



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 141.400**

**Date: October 21, 2021**

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**Supersedes: August 13, 2020**

## **BOARD POLICY**

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**SUBJECT: OFFENDER TRANSFER FROM TDCJ CID TO FEDERAL CUSTODY**

**PURPOSE:** To establish a policy statement of the Texas Board of Pardons and Paroles regarding offenders who have an Immigration and Customs Enforcement detainer and have discharged their Texas Department of Criminal Justice sentence.

**AUTHORITY:** Texas Government Code Section 508.0441  
Texas Administrative Code Title 37, Part 5, Chapter 145, Sections 145.12 – 145.15  
Texas Code of Criminal Procedure Article 42.039(b)

**DISCUSSION:** The Board Members and Parole Commissioners of the Texas Board of Pardons and Paroles (Board) are authorized by statute to determine which offenders are to be released on parole or mandatory supervision. By rule, the Board has adopted voting options when considering an offender for parole or mandatory supervision. One of the voting options requires the offender to remain in custody until their sentence has discharged.

**DEFINITIONS:** Secure Correctional Facility – a municipal or county jail; or a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice.

**POLICY:** It is the policy of the Board to recognize a judge's order which authorizes an official of a secure correctional facility in which the offender is confined to transfer the offender from the secure correctional facility to federal custody to serve the final portion of the offender's sentence, not to exceed a period of seven days. This will occur when the Board determines that an offender with an Immigration and Customs Enforcement detainer is required to serve their sentence until it discharges. The Board's determination acknowledges that the change in the place of confinement, not to exceed a period of seven days prior to discharge, will facilitate the seamless transfer of the offender into federal custody.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 21<sup>ST</sup> DAY OF OCTOBER, 2021.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file.*