



September 27, 2012

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The Honorable Michael Honda
1713 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Honda:

On behalf of the California State Association of Counties (CSAC), I am writing to express our appreciation for your continued leadership on the State Criminal Alien Assistance Program (SCAAP). Thanks to your efforts, the Department of Justice (DOJ) delayed for one year its decision to eliminate SCAAP payments to jurisdictions for the costs of incarcerating inmates whose immigration statuses are "unknown."

As you know, this ill-advised policy change would have been detrimental to SCAAP-eligible counties in California, as well as the rest of the country. If DOJ's policy had been implemented for the current fiscal year, California's counties likely would have seen their SCAAP payments cut by roughly half. For the 2010 Solicitation Year (the year for which the most recent DOJ vetting data is available), California counties' SCAAP allocations would have been reduced by over \$18.8 million – from \$40.8 million to \$21.9 million, a decrease of over 46 percent.

Looking ahead, DOJ has indicated that the delay "will provide a significant opportunity for local governments to work collaboratively with the U.S. Department of Homeland Security (DHS) to improve local processes for detainee identification, in anticipation of discontinuing payments for unknown inmates next year." Specifically, DOJ is encouraging SCAAP grantees to work with DHS through the Secure Communities program, the 287(g) program, and with the Law Enforcement Support Center (LESC) in order to increase their inmate status verifications.

It should be noted, however, that nearly all jurisdictions nationwide *already* participate in the Secure Communities program, with a number of others, including several counties in California, actively participating in the 287(g) program. Many jurisdictions also actively engage with the LESL, which is administered through U.S. Immigration and Customs Enforcement (ICE). Accordingly, participation in these programs has been shown to be of limited value as it pertains to detainee identification since an inmate's status can only be verified if he or she has had previous contact with federal immigration authorities and is included in DHS and Secure Communities databases.

Another problem with the current system is most foreign-born prisoners who are transferred from county jails to state prisons do not have their immigration status

adjudicated until after they have served their state prison term. As a result, counties do not receive SCAAP reimbursement for the time those individuals are detained in the county jail system.

In sum, while the one-year delay offers a temporary reprieve for counties, CSAC will oppose this policy should DOJ try to implement it for the fiscal year 2013 SCAAP cycle.

Again, we sincerely appreciate the partnership that our association has built with you and your staff. In particular, CSAC would like to acknowledge the outstanding work of AJ Bhadelia, who has worked closely with our staff on SCAAP. We look forward to working with you on this and other issues in the 113th Congress.

Sincerely,

A handwritten signature in black ink that reads "Mike McGowan". The signature is written in a cursive style with a small dot above the 'i' in "Mike".

Mike McGowan
President, CSAC
Yolo County Supervisor