



May 8, 2013

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The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the California State Association of Counties (CSAC), I am writing to express our strong support for your State Criminal Alien Assistance Program (SCAAP) amendment to the Senate's immigration bill (S 744). CSAC appreciates your ongoing leadership on this important issue and your tireless efforts aimed at protecting the interests of California's counties.

As you know, the authorization for the SCAAP program expired in fiscal year 2011. Your amendment would not only provide a much-needed reauthorization of SCAAP, it would allow jurisdictions to be reimbursed for the costs of housing undocumented individuals who are *accused* of certain crimes - and not only *convicted* of such offenses, as is allowed for under the current statute.

The aforementioned commonsense change would correct a long-standing flaw in federal law that disadvantages county governments, which often spend a considerable amount of financial resources housing pretrial offenders who may not ultimately be convicted of the crimes for which they are accused. In addition, current law essentially creates a gap in reimbursement if an individual's pretrial incarceration period and subsequent conviction do not occur within the same fiscal year. Your amendment would address these issues by ensuring that counties are reimbursed for the costs associated with housing undocumented individuals who are accused of the crime or crimes for which they are being held.

Finally, we are extremely pleased that your amendment includes language that would require the Department of Justice (DOJ) to compensate jurisdictions for the costs of incarcerating the "unknown" category of SCAAP inmates. As you are aware, unknown inmates are classified as such because they have not had prior contact with federal immigration authorities and therefore are not included in the Department of Homeland Security (DHS) database.

While counties across the nation and particularly in California actively participate in information sharing programs such as the Secure Communities program and the 287(g) program, these initiatives have been shown to be of limited value as it pertains to detainee identification. Accordingly, counties should not be penalized for the federal

government's inability to verify the status of undocumented inmates. Incidentally, a recent federal review of inmate data revealed that a vast majority of inmates in county facilities who were previously categorized as "unknown" were subsequently shown to be of "known" status.

While eliminating reimbursement for the unknown category of SCAAP inmates would not have resulted in a savings to the federal government, DOJ's attempt to institute this policy in 2012 would have reduced California's counties' SCAAP allocations by roughly 50 percent. For the 2010 Solicitation Year (the year for which the most recent DOJ vetting data is available), SCAAP payments to counties in California would have been reduced by over \$18.8 million – from \$40.8 million to \$21.9 million, a decrease of over 46 percent.

Thank you again for your strong leadership on SCAAP. We are pleased to strongly endorse your amendment, and we look forward to continuing to work with you on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Z. Cate". The signature is written in a cursive style with a large initial "M".

Matt Cate
CSAC Executive Director