



United States Government Accountability Office
Washington, DC 20548

April 7, 2005

The Honorable John N. Hostettler
Chairman, Subcommittee on Immigration,
Border Security, and Claims
Committee on the Judiciary
House of Representatives

The Honorable Steve King
House of Representatives

The Honorable Melissa Hart
House of Representatives

Subject: *Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails*

When the United States incarcerates criminal aliens—noncitizens convicted of crimes while in this country legally or illegally—in federal and state prisons and local jails, the federal government bears much of the costs. It pays to incarcerate criminal aliens in federal prisons and reimburses state and local governments for a portion of their costs of incarcerating some, but not all, criminal aliens illegally in the country through the Department of Justice’s State Criminal Alien Assistance Program (SCAAP) managed by the Bureau of Justice Assistance (BJA). Some state and local governments have expressed concerns about the impact that criminal aliens have on already overcrowded prisons and jails and that the federal government reimburses them for only a portion of their costs of incarcerating criminal aliens.

You requested that we provide information concerning criminal aliens incarcerated at the federal, state, and local level. For the criminal aliens incarcerated in federal prisons, and for criminal aliens for which state and local governments received reimbursement through SCAAP, this report addresses the following questions:

- For recent years, how many criminal aliens were incarcerated?
- What is the country of citizenship or country of birth of these criminal alien inmates?
- What are the estimated costs of incarcerating criminal aliens?

To obtain information to answer these objectives, we analyzed population and cost data from the Bureau of Prisons (BOP) on criminal aliens incarcerated in federal prisons. We analyzed data on criminal aliens submitted to BJA by state and local governments seeking reimbursement under SCAAP and incarceration cost data from the 5 states and 5 local jails that incarcerated the largest number of criminal aliens reimbursed through SCAAP in fiscal year 2003. This methodology was used because there was no reliable population and incarceration cost data on criminal aliens incarcerated in all state prisons and local jails. Our data represent only a portion of the total population of criminal aliens who may be incarcerated at the state and local level, since SCAAP does not reimburse states and localities for all criminal aliens.

To assess the reliability of the data, we discussed the data collection methods and internal control processes for ensuring data quality with responsible officials and staff, reviewed the data and information for reasonableness, and reviewed relevant audits and evaluations related to the data. We found that the data we used for our analyses were sufficiently reliable for the purposes of this report.

In March 2005, we discussed with your offices the results of our work. This document conveys the information provided during those discussions (see encl. I). We also plan to issue a report on the number and types of crimes committed by criminal aliens and the coordination between federal and local law enforcement agencies to identify criminal aliens.

We performed our work from January 2004 through March 2005 in accordance with generally accepted government auditing standards. Further details on our scope and methodology are discussed in enclosure II.

Results

The briefing slides in enclosure I address each of our three questions for the federal, state, and local level. In summary, we found the following:

- At the federal level, the number of criminal aliens incarcerated increased from about 42,000 at the end of calendar year 2001 to about 49,000 at the end of calendar year 2004—a 15 percent increase. The percentage of all federal prisoners who are criminal aliens has remained the same over the last 3 years—about 27 percent. The majority of criminal aliens incarcerated at the end of calendar year 2004 were identified as citizens of Mexico. We estimate the federal cost of incarcerating criminal aliens—BOP's cost to incarcerate criminals and reimbursements to state and local

governments under SCAAP—totaled approximately \$5.8 billion for calendar years 2001 through 2004. BOP’s cost to incarcerate criminal aliens rose from about \$950 million in 2001 to about \$1.2 billion in 2004—a 14 percent increase. Federal reimbursements for incarcerating criminal aliens in state prisons and local jails declined from \$550 million in 2001 to \$280 million in 2004, in a large part due to a reduction in congressional appropriations.

- At the state level, the 50 states received reimbursement for incarcerating about 77,000 criminal aliens in fiscal year 2002 and 47 states received reimbursement for incarcerating about 74,000 in fiscal year 2003.¹ For the 5 states incarcerating about 80 percent of these criminal aliens in fiscal year 2003,² about 68 percent incarcerated in midyear 2004 reported that the country of citizenship or country of birth as Mexico, the Dominican Republic, or Cuba. We estimate that 4 of these 5 states spent about \$1.6 billion to incarcerate criminal aliens reimbursed through SCAAP during fiscal years 2002 and 2003.³ We estimate that the federal government reimbursed these four states about 25 percent or less of the estimated cost to incarcerate these criminal aliens in fiscal years 2002 and 2003.
- At the local level, in fiscal year 2002, SCAAP reimbursed about 750 local governments for incarcerating about 138,000 criminal aliens. In fiscal year 2003, SCAAP reimbursed about 700 local governments for about 147,000 criminal aliens, with 5 local jail systems⁴ accounting for about 30 percent of these criminal aliens. The 147,000 criminal aliens incarcerated during fiscal year 2003 spent a total of about 8.5 million days in jail. Mexico leads as the country of birth for foreign-born arrestees at these 5 local jails in fiscal year 2003. We estimate that 4 of these 5 local jails spent an estimated \$390 million in fiscal years 2002 and 2003 to incarcerate criminal aliens and were reimbursed about \$73 million through SCAAP. We estimate that the federal government reimbursed these localities about 25 percent or less of the estimated criminal alien incarceration cost in fiscal years 2002 and 2003.

¹In fiscal year 2003, Illinois, Montana, and Oregon did not submit claims for reimbursement.

²The five states are Arizona, California, Florida, New York, and Texas.

³We omitted Texas from our analysis since fiscal year 2003 cost data were not available. Texas spent about \$130 million in fiscal year 2002 to incarcerate SCAAP criminal aliens.

⁴The five local jails are Maricopa County, Arizona; Los Angeles County, California; Orange County, California; New York City, New York; and Harris County, Texas.

**Agency Comments and
Our Evaluation**

We requested comments on a draft of this report from Departments of Justice and Homeland Security. The Departments of Justice and Homeland Security had no comments.

As we agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until 30 days from the date of this letter. We will then send copies to the Departments of Justice and Homeland Security, other interested congressional committees, and make copies available to others who request them. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions concerning this report, please contact me at (202) 512-8816 or by e-mail at Stanar@gao.gov or Michael Dino, Assistant Director, at (213) 830-1150 or Dinom@gao.gov. Key contributors to this report were Amy Bernstein, Ann H. Finley, Evan Gilman, Frederick Lyles, Karen O'Connor, Jason Schwartz, and Carla Wilhoit.

