

**NEW YORK STATE DEPARTMENT OF
CORRECTIONS & COMMUNITY SUPERVISION**



Research In Brief
***State Criminal Alien
Assistance Program
As of October 31, 2012***



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 Corrections & Community Supervision (DOCCS) 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 \$650 million under SCAAP during the 18 years that SCAAP has been in existence and New York State (i.e., DOCCS and localities) has received a combined total of over \$1.1 billion under SCAAP for the 18 year period.

NEW YORK STATE SCAAP AWARDS: Table 1 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 1995-2012 time period, DOCCS received 58 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 9 percent. NYC DOC received the largest proportion of local awards in New York State, receiving an average of 78 percent of the State’s local awards over the seventeen year period of 1996-2012.

TABLE 1

NEW YORK STATE SCAAP AWARDS

AWARD YEAR	DOCCS	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
2010	\$17,927,031	\$13,450,977	\$5,919,949	\$37,297,957
2011	\$18,560,857	\$12,366,801	\$6,914,645	\$37,842,303
2012	\$13,371,017	\$9,535,609	\$10,574,522	\$33,481,148
Total	\$653,627,968	\$369,778,024	\$105,450,552	\$1,128,856,544
AVERAGE PROPORTION	58%	33%	9%	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 1995-2012

	1995	1996	1997	1998	1999	2000	2001	2002	2003
Number of Localities	0	94	220	244	282	361	463	613	753
Locality Awards									
State Awards	\$0	\$40,245,410	\$113,467,720	\$149,495,988	\$161,447,412	\$162,154,248	\$175,241,791	\$198,286,055	\$82,100,659
Total Award	\$128,730,000	\$455,147,341	\$376,990,262	\$425,916,286	\$414,378,067	\$405,639,557	\$361,412,151	\$346,603,117	\$163,325,546
State Proportion	100%	92%	77%	74%	72%	71%	67%	64%	67%

TABLE 2 (CONTINUED)
NUMBER OF LOCALITIES OBTAINING SCAAP AWARDS
FFY 1995-2012

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of Localities	696	704	740	756	818	849	807	879	838
Locality Awards									
State Awards	\$101,604,265	\$92,734,454.00	\$182,854,110	\$130,944,748	\$135,632,801	\$143,062,136	\$124,524,403	\$105,404,768	\$117,540,368
Total Award	\$180,001,027	\$194,408,641	\$247,812,002	\$246,378,975	\$250,582,809	\$250,879,649	\$199,179,883	\$166,833,483	\$130,456,255
State Proportion	64%	68%	58%	65%	65%	64%	62%	61%	53%

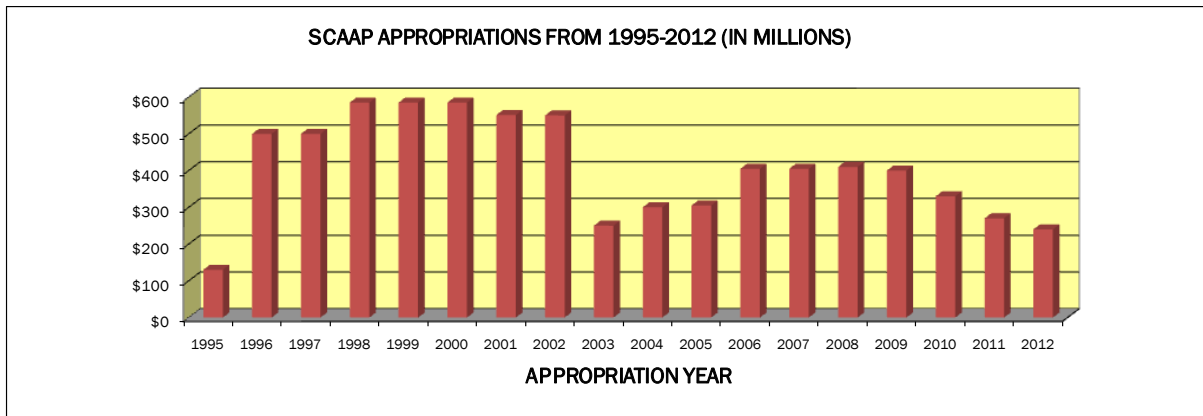
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CONGRESSIONAL APPROPRIATIONS FOR SCAAP: The chart below shows that Congress has appropriated varying amounts of SCAAP funding over the years. These appropriation levels obviously affect the proportion of a correctional department's actual cost of incarcerating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



CONCLUSION: The State Criminal Alien Assistance Program (SCAAP) provides partial reimbursement to states and localities for the costs associated with the incarceration of undocumented criminal aliens. From 1995 to date the Department has received over \$650 million in Federal reimbursement under the SCAAP program.

The White House proposed an FFY 2013 Executive Budget that funds SCAAP at the \$70 million level. At the present time, there are no Congressional proposals for a 2013 SCAAP appropriation. However, if we assume that SCAAP will be funded at the FFY 2012 level of \$240 million, the Department would expect to receive an FFY 2013 award similar to its 2012 SCAAP award of \$13.3 million.

This estimate will need to be reduced if the Budget Control Act of 2012 sequester should occur because all non-defense discretionary program funding will be reduced by 8.2%. An 8.2% reduction in the Department's 2013 SCAAP award would result in approximately a \$1.2 million cut or an estimated award of \$12.1 million.