

Memorandum

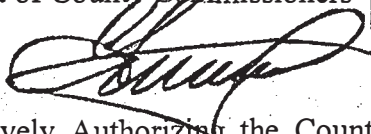
MIAMI-DADE
COUNTY

Date: April 7, 2020

To: Honorable Chairwoman Audrey M. Edmonson
And Members, Board of County Commissioners

Agenda Item No. 3(B)(1)

From: Carlos A. Gimenez
Mayor



Subject: Resolution Retroactively Authorizing the County Mayor to Apply for, Receive, and Expend Federal Funds from the State Criminal Alien Assistance Program

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution retroactively authorizing the County Mayor or County Mayor's designee to apply for, receive, and expend federal funds in the amount of \$1,119,907.00 from the State Criminal Alien Assistance Program (SCAAP). This item is retroactive because the application deadline would not have allowed enough time to submit the resolution to the Board prior to submitting the application.

Scope

The impact of this item is countywide.

Fiscal Impact/Funding Source

The funding source for this resolution is the Bureau of Justice Assistance's Office of Justice Programs within the U.S. Department of Justice, which administers SCAAP. This program will have a positive fiscal impact on MDCR by offsetting salary expenses. This program does not require matching funds.

Track Record/Monitor

This funding will be monitored by Commander Omar Fernandez of the Budget and Finance Bureau for MDCR.

Background

SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain 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 four consecutive days during the reporting period.

Additional submission criteria require the records of inmates in custody during the reporting period who:

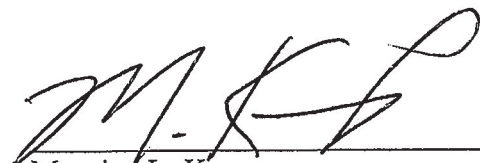
- Were born outside the United States or one of its territories and had no reported or documented claim to U.S. citizenship;
- Were identified and reported as undocumented using due diligence.

The United States Department of Homeland Security (DHS) makes the final determination on the status of submitted inmate records for undocumented alien purposes.

Salary information reported in the SCAAP application must reflect the total salaries and wages paid to correctional officers and others who meet the SCAAP definition. Salary costs must be actual dollar amounts paid for correctional officer salaries during the reporting period and may include premium pay for specialized services, shift differential pay, and fixed-pay increases for time in service. It may also include overtime required by negotiated contracts, statutes or regulations such as union agreements, contractual obligations, and required post staffing minimums. MDCR submitted its 2019 SCAAP application by the application deadline, which was May 23, 2019. The reporting period for the 2019 SCAAP is from July 1, 2017 through June 30, 2018. As SCAAP grants are awarded on a prorated basis based on available funding, the grant application did not contain a request amount, and the award amount was not known to MDCR until the award was made on December 31, 2019 in the amount of \$1,119,907. The award amount received by Miami-Dade County for the previous 2018 SCAAP (reporting period July 1, 2016 to June 30, 2017) was \$948,750. The 2018 SCAAP application was approved through Resolution No. R-297-19.

SCAAP payments are calculated using a formula that provides a relative share of funding to jurisdictions that apply and is based on the number of eligible criminal aliens, as determined by the DHS. SCAAP payments are calculated simultaneously with grant applicants receiving a prorated payment based on the appropriation available, costs submitted, and inmates, as determined by DHS. SCAAP funds must be used for correctional purposes only. A copy of the SCAAP guidelines is attached to this memorandum.

Attachment



Maurice L. Kemp
Deputy Mayor

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



State Criminal Alien Assistance Program FY 2019 Program Requirements and Application Instructions

Applications due: May 23, 2019

Under the State Criminal Alien Assistance Program ("SCAAP"), the Office of Justice Programs ("OJP") of the U.S. Department of Justice ("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."

IMPORTANT NOTE

The online SCAAP application for the FY 2019 program specifically incorporates by reference the **eligibility requirements, definitions of terms, and detailed application instructions** set out in this document. (To assist applicants, this document uses quotation marks to highlight defined terms, *e.g.*, "State," "unit of local government," "undocumented criminal alien," "eligible inmate," "correctional purposes.")

Before entering **any** information into the online application for the FY 2019 program, the government official who will complete and submit the application on behalf of an applicant government **MUST** carefully review this document.

Eligibility – In General

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" whom it either— (1) knows were "undocumented criminal aliens," or (2) reasonably and in good faith believes were "undocumented criminal aliens."

A detailed discussion of eligibility – including the definitions of “State” and “unit of local government” for purposes of SCAAP – appears below.

Reporting Period

The “reporting period” for the FY 2019 program is July 1, 2017, through June 30, 2018

Deadlines

Application. Applications for payments under the FY 2019 program must be submitted online – and accepted by the OJP Grants Management System (“GMS”) – **no later than 6 p.m. Eastern time on May 23, 2019.**

Absent highly-unusual circumstances, OJP will **not** extend this deadline or permit an applicant government to submit its application after the application deadline. Much as in previous years, promptly after the application deadline, OJP will transmit to the U.S. Department of Homeland Security (“DHS”) the data on “eligible inmates” from all of the applications submitted to GMS before the deadline. The volume of “eligible inmates” data transmitted to DHS (and the nature and complexity of the DHS review of that data) is such that it is not possible to transmit supplemental or corrected data to DHS.

Registration in GMS. Any application must be completed and submitted by a government official with the legal authority to apply to the FY 2019 program on behalf of the chief executive of the applicant government. This “submitting government official” must be registered in GMS in order to complete and submit an application under the FY 2019 program.

Instructions on how to register in GMS and how to access the online application for the FY 2019 program appear in Appendix A.

Contact Information

For assistance with the online application to the FY 2019 program or other aspects of the FY 2019 program, contact the **SCAAP Help Desk** by phone at 1-202-353-4411, or by email to SCAAP@usdoj.gov. The SCAAP Help Desk operates Monday through Friday during normal business hours (Eastern time). It is closed on federal holidays.

For assistance in accessing GMS (e.g., passwords, log-in problems), contact the **GMS Support Hotline** at 888-549-9901, option 3, or by email to GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including on federal holidays.

Posting date: 4-10-19

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State Criminal Alien Assistance Program

FY 2019 Program Requirements and Application Instructions

(CFDA # 16.606)

Program Requirements – In General

Overview

OJP's Bureau of Justice Assistance ("BJA") administers SCAAP. Under SCAAP, OJP makes payments to "States" and "units of local government" that incur certain types of costs due to "incarceration" of "undocumented criminal aliens" during a specific 12-month "reporting period."

Under the FY 2019 program, payments will be made in connection with "undocumented" aliens who had been convicted of at least one felony or two misdemeanors (typically, for violations of State or local law), and who were "incarcerated" under the legal authority of the applicant government for at least four consecutive days during the "reporting period." (Additional details are set out in later sections of this document.)

As part of an application, each applicant government provides particular information about individuals it "incarcerated" – under its own legal authority – for at least four consecutive days during the "reporting period" and who the applicant government either— (1) knows were "undocumented criminal aliens," or (2) reasonably and in good faith believes were "undocumented criminal aliens." (OJP transmits the data submitted on such individuals to DHS for a detailed review.) As part of an application, each applicant government also must provide information pertinent to its average costs of incarceration during the "reporting period."

Broadly speaking, SCAAP payments are calculated from information provided by applicant governments in online applications, information provided to OJP by DHS regarding the DHS review of data on "eligible inmates," and the amount of appropriated funds available for the SCAAP application cycle (e.g., for the FY 2019 program). All information submitted as part of an application is subject to appropriate review by OJP. An overview of the method OJP uses to calculate payments is available [here](#).

Statutory Authority

The FY 2019 program is authorized by 8 U.S.C. § 1231(i) and the Department of Justice Appropriations Act, 2019 (Public Law 116-6). See also 28 U.S.C. § 530C(a).

Restriction on use of SCAAP payment; associated records

As a matter of federal law, a "State" or "unit of local government" that receives a payment under the FY 2019 program must use the payment "only for correctional purposes." See 8 U.S.C. § 1231(i)(6).

