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GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 84-41

August 2, 1984

TO: HEADS OF ALL DEPARTMENTS AND AGENCIES

ORIGINATOR: Mayor Marion Barry, Jr. *MSB.*

SUBJECT: Clarification of Benefits Available to Individuals Who Are Not Citizens or Do Not Have U.S. Residency Status

The District of Columbia Government provides benefits in accordance with Federal and District laws, regulations, Mayor's Orders and judicial decisions.

The District of Columbia Government, its agents, agencies, officers and employees shall make no inquiry, direct or indirect, about citizenship or U.S. residency status unless federal or District regulations and judicial decisions require that inquiries be made to determine eligibility for benefits.

For benefits provided by the District of Columbia government, except as cited below, District employees shall make no inquiries concerning citizenship or residency in the U.S. However, inquiries to establish D.C. residency shall be made.

Federal laws and regulations require proof of citizenship or U.S. residency status as a condition of eligibility for the following programs:

- | | |
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| Aid to Families with Dependent Children (AFDC) | Medicare |
| Employment Service | Social Security Number |
| Food Stamps | Supplementary Security Income |
| Job Training | Unemployment Insurance |
| Medicaid | |

Any parent or guardian may be a payee for a child who is a citizen by reason of birth in the United States under the following programs, even though the parent or guardian may not qualify for benefits.

- Aid to Families with Dependent Children (AFDC)
- Food Stamps
- Medicaid
- Supplementary Security Income

All District employees must use this memorandum as a guide when considering eligibility for benefits.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Metropolitan Police Department



Charles H. Ramsey
Chief of Police

STATEMENT CLARIFYING MPD POLICY WITH RESPECT TO
COLLABORATION WITH FEDERAL IMMIGRATION AUTHORITIES

The purpose of this statement is to clarify the conditions under which the Metropolitan Police Department collaborates with federal immigration authorities. I am issuing this statement because Latino community leaders have pointed out to me that MPD's occasional collaboration with federal immigration authorities has led some leaders to believe that the MPD has gone back on its policy with respect to the enforcement of civil immigration laws. I would like to state emphatically that this is not the case.

MPD Policy

MPD's policy with respect to the enforcement of civil immigration laws is very clear: MPD officers are strictly prohibited from making inquiries into citizenship or residency status for the purpose of determining whether an individual has violated the civil immigration laws or for the purpose of enforcing those laws. In other words, the MPD is not in the business of inquiring about the residency status of the people we serve and is not in the business of enforcing civil immigration laws.

The reasoning behind this policy is straightforward: Our department is responsible for providing police services to everyone in the District of Columbia – equally, fairly, and justly. To help carry out that mission, we have adopted a strategy of community policing – of police and residents working together to fight crime in a partnership of cooperation, respect, and trust. If some of our residents are reluctant to interact with the police, because they fear we are there to enforce civil immigration laws, then all hopes for partnership and cooperation are lost, and what really suffers the most is the safety of entire communities.

MPD Collaboration with Federal Immigration Authorities

Criminal Enforcement Operations

While MPD's policy against inquiring about immigration status is clear and strong, our Department is obligated to provide limited support to federal immigration authorities when they conduct *criminal* law enforcement operations in the District of Columbia. This does not occur very often, as federal immigration authorities are mostly involved in the enforcement of civil immigration laws. But federal immigration authorities are sometimes involved in enforcing criminal laws that are related to immigration, such as those seeking to control the production and sale of falsified immigration documents and identification cards. When this occurs, and MPD assistance is requested, MPD normally provides the police support requested or needed by the federal agency. This support includes investigational support, traffic control, crowd control, and transportation support.

MPD recognizes that, when federal immigration officials are involved, even operations intended to serve as *criminal* law enforcement operations may involve a civil immigration enforcement component. In other words, once immigration officials are involved in arrests or a search or similar actions, they may make inquiries into immigration status and detain individuals purely on civil immigration violations. Thus, when MPD and immigration officials work collaboratively on criminal law enforcement operations that result in

searches, arrests or other similar actions, taken within the jurisdiction of Washington, DC, MPD will take all necessary precautions to ensure that MPD does not become involved in the enforcement of civil immigration laws. Before any such action takes place, MPD will require that the exact nature of the action be specified and will set clear parameters for the role that MPD will take in the action. Specifically, MPD will ensure that it does not become directly involved in arrests, searches or other similar actions except where absolutely necessary to the success of the criminal law enforcement objective. MPD will limit its support to traffic control, crowd control, and transportation support when the enforcement action is strictly on civil immigration laws.

