

**NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES**



Research In Brief
***State Criminal Alien
Assistance Program
As of February 2011***



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 16 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 16 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 1995-2010 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 fifteen year period of 1996-2010.

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
2010	\$17,927,031	\$13,450,977	\$5,919,949	\$37,297,957
Total	\$621,696,094	\$347,875,614	\$87,961,385	\$1,057,533,093
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 1995-2010

	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 1995-2010

	2003	2004	2005	2006	2007	2008	2009	2010
Number of Localities	753	696	704	740	756	818	849	807
Locality Awards	\$82,100,659	\$101,604,265	\$92,734,454.00	\$182,854,110	\$130,944,748	\$135,632,801	\$143,062,136	\$124,524,403
State Awards	\$163,325,546	\$180,001,027	\$194,408,641	\$247,812,002	\$246,378,975	\$250,582,809	\$250,879,649	\$199,179,883
Total Award	\$245,426,205	\$281,605,292	\$287,143,095	\$430,666,112	\$377,323,723	\$386,215,610	\$393,941,785	\$323,704,286
State Proportion	67%	64%	68%	58%	65%	65%	64%	62%

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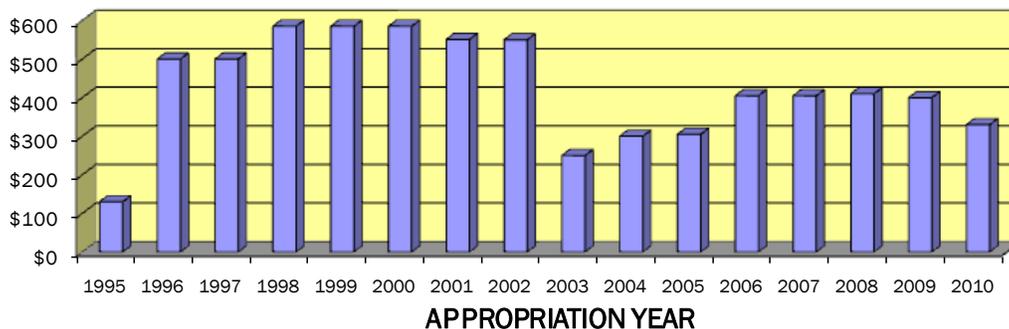


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CONGRESSIONAL APPROPRIATIONS FOR SCAAP: The chart below shows that Congress has appropriated varying amounts of SCAAP funding over the years. These appropriation levels obviously affect the proportion of a correctional department's actual cost of incarcerating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

SCAAP APPROPRIATIONS FROM 1995-2010 (IN MILLIONS)



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 \$621 million in Federal reimbursement under the SCAAP program.

The White House has been supportive of SCAAP and proposed that SCAAP be funded at the \$330 million level in its Executive Budget recommendations for Federal Fiscal Year 2010-2011. The prior Senate issued Committee Report 111-229 for the Commerce/Justice/Science budget appropriations that recommended SCAAP be funded at \$300 million for the 2010-2011 Federal Fiscal Year. However, given that this Senate Report was issued during the prior Congress it is impossible to know if the Senate will continue its support of SCAAP.

Moreover, the Republican led House of Representatives in the current Congress has stated its intention to examine all areas of the budget to identify and cut programs it feels are unnecessary. This has included smaller appropriations like SCAAP that Republican House members refer to as "low hanging fruit". It is impossible to know at this point if SCAAP will be one of the programs the House will target for elimination. Hence, while both the White House and the prior Senate have expressed an interest in funding SCAAP for the 2010-2011 Federal Fiscal Year, it is impossible to determine whether the House and current Senate will agree to fund SCAAP at all.