	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		EFFECTIVE DATE:	October 7, 2019	Page 1 of 5
			SUPERSEDES:	4356.2D March 2, 2017	
			OPI:	INMATE RECORDS	
			REVIEW DATE:	October 7, 2020	
			Approving Authority	Quincy L. Booth Director	
	SUBJECT:	IMMIGRATION STATUS/IMMIGRATION INTERVIEW PROCESS			
	NUMBER:	4356.5			
Attachments:	Attachment 1 – Immigration Interview Request Form Attachment 2 – Immigration Interview Notice				

SUMMARY OF CHANGES:

Section	Change
	<i>Policy has been reissued from PP 4356.2D to PP 4356.5</i>
	<i>PP 4356.2D has been cancelled</i>

APPROVED:



Quincy L. Booth, Interim Director

10/7/2019

Date Signed

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		SUPERSEDES:	4356.2D March 2, 2017	
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SUBJECT:	IMMIGRATION STATUS/IMMIGRATION INTERVIEW PROCESS			
NUMBER:	4356.5			
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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 Mayor's Order 2011-174 and to ensure DOC policy adheres to DC values.
 - 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. Improper Entry by Alien, 8 U.S.C. § 1325
 - d. D.C. Code § 2-1931 et seq., Language Access

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- e. The DOC General Counsel is delegated the authority in all matters concerning court orders required for immigrant inmates.

6. STANDARDS REFERENCED. None

7. DIRECTIVES REFERENCED

a. **Directives Rescinded**

PP 4356.2D Immigration Status/Immigration Detainer Process (3/02/17)

b. **Directives Referenced.** None

8. PROCEDURES. The 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 by the Warden's office for review and completion of the Immigration Interview Request Form (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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		SUPERSEDES:	4356.2D March 2, 2017	
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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 that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation or other collateral cases. This notice to inmates shall be in writing, shall be signed by the inmate, and shall comply with applicable standards of the Language Access Act of 2004 (D.C. Official Code § 2-1931, et seq. (2007 Repl)). 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 any agency under the purview of the Secretary of the Department of Homeland Security.
- f. When an inmate with an ICE detainer is scheduled for release, the inmate will be processed for immediate release. DOC will not hold the inmate after he or she is otherwise eligible for release. The inmate will be released to ICE if ICE picks up the inmate prior to the inmate's departure. All documentation pertaining to the release of all inmates shall be filed in the inmate's institutional record.
9. **ICE DETAINER REPORTS.** The Inmate Record Office Administrator shall submit a monthly report to the Office of Deputy Director for Operations indicating the number of immigrant inmates with ICE detainers in custody.
10. **TRAINING.** The Training Administrator shall ensure all DOC employees are educated on all provisions contained in the Mayor's Order and this directive.

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Attachment

Attachment 1 – Immigration Interview Request Form
Attachment 2 – Immigration Interview Notice (Multilingual)

DOC/PP4356.5/10/7/19



**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



D.C. DEPARTMENT OF CORRECTIONS
2000 14th 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.

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS <h1>CHANGE NOTICE</h1>		EFFECTIVE DATE:	December 30, 2019	Page 1 of 4
			OPI:	INMATE RECORDS	
			EXPIRATION DATE:	December 30, 2020	
			Approving Authority	Quincy L. Booth Director	
	SUBJECT:	IMMIGRATION STATUS / IMMIGRATION INTERVIEW PROCESS			
	CHANGE NOTICE:	CN-19-003			
	NUMBER:	4356.5			
	Attachments:	Attachment 1 – Immigration Interview Request Form Attachment 2 – Immigration Interview Notice			

APPROVED:



Quincy L. Booth, Director

12/30/19
Date Signed

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		EXPIRATION DATE:	December 30, 2020	
CHANGE NOTICE				
SUBJECT:	IMMIGRATION STATUS / IMMIGRATION INTERVIEW PROCESS			
CHANGE NOTICE No.:	CN-19-003			
NUMBER:	4356.5			
Attachments:	Attachment 1 – Immigration Interview Request Form Attachment 2 – Immigration Interview Notice			

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. **PROCEDURES.** The 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 by the Warden's office for review and completion of the Immigration Interview Request Form (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.
 - 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

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(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 that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation or other collateral cases. This notice to inmates shall be in writing, shall be signed by the inmate, and shall comply with applicable standards of the Language Access Act of 2004 (D.C. Official Code § 2-1931, et seq. (2007 Repl)). 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 any agency under the purview of the Secretary of the Department of Homeland Security.
- f. When an inmate with an ICE detainer is scheduled for release, DOC will not hold the inmate after he or she is otherwise eligible for release.

3. 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. Improper Entry by Alien, 8 U.S.C. § 1325
- d. D.C. Code § 2-1931 et seq., Language Access
- e. The DOC General Counsel is delegated the authority in all matters concerning court orders required for immigrant inmates.

4. DIRECTIVES RESCINDED

PP 4356.2D Immigration Status/Immigration Detainer Process (3/02/17)

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5. SUMMARY OF CHANGES. NEW Policy name and Number.

Subject Line “Immigration Status/Immigration Detainer Process”, Number Line (4356.2D)”, Section 9”ICE DETAINERS”, Effective Date “March 2, 2017, NEW ISSUANCE” has been revised to read as follows:

- a. Subject: Immigration Status/Immigration Interview Process***
- b. Number: 4356.5.***
- c. Section 9 “Ice Detainers”: Deleted.***
- d. Effective Date: September 11, 2019***

6. ACTION. File this Change Notice in front of PP 4356.2D, “Immigration Status/Immigration Detainer Process”, dated March 2, 2017, NEW ISSUANCE.

DOC/CN-19-003/12/30/19