Sincerely yours,



Richard M. Stana, Director
Homeland Security and Justice Issues

Enclosures

Enclosure I: Briefing Slides



Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails

**Briefing for Congressional Requesters
March 29, 2005**



Introduction

- Generally, criminal aliens are considered to be noncitizens who are residing in the United States legally or illegally and convicted of a crime.
 - The federal government bears total cost of incarcerating all criminal aliens in federal prisons and reimburses state and local governments for portions of their incarceration costs for certain criminal alien populations through the State Criminal Alien Assistance Program (SCAAP).
 - Any costs related to incarcerating criminal aliens not reimbursed by the federal government are borne by state and local governments.
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Definitions of Terms Used in This Report

| Term | Definition |
|--------------------------|---|
| Criminal aliens | Noncitizens who are residing in the United States legally or illegally and convicted of a crime. |
| SCAAP criminal aliens | A subgroup of criminal aliens: noncitizens illegally in the United States at the time of incarceration for whom state and local jurisdictions received federal reimbursement through SCAAP; the aliens must meet specific legal requirements. |
| Alien | Any person who is not a citizen of the United States. |
| Foreign-born individuals | Any person who is not born in the United States; includes individuals who may be naturalized United States citizens. |

Source: GAO.



Objectives

For criminal aliens incarcerated in federal prisons and for SCAAP criminal aliens incarcerated in state prisons and local jails:

- For recent years, how many criminal aliens were incarcerated?
- What is the country of citizenship or country of birth for these criminal alien inmates?
- What are the estimated costs of incarcerating criminal aliens?



Results in Brief—Federal Prisons and Reimbursements

How many incarcerated:

- Criminal aliens incarcerated increased from about 42,000 at year-end 2001 to about 49,000 at year-end 2004.

Country of citizenship:

- For 2004, the majority of incarcerated criminal aliens were identified as citizens of Mexico.

Costs of incarceration:

- We estimate the federal cost of incarcerating criminal aliens totaled about \$5.8 billion from 2001 through 2004:
 - direct federal costs (\$4.2 billion) and
 - federal reimbursements to state and local governments (\$1.6 billion).



Results in Brief—State Prisons

How many incarcerated:

- Fiscal year 2002—SCAAP reimbursed all 50 states for incarcerating about 77,000 criminal aliens.
- Fiscal year 2003—SCAAP reimbursed 47 states for incarcerating about 74,000 criminal aliens.
- 5 state prison systems incarcerated about 80 percent of these criminal aliens in fiscal year 2003—Arizona, California, Florida, New York, and Texas.

Country of citizenship:

- Data on citizenship of criminal aliens reimbursed through SCAAP not available.
- In mid-2004, most of the foreign-born inmates for the 5 state prison systems with the most criminal aliens were born in Mexico (60 percent).

Costs of incarceration:

- We estimate that 4 of these 5 states spent a total of \$1.6 billion in fiscal years 2002 and 2003 to incarcerate SCAAP criminal aliens and were reimbursed about \$233 million through SCAAP.
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Results in Brief—Local Jails

How many incarcerated:

- Fiscal year 2002—SCAAP reimbursed 752 local jurisdictions for incarcerating about 138,000 criminal aliens.
- Fiscal year 2003—SCAAP reimbursed 698 local jurisdictions for about 147,000 criminal aliens.
- 5 municipal and county jails incarcerated about 30 percent of these criminal aliens in fiscal year 2003—Los Angeles County, California; New York City, New York; Orange County, California; Harris County, Texas; and, Maricopa County, Arizona.

Country of citizenship:

- Data on citizenship of criminal aliens reimbursed through SCAAP not available.
- In fiscal year 2003, most of the foreign-born inmates from these 5 jails were born in Mexico (65 percent).

Costs of incarceration:

- We estimate that 4 of these 5 local jails spent a total of \$390 million in fiscal years 2002 and 2003 to incarcerate SCAAP criminal aliens and were reimbursed about \$73 million through SCAAP.

Background

Prison systems

- Federal prisons include 112 prisons managed by the Bureau of Prisons (BOP), 10 privately managed facilities, and other contract facilities including community correction centers and short-term detention facilities.
 - More than 1,300 state prisons operated by state correctional agencies in all 50 states, as of 2000.
 - More than 3,300 local jails operated by cities, counties, and municipalities, as of 1999.
-

Background (continued)

SCAAP

- SCAAP is a Department of Justice (DOJ), Bureau of Justice Assistance (BJA), program that partially reimburses state and local jurisdictions annually for the cost of incarcerating some but not all criminal aliens illegally in the country. Not all jurisdictions submit for SCAAP reimbursement.
- State and local jurisdictions voluntarily submit data annually on inmates they suspect to be criminal aliens for possible reimbursement. The program reimburses these jurisdictions for criminal aliens who
 - were convicted of a felony or two misdemeanors and incarcerated for a minimum of 4 days and
 - entered the U.S. without inspection, or were in immigration removal proceedings at the time they were taken into custody; or were admitted as a nonimmigrant and failed to maintain nonimmigrant status.¹
- Jurisdictions are reimbursed for those criminal aliens who the Bureau of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security determines are eligible and for a portion of the alien inmates whose eligibility cannot be confirmed through a match with ICE records.

¹8 U.S.C. 1231(i); Fiscal year 2003 and 2004 SCAAP guidelines.

Scope and Methodology—Federal Prisons and Reimbursements

To determine the number of criminal aliens incarcerated in federal prisons and their country of citizenship, we analyzed:

- BOP data on all criminal aliens incarcerated in federal prisons at year-end 2001, 2002, 2003, and 2004.¹
- BOP country of citizenship data for criminal aliens incarcerated in federal prisons at year-end 2004.

To estimate the federal cost of incarcerating criminal aliens, we analyzed:

- BOP inmate incarceration cost data.
- SCAAP reimbursements to state and local governments for fiscal years 2001 through 2004.

¹Aliens in the country legally or illegally.

Scope and Methodology—State Prisons

To determine the number of SCAAP criminal aliens incarcerated in state prisons, we analyzed:

- Data on criminal aliens incarcerated in state prisons and submitted for SCAAP reimbursement in fiscal years 2002 and 2003.
- Data represent only a portion of the total population of criminal aliens who may be incarcerated at the state level, since SCAAP does not reimburse states for all criminal aliens.

To obtain data on country of birth for state criminal aliens, we analyzed:

- Data from the 5 state prison systems that incarcerated about 80 percent of SCAAP criminal aliens in fiscal year 2003.

To estimate the cost of incarcerating SCAAP criminal aliens:

- We calculated the annual cost of incarcerating SCAAP criminal aliens for 4 of these 5 state prison systems that provided us cost data for fiscal years 2002 and 2003 using SCAAP data and cost data provided by these 4 states. Cost data for the 45 other state prison systems were not readily available.

Scope and Methodology—Local Jails

To determine the number of SCAAP criminal aliens incarcerated in local jails, we analyzed:

- Data on criminal aliens incarcerated in local jails and submitted for SCAAP reimbursement in fiscal years 2002 and 2003.
- Data represent only a portion of the total population of criminal aliens who may be incarcerated at the local level, since SCAAP does not reimburse localities for all criminal aliens.

