



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 145.251**

**Date: July 15, 2021**

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**Supersedes: October 28, 2020**

## **BOARD POLICY**

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- 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
- 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 (TDCJ) Correctional Institutions Division to the Immigration and Customs Enforcement (ICE) or another law enforcement or correctional agency.
- 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 composition of 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.
- 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 approved for release to an ICE 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.

**COMPONENTS:** At any time that this condition is in effect, an offender shall:

- A. be released to the custody of the detaining agency;
- B. report to the TDCJ Parole Division (Division), as instructed, at all times while not in custody on the basis of the detainer; or
- C. report within one business day of release to the Division, as instructed by the offender's supervising Parole Officer, after being released from custody based upon the withdrawal or cancellation of the detainer.

**PROCEDURE:**

- I. Criteria for Imposition of Special Condition "D" – Special Condition "D" is intended for offenders who have an active detainer as determined by TDCJ.
- II. 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.
- III. Withdrawal of Special Condition – If, prior to the offender's release, the parole panel is notified that the detainer has been removed, the parole panel, upon majority vote, will withdraw the special condition. And, as appropriate, the parole panel may withdraw the FI vote and vote any other action.
- IV. Release to ICE Detainer
  - A. Reporting to the Parole Office
    - 1. 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.
    - 2. If at any time, prior to the maximum expiration date, ICE releases the offender from custody, the offender shall immediately upon release report to the parole office shown on the Release Certificate.
  - B. Compliance with Rules, Terms and Conditions – If the offender gains lawful entry, is not deported, or is released from custody, at any time Special Condition "D" is in effect, the offender is required to comply with any or all of the rules, terms and conditions on the Release Certificate.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 15<sup>TH</sup> DAY OF JULY, 2021.**

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

*\*Signature on file.*