



# State Criminal Alien Assistance Program: FY 2005 Guidelines

## Eligibility

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.

**GMS Registration Deadline: March 23, 2005**  
**GMS Application Submission Deadline: March 30, 2005**

**This deadline is firm and will not be extended.**  
**Data upload can be time consuming; please plan accordingly.**

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## About OJP

The Office of Justice Programs (OJP), U.S. Department of Justice, was created in 1984 to provide federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist crime victims. OJP carries out this mission by forming partnerships with other federal, state, and local agencies, as well as national and community-based organizations. OJP is dedicated to comprehensive approaches that empower communities to address crime, break the cycle of substance abuse and crime, combat family violence, address youth crime, hold offenders accountable, protect and support crime victims, enhance law enforcement initiatives, and support advancements in adjudication. OJP also works to reduce crime in Indian Country, enhance technology's use within the criminal and juvenile justice systems, and support state and local efforts through technical assistance and training.

## About BJA

The Bureau of Justice Assistance (BJA), a component of OJP, U.S. Department of Justice, supports innovative programs that strengthen the nation's criminal justice system. Its primary mission is to provide leadership and a range of assistance to local criminal justice strategies to make America's communities safer. BJA accomplishes this mission by providing funding, training, technical assistance, and information to state and community criminal justice programs and by emphasizing the coordination of federal, state, and local efforts. BJA's specific goals are to help communities reduce and prevent crime, violence, and drug abuse and to improve the functioning of the criminal justice system.

# Program Overview

## Introduction

This document presents the fiscal year (FY) 2005 State Criminal Alien Assistance Program (SCAAP) Guidelines. Applicants should carefully and completely review these guidelines prior to submitting an application.

The FY 2005 SCAAP appropriation is \$305 million.

## FY 2005 Reporting Period

The FY 2005 SCAAP reporting period runs from July 1, 2003 through June 30, 2004. Applicant jurisdictions will be required to provide correctional officer staffing and salary costs, the total of all inmate days, and details about eligible inmates housed in its correctional facilities during this 12-month reporting period.

## FY 2005 Registration and Application Deadlines

Applications will be accepted through the Office of Justice Programs' (OJP's) online Grants Management System (GMS) beginning Monday, February 7, 2005 and ending at 8:00 p.m. (e.t.) Wednesday, March 30, 2005. Applicants must begin the online SCAAP registration process prior to 8:00 p.m. (e.t.) Wednesday, March 23, 2005.

## 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, Public Law 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.

## SCAAP Program Scope

The Bureau of Justice Assistance (BJA), a component of the Office of Justice Programs, administers SCAAP, in conjunction with the Bureau of Immigration and Customs Enforcement (ICE), 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.

# Applicant Eligibility

## 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. Jurisdictions applying for SCAAP funds must provide all required information on undocumented criminal alien inmates for the prescribed reporting period, the total reporting period salary information for their full- and part-time permanent and contracted correctional officers, and the total number of all inmate days.

## Authorized Officials

Legislation authorizing the program requires that SCAAP payments go directly to eligible states and localities. Therefore, BJA will only work with authorized jurisdiction employees, and these employees 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. Examples of government CEOs include: state governor, city mayor or city manager, chairperson of the town council or town manager, president of the county commissioners or county administrator, parish sheriff in Louisiana, and county judge in Texas.

## Regional Jails and Special Jail Districts

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 or to directly receive 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.

Additionally, 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. BJA will verify the authenticity of applications submitted by jurisdictions associated with regional facilities.

## Multijurisdictional 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.
- Concurrent time served by eligible inmates housed in the applicant's facility on qualifying charges or convictions from multiple eligible jurisdictions may be reported by each of those jurisdictions.

**Example:** An inmate served 10 days during the reporting period on his second misdemeanor conviction in the applicant's county. He was concurrently in pretrial detention for 5 days on a felony

charge from a neighboring jurisdiction that uses the applicant's facility to house its pretrial detainees. This inmate may be reported by the applicant's jurisdiction for 10 days and by the neighboring jurisdiction for 5 days, irrespective of whether a cost-reimbursement agreement with the other jurisdiction was in effect.

- 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, may be reported in the SCAAP application. 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 while being held on federal charges, convictions, or detainers **and** covered by cost reimbursement agreements (e.g., agreements with DHS, U.S. Marshals Service, etc.), are not eligible for inclusion in a SCAAP application.
- Juveniles who are adjudicated delinquent, regardless of the charges or length of custody, are not eligible for inclusion with the inmate records. Only those juvenile offenders who are convicted as adults and who meet the qualifying SCAAP criteria may be included in the inmate records.

## Use of Outside Consultants

OJP provides jurisdictions with a simple, user-friendly electronic application process and encourages all applicants to take advantage of its functionality and reliability for supporting the preparation and submission of SCAAP applications. A jurisdiction may still utilize whatever assistance they deem appropriate to gather, compile, or format needed information for the completion of the SCAAP online application; however, it may not delegate to private, nonpublic entities the responsibility of establishing user accounts or completing the online application. By entering into the SCAAP certifications, the applicant is committing the potential use of general revenues to reimburse the federal government for any overpayment. Accordingly, the user authorized to submit an application must be empowered to commit the general revenue funds of a state or political subdivision of a state. Any applying jurisdiction violating these requirements may be subject to formal action by the U.S. Department of Justice, including nullification of any related reimbursement and eligibility for future SCAAP applications.

# GMS Application Process

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

## FY 2005 Program Deadlines

Applications will be accepted through OJP's online Grants Management System (GMS) (<https://grants.ojp.usdoj.gov>) from Monday, February 7, 2005 to 8:00 p.m. (e.t.), Wednesday, March 30, 2005 (8 weeks). Applicants must begin the online SCAAP registration process prior to 8:00 p.m. (e.t.) Wednesday, March 23, 2005.

If you experience difficulties at any point in this process, please call the GMS Help Desk at 1-888-549-9901, Option 3.

## FY 2005 Registration Process

Applicants must perform the following steps by 8:00 p.m. (e.t.) March 23, 2005 to meet the registration deadline:

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 governmentwide 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."
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

Files must be submitted by 8:00 p.m. (e.t.), March 30, 2005.

Applicants may select the file upload process that best meets their needs. Additionally, applicants may change the method prior to submitting the completed application to BJA. However, applicants who switch from one method to another should be aware that any such change will overwrite all previous inmate record submissions. The two methods available are:

- **Direct File Upload:** The direct file upload function allows applicants to submit their 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 for funding under SCAAP. The SCAAP system will provide applicants with an opportunity to correct their files or add missing data prior to finalizing the application.
- **Direct Data Entry:** The direct data entry function allows jurisdictions 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 (the complete country names are listed).

During the file upload process, a red flashing bar will appear at the bottom of the applicant’s screen. This bar will continue to flash until the inmate file upload is complete. Upon completion of the inmate file upload, the 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. Applicants should print this file upload status report for their records.

Applicants will receive an inmate data error report at the completion of the inmate file upload if there are problems. Accounting for these additional checks, the estimated time required for file uploads is as follows (examples only): 300 inmate records, 1 minute; 7,800 inmate records, 2 minutes; 54,600 inmate records, 15 minutes.

## Inmate Data File Overwrite and Deletion

Once inmate records are uploaded into GMS via the Direct File Upload method, any subsequent upload deletes and overwrites the previous file in its entirety.

- **Example:** The applicant successfully uploads the ASCII-formatted file with 250 inmate records. The applicant then determines that it has five more qualifying inmate records to upload. If the applicant creates a special upload file containing just the five additional records, the original group of 250 inmate records will be deleted and the jurisdiction will only be credited with 5 records. To avoid this,



the applicant must reformat its original ASCII file to include the total group of 255 inmates and perform another upload of the entire file via GMS.

Additionally, if the applicant switches upload methods at any time, the inmate files uploaded or entered via the previous method will be overwritten and deleted.

- **Example:** The applicant successfully uploads the ASCII-formatted file with 250 inmate records. The applicant then determines that it has five more qualifying inmate records to upload. The applicant decides to use the Direct File Upload method. When the applicant begins this new method, the original file of 250 inmates will be deleted.

## Technical System Requirements

Internet access is required to apply for this program. 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. Applicants should contact their 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 the applicant is 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.” Applicants should 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; nongovernment 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. Applications should not list a subsidiary agency as the jurisdiction (e.g., county sheriff’s department, department of corrections, etc.)

## Application Resubmissions

BJA may return a submitted application with incomplete or inaccurate data to the applicant for corrections, and it will notify both the CEO and the program contact, via the e-mail address of record, that their application needs to be corrected and resubmitted. Corrections must be made and the application resubmitted to BJA no later than the date provided by BJA. Failure to resubmit the application by that date may result in its disapproval.

# Inmate Reporting Requirements

## Eligible Inmates—Applicant Responsibilities

Unless otherwise prohibited in this Guidance, applicants may submit records of inmates in their custody during the reporting period who:

1. Were born outside the United States or one of its territories and had no reported or documented claim to U.S. citizenship.
2. Were in the applicant's custody for 4 or more consecutive days during the reporting period.
3. Were convicted of a felony or second misdemeanor for violations of state or local law.
4. Were identified and reported using due diligence.

