



# Board Agenda Item 25

DATE: December 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner

SUBJECT: Retroactive Application for FY 2018 State Criminal Alien Assistance Program (SCAAP)

RECOMMENDED ACTION(S):

**Retroactively authorize the Sheriff-Coroner's previous submittal of an application to the U.S. Department of Justice for the FY 2018 State Criminal Alien Assistance Program.**

There is no increase in Net County Cost associated with the recommended action. The application was submitted to the U.S. Department of Justice (DOJ) on October 29, 2018 for the FY 2018 State Criminal Alien Assistance Program (SCAAP) to meet the application deadline, contingent on your Board's approval. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action, if the recommended action is not approved, the FY 2018 SCAAP application will be withdrawn.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. If awarded, the Office of Justice Programs (OJP) of the U.S. DOJ will determine the fund amount that will be awarded to the County of Fresno. Once the funding amount is determined the Sheriff-Coroner's Office will return with a Board Agenda Item to request approval of the awarded amount.

DISCUSSION:

Under the SCAAP, the OJP of the U.S. DOJ makes payments to eligible States and units of local government that incur certain types of costs due to incarceration of undocumented criminal aliens during a particular 12-month reporting period. In general, a State or unit of local government is eligible to apply for a payment under the FY 2018 program if it incarcerated individuals in a correctional facility, who were convicted of at least two misdemeanors or one felony, during the reporting period whom the local government either (1) knows were undocumented criminal aliens, or (2) reasonably and in good faith believes were undocumented criminal aliens. Only a State or a unit of local government is eligible to apply, and only on its own behalf. Unit of local government means a political subdivision of a State with authority to independently establish a budget and impose taxes (typically, a general-purpose political subdivision of a State). The term may include a county or a municipality (e.g., city, county, town, township, village, borough, or parish).

As part of the online application to the FY 2018 SCAAP program, the submitting government official must

make a number of detailed certifications to OJP under penalty of perjury, including formal certifications regarding the accuracy of the information being provided, its conformity with the requirements and instructions for the FY 2018 application, and the legal authority of the submitting government official to execute the certifications and to submit the application on behalf of the applicant government.

Under the SCAAP application and certifications, the County of Fresno Sheriff-Coroner's Office is required to provide information related to previous inmates for FY 2016-17 who were or suspected to be or have been undocumented aliens. This includes the person's names, birth dates, release dates, foreign country of birth, and more. This provision of information relates to inmates that are or were in the Adult Detention Facilities (Jail) for more than 96 hours, and were convicted of committing one felony or two misdemeanors.

The SCAAP Grant Management System (GMS) is designed to reject an application to the FY 2018 program if the submitting government official fails to execute any of the required certifications or fails to provide the necessary information. An application cannot and will not be considered submitted (including for purposes of the application deadline) until all of the certifications have been made. As indicated in the text of each required certification, the DOJ, including OJP, will rely on each certification submitted in connection with an application to the FY 2018 program as a material representation in any decision to make a payment.

Approval of the recommended action will retroactively authorize the Sheriff-Coroner Office's previous submittal of the application for the FY 2018 SCAAP funding. If awarded, funding will provide reimbursement for part of the costs due to incarceration of undocumented criminal aliens during the fiscal year 2016-2017 12-month reporting period. Once the amount of any payment under the FY 2018 program has been determined, OJP will send e-mail notifications to applicants, via the SCAAP Help Desk. The notification will provide information concerning the amount available to the applicant government, and will provide detailed instructions for online acceptance in GMS and drawdown of funds.

In order to meet the grant filing deadline, the SCAAP application was submitted to the U.S. DOJ on October 29, 2018, contingent on your Board's approval.

It should be noted that the Sheriff-Coroner's Office submitted the FY 2017 SCAAP application to the US DOJ in April 2018. The application is in process. A total of \$238,532 was included in the FY 2017-18 Adopted Budget for Sheriff-Coroner Org 3111 based on the receipt of FY 2016 SCAAP funds in this amount in FY 2015-16. However, due to the delay in receipt of the FY 2017 SCAAP funds, \$238,532 was included in the FY 2018-19 Adopted Budget for Sheriff-Coroner Org 3111. It is unknown when the review process will be completed for the FY 2017 and FY 2018 SCAAP applications.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - SCAAP Application

CAO ANALYST:

Jeannie Z. Figueroa