

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 11/12/18

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SUPERSEDES: 11/15/12

SUBJECT: EXTRADITION OF CLIENTS

AUTHORITY: TEXAS CODE OF CRIMINAL PROCEDURE § 51.13

PURPOSE: Provide instructions on extraditing clients after an arrest out-of-state.

PROCEDURES:

I. NOTIFICATION OF ARREST

A. Notification of Parole Field Staff

1. When notified a client is in custody out-of-state, the parole officer has one (1) business day to notify the Warrants Section by sending an email to Austin Warrants AUTLETS (Autlets@tdcj.texas.gov) containing the following information:
 - a. City and state;
 - b. Contact information for the detaining facility;
 - c. Identifying information for the client: Federal Bureau of Investigation (FBI) number, booking number, out-of-State Identification (SID) number; and
 - d. Texas SID number.
2. If a client does not have an active warrant, the parole officer shall follow the procedures in PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*, to request a warrant.

B. Notification of Warrants Section

1. Upon notification a client was arrested in another state, the Texas Law Enforcement Telecommunications System (TLETS) operator must complete the following:
 - a. Review and verify that a Parole Division warrant exists and is current in accordance with PD/POP-4.1.6, *NCIC/TCIC Caution Determination*;
 - b. Confirm the warrant with the detaining facility by sending an administrative message via teletype; and
 - c. Update the Facility Custody Screen and Status Screen to reflect Pre-Revocation/Out-of-State in the Offender Information Management System (OIMS). Once the Status screen is updated, OIMS will automatically transfer the case to the Extradition Unit.
2. The Extradition Unit will contact the detaining agency to verify contact information, status of charges, and custody location within one (1) business day of confirmation.

II. EXTRADITION DETERMINATION

- A. The Division Director, Deputy Director, Warrants Section Director or designee, and the Central Coordination Unit (CCU) Program Supervisor V (Interstate Compact Cases) or designee are authorized to make extradition determinations.
- B. When determining extradition, the totality of the case and circumstances will be reviewed. The reviewer must consider the following:
 1. Adjustment on Parole;
 2. Caseload;
 3. Criminal history while on supervision;
 4. Current offense;
 5. Discharge date;
 6. Pending criminal charges/new criminal conviction; and
 7. If under Interstate Compact and there is an agreement between the Texas Compact Office and receiving state to continue supervision.

C. Extradition Determination Must be Made within the Following Time Frames

1. Clients with No Charges

- a. The reviewer must determine extradition within three (3) business days of notification of arrest.
- b. The Warrants Section will initiate the extradition process within one (1) business day of an extradition decision.

2. Clients with Charges

- a. The reviewer must determine extradition within three (3) business days of notification from the holding facility that the client is ready for extradition and receipt of the judgment, sentence, or disposition documents.
- b. The Warrants Section will initiate the extradition process within one (1) business day of an extradition decision.

3. Interstate Compact Clients with No Charges

- a. If the client is under Interstate Compact supervision, CCU staff must send a Compact Action Request (CAR) within one (1) business day of notification of arrest requesting a probable cause hearing be conducted by the supervising state.
- b. The reviewer must determine extradition within three (3) business days of notification from the holding facility that the client is ready for extradition and receipt of the probable cause hearing decision.
- c. The Warrants Section will initiate the extradition process within one (1) business day of an extradition decision.

4. Interstate Compact Clients with a New Conviction

- a. Interstate Compact clients who receive a new conviction are not required to have a probable cause hearing. A copy of a judgment of conviction of a new criminal offense shall be conclusive proof that a client can be retaken by the sending state without further hearings.
- b. The reviewer must determine extradition within three (3) business days of notification from the holding facility that the client is ready for extradition and receipt of the judgment, sentence, or disposition documents.
- c. The Warrants Section will initiate the extradition process within one (1) business day of an extradition decision.

