



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

<b>OPI:</b>	<b>PROGRAMS</b>
<b>Number:</b>	<b>4160.6C</b>
<b>Date:</b>	<b>January 10, 2011</b>
<b>Supersedes:</b>	<b>4160.6B (02/29/08)</b>
<b>Subject:</b>	<b>Inmate Marriages</b>

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1. **PURPOSE AND SCOPE.** To establish criteria and guidelines and procedures for processing an inmate's request to marry.
  2. **POLICY.** It is DOC policy to consider an inmate's request to marry unless it is reasonably determined that the marriage would conflict with law, legal issues or sound penal reasons as outlined in this directive.
  3. **NOTICE OF NON-DISCRIMINATION**
    - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (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 intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
    - b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to programs.
  4. **PROGRAM OBJECTIVES.** Inmates may be able to establish and/or strengthen family relationships.
  5. **DIRECTIVES RESCINDED**

D.O. 4160.6 Inmate Marriages (12/10/90)

6. **STANDARDS REFERENCED.** None
7. **AUTHORITY.** DC Code §24-211.02, Powers; Promulgation of Rules
8. **RESPONSIBILITY**
  - a. The DOC Warden has the authority to approve or deny an application to marry for an inmate housed at the CDF.
  - b. The DOC Office of Case Management Services. The Warden at the contracted Correctional Treatment Facility (CTF) operated by the Corporation of America (CCA) shall prepare an evaluation and recommendation pursuant to this directive and submit it to the DOC Office of Case Management Services when an eligible inmate housed at CTF makes application. The DOC Deputy Director or designee is the approving authority.
  - c. The Administrator for the Office of Community Corrections has the authority to approve or deny an application to marry for an inmate housed in a community corrections center.
  - d. The Administrator for the Office of Community Corrections (OCC). The Administration at a contracted community correctional center (CCC) shall prepare an evaluation and recommendation pursuant to this directive and submit it to the DOC Office of Community Corrections when an eligible inmate/defendant at a CCC makes application.
9. **FINANCIAL OBLIGATION.** The inmate, the inmate's intended spouse or another family member shall be responsible for costs associated with the marriage.
10. **ELIGIBILITY.** An inmate housed in any correctional, detention, community correctional center or contract facility who is detained under the authority of the DCDC may request to be married. The inmate must meet the following criteria:
  - a. The inmate is legally eligible to marry.
  - b. The inmate has been evaluated by a licensed mental health clinician at intake to be mentally competent. No mental health evaluation shall be conducted specifically to determine the inmate's competency to marry.
  - c. The intended spouse is in the community and has provided a notarized letter of intent to marry the inmate.
  - d. The marriage arrangement does not present a threat to security or order of the institution, or to public safety.

## 11. GENERAL REQUIREMENTS

- a. The Warden may approve the use of correctional facilities for inmate marriage ceremonies. The Warden shall control the time and circumstances of the ceremony. The Warden shall require that a marriage ceremony at the institution be a private ceremony conducted without media publicity.
- b. A marriage ceremony in the institution shall not be denied because it may inconvenience the institution. Ordinarily, if there is concern regarding institution security or good order, the matter can be resolved by controlling the place, date, time and number of participants for the ceremony.
- c. The marriage ceremony shall be performed by someone legally authorized to perform marriages. The institutional Chaplain must confirm that a community person requested to perform the marriage ceremony is licensed to do so.
- d. Due to ecclesiastical restraints, DOC Chaplains may decline to perform the marriage ceremony but shall assist the inmate with contacting a cleric or other person legally authorized to perform the marriage ceremony with notice that the inmate meets DOC criteria for marriage. If the cleric requires prenuptial counseling, the Chaplain will assist in obtaining a reasonable number of special visits. The special visits shall be held in the Chaplain's office area.
- e. The Warden shall notify the Deputy Director of the proposed marriage of an inmate whose marriage to another inmate might attract significant attention.
- f. If the ceremony is performed in the facility the inmate may be allowed one (1) witness. When the inmate is marrying a private citizen, that individual may be allowed to bring one (1) witness, providing the individual meets visiting requirements pursuant to *PS 4080.1 Inmate Visiting Regulations*. If children are allowed, they must be related to the inmate or the person the inmate is marrying.
- g. Inmates may petition a Superior Court Judge who is presiding on their pending case to be married in a civil ceremony. Upon the judge's request DOC shall provide a general evaluation and recommendation. DOC shall escort the inmate to the judge's chamber for the civil ceremony.
- h. If wedding bands are exchanged, the ring will be added to the inmate's property inventory pursuant to *PS 4050.1 Inmate Property*.

## 12. MARRIAGE REQUESTS

- a. Each inmate who desires to marry shall submit a written request to the Case Manager. In the event an inmate chooses to withdraw his/her marriage request, the withdrawal must be in writing and filed in the inmate's record.
- b. Both parties must be able to demonstrate that they are legally free to marry by producing divorce decrees or death certificates when applicable.
- c. The intended spouse may be informed that the inmate's criminal offense and length of sentence are available via a request for information under FOIA made out to the DOC Privacy Officer.
- d. Case Managers shall rely primarily on information available in the inmate record and a face to face interview with the inmate when making their recommendation to approve or disapprove an inmate's marriage request.
- e. The Case Manager shall ensure that a written statement verifying the intended spouse's consent to marry accompanies an inmate's marriage request.
- f. Review of a marriage request from an inmate who has a detainer(s), a pending charge(s) or sensitive criminal charges shall include an assessment of the legal effects of the marriage.
  - 1) For an example, an inmate could request to marry a potential witness in litigation pending against that inmate. Approving this marriage could affect the status of this litigation.
  - 2) Another example might be an inmate with or pending a deportation detainer who may request permission to marry to avoid deportation. When warranted, the Case Manager shall consult with the U.S. Attorney, Immigration and Naturalization Services (INS), or other appropriate authorities.
  - 3) Another example might be an inmate who has served or is serving a sentence for domestic violence or is a registered sexual offender.
- g. When the Case Manager has completed his or her review and compiled the necessary information pertaining to an inmate's marriage request, this information shall be forwarded to the institution Chaplain for further review.
- h. The institutional Chaplain shall complete a face-to-face interview with the inmate and make recommendation pertaining to the inmate's marriage request and forward it to the Warden for approval.
- i. Inmate marriage requests shall be responded to within forty-five (45) calendar days after receiving the DOC Chaplain's recommendation. The package shall include the inmate's request, intended spouses request, a brief memorandum from the Case Manager of legal status and recommendation and the Chaplain's recommendation.

- j. The Warden shall issue a written decision to include an explanation when denying the request. A copy of the decision shall be placed in the Inmate Record and a copy given to the Inmate.

**13. MARRIAGE PROCEEDINGS**

- a. Once the inmate request for marriage has been approved the Chaplain shall meet with the inmate to discuss the details of the ceremony (i.e., time, date, attendees, etc.).
- b. The Chaplain shall also request a copy of the marriage license application and any other applicable documentation.
- c. All expenses of the marriage shall be paid by the inmate, the inmate's intended spouse, the inmate's family, or other appropriate source approved by the Warden.
- d. After all arrangements have been made and all applicable documentation is submitted the Chaplain shall forward the itinerary detailing the date, time, place, attendees and other pertinent information to the Warden for approval.

  
Devon Brown  
Director