

**NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES**



Research In Brief
***State Criminal Alien
Assistance Program***



OVERVIEW: The State Criminal Alien Assistance Program (SCAAP) was developed to provide partial compensation to the states and local jurisdictions for costs associated with the incarceration of undocumented criminal aliens. The New York State Department of Correctional Services (DOCS) must provide the Bureau of Justice Assistance with identifying information for criminal aliens under the Department's custody during the SCAAP reimbursement period. The Department has received a total of over \$600 million under SCAAP during the 15 years that SCAAP has been in existence and New York State (DOCS and localities) have received a combined total of over \$1 billion under SCAAP for the 15 year period.

NEW YORK STATE SCAAP AWARDS: Table 1 presented below lists the SCAAP awards specifically for New York State. Only States were eligible to receive SCAAP reimbursement awards in 1995. Beginning in 1996, both States and localities were eligible to receive reimbursement under SCAAP. During the 1996-2009 time period, DOCS received 59 percent of the total New York State SCAAP award while the New York City Department of Corrections (NYC DOC) received 33 percent and the remaining localities received 8 percent. NYC DOC received the largest proportion of local awards in New York State, receiving an average of 80 percent of the State's local awards over the fourteen year period of 1996-2009.

TABLE 1

NEW YORK STATE SCAAP AWARDS

AWARD YEAR	DOCS	NYC DOC	LOCALITIES	TOTAL
1995	\$13,405,808	\$0	\$0	\$13,405,808
1996	\$46,842,600	\$15,571,566	\$405,213	\$62,819,379
1997	\$60,903,689	\$29,250,432	\$4,332,301	\$94,486,422
1998	\$55,900,860	\$33,425,997	\$7,092,093	\$96,418,950
1999	\$54,011,658	\$32,296,346	\$6,858,918	\$93,166,922
2000	\$66,385,899	\$38,830,599	\$9,062,062	\$114,278,560
2001	\$55,738,099	\$32,114,199	\$6,916,623	\$94,768,921
2002	\$58,403,799	\$30,736,199	\$8,024,972	\$97,164,970
2003	\$25,405,342	\$15,975,239	\$2,418,460	\$43,799,041
2004	\$30,859,709	\$20,667,392	\$5,468,334	\$56,995,435
2005	\$24,022,356	\$15,893,255	\$2,899,202	\$42,814,813
2006	\$33,864,661	\$21,010,799	\$6,381,350	\$61,256,810
2007	\$28,069,430	\$18,870,708	\$6,620,616	\$53,560,754
2008	\$23,909,899	\$17,911,891	\$7,034,990	\$48,856,780
2009	\$26,045,254	\$11,870,015	\$8,526,302	\$46,441,571
Total	\$603,769,063	\$334,424,637	\$82,041,436	\$1,020,235,136
AVERAGE PROPORTION	59%	33%	8%	100%

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STATE & LOCALITY AWARD DISTRIBUTION: The number of localities nation-wide receiving SCAAP awards has steadily increased over the lifespan of SCAAP. The number of localities nation-wide in a given award year has certainly decreased the proportion of awards received by state DOC's. However, in addition to the number of localities obtaining SCAAP awards in a given year, the proportion of available SCAAP funds received by State DOC's depends upon the number of reimbursable inmate days. As the locality proportion of the total number of reimbursable days increased, the proportion of annual SCAAP awards received by State DOC's decreased. Consequently, the proportion of annual SCAAP awards received by State DOC's is dependent upon the number of localities granted SCAAP awards as well as their proportion of reimbursable inmate days.

