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CSAC APPLAUDS LAWMAKERS FOR EFFORTS TO PROTECT THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

Representatives Mike Honda (D-CA) and John Carter (R-TX) lead bipartisan letter to the Department of Justice

(Sacramento) On June 21, 2012, 66 bipartisan members of the House of Representatives wrote to U.S. Attorney General Eric Holder expressing concern with a recent Bureau of Justice Assistance (BJA) policy change that will have a devastating impact on California counties' State Criminal Alien Assistance Program (SCAAP) awards. Pursuant to BJA's announcement, which was made as part of the fiscal year 2012 SCAAAP application cycle, the Agency will no longer reimburse jurisdictions for inmates whose immigration status is "unknown."

The [letter](#), spearheaded by Representatives Mike Honda (D-CA) and John Carter (R-TX), urges the Department of Justice to reconsider its decision, calling the drastic policy change reckless and dangerous at a time when counties across the nation are feeling the pinch of federal and state cuts.

"California counties rely on SCAAAP funds to offset the growing costs of incarcerating undocumented criminals," said Paul McIntosh, California State Association of Counties (CSAC) Executive Director. "If BJA's new reimbursement criteria had been in place for the 2010 application period, California's counties would have seen their SCAAAP awards drop from \$40.8 million down to \$21.8 million, a cut of over 46 percent. The added burden of this policy change will put additional strains on already tight county budgets. We applaud Representatives Mike Honda and John Carter for leading this effort in the House, and we appreciate the members of the California delegation who signed onto this letter."

The SCAAP program, first authorized by the Immigration and Nationality Act of 1990 and amended by the 1994 Crime Act, partially reimburses states and localities for the costs of incarcerating undocumented criminals. Since 1996, BJA has provided reimbursement credit to states and localities for the costs of detaining “unknown” inmates – those inmates whose immigration status cannot be verified by the Department of Homeland Security (DHS). According to BJA, the practice of providing partial reimbursement for unknown inmates was a recognition that some of these individuals could have been undocumented if they had entered the United States illegally and never came into contact with federal immigration authorities.

Notably, for the 2011 SCAAP payment cycle, BJA *increased* the SCAAP reimbursement percentage to counties for the cost of unknown inmate days. Last year’s decision to boost these payments was based on a DHS review of recent unknown inmate data which showed that of the records that were updated, reviewed, and came back with a known inmate status, 86 percent were attributable to inmates in county facilities. BJA’s 2011 decision was clear acknowledgement that an extremely high percentage of “unknown” inmates are, in fact, undocumented immigrants and serves as justification for why the Agency should reinstitute its previous reimbursement policy.

While BJA’s rationale for its new policy is to “make better use of limited SCAAP funding and to ensure jurisdictions are reimbursed only for known undocumented criminal aliens,” the effect of the policy is to shift dollars from counties to states since counties generally have a higher percentage of “unknown” inmates in their correctional facilities. Furthermore, the policy change would not result in any budgetary savings to the federal government.

The California State Association of Counties is the voice of California’s 58 counties at the state and federal level.

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