

DEPARTMENT OF JUVENILE JUSTICE

	Policies and Procedures	Directive #: 05/07	Page 1 of 2
	Subject: Confidential Nature of Resident's Information Including Immigration Status		Related Standards: N/A OCFS: N/A
	Approved:  Neil Hernandez, Commissioner		Effective Date: 4/09/07
New [X] Revised [] Supersedes []			

I. Purpose

To promulgate a policy that details circumstances in which confidential information, pertaining to the immigration status of residents, may or may not be disclosed pursuant to Mayoral Executive Order No. 41 signed on September 17, 2003.

II. Policy

Pursuant to Executive Order No. 41, it shall be the policy of the Department of Juvenile Justice (DJJ) not to inquire about a resident's immigration status, unless such information is necessary to fulfill the mission or purpose of DJJ and/or another City agency or program. It shall be the policy of the Department's employees, its contracted staff and vendors not to investigate the immigration status of the residents in care. This policy specifically forbids all personnel from inquiring about the immigration status of residents in the Department's care. Accordingly, the Department's policies and practices shall be applied to all residents fairly and equally.

III. Definitions

The following definitions are within the context of this policy:

Confidential Information Means any information obtained and maintained by the Department relating to an individual's immigration status.

Illegal Activities Means unlawful activity, but shall not include mere status as an undocumented alien.

IV. Procedure

Executive Order No. 41 amends Executive Order No. 34 by requiring that all DJJ employees, its contracted employees and vendors not disclose information about immigration status of any residents unless:

- a) The disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- b) The disclosure is required by law; or
- c) The disclosure is to another City officer or employee and is necessary to fulfill the purpose or achieve the mission of DJJ or another City agency; or
- d) In the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of DJJ or another City agency; or
- e) In the case of information relating to immigration status:
 - (i) The individual to whom such information pertains is suspected by DJJ or a contracted employee of engaging in illegal activity, other than mere status as an undocumented alien; or
 - (ii) The dissemination of such information is necessary to apprehend a person suspected of engaging in illegal activity, other than mere status as an undocumented alien; or
 - (iii) The disclosure is necessary in furtherance of an investigation of potential terrorist activity.

V. Implementation

1. The Training Office shall make all-new personnel, including contracted staff, aware of adherence to this policy.
2. Any violations of this policy shall be immediately referred to the Department's Office of Disciplinary Affairs.
3. Any Department employee or contracted employee with a question relating to the disclosure of confidential information shall consult the Office of the General Counsel and the Deputy Commissioner of Legal Affairs.

VI. Reference

- Mayoral Executive Order No. 41 (attached)
- DJJ Standard of Conduct Section C.1.12. Confidential Information