

 <p>DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY AND PROCEDURE</b></p>	<b>EFFECTIVE DATE:</b>	August 6, 2013	<b>Page 1 of 5</b>
	<b>SUPERSEDES:</b>	4356.2 October 24, 2011	
	<b>OPI:</b>	RECORDS	
	<b>REVIEW DATE:</b>	August 6, 2014	
	<b>Approving Authority</b>	Thomas Faust Director	
	<b>SUBJECT:</b>	<b>IMMIGRATION STATUS/IMMIGRATION DETAINER PROCESS</b>	
<b>NUMBER:</b>	<b>4356.2A</b>		
<b>Attachments:</b>	Attachment 1-2		

**SUMMARY OF CHANGES:**

<b>Section</b>	<b>Change</b>
Change Notice – CN-12-004	<i>Change Notice CN-12-004 has been rescinded.</i>
Revisions	<i>Minor revisions to the policy.</i>

**APPROVED:**

*Signature on File*



08/06/13

**Thomas Faust, Director**

**Date Signed**

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1. **PURPOSE AND SCOPE.** The purpose of this policy is to establish procedures for handling and processing immigrants and noncitizens of the United States through the D.C. Department of Corrections (DOC).
2. **APPLICABILITY.** This program statement applies to all DOC employees.
3. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Ensure that District resources are not used for federal immigration enforcement activities.
  - b. To comply with the Mayors Order 2011-174 .
  - c. Ensure all DOC employees understand and adhere to this directive concerning the handling and processing of immigrant inmates.
4. **NOTICE OF NON-DISCRIMINATION.** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Code section 2-1401.01 et seq., (hereinafter, "the Act"), the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
5. **AUTHORITY**
  - a. D.C. Official Code § 1-204.22(11), Power and duties
  - b. Mayor's Order 2011-174, Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies, dated October 19, 2011
  - c. ICE Detainers, 8 C.F.R. § 287.7(d)(3)
  - d. Immigration Detainer Compliance Amendment Act of 2012, B19-585
  - e. Improper Entry by Alien, 8 U.S.C. § 1325
  - f. The General Counsel, DOC, is delegated the authority in all matters concerning court orders required for immigrant inmates.

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6. **STANDARDS REFERENCED.** None

7. **DIRECTIVES REFERENCED**

a. **Directives Rescinded**

PS 4356.2 Immigration Status/Immigration Detainer Process

CN-12-004 Change Notice – CN-12-004, Immigration Status/Immigration Detainer Process

b. **Directives Referenced.** None

8. **PROCEDURES.** D.C. Department of Corrections personnel shall adhere to the following guidelines when processing and handling immigrant inmates.

a. DOC employees shall not inquire about a person's immigration status or contact the United States Immigration and Customs Enforcement (ICE) for the purpose of initiating civil enforcement of immigration proceedings that have no nexus to a criminal investigation.

b. The DOC shall not inquire about the immigration status of inmates who are crime victims, witnesses or other inmates who approach the DOC seeking assistance.

c. Incarcerated youth and adults shall not be made available for immigration interviews related to immigration status without a criminal nexus, in person, over the phone, or by video without a court order. If a request is made to conduct an interview of an inmate of the DOC regarding immigration status, the following process will be followed.

1) All requests for immigration interviews related to immigration status will be forwarded to the Office of the General Counsel for review and approval for interview with ICE (Attachment 1).

2) The General Counsel's Office (OGC) will review the request prior to the interview to determine if the interview relates to immigration status with or without a criminal nexus. If the immigration interview request relates to an inmate's immigration status WITH a criminal nexus, a court order shall NOT be required.

