

PRIORITY ENFORCEMENT PROGRAM

Why 'PEP' Doesn't Fix S-Comm's Failings

JUNE 2015

On November 20, 2014, President Obama announced executive actions to change some aspects of our immigration system. One of these announcements, outlined in a memo whose subject is "[Secure Communities](#),"¹ eliminated the widely discredited Secure Communities (S-Comm) program and replaced it with the Priority Enforcement Program (PEP).

We continue to learn more details about PEP, but what we already know raises serious concerns that PEP suffers from the same problems that led to S-Comm being terminated. Like S-Comm, PEP will result in the permanent separation of families through deportation and will threaten public safety by eroding trust between communities and the police.

S-Comm v. PEP

	S-Comm	Priority Enforcement Program (PEP)
Timeline	S-Comm began as a pilot program in 2008, with nationwide coverage as of January 22, 2013. Dept. of Homeland Security (DHS) Secretary Jeh Johnson terminated the program on November 20, 2014.	PEP is being rolled out as S-Comm's replacement. U.S. Immigration and Customs Enforcement (ICE) released a brochure on PEP ² and the two forms associated with PEP (I-247N , request of notification, ³ and the I-247D , request for detention ⁴) on June 12, 2015. ICE is currently training its officers on implementation of PEP.
Fingerprint Sharing	Begins with fingerprint information obtained when a person is booked into a state or local jail. The fingerprints are sent to DHS to be checked against immigration databases.	No change. (Fingerprints taken at booking will continue to be shared with DHS.)
ICE Request to State or Local Agency	If the submitted fingerprints match a record in the DHS databases, ICE may issue an immigration detainer . The detainer asks the state or local law enforcement agency to voluntarily continue to detain (hold) the person for a period not to exceed 48 hours after he or she would otherwise be released.	Generally, ICE will replace detainers (requests for detention) with requests for notification —a request that the local agency notify ICE of a pending release during the time the person is in custody under state or local authority—using Form I-247N. In "special circumstances," ICE may issue a request for detention using Form I-247D if the person has a final removal order or "there is other sufficient probable cause to find that the person is a removable alien" (but see concerns below about ICE's interpretation of "special circumstances").

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	S-Comm	Priority Enforcement Program (PEP)
Enforcement Priorities	ICE was instructed to prioritize enforcement according to a memo on prosecutorial discretion issued in 2011. ⁵ The memo lays out various factors to consider in deciding whether to pursue deportation and suggests that ICE focus resources on certain categories of people, including “known gang members” and people with a record of “illegal re-entry.”	A November 20, 2014, memo lays out the new enforcement priorities . ⁶ ICE should seek the transfer only of people who have been convicted of certain offenses, ⁷ or who have intentionally participated in an organized gang to further the illegal activities of the gang, or people whom ICE has found present a “demonstrable risk to national security.”

Concerns about PEP

Among other concerns that PEP raises, the form used to request detention (I-247D), like its predecessor detainer form, does not comply with the Fourth Amendment’s requirements, thus exposing local law enforcement agencies to legal liability. Moreover, PEP, like S-Comm before it, threatens to erode trust in local law enforcement, making all communities less safe.

PEP Is Too Broad

The “Secure Communities” memo says that ICE may seek the transfer into its custody of a person “otherwise determined [to be a priority] under the November 20, 2014” enforcement priorities memo, if the state or local agency agrees to “cooperate” with such a transfer.⁸ People deemed to be a priority under the memo include those who have not been convicted of a crime, such as people who entered the U.S. after January 1, 2014, without being inspected by an immigration officer. In addition, the memo does not define what it means to “cooperate” with the transfer. This opens the door for anti-immigrant jurisdictions to enter into agreements to transfer over to ICE anyone who might be an enforcement priority, regardless of whether that person has ever been convicted of a crime.

Constitutional Deficiencies

[Federal court decisions](#) have made it clear that detainer-based detentions by law enforcement agencies violate the Fourth Amendment and that an independent judicial finding of probable cause is constitutionally required every time ICE seeks to detain someone based on a detainer.⁹ The November 20, 2014, “Secure Communities” memo states that in “special circumstances” ICE may issue detainers asking a local law enforcement agency to hold a person.

However, nothing in the new detainer form institutes this limitation or requires ICE officers to justify the request for detention based on a “special circumstance.” The memo does not define “special circumstances,” nor does the new detainer form require a judicial determination of probable cause, leaving room for ICE to make subjective and overbroad determinations of what these circumstances might be. “Special circumstances” should be a standard above and beyond probable cause and should be limited to very rare exigent circumstances.

Further Entanglement of Local Law Enforcement with ICE

The [President's Task Force on 21st Century Policing](#) recently recommended that federal immigration enforcement be “decoupled” from local policing based on the recognition that involving local law enforcement in immigration enforcement lessens public safety and community well-being.¹⁰ Entanglement also destabilizes homes and communities: Notifying ICE of a person’s release date and home address facilitates the deportation of people who are integral to their families and communities.

Eroding Trust

Widely acknowledged effective policing practices are based on building trust between local police and immigrant communities. The increasing entanglement of local law enforcement with immigration enforcement has caused immigrant communities to perceive local police officers as immigration/deportation agents. A 2013 University of Illinois report surveying Latinos from various counties found that 70 percent of undocumented Latino immigrants and 28 percent of Latino U.S. citizens were less likely to contact the police if they were victims of a crime for fear that the responding officers would inquire about their immigration status or the immigration status of people they know.¹¹

Incentivizing Racial Profiling

Some local law enforcement officers could use the knowledge that anyone booked would have their fingerprints checked to target immigrants. This will incentivize racial profiling, as jurisdictions with a proven track record of engaging in racial profiling of immigrants feel emboldened to continue funneling people into the deportation system.

Advocacy Opportunities

There are multiple ways in which you can fight back against PEP.

Develop No-Notification Policies

Over [362](#) state, counties, and cities across the country have passed policies limiting local law enforcement compliance with detainer requests.¹² You can urge your local law enforcement agency to adopt a policy of refusing notification to ICE. Read our [“Defeating ICE Hold Requests”](#) to get ideas on how to launch a local campaign.¹³

Public Statements against PEP

Press releases, press conferences, petitions, sign-on letters, and public statements are ways to make your PEP-related demands public. These can come from directly impacted individuals, organizations, and other stakeholders in your area.

Federal Advocacy

You can urge your elected officials to express their opposition to PEP through statements and letters. They can also request that ICE make publicly available statistics about PEP’s implementation and urge ICE, at minimum, to adhere to local and state laws that limit the extent to which local jurisdictions and agencies may collaborate with ICE.

Track ICE's Actions and PEP Implementation

You can track the implementation of PEP in your area by requesting data from local law enforcement, meeting with local law enforcement, and documenting stories of people funneled from jails into the detention and deportation system. Gathering and publicizing information will create momentum for suspending or terminating PEP.

You should also track ICE's other actions. ICE has picked up people outside of jails, at their homes, and at courthouses. Identifying and stopping these actions through public pressure and campaigns is critical to ending the deportation of our communities' members.

¹ www.dhs.gov/sites/default/files/publications/14_1120_memo_secure_communities.pdf.

² www.catract.org/uploads/2/5/4/6/25464410/pep_brochure_june_2015_v4.1%5B1%5D.pdf.

³ www.catract.org/uploads/2/5/4/6/25464410/i-247n_request_for_notification_sample.pdf.

⁴ www.catract.org/uploads/2/5/4/6/25464410/i-247d_immigration_detainer_sample.pdf.

⁵ www.nilc.org/document.html?id=215.

⁶ www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion.pdf.

⁷ Those include: an offense for which an element was active participation in a criminal gang; an offense classified as a felony, other than a state or local offense for which an essential element was the individual's immigration status; an offense classified as an "aggravated felony" according to section 101(a)(43) of the Immigration and Nationality Act; conviction of three or more misdemeanors, other than minor traffic offenses or offenses for which an essential element was the individual's immigration status; and a conviction of a "significant misdemeanor" (defined in the memo).

⁸ "Nothing in this memorandum shall prevent ICE from seeking the transfer of an alien from a state or local law enforcement agency when ICE has otherwise determined that the alien is a priority under the November 20, 2014 Policies for the Apprehension, Detention and Removal of Undocumented Immigrants Memorandum and the state or locality agrees to cooperate with such transfer."

⁹ www.catract.org/uploads/2/5/4/6/25464410/galarza_third_circuit_decision.pdf.

¹⁰ www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf.

¹¹ www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF.

¹² www.ilrc.org/enforcement.

¹³ www.nilc.org/document.html?id=673.

