

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-3.2.9

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SUPERSEDES: 01/05/06

SUBJECT: DETAINER STATUS

PURPOSE: To provide the Central Coordination Unit (CCU) and field parole staff with procedures for processing clients who are placed into custody by a detaining authority or deported through the United States Immigration and Customs Enforcement (ICE).

DEFINITIONS:

Client: An individual under the supervision of the Texas Department of Criminal Justice-Parole Division (TDCJ-PD), to include an individual on supervision in accordance with Interstate Compact.

Detainer: An administrative order imposed by an agency empowered by law to restrict an individual's physical liberty.

Detaining Agency: An agency empowered by law to restrict an individual's physical liberty.

PROCEDURE:

I. CLIENTS RELEASED TO A DETAINING AGENCY UPON RELEASE FROM THE CORRECTIONAL INSTITUTION DIVISION

A. CCU Responsibilities

1. By the close of each business day, the Re-entry and Integration Division (RID) staff will assign all clients recently released from the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) to a detaining agency to the CCU via the Offender Information Management System (OIMS). The RID:
 - a. Updates the OIMS Status Screen to reflect the client's appropriate status;
 - b. Images a copy of the client's release certificate into OnBase; and
 - c. Sends the original release certificate to the Review and Release Processing Central File Coordination Unit (CFCU).

2. The CCU shall update OIMS to reflect the client's appropriate status upon acceptance of the case and assume supervision of the client until one of the events outlined in Section I.A.3 occurs.

Following are the types of status for client on inactive supervision.

- a. In-custody FCI – No PRW
 - b. In-custody OOS – No PRW
 - c. Pre-revocation – Not in custody
 - d. Pre-revocation – OOS
3. The CCU shall monitor the client until the one of the following events occurs:
 - a. The client is released from the detaining agency to active supervision;
 - b. The client discharges his sentence upon maximum expiration date; or
 - c. The client is returned to the TDCJ-CID due to revocation or a new sentence.
 4. Clients without an approved residence plan shall contact CCU by phone upon release, as instructed on their release certificate. The CCU shall be responsible for initiating the securing of a residence plan from the client. In the event, a client does not have a home plan then an emergency Residential Reentry Center (RRC) placement will be requested and the client shall be instructed to report to the closest district parole office (DPO).

B. DPO Responsibilities

The responsible DPO shall assume supervision of clients with approved residence plans who are released from detaining agencies.

1. The CCU shall send notification via Outlook to the DPO of the client's expected report date.
2. The CCU shall transfer the OIMS case to the DPO within two (2) business days of the client's release from the detaining agency.
3. The DPO shall assign the case to a supervising parole officer (PO) and update OIMS to reflect the appropriate status within two (2) business days of receiving the case.
4. In the event it is confirmed client was released and has not reported to CCU, immediate action will be taken to request a warrant.

- C. In the event the client fails to report to the DPO as instructed, the parole supervisor or designee of the DPO shall process a Violation Report in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.

II. CLIENTS PLACED ON DETAINER STATUS (OR STATE JAIL) WHILE UNDER ACTIVE SUPERVISION

A. Supervising PO Responsibilities

1. The supervising PO is responsible for notifying the CCU when a client under active supervision is taken into custody by a detaining agency (to include ICE) or sentenced to a TDCJ State Jail for more than 30 days.
2. For clients who are deported by ICE, the supervising PO shall email the following information to the CCU:
 - a. Name (including any known aliases)
 - b. SID number
 - c. TDCJ number (if applicable)
 - d. Alien registration number
 - e. Deportation date
 - f. Country to which client was deported
 - g. Port of departure
3. For clients under active supervision who are taken into custody by a detaining agency other than ICE and have no pending charges, the supervising PO shall email the following information to the CCU:
 - a. Name (including any known aliases)
 - b. SID number
 - c. TDCJ number (if applicable)
 - d. Name and location of detaining agency
 - e. Other agency identification number (if known)

4. The supervising PO shall confirm the following conditions are met before transferring the case to the CCU:
 - a. CCU will review the case before it is transferred to the CCU inbox.
 - b. The client is in the physical custody of the detaining agency.
 - c. All violation reports are moved to the *Violation history* section in OIMS.
 - d. The OIMS case does not have any pending tasks related to the revocation process (i.e., pending pre-revocation warrants).
 - e. The client's discharge date or projected release date from the detaining agency is more than 30 days from the date of case transfer.
 - f. The client has a passed residence plan in the OIMS.
 - g. All supporting information regarding the client's detainer status is entered in OIMS contacts and OnBase.

B. CCU Responsibilities

1. For clients deported outside of the United States:
 - a. The case shall be monitored on an assigned caseload within the CCU as determined by the CCU Assistant Section Director or designee.
 - b. The CCU shall conduct regular National Crime Information Center/Texas Crime Information Center (NCIC/TCIC) criminal history checks in accordance with PD/POP 3.1.8, *Department of Public Safety (DPS) Inquiry for Criminal History Reports*.
 - c. All reported violations shall be processed in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.
 - d. Upon discovery of the client's reentry into the United States, the CCU shall transfer the case to the designated DPO for further investigation and to resume the pre-revocation process in accordance with PD/POP 4.2.1, *Pre-Hearing and Hearing Process*.

2. The CCU shall begin monitoring all other except deportation cases, according to the detaining agency.
 - a. In the event the client fails to report to the CCU as instructed all reported violations shall be processed in accordance with PD/POP 4.1.1, *Processing Violations of the Rules and Conditions of Release*.

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