TABLE 2
NUMBER OF LOCALITIES OBTAINING SCAAP AWARDS
FFY 1995-2009

	1995	1996	1997	1998	1999	2000	2001	2002
Number of Localities	0	94	220	244	282	361	463	613
Locality Awards	\$0	\$40,245,410	\$113,467,720	\$149,495,988	\$161,447,412	\$162,154,248	\$175,241,791	\$198,286,055
State Awards	\$128,730,000	\$455,147,341	\$376,990,262	\$425,916,286	\$414,378,067	\$405,639,557	\$361,412,151	\$346,603,117
Total Award	\$128,730,000	\$495,392,751	\$490,457,982	\$575,412,274	\$575,825,479	\$567,793,805	\$536,653,942	\$544,899,172
State Proportion	100%	92%	77%	74%	72%	71%	67%	64%

TABLE 2 (CONTINUED)
NUMBER OF LOCALITIES OBTAINING SCAAP AWARDS
FFY 1995-2009

	2003	2004	2005	2006	2007	2008	2009
Number of Localities	753	696	704	740	756	818	849
Locality Awards	\$82,100,659	\$101,604,265	\$92,734,454.00	\$182,854,110	\$130,944,748	\$135,632,801	\$143,062,136
State Awards	\$163,325,546	\$180,001,027	\$194,408,641	\$247,812,002	\$246,378,975	\$250,582,809	\$250,879,649
Total Award	\$245,426,205	\$281,605,292	\$287,143,095	\$430,666,112	\$377,323,723	\$386,215,610	\$393,941,785
State Proportion	67%	64%	68%	58%	65%	65%	64%

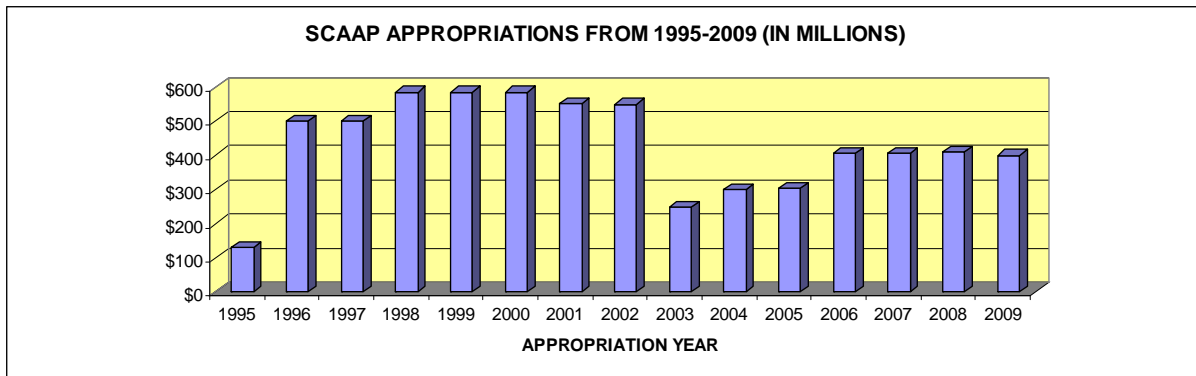
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CONGRESSIONAL APPROPRIATIONS FOR SCAAP: The chart below shows that Congress has appropriated varying amounts of SCAAP funding over the years. These appropriation levels obviously affect the proportion of a correctional department's actual cost of incarcerating undocumented criminal aliens for which it receives reimbursement.



CONCLUSION: The State Criminal Alien Assistance Program has been an important program for states with large undocumented criminal alien populations. The federal government has recognized its responsibility to compensate the states for costs associated with the incarceration of undocumented criminal aliens since the early 1980's. While SCAAP awards represent only a partial reimbursement for incarceration costs, SCAAP funding is an important funding source in those states with significant criminal alien populations. Despite its importance to states with large undocumented criminal alien populations, the federal Executive Budget has zeroed out SCAAP for the past several years. The Obama Administration has reversed that trend by proposing a \$330 million funding level for SCAAP for federal fiscal year 2011.

Fortunately, Congress has continued to appropriate funds for SCAAP even when the Executive Budget has zeroed out the program. While Congressional appropriations for SCAAP have varied considerably over the years, the House Committee on the Judiciary will be recommending a \$950 million SCAAP appropriation for 2011. As of April 2010, the Senate has yet to announce a dollar figure for the 2011 SCAAP appropriation.