“Correctional purposes.” With respect to a “State” or “unit of local government,” use of a SCAAP payment for “correctional purposes” means—

- Use of the funds to pay any cost reasonably attributable to that government's operation of a “correctional facility” for its own use, such as—
 - Salaries and wages paid to employees who work primarily and directly in the “correctional facility” (*regardless* of whether those employees are “correctional officers”)
 - Costs of employment benefits provided to (or on behalf of) employees who work directly in and for the “correctional facility”
 - The reasonably allocable portion of the salaries, wages, and benefits paid to employees who, although not primarily and directly working in and for the “correctional facility,” provide necessary services either to the correctional facility (*e.g.*, administrative support) or to the individuals “incarcerated” in the correctional facility (*e.g.*, medical care, transportation)
 - Repair, maintenance, and “overhead” (*e.g.*, utilities) costs reasonably attributable to operation of the “correctional facility.”
- Use of the funds for payments to a “contract correctional facility” that are reasonably attributable to “incarceration” of individuals in such a facility on behalf of (pursuant to the legal authority of) the pertinent “State” or “unit of local government.”
- Use of the funds for costs directly associated with (and attributable to) the “incarceration” (under the legal authority of the pertinent “State” or “unit of local government”) of aliens who are or may be “undocumented,” such as the reasonable costs of activities (*e.g.*, development of policies and appropriate staff training on those policies) designed to ensure that the “State” or “unit of local government” does not restrict sending or receiving information regarding citizenship or immigration, as described in 8 U.S.C. § 1373, gives DHS agents access to “correctional facilities” in order to interview individuals believed to be aliens, and honors formal requests from DHS for advance notice of the scheduled release date and time for particular aliens being held in custody.

Maintenance of records. An applicant government that receives a payment under the FY 2019 program must, for not less than three years after the date it draws down that payment from OJP, maintain records sufficient to demonstrate that the payment was used solely for “correctional purposes,” and must make those records available to DOJ (including OJP) upon request.

Limit on request for compensation

As a matter of federal law, “no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities.” See Department of Justice Appropriations Act, 2019 (Public Law 115-141; 132 Stat 348, 420).

Eligibility

Only a "State" or a "unit of local government" is eligible to apply, and only on its own behalf.

For purposes of the FY 2019 program—

"State" includes the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"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). Note: A department or agency that is part of such a "unit of local government" is **not** itself considered a "unit of local government."

Joint applications by two or more "States" or "units of local government" are **not** permitted, *even if* the application names only one State or unit of local government as the applicant. As a rule, an application must **not** incorporate or report data on either— (1) individuals held in custody by the applicant government on behalf of (pursuant to the legal authority of) another State or unit of local government, or (2) costs associated with individuals held in custody on behalf of another State or unit of local government.

Similarly, a governmental entity that is not itself a "State" or a "unit of local government" (e.g., a regional jail, special jail district, or regional jail authority or board) is **not** eligible to apply. Rather, each "State" or "unit of local government" that uses the regional facility may include (as part of in its own application) data that directly reflects its own use of the facility.

NOTIFICATION

DOJ Intent to Modify SCAAP Requirements for Future Application Cycles Part 1

Consonant with the notice given last year and consistent with its authority and discretion, including under 8 U.S.C. § 1231(i) and 28 U.S.C. § 530C(a), DOJ plans to add certain immigration-laws-related eligibility requirements to SCAAP, beginning with the FY 2020 application cycle. **Because the annual “reporting period” for the FY 2020 application cycle will begin on July 1, 2018, “States” and “units of local government” that intend to apply to the FY 2020 program should take note.**

Starting with the FY 2020 application cycle for SCAAP (and assuming that appropriated funds then are legally available), DOJ intends to require each applicant government—in order to be eligible to receive a payment—to submit a specific formal certification that encompasses the applicant’s law enforcement agency (or agencies), its corrections agency (or agencies), and the “correctional facility” (or facilities, including contract facilities) in which the applicant “incarcerates” inmates.

As currently contemplated, that certification, to be executed by the applicant government’s chief legal officer (e.g., the State Attorney General, for an application by a State), would represent to DOJ that—

- The chief legal officer has carefully reviewed each of the following sections of title 8, United States Code:
 - a. § 1226(a) & (c) (authorizing arrest and detention of certain aliens and providing that the federal government “shall take into custody” certain criminal aliens “when the alien is released”);
 - b. § 1231(a) (providing that a 90-day “removal period” during which the federal government “shall” detain and then “shall” remove an alien incarcerated by a State or local government, or by the federal government, from the United States generally “begins” no later than “the date the alien is released from detention or confinement; and providing that the federal government may not “remove an alien [including “an alien in the custody of a State (or a political subdivision of a State)]” who is sentenced to imprisonment until the alien is released from imprisonment”);
 - c. § 1324(a) (forbidding any “person,” in “knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law,” to “conceal[], harbor[], or shield[] from detection, or attempt[] to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation” or to “engage in any conspiracy to commit any of the preceding acts ... or aid[] or abet[] the commission of any of the preceding acts”);
 - d. § 1357(a) (authorizing immigration officers, “anywhere in or outside the United States” (see 8 C.F.R. § 287.5(a)), to “interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States”); and
 - e. § 1366(1) & (3) (requiring the Attorney General annually to submit to Congress “a report detailing ... (1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense; [and] (3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to removal”); and
- throughout the pertinent reporting period, and as to those law enforcement and corrections agencies and correctional facilities), neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any law, rule, policy, or practice that would or does—(1) violate, or aid or abet any violation of, 8 U.S.C. § 1324(a); (2) impede the exercise by federal officers of authority under 8 U.S.C. § 1357(a); or (3) impede the exercise by federal officers of authority relating to 8 U.S.C. § 1226(a) or (c), 8 U.S.C. § 1231(a), or 8 U.S.C. § 1366(1) or (3).

NOTIFICATIONS

DOJ Intent to Modify SCAAP Requirements for Future Application Cycles Part 2

Consonant with the notice given last year and consistent with its authority and discretion, including under 8 U.S.C. § 1231(i) and 28 U.S.C. § 530C(a), DOJ plans to add certain immigration-laws-related eligibility requirements to SCAAP, beginning with the FY 2020 application cycle. **Because the annual "reporting period" for the FY 2020 application cycle will begin on July 1, 2018, "States" and "units of local government" that intend to apply to the FY 2020 program should take note.**

Starting with the FY 2020 application cycle for SCAAP (and assuming that appropriated funds then are legally available), DOJ intends to require each applicant government—in order to be eligible to receive a payment—to submit a specific formal certification that encompasses the applicant's law enforcement agency (or agencies), its corrections agency (or agencies), and the "correctional facility" (or facilities, including contract facilities) in which the applicant "incarcerates" inmates.

As currently contemplated, that certification, to be executed by the applicant government's chief legal officer (e.g., the State Attorney General, for an application by a State), would represent to DOJ that—

- The chief legal officer has carefully reviewed 8 U.S.C. § 1373(a) and (b), including the prohibitions on certain actions by State and local government entities, -agencies, and -officials regarding information regarding citizenship and immigration status. The chief legal officer has also reviewed the provisions set out at (or referenced in) 8 U.S.C. § 1551 note ("Abolition ... and Transfer of Functions"), pursuant to which references to the "Immigration and Naturalization Service" in 8 U.S.C. § 1373 are to be read, as a legal matter, as references to particular components of the U.S. Department of Homeland Security; and
- throughout the pertinent reporting period, and as to those law enforcement and corrections agencies and correctional facilities), neither the jurisdiction nor any entity, agency, or official of the jurisdiction has in effect, purports to have in effect, or is subject to or bound by, any prohibition or any restriction that deals with either—(1) a government entity or -official sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. §§ 1373(a) or 1644; or (2) a government entity or -agency sending to, requesting or receiving from, maintaining, or exchanging information of the types (and with respect to the entities) described in 8 U.S.C. § 1373(b).

NOTIFICATIONS

DOJ Intent to Modify SCAAP Requirements for Future Application Cycles Part 3

Consistent with its authority and discretion, including under 8 U.S.C. § 1231(i) and 28 U.S.C. § 530C(a), DOJ plans to add certain immigration-laws-related eligibility requirements to SCAAP, beginning with the FY 2020 application cycle. **Because the annual “reporting period” for the FY 2020 application cycle will begin on July 1, 2018, “States” and “units of local government” that intend to apply to the FY 2020 program should take note.**

Starting with the FY 2020 application cycle for SCAAP (and assuming that appropriated funds then are legally available), DOJ intends to require each applicant government—in order to be eligible to receive a payment—to submit a specific formal certification that encompasses the applicant’s law enforcement agency (or agencies), its corrections agency (or agencies), and the “correctional facility” (or facilities, including contract facilities) in which the applicant “incarcerates” inmates.

