



OFFICE OF JUSTICE PROGRAMS

# BJA BUREAU OF JUSTICE ASSISTANCE

## BJA Programs

### State Criminal Alien Assistance Program (SCAAP)

**NEW:** The FY 2011 SCAAP applications are under review. BJA will notify all 2011 applicants when the award amounts are calculated. Extensions or exceptions to this deadline cannot be granted. Because of the volume and complexities involved in verification of all submitted inmate data and the fact that BJA transmits this file to the Department of Homeland Security (DHS) immediately after the close of the solicitation, it is not possible for additional applicant data to be reviewed and sent to DHS after the deadline.

**Overview:** BJA administers SCAAP, in conjunction with the Bureau of Immigration and Customs Enforcement (ICE) and Citizenship and Immigration Services, Department of Homeland Security. SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period.

#### Payments for "Unknown" Alien Status Inmate Days and Important Notice Regarding Potential Changes to FY 2012 Payments

Many states and localities have incurred costs for detaining individuals whom they believe to be criminal aliens based on investigative and other information, but for who no formal DHS documentation of alien status is available. BJA has, since 1996, provided variable reimbursement for these costs, as those unknown inmate records may be illegal entrants to the U.S. who have not yet come into contact with DHS and therefore have no record in their database.

Based on a DHS review of the 2009 SCAAP unknown inmate data, BJA has updated the unknown inmate day reimbursement percentages for the FY 2011 SCAAP application cycle. The DHS review found that of the records that were updated and came back with a known alien inmate status, 86 percent were attributable to inmates in county facilities, 85 percent were attributable to inmates in state facilities, and 62 percent were attributable to inmates in city facilities. In light of these findings, BJA will apply these percentages to the reimbursement of unknown inmate costs.

In FY 2012, the President's Budget request for SCAAP includes a requirement that payments only be made for costs associated with DHS verified, criminal aliens (eliminating reimbursement for unknown inmate days). To prepare for this change, SCAAP jurisdictions are strongly encouraged to work closely with DHS to increase inmate alien status verifications. DHS has implemented programs which may help jurisdictions increase their inmate alien status verifications. Those programs include:

- **Secure Communities Program:** This program leverages an existing information sharing capability between DHS and the Department of Justice (DOJ) to quickly and accurately identify aliens who are arrested for a crime and booked into local law enforcement custody. With this capability, the fingerprints of everyone arrested and booked are not only checked against the Federal Bureau of Investigation (FBI) criminal history records, but they are also checked against DHS immigration records. If fingerprints match DHS records, ICE determines if immigration enforcement action is required, considering the immigration status of the alien, the severity of the crime and the alien's criminal history. For more information, please go to: [www.ice.gov/secure\\_communities/](http://www.ice.gov/secure_communities/).



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- *287(g) Program:* The 287(g) program allows a state and local law enforcement entity to enter into a partnership with ICE in order to receive delegated authority for immigration enforcement within their jurisdictions. This allows the officials in the jurisdictions to match inmate records prior to the SCAAP application process. For more information, please go to: [www.ice.gov/news/library/factsheets/287g.htm](http://www.ice.gov/news/library/factsheets/287g.htm).
- *The Law Enforcement Support Center (LESC):* LESL is a single national point of contact that provides timely customs information and immigration status and identity information and real-time assistance to local, state and federal law enforcement agencies on aliens suspected, arrested or convicted of criminal activity. For more information, please go to [www.ice.gov/LESC/](http://www.ice.gov/LESC/) or call 802-872-6000.

**Use of SCAAP Awards:** The Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) included the following requirement regarding the use of SCAAP funds: "Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes." **Beginning with FY 2007 SCAAP awards, SCAAP funds must be used for correctional purposes only.**

#### **FY 2007-2011 SCAAP Use of Funds List**

- Salaries for corrections officers
- Overtime costs
- Corrections work force recruitment and retention
- Construction of corrections facilities
- Training/education for offenders
- Training for corrections officers related to offender population management
- Consultants involved with offender population
- Medical and mental health services
- Vehicle rental/purchase for transport of offenders
- Prison industries
- Pre-release/reentry programs
- Technology involving offender management/inter-agency information sharing
- Disaster preparedness continuity of operations for corrections facility

**Reporting Period:** The reporting period for the FY 2011 application period is July 1, 2009 through June 30, 2010. Only qualifying inmates who served 4 or more days during this period may be included in the FY 2011 SCAAP application.

