ACLU is always concerned about people’s right to privacy, and we do not think people who are entitled to government assistance should be required to sacrifice this right.

In addition to this fundamental problem, the ACLU is also concerned because applicants cannot schedule the visit. Since they don’t know when the investigator will show up, they may miss job interviews, classes, doctor’s appointments, or any of the life things we humans regularly do.

The home “walk-throughs” are also particularly intrusive and arbitrary. People can and have been denied benefits for a number of inappropriate reasons, including when agents discovered an extra toothbrush, boxer shorts, extra-large t-shirts, or boots. Investigators assumed, in error, that these things indicated that the applicant had failed to report the wages of a hidden wage-earner who lived with the family. Domestic violence survivors have been denied benefits when investigators said they didn’t have enough belongings to prove they lived in the home, even though they had recently fled there to avoid violence.

Home visits *only* occur if the application contains *no* signs of fraud or inconsistent information. If *actual* fraud is suspected, the applicant is subjected to *other* anti-fraud measures, and P100 does not apply.

Your Rights with P100

The bottom line is, currently, if you need CalWORKs, you need to submit to the home visit interview and walk-through. Beyond that, here's what you should know:

- **If you're not home** when the DA's investigator arrives for the FIRST visit, the investigator is supposed to leave a business card. You may be able to call to reschedule the visit, though it is unclear at this time if that's possible.
- **If your benefits are denied**, you have the right to a hearing to appeal the decision. You must request the hearing within 90 days of the date that you were sent the "Notice of Action" denying your CalWORKs application. However, if you can show "good cause" for filing late (for example, by proving you never received the Notice of Action), you may be able to get an extension beyond the 90-day limit.
- **You may be able to receive legal assistance** with your hearing from the Legal Aid Society of San Diego (1-877-LEGAL AID or 1-877-534-2524).
- **You can ask for an "expedited hearing"** within five business days if there is an emergency.
- **If you face discrimination** during or because of the P100 home visit, you can file a complaint. Instructions on how to do that are here: <http://www.dss.cahwnet.gov/shd/PG1109>.
- Of course, **you can withdraw your CalWORKs application** at any time and refuse to participate in the P100 home visit, but if you do, you will not receive CalWORKs benefits.



San Diego ACLU

Investigating how P100 works today, and whether we should challenge it in court.



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All information will be held confidential.

The ACLU's Project

In 2000, the San Diego ACLU, along with the Western Center on Law & Poverty and the San Diego Volunteer Lawyer Program, filed a class-action law suit [*Sanchez v. County of San Diego*] challenging San Diego County's Project 100%. We filed the suit because we believe that Project 100%'s sweeping and suspicionless intrusions into the homes of welfare applicants violate the constitutional rights to be free from unreasonable searches and seizures, to due process, and to privacy.

We were profoundly disappointed when the courts ruled against us, claiming that rooting out welfare fraud justifies the searches.

We still believe there are legal flaws with P100. We are continuing to research and investigate how P100 is working today, and whether the County has made any significant changes that may have addressed the legal issues we originally detected.

We are still determining whether the ACLU should challenge P100 in court.

WHAT WE NEED / WHAT YOU CAN DO

We need to hear the on-the-ground, real-life stories and experiences with P100. Anything that is shared with us will be kept strictly confidential. You will remain anonymous unless you agree to share your story publicly or in legal proceedings.

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