As currently contemplated, the certification, to be executed by the applicant government’s chief legal officer (e.g., the State Attorney General, for an application by a State), would represent to DOJ that the application seeks payment with respect to the incarceration of no eligible inmates other than those about whom, respectively, the applicant government notified DHS of (a) the name, (b) the release date (updated, as appropriate, from time to time), and (c) the home and work addresses, before the later of—

- 1) The end of the fourth consecutive day of his incarceration; or
- 2) October 1, 2018.

Certifications in the online application for the FY 2019 program

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 set out in this document, and the legal authority of the submitting government official to execute the certifications and to submit the application on behalf of the applicant government.

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. An application cannot and will not be considered submitted (including for purposes of the application deadline) until all of the certifications have been made.

DOJ reliance on the required certifications as material; penalties for false statements

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.

A materially false, fictitious, or fraudulent statement to the federal government (or concealment or omission of a material fact) as part of a required certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject both the “submitting government official” and the applicant government to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and §§ 3801-3812). Also, certifications provided to OJP in connection with the FY 2019 program are subject to review by DOJ, including by OJP and by the DOJ Office of the Inspector General.

OJP review of applications; corrections to data (other than “eligible inmate” data)

All information submitted as part of an application is subject to appropriate review by OJP. If a properly-submitted application appears to contain errors that may be corrected by the applicant (such as inaccurate data on correctional officers or correctional facilities), OJP typically will notify the applicant via an e-mail message to the “submitting government official” and the applicant’s chief executive, using the e-mail addresses provided in the application. In such a notification, OJP may provide an applicant with an opportunity to correct the application by a particular date. In any such case, to be considered for a SCAAP payment, the applicant must make the appropriate corrections by that date.

Due to the nature and complexity of the data review by DHS, however, **no** corrections may be made to data submitted on “eligible inmates” (or “inmate records”) after the application deadline has passed.

Notification and acceptance of payment

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.

An applicant government is to complete the online acceptance process within 45 calendar days after receipt of the e-mail notice from OJP. Formal acceptance in GMS is required before any electronic transfer of funds to the applicant government.

Application Instructions (including definitions of terms)

In the SCAAP online application, each applicant government will be asked to provide specific types of information. In general, they are:

- Information on the applicant government and its "chief executive."
- Information on the "submitting government official."
- Financial institution and financial account information for the appropriate bank account of the applicant government.
- Data on "eligible inmates" during the "reporting period," which may be provided **either** through direct entry of all "inmate records" in the online application **or** through upload of a single ASCII-formatted file.
- Data pertinent to the applicant government's costs of incarceration for the "reporting period," including information on "correctional officers" and associated salary expenditures, the total number of inmates incarcerated, and the "maximum bed count" of the applicant's "correctional facilities."

The "submitting government official." The SCAAP online application may be completed and submitted **only** by an appropriate official of the applicant government. For each applicant government, there may be only **one** "submitting government official." That "submitting government official" **must** have the legal authority to apply to the FY 2019 program on behalf of the applicant government, **must** have the necessary knowledge and information to complete the entire application accurately, and **must** in fact complete and submit **all** sections of the application. *Due diligence is required.*

The certifications within the online application vary in their precise content, but in each of them, the "submitting government official" must certify, on behalf of himself/herself and the applicant government, under penalty of perjury, that the information entered is "true and correct to the best of my knowledge and belief, based upon diligent inquiry and review" and is provided in accordance with the requirements, definitions, and instructions set out in this document. In addition, in each such certification, the submitting government official certifies that he/she has "the legal authority to make this certification to OJP, including from the chief executive of the applicant government."

A note on printing the application screens

The "submitting government official" may wish to print (or save) a copy of each screen of the online application before the application is submitted in GMS. To do this:

In computers that use the Windows operating system:

- Hold down the Control ("Ctrl") key
- Press the "P" key
- Select a printer to print a paper copy (or save the file to the computer)

In computers that use the Mac operating system:

- Press the "P" key
- Save the file to the computer **or**
- Select a printer to print a paper copy (or save the file to the computer)

Part I. Information on the Applicant Government and its “Chief Executive”

Information on the Applicant “State” or “Unit of Local Government”

Refer to the information above on “Eligibility,” including the definitions of “State” and “unit of local government,” to determine whether an interested entity is eligible to apply.

If the prospective applicant is in fact a “State” or “unit of local government,” enter the appropriate information for the applicant government in section 1 of the application.

Important: GMS may “prepopulate” (from stored GMS user data) certain information in the fields that deal with the applicant government. This “prepopulated” information may **not** be correct, and may **not** be consistent with the SCAAP program requirements and these application instructions. The “submitting government official” **must** review **all** such prepopulated information and make **all** necessary changes.

Information on the “Chief Executive” of the Applicant “State” or “Unit of Local Government

Also in section 1 of the application, enter the appropriate information for the current “chief executive” of the applicant government.

Important: As with the fields concerning the applicant government, GMS may “prepopulate” certain information in the fields that concern the applicant government’s “chief executive.” The “submitting government official” **must** review **all** such prepopulated information and make **all** necessary changes.

Note that, in virtually all cases, the chief executive of a “State” is the governor. As to “units of local government,” the title of the chief executive will vary depending on the organization of the local government, but only one individual in the local government is its “chief executive” (e.g., the mayor).

Click on the “Save Information” button to continue to the next section of the application. (If an error message appears, make the appropriate corrections, then click “Save Information” again.)

Part II. Contact Information for the Submitting Government Official

The application may be completed and submitted **only** by the “submitting government official.” Refer to the information above, concerning who may be the “submitting government official.”

In section 2 of the application, enter the name and contact information for the “submitting government official.”

Important: GMS may “prepopulate” (from stored GMS user data) certain information in the fields that deal with the “submitting government official.” OJP anticipates that, **in many cases**, this “prepopulated” information will **not** be correct, and will **not** be consistent with the SCAAP program requirements and these application instructions. The “submitting government official” **must** review **all** such prepopulated information and make **all** necessary changes.

Carefully read the required certification concerning the applicant government and the “submitting government official,” specifically including the final paragraph (concerning the potential ramifications of a false, fictitious, or fraudulent statement). Determine whether the certification properly may be executed. If so, click the “certification checkbox” in section 2 of the application. As indicated earlier, an application may not be submitted to GMS unless all required certifications are executed.

Click on the “Save Information” button to continue to the next section of the application. (If an error message appears, make the appropriate corrections, then click “Save Information” again.)

Part III. Financial Institution Information for Payment to the Applicant Government

OJP will make payments under the FY 2019 program by electronic transfer. Applicant governments are reminded that, by law, any payment under the FY 2019 program must be used “only for correctional purposes.” See discussion above.

In section 3 of the application, provide the required information regarding the bank account of the applicant government to which any payment under the FY 2019 program should be made.

Carefully read the required certification concerning the financial institution information. Determine whether the certification properly may be executed. If so, click the certification “checkbox” in section 3 of the application.

Click on the “Save Information” button to continue to the next section of the application. (If an error message appears, make the appropriate corrections, then click “Save Information” again.)

Part IV. Information on “Eligible Inmates”

“Eligible inmates.” Each applicant government is to provide detailed information about the individuals— (1) whom the applicant government “incarcerated” for at least four *consecutive* days during the “reporting period,” *and* (2) who the applicant government either *knows* were “undocumented criminal aliens,” *or reasonably and in good faith believes* were “undocumented criminal aliens.” For purposes of the application to the FY 2019 program, such individuals are referred to as “**eligible inmates.**”

Recap: An individual is an “eligible inmate” only if **all** of the following are true:

The inmate was—

- “Incarcerated” by the applicant government under its own legal authority (see definition below),

- for at least four *consecutive* days during the "reporting period," and
- the applicant government either *knows, or reasonably and in good faith believes*, that the inmate is an "undocumented criminal alien," that is, that the inmate is both—
 - "undocumented" (see definition below), and
 - a "criminal alien" (see definition below).

"Incarcerated." For purposes of the FY 2019 program, an individual is considered to have been "incarcerated" by (or on behalf of) the applicant government when held (confined) in a "correctional facility" *under the legal authority of the applicant government, following conviction of the individual for a criminal offense*. Such incarceration may have been in a correctional facility operated by the applicant government, or in a "contract correctional facility" (including a regional facility) used by the applicant government.

