

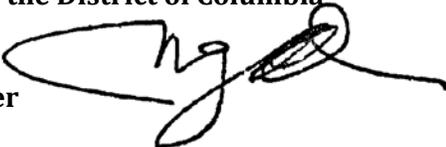
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: April 10, 2012

SUBJECT: Fiscal Impact Statement – “Immigration Detainer Compliance Amendment Act of 2012”

REFERENCE: Bill 19-585, Draft Committee Print shared with OCFO on April 4, 2012

Conclusion

Funds are sufficient in the FY 2012 budget and the proposed FY 2013 through FY 2016 budget and financial plan to implement the bill.

Background

In October 2011, the Mayor issued an administrative order¹ to the District’s public safety agencies² to prohibit the initiation of civil immigration proceedings with U.S. Immigration and Customs Enforcement (ICE), to limit ICE access to District inmates, to prohibit detentions based on a belief about immigration status, or to arrest based on administrative warrants in the National Crime Information Center database³ unless it is directly related to a criminal investigation. Currently, ICE sends detainer requests to public safety agencies requesting detention of an individual suspected of immigration violations for 48 hours, pending a full status check.

¹ Mayor’s Order 2011-174: Disclosure of Status of Individuals: Policies and Procedures of District of Columbia Agencies.

² Public Safety Agencies: Department of Corrections, Fire and Emergency Medical Services, 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.

³ This is a national electronic clearinghouse of crime data maintained by the Federal Bureau of Investigation.

The Honorable Kwame R. Brown

FIS: Bill 19-585, "Immigration Detainer Compliance Amendment Act of 2012," Draft Committee Print shared with OCFO on April 4, 2012

The bill establishes detailed requirements as to when the Department of Corrections (DOC) should comply with ICE detainer requests. The bill allows DOC to comply with a detainer request for a period of 24 hours, excluding weekends and holidays, if the following conditions are met:

- A written agreement is in place whereby a federal agency will reimburse the District for costs incurred; and
- The individual sought is 18 years of age or older and has been convicted in the last 10 years or released after serving a sentence in the last 5 years for a dangerous crime⁴ or crime of violence⁵ in the District or another jurisdiction, or has been convicted of a homicide crime⁶ in the District or another jurisdiction at any point.

Financial Plan Impact

Funds are sufficient in the FY 2012 budget and the proposed FY 2013 through FY 2016 budget and financial plan to implement the bill. The bill's provisions, as with the Mayor's Order, limit the Department of Corrections requirements to comply with Immigration and Customs Enforcement detainers. DOC complies with the Mayor's Order and there are no costs associated with implementation of the bill.

⁴ As defined in Title 23 (Criminal Procedure), Chapter 13 (Pretrial Services Agency and Pretrial Detention), D.C. Official Code § 23-1331(3), Definitions.

⁵ As defined in Title 23 (Criminal Procedure), Chapter 13 (Pretrial Services Agency and Pretrial Detention), D.C. Official Code § 23-1331(4), Definitions.

⁶ Pursuant to Title 22 (Criminal Offenses and Penalties), Chapter 21 (Murder, Manslaughter), D.C. Official Code § 22-2101 *et seq.*