## Due Diligence

In preparing the inmate data files of persons meeting the eligibility criteria for SCAAP, jurisdictions shall use due diligence to determine the accuracy of the inmate records and related claims submitted to BJA, and they shall not submit an inmate record if the jurisdiction knows or has reason to know that the information is false or that the inmate does not qualify.

Jurisdictions shall not submit inmate records for an otherwise qualifying inmate where the jurisdiction's records indicated the inmate: (1) was born in the United States or one of its territories, (2) had a claim to U.S. citizenship, (3) was a U.S. citizen, or (4) did not qualify as an undocumented criminal alien in accordance with the SCAAP statute (see Federal Immigration Responsibilities below).

Sanctions, including referral to a U.S. Attorney's Office, recalculation and/or return of awarded funds, or other sanctions, may be made when a jurisdiction knowingly submits false data or makes claims for ineligible inmates.

## Eligible Inmates—Federal Immigration Responsibilities

Immigration and Customs Enforcement will make the final determination on the status of submitted inmate records in determining if the inmate is an undocumented criminal alien. SCAAP statutory provisions provide that inmates may qualify for reimbursement if they were:

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

Determining immigration status can be very complex and may only be carried out by qualified immigration officials. Technical eligibility questions about immigration matters and the legal status of offenders must be referred to appropriate ICE officials.

## Qualifying 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.

Once a person meets these criteria, all pretrial and postconviction time served from July 1, 2003 through June 30, 2004 may be reported to BJA.

- **Example:** An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days resulting from the conviction. All 80 days occurred during the reporting period. A total of 80 days may be reported to BJA.
- **Example:** An alien was convicted of a felony during the reporting period and spent 20 days in pretrial detention and 60 additional days resulting 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, 2004. Only the first 60 days may be reported to BJA at this time. The remaining 20 days may be reported to BJA during the FY 2006 SCAAP application process.
- **Example:** An alien was convicted of a felony several years ago and is being held in pretrial detention on new charges. Since 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, all pretrial days may be counted and reported to BJA, regardless of the outcome of the pending charges.
- **Example:** An alien was convicted of a second misdemeanor and served 3 consecutive days at the end of the current reporting period (June 28-30, 2004) plus 20 additional days after June 30, 2004. This inmate may not be reported in the FY 2005 SCAAP application because he did not meet the minimum of 4 consecutive days during the reporting period. However, this inmate will qualify for the FY 2006 SCAAP application and the 20 days attributable to the inmate may be reported next year. The first 3 days of the sentence are not reportable, regardless of what occurs with this inmate in the future.

## Minimum Period of Incarceration

Eligible persons that were held for 4 or more consecutive days from July 1, 2003 through June 30, 2004 may be included in this year's application. The online GMS application system will reject any inmate record that does not reflect a minimum of 4 consecutive days of incarceration or detention during this reporting period.

## Total All Inmate Days

“Total all inmate days” is the cumulative number of incarceration or detention days attributable to 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. It does not refer to the total capacity of the facility or to the total number of days only attributable to undocumented criminal aliens. It should also include all days attributable to the applicant's inmates held at contract facilities—but exclude inmates

from other jurisdictions held at those contract facilities.

- **Example:** The jurisdiction detained or incarcerated 400 inmates during the reporting period. Each inmate was held for exactly 7 days. The Total All Inmate Days for this jurisdiction is 2,800 days (400 inmates x 7 days each).

## Incarceration Period That Began or Ended Outside the FY 2005 Reporting Period

If a qualified inmate was taken into custody prior to July 1, 2003, jurisdictions may use the actual date taken into custody or July 1, 2003 as the “Date Incarcerated.” Only periods of 4 or more consecutive days on or after July 1, 2003 are eligible for funding consideration.

A specific release date must also be provided, even when the inmate is still in custody after the reporting period. If an inmate was released after June 30, 2004, jurisdictions may use the actual date of release or June 30, 2004 as the “Date Released.” If an inmate is still incarcerated when the GMS inmate data file is uploaded, applicants may use either June 30, 2004 or any date between June 30 and the day prior to the GMS file upload. The system automatically adjusts records when counting eligible days, since only those qualifying days between July 1, 2003 and June 30, 2004 are eligible for funding consideration.

