



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**APPLICABILITY**

**PRISON**  
OFFENDER/SPANISH MANUALS

REVISION DATE

6/24/11

PAGE NUMBER

1 of 5

NUMBER

**DOC 350.700**

**POLICY**

TITLE

**DEPORTATION OF ALIEN OFFENDERS**

**REVIEW/REVISION HISTORY:**

Effective: 1/16/95  
 Revised: 8/22/01  
 Revised: 11/7/03  
 Reviewed: 2/12/07  
 Revised: 6/26/08  
 Reviewed: 6/21/10  
 Revised: 6/24/11

**SUMMARY OF REVISION/REVIEW:**


Major changes to address early deportation of offenders per ESHB 1547, including policy title.  
 Read carefully!

**APPROVED:**

Signature on file

\_\_\_\_\_  
**ELDON VAIL**, Secretary  
 Department of Corrections

6/21/11  
 \_\_\_\_\_  
 Date Signed

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**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A.685](#); [DOC 300.380 Classification and Custody Facility Plan Review](#); [DOC 310.150 Reception, Initial Classification, and Custody Facility Plan](#); [DOC 450.500 Language Services for Limited English Proficient \(LEP\) Offenders](#)

**POLICY:**

- I. The Department will:
  - A. Establish procedures to notify offenders of immigration deportation hearings.
  - B. Facilitate early release to deportation for qualified offenders.

**DIRECTIVE:**

- I. Immigration Deportation Hearings
  - A. Notification at Orientation
    - 1. During orientation at Reception Diagnostic Centers, any offender who may have deportation proceedings initiated against him/her will be provided a copy of this policy. The offender will sign DOC 05-433 Deportation Hearings Notification acknowledging receipt.
    - 2. Staff serving these documents will make a reasonable effort to ensure that an offender with a language barrier/disability that impacts his/her ability to read or understand them is provided the opportunity to request interpretation and/or translation service per DOC 450.500 Language Services for Limited English Proficient (LEP) Offenders.
    - 3. Staff will advise the offender of the requirement that s/he sign a release of information to allow an attorney access to his/her records.
    - 4. Staff will advise the offender that requests by him/her or his/her attorney for access to the offender's file must be made in a timely manner. The offender will be informed that staff require sufficient notice prior to the scheduled deportation hearing to ensure access to the file.
  - B. Preparation
    - 1. Whenever a deportation hearing is scheduled at a Department facility, staff will:


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- a. Notify the offender within one working day of the date the facility receives the order and notice,
- b. Ensure the offender signs and dates DOC 05-433 Deportation Hearings Notification every time s/he is served with a deportation notice,
- c. Attempt to provide actual translation of the order and notice into the offender's primary language within a reasonable period upon receipt of the order and notice,
- d. Document on the offender's electronic record that an attorney requesting access to offender records has a valid release signed by the offender, and
- e. Make a reasonable effort to provide the offender or his/her attorney access for timely inspection of the offender's central file in preparation for the deportation hearing after either party has given reasonable notice.


## II. Early Release to Deportation

### A. Eligibility

1. The Correctional Records Supervisor (CRS) will review the Judgment and Sentence of all offenders upon admission to the Department to determine eligibility for deportation.
2. The Correctional Records Supervisor (CRS)/designee will review the Judgment and Sentence and electronic file to determine if an offender meets criteria for early release to deportation upon request of Immigration and Customs Enforcement.
3. Length of time left to serve will not prohibit an offender's release to deportation.
4. An offender will not be considered for early release to deportation if s/he:
  - a. Is serving a sentence for a violent or sex offense.
  - b. Has been previously deported and has re-entered the United States.
5. An offender with a pending detainer noted in his/her electronic file, other than immigration, will not be considered for early deportation if the applicable agency declines to close the warrant.

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6. An offender with known victim safety concerns will not be considered for early deportation if Victim Services determines that deportation may place specific individuals at increased risk of harm.
- B. Immigration Hearing Status
1. Following the offender's immigration hearing, the CRS at the facility where the offender is housed will enter the decision on the Warrant Detainer screen in the offender's electronic file.
- C. Release to Deportation
1. Prior to release, the offender will be notified of the conditions of early release in his/her primary language. The offender will sign and staff will witness DOC 07-034 Prompt Deportation of Alien Offenders (PDAO) Waiver of Rights.
  2. Upon receipt of written confirmation from Immigration and Customs Enforcement that it will take custody of the offender, the CRS will complete DOC 20-311 Order of Release.
  3. Upon notification of deportation, the CRS at the facility where the offender was housed will send DOC 11-005 Wanted Person Entry Request, with DOC 09-239 Secretary's Warrant attached, to the Headquarters Warrants Unit. Headquarters warrants staff will issue a warrant for the offender's arrest within the United States.
    - a. The warrant will remain in effect until the expiration of the offender's statutory maximum sentence.
    - b. The CRS will scan DOC 07-034 Prompt Deportation of Alien Offenders (PDAO) Waiver of Rights into the offender's electronic imaging file.
  4. If the offender is not deported, s/he will be returned to Department custody and intake will be completed per DOC 310.150 Reception, Initial Classification, and Custody Facility Plan or DOC 300.380 Classification and Custody Facility Plan Review, as appropriate.
- D. Return to Department Custody Following Deportation
1. If an offender re-enters the United States after being deported and is returned to Department custody, the CRS at the Washington Corrections Center (WCC) or the Washington Corrections Center for Women (WCCW)

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will calculate the time left to serve on the sentence from which the offender was deported. This time must be served prior to any time the offender may have received for a new offense.

- Intake will be completed per DOC 310.150 Reception, Initial Classification, and Custody Facility Plan or DOC 300.380 Classification and Custody Facility Plan Review, as appropriate.

**DEFINITIONS:**

Words/terms appearing in this policy may also be found in the glossary section of the Policy Manual.

**ATTACHMENTS:**

None

**DOC FORMS:**

- [DOC 05-433 Deportation Hearings Notification](#)
- [DOC 07-034 Prompt Deportation of Alien Offenders \(PDAO\) Waiver of Rights](#)
- [DOC 09-239 Secretary's Warrant](#)
- [DOC 11-005 Wanted Person Entry Request](#)
- [DOC 20-311 Order of Release](#)