

AN ACT

D.C. ACT 19-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 9, 2012

Codification  
District of  
Columbia  
Official Code

2001 Edition

2012 Fall  
Supp.

West Group  
Publisher

To amend An Act To create a Department of Corrections in the District of Columbia to expedite the processing of incarcerated individuals released from the Central Detention Facility, to ensure the inmate’s safe release and the safety of the surrounding community, to require adequate public records be maintained of all releases from the Central Detention Facility, and to create sanctions for the failure to release inmates within the reasonable time requirements outlined in this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DOC Inmate Processing and Release Amendment Act of 2012”.

Sec. 2. An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is amended as follows:

(a) Section 2(b) is amended as follows:

(1) Paragraph (4) is amended by adding the word “and” after the semicolon.

(2) Paragraph (5) is amended by striking the phrase “; and” and inserting a period in its place.

(3) Paragraphs (6), (7), and (8) are repealed.

(b) A new section 2a is added to read as follows:

“Sec. 2a. Processing and release of inmates from the Central Detention Facility.

“(a) The Department of Corrections shall process and release inmates from the Central Detention Facility as follows:

“(1) Except as provided in paragraphs (2) and (3) of this subsection, the Department of Corrections shall have the obligation to ensure that all inmates are released by 10:00 p.m.; provided, that such obligation does not apply to inmates who are ordered released by the court between 10:00 p.m. and 7:00 a.m. or to inmates who are being released into the custody of another jurisdiction. The Department of Corrections shall have the obligation to abide by subsection (c) of this section for all inmates being released between 10 p.m. and 7 a.m., including those who are ordered released by the court.

“(2) For an inmate ordered released pursuant to a court order, the inmate shall be released within 5 hours of transfer from the custody of the United States Marshals Service into the

Amend  
§ 24-211.02

**ENROLLED ORIGINAL**

custody of the Department of Corrections, unless the inmate is to continue in confinement pursuant to another charge or warrant; provided, that the Department of Corrections has the obligation to release inmates by 10:00 p.m.

“(3) For an inmate who has completed his or her sentence, and for whom there is no other outstanding charge or warrant, the inmate shall be released before noon on his or her scheduled release date.

“(b) The Department of Corrections shall establish, in coordination with the courts and the United States Marshals Service, procedures to ensure that inmates who have been ordered released by the court are returned to the Central Detention Facility as promptly as possible.

“(c) For all inmates released between 10 p.m. and 7 a.m., the Department of Corrections shall ensure, before release, that:

“(1)(A) The inmate has a residence or other housing that the inmate is able to access and the inmate has agreed, in writing, to access the residence or housing at the time of the inmate’s release; or

“(B) A shelter is able and willing to receive the inmate at the time of the inmate’s release and the inmate has agreed, in writing, to access the shelter at the time of the inmate’s release;

“(2) The inmate is provided with the clothing that the inmate wore upon intake to the Central Detention Facility or, if that clothing is not available, other clothing provided by the Department of Corrections; provided, that the clothing is:

“(A) Appropriate for the weather;

“(B) Not a jumpsuit; and

“(C) Typical of street clothing worn by citizens in public;

“(3) Written verification is obtained from the Central Detention Facility’s healthcare provider (“provider”) that, upon release, the inmate has a 7-day supply of all prescription medications that the inmate is to continue taking upon release from custody and that the inmate has received release counseling, if medically recommended, from the provider within the preceding 7 days;

“(4) If the inmate is a sentenced inmate, the inmate has been provided, within the 7 days before release, release counseling on access to benefits and services available in the District to facilitate reentry;

“(5) The inmate has transportation immediately available upon the inmate’s release from the Central Detention Facility to transport the inmate to the housing identified in paragraph (1) of this subsection by:

“(A) A member of the Department of Corrections transportation unit;

“(B) A taxi, at the Department of Corrections’ expense; or

“(C) A friend or family member,

“(6) The inmate has been provided with the option of remaining within a Department of Corrections facility until release at 7 a.m. If an inmate chooses to do so, the Department of Corrections must obtain a written waiver from the inmate stating that the inmate

has knowingly, intelligently, and voluntarily decided to remain in a Department of Corrections facility until 7:00 a.m.; and

“(7) The warden of the Central Detention Facility has certified, in writing, that the requirements of this subsection have been met.

“(d)(1) The Department of Corrections shall maintain an accurate record of the date and time of each inmate’s release from the Central Detention Facility that shall be a matter of public record and that may be audited, upon request, by the Inspector General for the District of Columbia or the District of Columbia Auditor.

“(2) The Department of Corrections shall provide to the Council, on a quarterly basis, a list of all inmates who have been released in violation of this section. The list shall include the following information for each inmate released:

“(A) The custody status of the inmate before release (e.g., pre-trial detention, sentenced misdemeanor);

“(B) The reason for the inmate’s release (e.g., completion of sentence, court order);

“(C) The date and time the Department of Corrections received the release order from the court or other authority; and

“(D) The date and time of the release.

“(e)(1) For each inmate released after 10 p.m. on the date of the expiration of his or her sentence or on the date he or she is ordered released by the court, the Department of Corrections shall be fined an initial \$1,000, with an additional fine of \$1,000 for each 24-hour period that the inmate is overdetained.

“(2) The Office of the Chief Financial Officer shall transfer funds in accordance with paragraph (1) of this subsection to the Settlements and Judgments fund to support litigation related to the Department of Corrections.”.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

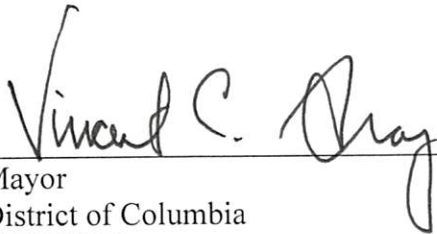
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
August 9, 2012



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**WASHINGTON, D.C. 20004**

Docket No. **B19-428**

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FIRST READING, 06-05-12**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

**ALL PRESENT**

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Mendelson	X			
Alexander	X				Cheh	X				Orange	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

7-31-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FINAL READING, 07-10-12**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

**ALL PRESENT**

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry	X				Evans	X								
Bowser	X				Graham	X								
Brown	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

7-31-12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Catania					Orange				
Alexander					Cheh					Wells				
Barry					Evans									
Bowser					Graham									
Brown					McDuffie									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD



Secretary to the Council

Date