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- 3) If an immigration interview request relates to an inmate's immigration status WITHOUT a criminal nexus, then a court order shall be required to be submitted to and approved by the OGC prior to the interview.
  - 4) Upon review and determination of whether an immigration interview is approved and the proper court order provided when required, the General Counsel's Office will forward the Immigration Interview Request Form (Attachment 1) to the Chief of the Office of Investigative Services (OIS) for the appropriate handling of the request.
- d. Prior to the interview, inmates shall be advised in writing, signed by the inmate, compliant with the Language Access Act of 2004, D.C. Code Sections 2-1931, et seq., that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation or other collateral cases. An OIS Investigator will meet the inmate to inform him/her of their rights and to sign and acknowledge the Immigration Interview Notice form (Attachment 2). All documents relating to the request of an interview with an inmate with ICE shall be in the inmate institutional record.
  - e. The DOC shall not send lists of foreign-born inmates to the Department of Homeland Security.
9. **ICE DETAINERS.** The following procedures shall be followed by the Records Office Staff when an ICE detainer is received for an immigrant inmate.
- a. Upon determination by ICE to issue a detainer for an alien not otherwise detained by a criminal justice agency, DOC ***shall not*** maintain custody of the inmate.
  - b. Where a DOC inmate has had an ICE detainer lodged against him/her and the inmate's sentence is close to or has expired or the inmate has been court ordered released, with no other holds, the Legal Instrument Examiner shall contact ICE for the purpose of notifying it of the inmate's completion of incarceration and eligibility for release.
  - c. Once the inmate's sentence is close to or has expired or the inmate has been ordered released, the Legal Instrument Examiner shall process the inmate for immediate release.
  - d. All documentation pertaining to the contact of ICE and releases of inmates shall be filed in the inmate's institutional record.

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10. **ICE DETAINER REPORTS.** The Record Office Administrator shall submit monthly reports to the Deputy Director for Operations office indicating the number of immigrants inmates incarcerated per month.
11. **TRAINING.** The Training Administrator shall ensure all DOC employees are educated on all provisions contained in the Mayor's Order and this directive.

Attachment

Attachment 1 – Immigration Interview Request Form  
Attachment 2 – Immigration Interview Notice

**DOC/PP4356.2/7/29/2013**



**OFFICE OF THE GENERAL COUNSEL  
IMMIGRATION INTERVIEW REQUEST FORM**

SUBJECT	DATE SUBMITTED
Immigration Interview Request	

1. Inmate Name: \_\_\_\_\_ DCDC# \_\_\_\_\_

2. Facility: \_\_\_\_\_

3. Interviewer Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

4. Date of Proposed Interview: \_\_\_\_\_

**Pursuant to Mayor's Order 2011-174 dated October 19, 2011, the Department of Corrections shall not make inmates available for immigration interviews related to immigration status without a criminal nexus in person, over the phone or by video without a Court Order.**

The Office of the General Counsel has reviewed the request to interview the inmate and found:

\_\_\_\_ The immigration interview relates to immigration status WITH a criminal nexus and no court order is required. The interview is approved.

\_\_\_\_ The immigration interview relates to immigration status WITHOUT a criminal nexus and a court order is required and is provided. The interview is approved.

\_\_\_\_ The immigration interview relates to immigration status WITHOUT a criminal nexus and a court order is NOT provided. The interview is DISAPPROVED and cannot go forward.

\_\_\_\_\_  
DOC General Counsel

\_\_\_\_\_  
Date



DEPARTAMENTO CORRECCIONAL DE D.C. (DCDC)  
20001 14th St. NW  
WASHINGTON, D.C. 20009

## NOTIFICACIÓN DE ENTREVISTA DE INMIGRACIÓN

1. Fecha: \_\_\_\_\_
2. Nombre del interno: \_\_\_\_\_ N.º de DCDC \_\_\_\_\_
3. Establecimiento:
4. Nombre, cargo y agencia del entrevistador: \_\_\_\_\_
5. Aprobado por la Oficina del Asesor Jurídico General del Departamento Correccional:  
SÍ / NO\*

## NOTIFICACIÓN

**Conforme a la Orden del Alcalde 2011-174 de fecha 19 de octubre de 2011, entiendo que se ha emitido una solicitud de entrevista de inmigración relacionada con mi condición inmigratoria ya sea personalmente, por teléfono o por vídeo. Toda información proporcionada a los agentes federales, incluidos los del Servicio de Inmigración y Control de Aduanas (ICE), puede ser usada en un caso penal, inmigratorio, de deportación u otro caso relacionado.**

Consulta con un abogado:

\_\_\_ Reconozco que tengo el derecho de consultar a mi abogado antes de la entrevista y que mi abogado se presente en mi nombre.

\_\_\_ Entiendo que puedo contactar a mi abogado, ya que toda información que yo proporcione podría afectar cualquier procedimiento civil o penal pendiente o futuro.

Firma del interno: \_\_\_\_\_ Fecha: \_\_\_\_\_

Nombre del testigo: \_\_\_\_\_ Cargo: \_\_\_\_\_  
En letra de imprenta En letra de imprenta

\*Nota: Ningún interno se pondrá a disposición para entrevistas de inmigración con relación a su condición inmigratoria sin un nexo penal, en persona, por teléfono o por vídeo, si no se presenta una orden judicial a la Oficina del Asesor Jurídico General del Departamento Correccional para su revisión y aprobación antes de que se le envíe esta notificación al interno.



