

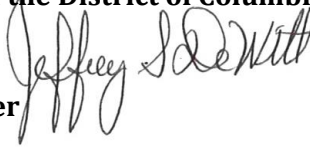
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 23, 2020

SUBJECT: Fiscal Impact Statement – Sanctuary Values Amendment Act of 2020

REFERENCE: Bill 23-501, Draft Committee Print as circulated on November 20, 2020

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

Current law¹ authorizes the District to detain certain inmates for an additional 24 hours beyond their release date upon receiving a written civil detainer request from United States Immigration and Customs Enforcement (ICE) for an inmate suspected of federal civil immigration violations if enumerated conditions are met. The District is prohibited from providing ICE with physical space for a generalized search or inquiry about inmates or to permit an interview with an inmate without giving the inmate the opportunity to have counsel present.

The bill amends the District's laws around federal immigration cooperation by requiring that federal immigration authorities provide the District with a judicial warrant or order issued by a federal judge or federal magistrate judge that authorizes the federal immigration authority to take custody of the inmate. The bill prohibits the District from detaining an inmate beyond when they would otherwise be released² and continues to prohibit the use of physical space by any federal immigration agency

¹ Immigration Detainer Compliance Amendment Act of 2012, December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07).

² The District can detain an inmate beyond their release time if the release time is between the hours of 10:00 p.m. and 7:00 a.m. and the inmate requests to stay until 7:00 a.m. (D.C. Official Code § 24-211.02a(c)(6)).

space for a generalized search or inquiry about inmates. The bill also requires the federal immigration authorities to present a judicial warrant or order prior to allowing the interview of a District inmate, in addition to allowing the inmate to have counsel present. The bill prohibits the District from providing federal immigration authorities with space to house, detain, or hold an individual for civil immigration enforcement purposes; an inmate's release details; access to any District operated detention facility³ for transfer of custody purposes; and the release of an inmate to transfer them into federal custody.

The bill prohibits the District from inquiring about the immigration status of any individual in its custody.

The bill requires the Department of Corrections (DOC), the Department of Youth Rehabilitative Services (DYRS), the Department of Behavioral Health (DBH), and the Metropolitan Police Department (MPD) to annually report by January 1st on the number of requests for information or detainer made by federal immigration authorities, whether the individuals were being held on local or federal authorities, whether a judicial warrant or order was presented, and what actions the agency took. The report should also include the number of individuals released into the custody of a federal immigration agency, the dates of those releases, and the type of information shared with those agencies.

The District should properly train all employees on compliance with the bill's provisions.

Some of the bill's provisions are currently in effect under emergency legislation.⁴

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. DOC is currently complying with the emergency restrictions and there are no costs associated with the agency continuing to meet the bill's requirements. DOC can absorb the cost of the bill's new training and reporting requirements within its existing budgeted resources.

MPD, DYRS, and DBH have not historically interacted with federal immigration agencies and enforcement officers either due to the limited time they have individuals detained or the type of the populations they house. These agencies do not believe the bill's restrictions will have a significant negative impact on the agencies' operations and they can implement the bill's provisions with existing budgeted resources.

³ This includes facilities operated by the Department of Corrections, the Department of Youth Rehabilitation Services, the Department of Behavior Health, or the Metropolitan Police Department.

⁴ Sanctuary Values Emergency Amendment Act of 2020, enacted October 14, 2020 (D.C. Act 23-414; 67 DCR 12241).