**BUREAU OF JUSTICE ASSISTANCE
STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**

UPDATED REQUIREMENTS For Fiscal Year 2014

FBI Number

The Bureau of Justice Assistance is highly encouraging SCAAP applicants to include the FBI number for each inmate record submitted on the FY 2014 SCAAP application. The FBI number is one of several options that will help ensure that only eligible inmates are entered into the SCAAP application, as the FBI number is automatically assigned to each individual arrested and convicted of a felony or two misdemeanors. Per the SCAAP Program Guidelines, eligible inmates are defined as those who have one felony conviction or two misdemeanor convictions. In addition, the FBI number could help decrease the number of unknown inmate records paid each year with SCAAP funds.

PART I: SCAAP Guidelines

SCAAP Overview

The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers SCAAP, in conjunction with the U.S. Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period.

SCAAP Legislative Authority

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, Pub. L. 103-322. In general terms, if a chief executive officer of a state or a political subdivision exercises authority over the incarceration of undocumented criminal aliens and submits a written request to the U.S. Attorney General, the Attorney General may provide compensation to that jurisdiction for those incarceration costs. SCAAP is subject to additional terms and conditions of yearly congressional appropriations.

Eligible Applicants

States and local units of government that have authority over correctional facilities that incarcerate or detain undocumented criminal aliens for a minimum of 4 consecutive days are eligible to apply for SCAAP funds. States and local units of general government include the 50 state governments, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and the more than 3,000 counties and cities with correctional facilities.

Regional jails, special jail districts, or regional jail authorities and boards do not qualify as political subdivisions of a state for purposes of SCAAP, and therefore are not eligible to directly apply for SCAAP funds. Each unit of government that houses inmates at a regional facility must apply independently for SCAAP funds, based on its own costs of housing its undocumented aliens in the regional facility. Regional facilities may not submit SCAAP applications on behalf of jurisdictions in its service area, nor may a regional facility submit one application for all participating jurisdictions, using one jurisdiction's name as the recipient.

Authorized Officials

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.

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. Jurisdictions receiving SCAAP awards will be asked to report the projected use of these funds at the time the award is accepted.

Minimum Period of Incarceration

Only eligible persons who were incarcerated for 4 or more consecutive days between July 1, 2012 and June 30, 2013 may be included in the FY 2014 SCAAP application.

Multi-Jurisdictional Issues

- Eligible inmates housed in the applicant's facility exclusively on behalf of another jurisdiction may only be reported by the sending jurisdiction, regardless of whether the applicant received reimbursement for related incarceration costs.
- Unless otherwise covered by a cost reimbursement agreement, inmates who are ready for release once qualifying charges or convictions are concluded, and who are temporarily held in the applicant facility on the basis of outstanding warrants or detainers from other jurisdictions, including federal law enforcement agencies, are SCAAP eligible. The applicant jurisdiction may claim the total number of days the inmate was in custody, including the days the inmate was held on the detainers or outstanding warrants.
- Detention or incarceration days attributable to otherwise qualifying inmates held on federal charges, convictions, or detainers and covered by cost reimbursement agreements are not SCAAP eligible.
- Juveniles adjudicated delinquent, regardless of the charges or length of custody, are not SCAAP eligible. Only juvenile offenders who are convicted as adults and who meet the qualifying SCAAP criteria may be eligible.

Eligible Inmates

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 4 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 as undocumented, using due diligence.

The U.S. Department of Homeland Security will make the final determination on the status of submitted inmate records for undocumented alien purposes. Inmates may qualify for SCAAP purposes if they were:

- Persons who entered the U.S. without inspection or at any time or place other than as designated by the Attorney General.
- Persons in deportation or exclusion proceedings at the time they were taken into custody.
- Non-immigrants who failed to maintain their non-immigrant status at the time they were taken into custody.
- Certain Mariel Cubans who otherwise meet these requirements.

Total All Inmate Days

The "total all inmate days" is the cumulative number of incarceration or detention days attributable to *all* inmates housed in the jurisdiction's facilities during the reporting period. It includes all inmates, regardless of their status, citizenship, disposition, or length of stay, including inmates held at contract facilities. A jurisdiction can use the sum of all nightly, facility head counts for the 365 days in the reporting period.

EXAMPLE	TOTAL DAYS
A jurisdiction detained or incarcerated 400 inmates during the current reporting cycle. Each inmate was held for exactly 7 days.	2,800 (400 inmates x 7 days)

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. All pre-trial and post conviction time served from July 1, 2012 through June 30, 2013 may be reported to BJA.

EXAMPLES	REPORTABLE DAYS
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. All 80 days occurred during the reporting period.	80
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. The 20 pretrial detention days and 40 of the sentenced days occurred in the reporting period; the remaining 20 days were served after June 30, 2013.	60
An alien was convicted of a felony several years ago and is being held in pretrial detention on new charges. As this alien already qualifies based on the prior felony conviction, once he meets the minimum of 4 consecutive days in custody during the reporting period, the pretrial days may be reported to BJA, regardless of the outcome of the pending charges.	<i>As calculated</i>
An alien was convicted of a second misdemeanor and served 3 consecutive days as of June 30, 2013, and 20 additional days after June 30, 2013. This inmate cannot be reported for FY 2014, but will qualify for FY 2015. <i>NOTE: The first 3 days of the sentence are not reportable, regardless of what occurs with this inmate in the future.</i>	0

Required Inmate Data Format

The detailed inmate file reflects the jurisdiction's good faith and due diligence efforts to identify and list undocumented criminal aliens housed in its correctional facilities. Required inmate data elements include the A-Number, if known; last, middle, and first names; date of birth; unique inmate number assigned by the applicant jurisdiction; foreign country of birth; date taken into custody; date released from custody; and the Federal Bureau of Investigation (FBI) number, if known.

For inmates with aliases or multiple periods of incarceration: Creating a separate and distinct inmate record for each qualifying period of incarceration may include eligible inmates incarcerated more than once during the reporting period. Similarly, inmates with known aliases may be reported by creating a separate and distinct inmate record for each name. The same unique inmate identification number must be used for all records associated with a single inmate, regardless of the name under which the inmate was incarcerated. Applications submitted without complete facility data and inmate records will not be considered for SCAAP funding.

Country of Birth Codes

Generally, a person born in the U.S. or a U.S. territory is a U.S. citizen and should not be reported. Any submitted inmate record that includes a country code not on the official ICE country codes list will be rejected. Any record with an official country code that does not specifically represent a foreign country (unknown) will only be considered in the award calculation if determined the inmate is undocumented or otherwise qualifies. If the country provided by the inmate is not on the official ICE country codes list, a country with close geographic proximity should be selected.

Alternatives to Traditional Incarceration

Inmates are not eligible if they served their incarceration incrementally, such as through weekend incarcerations that enabled them to maintain employment. Qualifying periods of incarceration must occur consecutively over the course of 4 or more days.

Parole and Probation Violators

Eligible inmates on parole or probation from qualifying convictions who are subsequently returned to the custody of a state or local correctional facility may be eligible.

Correctional Officers

Correctional officers include employees, officers, and contractual staff whose primary responsibility is the control, custody, or supervision of persons detained and incarcerated, including correctional officers, deputy sheriffs, correctional/jail supervisors, shift commanders, chiefs of security, assistant wardens, and wardens. Transportation officers and others providing control, custody, or supervision of inmates who are temporarily outside the maintaining facility are also eligible. Employees, officers, and contractual staff whose primary responsibility is providing noncustody services to the facility or its inmate population are not SCAAP eligible, including office and secretarial support, administrative, housekeeping, maintenance, food, health, education, training, vocational, counseling, and medical staff. Staff who function independently or outside the correctional facility, including parole and probation agents, hearing officers, court commissioners, judicial, prosecutorial, and public defenders, warrant and apprehension units, and others are not eligible.

Correctional Officer Salary Calculation

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. The reported sum should total the jurisdiction's actual salary expenditures for the reporting period, not an estimate or average. Correctional officer salary costs may include premium pay for specialized service, shift differential pay, and fixed-pay increases for time in service. It may also include overtime required by negotiated contract, statute, or regulation such as union agreements, contractual obligations, and required post staffing minimums. Benefits should not be included in the provided salary costs.

Per Diem Costs

Per diem cost is calculated by the SCAAP system, dividing the jurisdiction's "total all inmate days" into the "total correctional officer salary costs." During the FY 2013 reporting period, jurisdictions reported an average per diem cost of \$31.97. BJA may require documentation to validate per diem costs or impose limits on the costs.

SCAAP Award Calculation

Once SCAAP data has been validated and analyzed, applicants will receive e-mail notification that awards are ready for online acceptance and drawdown. Formal acceptance of an award via GMS is necessary for the electronic transfer of funds into the applicant's bank account of record. Applicants have 45 calendar days to accept awards through GMS once notice is provided. SCAAP payments must go to the jurisdictions' general fund.

