

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 5/29/97

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SUPERSEDES: 7/3/95

SUBJECT: FEDERAL WITNESS SECURITY PROGRAM

AUTHORITY: TITLE 18, CHAPTER 224, UNITED STATES CODE

PURPOSE: To provide guidelines for processing case files for inmates for parole review or release when they are candidates for the Federal Witness Security Protection Program.

PROCEDURE:

- I. The Attorney General of the United States may provide for the relocation and protection of a witness or potential witness for the federal or state government in proceedings concerning organized crime or other serious offenses. Review and Release Processing Section staff are notified by Federal Witness Security Protection (WITSEC) Program administrators in Washington, D.C., if an inmate eligible for parole or mandatory supervision release is a candidate for participation in the WITSEC Program.
- II. Release and Release Processing staff shall request standard "pen packet" information on offenders in federal prison who are eligible for parole in absentia or mandatory release, by writing or telephoning: Administrator or Assistant Administrator, Inmate Monitoring Services, Federal Bureau of Prisons, 320 First St. NW, Room 52, Washington, D.C. 20534, (202) 307-3205.
- III. Case file material of WITSEC candidates in federal prison is sent to the Institutional Parole Office for preparation of a Case Summary. Parole plans shall not be included in the Case Summary so that security can be maintained regarding the inmate's location following release. The parole plan page shall indicate "Subject is in the WITSEC program."
- IV. The case files of WITSEC candidates eligible for parole are transmitted to the Parole Board by the Review and Release Processing Section according to the procedures prescribed for all parole-eligible cases. Mandatory release cases are also prepared for certificate issuance by the Review and Release Processing Section according to standard procedures.

- A. If parole is denied, Review and Release Processing staff shall notify the Administrator of Inmate Monitoring Services at the Federal Bureau of Prisons and the National WITSEC Coordinator.
 - B. If parole is approved or a mandatory release certificate is issued (and the inmate has no federal detainer), the Review and Release Processing Section shall prepare a Memorandum of Agreement for State Jurisdictional Transfers, for the signature of the TDCJ General Counsel or designee. This agreement provides that state parolees and mandatory releasees shall be under federal jurisdiction during the period of supervision, and the U.S. Parole Commission has with respect to federal parolees, including the authority to revoke parole or grant early termination of parole supervision. A parole certificate shall be issued to: National WITSEC Coordinator, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, MD 20815, (301) 492-5990.
 - C. The National WITSEC Coordinator shall be notified of the Parole Board's decision. The certificate of release and the Memorandum of Agreement shall be forwarded, by the Huntsville Release Coordination Unit, to the administrator of Inmate Monitoring Services at the Federal Bureau of Prisons. The envelope shall be marked "Personal And Confidential – To Be Opened By Addressee Only." Upon return of the signed certificate and Memorandum of Agreement, the returned certificate shall be processed in accordance with PD/AD-2.2.17. The file shall be transferred to the Legal Section to maintain custody of the file.
 - D. If a federal or state detainer is to be exercised and the inmate's release date is not within four months, a certificate of release shall be issued to "Detainer Only – U.S. Department of Justice, Federal Bureau of Prisons Washington, D.C." and the release certificate and the Memorandum of Agreement, signed by the TDCJ General Counsel (or designee) shall be forwarded to the administrator of Inmate Monitoring Services at the Federal Bureau of Prisons.
 - E. The file shall be transferred to the Regular Supervision Detainer Unit. If the inmate is placed in the WITSEC Program after release from the detainer, the file shall be transferred to the Legal Section.
- V. Occasionally, the Department of Justice removes from inmates from the WITSEC program before they are released on parole or mandatory supervision. If this occurs, Review and Release Processing staff shall advise the WITSEC administrator to return the file material along with the inmate's release plans and a letter indicating that the inmate has been denied participation in the program. Routine placement investigation procedures are followed on inmates removed from the WITSEC program.

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