To determine data on the country of birth of foreign-born inmates, we analyzed:

- Data from the ICE Institutional Removal Program (IRP) National Workload Study for the 5 municipal and county jails that incarcerated about 30 percent of SCAAP criminal aliens in fiscal year 2003.¹

To estimate the cost of incarcerating SCAAP criminal aliens:

- We calculated the cost of incarcerating SCAAP criminal aliens for 4 of these 5 jails that provided cost data for fiscal years 2002 and 2003 using SCAAP data and cost data provided by the 4 jails.

¹ICE established the IRP to identify and remove criminal aliens incarcerated in federal and state prisons and local jails. United States Immigration and Customs Enforcement, U.S. Department of Homeland Security, *Institutional Removal Program National Workload Study* (Washington, D.C.: September 2004).

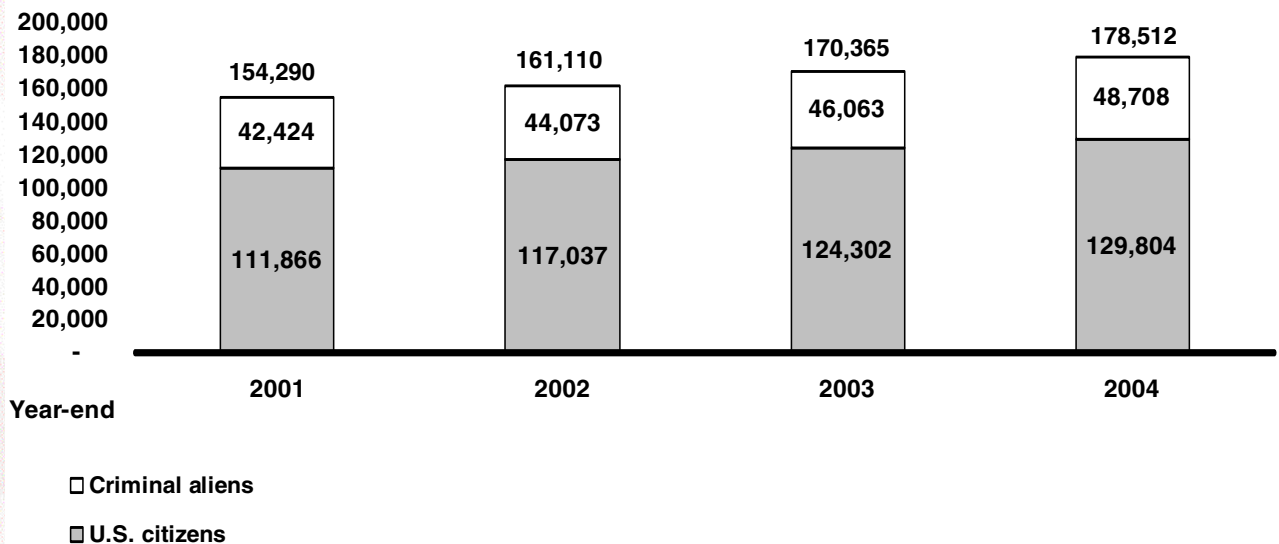
Data Reliability

- To assess the reliability of the data, we (1) discussed the data collection methods with responsible agency staff, (2) reviewed the data and information for reasonableness, and (3) obtained related documentation where available.
- We found the BOP data we used for our analyses were sufficiently reliable for the purposes of this report.
- We found the SCAAP data we used for our analyses to be sufficiently reliable for presenting the number of inmates reimbursed under SCAAP.
- We found the citizenship or country of birth and cost data provided by the 5 state corrections departments were sufficiently reliable for the purposes of this report.
- We found that the cost data from the 4 local jails were sufficiently reliable for the purposes of this report.

Federal Prisons and Reimbursements

Number of Criminal Aliens Incarcerated in Federal Prisons Increased Since Year-End 2001

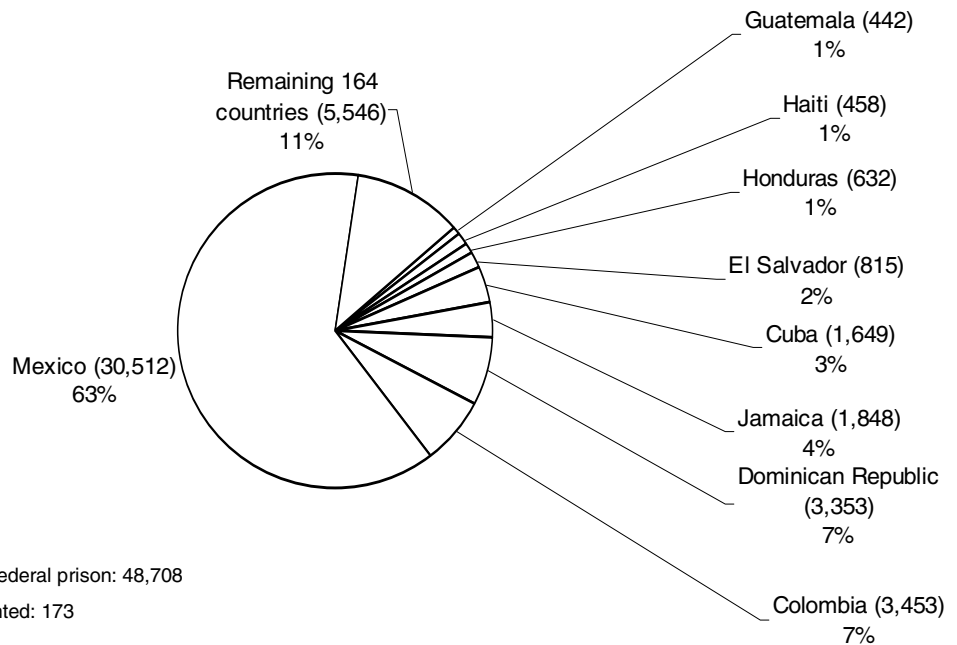
Number of inmates



Source: GAO analysis of BOP data.

Note: Data include individuals convicted in Washington, D.C. Data exclude inmates in transit, in the witness protection program, or immigration detainees. The year-end 2004 citizen inmate population included 1,085 inmates of unknown citizenship; for year-end 2003, 1,163; for year-end 2002, 1,400; and for year-end 2001, 1,331.