Payment Formula

The following provides an overview of the method used to calculate SCAAP payments

1. Using financial data from applicants, a per diem rate is calculated for each jurisdiction. For FY 2013 the average per diem rate was \$31.97 per inmate.
2. Inmate data is provided to the U.S. Department of Homeland Security to validate inmate data for eligible and invalid records.
3. Each jurisdiction's total eligible inmate days are totaled then multiplied by the applicant's per diem rate to derive the total correctional officer salary costs for eligible inmate days.
4. The value of each applicant's correctional officer salary costs associated with its eligible inmate days are totaled. This total value reflects the maximum amount for SCAAP reimbursement. A percentage factor is used to reflect the relationship between the maximum reimbursable salary costs and the appropriation. For FY 2013, this factor was approximately 19 percent.

Variations

A variance will exist between the total salary costs reported by a jurisdiction and the final SCAAP payment amount, due to adjustments for ineligible or invalid inmate records and the annual appropriation. Both the SCAAP system and BJA check for variances from prior year submissions for correctional officer staffing and salary levels, total bed count, and number of total inmate days.

PART II: Applying for FY 2014 SCAAP Funds

FY 2014 Reporting Period

The FY 2014 SCAAP reporting period is from July 1, 2012 through June 30, 2013.

FY 2014 Registration and Application Deadlines

Applications will be accepted through the online Grants Management System (GMS) beginning April 1, 2014, and ending at 6:00 p.m. e.d.t. on May 13, 2014.

The deadline for submitting *all* completed SCAAP applications is, **May 13, 2014 at 6:00 p.m. (e.d.t.)**.

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 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.

GMS Application Process

The SCAAP Catalog of Federal Domestic Assistance (CFDA) number is 16.606.

For questions or concerns at any point in the GMS process, call the SCAAP Help Desk at 1-202-353-4411.

1. Access GMS at <https://grants.ojp.usdoj.gov>.
2. If you already have a GMS user ID, proceed to the GMS sign in. Even if your organization already has a user ID, you will not be considered registered for the solicitation until you have signed on to GMS and entered the appropriate solicitation.
3. If you do not have a GMS user ID, select "New User? Register Here." After you have completed all of the required information, click "Create Account" at the bottom of the page and to note your user ID and password, which are case sensitive. Within a few days, BJA will send an e-mail confirmation to newly registered applicants that their user ID and password have been approved and they are eligible to submit an application.
4. Beginning October 1, 2003, a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number must be included in every application for a new award or renewal of an award. The DUNS number will be required whether an applicant is submitting an application on paper, through OJP's Grants Management System, or using the government-wide electronic portal (Grants.gov). An application will not be considered complete until the applicant provides a valid DUNS number.

Organizations should verify that they have a DUNS number or take the steps necessary to obtain one as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-800-333-0505.

5. After you have logged onto the system using your user ID and password, click on "Funding Opportunities." Additionally, click on 'A-Z' for more search functions.
6. Select the "Bureau of Justice Assistance" from the drop-down list and click "Search." This will narrow the list of solicitations within the Office of Justice Programs to those in BJA.
7. From the list of BJA grants, find "State Criminal Alien Assistance Program" and click "Apply Online."
8. Confirm that your organization is eligible to apply for this program by reading the text on the screen. If eligible, proceed by clicking "Continue."
9. Once you have reached this point, you are considered successfully registered.

Online Inmate Data Reporting Process

Select the file upload process below that best meets your needs. While you may change the method prior to submitting the completed application to BJA, note that *the change from one process to another will overwrite and delete all previous inmate record submissions.*

- **Direct File Upload:** The direct file upload function allows you to submit inmate database records in a single ASCII-formatted file directly into GMS. File uploads must contain the mandatory data fields in the required format. File uploads that do not include the necessary information will be considered incomplete and not eligible SCAAP funding. The SCAAP system provides you with an opportunity to correct files or add missing data prior to finalizing the application.
- **Direct Data Entry:** The direct data entry function allows you to manually enter inmate data directly into an online inmate data template, instead of creating a separate ASCII file. This approach may be best suited for jurisdictions with smaller facilities or small criminal alien populations. Drop-down menus are provided for selecting incarceration dates, date of birth, and country of birth (complete country names are listed).

During the file upload process, a red flashing bar will appear at the bottom of the applicant screen. This bar will continue to flash until the inmate file upload is complete. Upon completion of the inmate file upload, SCAAP GMS will provide the applicant with a "File Upload Status Report." This report will list the number of inmate records in the upload and the number of inmate records that are complete. In addition, the report will provide a detailed list of inmate records (by file number) that are incomplete or have data format errors and the nature of the error. Print this file upload status report for your records. If during the file upload process, your Internet browser times out or is disconnected, your inmate file upload may not be complete. It is important that you check the "File Upload Status Report" and verify that all of your inmate records have been uploaded.

When initiating a file upload, there is an approximate 10 second start-up delay. Once the file upload has actually begun, the estimated times for file uploads: 300 inmate records = less than 1 minute; 7,800 inmate records = 3 minutes; 54,600 inmate records = 15 minutes.

Technical System Requirements

Internet access is required to apply for SCAAP funding. Generally, Netscape Communicator 4.7 and Internet Explorer 5.5 are the earliest versions of the respective Internet browsers that may be used for successful SCAAP application system access. Contact your agency network administrator to determine if an internal firewall or agency Internet security system may be preventing direct access to the application system, or contact the GMS Help Desk for information regarding correct port settings. If you are a prior SCAAP user, the browser bookmark may not work properly and an attempt to access the SCAAP application site may generate a message advising that the "page cannot be displayed." Delete the bookmark and manually type the URL into the browser address line.

Internet User Accounts

Government officials from the applying jurisdictions must establish the OJP GMS user accounts for SCAAP. Non-government officials may not establish user accounts on behalf of applying jurisdictions. When establishing

a user account, sheriffs or chiefs of police are not considered CEOs, but they may serve as the contact persons establishing the SCAAP user accounts on behalf of the CEOs. All applications must be filed in the name of the state or unit of government and must include the jurisdiction's CEO's name, official title, and e-mail address.

Application Resubmissions

BJA may return a submitted application with incomplete or inaccurate data to the applicant for corrections, and will notify both the CEO and the SCAAP contact, via the e-mail address of record, that their application needs to be corrected and resubmitted by a certain date to be considered for SCAAP funding.

**BUREAU OF JUSTICE ASSISTANCE
STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**

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Eligible Inmates

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 4 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 as undocumented, using due diligence.

The U.S. Department of Homeland Security will make the final determination on the status of submitted inmate records for undocumented alien purposes. Inmates may qualify for SCAAP purposes if they were:

- Persons who entered the U.S. without inspection or at any time or place other than as designated by the Attorney General.
- Persons in deportation or exclusion proceedings at the time they were taken into custody.
- Non-immigrants who failed to maintain their non-immigrant status at the time they were taken into custody.
- Certain Mariel Cubans who otherwise meet these requirements.

Total All Inmate Days

The “total all inmate days” is the cumulative number of incarceration or detention days attributable to *all* inmates housed in the jurisdiction’s facilities during the reporting period. It includes all inmates, regardless of their status, citizenship, disposition, or length of stay, including inmates held at contract facilities. A jurisdiction can use the sum of all nightly, facility head counts for the 365 days in the reporting period.

EXAMPLE	TOTAL DAYS
A jurisdiction detained or incarcerated 400 inmates during the current reporting cycle. Each inmate was held for exactly 7 days.	2,800 (400 inmates x 7 days)

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. All pre-trial and post-conviction time served from July 1, 2013 through June 30, 2014 may be reported to BJA.

EXAMPLES	REPORTABLE DAYS
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. All 80 days occurred during the reporting period.	80
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. The 20 pretrial detention days and 40 of the sentenced days occurred in the reporting period; the remaining 20 days were served after June 30, 2014.	60
An alien was convicted of a felony several years ago and is being held in pretrial detention on new charges. As this alien already qualifies based on the prior felony conviction, once he meets the minimum of 4 consecutive days in custody during the reporting period, the pretrial days may be reported to BJA, regardless of the outcome of the pending charges.	<i>As calculated</i>
An alien was convicted of a second misdemeanor and served 3 consecutive days as of June 30, 2014, and 20 additional days after June 30, 2014. This inmate cannot be reported for FY 2015, but will qualify for FY 2016. <i>NOTE: The first 3 days of the sentence are not reportable, regardless of what occurs with this inmate in the future.</i>	0

Required Inmate Data Format

The detailed inmate file reflects the jurisdiction's good faith and due diligence efforts to identify and list undocumented criminal aliens housed in its correctional facilities. Required inmate data elements include the A-Number, if known; last, middle, and first names; date of birth; unique inmate number assigned by the applicant jurisdiction; foreign country of birth; date taken into custody; date released from custody; and the Federal Bureau of Investigation (FBI) number, if known.

