



# BJA Bureau of Justice Assistance Fact Sheet

*Nancy E. Gist, Director*

## FY 1998 State Criminal Alien Assistance Program

The Bureau of Justice Assistance (BJA) provides Federal assistance to States and localities for the costs of incarcerating certain criminal aliens who are being held as a result of State and/or local charges or convictions. Aliens claimed must be convicted of either a felony or two misdemeanors that occurred prior to or resulted in the current custody. The program is authorized and governed by the provisions of the Immigration and Nationality Act of 1990, as amended, 8 U.S.C. 1251(i), originally enacted as section 20301 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

### Eligible Applicants

States and localities with correctional facilities that incarcerate or detain for 72 hours or longer persons accused or convicted of crimes are eligible to apply for State Criminal Alien Assistance Program (SCAAP) funds. The term "States and localities" encompasses the 50 States, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and nearly 3,000 counties and cities with jail facilities. These jurisdictions may apply for program funds or may, by formal delegation, allow their correctional agencies to apply directly for funding.

### Application and Award Process

Applicants must submit a one-page scannable application form that includes information on inmates claimed and costs incurred. The actual cost of incarceration for each inmate per day in the applicant's jurisdiction is reported as part of the formal application. Cost calculations are based on financial records kept by the jurisdiction and include overhead costs as well as costs directly associated with inmate upkeep. Only routine operating

expenditures may be included; capital expenditures and nonroutine costs must be excluded from the calculation. Applicants must also deduct any payments received from other jurisdictions to cover costs of housing inmates and should include any payments made to other jurisdictions to house their inmates.

The Immigration and Naturalization Service (INS), BJA's partner in SCAAP, is primarily responsible for verifying information on alien inmates to determine which inmates, whose records are submitted by applicants, qualify as undocumented criminal aliens. Applicants are requested to count every foreign-born inmate processed by their facilities during a specified 1-year reporting period. This method helps to identify individual aliens and develop better statistics on the number of aliens currently in State and local facilities. Information about inmates who are claimed as possible qualifying aliens, including length of stay, must be provided by applicants in a specified format that can be compared to INS records. Applicants will be given credit for a percentage of inmates whose eligibility cannot be determined through a positive match with INS records.

BJA provides applicants with a preprogrammed diskette for direct entry of inmate data. This system accommodates applicants with small inmate populations and applicants that are not fully automated. BJA also accepts data converted directly from applicants' automated record-keeping systems into the proper format for INS verification. This option is appropriate for applicants with large inmate populations and computerized systems.

An applicant's final claim for award is calculated by multiplying the number of days served by qualifying

aliens incarcerated in the applicant's facility (including a percentage of inmates not identified by INS matching procedures) by the applicant's actual average inmate cost per day. The sum of final claims for all applicants is divided into the available appropriation to determine a percentage payment on the dollar of each claim. Award amounts for each applicant are calculated based on that payment percentage. In prior years, payment percentages have ranged from 16 to 60 percent and, thus, should not be taken as any indicator of final award amounts.

BJA uses grants to make awards. Once the award has been accepted by the applicant, payment is made electronically. Award recipients may use SCAAP funds for any lawful purpose, including but not limited to reimbursement of correctional costs.

## Obtaining Applications and Technical Assistance

All eligible jurisdictions are directly notified of the availability of funds and application materials. A pre-paid postage card is provided by BJA to allow potential applicants to request the SCAAP Guidance and Application Kit. The kits are only mailed to applicants that have previously received SCAAP funds or that specifically request them, either by returning the postcard or by calling the U.S. Department of Justice Response

Center. The Response Center is tasked with the first-line response to all SCAAP inquiries; BJA program staff and data-information contractors act as backup for more complex or technical questions during the application period.

## Sources for Further Information

For more information about the State Criminal Alien Assistance Program, please contact:

**U.S. Department of Justice Response Center**  
1-800-421-6770 or 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

The SCAAP Guidance and Application Kit and other relevant information are available on the Internet via BJA's home page at <http://www.ojp.usdoj.gov/BJA>.

### Bureau of Justice Assistance Clearinghouse

P.O. Box 6000  
Rockville, MD 20849-6000  
1-800-688-4252

World Wide Web: <http://www.ncjrs.org>

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time.

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