- An inmate is **not** considered to have been "incarcerated" by or on behalf of an applicant government if the applicant government held the inmate in custody on behalf of (under the legal authority of) *another* "State" or "unit of local government," pursuant to a contractual arrangement. (See also the related discussion above.)

"Undocumented." For purposes of the FY 2019 program, an individual is "undocumented" if, *as of the date the individual was "incarcerated" by the applicant government*, the individual was a foreign citizen or foreign national with no legitimate claim under federal law to be a U.S. citizen or U.S. national, **and** the individual— (1) entered the United States without authorization under federal law to do so, (2) entered the United States under a federal legal authorization that had expired or otherwise was no longer in effect, **or** (3) was the subject of deportation or exclusion proceedings.

- Generally, a person born in the United States (including in a U.S. territory) is a U.S. citizen or U.S. national.

"Criminal alien." For purposes of the FY 2019 program, an alien (that is, an individual who is not a citizen or national of the United States) is a "criminal alien" if, *as of the date the individual was "incarcerated" by the applicant government*, he/she had been convicted of at least one felony or two misdemeanors.

- Adjudication of a juvenile as a delinquent does **not** constitute conviction of a felony or a misdemeanor for purposes of the FY 2019 program.

“Inmate records” and associated data elements. In section 4 of the application, the “submitting government official” is to provide an “inmate record” for each “eligible inmate.”

Multiple periods of incarceration. If, during the reporting period, the applicant government incarcerated a particular “eligible inmate” for two or more periods of at least four consecutive days each, the applicant **must** create a *separate* “inmate record” for each such distinct period of incarceration. The applicant **may not** combine such distinct periods of incarceration in a single inmate record.

“Eligible inmates” who use aliases. If an applicant government has reason to believe that a particular “eligible inmate” uses or has used aliases, the applicant **may** submit a separate “inmate record” for each alias, provided the information in the separate inmate record(s) is *identical in all respects, other than as to last, first, and/or middle names.* (Note that this requirement for identical information – except as to names – specifically includes the “unique inmate number assigned by the applicant government.” (See list below.)

Each “inmate record” is to provide all of the following information, to the extent known to the applicant government using due diligence—

- Alien number, also referred to as A-number
- Last name
- First name
- Middle name (not required, but to be provided if available)
- Date of birth
- Unique inmate identifying number assigned by the applicant government
- Foreign country of birth
- “Date incarcerated” (see definition in Appendix B)
- “Date released” (see definition in Appendix B)
- FBI number

-NEW- Law Enforcement Support Center (LESC) Immigration Alien Query (IAQ). This new field will be optional 2019 (include the information if available) but will be required in 2020. Please see Appendix F for more details.

The detailed instructions for each of these data elements are set out in the table entitled “SCAAP Data Elements for ‘Inmate Records’ – FY 2019 Program” in Appendix B.

That table identifies mandatory data elements; specifies the precise format to be used for each data element; sets out the rules to follow for individuals with compound or hyphenated first, last, or middle names; and specifically defines “date incarcerated” and “date released.” (It also defines the required ASCII fixed-field format to be used if the applicant chooses to provide its “inmate records” by upload of a single ASCII-format file.)

- For ease of reference, the “submitting government official” may wish to print out a copy of “SCAAP Data Elements for ‘Inmate Records’ – FY 2019 Program.”
- Be aware that an “inmate record” that does not identify a **specific country** as the inmate’s country of birth, but instead indicates that the country of birth is “unknown,” will **not** be considered in the calculation of the amount of any payment under the FY 2019 program **unless** DHS (through its data review) is able to confirm that the inmate was in fact “undocumented,” and the “inmate record” otherwise is sufficient.

Submission of “inmate records.” An applicant may choose to provide “inmate records” for “eligible inmates” **either** by entering all such data directly into the table in section 4 of the application (each line will be a single “inmate record”), **or** by uploading a single ASCII-formatted file that contains the *entire* set of inmate records for the “reporting period.”

If the application has not yet been submitted to GMS, an applicant may switch from one method of reporting “inmate records” to the other. Any such change from one method to another, however, will overwrite (and delete) **all** earlier entries or uploads of inmate record data.

- If the “submitting government official” will enter “inmate record” data directly into the online application using the table under “Required Information on ‘Eligible Inmates,’” *select* “Enter data directly (below).”
 - This method may be preferable for applicant governments with smaller “correctional facilities” or small criminal alien populations.
 - If this method is used, drop-down menus will be available for entry of “date incarcerated,” “date released,” date of birth, and foreign country of birth.
 - Click “Add” to add inmate data, “Select All” to select all “inmate records” entered, “Deselect All” to un-select all inmate records entered, and “Delete Selected” to delete the selected inmate records.
- If the “submitting government official” instead will upload a single ASCII-format file with all “inmate records” for “eligible inmates,” *select* “Upload ASCII fixed-field file.”
 - Appendix B (entitled “SCAAP Data Elements for ‘Inmate Records’ – FY 2019 Program”) sets out the required ASCII fixed-field format to be used if the applicant chooses to provide “inmate records” by upload of a single ASCII file.
 - Appendix C lists (DHS) ICE Country Codes. “Inmate records” submitted as part of a single ASCII fixed-field file are to include the appropriate “ICE Code” from the list in Appendix C. Do **not** use an abbreviation from any other list of country codes.
 - Appendix D (entitled “Instructions for upload of ASCII fixed-field file of ‘inmate records.’”) provides detailed instructions for the ASCII fixed-field file upload process.

Certification. Carefully read the required certification concerning the information on “eligible inmates.” Determine whether the certification properly may be executed. If so, click the certification “checkbox” in section 4 of the application.

Click on the "Save Information" button to continue to the next section of the application. (If an error message appears, make the appropriate corrections, then click "Save Information" again.)

Part V. Information on "Correctional Officers" and "Correctional Facilities"

Required Information on "Correctional Officers"

In section 5 of the online application, the "submitting government official" must provide, by direct entry into the online application, all of the following information related to "correctional officers"—

- The total number of *full-time "correctional officers"* employed by the *applicant government*, during the reporting period
- The total number (reported as FTEs) of *part-time "correctional officers"* employed by the *applicant government*, during the reporting period
- The total number of *full-time "correctional officers"* providing services to the applicant government as employees of "contract correctional facilities" (or as contractors), during the reporting period
- The total number (reported as FTEs) of *part-time "correctional officers"* providing services to the applicant government as employees of "contract correctional facilities" (or as contractors), during the reporting period
- "Actual salary expenditures for correctional officers," during the reporting period.

In addition, section 5 of the online application requires the "submitting government official" to provide (as a file "attached" to the application) a "'Correctional officer' salary expenditures detail."

Pertinent definitions: Correctional officers and associated salary expenditures

- "**Correctional facility**" means a facility typically used to hold (confine) in custody individuals convicted of one or more criminal offenses.
 - A "correctional facility" may be operated by a "State" or "unit or local government" for its own use.
 - A "correctional facility" instead may be operated by a private or governmental entity that holds individuals in custody *on behalf of* (pursuant to the legal authority of) a "State" or "unit of local government," pursuant to a contractual arrangement. For purposes of the FY 2019 program, such a facility (including a regional facility) is a "**contract correctional facility.**"

- A “correctional facility” may – in addition to holding in custody individuals who have been *convicted* of criminal offenses – also hold in custody individuals who have been *charged* with criminal offenses. A facility that is used primarily for pretrial detention, however, is **not** a “correctional facility.”
- **“Correctional officer.”** For purposes the FY 2019 program, “correctional officer” means a person whose **primary** employment responsibility is to maintain custody of individuals held in custody in a “correctional facility.” A person who meets this definition is a “correctional officer,” regardless of whether he or she is an employee of the applicant government or an employee of a “contract correctional facility” used by the applicant government.

If appropriate based on *primary* employment responsibility, the term “correctional officer” may include a person who fills a position such as deputy sheriff, correctional facility or jail supervisor, chief of security or shift commander for a correctional facility, or warden or assistant warden of a correctional facility. The term “correctional officer” also may include a transportation officer (or someone in a similar position), but *only if* the person’s *primary* employment responsibility is to maintain custody of inmates who remain in custody but temporarily are outside the “correctional facility.”