For inmates with aliases or multiple periods of incarceration: Creating a separate and distinct inmate record for each qualifying period of incarceration may include eligible inmates incarcerated more than once during the reporting period. Similarly, inmates with known aliases may be reported by creating a separate and distinct inmate record for each name. The same unique inmate identification number must be used for all records associated with a single inmate, regardless of the name under which the inmate was incarcerated. Applications submitted without complete facility data and inmate records will not be considered for SCAAP funding.

FBI Number

The Bureau of Justice Assistance continues to encourage SCAAP applicants to include the FBI number for each inmate record submitted on the FY 2015 SCAAP application. The FBI number is one of several options that will help ensure that only eligible inmates are entered into the SCAAP application, as the FBI number is automatically assigned to each individual arrested and convicted of a felony or two misdemeanors. Per the SCAAP Program Guidelines, eligible inmates are defined as those who have one felony conviction or two misdemeanor convictions. In addition, the FBI number could help decrease the number of unknown inmate records paid each year with SCAAP funds.

Country of Birth Codes

Generally, a person born in the U.S. or a U.S. territory is a U.S. citizen and should not be reported. Any submitted inmate record that includes a country code not on the official ICE country codes list will be rejected. Any record with an official country code that does not specifically represent a foreign country (unknown) will only be considered in the award calculation if determined the inmate is undocumented or otherwise qualifies. If the country provided by the inmate is not on the official ICE country codes list, a country with close geographic proximity should be selected.

Alternatives to Traditional Incarceration

Inmates are not eligible if they served their incarceration incrementally, such as through weekend incarcerations that enabled them to maintain employment. Qualifying periods of incarceration must occur consecutively over the course of 4 or more days.

Parole and Probation Violators

Eligible inmates on parole or probation from qualifying convictions who are subsequently returned to the custody of a state or local correctional facility may be eligible.

Correctional Officers

Correctional officers include employees, officers, and contractual staff whose primary responsibility is the control, custody, or supervision of persons detained and incarcerated, including correctional officers, deputy sheriffs, correctional/jail supervisors, shift commanders, chiefs of security, assistant wardens, and wardens. Transportation officers and others providing control, custody, or supervision of inmates who are temporarily outside the maintaining facility are also eligible. Employees, officers, and contractual staff whose primary responsibility is providing non-custody services to the facility or its inmate population are not SCAAP eligible, including office and secretarial support, administrative, housekeeping, maintenance, food, health, education, training, vocational, counseling, and medical staff. Staff who function independently or outside the correctional facility, including parole and probation agents, hearing officers, court commissioners, judicial, prosecutorial, and public defenders, warrant and apprehension units, and others are not eligible.

Correctional Officer Salary Calculation

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. The reported sum should total the jurisdiction's actual salary expenditures for the reporting period, not an estimate or average. Correctional officer salary costs may include premium pay for specialized service, shift differential pay, and fixed-pay increases for time in service. It may also include overtime required by negotiated contract, statute, or regulation such as union agreements, contractual obligations, and required post staffing minimums. Benefits should not be included in the provided salary costs.

Per Diem Costs

Per diem cost is calculated by the SCAAP system, dividing the jurisdiction's "total all inmate days" into the "total correctional officer salary costs." During the FY 2014 reporting period, jurisdictions reported an average per diem cost of \$41.26. BJA may require documentation to validate per diem costs or impose limits on the costs.

SCAAP Award Calculation

Once SCAAP data has been validated and analyzed, applicants will receive e-mail notification that awards are ready for online acceptance and drawdown. Formal acceptance of an award via GMS is necessary for the electronic transfer of funds into the applicant's bank account of record. Applicants have 45 calendar days to accept awards through GMS once notice is provided. SCAAP payments must go to the jurisdictions' general fund.

Payment Formula

The following provides an overview of the method used to calculate SCAAP payments

1. Using financial data from applicants, a per diem rate is calculated for each jurisdiction. For FY 2014 the average per diem rate was \$41.26 per inmate.
2. Inmate data is provided to the U.S. Department of Homeland Security to validate inmate data for eligible and invalid records.
3. Each jurisdiction's total eligible inmate days are totaled then multiplied by the applicant's per diem rate to derive the total correctional officer salary costs for eligible inmate days.
4. The value of each applicant's correctional officer salary costs associated with its eligible inmate days are totaled. This total value reflects the maximum amount for SCAAP reimbursement. A percentage factor is used to reflect the relationship between the maximum reimbursable salary costs and the appropriation. For FY 2014, this factor was approximately 15 percent.

VariANCES

A variance will exist between the total salary costs reported by a jurisdiction and the final SCAAP payment amount, due to adjustments for ineligible or invalid inmate records and the annual appropriation. Both the SCAAP system and BJA check for variances from prior year submissions for correctional officer staffing and salary levels, total bed count, and number of total inmate days.

PART II: Applying for FY 2015 SCAAP Funds

FY 2015 Reporting Period

The FY 2015 SCAAP reporting period is from July 1, 2013 through June 30, 2014.

FY 2015 Registration and Application Deadlines

Applications will be accepted through the online Grants Management System (GMS) beginning March 5, 2015, and ending at 6:00 p.m. e.d.t. on April 20, 2015.

The deadline for submitting *all* completed SCAAP applications is, **April 20, 2015 at 6:00 p.m. (e.d.t.)**.

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 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.

GMS Application Process

The SCAAP Catalog of Federal Domestic Assistance (CFDA) number is 16.606.

For questions or concerns at any point in the GMS process, call the SCAAP Help Desk at 1-202-353-4411.

1. Access GMS at <https://grants.ojp.usdoj.gov>.
2. If you already have a GMS user ID, proceed to the GMS sign in. Even if your organization already has a user ID, you will not be considered registered for the solicitation until you have signed on to GMS and entered the appropriate solicitation.
3. If you do not have a GMS user ID, select "New User? Register Here." After you have completed all of the required information, click "Create Account" at the bottom of the page and to note your user ID and password, which are case sensitive. Within a few days, BJA will send an e-mail confirmation to newly registered applicants that their user ID and password have been approved and they are eligible to submit an application.
4. Beginning October 1, 2003, a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number must be included in every application for a new award or renewal of an award. The DUNS number will be required whether an applicant is submitting an application on paper, through OJP's Grants Management System, or using the government-wide electronic portal (Grants.gov). An application will not be considered complete until the applicant provides a valid DUNS number.

Organizations should verify that they have a DUNS number or take the steps necessary to obtain one as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-800-333-0505.

5. After you have logged onto the system using your user ID and password, click on "Funding Opportunities." Additionally, click on 'A-Z' for more search functions.
6. Select the "Bureau of Justice Assistance" from the drop-down list and click "Search." This will narrow the list of solicitations within the Office of Justice Programs to those in BJA.
7. From the list of BJA grants, find "State Criminal Alien Assistance Program" and click "Apply Online."
8. Confirm that your organization is eligible to apply for this program by reading the text on the screen. If eligible, proceed by clicking "Continue."

9. Once you have reached this point, you are considered successfully registered.

Online Inmate Data Reporting Process

Select the file upload process below that best meets your needs. While you may change the method prior to submitting the completed application to BJA, note that *the change from one process to another will overwrite and delete all previous inmate record submissions.*

- **Direct File Upload:** The direct file upload function allows you to submit inmate database records in a single ASCII-formatted file directly into GMS. File uploads must contain the mandatory data fields in the required format. File uploads that do not include the necessary information will be considered incomplete and not eligible SCAAP funding. The SCAAP system provides you with an opportunity to correct files or add missing data prior to finalizing the application.
- **Direct Data Entry:** The direct data entry function allows you to manually enter inmate data directly into an online inmate data template, instead of creating a separate ASCII file. This approach may be best suited for jurisdictions with smaller facilities or small criminal alien populations. Drop-down menus are provided for selecting incarceration dates, date of birth, and country of birth (complete country names are listed).

During the file upload process, a red flashing bar will appear at the bottom of the applicant screen. This bar will continue to flash until the inmate file upload is complete. Upon completion of the inmate file upload, SCAAP GMS will provide the applicant with a "File Upload Status Report." This report will list the number of inmate records in the upload and the number of inmate records that are complete. In addition, the report will provide a detailed list of inmate records (by file number) that are incomplete or have data format errors and the nature of the error. Print this file upload status report for your records. If during the file upload process, your Internet browser times out or is disconnected, your inmate file upload may not be complete. It is important that you check the "File Upload Status Report" and verify that all of your inmate records have been uploaded.

When initiating a file upload, there is an approximate 10 second start-up delay. Once the file upload has actually begun, the estimated times for file uploads: 300 inmate records = less than 1 minute; 7,800 inmate records = 3 minutes; 54,600 inmate records = 15 minutes.

Technical System Requirements

Internet access is required to apply for SCAAP funding. Generally, Netscape Communicator 4.7 and Internet Explorer 5.5 are the earliest versions of the respective Internet browsers that may be used for successful SCAAP application system access. Contact your agency network administrator to determine if an internal firewall or agency Internet security system may be preventing direct access to the application system, or contact the GMS Help Desk for information regarding correct port settings. If you are a prior SCAAP user, the browser bookmark may not work properly and an attempt to access the SCAAP application site may generate a message advising that the "page cannot be displayed." Delete the bookmark and manually type the URL into the browser address line.

Internet User Accounts

Government officials from the applying jurisdictions must establish the OJP GMS user accounts for SCAAP. Non-government officials may not establish user accounts on behalf of applying jurisdictions. When establishing a user account, sheriffs or chiefs of police are not considered CEOs, but they may serve as the contact persons establishing the SCAAP user accounts on behalf of the CEOs. All applications must be filed in the name of the state or unit of government and must include the jurisdiction's CEO's name, official title, and e-mail address.

Application Resubmissions

BJA may return a submitted application with incomplete or inaccurate data to the applicant for corrections, and will notify both the CEO and the SCAAP contact, via the e-mail address of record, that their application needs to be corrected and resubmitted by a certain date to be considered for SCAAP funding.

**BUREAU OF JUSTICE ASSISTANCE
STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**

PART I: SCAAP Guidelines

SCAAP Overview

The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers SCAAP, in conjunction with the U.S. Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the reporting period.

SCAAP Legislative Authority

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, Pub. L. 103-322. In general terms, if a chief executive officer of a state or a political subdivision exercises authority over the incarceration of undocumented criminal aliens and submits a written request to the U.S. Attorney General, the Attorney General may provide compensation to that jurisdiction for those incarceration costs. SCAAP is subject to additional terms and conditions of yearly congressional appropriations.

Eligible Applicants

States and local units of government that have authority over correctional facilities that incarcerate or detain undocumented criminal aliens for a minimum of 4 consecutive days are eligible to apply for SCAAP funds. States and local units of general government include the 50 state governments, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and the more than 3,000 counties and cities with correctional facilities.

Regional jails, special jail districts, or regional jail authorities and boards do not qualify as political subdivisions of a state for purposes of SCAAP, and therefore are not eligible to directly apply for SCAAP funds. Each unit of government that houses inmates at a regional facility must apply independently for SCAAP funds, based on its own costs of housing its undocumented aliens in the regional facility. Regional facilities may not submit SCAAP applications on behalf of jurisdictions in its service area, nor may a regional facility submit one application for all participating jurisdictions, using one jurisdiction's name as the recipient.

Authorized Officials

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.

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. Jurisdictions receiving SCAAP awards will be asked to report the projected use of these funds at the time the award is accepted.

Minimum Period of Incarceration

Only eligible persons who were incarcerated for 4 or more consecutive days between July 1, 2014 and June 30, 2015 may be included in the FY 2016 SCAAP application.

Multi-Jurisdictional Issues

- Eligible inmates housed in the applicant’s facility exclusively on behalf of another jurisdiction may only be reported by the sending jurisdiction, regardless of whether the applicant received reimbursement for related incarceration costs.
- Unless otherwise covered by a cost reimbursement agreement, inmates who are ready for release once qualifying charges or convictions are concluded, and who are temporarily held in the applicant facility on the basis of outstanding warrants or detainers from other jurisdictions, including federal law enforcement agencies, are SCAAP eligible. The applicant jurisdiction may claim the total number of days the inmate was in custody, including the days the inmate was held on the detainers or outstanding warrants.
- Detention or incarceration days attributable to otherwise qualifying inmates held on federal charges, convictions, or detainers and covered by cost reimbursement agreements are not SCAAP eligible.
- Juveniles adjudicated delinquent, regardless of the charges or length of custody, are not SCAAP eligible. Only juvenile offenders who are convicted as adults and who meet the qualifying SCAAP criteria may be eligible.

Eligible Inmates

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 4 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 as undocumented, using due diligence.

The U.S. Department of Homeland Security will make the final determination on the status of submitted inmate records for undocumented alien purposes. Inmates may qualify for SCAAP purposes if they were:

- Persons who entered the U.S. without inspection or at any time or place other than as designated by the Attorney General.
- Persons in deportation or exclusion proceedings at the time they were taken into custody.
- Non-immigrants who failed to maintain their non-immigrant status at the time they were taken into custody.
- Certain Mariel Cubans who otherwise meet these requirements.

Total All Inmate Days

The “total all inmate days” is the cumulative number of incarceration or detention days attributable to *all* inmates housed in the jurisdiction’s facilities during the reporting period. It includes all inmates, regardless of their status, citizenship, disposition, or length of stay, including inmates held at contract facilities. A jurisdiction can use the sum of all nightly, facility head counts for the 365 days in the reporting period.

EXAMPLE	TOTAL DAYS
A jurisdiction detained or incarcerated 400 inmates during the current reporting cycle. Each inmate was held for exactly 7 days.	2,800 (400 inmates x 7 days)

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. All pre-trial and post conviction time served from July 1, 2014 through June 30, 2015 may be reported to BJA.

EXAMPLES	REPORTABLE DAYS
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. All 80 days occurred during the reporting period.	80
An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days from the conviction. The 20 pretrial detention days and 40 of the sentenced days occurred in the reporting period; the remaining 20 days were served after June 30, 2015.	60
An alien was convicted of a felony several years ago and is being held in pretrial detention on new charges. As this alien already qualifies based on the prior felony conviction, once he meets the minimum of 4 consecutive days in custody during the reporting period, the pretrial days may be reported to BJA, regardless of the outcome of the pending charges.	<i>As calculated</i>
An alien was convicted of a second misdemeanor and served 3 consecutive days as of June 30, 2015, and 20 additional days after June 30, 2015. This inmate cannot be reported for FY 2016, but will qualify for FY 2017. <i>NOTE: The first 3 days of the sentence are not reportable, regardless of what occurs with this inmate in the future.</i>	0

Required Inmate Data Format

The detailed inmate file reflects the jurisdiction's good faith and due diligence efforts to identify and list undocumented criminal aliens housed in its correctional facilities. Required inmate data elements include the A-Number, if known; last, middle, and first names; date of birth; unique inmate number assigned by the applicant jurisdiction; foreign country of birth; date taken into custody; date released from custody; and the Federal Bureau of Investigation (FBI) number, if known.

For inmates with aliases or multiple periods of incarceration: Creating a separate and distinct inmate record for each qualifying period of incarceration may include eligible inmates incarcerated more than once during the reporting period. Similarly, inmates with known aliases may be reported by creating a separate and distinct inmate record for each name. The same unique inmate identification number must be used for all records associated with a single inmate, regardless of the name under which the inmate was incarcerated. Applications submitted without complete facility data and inmate records will not be considered for SCAAP funding.

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The Bureau of Justice Assistance continues to encourage SCAAP applicants to include the FBI number for each inmate record submitted on the FY 2015 SCAAP application. The FBI number is one of several options that will help ensure that only eligible inmates are entered into the SCAAP application, as the FBI number is automatically assigned to each individual arrested and convicted of a felony or two misdemeanors. Per the SCAAP Program Guidelines, eligible inmates are defined as those who have one felony conviction or two misdemeanor convictions. In addition, the FBI number could help decrease the number of unknown inmate records paid each year with SCAAP funds.

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Inmates are not eligible if they served their incarceration incrementally, such as through weekend incarcerations that enabled them to maintain employment. Qualifying periods of incarceration must occur consecutively over the course of 4 or more days.

Parole and Probation Violators

Eligible inmates on parole or probation from qualifying convictions who are subsequently returned to the custody of a state or local correctional facility may be eligible.

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Correctional officers include employees, officers, and contractual staff whose primary responsibility is the control, custody, or supervision of persons detained and incarcerated, including correctional officers, deputy sheriffs, correctional/jail supervisors, shift commanders, chiefs of security, assistant wardens, and wardens. Transportation officers and others providing control, custody, or supervision of inmates who are temporarily outside the maintaining facility are also eligible. Employees, officers, and contractual staff whose primary responsibility is providing noncustody services to the facility or its inmate population are not SCAAP eligible, including office and secretarial support, administrative, housekeeping, maintenance, food, health, education, training, vocational, counseling, and medical staff. Staff who function independently or outside the correctional facility, including parole and probation agents, hearing officers, court commissioners, judicial, prosecutorial, and public defenders, warrant and apprehension units, and others are not eligible.