Mexico Represents the Country of Citizenship for Most Criminal Aliens Incarcerated in Federal Prisons—Year-End 2004



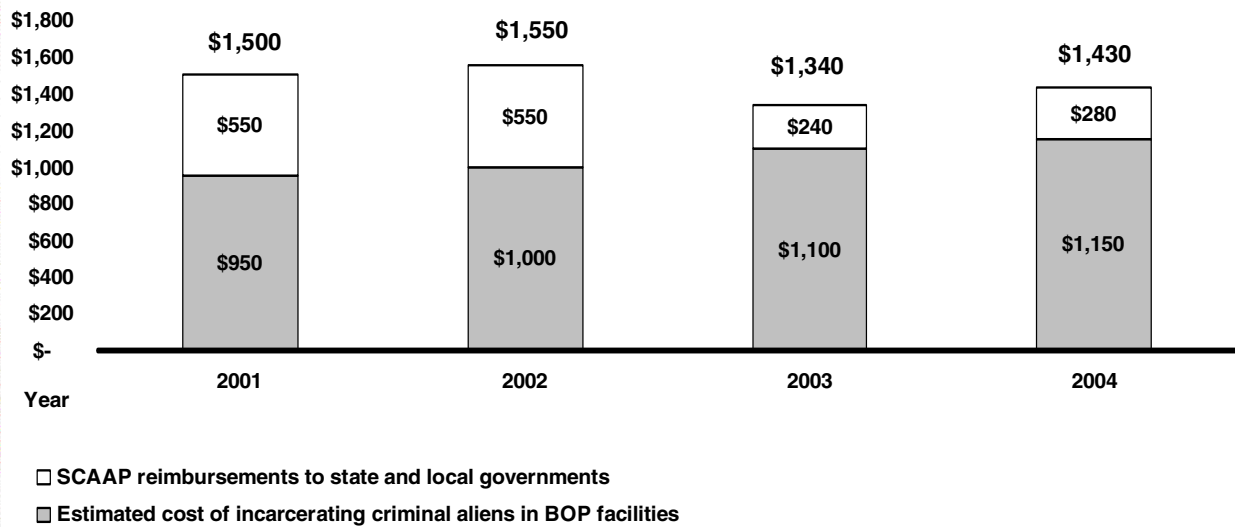
Total number of criminal aliens in federal prison: 48,708

Total number of countries represented: 173

Source: BOP.

Federal Government Spent about \$5.8 Billion to Incarcerate Criminal Aliens During Fiscal Years 2001 through 2004

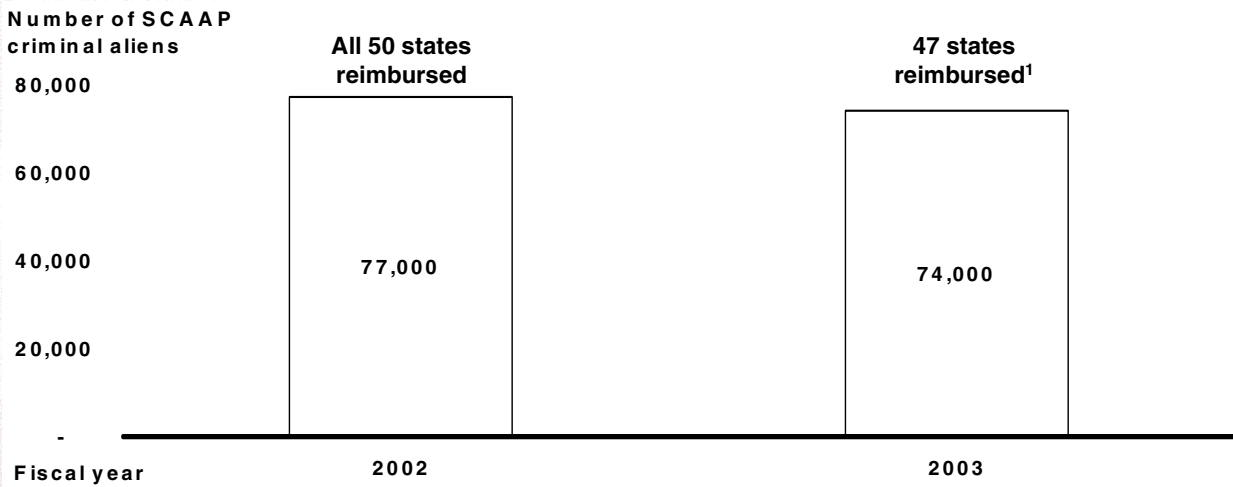
Dollars in millions



Source: GAO analysis of BOP and BJA SCAAP data.

State Prisons

Estimated Number of SCAAP Criminal Aliens Incarcerated in State Prisons in Fiscal Years 2002 and 2003

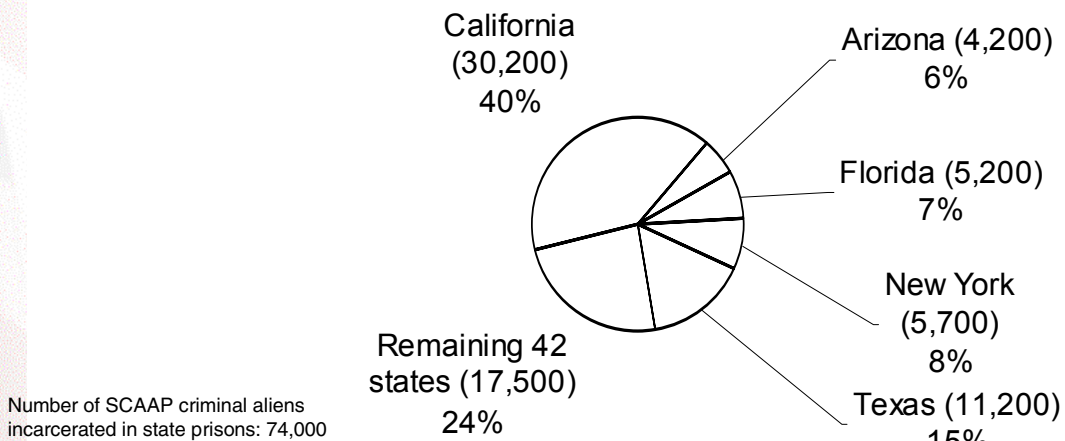


¹In fiscal year 2003, Illinois, Montana, and Oregon submitted no criminal aliens to SCAAP for reimbursement. These states accounted for about 3,400 criminal aliens in fiscal year 2002.

Note: The SCAAP fiscal year 2002 represents inmates incarcerated between July 1, 2001, and June 30, 2002; fiscal year 2003 represents inmates incarcerated between July 1, 2002, and June 30, 2003.

Source: GAO analysis of BJA SCAAP data.

About 80 Percent of SCAAP Criminal Aliens Were Incarcerated in 5 States in Fiscal Year 2003



Number of SCAAP criminal aliens incarcerated in state prisons: 74,000

Number of states reporting SCAAP criminal aliens: 47

Source: GAO analysis of BJA SCAAP data.