- “Incarcerated” has the definition set out above.
- Persons whose *primary* responsibility is something other than to maintain custody of individuals held in custody in a “correctional facility” are **not** “correctional officers” for purposes of this program, and **may not** be included in the “correctional officer” data reported in section 5 of online application. This is the case *even though* such persons may provide services to a correctional facility used by the applicant government or its inmates.
- Persons such as those who provide office and secretarial support or administrative services to (or for) a “correctional facility,” or whose *primary* employment responsibility involves housekeeping or maintenance at a correctional facility, or the provision of food, health or medical care, education, training, or vocational counseling to “incarcerated” inmates, therefore are **not** “correctional officers” for purposes of the FY 2019 program. They **may not** be included in the “correctional officer” data reported in section 5 of online application.
- Similarly, persons whose *primary* employment responsibility is work with inmates who are no longer held in custody in a “correctional facility” (e.g., parole and probation officers), or whose work involves inmates but whose primary employment responsibility is something other than “maintaining custody” of an inmate held in custody in a “correctional facility” (e.g., judges, prosecutors, and public defenders; hearing officers; personnel of warrant and apprehension units) are **not** “correctional officers” for purposes of the FY 2019 program. They **may not** be included in the “correctional officer” data reported in section 5 of online application.
- **“Total number”** of ... “correctional officers.”

- For **full-time** "correctional officers" employed by the applicant government, report the total number of full-time correctional officers employed during the reporting period.
 - For **part-time** "correctional officers" employed by the applicant government, report the total number of part-time correctional officers employed during the reporting period.
 - For **full-time** "correctional officers" employed by a "contract correctional facility," include **only** the "total number" of such officers whose employment is reasonably attributable – using due diligence – to use of the correctional facility by the applicant government for inmates held in custody under its own legal authority. As the "total number," report the total number of such full-time correctional officers employed during the reporting period.
 - Similarly, for **part-time** "correctional officers" employed by a "contract correctional facility," include **only** the "total number" of such officers whose employment is reasonably attributable – using due diligence – to use of the correctional facility by the applicant government for inmates held in custody under its own legal authority. As the "total number," report the total number of such part-time correctional officers employed during the reporting period.
- **"Actual salary expenditures for correctional officers,' during the reporting period"** means the sum of—
 - The actual amount (if any) paid by the applicant government during the "reporting period" as the "salaries and wages" of full-time and part-time "correctional officers" it employed. Paid leave (medical leave, family leave, vacation leave) may be included in this total.
 - The actual amount (if any) *paid by any "contract correctional facility"* as the "salaries and wages" of full-time and part-time "correctional officers," but only to the extent the amounts paid are reasonably attributable – using due diligence – to inmates held in custody on behalf of, and under the legal authority of, the applicant government.
 - **"Salaries and wages"** may include amounts paid to a "correctional officer" as premium pay for specialized service, as shift-differential pay, and/or as fixed-pay increases for time in service. It also may include additional amounts paid for overtime, when such additional amounts are required by law (e.g., by statute or regulation) or by contractual obligation.
 - "Salaries and wages" **may not include** any payments or costs for employment **benefits**, including (without limitation) for social security, retirement or pension plans, health or medical services, insurance (e.g., medical, dental, vision, disability, and life insurance), and/or performance awards.

Information required in the “‘Correctional officer’ salary expenditures detail (for the reporting period).”

Each applicant must attach a file to its application that sets out, for each “correctional officer” included in the reported number of “correctional officers”—

- The **title** of the position held by the person (e.g., “corrections officer,” “deputy sheriff,” “warden”) and the **total** “salaries and wages” paid to the person during the reporting period for that work. (The **name** of the correctional officer **should not** be included.)
- For an individual “correctional officer” employed by a “contract correctional facility,” the “salaries and wages” listed must be the amount *reasonably attributable – using due diligence* – to inmates held in custody on behalf of, and under the legal authority of, the applicant government.
- This salary “detail” file may be submitted in one of several commonly-used file formats (e.g., Adobe PDF, Microsoft Word, or Microsoft Excel). **Note:** The sum of all “salaries and wages” listed in the “detail” file **must** match the amount entered in the online application as “‘Actual salary expenditures for correctional officers,’ during the reporting period.”
 - GMS does **not** accept *executable* file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”
- To “attach” the file—
 - Click on the “Attach” button to attach the required file. A pop-up window will appear.
 - Click on the “Browse” button.
 - Locate the correct file name and double-click on it. (The file name will appear in the blank field.)
 - Click the “Upload” button.

Required Information on “Correctional Facilities”

In section 5 of the online application, the “submitting government official” also must provide, by direct entry into the online application, all of the following information related to “correctional facilities”—

- “Maximum bed count” for the reporting period
- “Total all inmate days” for the reporting period.

In addition, section 5 of the online application requires the “submitting government official” to provide, as a file “attached” to the application, detail on “All inmate days, by reporting day” for the reporting period.

Pertinent definitions: Correctional facilities

- “**Correctional facility**” and “**contract correctional facility**” are defined above.
- “**Maximum bed count’ for the reporting period**”

If the applicant government held inmates in custody **only** in “correctional facilities” operated by the applicant government itself for its own use, the “Maximum bed count’ for the reporting period” is the **maximum capacity**, during any single day of the reporting period, of all such “correctional facilities” operated by the applicant government.

If, however, the applicant government *either* did not operate a “correctional facility” for its own use, *or* operated one or more “correctional facilities” for its own use but also used other facilities to hold inmates in custody, the “Maximum bed count’ for the reporting period” is the **sum** of—

- The maximum *capacity*, during any single day of the reporting period, of all “correctional facilities” operated by the applicant government itself, for its own use.
 - The maximum number of inmates, if any, *actually held in custody* on behalf of (under the legal authority of) the applicant government in a “contract correctional facility” during any single day of the reporting period.
 - The maximum number of inmates, if any, *actually held in custody* by the applicant government during any single day of the reporting period in “temporary” or “overflow” facilities (e.g., gymnasiums).
- “**Total all inmate days’ for the reporting period**” means the *cumulative* number of days – determined using the nightly “head count” for each of the days in the reporting period – inmates were held in custody in a “correctional facility,” by or on behalf of the applicant government (pursuant to its own legal authority) during the “reporting period,” **regardless of inmate citizenship, legal status, or the number of days held in custody.**

Information required in the “All inmate days, by reporting day’ detail (for the reporting period).”

- Each applicant must attach a file to its application that sets out *for each particular day of the reporting period* – using nightly “head counts” – the number of inmates held in custody in a “correctional facility” by or on behalf of the applicant government (pursuant to its own legal authority), **regardless of inmate citizenship, legal status, or the number of days held in custody.**
- This “detail” file may be submitted in one of several commonly-used file formats (e.g., Adobe PDF, Microsoft Word, or Microsoft Excel). **Note:** The sum of all daily entries for “all inmate days” listed in this “detail” file **must** match the number entered in the online application as “Total all inmate days’ for the reporting period.”

- GMS does **not** accept *executable* file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”
- To “attach” the file—
 - Click on the “Attach” button to attach the required file. A pop-up window will appear.
 - Click on the “Browse” button.
 - Locate the correct file name and double-click on it. (The file name will appear in the blank field.)
 - Click the “Upload” button.

Important note regarding “correctional officers” and “correctional facilities” data

As indicated earlier, all information submitted as part of an application to the FY 2019 program is subject to appropriate review by OJP. In appropriate circumstances (e.g., indications that an entry related to “correctional officers” or to “total all inmate days” may be erroneous), OJP may require additional information related to the accuracy of the information in the application.

Using data provided by the applicant in section 5 of the application (e.g., data on “correctional officers,” data on “total all inmate days”), GMS calculates each applicant’s average daily (salaries) cost per inmate during the “reporting period.” As a point of reference and comparison, for the FY 2017 program, the overall average daily (salaries) cost per inmate (*i.e.*, the average of the daily costs for all applicants that received payments) was \$42.29.

Certification. Carefully read the required certification concerning the information on “correctional officers” and “correctional facilities.” Determine whether the certification properly may be executed. If so, click the certification “checkbox” in section 5 of the application.

Click on the “Save Information” button to continue to the next section of the application. (If an error message appears, make the appropriate corrections, then click “Save Information” again.)

