

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2011-174
October 19, 2011

SUBJECT: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2011 Supp.), it is hereby **ORDERED** that:

I. PURPOSE

The dual purpose of this Order is to establish District-wide policy and procedures concerning the disclosure of immigration status, and to ensure that District resources are not used for federal immigration enforcement activities. This Order supplements Mayor's Memorandum 84-41, dated August 2, 1984, and Mayor's Order 92-49, dated April 29, 1992, by delineating the responsibilities of local agencies, and preserving the limited resources of Public Safety Agencies.

II. DISCLOSURE OF IMMIGRATION STATUS

A. Background

1. The District of Columbia is home to a diverse population. Many of its residents have immigrated here and some are not citizens of the United States. The District of Columbia is committed to promoting the safety and rights of *all* who live here.
2. The District of Columbia should preserve the tradition of ensuring that immigrants and noncitizens are treated equitably at any stage where they seek services from the District of Columbia, provide services to the District of Columbia, or have contact with the criminal justice system. The Metropolitan Police Department and other agencies of the District of Columbia rely upon the cooperation of all persons--documented citizens, lawful residents, and those without documentation status--to achieve our goals of protecting life and property, preventing crime and resolving problems. In addition to promoting important community policing goals, assistance from immigrant populations is especially important when an immigrant, whether documented or not, is the victim of or witness to a crime. These persons must feel comfortable in coming forward with information and in filing reports. Their cooperation is needed to prevent and solve crimes and maintain public order, safety,

and security in the entire community. One of our most important goals is to enhance our relationship with immigrant communities as well as to establish new and ongoing partnerships consistent with our community policing philosophy.

3. Moreover, the District of Columbia should ensure that the rights of immigrants or suspected immigrant detainees in District of Columbia facilities and facilities elsewhere to which District of Columbia detainees are transferred are observed and that federal immigration officials do not abuse their privilege of access to District facilities.
4. The limited resources of the District, the complexity of immigration laws, limitations on authorities, the risk of civil liability for immigration and enforcement activities, and the clear need to foster trust and cooperation from the public, including members of immigrant communities, are the principal factors that were taken into account when formulating the policy under this Order.

B. Policy and Procedures

1. This Order shall apply to the Department of Corrections, the Department of Fire and Emergency Medical Services, the Metropolitan Police Department, the Office of the Attorney General, the Office of Returning Citizen Affairs, the Office of Victim Services, the Department of Youth Rehabilitation Services, and all other agencies under the direction of the Mayor that employ law enforcement officers (Public Safety Agencies).
2. Public Safety Agencies and their officials and employees shall not inquire about a person's immigration status or contact 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. It shall be the policy of Public Safety Agencies not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.
3. Public Safety Agencies shall establish a policy to ensure that District of Columbia-incarcerated youth and adults are not 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. The policy shall include a disclosure to the inmate that all information provided to federal agents, including ICE agents, may be used in a criminal, immigration, deportation, or other collateral cases. The disclosure 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.)).
4. No person shall be detained solely on the belief that he or she is not present legally in the United States or that he or she has committed a civil immigration violation. The Department of Corrections shall not send lists of foreign-born inmates to the Department of Homeland Security.


5. Law enforcement officers shall not make arrests solely based on administrative warrants for arrest or removal entered by ICE into the National Crime Information Center database of the Federal Bureau of Investigation, including administrative immigration warrants for persons with outstanding removal, deportation, or exclusion orders. Enforcement of the civil provisions of United States immigration law is the responsibility of federal immigration officials.
6. Public Safety Agencies shall conduct all necessary training and education to ensure that law enforcement officers are knowledgeable about all provisions contained in this Order. Referrals to medical or social service agencies shall be made for undocumented immigrants in the same manner they are made for all other community members.

III. CONSTRUCTION OF ORDER


This Order:

1. Shall not be construed to prohibit an officer or employee of a Public Safety Agency from cooperating with federal immigration authorities when required by law; and
2. Is not intended to create or imply a private cause of action for a violation of its provisions.

IV. EFFECTIVE DATE: This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA