

State Criminal Alien Assistance Program (SCAAP) Supporting Statement for Paperwork Reduction Act

A. JUSTIFICATION

1. Necessity of Information: In response to the Violent Crime Control and Law Enforcement Act of 1994 Section 130002(b) as amended in 1996, BJA administers the State Criminal Alien Assistance Program (SCAAP) with the Bureau of Immigration and Customs Enforcement (ICE), and the Department of Homeland Security (DHS). SCAAP provides federal payments to States and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the designated reporting period.

SCAAP is governed by Section 242 of 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.

This is an annual collection that is continuous.

2. Purpose for Use: This application form will be completed and submitted by each eligible state, local or tribal agency that chooses to apply, based on having incurred costs related to detaining certain categories of undocumented criminal aliens and the costs associated with the housing said aliens covered by the SCAAP law. BJA will use the information to determine and document eligibility.

The Department of Justice Reauthorization Act of 2005 (Public Law 109-162, Title XI) included the following requirement regarding the use of SCAAP funds: "Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for the following correctional purposes;

- Salaries for corrections officers
- Overtime costs
- Corrections work force recruitment and retention
- Construction of corrections facilities
- Training / education for offenders
- Training for corrections officers related to offender population management
- Consultants involved with offender population
- Medical and mental health services
- Vehicle rental / purchase for transport of offenders
- Prison Industries

Pre-release / reentry programs
Technology involving offender management / inter agency information sharing
Disaster preparedness continuity of operations for corrections facility

3. Use of Information Technology: The application process is managed through the Internet, using Office of Justice Programs' electronic application system entitled the [Grants Management System \(GMS\)](#). Prospective applicants can apply using this electronic paper less system at: <https://grants.ojp.usdoj.gov/>

4. Identification of Duplication: The information collected is specific to SCAAP as administered by the Bureau of Justice Assistance (BAJ).

5. Impact on Small Businesses or Other Entities: This information is to be collected only from States and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the designated reporting period.

There is no impact on small businesses or other entities as they are not eligible to apply.

6. Consequences if Collection is not Conducted: If information is not collected, BJA will not be able to determine eligibility, document applications, show disbursement of funds, demonstrate how appropriated funds were spent, nor demonstrate compliance with imposed Act.

7. Special Circumstances: There are no special circumstances that would require the applicant to provide information under any of the described methods.

8. Federal Register Publication and Consultation: OJP has solicited public comments on the data collection per OMB specifications. The 60-day and 30 Day Federal Register Notices were published to inform and solicit comments from the public. OJP received one comment and has addressed the response to the notice. If comment(s) are pertinent, they will be incorporated into the on-line application.

9. Payment to Respondents: There are no payments or gifts provided to the respondents.

10. Assurance of Confidentiality: OJP does not disclose any information which may compromise law enforcement activities nor investigation or is

otherwise required by law to be kept confidential. OJP is compliant with 28 CFR 22 which protects confidentiality of identifiable and statistical information and is committed to keeping a system of records that is consistent with the regulations of the Privacy Act.

11. Questions of a Sensitive Nature: No sensitive questions are asked of the respondents.

12. Estimates of the Hour Burden: There were 810 respondents responding to the questions. The application process takes approximately 60 minutes to gather all the required information and 30 minutes to complete the form. Actual preparation time is dependent on size of the jurisdiction, the number of correctional officers, and the number of inmate records.

$810 \times 90 \text{ minutes} = 72,900/60 = 1,215 \text{ burden hours}$

13. Estimate of the Total Annual Cost Burden: There is no cost to the respondents.

14. Estimates of Annualized Cost to the Federal Government: The estimated annualized cost of the Federal government for a GS-0301-13 to review, compile, and process the 810 forms at 20 minutes per form is projected as follows;

$810 \text{ responses} \times 20 \text{ minutes} = 16,200 \text{ minutes} / 60 \text{ minutes per hour} = 270 \text{ hours}$

$270 \times \$ 60.05 \text{ per hour (Average annual salary of } 94,025\text{k plus } 35\% \text{ fringe benefit rate)} = \$ 16,214.00$

15. Program Changes or Adjustments: This is a “Extension” of a previously approved information collection. Applications from eligible jurisdictions has increased.

16. Publishing Information: There are no plans to publish a report of this information.

17. Approval for not Displaying OMB Approval: No approval is requested.

18. Certification Statement for Paperwork Reduction Act Submission: See Attached Certification Statement.

B. STATISTICAL METHODS

Statistical methods will not be used in this information collection.

MPB