Correctional Officer Salary Calculation

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. The reported sum should total the jurisdiction's actual salary expenditures for the reporting period, not an estimate or average. Correctional officer salary costs may include premium pay for specialized service, shift differential pay, and fixed-pay increases for time in service. It may also include overtime required by negotiated contract, statute, or regulation such as union agreements, contractual obligations, and required post staffing minimums. Benefits should not be included in the provided salary costs.

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Payment Formula

The following provides an overview of the method used to calculate SCAAP payments

1. Using financial data from applicants, a per diem rate is calculated for each jurisdiction. For FY 2015 the average per diem rate was \$41.70 per inmate.
2. Inmate data is provided to the U.S. Department of Homeland Security to validate inmate data for eligible and invalid records.
3. Each jurisdiction's total eligible inmate days are totaled then multiplied by the applicant's per diem rate to derive the total correctional officer salary costs for eligible inmate days.
4. The value of each applicant's correctional officer salary costs associated with its eligible inmate days are totaled. This total value reflects the maximum amount for SCAAP reimbursement. A percentage factor is

used to reflect the relationship between the maximum reimbursable salary costs and the appropriation. For FY 2015, this factor was approximately 15 percent.

Variations

A variance will exist between the total salary costs reported by a jurisdiction and the final SCAAP payment amount, due to adjustments for ineligible or invalid inmate records and the annual appropriation. Both the SCAAP system and BJA check for variances from prior year submissions for correctional officer staffing and salary levels, total bed count, and number of total inmate days.

PART II: Applying for FY 2016 SCAAP Funds

FY 2016 Reporting Period

The FY 2016 SCAAP reporting period is from July 1, 2014 through June 30, 2015.

FY 2016 Registration and Application Deadlines

Applications will be accepted through the online Grants Management System (GMS) beginning March 2, 2016, and ending at 6:00 p.m. e.d.t. on April 13, 2016.

The deadline for submitting *all* completed SCAAP applications is, **April 13, 2016 at 6:00 p.m. (e.d.t.)**.

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 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.

GMS Application Process

The SCAAP Catalog of Federal Domestic Assistance (CFDA) number is 16.606.

For questions or concerns at any point in the GMS process, call the SCAAP Help Desk at 1-202-353-4411.

1. Access GMS at <https://grants.ojp.usdoj.gov>.
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Internet access is required to apply for SCAAP funding. Generally, Netscape Communicator 4.7 and Internet Explorer 5.5 are the earliest versions of the respective Internet browsers that may be used for successful SCAAP application system access. Contact your agency network administrator to determine if an internal firewall or agency Internet security system may be preventing direct access to the application system, or contact the GMS Help Desk for information regarding correct port settings. If you are a prior SCAAP user, the browser bookmark may not work properly and an attempt to access the SCAAP application site may generate a message advising that the "page cannot be displayed." Delete the bookmark and manually type the URL into the browser address line.

Internet User Accounts

Government officials from the applying jurisdictions must establish the OJP GMS user accounts for SCAAP. Non-government officials may not establish user accounts on behalf of applying jurisdictions. When establishing a user account, sheriffs or chiefs of police are not considered CEOs, but they may serve as the contact persons establishing the SCAAP user accounts on behalf of the CEOs. All applications must be filed in the name of the state or unit of government and must include the jurisdiction's CEO's name, official title, and e-mail address.

Application Resubmissions

BJA may return a submitted application with incomplete or inaccurate data to the applicant for corrections, and will notify both the CEO and the SCAAP contact, via the e-mail address of record, that their application needs to be corrected and resubmitted by a certain date to be considered for SCAAP funding.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTURO MERCADO, PABLO
CARRANZA, SERGIO DIAZ, JOSE
ARTURO GALVAN RESENDIZ, JOSE
GUTIERREZ, HEYDY JARQUIN
JIMENEZ, JOSE LOPEZ-ARANDA,
MOISES MARTINEZ, JAVIER
NAVARRETE, EFREN PEREZ
VILLEGAS, MIGUEL RODRIGUEZ,
ELEAZAR SAAVEDRA, ANDRES
TORRES CABRERA, MOISES VEGA
COSTILLA, MARIO GARIBALDI,
RODOLFO MARMOLEJO, RICARDO
GARZA, CARLOS ALVAREZ
CASTRO, JEREMIAS CHEVEZ,
MIGUEL FLORES, FELIPE
GONZALEZ LUJAN, LUIS
HERNANDEZ, and JOSE
VALENCIANO,

Plaintiffs,

v.

DALLAS COUNTY, TEXAS,

Defendant.

No. 3:15-CV-3841-D
(consolidated with No. 3:15-CV-4008-D)

JURY TRIAL DEMANDED

Declaration of Hon. Michael Snipes

1. My name is Michael Snipes. I am over the age of twenty-one and have never been convicted of any felony. I have personal knowledge of the following facts and statements in this declaration and, if called as a witness, I could and would testify competently thereto.

2. I have personal experience with the criminal-justice system in Dallas County in 2014 and 2015. In particular, between January 1, 2007 until December 31, 2014, I served as The Judge of Criminal District Court Seven (7). In that role, my responsibilities included presiding over all cases in that Court. My statements below are based on my expe-

rience with the criminal-justice system in Dallas County between 2007 and 2014.

3. Through my experience with the Dallas County criminal-justice system, I learned that U.S. Immigrations and Customs Enforcement (ICE) will serve forms called “detainers” on Dallas County.

4. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County places “immigration holds” on detainees that are subject to an ICE detainer.

5. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County would sometimes hold detainees more than 48 hours based on an ICE detainer.

6. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County will treat a detainer from ICE just like Dallas County treats an arrest warrant from a different Texas county. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County treats “immigration holds” based on ICE detainers just like Dallas County treats holds occasioned by arrest warrants from other Texas counties.

7. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County would not immediately release a detainee subject to an immigration hold that, absent the immigration hold, would have been immediately released. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County would instead hold the detainee, based on the immigration hold and ICE detainer, for transfer to ICE.

8. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County would not immediately release a detainee subject to an immigration hold that had paid bail, was found not guilty, had all charges dropped against him or her, served his or her sentence, or pleaded guilty and received no additional jail time. Through my experience with the Dallas County criminal-justice system, I learned that Dal-

las County would instead hold the detainee, based on the immigration hold and ICE detainer, for transfer to ICE.

9. I do not know of any detainees with immigration holds that were not held for ICE after they otherwise should have been released, absent the immigration hold.

10. Through my experience with the Dallas County criminal-justice system, I learned that if a detainee had an immigration hold, the detainee was generally not eligible for pretrial release.

11. I do not know of any detainees with immigration holds that received immediate release on bond.

12. Through my experience with the Dallas County criminal-justice system, I learned that if a detainee has an immigration hold, Dallas County would not immediately release the detainee if he or she paid bond. Through my experience with the Dallas County criminal-justice system, I learned that Dallas County would instead either (i) continue to detain the detainee for transfer to ICE, based on the ICE detainer, or (ii) ask an Assistant District Attorney to petition a court to find the bond insufficient.

13. I have personal knowledge of detainees in Dallas County with immigration holds that (i) attempted to post bond, and (ii) were not granted pretrial release.

14. I have heard, from others, of detainees in Dallas County with immigration holds that (i) attempted to post bond, and (ii) were not granted pretrial release.

15. Through my experience with the Dallas County criminal-justice system, I learned that as a result of Dallas County's practices, detainees with immigration detainers would not receive immediate release on bond.

16. Dallas County's refusal to allow pretrial release for detainees subject to immigration holds was widely known by immigration attorneys, criminal attorneys, judges, and the community.

17. It is widely known that Dallas County will not immediately release detainees with immigration holds, even if they post bond.

18. Through my experience with the Dallas County criminal-justice system, I would not expect detainees with immigration holds to attempt to pay bond, because Dallas County would not release those detainees on payment of the bond.

19. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Dallas, Texas on July 1, 2016.

A handwritten signature in cursive script that reads "Michael R. Snipes".

