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	POLICY AND PROCEDURE		SUPERSEDES:	4160.6E May 5, 2015	
			OPI:	PROGRAMS	
			REVIEW DATE:	December 19, 2017	
			Approving Authority	Quincy L. Booth Interim Director	
	SUBJECT:	INMATE MARRIAGES			
NUMBER:	4160.6F				
Attachments:	Attachment A – Inmate Request Slip				

SUMMARY OF CHANGES:

Section	Change
	<i>Minor revisions made throughout.</i>

APPROVED:



Quincy L. Booth, Interim Director

_____12/19/16_____

Date Signed

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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 a legal restriction to the marriage exists or where the proposed marriage would constitute a threat to the safety, security, and order of the institution or public safety as outlined in this directive. Requests for marriage from inmates who are sentenced felons shall be forwarded to the Bureau of Prisons (BOP) for approval. Requests for inmates in DOC under a U.S. Marshal Service (USMS) contract shall be forwarded to the USMS
3. **PROGRAM OBJECTIVES.** Inmates may be able to establish and/or strengthen family relationships.
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., (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.
5. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**

PP 4160.6E Inmate Marriages (05/15/15)
 - b. **Directives Referenced**

PM 1300.1 Freedom of Information Act (FOIA)

PP 4050.1 Inmate Property

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6. **STANDARDS REFERENCED.** None

7. **AUTHORITY.**

- a. DC Code § 24-211.02, Powers; promulgation of rules
- b. D.C. Code § 46-401 et seq., Marriage

8. **APPROVING AUTHORITIES**

- a. The Warden has the authority to approve or deny an application to marry for an inmate housed at the Central Detention Facility (CDF) and the Correctional Treatment Facility..
- b. 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 (CCC) or Halfway Houses. The Administration at the CCC shall prepare an evaluation and recommendation pursuant to this directive and submit it to the DOC Office of Community Corrections Administrator 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 at the Central Detention Facility, Correctional Treatment Facility and Community Correctional Center who is detained under the authority of the DOC may request to be married.

The request must meet the following criteria:

- a. The inmate is legally eligible to marry.
- b. The marriage consent to by either party has not been procured by force or fraud;
- c. Neither of the parties is under the age of consent, which is 16 years of age.
- d. The marriage is not of a person with a person's grandparent, grandparent's spouse, spouse's grandparent, parent's sibling, parent, step-parent, spouse's parent, child, spouse's child, child's spouse, sibling, child's child, child's spouse, spouse's child's child, sibling's child.

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- e. The marriage is not of any persons either of whom has been previously married and whose previous marriage has not been terminated by death or a decree of divorce.
- f. The inmate is not deemed mentally incompetent. No mental health evaluation shall be conducted specifically to determine the inmate's competency to marry.
- g. The intended spouse has provided a notarized letter of intent to marry the inmate.
- h. The marriage arrangement does not present a threat to security, 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 of sexual orientation and/or gender identification. 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 Supervisory 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. If the ceremony is performed in the facility the inmate may be allowed one (1) witness. Additionally, the inmate's intended spouse may be allowed to bring one (1) witness. If children are allowed, the limit will be two (2) and they must be related to the inmate or the person the inmate is marrying.

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- f. 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 chambers for the civil ceremony.
- g. If wedding bands are exchanged, the ring will be added to the inmate’s property inventory pursuant to PP 4050.1, *Inmate Property*.

12. MARRIAGE REQUESTS

- a. Each inmate who desires to marry shall submit a written request to the Case Manager utilizing the Inmate Request Form (Attachment A). 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 FOIA Officer in accordance with PP 1300.1, *Freedom of Information Act (FOIA)*.
- 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. Examples of the assessments would be, but not limited to:
 - 1) An inmate could request to marry a potential witness or co-defendant in investigations or litigation pending against that inmate. Approving this marriage could affect the status of this litigation such as use of the marital status to invoke spousal immunity from testimony and privilege.

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- 2) An inmate who has a “Stay Away Order” from the intended spouse, or his or her children, or other family members.
 - 3) An inmate who has a history of sexual abuse offenses and/or kidnapping which threatens public safety.
- 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 Supervisory Chaplain or designee for further review.
 - h. The institutional Supervisory Chaplain or designee shall complete a face-to-face interview with the inmate and make a recommendation pertaining to the inmate’s marriage request and forward it to the Warden for approval.
 - i. The Warden shall respond to inmate marriage requests 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 Supervisory Chaplain or designee 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/or Scanned in PaperClip and a copy shall be given to the Inmate.

13. MARRIAGE PROCEEDINGS

- a. When an inmate’s request for marriage has been approved, the Supervisory Chaplain or designee shall meet with the inmate to discuss the details of the ceremony (i.e., time, date, attendees, etc.).
- b. The Supervisory 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 Supervisory Chaplain shall forward the itinerary detailing the date, time, place, attendees and other pertinent information to the Warden for approval.

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DOC/PP4160.6/12/19/2016

DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS CENTRAL
DETENTION FACILITY

~~INMATE REQUEST SLIPS~~

DATE: _____

NAME: _____ DCDC#: _____ UNIT: _____ CELL: _____

PLEASE CHECK () FOR THE SERVICES YOU ARE IN NEED OF:

- | | |
|---|--|
| <input type="checkbox"/> RECORDS OFFICE | <input type="checkbox"/> CASE MANAGER |
| <input type="checkbox"/> CHAPLAINS OFFICE | <input type="checkbox"/> INMATE CLOTHING |
| <input type="checkbox"/> FINANCIAL ACCOUNT BALANCE | <input type="checkbox"/> LEGAL CALL |
| <input type="checkbox"/> INMATE PROPERTY | <input type="checkbox"/> NOTARY |
| <input type="checkbox"/> FACE SHEET (UNAVAILABLE IF YOUR SENTENCE IS OVER A YEAR) | <input type="checkbox"/> OTHER |

PLEASE EXPLAIN THE NATURE OF YOUR REQUEST BELOW

OFFICIAL/CASE MANAGER COMMENTS

DATE: _____

STAFF SIGNATURE: _____