## Required Inmate Data Format

A critical portion of the online application is the detailed inmate file that reflects the jurisdiction’s good faith and due diligence efforts to identify and list undocumented criminal aliens housed in its correctional facilities. The application cannot be approved without having inmate records in the proper ASCII (text) data format. Required inmate data elements include the INS 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 one inmate.

## ICE Country of Birth Codes

The United States and certain U.S. territories are no longer on the official ICE country codes list. Generally, a person born in the United States 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 code list will be rejected. Additionally, any record with an official country code that does not specifically represent a foreign country (e.g., Unknown) will only be considered in the award calculation if ICE determines the inmate is undocumented or otherwise qualifies.

BJA recognizes that the official names of countries are subject to change. If the country provided by the inmate is not on the official list, the applicant should select a country with a close geographic proximity to the one named by the inmate.

## **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, not cumulatively over the course of several weekends. Inmates sentenced to nonincarceration alternatives (e.g., home detention, house arrest, day reporting, supervised release, etc.) are also not eligible.

## **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 counted, regardless of the reasons for the violation or revocation. Any incarceration time of 4 or more consecutive days during the reporting period resulting from revocations or violations may be reported for qualifying persons.

# Facility and Correctional Officer Reporting Requirements

## Correctional Officer Definition

Correctional officers include employees, officers, and contractual staff whose primary responsibility is the control, custody, or supervision of persons detained (pretrial detention) and incarcerated (convicted and sentenced inmates). This includes 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 (e.g., for work crews, judicial proceedings, medical appointments, etc.) are also eligible.

Employees, officers, and contractual staff whose primary responsibility is providing noncustody services to the facility or its inmate population are not eligible for inclusion in the SCAAP salary calculation. This includes office and secretarial support, administrative, housekeeping, maintenance, food, health, education, training, vocation, counseling, and medical staff.

Staff who may 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 similarly not eligible for inclusion in the SCAAP salary calculation.

## 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 applicable reporting period, not a projection, estimate, or average. Correctional officer salary costs may include premium pay for specialized service (e.g., bilingual officers), shift differential pay, and fixed-pay increases for time in service. It may also include employee benefits and overtime required by negotiated contract, statute, or regulation (e.g., union agreements, contractual obligations, required post staffing minimums, etc). Office of Management and Budget (OMB) Circular A-87 ([www.whitehouse.gov/omb/circulars/a087/toc.html](http://www.whitehouse.gov/omb/circulars/a087/toc.html)) provides general guidance on how benefits are defined for units of government.

## Per Diem Costs

Per diem cost is derived by dividing the jurisdiction's Total All Inmate Days into the Total Correctional Officer Salary Costs. During the FY 2004 reporting period, jurisdictions reported an average per diem cost of \$27.25. Jurisdictions should ensure that their per diem costs are not excessive. BJA may require applicants to recalculate or limit excessive per diem costs.

## Award Process

### SCAAP Award Calculation

Awards will be determined once the FY 2005 SCAAP application period closes and all data have been reviewed by ICE. 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, as established or verified through the online registration process. Applicants will have 45 calendar days to accept awards through GMS once notice is provided. See the *Office of Justice Programs Financial Guide* ([www.ojp.usdoj.gov/FinGuide/](http://www.ojp.usdoj.gov/FinGuide/)), Part II, Chapter 2, page 22 (requiring acceptance/drawdown of awards with 45 days of notice of award) and Part IV, Chapter 2, § 16.606 State Criminal Alien Assistance Program (SCAAP) (requiring an "expeditious drawdown of payments"). Issues related to the electronic transfer of funds or the bank account of record must be referred to the OC Customer Service Center at 1-800-458-0786.

### Use of Awarded Funds

Awarded funds are not restricted and may be used by the jurisdiction for any purpose not prohibited by federal law. For this reason, jurisdictions receiving SCAAP awards are not required to submit financial or progress reports to BJA.

### Payment Formula

The following presents the method used in FY 2004 to calculate payments:

1. Using financial data the applicants supplied via GMS, a per diem rate is calculated for each jurisdiction. Specifically, a rate is determined using each applicant's annual correctional officer salary costs and the total number of all inmate days (i.e., the total number of days all inmates were held by the applicant jurisdiction, regardless of citizenship status). For FY 2004, the average per diem rate was \$27.25 per inmate.
2. ICE analyzes the inmate records and provides BJA with a data report that delineates each applicant's number of eligible, unknown, ineligible, and invalid inmates, and each category's respective number of inmate days.
3. Each jurisdiction's total eligible inmate days and a percentage of the unknown days are totaled then multiplied by the applicant's per diem rate to derive the total correctional officer salary costs for eligible and unknown inmate days for the reporting period. The percentage used for unknown days is determined by a sliding scale, developed by ICE, which gives credit to jurisdictions, by type. The scale credits cities 60 percent, states 65 percent, and counties 80 percent of their total unknown inmate days.
4. The value of each applicant's correctional officer salary costs associated with its eligible and credited unknown inmate days are then totaled. This total value reflects the maximum amount subject to reimbursement by BJA for the reporting period. A percentage factor is then used to reflect the relationship between the maximum reimbursable salary costs and the program's annual appropriation. For FY 2004, this factor was approximately 42 percent, or 42 percent of its total salary cost for eligible and credited unknown inmate days.