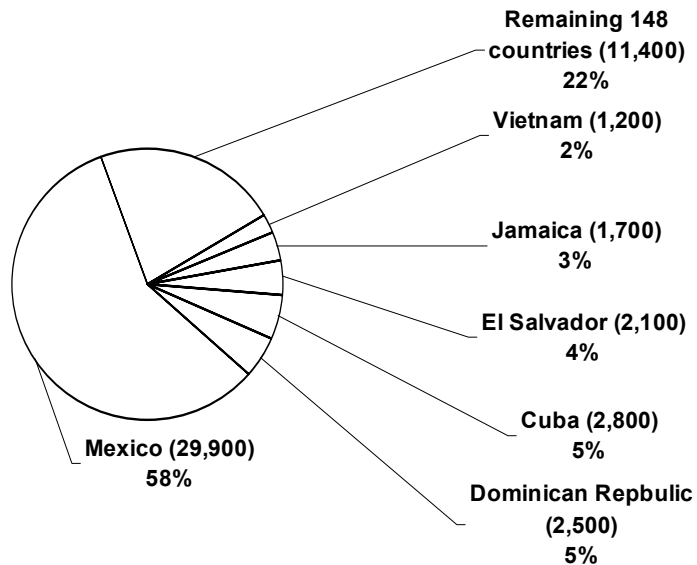
Mexico Represents the Country of Birth for Most Foreign-Born Inmates in the 5 States with the Most Criminal Aliens as of Mid-Year 2004

Number of foreign-born inmates in the 5 state prison systems with the most criminal aliens—Arizona, California, Florida, New York, and Texas: 51,600.

This population does not include 3,200 inmates of unknown country of birth.

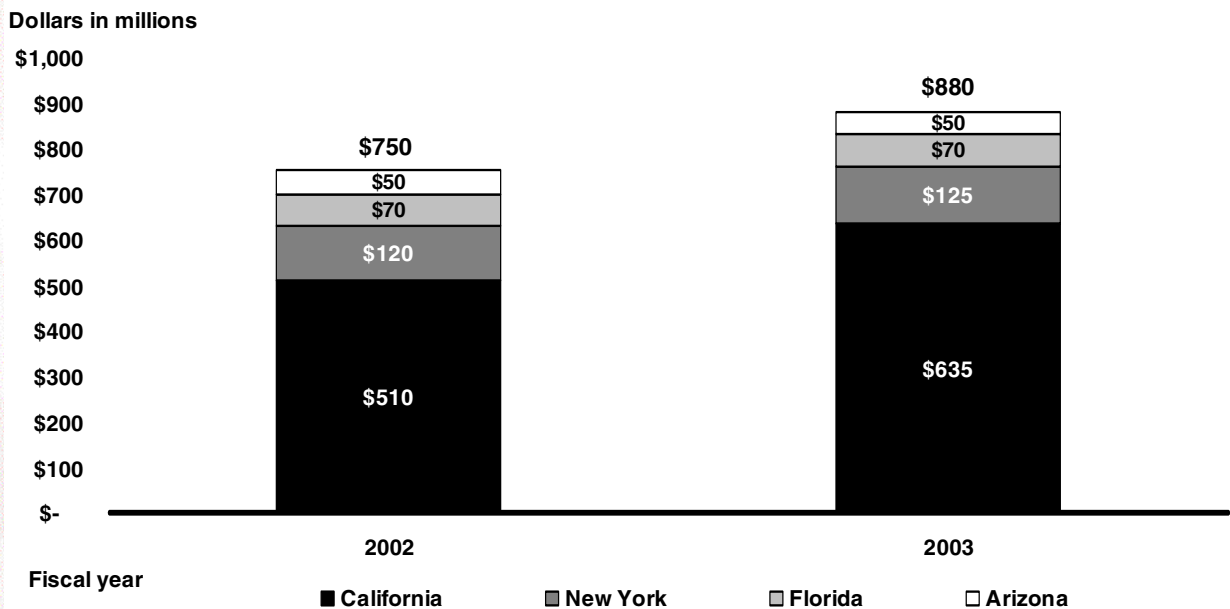
Estimated number of countries represented: 154

Percent totals do not sum to 100 due to rounding.



Source: GAO analysis of Arizona Department of Corrections, California Department of Corrections, Florida Department of Corrections, New York Department of Correctional Services, and the Texas Department of Criminal Justice data.

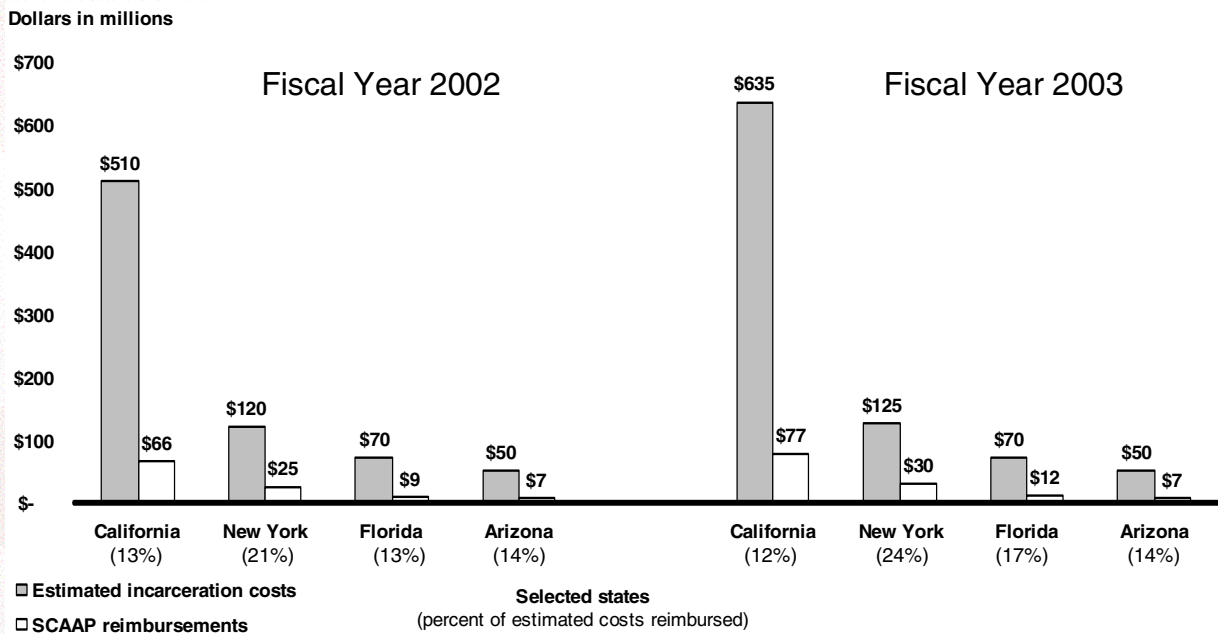
Four States Spent About \$1.6 billion to Incarcerate SCAAP Criminal Aliens in Fiscal Years 2002 and 2003



Source: GAO analysis of BJA SCAAP data and Arizona Department of Corrections, California Department of Corrections, Florida Department of Corrections, and New York Department of Correctional Services data.

