



Board Agenda Item 21

DATE: August 6, 2019

TO: Board of Supervisors

SUBMITTED BY: Margaret Mims, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Application for FY 2019 State Criminal Alien Assistance Program (SCAAP)

RECOMMENDED ACTION(S):

Retroactively authorize the Sheriff's previous submittal of an application to the U.S. Department of Justice (DOJ) for the FY 2019 State Criminal Alien Assistance Program (SCAAP).

There is no increase in the Net County Cost associated with the recommended action. The application was submitted to the U.S. Department of Justice (DOJ) on May 17, 2019 for the FY 2019 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 If the recommended action is not approved, the FY 2019 SCAAP application will be withdrawn.

FISCAL IMPACT:

There is no increase in the 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's Office will return with a Board Agenda Item to request approval of the award amount.

On January 9, 2019, the Department was awarded \$353,053 for FY 2017 SCAAP. The FY 2018 application is still in process.

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 2019 program if it incarcerated individuals in a correctional facility during the reporting period who 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 2019 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 2019 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's Office is required to provide information related to previous inmates for FY 2017-18 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 2019 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, DOJ, including OJP, will rely on each certification submitted in connection with an application to the FY 2019 program as a material representation in any decision to make a payment.

Approval of the recommended action will retroactively authorize the Sheriff's Office previous submittal of the application for the FY 2019 SCAAP funding. If awarded, funding will provide reimbursement for part of the costs due to incarceration of undocumented criminal aliens during the fiscal year 2017-18 12-month reporting period. Once the amount of any payment under the FY 2019 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.

REFERENCE MATERIAL:

BAI #25, December 11, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - SCAAP Application

CAO ANALYST:

Jeannie Z. Figueroa