The payment formula calculation process occurs only one time, using all of the data provided by all participating jurisdictions, the annual appropriation, and ICE data vetting results. If a jurisdiction discovers errors or problems with its data after the awards are calculated (e.g., through an outside audit), the systemwide factor (i.e., 42 percent) remains unchanged and any required future adjustments to a payment amount will use this factor.

A variance will exist between the total salary costs reported by a jurisdiction and the final SCAAP payment amount. This is due to adjustments for unknown, ineligible, or invalid inmate records, in conjunction with a yearly appropriation level that historically only covers a portion of the reported salary costs associated with housing undocumented criminal aliens. GMS also checks for variances from prior year submissions in data fields dealing with correctional officer staffing and salary levels, total bed count, and number of total inmate days. Lastly, BJA performs variance reviews to ensure jurisdiction per diem rates and system-generated award levels are in keeping with established policy.

#### Example of a Jurisdiction's Payment Calculation for FY 2004 SCAAP

Jurisdiction's Total Salary Costs: \$4,407,099.00

Jurisdiction's Total Number of All Inmate Days: 200,385

Jurisdiction's Per Diem Cost Per Inmate (Total Salary/Total Inmate Days): \$21.99

Per Diem Cost Per Inmate: \$21.99

Total Illegal Inmate Days (per ICE): 13,853 (combines eligible and percent of unknown days)

Salary Costs for Illegal Inmate Days (Per Diem x Illegal Days): \$304,627

Salary Costs for Illegal Inmate Days only: \$304,627

FY 2004 SCAAP Payment Ratio (varies each year): 42 percent

SCAAP Payment Amount: \$127,943.



## Other OJP Requirements

### Confidentiality and Human Subjects Protection

U.S. Department of Justice regulations (28 C.F.R. Part 22) require applicants for BJA funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which personally identifiable information will be collected. In addition to the regulations in Part 22, regulations concerning protection of human subjects are set forth in 28 C.F.R. Part 46. In general, 28 C.F.R. Part 46 requires that all research involving human subjects conducted or supported by a federal department or agency be reviewed and approved by an Institutional Review Board before funds are expended for that research.

General information regarding Confidentiality and Human Subjects Protection can be found on the National Institute of Justice web site ([www.ojp.usdoj.gov/nij/humansubjects](http://www.ojp.usdoj.gov/nij/humansubjects)). Sample formats of the Privacy Certificate, Transfer Agreement, and Single Project Assurance for submission to BJA can be found on the OJP web site ([www.ojp.usdoj.gov/forms.htm](http://www.ojp.usdoj.gov/forms.htm)).

## Sources for Further Information

### **GMS/Technical Phone Support (toll-free)**

Technical support is available, Monday through Friday, from 7:00 a.m. to 9:00 p.m., e.t., via the GMS Help Desk at 1-888-549-9901, Option 3.

### **Financial/Banking/Vendor/Payment Support (toll-free)**

Call the OC Customer Service Center at 1-800-458-0786.

### **DUNS Number (toll-free)**

1-866-705-5711

### **E-mail Inquiries**

Program and Policy Issues: [SCAAP@ojp.usdoj.gov](mailto:SCAAP@ojp.usdoj.gov)

GMS/Technical Issues: [GMSHelp@ojp.usdoj.gov](mailto:GMSHelp@ojp.usdoj.gov)

Financial/Banking/Vendor/Payment Issues: [AskOC@ojp.usdoj.gov](mailto:AskOC@ojp.usdoj.gov)

### **Written/Phone Inquiries**

Robert Watkins, SCAAP Program Manager

Office of the Director

Bureau of Justice Assistance

810 7th Street, NW

Washington, DC 20531

202-514-3447

### **Internet-Based Information**

[www.ojp.usdoj.gov/BJA/grant/scaap.html](http://www.ojp.usdoj.gov/BJA/grant/scaap.html)

### **Non-SCAAP, General BJA, and OJP Grant Information**

Contact BJA at 202-616-6500