Note: We omitted Texas from our analysis since fiscal year 2003 cost data were not available. Texas spent about \$130 million in fiscal year 2002 to incarcerate SCAAP criminal aliens.

SCAAP Reimbursements to 4 States Were Less Than 25 Percent of Their Estimated Cost to Incarcerate SCAAP Criminal Aliens in Fiscal Years 2002 and 2003

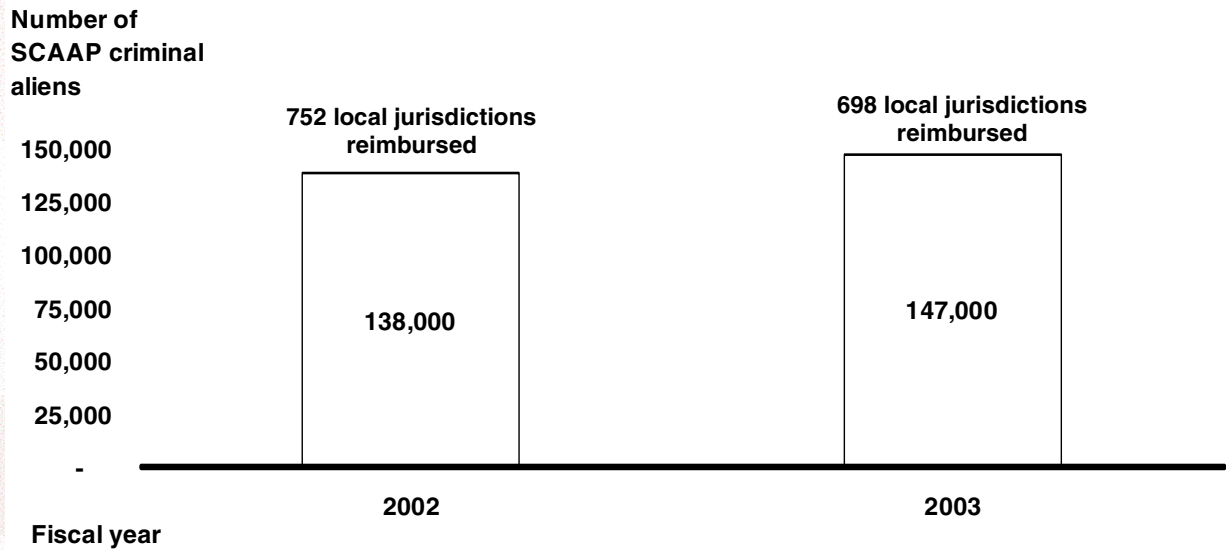


Source: GAO analysis of BJA SCAAP data, and Arizona Department of Corrections, California Department of Corrections, Florida Department of Corrections, and New York Department of Correctional Services data.

Note: In fiscal year 2002, Texas spent about \$130 million to incarcerate SCAAP criminal aliens and received \$15 million in reimbursement from SCAAP. Fiscal year 2003 cost data were not available for the state of Texas; in fiscal year 2003 Texas received \$17 million in reimbursement from SCAAP.

Local Jails

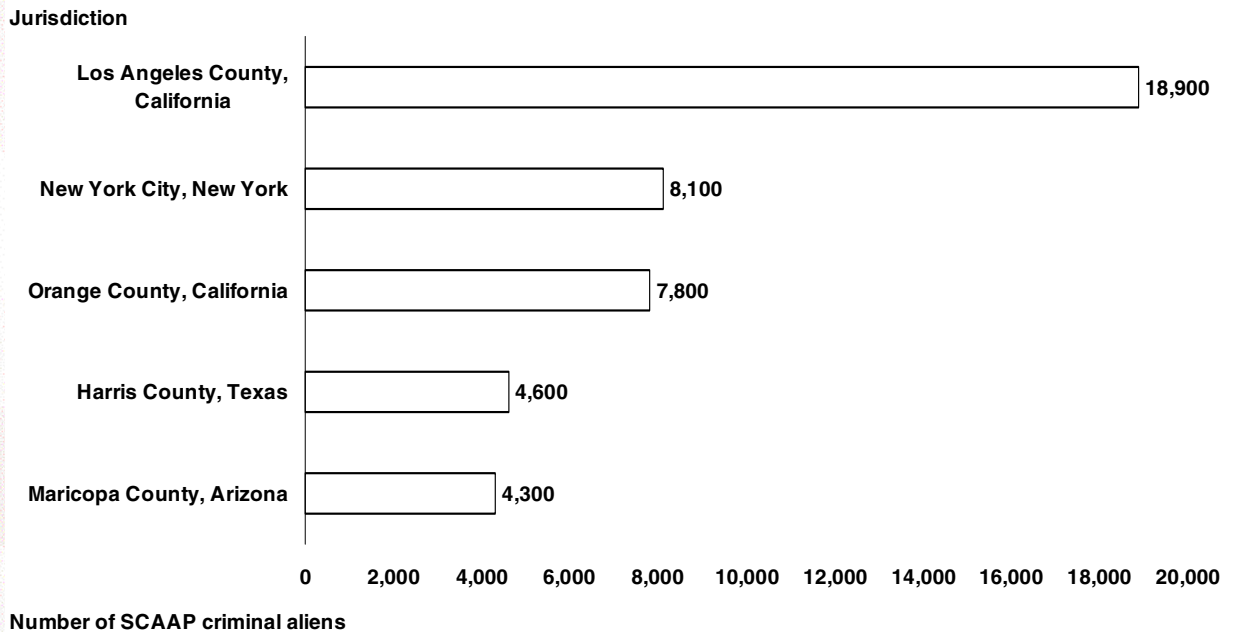
Estimated Number of SCAAP Criminal Aliens in Local Jails in Fiscal Years 2002 and 2003



Source: GAO analysis of BJA SCAAP data.

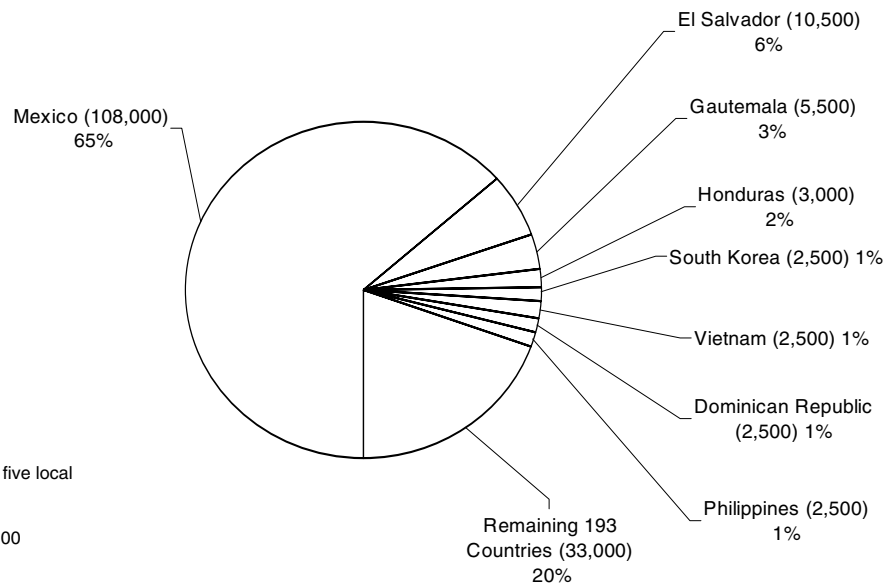
Note: The SCAAP fiscal year 2002 represents inmates incarcerated between July 1, 2001, and June 30, 2002; fiscal year 2003 represents inmates incarcerated between July 1, 2002, and June 30, 2003.

