



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: NOVEMBER 9, 2011

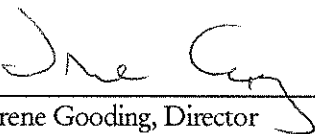
SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE U.S.
DEPARTMENT OF JUSTICE UNDER THE 2011 STATE CRIMINAL ALIEN
ASSISTANCE PROGRAM— FY 2012

On June 23, 2011 (Resolution No. 256-2011), Council authorized submission of an application requesting federal funding under the 2011 State Criminal Alien Assistance Program (SCAAP). This federal program is offered by the Bureau of Justice Assistance, a part of the Office of Justice Programs in the U.S. Department of Justice in conjunction with Immigration and Customs Enforcement (ICE). This program is governed by 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.

SCAAP provides funds to States and localities as reimbursement for costs of incarcerated undocumented criminal aliens who have been in custody for at least four consecutive days, and have been convicted of a felony or two misdemeanor offenses. Reimbursable costs are for foreign-born inmates who have 1) entered the U.S. without inspection, 2) was subject of exclusion or deportation proceedings at the time of being taken into custody, and/or 3) admitted as a nonimmigrant at the time of being taken into custody who has failed to maintain the nonimmigrant status. ICE takes responsibility for ensuring that aliens are properly identified and their status verified before awards to state and local governments are made.

The FY 2011 SCAAP payment amounts were determined using a sampling of actual inmate, cost and facility data for a specified reporting period. SCAAP is not a traditional reimbursement program in which the actual cost, facility and data are collected. SCAAP used prior year's data, from the period of July 1, 2009 through June 30, 2010, to determine applicants' annual relative percentages of available funding. The award for 2011 has been announced as \$129,533. For FY 2011 SCAAP awards, the Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) requires that all SCAAP funds be used for correctional purposes only. No matching funds are required.

Council authorization to accept the award is hereby requested.


Irene Gooding, Director

Xc: Clay Mason, Commissioner of the Department of Public Safety

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