Hon. Michael Snipes, Declarant

COUNTY	# of Inmates	# of Inmate Days	Cost
ANDERSON	5	91	\$2,002.00
ANDREWS	1	10	\$752.30
ANGELINA	3	68	\$3,172.20
ARANSAS	5	10	\$498.50
ARCHER	0	0	\$0.00
ARMSTRONG	0	0	\$0.00
ATASCOSA	5	123	\$8,532.51
AUSTIN	0	0	\$0.00
BAILEY	8	145	\$5,615.85
BANDERA	1	30	\$1,449.90
BASTROP	31	595	\$26,602.45
BAYLOR	0	0	\$0.00
BEE	2	42	\$1,687.98
BELL	27	640	\$36,883.20
BEXAR	262	4614	\$212,244.00
BLANCO	1	23	\$1,426.00
BORDEN	0	0	\$0.00
BOSQUE	0	0	\$0.00
BOWIE (P)	0	0	\$0.00
BRAZORIA	26	700	\$23,807.00
BRAZOS	53	1195	\$29,970.60
BREWSTER	0	0	\$0.00
BRISCOE	0	0	\$0.00
BROOKS	3	46	\$2,363.48
BROWN	4	104	\$3,328.00
BURLESON	2	34	\$1,196.80
BURNET	5	150	\$8,889.00
CALDWELL	0	0	\$0.00
CALHOUN	2	60	\$2,386.20
CALLAHAN	5	12	\$864.00
CAMERON	230	5963	\$277,935.43
CAMP	2	33	\$1,300.20

COUNTY	Case 3:15-cv-03481-S Document 80 Filed 06/16/17 Page 375 of 390	# of Inmates	# of Inmate Days	Cost
CARSON		6	158	\$3,950.00
CASS		0	0	\$0.00
CASTRO		4	76	\$5,611.08
CHAMBERS		3	31	\$1,240.00
CHEROKEE		3	90	\$3,132.00
CHILDRESS		3	90	\$2,700.00
CLAY		0	0	\$0.00
COCHRAN		1	30	\$1,200.00
COKE		0	0	\$0.00
COLEMAN		0	0	\$0.00
COLLIN		170	3361	\$169,360.79
COLLINGSWORTH		0	0	\$0.00
COLORADO		2	36	\$1,683.36
COMAL		19	364	\$30,262.96
COMANCHE		2	33	\$1,118.04
CONCHO		0	0	\$0.00
COOKE		6	134	\$6,639.70
CORYELL		1	30	\$1,528.20
COTTLE		0	0	\$0.00
CRANE		0	0	\$0.00
CROCKETT		0	0	\$0.00
CROSBY		0	0	\$0.00
CULBERSON		0	0	\$0.00
DALLAM		5	136	\$6,842.16
DALLAS		573	10917	\$578,273.49
DAWSON		0	0	\$0.00
DEAF SMITH		6	119	\$4,713.59
DELTA		0	0	\$0.00
DENTON		111	2774	\$125,773.16
DEWITT		0	0	\$0.00
DICKENS		0	0	\$0.00
DIMMIT		4	43	\$2,326.30
DONLEY		0	0	\$0.00
DUVAL		0	0	\$0.00

COUNTY	Case 3:15-cv-03481-S Document 80 Filed 06/16/17 Page 376 of 390	# of Inmates	# of Inmate Days	Cost
EASTLAND		1	22	\$737.00
ECTOR		34	697	\$37,512.54
EDWARDS		0	0	\$0.00
EL PASO		89	2038	\$152,564.68
ELLIS		35	805	\$36,225.00
ERATH		5	128	\$5,760.00
FALLS		2	52	\$1,378.00
FANNIN 1(P)		0	0	\$0.00
FAYETTE		1	30	\$609.00
FISHER		0	0	\$0.00
FLOYD		0	0	\$0.00
FOARD		0	0	\$0.00
FORT BEND		123	2766	\$135,091.44
FRANKLIN		0	0	\$0.00
FREESTONE		6	144	\$11,854.08
FRIO (P)		1	28	\$784.00
GAINES		4	105	\$5,400.15
GALVESTON		16	468	\$22,492.08
GARZA		0	0	\$0.00
GILLESPIE		6	128	\$21,157.12
GLASSCOCK		0	0	\$0.00
GOLIAD		1	30	\$1,350.00
GONZALES		0	0	\$0.00
GRAY		2	44	\$1,936.00
GRAYSON		19	499	\$29,191.50
GREGG		17	381	\$11,788.14
GRIMES		4	60	\$2,205.00
GUADALUPE		11	227	\$10,160.52
HALE		5	99	\$3,762.00
HALL		0	0	\$0.00
HAMILTON		0	0	\$0.00
HANSFORD		4	100	\$3,500.00
HARDEMAN		0	0	\$0.00
HARDIN		0	0	\$0.00

COUNTY	Case 3:15-cv-03481-S Document 80 Filed 06/16/17 Page 377 of 390	# of Inmates	# of Inmate Days	Cost
HARRIS		977	21974	\$1,648,050.00
HARRISON		9	212	\$7,451.80
HASKELL (P)		0	0	\$0.00
HAYS		42	1117	\$85,874.96
HEMPHILL		0	0	\$0.00
HENDERSON		0	0	\$0.00
HIDALGO		540	11473	\$580,648.53
HILL		7	95	\$2,596.35
HOCKLEY		4	68	\$3,071.56
HOOD		3	67	\$3,333.92
HOPKINS		5	82	\$3,280.00
HOUSTON		1	30	\$1,327.50
HOWARD		2	37	\$1,861.84
HUDSPETH		7	133	\$2,073.47
HUNT		14	319	\$12,791.90
HUTCHINSON		0	0	\$0.00
IRION		0	0	\$0.00
JACK		5	134	\$2,879.66
JACKSON		6	166	\$8,245.22
JASPER		0	0	\$0.00
JEFF DAVIS		0	0	\$0.00
JEFFERSON		11	212	\$11,660.00
JIM HOGG		0	0	\$0.00
JIM WELLS		0	0	\$0.00
JOHNSON		39	807	\$43,586.07
JONES		0	0	\$0.00
KARNES		1	13	\$273.00
KAUFMAN		24	440	\$16,324.00
KENDALL		11	239	\$15,719.03
KENEDY		0	0	\$0.00
KENT		0	0	\$0.00
KERR		10	173	\$7,115.49
KIMBLE		0	0	\$0.00
KING		0	0	\$0.00

COUNTY	Case 3:15-cv-03481-S Document 80 Filed 06/16/17 Page 378 of 390	# of Inmates	# of Inmate Days	Cost
KINNEY		2	60	\$2,757.60
KLEBERG		3	17	\$803.08
KNOX		0	0	\$0.00
LA SALLE		0	0	\$0.00
LAMAR		5	42	\$1,244.04
LAMB		2	60	\$3,216.00
LAMPASAS		1	30	\$3,566.70
LAVACA		1	30	\$1,337.40
LEE		0	0	\$0.00
LEON		0	0	\$0.00
LIBERTY (P)		7	136	\$6,324.00
LIMESTONE		6	122	\$5,124.00
LIPSCOMB		0	0	\$0.00
LIVE OAK		3	61	\$3,291.56
LLANO		2	36	\$810.00
LOVING		0	0	\$0.00
LUBBOCK		29	716	\$37,862.08
LYNN		0	0	\$0.00
MADISON		4	73	\$2,564.49
MARION		0	0	\$0.00
MARTIN		0	0	\$0.00
MASON		0	0	\$0.00
MATAGORDA		6	132	\$3,693.36
MAVERICK		0	0	\$0.00
MCCULLOCH		0	0	\$0.00
MCLENNAN		63	1523	\$81,602.34
MCMULLEN		0	0	\$0.00
MEDINA		2	35	\$2,192.75
MENARD		0	0	\$0.00
MIDLAND		54	686	\$60,299.40
MILAM		2	43	\$2,021.00
MILLS		2	55	\$3,159.20
MITCHELL		2	60	\$2,280.00
MONTAGUE		1	21	\$746.76

COUNTY	# of Inmates	# of Inmate Days	Cost
MONTGOMERY	114	2085	\$89,905.20
MOORE	7	178	\$16,137.48
MORRIS	1	4	\$120.00
MOTLEY	0	0	\$0.00
NACOGDOCHES	8	194	\$6,014.00
NAVARRO	6	151	\$9,060.00
NEWTON	0	0	\$0.00
NOLAN	3	38	\$1,710.00
NUECES	11	167	\$5,355.69
OCHILTREE	5	118	\$7,000.94
OLDHAM	1	7	\$472.50
ORANGE	2	42	\$1,585.50
PALO PINTO	1	30	\$1,197.90
PANOLA	2	60	\$2,760.00
PARKER	21	386	\$20,087.44
PARMER	18	308	\$9,052.12
PECOS	0	0	\$0.00
POLK	2	40	\$791.60
POTTER	28	603	\$36,270.45
PRESIDIO	0	0	\$0.00
RAINS	0	0	\$0.00
RANDALL	0	0	\$0.00
REAGAN	2	56	\$2,053.52
REAL	0	0	\$0.00
RED RIVER	1	30	\$720.90
REEVES	5	70	\$3,243.80
REFUGIO	0	0	\$0.00
ROBERTS	0	0	\$0.00
ROBERTSON	3	32	\$1,600.00
ROCKWALL	17	282	\$5,140.86
RUNNELS	0	0	\$0.00
RUSK	5	95	\$1,793.60
SABINE	0	0	\$0.00
SAN AUGUSTINE	0	0	\$0.00