Part VI. Additional Certifications and Acknowledgements; Application Signature and Submission

The “Status” table in section 6 of the online application identifies those sections of the application that are considered “complete,” and also those that are “incomplete.” If any of sections 1 through 5 is “incomplete,” the “submitting government official” must return to that section and provide the necessary information, as well as read and (if appropriate) execute the required certifications.

Note: As indicated earlier, 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.

After completing sections 1 through 5 of the online application, the "submitting government official" must do all of the following within section 6—

- Carefully read the required "Acknowledgement of USDOJ Intent to Modify SCAAP Requirements Beginning with the FY 2020 Program," and determine whether that acknowledgement properly may be executed. If so, click the accompanying "checkbox" in section 6 of the online application.
- Carefully read the required "Certification and Assurance regarding Applicant Government's Use of SCAAP Payment under the FY 2019 Program," and determine whether that certification and assurance properly may be executed. If so, click the accompanying "checkbox" in section 6 of the online application.
- Carefully read and complete the required information in section 6 regarding the "submitting government official." (This is in lieu of a manual signature.)

REMINDER

The "submitting government official" identified in section 6 of the application **must be** the individual identified in section 2 of the application as the submitting government official.

For each applicant government, there may be only **one** "submitting government official." That "submitting government official" **must** complete **all** sections of the application, and **must** be the one who submits the application to OJP.

Click on the "Save Information" button. (If an error message appears, make the appropriate corrections, then click "Save Information" again.)

If **all** sections of the online application (including section 6) are "complete," a button labeled "Submit Application to OJP" will appear in the final row of the "Status" table within section 6.

To submit the application to OJP, the "submitting government official" **must** click the "Submit Application to OJP" button.

If the application is submitted successfully to OJP's GMS, a submission confirmation screen will appear.

Appendix A

How to register in GMS and access the online SCAAP Application

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The OJP Grants Management System (GMS):

How to register in GMS and access the online SCAAP application

Access GMS at <https://grants.ojp.usdoj.gov>.

A "submitting government official" must submit any application on behalf of the applicant government through OJP's GMS. OJP urges the submitting government official to register promptly, especially if this is the first time he or she is using GMS.

The "submitting government official" may access the online application for SCAAP by following the steps below.

1. Acquire or obtain the DUNS number for the applicant government.

GMS will require the "submitting government official" to enter the DUNS number for the applicant government. A DUNS number is a unique nine-digit identification number provided by the commercial company Dun and Bradstreet. This unique entity identifier is used for tracking purposes, and to validate address and point of contact information for applicants.

Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number, or apply online at www.dnb.com. A DUNS number usually is received within 1-2 business days.

2. Acquire a GMS username and password. A "submitting government official" who does not already have an individual GMS user ID must create a GMS profile and obtain a GMS user ID. This is done by selecting the "First Time User" link under the sign-in box of the GMS home page.

A "submitting government official" who already has a GMS user ID is to verify that his or her GMS user profile information is up-to-date.

3. Locate and select the SCAAP online application within GMS. After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select "Bureau of Justice Assistance," then click "Search."

- Select "State Criminal Alien Assistance Program."
- Select the "Apply Online" button in the "Action" column to access the SCAAP online application.

4. Complete and submit the SCAAP online application, following the instructions in the *State and Criminal Alien Assistance Program: FY 2019 Program Requirements and Application Instructions* (of which this is Appendix A). If the application is submitted successfully to GMS, GMS will display a screen that confirms that the application was submitted successfully. OJP urges each applicant to submit its application **at least 72 hours prior** to the application due date.

Appendix B

SCAAP Data elements for “inmate records” –
FY 2019 Program

SCAAP DATA ELEMENTS FOR "INMATE RECORDS" – FY 2019 PROGRAM

The table below shows the data elements for an "inmate record" for an "eligible inmate." These data elements (along with the associated "Instructions") apply to all inmate records for "eligible inmates," whether provided by direct data entry in the online application or by upload of an ASCII-format file.

The table also shows the ASCII fixed-field format to be used by an applicant government that chooses to provide its "inmate records" by ASCII file upload. In creating the ASCII-format file for upload, it is critical to follow the format requirements carefully and accurately. For example, GMS will reject any "inmate record" that is not exactly 165 or 166 characters long.

Note: Do not use the TAB key to enter required spaces. After entering the appropriate information in a given field, **use the SPACE BAR** if spaces must be entered to complete the entry and advance to the beginning of the next field.

Data Field Specifications					Instructions
Order in Data String	Data Element Name	Field Length	Begin At Column	Mandatory Item	
1	A-number	9	1	Yes, two options available	This is an "Alien number" or "Alien Registration number" assigned by (DHS) ICE and used to track individuals and verify identity. Do not use letters (A) or symbols (such as dashes). Use zeros (0) as the beginning digit(s) if the A-number is fewer than 9 digits. If the A-number is number is not available, enter 9 zeros (0).
2	Last name(s)	40	10	Yes	If the name is fewer than 40 characters, enter the name and leave the remainder of the field blank. In the case of compound or hyphenated names, leave in the hyphen or space between the names. (Be aware that many Hispanics use two last names; both should be entered in this field.)
3	First name(s)	25	50	Yes	In the case of compound or hyphenated names, leave in the hyphen or space between the names. If the name is fewer than 25 characters, enter the name and leave the remainder of the field blank.
4	Middle name(s)	25	75	No, but provide if available	In the case of compound or hyphenated names, leave in the hyphen or space between the names If the name is fewer than 25 characters, enter the name and leave the remainder of the field blank.
5	Date of birth	8	100	Yes	The date must be in the format YYYYMMDD. Insert a zero "0" in the sequence, as necessary, to fill in all spaces; e.g., "19830305" is March 5, 1983.
6	Unique inmate identifier number	15	108	Yes	This number is the unique inmate identifier assigned by the applicant government. If the number is fewer than 15 characters, enter the number and leave the remainder of the field blank. If more than one inmate record is submitted for a particular inmate and particular period of incarceration (as in the case of aliases), the same identifier must be used in all such inmate records.
7	Foreign country of birth	10	123	Yes	If preparing a single ASCII file of "inmate records," enter the <u>ICE Country Code</u> for the country of birth. The code will be from 2 to 5 letters long. After the code, add spaces to fill the field (the maximum field length is 110 characters). If entering each "inmate record" data directly into online application, select the appropriate country from the drop-down menu. If the individual identifies a specific country of birth, but that country does not appear on the list (or in the drop-down menu, for direct data entry), use a country in close geographic proximity, not "unknown."

SCAAP DATA ELEMENTS FOR "INMATE RECORDS" – FY 2019 PROGRAM (cont'd)

Data Field Specifications					Instructions
Order in Data String	Data Element Name	Field Length	Begin At Column	Mandatory Item	
8	"Date incarcerated" (see instructions below)	8	133	Yes	The date must be in the format YYYYMMDD. See additional instructions <u>below</u> .
9	"Date released" (see instructions below)	8	141	Yes	The date must be formatted YYYYMMDD. See additional instructions <u>below</u> .
10	FBI number	10	149	No, but provide if available	This number is issued by the FBI to track arrests and fingerprint records. If the FBI number is not available, leave this field blank by inserting 10 spaces. If the FBI number is fewer than 10 characters, enter the number first, and then insert spaces for the remainder of the field length.
11	LESC IAQ	7 or 8	159	No but provide if available Mandatory in 2020 application	See Appendix F for details

Instructions for reporting "Date incarcerated" and "Date released"

In an "inmate record" for a distinct, continuous period of "incarceration" of an "eligible inmate" during the "reporting period"—

"Date incarcerated" is to be the date – *following conviction of a criminal offense* – that the individual first was "incarcerated" by (or on behalf of) the applicant government, pursuant to its own legal authority.

- Special rule for *certain* periods of pre-trial detention (continuous custody):

If an individual was held in custody by (or on behalf of) the applicant government under its legal authority for a period that started before trial and continued **uninterrupted** through *at least* four consecutive days of (post-conviction) "incarceration" during the reporting period, the applicant government **may** report the starting date of that **continuous period of custody** as the "date incarcerated."

"Date released" is to be the **earlier** of— (1) June 30, 2018 (the final day of the pertinent "reporting period"), or (2) the date the "eligible inmate" "incarcerated" by or on behalf of the applicant government under its own legal authority was released from his/her confinement pursuant to that legal authority.

