

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-4.2.2

DATE: 11/29/12

PAGE: 1 of 6

SUPERSEDES: 09/12/07

SUBJECT: WARRANT CLOSURE/RETURN TO SUPERVISION

AUTHORITY: TEXAS GOVERNMENT CODE ANN. § 508.251, 508.256, 508.282

PURPOSE: To establish the procedure to close a Pre-Revocation Warrant.

PROCEDURE:

I. GENERAL POLICY

Texas Government Code § 508.256, in part, provides that at any time before the setting of a revocation hearing, the Parole Division may withdraw a warrant and continue supervision of an offender. If the Parole Division elects to close a warrant prior to the warrant being executed, the Parole Division shall CANCEL the warrant. If the Parole Division chooses to close the warrant after the warrant is executed and prior to a revocation hearing being scheduled, then the offender shall Return to Supervision – Parole Division Action. If the warrant is closed as a result of a Texas Board of Pardons and Paroles (BPP) Action, the offender shall return to supervision – BPP action.

II. PROCEDURE

A. Approval Authority

1. The following staff of the Parole Division may approve the closure of a Parole Division warrant:
 - a. Division Director
 - b. Deputy Division Directors
 - c. Section Directors

- d. Region Directors
 - e. Assistant Section Directors
 - f. Assistant Region Directors
 - g. Warrants Section Program Supervisor III
 - h. Parole Supervisors
 - i. Warrants Section Program Specialist I
2. An approval authority cannot approve his own closure request.
 3. In the event the offender is on the Super-Intensive Supervision Program (SISP) caseload and the warrant closure request is for either cancellation or Return to Supervision – Parole Division Action, the approval authority shall be the Parole Division Director, a Deputy Director, a Region Director, or a Section Director. The Region Director may designate an Assistant Region Director to act as the approval authority.

B. Rationale for Canceling a Pre-Revocation Warrant

A Request for Cancellation may be submitted at any time prior to the arrest of an offender, if a revocation hearing has not been scheduled. Factors to consider when canceling a warrant:

1. Receipt of information indicating rule compliance;
2. Alternate course of action to address alleged conduct;
3. Receipt of official information that indicates the criminal charges will not be pursued or adjudicated;
4. Documentation of terminal illness or significant medical complications;
5. Documented request from a governmental entity (e.g., Sheriff, District Attorney, police department);
6. Death of an offender; or

7. Allowing the offender to discharge parole or mandatory supervision.

NOTE: A warrant shall not be cancelled to allow an offender to discharge unless the approval authority is the Parole Division Director, Deputy Director, Section Director, or Region Director. A Region Director may **not** designate an Assistant Region Director to act as the approval authority if the offender is discharging.

C. Rationale for Return to Supervision – Parole Division Action

A Return to Supervision – Parole Division Action closure may occur any time after a warrant has been executed with a detaining agency and prior to a revocation hearing being scheduled. Factors to consider when submitting a Return to Supervision – Parole Division Action closure request are:

1. Receipt of information indicating rule compliance;
2. Alternate course of action to address alleged conduct;
3. Dismissal of criminal charges;
4. Verdict of not guilty in a criminal trial;
5. Documentation of terminal illness or significant medical complications;
6. Documented request from a governmental entity (e.g., Sheriff, District Attorney, police department); or
7. Allowing the offender to discharge parole or mandatory supervision.

NOTE: A warrant shall not be cancelled to allow an offender to discharge unless the approval authority is the Parole Division Director, Deputy Director, Section Director, or Region Director. A Region Director may **not** designate an Assistant Region Director to act as the approval authority if the offender is discharging.

- D. A warrant cancellation or closure to proceed to a summons hearing shall not occur if the original basis for issuance of the warrant was within the limitations of a summons to appear listed in PD/POP-4.1.1 *Processing Violations of the Rules and Conditions of Release*.

E. Rationale for Return to Supervision – Texas Board of Pardons and Paroles (BPP) Action

A Return to Supervision – BPP Action closure is subsequent to a BPP decision. Factors to consider when submitting a Return to Supervision – BPP Action closure are:

1. A BPP decision to continue an offender on supervision, or
2. Completion of a term at an Intermediate Sanction Facility (ISF) or a Substance Abuse Felony Punishment Facility (SAFPF).

In the event a warrant is being closed due to BPP action and the offender is in custody, a warrant closure request shall be completed by the parole officer in the Parole Action Violation/Revocation (PAVR) section of the Offender Information Management System (OIMS). Once submitted, the request will automatically route to the unit supervisor for review and approval.

