

Join the Bi-Partisan Effort to Stop the Department of Justice From Implementing SCAAP Changes

From: The Honorable Michael M. Honda

Sent By: aj@mail.house.gov

Date: 6/7/2012

Join the Bi-Partisan Effort to Stop the Department of Justice From Implementing SCAAP Changes

DEADLINE: 6/15/12

Dear Colleague,

Recently, the Department of Justice made the deeply troubling decision to discontinue reimbursement funding within **the State Criminal Alien Assistance Program (SCAAP)** for criminal aliens who are not listed in the **Department of Homeland Security (DHS)** Immigration and **Customs Enforcement (ICE)** database.

Those in this so-called “**unknown**” person category that DOJ wishes to discontinue reimbursing localities for, receive this designation because DHS cannot verify their immigration status. It is undisputable that the vast majority of illegal aliens in the U.S. are “unknown” to the federal government and are tagged as such because they have been successful in avoiding interactions with law enforcement.

This change disproportionately affects counties over states. County jails are the first point of contact with the criminal justice system for many illegal aliens, so there is no background on these individuals. These inmates are also typically held for a shorter period of time, making it more difficult for them to be processed by the federal government before they are transferred to a state institution after they are convicted. This change has much less impact on the states, as they typically hold inmates for a much longer period of time, giving them plenty of opportunity to be processed by the ICE agents who are typically located at state prisons—a luxury counties do not have.

During a time when counties across the nation are feeling the pinch of federal and state cuts, making this drastic change without the proper infrastructure in place that allows county's the same ability to process “unknowns” as the states is reckless and dangerous. This is why we ask you to join us in sending a bi-partisan letter to Attorney General Holder urging him to delay this unilateral decision and work with Congress to come up with a solution that allows county jails to process these ‘unknown’ criminal aliens in a timely and accessible manner. If you have any questions or would like to sign on, please contact A.J. Bhadelia in Rep. Honda's office at

aj@mail.house.gov x5-2631 or Elizabeth Hoffman in Rep. Carter's office at Elizabeth.hoffman@mail.house.gov x5-3864.

Sincerely,
Rep. Mike Honda

Rep. John Carter

Full text of the letter can be seen below:

June XX, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Holder:

We are writing to express our concerns about the Department of Justice's recent decision to discontinue reimbursement funding within the State Criminal Alien Assistance Program (SCAAP) for criminal aliens who are not listed in the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) database. As Members of Congress who represent various counties across the United States, we believe this change would have a devastating impact on county budgets and would reduce the already paltry reimbursement rate that SCAAP provides. We urge you to reconsider and delay this decision until appropriate accommodations can be made that allow counties the same tools that states have to process detained criminal aliens.

When SCAAP was created in 1994, Congressional intent was for the Attorney General to either take immediate custody of undocumented criminal aliens or to provide financial assistance to states and local governments to help offset the costs of incarcerating these criminal aliens. Within the original intent, payment would be given to counties for the incarceration costs incurred by local and state governments for undocumented criminal aliens if they fell within one of the following categories:

1. Entered the United States without inspection;
2. Was subject to exclusion or deportation at the time of arrest; or
3. Was admitted as a nonimmigrant but failed to maintain the nonimmigrant status at the time the person was taken into custody.

Those in the so-called "unknown" person category DOJ wishes to discontinue reimbursing localities for receive this designation because DHS cannot verify their immigration status. It is

undisputable that the vast majority of illegal aliens in the U.S. are “unknown” to the federal government and are tagged as such because they have been successful in avoiding interactions with law enforcement. Therefore, the unilateral decision by DOJ to only provide SCAAP funds for those criminal aliens that are “known” to the federal government is deeply troubling.

This change disproportionately affects counties over states. County jails are the first point of contact with the criminal justice system for many illegal aliens, so there is no background on these individuals. These inmates are also typically held for a shorter period of time, making it more difficult for them to be processed by the federal government before they are transferred to a state institution after they are convicted. This change has much less impact on the states, as they typically hold inmates for a much longer period of time, giving them plenty of opportunity to be processed by the ICE agents who are typically located at state prisons—a luxury counties do not have.

During a time when counties across the nation are feeling the pinch of federal and state cuts, making this drastic change without the proper infrastructure in place is reckless and dangerous. We urge you to delay your decision and work with us to come up with a solution that allows county jails to process these ‘unknown’ criminal aliens in a timely and accessible manner.

Sincerely,