- Special rule for *certain* unusual circumstances (outstanding warrants and detainer requests):

If an "eligible inmate" is "incarcerated" by or on behalf of the applicant government under its own legal authority for at least four consecutive days during the reporting period, and *thereafter* the individual continues – **without interruption** – to be lawfully held in custody by the applicant government for one or more additional days (during the reporting period) on the basis of an *outstanding warrant or detainer request from the federal government* (or on the basis of an *outstanding warrant from another "State" or "unit of local government"*), the applicant government **may** report the ending date of that continuous period of confinement as the "date released," *provided* that the applicant government was not paid or otherwise compensated by the other government (federal, State, or local) for the additional days it held the individual on the basis of the outstanding warrant or detainer request.

Appendix C

(DHS) ICE country codes – for use in “inmate records”

Country Name	ICE Code	Country Name	ICE Code	Country Name	ICE Code
Afghanistan	AFGHA	Chad	CHAD	Ghana	GHANA
Albania	ALBAN	Chile	CHILE	Gibraltar	GIBRA
Algeria	ALGER	China, Peoples Republic	CHINA	Greece	GREEC
Andorra	ANDOR	Christmas Island	CHRIS	Greenland	GREEN
Angola	ANGOL	Cocos Islands	COCOS	Grenada	GRENA
Anguilla	ANGUI	Colombia	COLOM	Guadeloupe	GUADE
Antigua-Barbuda	ANTIG	Comoros	COMOR	Guatemala	GUATE
Argentina	ARGEN	Congo, Democratic Republic	DECON	Guinea	UINEA
Armenia	ARMEN	Congo, Republic	CONGO	Guinea Bissau	BISSA
Aruba	ARUBA	Cook Islands	COOK	Guyana	GUYAN
Australia	RALIA	Costa Rica	COSTA	Haiti	HAITI
Austria	STRIA	Cote d'Ivoire	IVORY	Holy See	VATIC
Azerbaijan	AZERB	Croatia	CROAT	Honduras	HONDU
Bahamas, The	BAHAM	Cuba	CUBA	Hong Kong	HONGK
Bahrain	BAHRA	Cyprus	CYPRU	Hungary	HUNGA
Bangladesh	BANGL	Czech Republic	CZREP	Iceland	ICELA
Barbados	BARBA	Czechoslovakia, former	CZECH	India	INDIA
Belarus	BELAR	Denmark	DENMA	Indonesia	INDON
Belgium	BELGI	Djibouti	DJIBO	Iran	IRAN
Belize	BELIZ	Dominica	INICA	Iraq	IRAQ
Benin	BENIN	Dominican Republic	DR	Ireland	IRELA
Bermuda	BERMU	Ecuador	ECUAD	Israel	ISRAE
Bhutan	BHUTA	Egypt	EGYPT	Italy	ITALY
Bolivia	BOLIV	El Salvador	ELSAL	Jamaica	JAMAI
Bosnia-Herzegovina	BOSNI	Equatorial Guinea	EQUAT	Japan	JAPAN
Botswana	BOTSW	Eritrea	ERTR	Jordan	JORDA
Brazil	BRAZI	Estonia	ESTON	Kazakhstan	KAZAK
British Virgin Islands	BVI	Ethiopia	ETHIO	Kenya	KENYA
Brunei	BRUNE	Falkland Islands	FALKL	Kiribati	KIRIB
Bulgaria	BULGA	Fiji	FIJI	Korea	KOREA
Burkina Faso	BURKI	Finland	FINLA	Kuwait	KUWAI
Burma	BURMA	France	FRANC	Kyrgyzstan	KYRGY
Burundi	BURUN	French Guiana	FRGUI	Laos	LAOS
Cambodia	CAMBO	French Polynesia	POLYN	Latvia	LATVI
Cameroon	CAMER	French Southern and Antarctic Lands	ANTAR	Lebanon	LEBAN
Canada	CANAD	Gabon	GABON	Lesotho	LESOT
Cape Verde	CAPEV	Gambia	GAMBI	Liberia	LIBER
Cayman Islands	CAYMA	Georgia	GEORG	Libya	LIBYA
Central African Republic	CAFRI	Germany	GERMA	Liechtenstein	LIECH

Country Name	ICE Code	Country Name	ICE Code	Country Name	ICE Code
Lithuania	LITHU	Palestine	PALES	Sweden	SWEDE
Luxembourg	LUXEM	Panama	PANAM	Switzerland	SWITZ
Macau	MACAU	Papua New Guinea	PAPUA	Syria	SYRIA
Macedonia	MACED	Paraguay	PARAG	Taiwan	TAIWA
Madagascar	MADAG	Peru	PERU	Tajikistan	TAJK
Malawi	MALAW	Philippines	PHIL	Tanzania	TANZA
Malaysia	MALAY	Pitcairn Island	PITCA	Thailand	THAIL
Maldives	MALDI	Poland	POLAN	Togo	TOGO
Mali	MALI	Portugal	PORTU	Tonga	TONGA
Malta	MALTA	Qatar	QATAR	Trinidad and Tobago	TRINI
Marshall Islands	MARSH	Reunion	REUNI	Tunisia	TUNIS
Martinique	MARTI	Romania	ROMAN	Turkey	TURKE
Mauritania	MAUTA	Russia	RUSSI	Turkmenistan	TURKM
Mauritius	MAUTI	Rwanda	RWAND	Turks and Caicos Islands	TURKS
Mexico	MEXIC	Samoa	SAMOA	Tuvalu	TUVAL
Micronesia, Federated States	FSM	San Marino	SANMA	Uganda	UGAND
Moldova	MOLDO	Sao Tome and Principe	SAOTO	Ukraine	UKRAI
Monaco	MONAC	Saudi Arabia*	SAUDI	United Arab Emirates	UAE
Mongolia	MONGO	Senegal	SENEG	United Kingdom	UK
Montserrat	MONTS	Seychelles	SEYCH	Uruguay	URUGU
Morocco	MOROC	Sierra Leone	SIERR	Uzbekistan	UZBEK
Mozambique	MOZAM	Singapore	SINGA	Vanuatu	VANUA
Namibia	NAMIB	Slovak Republic	SLOVA	Venezuela	VENEZ
Nauru	NAURU	Slovenia	SLOVE	Vietnam	VIETN
Nepal	NEPAL	Solomon Islands	SOLOM	Wallis and Futuna Islands	WALLI
Netherlands	NETHE	Somalia	SOMAL	West Indies	WINDI
Netherlands Antilles	ANTIL	South Africa	SAFRI	Western Sahara	WSAHA
New Caledonia	NEWCA	South Korea	SKORE	Western Samoa	WSAMO
New Zealand	NEWZE	Soviet Union, former	USSR	Yemen	YEMEN
Nicaragua	NICAR	Spain	SPAIN	Yugoslavia, former	YUGOS
Niger	NIGE	Sri Lanka	SRILA	Zambia	ZAMBI
Nigeria	NIGIA	St. Helena	STHEL	Zimbabwe	ZIMBA
Niue	NIUE	St. Kitts-Nevis	STKIT		
North Korea	NKORE	St. Lucia	STLUC	Born on ship/plane	SHIP
Northern Ireland	NIREL	St. Pierre and Miquelon	STPIE	Stateless	STATE
Norway	NORWA	St. Vincent and the Grenadines	STVIN	Unknown	UNKNO
Oman	OMAN	Sudan	SUDAN		
Pakistan	PAKIS	Suriname	SURIN		
Palau	PALAU	Swaziland	SWAZI		

* ARABI also may be used as the code for Saudi Arabia

Appendix D

Instructions for upload of ASCII fixed-field file
of "inmate records"

Upload of an ASCII fixed-field file of all “inmate records”

This method for submitting “inmate records” on “eligible inmates” allows an applicant to submit its entire set of inmate records as a **single ASCII-formatted file** uploaded directly into GMS. Appendix B specifies the required fields and format.

Each “inmate record” in the uploaded ASCII file is to contain **all** mandatory data fields in the specified format. Through a file upload “status report” (which will refer to each “inmate record” as a “line”), GMS will flag “inmate records” within the ASCII file that do not contain the required information, are not exactly **165 or 166** characters long, or do not follow (or appear not to follow) the specified data format.

