Congress of the United States
Washington, DC 20515

June 21, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Holder:

We are writing to express our concerns about the Department of Justice's recent decision to discontinue reimbursement funding within the State Criminal Alien Assistance Program (SCAAP) for criminal aliens who are not listed in the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) database. As Members of Congress who represent various counties across the United States, we believe this change would have an adverse impact on county budgets and would reduce the already paltry imbursement rate that SCAAP provides. We urge you to reconsider and delay this decision until appropriate accommodations can be made that allow counties the same tools that states have to process detained criminal aliens.

When SCAAP was created in 1994, Congressional intent was for the Attorney General to either take immediate custody of undocumented criminal aliens or to provide financial assistance to states and local governments to help offset the costs of incarcerating these criminal aliens. Within the original intent, payment would be given to counties for the incarceration costs incurred by local and state governments for undocumented criminal aliens if they fell within one of the following categories:

1. Entered the United States without inspection;
2. Was subject to exclusion or deportation at the time of arrest; or
3. Was admitted as a nonimmigrant but failed to maintain the nonimmigrant status at the time the person was taken into custody.

Those in the so-called "unknown" person category DOJ wishes to discontinue reimbursing localities for receive this designation because DHS cannot verify their immigration status. It is undisputable that the vast majority of undocumented aliens in the U.S. are "unknown" to the federal government and are tagged as such because they have been successful in avoiding interactions with law enforcement. Therefore, the unilateral decision by DOJ to only provide SCAAP funds for those criminal aliens that are "known" to the federal government is troubling.

This change disproportionately affects counties over states. County jails are the first point of contact with the criminal justice system for many undocumented aliens, so there is no background on these individuals. These inmates are also typically held for a shorter period of time, making it more difficult for them to be processed by the federal government before they are transferred to a state institution after they are convicted. This change has much less impact on the

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states, as they typically hold inmates for a much longer period of time, giving them plenty of opportunity to be processed by the ICE agents who are typically located at state prisons—a luxury counties do not have.

During a time when counties across the nation are feeling the pinch of federal and state cuts, making this drastic change without the proper infrastructure in place is reckless and dangerous. We urge you to delay your decision and work with us to come up with a solution that allows county jails to process these 'unknown' criminal aliens in a timely and accessible manner.

Sincerely,

Mike Honda
Member of Congress

John Carter
Member of Congress

Grace F. Napolitano

Judy Chu

Mazie K. Hirono

Laura Richardson

Jerry McNerney

Sam Farr

Devin Nunes

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