COUNTY	Case 3:15-cv-03481-S Document 80 Filed 06/16/17 Page 380 of 390	# of Inmates	# of Inmate Days	Cost
SAN JACINTO		2	37	\$1,016.02
SAN PATRICIO		0	0	\$0.00
SAN SABA		5	20	\$2,478.80
SCHLEICHER		0	0	\$0.00
SCURRY		0	0	\$0.00
SHACKELFORD		0	0	\$0.00
SHELBY		2	58	\$2,436.00
SHERMAN		0	0	\$0.00
SMITH		26	647	\$35,817.92
SOMERVELL		3	46	\$1,748.00
STARR		5	49	\$1,106.42
STEPHENS		0	0	\$0.00
STERLING		1	30	\$1,350.00
STONEWALL		0	0	\$0.00
SUTTON		0	0	\$0.00
SWISHER		0	0	\$0.00
TARRANT		319	6978	\$279,120.00
TAYLOR		7	105	\$5,040.00
TERRELL		0	0	\$0.00
TERRY		1	30	\$1,682.10
THROCKMORTON		0	0	\$0.00
TITUS		7	131	\$3,602.50
TOM GREEN		0	0	\$0.00
TRAVIS		161	4139	\$469,983.45
TRINITY		0	0	\$0.00
TYLER		0	0	\$0.00
UPSHUR		0	0	\$0.00
UPTON		2	6	\$225.00
UVALDE		0	0	\$0.00
VAL VERDE (P)		7	180	\$1,800.00
VAN ZANDT		4	93	\$2,560.29
VICTORIA		5	118	\$5,160.14
WALKER		6	170	\$5,514.80
WALLER		17	375	\$13,822.50

COUNTY	# of Inmates	# of Inmate Days	Cost
WARD	0	0	\$0.00
WASHINGTON	0	0	\$0.00
WEBB	127	1930	\$107,732.60
WHARTON	7	174	\$8,700.00
WHEELER	1	4	\$244.44
WICHITA	13	350	\$16,093.00
WILBARGER	0	0	\$0.00
WILLACY	4	120	\$3,703.20
WILLIAMSON	64	1282	\$70,510.00
WILSON	2	7	\$343.00
WINKLER	0	0	\$0.00
WISE	2	60	\$1,619.40
WOOD	0	0	\$0.00
YOAKUM	1	30	\$1,407.00
YOUNG	1	30	\$759.00
ZAPATA	9	179	\$4,478.58
ZAVALA	0	0	\$0.00
	4977	106044	\$6,049,908.40



DALLAS COUNTY OFFICE OF BUDGET AND EVALUATION

November 1, 2016

TO: Commissioners Court

THROUGH: Ryan Brown, Budget Officer

FROM: Erica Terrazas, Budget and Policy Analyst

SUBJECT: FY2016 State Criminal Alien Assistance Program (SCAAP) Funds Acceptance

Background

The Department of Justice through the Bureau of Justice and Assistance (BJA) announced that the application period for funding for the FY2016 State Criminal Alien Assistance Program (SCAAP) opened in the Spring with a deadline of April 13, 2016. SCAAP is authorized by Section 241 of the Immigration and Nationality Act of 1990, to provide federal assistance to states and localities that are incurring costs of incarcerating undocumented criminal aliens who have been convicted of state and local offenses. Since FY97, Dallas County has applied for and received SCAAP reimbursements totaling \$16.3 million. Dallas County has been awarded \$638,983 for the FY2016 application period.

The purpose of this briefing is to recommend that Commissioners Court authorize the acceptance of the FY2016 SCAAP award of \$638,983.

Financial Impact

The SCAAP payment is a direct partial reimbursement to the General Fund for County expenditures related to incarcerating undocumented convicted criminal aliens from July 1, 2014 through June 30, 2015. The last award was for \$607,279 and credited to the FY2016 General Fund Revenue to partially reimburse the cost of Detention Service Officers.

Beginning with FY2007 SCAAP awards, "SCAAP funds must be used *for correctional purposes only*. Jurisdictions receiving SCAAP awards will be asked to report the projected use of these funds at the time the award is accepted." As with the FY2015 SCAAP award, Dallas County will use the funds for Detention Officer Salaries in compliance with the above requirement for the FY2016 SCAAP program.

Strategic Plan Compliance

The SCAAP award application is consistent with the Administrative Plan in that it helps ensure Dallas County is safe, secure, and prepared by using the funds to be received to augment the County budget for correctional/detention salaries, giving the County the options to retain high quality employees or hire more staff in this critical area of County law enforcement.

411 Elm Street - 3rd Floor, Dallas Texas 75202-3340
(214) 653-6389 • Fax (214) 653-6517 • erica.terrazas@dallascountytexas.org

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Recommendation

The Office of Budget and Evaluation recommends that the Commissioners Court authorize the submission and acceptance of the FY2016 Bureau of Justice Assistance SCAAP award of \$638,983.

FY 2016 State Criminal Alien Assistance Program 2016-H0285-TX-4P

Help/Frequently Asked Questions

Submit Application

Your application for the FY 2016 State Criminal Alien Assistance Program has been successfully submitted. You will no longer be able to edit any information submitted. However, you can log in any time to view the application information.

You will be contacted by the Program Office when your application is processed or any other action is required by you.

Log Off

SCAAP 20160303

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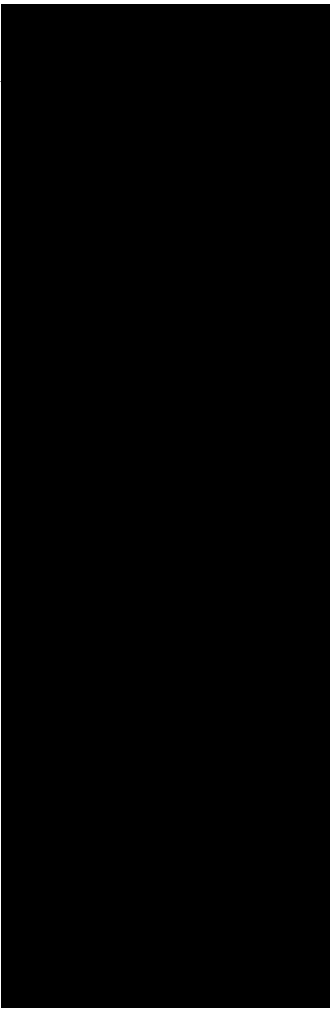
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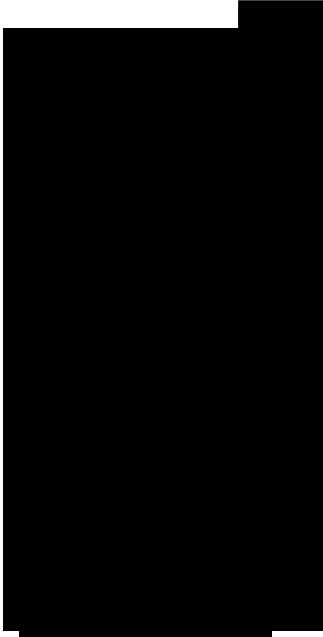


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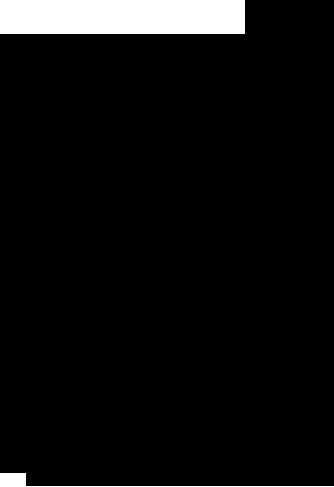
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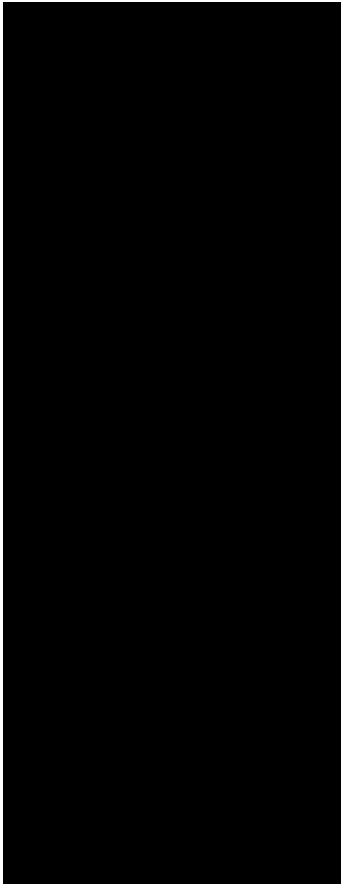


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