



December 9, 2015

The Honorable John McCain
United States Senate
218 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senators McCain and Feinstein,

On behalf of the National Association of Counties (NACo), the only national organization that represents all of America's county governments, I write to express strong support for your legislation to reauthorize and make changes to the State Criminal Alien Assistance Program (SCAAP), an important program to counties that provides reimbursement for costs related to the incarceration of undocumented immigrants.

Although it is the federal government's responsibility to protect and secure our nation's borders, counties incur millions of dollars in un-reimbursed expenses each year in housing undocumented individuals who violate state or local laws. In many cases, counties must also provide medical care and other services to these individuals. As a result, counties bear a disproportionate share of the criminal justice-related costs associated with illegal immigration and are often forced to divert funds from other important local programs in areas such as healthcare, social services and public safety.

Reauthorization of SCAAP is important to counties because many counties throughout the country – large and small, urban and rural – rely on SCAAP for reimbursements related to the costs incurred in incarcerating undocumented individuals. In FY 2015, 748 counties in 42 states received funding from SCAAP, from Los Angeles County, California and Maricopa County, Arizona to Cass County, North Dakota and Benton County, Arkansas.

Yet despite the fact that such a large number of counties rely on SCAAP funding, only a small percentage of their costs related to the incarceration of undocumented immigrants are actually reimbursed through the program. According to a survey by our partner organization the California State Association of Counties, counties in California spent roughly \$300 million dollars to incarcerate undocumented immigrants in FY 2012, but were reimbursed only about \$21 million dollars, which amounts to a seven percent reimbursement rate.

This legislation makes important changes to the legislative language governing SCAAP and has the potential to improve the reimbursement rates for counties' expenses related to the incarceration of undocumented immigrants. Under the changes put forth in the measure, states and counties would be reimbursed for costs associated not only with undocumented individuals who have been *convicted* of crimes, but also those individuals who have been *charged* with crimes. Since local jails incur significant costs in housing pre-trial offenders who many not ultimately be convicted of the crimes for which they have been detained, this change in legislative language is important and necessary.

The bill would further improve SCAAP by ensuring that the program continues to provide reimbursements for the incarceration of foreign-born individuals whose immigration status is unknown. Ending reimbursement for these "unknown individuals," as has been proposed in recent years, would be a significant change to the SCAAP

reimbursement formula and would heavily impact counties across the nation. NACo has estimated that such a change would decrease SCAAP awards by more than 50 percent, despite the fact nearly 80 percent of inmates of unknown immigration status in county jails are, in fact, undocumented.

NACo stands ready to work with you and your staff to encourage swift passage of this reauthorization legislation and we thank you for your work on this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Matt Chase". The signature is fluid and cursive, with the first name "Matt" and last name "Chase" clearly legible.

Matt Chase
Executive Director