



June 8, 2012

## **Department of Justice Proposes Change to SCAAP Funding Distribution**

### **Contact Your Members of Congress Today**

On May 23rd, the Department of Justice (DOJ) announced a change in the State Criminal Alien Assistance Program (SCAAP) that will prohibit SCAAP funds from being used to reimburse localities for foreign-born criminal aliens housed in jails that have been classified as “unknown inmates” by the Department of Homeland Security’s Immigration and Customs Enforcement (ICE) agency. This is a significant change to the SCAAP reimbursement formula, and will heavily impact counties in California and across the nation.

As California Counties are aware, SCAAP provides much needed partial reimbursement assistance to states and localities for the costs associated with the detention and incarceration of undocumented criminal aliens convicted of state and local offenses who have been incarcerated for at least four consecutive days. Although it is the federal government’s responsibility to protect and secure the nation’s borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented immigrants that violate state or local laws. Additionally, counties are often times responsible for processing and prosecuting illegal aliens, and, in many cases, must provide medical care and other services to these individuals.

As a result, a disproportionate share of the criminal justice-related costs associated with illegal immigration impacts county governments, and SCAAP related costs to local jurisdictions continue to rise. In past years, DOJ’s Bureau of Justice Assistance (BJA) has provided reimbursement credit to states and localities that have incurred costs for detaining individuals whom they believe to be undocumented criminals; in doing so, the agency has acknowledged the fact that undocumented individuals constitute a high percentage of foreign-born inmates of unknown immigration status because these individuals—who have never before been apprehended and screened by federal immigration agents—will not be in any federal immigration database. It has been estimated that 80 percent of inmates of unknown immigration status in county jails are undocumented.

By proceeding with the modified payment methodology, BJA is now unilaterally eliminating reimbursement for a significant portion of undocumented inmates in local jail systems, and future SCAAP awards to many local governments would likely be

reduced by more than 50 percent nationwide. This added burden will put additional strains on already tight county budgets.

Representatives Mike Honda (D-CA) and John Carter (R-TX) jointly authored a [Dear Colleague](#) letter urging their colleagues to stop the DOJ from implementing these SCAAP changes. [CSAC has also written a letter](#) expressing significant concerns.

California counties can take action by contacting their Congressional representative(s) and impressing upon them how important the SCAAP funds are to county operations and encourage them to sign on to the Dear Colleague letter. You can also contact your Congressional delegation through the NACo Take Action website, which will provide a pre-written e-mail to be sent directly to your delegation. Click [here](#) to take action.

\*\* [2010 California SCAAP Comparison Report](#)