



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.251

Date: July 18, 2019

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Supersedes: July 20, 2017

BOARD POLICY

- SUBJECT:** SPECIAL CONDITION “D” (RELEASE TO DETAINER)
- PURPOSE:** To establish Special Condition “D” (Release to Detainer) as a special condition of parole or mandatory supervision and to establish a procedure for imposing release to detainer as a condition of parole or mandatory supervision.
- AUTHORITY:** Texas Government Code Sections 508.0441, 508.045 and 508.221
- DISCUSSION:** The Texas Board of Pardons and Paroles (Board) determines conditions of parole and mandatory supervision. Except in special circumstances, Board Members and Parole Commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The Presiding Officer designates the parole panels. Special conditions are conditions imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.
- POLICY:** Special Condition “D” is intended to facilitate the release to a detainer for deportation or transfer of an offender from the Texas Department of Criminal Justice Corrections Institutional Division to the Immigration and Customs Enforcement (ICE) or another law enforcement or correctional agency.
- DEFINITIONS:** Detainer – an administrative order imposed by an agency which is empowered by law to restrict an individual’s physical liberty.
- GENERAL CONDITIONS:** If the offender is released to a detainer and deported outside the international borders of the United States prior to the maximum expiration date shown on the Release Certificate, the offender shall not enter the United States unlawfully. In the event the offender gains lawful entry into the United States, the offender shall report immediately to the parole office shown on the Release Certificate. If at any time, prior to the maximum expiration date, ICE releases the offender from custody, the offender shall immediately upon release (within 24 hours) report to the parole office shown on the Release Certificate.

- COMPONENTS:** At any time that this condition is in effect, and to the extent directed by the offender's supervising parole officer, an offender shall:
- A. be released to the custody of the detaining agency;
 - B. report to the Texas Department of Criminal Justice Parole Division (Division), as instructed, at all times while not in custody on the basis of the detainer; or
 - C. report immediately (within 24 hours) to the Division, as instructed, upon withdrawal or cancellation of the detainer.

PROCEDURE:

- I. Imposition of Special Condition
 - A. A parole panel, upon a majority vote, may impose Special Condition "D" as a special condition of parole or mandatory supervision.
 - B. Unless otherwise directed, any condition of parole or mandatory supervision imposed, withdrawn, or modified is effective on the date the offender is served notice of the parole panel decision.
- II. Withdrawal of Special Condition – If the parole panel is notified that the detainer has been removed, the parole panel, upon majority vote, will withdraw the special condition prior to release. And, if appropriate, the parole panel may withdraw the FI vote and vote any other action as appropriate.
- III. Compliance with Special Condition – If the offender is not deported or released from custody, at any time that Special Condition "D" is in effect, an offender's supervising parole officer may require the offender to comply with any or all of the general conditions and components of this special condition to the extent directed in writing by the offender's supervising parole officer, provided that an acknowledgment form is executed every time compliance requisites are imposed or modified.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 18TH DAY OF JULY, 2019.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*