

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		EFFECTIVE DATE:	December 19, 2016	Page 1 of 6
			SUPERSEDES:	2120.2D May 7, 2015	
			OPI:	FEDERAL BILLING	
			REVIEW DATE:	December 19, 2017	
			Approving Authority	Quincy L. Booth Interim Director	
	SUBJECT:	DOC REIMBURSEMENT FOR FEDERAL PRISONERS			
	NUMBER:	2120.2E			
Attachments:	None				

SUMMARY OF CHANGES:

Section	Change
Revisions	

APPROVED:



Quincy L. Booth, Interim Director

12/19/2016

Date Signed

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NUMBER:	2120.2E			
Attachments:	None			

1. **PURPOSE AND SCOPE.** To provide guidelines for federal reimbursement to the District of Columbia (DC) for the care and custody of federal inmates housed in a DC operated or contracted facility.
2. **POLICY.** It is DC Department of Corrections (DOC) policy to maintain accurate accounting and billing for federal inmates housed in DOC facilities.
3. **APPLICABILITY.** For the purposes of this directive federal inmates are persons charged with and detained pending trial in US District Court, persons sentenced in DC Superior Court and US District Court and awaiting designation and/or transport to a federal facility, short-term sentenced felons designated to a DOC facility and federally adjudicated male and female juveniles.
4. **PROGRAM OBJECTIVE.** DOC maintains a fiscal system that accounts for all income and expenditures on an ongoing basis. Methods for collecting, safeguarding, and disbursing monies comply with accounting procedures established by the appropriate authority.
5. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the DC 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 which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
6. **AUTHORITY**
 - a. DC Code § 24-101 – Transfer of Prison System to Federal Authority
 - b. D.C. Code § 24-211.02 Powers; promulgation of rules
 - c. National Capital Revitalization and Self-Government Improvement Act of 1997

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- d. Council Resolution 12-116, the Memorandum of Understanding (MOU) on the President's National Capital Revitalization and Self-Government Improvement Plan Emergency Resolution of 1997.
- e. MOU: United States Marshals Service (USMS), the District of Columbia Department of Corrections (DOC), the Federal Bureau of Prisons (BOP), and the U.S. Parole Commission (USPC) Regarding the Billable Housing Responsibilities with respect to Felony District of Columbia Code Violators.
- f. Intergovernmental Agreement (IGA 582-00) between the District of the District of Columbia Department of Corrections, the District of Columbia Corrections Trustee, and the United States Department of Justice Federal Bureau of Prisons whereas, the Bureau of Prisons began to accept and reimbursed for DOC inmates sentenced beginning October 1, 1997, or as soon thereafter as practicable, for designation of all such inmates to the BOP or BOP private contract facilities.
- g. Intergovernmental Service Agreement Schedule (IGA. No. 16-00-0016), A binding relationship between the United States Marshals Service (USMS) and other federal user agencies (the Federal Government) and District of Columbia (the Local Government) for the detention of persons charged with or convicted of violations of federal law or held as material witnesses (federal prisoners) at the DC Department of Corrections (the facility).
- h. Intergovernmental Agreement (IGA 825-10) between the United States Department of Justice (DOJ), and the Federal Bureau of Prisons (BOP) and the District of Columbia, Department of Corrections (DCDOC) regarding the custody, housing, safekeeping, subsistence, and care of federally adjudicated juvenile male and female inmates.
- i. Intergovernmental Agreement (IGA 855-12) between the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections, Correctional Treatment Facility (DCDOC-CTF) for the housing of no more than 200 BOP short-term (9 months or less), medium custody or less sentenced felons in a unit of the DCDOC-CTF Facility.

7. DIRECTIVES AFFECTED

a. Directives Rescinded

PP 2120.2D DOC Reimbursement for Federal Prisoners (5/05/16)

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b. **Directives Referenced.** None

8. **STANDARDS REFERENCED.** None

9. **PROCEDURES.** For the purpose of this Policy and Procedure the following definitions apply:

- a. **DOC Facility.** For the purposes of this directive, a DOC facility shall include the Central Detention Facility and DOC contract facilities.
- b. *Pretrial/Presentenced.* All pretrial and/or presentenced felons and misdemeanants (including juveniles charged as an adult) ordered for detention by DC Superior Court (DC Code), will be held in the custody of the DOC. DOC shall be responsible for housing, medical, subsistence and all related costs for pretrial and presentenced detainees.
- c. *Sentenced Felons*
 - 1) DOC shall continue to provide housing, medical, subsistence and all related costs for DC Superior Court (DC Code) sentenced felons until the Federal Bureau of Prisons designates the inmate for BOP placement.
 - 2) If there is no bed space at CDF or the Central Treatment Facility (CTF), the United States Marshal Services (USMS) may be required to find alternative bed space for inmates they are seeking to place. Should additional bed space be required, USMS Superior Court shall remove inmates who have been designated to the Federal Bureau of Prisons (FBOP) and place them in alternative facilities. During the time period when there is no bed space, the FBOP cannot designate short term felons to serve out their sentence at CDF or CTF.
- d. *Parole/Supervised Release Violators.* If the sentencing jurisdiction leading to the current parole was the Superior Court (hereafter called a D.C. parole violator), DOC shall be responsible for the housing, medical and associated costs of the DC Parole Violators from the time of their detention until the final revocation hearing decision is held by the U.S. Parole Commission (USPC).
- e. *Probation Violators.* DOC shall assume financial responsibility for housing, medical and associated costs for probation violators from the time of their detention in a DOC facility until the final revocation hearing is held by the

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Superior Court.

- f. *Dual Jurisdiction Court.* When an inmate has cases pending in U.S. District Court and D.C. Superior Court simultaneously, the DOC shall be responsible for housing, medical, subsistence and all related costs of that inmate. When a dual-jurisdiction situation exists and the D.C. Superior Court disposes of its case(s), leaving only a pending U.S. District Court case outstanding, the case immediately becomes billable and remains billable until removal to a FBOP facility.
- g. *Other Commitments.* Any other Superior Court commitments to the DOC (e.g. contempt of court, material witness, etc.) will be housed at the expense of the DOC.
- h. *Writs/Superior Court Holds.* All prisoners, including sentenced felons, persons whose parole or probation has been revoked and who are being held in a DOC facility because of pending Superior Court detention hold including Superior Court Writ Ad Prosequendum and Writ Ad Testificandum (the latter in either criminal or civil cases), will be housed at the expense of DOC.
- i. *Juvenile Offenders Being Prosecuted as Adults.* DOC shall house juvenile offenders being prosecuted as adults until they are sentenced, designated to the FBOP and, thereafter, on a space available basis, until they are transferred to an appropriate FBOP facility or released from DOC. DOC will be responsible for housing, medical and associated costs for juveniles being prosecuted as adults until the FBOP designates facilities for them, at which time they are the financial responsibility of the USMS until transported to the appropriate BOP facility.
- j. *BOP Juveniles.* The DOC shall be reimbursed for BOP federally adjudicated juveniles that have been designated to the DC DOC juvenile unit for each day that they are in DOC custody, to include the day of arrival but not the day of departure.
- k. *Transportation for Pretrial/Presentenced Inmates* in DOC custody housed outside of the District of Columbia will be transported back to the DC DOC by and/or at the expense of the DC DOC.

10. GENERAL REQUIREMENTS

- a. DOC shall bill USMS Superior Court directly, under the USMS/DOC Intergovernmental Agreement (IGA), for Superior Court sentenced offenders,

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- from the date of designation by the BOP until they are transported from DOC custody.
- b. DOC shall bill USMS Superior Court directly, under the USMS/DOC IGA, for all felons detained as Superior Court probation violators, from the date of the final Superior Court probation revocation hearing.
 - c. DOC shall bill USMS District Court directly, under the USMS/DOC IGA, for all alleged D.C. parole violators who are Superior Court sentenced felons detained pursuant to a United States Parole Commission (USPC) parole violator warrant from the date of the final USPC revocation hearing. This situation does not affect alleged parole violators who are sentenced felons originating from the U.S. District Court and who continue to be billed from their date of commitment.
 - d. Whenever a prisoner enters the D.C. Department of Corrections system he/she will be identified as a Federal or Local prisoner through different classifications and designation statuses. This information will be initially entered into the Jail and Community Corrections System (JACCS) by the Inmate Records Office staff. All subsequent changes which affect an individual status (i.e. DATE ON FEDERAL STATUS or DATE OFF FEDERAL STATUS) will be entered daily by the Federal Billing Unit of the District of Columbia Department of Corrections.
 - e. The Federal Billing Unit shall prepare monthly preliminary Crystal Reports identifying those prisoners in a federal status. Reports will be generated no later than the 5th day of the month and a preliminary audit will be conducted to determine the accuracy of the invoice.
 - f. The Federal Billing Unit shall utilize the verified preliminary invoice to generate a final monthly invoice and submit to federal agencies to verify requests for reimbursement.