

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM REIMBURSEMENT

Position

The County supports full funding of the State Criminal Alien Assistance Program (SCAAP) in Fiscal Year (FY) 2010 to reimburse state and local criminal alien incarceration costs.

Background

State and local taxpayers should not have to pay for criminal justice costs resulting from the Federal government's inability to control illegal immigration. The 1994 Crime Act established the State Criminal Alien Assistance Program (SCAAP) to reimburse previously incurred state and local costs of incarcerating undocumented criminal aliens. If total eligible state and local costs exceed available SCAAP funding, each jurisdiction is reimbursed on a pro rata basis.

In Fiscal Year (FY) 2009, SCAAP is funded at \$400 million, far below SCAAP's annual authorization level of \$950 million. It also is well below the \$577 million in average annual SCAAP appropriations in FYs 1998 through 2002. Because total undocumented criminal alien incarceration costs nationwide have grown significantly since that time, state and local governments are reimbursed by SCAAP for an even smaller percentage of their total costs. The County's SCAAP reimbursement has fallen from a high of \$34 million in FY 2002 to \$14.1 million in FY 2008, which is far short of the County's estimated \$100 million in annual undocumented criminal alien jail costs.

Inadequate SCAAP funding has resulted in an unfair shift in costs to state and local governments, especially in California, where the State currently faces unprecedented high budget shortfalls. Every dollar of incarceration costs not reimbursed by SCAAP adds a dollar to State and local budget shortfalls that must be offset by reductions in other essential services. No State has been hurt more by inadequate SCAAP funding than California. State and county governments in California receive nearly 40 percent of total SCAAP funding because they incur nearly 40 percent of total undocumented criminal alien incarceration costs.

The County urges that SCAAP be fully funded at its authorized level of \$950 million in FY 2010. If SCAAP were funded at \$950 million, the County would receive an estimated \$35 million in SCAAP reimbursement -- nearly four times more than the County's \$8.9 million formula grant from the \$2 billion in Byrne Justice Assistance Grant (JAG) funding, for criminal justice activities, included in the recently enacted economic stimulus bill. The huge disparity between the County's percentage share of total SCAAP and JAG funding reflects how the County has been far more affected by criminal alien incarceration costs than most state and local governments. It also illustrates why SCAAP is such a high Federal funding priority for the County.

Status

The Obama Administration has not yet released its FY 2010 budget requests for individual programs, such as SCAAP. Congress also has not yet begun action on the FY 2010 Commerce-Justice-Science Appropriations Bill, which would fund SCAAP and other Department of Justice programs.