Five Local Jails with the Largest Criminal Alien Populations Account for About 30 Percent of SCAAP Criminal Aliens in Fiscal Year 2003



Total number of SCAAP criminal aliens for these five local jails: 43,700.
 Total number of SCAAP criminal aliens for the remaining 693 local jails: 103,300.
 Source: GAO analysis of BJA SCAAP data.

Mexico Represents the Country of Birth for Most Foreign-Born Arrestees at the 5 Local Jails with the Largest Criminal Alien Populations in Fiscal Year 2003



Number of foreign-born arrests in the five local jurisdictions reporting data: 170,000.

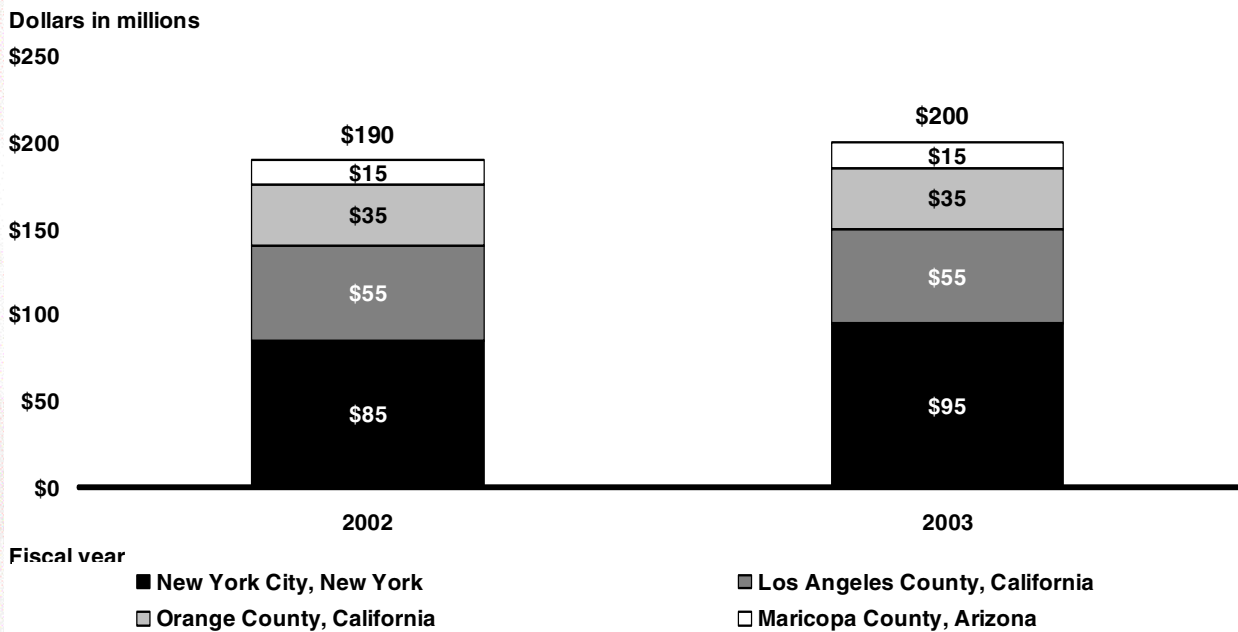
This population does not include 13,500 inmates of unknown country of birth.

Estimated number of countries represented: 201

Source: ICE.

The five local jurisdictions include: Los Angeles County, California; Maricopa County, Arizona; Orange County, California; Harris County, Texas; and New York City, New York.

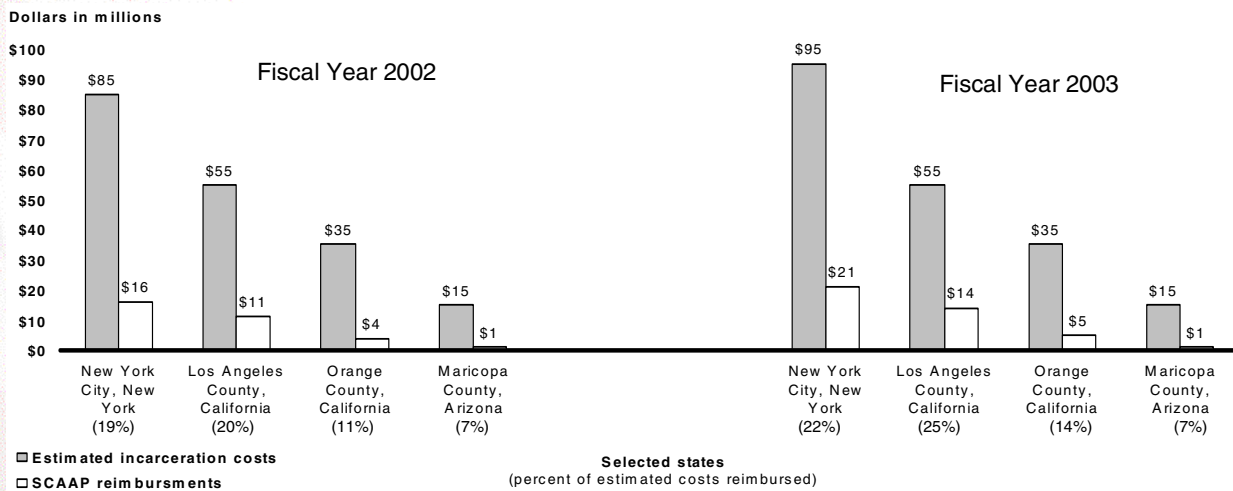
Estimated Cost to Incarcerate SCAAP Criminal Aliens at 4 Local Jails in Fiscal Years 2002 and 2003



Source: GAO analysis of BJA SCAAP data, and Los Angeles County, California, Sheriff's Department; Maricopa County, Arizona Sheriff's Department; Orange County, California Sheriff's Department; and New York City Department of Corrections data.

Note: Fiscal year 2002 cost data were not available for Harris County, Texas. In fiscal year 2003, Harris County Texas spent about \$15 million to incarcerate SCAAP criminal aliens.