Civil Immigration Enforcement Operations

In addition, the MPD is obligated to provide crowd and traffic control at any event that may attract a crowd of people or affect the flow of traffic in the District of Columbia. This includes public events such as protest marches or demonstrations, block parties and community festivals, and public safety operations, such as fires and major automobile accidents. It also includes crowd and traffic control when federal immigration authorities inform MPD that they will conduct an operation to enforce *civil* immigration laws. MPD's role in these actions is to ensure the safety of those who live in, work in, or visit the District of Columbia – it is not to facilitate or ensure the success of the civil law enforcement action.

For example, if federal immigration authorities request crowd and traffic control services from MPD because they will conduct an immigration raid on a District business property, MPD will provide the crowd and traffic control services. MPD will not be involved in identifying or arresting the targets of that operation, or in conducting or facilitating the operation itself in any way. MPD's role will be limited to protecting the public's safety while the operation is underway.

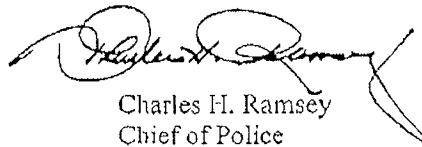
Communication

Because MPD takes very seriously its commitment to the community to avoid any actual or apparent involvement with immigration authorities in the enforcement of civil immigration laws, MPD will issue a media communication explaining the operation and the nature of MPD's role after any action that involves both MPD and immigration officials.

Conclusion

The MPD remains committed to its strong and consistent policy with respect to the enforcement of civil immigration laws. Officers are prohibited from making inquiries into citizenship or residency status for the purpose of determining whether an individual has violated the civil immigration laws or for the purpose of enforcing those laws. Any violations of that policy will not be tolerated.

MPD's collaboration with federal immigration authorities in the enforcement of *criminal* laws related to immigration, and in the provision of crowd and traffic control when they seek to enforce *civil* immigration laws, is not a violation of MPD policy. Such limited actions only reflect MPD's responsibility to enforce local and federal *criminal* laws, and to protect the safety and welfare of those who live in, work in, or visit the city. MPD remains steadfast in its commitment to serve everyone in the District of Columbia, regardless of their immigration status, and its commitment to prohibit the involvement of MPD personnel in the enforcement of civil immigration laws.



Charles H. Ramsey
Chief of Police

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July 28, 2003

Statement: Reaffirming MPD Policy Prohibiting Police Inquiries Into the Citizenship, Immigration or Residency Status of Individuals

The policy of the District of Columbia concerning enforcement of immigration laws was announced in Mayor's Memorandum 84-41. This memorandum prohibits District government agents, agencies, officers or employees from making inquiries of subjects, directly or indirectly, about citizenship or U.S. residency status, unless federal or District regulations and judicial decisions require that inquiries be made to determine eligibility for benefits. The District of Columbia and the Metropolitan Police Department continue to strictly adhere to this policy.

The Metropolitan Police Department has incorporated the District's policy by including specific directions to police officers in General Order 201.26. This order establishes policy and procedures for how MPD officers conduct themselves when performing their duties, exercising police powers and interacting with the public. Part of an officer's responsibility is to know that officers are **not permitted** to question persons about residency or immigration status, except in very limited circumstances. Inquiries into immigration status are allowed, pursuant to the General Order, only when officers are investigating crimes involving the criminal smuggling and harboring of immigrants or other crimes that have as an element of the crime the illegality of a person's presence. Officers shall not make inquiries into immigration status for the purpose of determining whether an individual has violated the civil immigration laws and enforcing those laws.

There may be certain situations in which MPD officers, during the normal course of their duties, learn about the immigration status of individuals they come into contact with, because that status is already flagged in various law enforcement databases. For example, any time officers detain an individual, they are required to run checks in the National Crime Information Center (NCIC) database, the National Law Enforcement Telecommunications System (NLETS), and other law enforcement databases for outstanding warrants. Some limited categories of immigration law violations are currently included in these databases. As a result, while performing an NCIC database run, NLETS inquiry or other law enforcement database check, an officer may learn that an individual has an outstanding arrest warrant. In these instances, the officer will take appropriate police action to arrest and detain the individual.

However, NCIC database checks, NLETS inquiries or other law enforcement database checks will not be made in circumstances where they are not already required under MPD policy for all individuals, regardless of national origin. In other words, officers are strictly prohibited from running database inquiries solely for the purpose of inquiring about immigrant status.

All MPD officers, during their recruit training, receive instruction on General Order 201.26 and related issues concerning the prohibition against inquiring about the immigration or residency status of individuals. To emphasize the importance of this issue, the MPD provides officers with periodic follow-up training and reminders on Department policy and procedures.

The Metropolitan Police Department takes very seriously its responsibilities in this area, and the Department is committed to providing high-quality service, in partnership with all communities. Individuals who believe an MPD officer has violated Department policy on immigration status inquiries, or has engaged in any other type of misconduct, are encouraged to contact the MPD's Office of Professional Responsibility at (202) 727-4385.