

FACT SHEET: Taxpayer Costs of Criminal Aliens in Colorado Jails and Prisons

Colorado Alliance for Immigration Reform (CAIRCO.org)
November, 2016

How many criminal aliens are in Colorado jails and what is the annual cost to Colorado taxpayers? Colorado data for the State Criminal Alien Assistance Program tells the story.

SUMMARY

- The Colorado Department of Corrections (CDOC) publishes an annual report on Colorado participation in the federal State Criminal Alien Assistance Program (SCAAP), which reimburses states for some of the costs of incarcerating criminal aliens. (For document link, see below.)
 - Colorado accommodated 1,893 criminal aliens in the state prison system in 2015.
 - Federal SCAAP data suggest there are twice times as many criminal aliens in local jails, bringing the total number in all jails and prisons to 1,893 + 3,800 or 5,700 rounded.
- In 2015, Colorado received a federal reimbursement of \$1,170,973 for those 1,893 eligible criminal aliens—or \$619 per inmate.
 - CDOC's published per-inmate annual cost in 2015 was \$36,892, which means that Colorado state prisons had an unreimbursed cost of over \$68 million in 2015.
- Over the 21-year period 1995-2015, CDOC received a total of \$64,596,162 in federal SCAAP grant dollars, whereas the actual cost to CDOC and Colorado taxpayers over that period tallies to more than \$650 million—not including local county jail costs of an equal or greater amount.

More than you want to know about taxpayer costs

- A 2015 report of the Colorado Department of Corrections (CDOC) showed 1,893 criminal aliens in state prisons in Fiscal Year 2015. That number is up from 423 in 1995, 1,150 in 2000, and 1,330 in 2010.
- A 2010 analysis by CDOC Office of Reports and Statistics showed that the 1,330 criminal aliens qualifying for federal SCAAP reimbursement that year were 71% of the foreign-born population and 5.8% of the total CDOC population.
- There is no recent data provided by CDOC for criminal aliens in LOCAL jails, but in 2006 CDOC reported that federal US-DOJ reimbursements for criminal aliens in local jails was 17% larger than the reimbursement for inmates in the state CDOC system.
 - However, this does not mean that the number of criminal aliens in local jails was 117% of the number in the state system. The dollar amount of annual SCAAP reimbursement is based on "inmate days," and inmates in local jails serve shorter terms (and have lower incarceration costs) than inmates in the state system.
 - In every year for which data is available, the SCAAP grants to Colorado's local jails exceeded the amount of the CDOC grant.
 - The same dollar reimbursement to a county jail for any 12-month period will represent two or three times the number of inmates in CDOC institutions over that same period.
 - Thus, at a minimum, in 2015 the number of criminal aliens in local county jails was 2 x 1,893 or about 3,800.
- The amount reported by CDOC annually is for only CDOC costs and does not include federal reimbursements paid directly to LOCAL jails. Thus, the total criminal alien jail population in 2015 was 1,893 + 3,786 —5700 rounded.
- The SCAAP reimbursement amount varies each year not only because the number of inmates fluctuates but also because Congress appropriates a different amount each year to be divided among the state and local applicants.

- In Colorado, the per-inmate dollar amount of annual federal reimbursement to CDOC has declined steadily-- from a high of \$8,575 in 1996 to a low of \$619 in 2015.
- The principal reason for the decline in the amount of the federal reimbursement not been a decline in the number of criminal alien inmates. The decline has been due to the Obama administration's consistent zero budget request, which results in Congress reducing the annual SCAAP appropriation for state grants.
- In 2006, the Colorado General Assembly recognized the inadequacy of the annual federal reimbursement and passed HB-06S-1014, directing the state AG to seek full reimbursement from the federal government for the state's true cost of incarcerating criminal aliens.
 - CDOC in August of 2008 notified the Attorney General that the SCAAP grant received in FY 2006-07 was \$3.3 million compared to the true cost of \$39,832,159. The SCAAP grant was less than 9% of actual state costs.
 - The Colorado House of Representatives in 2007 unanimously passed HR07-1008 declaring the federal government owed Colorado \$119,580,000 in unreimbursed costs for the previous three-year period, an average of over 39 million per year.
- CDOC reported in 2015 that it had received a total of \$64,596,162 in federal SCAAP reimbursements since 1995. If each year's SCAAP grant is less than 9% of the actual costs of incarceration-- as was the case in 2006 when the question was studied closely -- then the true cost to Colorado taxpayers for incarcerating criminal aliens in CDOC facilities since 1995 was \$64,596,162 times 11.5 —or \$742,855,863.
- Based on the published per-inmate cost of \$36,982 and a 2015 SCAAP grants of only \$1,170,973 for 1,893 inmates, the annual *unreimbursed* amount grew to over \$68,000,000 in 2015—an increase of over 85% since the 2006 legislation.
- The cost to COUNTY taxpayers for incarceration of criminal aliens in local jails cannot be calculated from the limited data available in annual CDOC reports. However, a look at the 2015 data in the federal SCAAP report reveals:
 - Denver county jail was reimbursed \$490,253 and 34 other counties received a total of \$847,675, for a statewide total of \$1,337,675 to 35 local jails—14% above the CDOC grant.
 - Eight other county jails each received federal reimbursement grants over \$30,000 – Arapahoe, Boulder, Douglas, El Paso, Garfield, Jefferson, Larimer and Weld.
 - SCAAP grants of \$1,337,675 to local jails suggests a criminal alien population in local jails statewide of about 3,800 – and a total Colorado criminal alien population of about 5,700.

A Footnote on deportation of convicted criminal aliens

Under President Obama's immigration enforcement policies, ICE deports only criminal aliens convicted of selected violent crimes, not all felons. Very few of the over 3,800 criminal aliens in the Denver county jail or other county jails will be routinely deported upon release.

- In FY2015, federal ICE offices nationwide released 19,723 criminal aliens.
- In Colorado, from 2013 to 2015, 3,000 criminal aliens were released, more than the states of Utah, Wyoming, Kansas and Nebraska combined.
- The number of criminal aliens deported from Colorado jails and prisons is not published by CDOC, ICE or any government agency, and is therefore unknown.

Notes: The term "criminal alien" as used in federal law enforcement encompasses both illegal aliens and legal immigrants convicted of crimes. The term "foreign-born" is used on many jail booking rosters, but can include legal immigrants, naturalized citizens and foreign students.

*For annual CDOC reports on Colorado's participation in the US-DOJ State Criminal Alien Assistance Program (SCAAP), see -- <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>. For federal SCAAP reports, see <http://founderscode.com/state-criminal-alien-assistance-program-scaap>