D.C. የማረሚያ ቤቶች መምሪያ  
1923 VERMONT AVE. NW  
WASHINGTON, D.C. 20001

### የኢሚግሬሽን ቃለ መጠይቅ ማስታወሻ

1. ቀን: \_\_\_\_\_
2. የታራሚው ስም: \_\_\_\_\_ DCDC# \_\_\_\_\_
3. ማረሚያ ቤት: \_\_\_\_\_
4. የቃለ መጠይቅ ጠያቂ ስም፣ ማዕረግ እና ኤጀንሲ: \_\_\_\_\_
5. በጠቅላላ ካውንስል DOC ቢሮ የተረጋገጠ: አዎ/ አይ\*

### ማስታወሻ

በአክቶበር 19፡2011 ቀን በከንቲባው ትዕዛዝ 2011-174 መሰረት ፤ ከኢሚግሬሽን ሁኔታዬ ጋር በተያያዘ በግንባር ወይም ፣ በሰልክ በኩል ወይም በቪዲዮ ለኢሚግሬሽን ቃለ መጠይቅ ጥያቄ መቅረቡን እረዳለሁ። ሁሉም መረጃ ለፌዴራል ኤጀንቶች፣ የ ICE ኤጀንቶችን የቀረበውን ጨምሮ፣ በወንጀል፣ በኢሚግሬሽን፣ ከአገር ማስወጣት ወይም ተያያዥ ጉዳይ ሊጠቅም ይችላል።

የሕግ ጠበቃ ማማከር:-

\_\_\_ ከቃለ መጠይቁ በፊት ከሕግ ጠበቃዬ ጋር የመማከር ሙብት እንዳለኝ እና የሕግ አማካሪ ጠበቃዬ በኔ ቦታ ተወክሎ መቅረብ እንደሚችል አውቄአለሁ።

\_\_\_ የሕግ አማካሪ ጠበቃዬን ማግኘት ሊኖርብኝ እንደሚችል ተረድቻለሁ ምክንያቱም ማንኛውም የማቀርበው መረጃ በማንኛውም ለጊዜው የተገታ ወይም የወደፊት የወንጀል ወይም የፍትህ-ብሔር ችሎቶች ላይ ተፅዕኖ ስለሚያሳድር ነው።

የታራሚው ፊርማ: \_\_\_\_\_ ቀን: \_\_\_\_\_

የምስክር ፊርማ: \_\_\_\_\_ ማዕረግ: \_\_\_\_\_  
ፊርማ ፊርማ

\*ማስታወሻ: ይህ ማስታወሻ ለታራሚው ከመቅረቡ በፊት ለግምገማ እና ለማፅደቅ ያለ ፍርድ ቤት ትዕዛዝ ለጠቅላላ ካውንስል የDOC ቢሮ የገባ ያለ የወንጀል ጥርጣሬ ታራሚው ስለ ኢሚግሬሽን ሁኔታ ጋር በተያያዘ ለኢሚግሬሽን ቃለ መጠይቅ ታራሚው ሊገኝ አይችልም።



D.C. DEPARTMENT OF CORRECTIONS  
2000 14<sup>th</sup> St., N.W.  
WASHINGTON, D.C. 20009

## IMMIGRATION INTERVIEW NOTICE

1. Date: \_\_\_\_\_
2. Inmate Name: \_\_\_\_\_ DCDC# \_\_\_\_\_
3. Facility: \_\_\_\_\_
4. Interviewer Name, Title and Agency: \_\_\_\_\_
5. Approved by DOC Office of General Counsel: YES / NO\*

### NOTICE

**Pursuant to Mayor’s Order 2011-174 dated October 19, 2011, I understand that a request has been issued for an immigration interview related to my immigration status either in person, over the phone or by video. All information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation or other collateral case.**

Attorney Consultation:

\_\_\_ I recognize that I have a right to consult with my attorney before the interview and to have my attorney present on my behalf.

\_\_\_ I understand that I may contact my attorney because any information I provide could have an impact on any pending or future criminal or civil proceedings.

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_ Title: \_\_\_\_\_  
print print

\*Note: An inmate shall not be made available for immigration interviews related to immigration status without a criminal nexus, in person, by phone, or video without a court order submitted to the DOC Office of the General Counsel for review and approval in advance of providing this notice to the inmate.