III. PROCESSING A REQUEST TO CLOSE A PRE-REVOCAION WARRANT

- A. Once an investigation of the allegations has been completed and the parole officer has determined that closing the warrant is the best course of action, the supervising officer shall obtain a full criminal history and conduct an administrative inquiry (Wanted Person Inquiry) on the National Crime Information Center/Texas Crime Information Center (NCIC/TCIC) system. The results of the inquiry shall be attached to the offender's OIMS record. If the investigation revealed a violation and the allegations can be addressed with an intervention other than a revocation hearing, the parole officer shall determine the specific action that shall be taken to address the alleged violation(s). Once this is completed, the parole officer shall confer with the unit supervisor.
- B. If the individual initiating the request is an approval authority, approval for such a request shall come from a higher-ranking approval authority.
- C. Prior to completion of a warrant closure request and submission to the approval authority, written reporting instructions shall be provided to the offender and the offender's release plan shall be obtained (if not previously provided), investigated, and approved.
- D. The parole officer shall complete a warrant closure request in the OIMS, which will automatically transfer to the unit supervisor upon submission. The unit supervisor will review the request for accuracy of the information and the validity of the request. The offender's discharge date or an attempt to anticipate the action of the BPP shall not be considered when closing a warrant. Furthermore, the follow-up action shall be reviewed.

1. If the unit supervisor concurs with the recommendation to close the warrant, he will mark the *Concur* field, and submit the request, which will automatically route to the approval authority.
2. If the request for closure is disapproved, the unit supervisor will mark the *Non-Concur* field, explain the non-concurrence in the Comments section, and submit the form, which will automatically be routed back to the supervising officer.

NOTE: If the “Recommend interventions after warrant closure” box is checked, the warrant record will remain active until the interventions are entered. It is the responsibility of the parole officer to ensure the interventions have been added.

- E. Upon receipt of the request, the approval authority shall conduct a review to determine the validity of the request. Factors that should be examined are the nature of the allegations, reason for the request, action(s) that will be taken upon closure of the warrant, offender’s instant offense, criminal history, current release status, release history, residential stability, employment, and whether the offender has a verified community support system (e.g., family, church).
- F. If the request for closure is approved, the approval authority will mark the *Concur* field, and submit the form, which will automatically route to the Warrants Section for further processing. If the request for closure is disapproved, the approval authority will mark the *Non-Concur* field, explain the non-concurrence in the Comments section, and submit the form, which will automatically route the request back to the parole officer for further action.
- G. Upon receipt of the completed request, the Warrants Section shall review for accuracy. If all information is correct and complete, an administrative inquiry on the NCIC/TCIC system will be completed for the purposes of verifying offender and warrant information.
- H. Once verified there are no new warrants:
 1. If the request is to cancel the warrant, the NCIC/TCIC entry will be removed from the system and a response will automatically be routed to the supervising parole officer.
 2. If the request is to Return to Supervision – Parole Division Action or BPP Action, then a teletype will be sent to the detaining agency releasing any Parole Division holds and a response will automatically be routed to the supervising parole officer.

- I. In the event the parole officer does not receive the OIMS notification that the warrant has been closed or the Violation Report (VR) has not moved to history, within one (1) business day, the parole officer shall send an email to the Warrants Section (AUTLETS) requesting the status of the request.
- J. If the offender is in custody at the time of the warrant closure, and is currently on supervision or is past his discharge date the parole officer shall:
 - 1. Verify the offender's release from custody, no later than the end of the next business day, if the offender was being held on a Parole Division-issued warrant only. The parole officer shall conduct daily checks of the offender's custody status until the release of the Parole Division hold. If the offender is not released by the end of the next business day or each business day thereafter, an email shall be sent to the Warrants Section (AUTLETS) requesting a teletype be resent releasing the Parole Division's hold on the offender. The supervising officer shall continue to monitor, on a daily basis, until the offender is released from custody and, if necessary, request a teletype be sent releasing the Division's hold on the offender.
 - 2. Verify the holding facility has received a teletype releasing the Parole Division's hold on the offender by the end of the next business day if the offender was being held on a Parole Division-issued warrant and other criminal charges. The parole officer shall conduct daily checks of the offender's custody status until the release of the Parole Division hold. An email shall be sent to the Warrants Section (AUTLETS) requesting a teletype be resent releasing the Parole Division's hold on the offender. The supervising officer shall continue to monitor, on a daily basis, until the holding facility has a record of the warrant closure.

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