“Inmate records” that are incomplete or are not in the specified format as of the date and time of the application deadline will **not** be considered as part of OJP’s payment calculation process. If an ASCII inmate-record file has been uploaded, but the applicant government has **not** yet submitted its application to OJP’s GMS, the applicant has the option to correct, add to, or otherwise modify the ASCII inmate-record file and upload that file as a **replacement** for the entire file previously uploaded. (See below.)

To help ensure that the maximum number of “inmate records” is taken into account in the calculation of the amount of any payment, the applicant should be **meticulous** in preparing the ASCII fixed-field file. If GMS nevertheless identifies errors in the file – and the application deadline has not yet passed – the applicant should correct those errors as soon as possible, **before** it “submits” the application to GMS.

ALERTS

- An ASCII “inmate-record” file may **not** be corrected, added to, or modified in **any way** once the application deadline has passed.
- If an applicant uploads an ASCII fixed-field file of “inmate records,” any subsequent upload of a new or modified file **will overwrite (and delete)** the previously-uploaded file **in its entirety**. Similarly, the addition of **any** inmate records via direct data entry will overwrite (and delete) the previously-uploaded ASCII fixed-field file **in its entirety**.
- Upload of a large ASCII fixed-field file of “inmate records” may take a considerable amount of time.
 - Generally, there is a brief start-up delay when the upload is being initiated.
 - A file that contains 50,000 “inmate records” may take 15 minutes or longer to upload, even after the file upload actually has begun.
 - If the applicant’s Internet browser “times out” or is disconnected during the file upload process, errors may result. It is important to review the file upload “status report” (see below) to determine whether the expected number of “inmate records” in fact was uploaded.

The Upload Process - In General

To submit "inmate records" for "eligible inmates" by uploading a single ASCII fixed-field file that includes all such inmate records, follow these steps:

Step 1: In section 4 of the online application, click on the "Upload ASCII fixed-field file" radio button.

Step 2: Click on the "Upload" box to attach the file. A pop-up window will appear.

Step 3: Click on the "Browse" button in the pop-up window.

Step 4: Locate the correct file name and double-click on it. The file name will appear in the blank field.

Step 5: Click the "Upload" button. (A message should appear in the pop-up window that indicates the status of the file upload. Click the "X" in the upper right corner of the pop-up box to close it.) The ASCII fixed-field file name should now appear next to the upload button on the main page.

The File Upload Status Report. During the "Upload ASCII fixed-field file" process, a red flashing bar will appear at the bottom of the screen. This bar will continue to flash until the upload process has stopped.

At that time, an on-screen file upload "status report" will appear. OJP strongly recommends that the applicant **print** a copy of each such status report.

The file upload "status report" will indicate the total number of "inmate records" uploaded and the number of those records that are "complete." In addition, the report will provide a detailed list of any inmate records (by "line" number) that are incomplete and/or are not in the specific data format. It also will indicate the data fields in which the error(s) appear.

To exit the file upload "status report" and return to section 4 of the online application ("Information on 'Eligible Inmates'"), click "Close."

Appendix E

SCAAP payment calculations – General overview

A general overview of the method OJP uses to calculate payments under SCAAP

1. DHS review of "inmate records." All "complete" inmate records submitted in timely applications from eligible applicants are forwarded by OJP to DHS promptly after the application deadline.
2. DHS conducts a detailed data review that focuses on determining whether each individual identified in an "inmate record" *in fact* was "undocumented" – or was instead a U.S. citizen (or national) or otherwise lawfully present in the United States – at the time of the incarceration identified in the inmate record.
3. DHS provides the results of its review to OJP.
4. OJP reviews the data provided by applicants, including data on "correctional officers," "actual salary expenditures for correctional officers," and "total all inmate days." As appropriate and feasible, OJP requires additional – or corrected – information from applicants.
5. For each applicant government with one or more "inmate records" determined to be eligible for payment, GMS calculates the average per-day (salaries) cost per inmate for the applicable "reporting period." In general, this is done by dividing "actual salary expenditures for correctional officers" (for the reporting period) by "total all inmate days" (for the reporting period).
6. Using the results of the DHS review, the OJP review, and each applicant's average per-day (salaries) cost per inmate, GMS calculates an amount – referred to as the applicant's total "eligible inmate costs" – that reflects the applicant's total (salaries) costs of incarcerating "undocumented criminal aliens" during the applicable "reporting period."
7. Funds available from appropriations to OJP for SCAAP for the particular application cycle are paid to applicant governments on a proportionate (percentage) basis, using each applicant's total "eligible inmate costs."

For the FY 2017 program, the result of this process was that payments made to applicant governments that received payments represented approximately 24 percent of each such applicant's total "eligible inmate costs."

Overview

The Department of Justice (DOJ) has updated how state and local law enforcement agencies will submit applications for reimbursement under the State Criminal Alien Assistance Program (SCAAP). Starting in the FY 2020 application cycle, submitting agencies will be required to certify that they seek reimbursement payments only with respect to those undocumented criminal aliens about whom the applicant government has provided specific notice to the Department of Homeland Security (DHS) of the alien's name, the release date, and his/her home and work addresses. For the 2019 SCAAP application, the LESC IAQ field will be optional for each inmate record. For the 2020 SCAAP application, the LESC IAQ field will be required.

Submitting agencies will establish the eligibility of inmates for SCAAP reimbursement by sending notification to the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center (LESC) in the form of an Immigration Alien Query (IAQ).

The LESC is ICE's single national point of contact that provides timely immigration status, identity information, and real-time assistance to local, state, and federal law enforcement agencies on aliens suspected, arrested, or convicted of criminal activity. The LESC, located in Williston, VT, operates 24 hours a day, 7 days a week, 365 days a year.

Guidance to Submitting Agencies

1. By no later than the fourth consecutive day of incarceration of an alien for whom you will be seeking SCAAP reimbursement, submitters must notify the LESC by sending an IAQ.
 - IAQs will be transmitted to the LESC via NLETS (the International Justice & Public Safety Network)
 - Submitters should send the IAQ using the terminal or method they would typically use to transmit messages to other law enforcement entities via NLETS and using an ORI.
2. The following data fields must be filled out on the IAQ to the LESC:
 - NAM (Last Name, First Name, Middle Name)
 - DOB (Date of Birth)
 - POB (Place of Birth)
 - OFF (Offense code—For the crime associated with the arrest)
 - CUS (Custody—Any code accepted, however only Y will be treated as in custody)
 - SEX (If received as unknown, the IAQ will be processed using both male and female)
 - ARN (Alien registration number), if available
 - FBI (FBI number), if available
 - SID (State identification number), if available
3. In the REM (Remarks) field, submitters should input *SCAAP*.
4. In the REM (Remarks) field, after *SCAAP*, submitters should input the subject's anticipated release date (MM/DD/YYYY).
5. In the REM (Remarks) field, after the release date, submitters should also key in the home and work addresses the alien provided to you.

Unlike typical IAQs that you submit to the LESC where you will receive a response in the form of an Immigration Alien Response (IAR), IAQs submitted specifically for SCAAP funding will not generate a response. ICE will retain the record to review as part of the validation process when your agency submits for reimbursement.



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 3(B)(1)

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND FEDERAL FUNDS IN THE AMOUNT OF \$1,119,907.00 FROM THE UNITED STATES DEPARTMENT OF JUSTICE'S STATE CRIMINAL ALIEN ASSISTANCE PROGRAM TO PARTIALLY REIMBURSE THE COUNTY FOR CORRECTIONAL OFFICER SALARY COSTS INCURRED FOR THE INCARCERATION OF UNDOCUMENTED CRIMINAL ALIENS WHO HAVE AT LEAST ONE FELONY OR TWO MISDEMEANOR CONVICTIONS; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE AND EXECUTE ANY NECESSARY AMENDMENTS TO THE APPLICATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively authorizes the County Mayor or County Mayor's designee to apply for, receive, and expend federal funds in the amount of \$1,119,907.00 from the United States Department of Justice, specifically the Bureau of Justice Assistance's State Criminal Alien Assistance Program, to provide compensation to Miami-Dade County by partially reimbursing correctional officer salary costs associated with the incarceration of undocumented criminal aliens who have at least one felony or two misdemeanor convictions of state or local law and who were incarcerated for at least four consecutive days during the reporting period of July 1, 2017 through June 30, 2018, and authorizes the County Mayor or County Mayor's designee to execute any necessary amendments as required by law to this application.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of April, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Anita Viciano Zapata