

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		EFFECTIVE DATE:	March 12, 2024	Page 1 of 6
			SUPERSEDES:	2120.2E December 19, 2016	
			OPI:	FEDERAL BILLING	
			REVIEW DATE:	March 12, 2025	
			Approving Authority	Thomas Faust Director	
	SUBJECT:	DOC REIMBURSEMENT FOR FEDERAL PRISONERS			
	NUMBER:	2120.2F			
Attachments:	None				

SUMMARY OF CHANGES:

Section	Change
	<i>All mentions of juvenile inmates were removed from the policy.</i>
	<i>Minor changes made throughout the policy.</i>

APPROVED:



Thomas Faust, Director

3/12/2024

Date Signed

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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 inmates.
4. **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., (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 sexual discrimination that is also prohibited by the Act. In addition, harassment based on any of the above-protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
5. **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.
6. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**

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PP 2120.2E DOC Reimbursement for Federal Prisoners (11/19/16)

- b. **Directives Referenced.** None.

7. AUTHORITY

- a. DC Code § 24-101 – Transfer of Prison System to Federal Authority, Bureau of Prisons.
- b. D.C. Code § 24-211.02 Powers; promulgation of rules
- c. National Capital Revitalization and Self-Government Improvement Act of 1997
- 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 f 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 reimburse 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 (DOC) to address the custody, housing, safekeeping, subsistence, care, and transportation of male

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and female inmates who have been federally adjudicated.

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 (CDF) and DOC contract facilities.
- b. *Pretrial/Presentenced.* All pretrial and/or presentenced felons and misdemeanants 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, transportation, and all related costs for pretrial and presentenced detainees.
- c. *Sentenced Felons*
 - 1) DOC shall continue to provide housing, medical, subsistence, transportation, 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) are responsible for finding alternative bed space for inmates that need placement. 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 D.C. 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, transportation 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 Superior Court.

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- 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, transportation, 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 inmates, 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. *Transportation for Pretrial/Presentenced Inmates* in DOC custody housed outside of the District of Columbia will be transported back to the DOC by and/or at the expense of the DOC.

10. GENERAL REQUIREMENTS

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

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- d. Whenever an inmate enters DOC system he/she will be identified as a Federal or Local inmate through different classifications and designation statuses. This information will be initially entered into the jail management system 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 invoices identifying those inmates in a federal status. Invoices 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 request reimbursement.

DOC/PP2120.2F/03/12/2024/OPP