SCAAP Reimbursements to 4 Local Jails Represented 25 Percent or Less of Their Estimated Cost to Incarcerate SCAAP Criminal Aliens in Fiscal Years 2002 and 2003



Source: GAO analysis of BJA SCAAP data, and Los Angeles County, California, Sheriff's Department; Maricopa County, Arizona Sheriff's Department; Orange County, California Sheriff's Department; and New York City Department of Corrections data.

Note: Fiscal year 2002 cost data were not available for Harris County, Texas. In fiscal year 2002, Harris County, Texas received \$3 million in reimbursement from SCAAP. In fiscal year 2003, we estimate Harris County, Texas, spent about \$15 million to incarcerate SCAAP criminal aliens and received \$3 million in reimbursement from SCAAP.

Enclosure II: Objectives, Scope, and Methodology

At the federal level, to determine the number of criminal aliens incarcerated and their country of citizenship, we analyzed data¹ provided by BOP on the number of criminal aliens incarcerated in federal prison on December 30, 2001, December 29, 2002; December 27, 2003; and December 25, 2004. To identify the country of citizenship for these criminal aliens, we analyzed country of citizenship data provided by BOP at year-end 2004. To estimate the cost of incarcerating criminal aliens, we obtained data from BOP on the average yearly cost to incarcerate an inmate and multiplied that by the number of criminal aliens incarcerated at the end of each year. According to BOP officials, the cost of incarcerating criminal aliens is the same as the cost of incarcerating U.S. citizen inmates. In addition, we analyzed BJA data on the federal reimbursements to state and local governments under SCAAP in fiscal years 2001 through 2004. To calculate the total federal cost, we added the BOP and BJA costs for each calendar year.

At the state level, to estimate the number of criminal aliens incarcerated, we analyzed data on criminal aliens incarcerated in state prisons for whom states received SCAAP reimbursement in fiscal years 2002 and 2003. All 50 states submitted criminal aliens to BJA for SCAAP reimbursements in fiscal year 2002. Forty-seven states submitted criminal aliens to BJA for reimbursements in fiscal year 2003.² To determine the country of birth, we analyzed data provided by the correction departments of the 5 states that incarcerated about 80 percent of the criminal alien population reimbursed by SCAAP in fiscal year 2003—Arizona, California, Florida, New York, and Texas. To estimate the cost of incarceration in fiscal years 2002 and 2003, we obtained the average daily cost to incarcerate an inmate from 4 of these 5 states.³ We calculated the estimated incarceration costs by multiplying the number of days the criminal aliens reimbursed by SCAAP were incarcerated in fiscal years 2002 and 2003 by the average daily cost of incarceration. According to officials from each of these 5 states, the cost of incarcerating criminal aliens is the same as the cost of incarcerating U.S. citizen inmates.

¹Includes BOP prisons, contract community corrections facilities, Intergovernmental Agreement long-term contract facilities, and privately managed BOP facilities. This information does not include inmates in transit, in the witness security program, or immigration detainees.

²Illinois, Montana, and Oregon did not submit undocumented criminal aliens to BJA for SCAAP reimbursements in fiscal year 2003.

³Cost of incarceration data were not available from the state of Texas in fiscal year 2003.

At the local level, to estimate the number of criminal aliens incarcerated, we analyzed data on criminal aliens incarcerated in local jails for which local governments received SCAAP reimbursement in fiscal years 2002 and 2003. Seven hundred and fifty-two local jurisdictions submitted criminal aliens to BJA for SCAAP reimbursements in fiscal year 2002, and 698 submitted criminal aliens to BJA in fiscal year 2003. To determine the country of birth, we obtained data on the number of foreign-born persons arrested at 5 local jails that accounted for about 30 percent of SCAAP criminal aliens in fiscal year 2003—Maricopa County, Arizona; Los Angeles County, California; Orange County, California; New York City, New York; and Harris County, Texas from a Department of Homeland Security contractor prepared study.⁴ To estimate the cost of incarceration, we analyzed fiscal year 2002 and 2003 incarceration data from 4 of these 5 local jails.⁵ We calculated the estimated incarceration costs by multiplying the number of days the criminal aliens reimbursed by SCAAP were incarcerated in fiscal years 2002 and 2003 by the average daily cost of incarceration. According to officials from each of these 5 local jurisdictions, the cost of incarcerating criminal alien inmates is the same as the cost of incarcerating U.S. citizen inmates.

Data Reliability

BOP data are sufficiently reliable for the purposes of this report. To assess the reliability of the data, we discussed with responsible BOP officials how data on the number of federal inmates and their country of citizenship are collected and maintained in BOP's inmate tracking system called SENTRY. We reviewed BOP policies and procedures related to entering data into the SENTRY system and reviewed a Department of Justice Inspector General review of the SENTRY system. We discussed with BOP officials their methodology for estimating the yearly cost to incarcerate an inmate and obtained related documentation.

SCAAP data are sufficiently reliable for the purposes of this report. To assess the reliability of the SCAAP data, we discussed with the responsible BJA officials how data on criminal aliens reimbursed through SCAAP are collected and maintained. We reviewed BJA SCAAP policies and procedures and guidance on how state and local jurisdictions can apply

⁴U.S. Department of Homeland Security, U.S. Bureau of Immigration and Customs Enforcement, *Institutional Removal Program National Workload Study*, (Washington, D.C.: September 2004).

⁵Cost of incarceration data was not available for Harris County, Texas in fiscal year 2002.

for reimbursement under the program. State and local jurisdictions submit inmates to BJA for reimbursement based on the inmates self-reporting their country of citizenship or place of birth. The state and local jurisdictions certify they have exercised due diligence in determining which inmates to submit for reimbursement, the cost associated with incarceration, and the number of days an inmate was incarcerated. The Bureau of Immigration and Customs Enforcement within the Department of Homeland Security attempts to verify the immigration status of the inmates using various federal immigration databases to ensure only eligible inmates are reimbursed through SCAAP. Inmates known or believed to be illegally in the country are then reimbursed through SCAAP.

The data collected from the 5 state correction departments are sufficiently reliable for the purposes of this report. We discussed with state corrections officials how inmate data on country of citizenship or birth are collected and maintained. We also discussed with them and obtained related documentation regarding their methodology for calculating the average daily cost of incarceration.

The data collected from the 4 local jails are sufficiently reliable for the purposes of this report. We discussed with officials from the 4 local jails their methodology for calculating the average daily cost of incarceration and obtained related documentation.

For the Department of Homeland Security's Institutional Removal Program National Workload Study data on country of birth for foreign-born arrestees, we reviewed the study's methodology and discussed data collection and analysis with the study's authors. These data represent foreign-born inmates, who may include some naturalized U.S. citizens who are not considered to be criminal aliens. This study is not generalizable to all local jails. However, the data are sufficiently reliable for the purposes of this report.

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