**Eligible Inmates—Applicant Responsibilities:** Unless otherwise prohibited, applicants may submit records of inmates in their custody during the reporting period who: were born outside the United States or one of its territories and had no reported or documented claim to U.S. citizenship; were in the applicant's custody for four or more consecutive days during the reporting period; were convicted of a felony or second misdemeanor for violations of state or local law; were identified and reported using due diligence.

**Qualifying Criminal Charges and Convictions:** To be eligible for reporting, inmates must have been convicted of a felony or second misdemeanor for violations of state or local law, and housed in the applicant's state or local correctional facility for 4 or more consecutive days during the reporting period. Once a person meets these criteria, all pre-trial and post-conviction time served from July 1, 2009 through June 30, 2010 may be included in the FY 2011 application.

**Entering Inmate Data:** If the Alien Number is unknown for an individual inmate, enter all zeroes in the A number field. Do not use letters (A) or symbols (dashes, etc.). Also, use zeros (0) as the beginning digit(s) if the A-number is fewer than 9 digits.

The FBI number is issued by the FBI to track arrests and fingerprint records. If this number is not available, leave this field blank by inserting 10 spaces. If the FBI number is fewer than 10 characters, enter the number first, and then insert spaces for the remainder of the field length.

**Qualifying Salary Data:** Salary information reported in the SCAAP application must reflect the total salaries and wages paid to full-and part-time correctional officers and others who meet the SCAAP definition (see the [FY 2011 SCAAP Guidelines](#)). The reported sum should total the jurisdiction's actual salary expenditures for the applicable reporting period (July 1, 2009 to June 30, 2010). The reported salary should not be a projection, estimate, or average. Correctional Officer salary costs may include premium pay for specialized services (e.g., bilingual officers), shift differential pay, and fixed-pay increases for time in service. Salary costs may also include overtime required by negotiated contract, statute, or regulation (e.g., union agreements, contractual obligations, minimum staffing requirements, etc.). Benefits should not be included in the salary costs.

**Chief Executive Officer:** SCAAP payments must go directly to eligible states and localities. Authorized jurisdiction employees for SCAAP purposes must be listed as either the Authorized Representative or Alternate Contact in the GMS User Profile. The chief executive officer (CEO) of an eligible jurisdiction may apply directly or delegate authority to another jurisdiction official. **The CEO is generally considered the highest ranking elected or appointed official of a unit of government. An application without the CEO information included will be significantly delayed.**

**Legislation:** SCAAP is governed by Section 241(i) of the Immigration and Nationality Act, 8 U.S.C. § 1231(i), as amended, and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

**Funding:** SCAAP payments will be calculated using a formula that provides a relative share of funding to jurisdictions that apply and is based on the number of eligible criminal aliens, as determined by DHS.

**Payments:** SCAAP payments are calculated simultaneously, with applicants receiving a prorated payment based on the appropriation; costs submitted, and inmates as determined by DHS. All SCAAP payments are made electronically to the applicant's bank account of record identified during the application process. **All SCAAP payments must go to the jurisdiction's general fund. Please use the jurisdiction's EIN (tax identification) and vendor number when applying for SCAAP funds.**

**2011 SCAAP Data:**

[FY 2011 SCAAP Guidelines](#)

[FY 2011 ICE Country Codes](#)

[FY 2011 Inmate Data File Format](#)

**Direct Phone Support:**

Technical assistance is available Monday through Friday from 9:00 a.m. to 5:00 p.m. eastern time, via the SCAAP Helpdesk at 1-202-353-4411.

For assistance with the GMS login, call 1-888-549-9901 Option 3.

**E-Mail Inquiries:**

Program and Policy Issues: SCAAP Inquiries: [scaap@usdoj.gov](mailto:scaap@usdoj.gov)

GMS Login Issues: GMS Helpdesk: [gms-help@ojp.usdoj.gov](mailto:gms-help@ojp.usdoj.gov)

Banking Issues: OCFO Customer Service Center: 1-800-458-0786 (option 2); [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov)

**SCAAP Archive Information**

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