5. Federal or Out-of-State Department of Correction (DOC) Cases
 - a. The Warrants Section must complete the following within three (3) business days of confirmation of the warrant:
 - i. Lodge a detainer with the holding facility;
 - ii. Request a copy of the judgment and sentence; and
 - iii. Send a notice of transfer email to Outlets@tdcj.texas.gov with the following information:
 - 1) City and state;
 - 2) Contact information for the detaining facility;
 - 3) Identifying information for the client (FBI number, booking number, out-of-state SID number, out-of-state DOC number); and
 - 4) Texas SID number.
 - b. Upon receipt of the judgment, sentence or disposition documents, the Warrants Section must send the client the Notice of Parole Violation and Revocation form (HS-129) within three (3) business days. The HS-129 provides the client the opportunity to request a revocation hearing upon return to Texas or waive their right to a revocation hearing while in the holding facility.
 - c. An opportunity to waive the revocation hearing must not be given to a client who is not competent to understand the allegations in accordance with PD/POP-4.2.1, *Pre-Hearing and Hearing Process*. Extradition arrangements will be made in conjunction with the tentative release date.
 - d. If a waiver is requested, the Warrants Section must:
 - i. Prepare the waiver packet in accordance with PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.
 - ii. Submit the waiver packet to the Board of Pardons and Paroles (BPP) within three (3) business days.
 - e. If the BPP revokes the client as a result of the waiver, the Warrants Section must:
 - i. Submit a detainer, along with a copy of the Proclamation of Revocation warrant, to the detaining agency.
 - ii. Monitor the case for extradition upon completion of sentence.

- iii. Notify the client of the BPP action in accordance with PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.
- f. If the BPP decision, as a result of the waiver, is a non-revocation action, the Warrants Section must:
 - i. Submit a warrant withdrawal; and
 - ii. Transfer the OIMS record to CCU detainers.
- g. CCU detainers will monitor the client and provide reporting instructions upon release from custody.
- h. If a revocation hearing is requested, the Warrants Section must:
 - i. Verify the release date;
 - ii. Send the Intent to Extradite letter to the client;
 - iii. Suspend the case based on the tentative release date, but no longer than one (1) year;
 - iv. Resend the HS-129 on the anniversary of the request; and
 - v. Monitor the case for extradition arrangements in conjunction with the tentative release date.
- i. The reviewer must determine extradition within three (3) business days of notification from the holding facility that the client is ready for extradition.

6. Ineligible/Erroneous Release Cases

The reviewer must determine extradition within three (3) business days of notification of arrest.

III. HEARING PROCESS FOR EXTRADITED CLIENTS

Upon arrival at a Texas Department of Criminal Justice-Correctional Institutions Division facility the pre-revocation process will be initiated in accordance with PD/POP-4.2.1, *Pre-Hearing and Hearing Process*.

A. Male clients will be extradited to the Byrd Unit in Huntsville.

- 1. The Warrants Section will transfer the OIMS record and forward the hearing packet to the parole officer, unit supervisor, and parole supervisor assigned to the Huntsville District Parole Office (DPO) to complete the interview process.

2. The Huntsville DPO will provide the Warrants Section a signed copy of the Rights of the Offender in the Revocation Process (PSV-48) and a list of any witnesses, attorney, and interpreters needed.
 3. The Huntsville DPO will schedule the revocation hearing in the OIMS.
 4. Once a hearing is scheduled, the Warrants Section is responsible for sending the “lay in” request, providing a list of witnesses, hearing officers, attorney, and interpreters to the Byrd Unit.
- B. Female clients will be extradited to the Woodman State Jail in Gatesville.
1. The Warrants Section will forward the PSV-48 form to an institutional parole officer (IPO) assigned to Gatesville Institutional Parole Office who will conduct the pre-revocation interview.
 2. Once the signed PSV-48 form is received by the Warrants Section from the IPO, the Warrants Section will submit the waiver or schedule a hearing in accordance with PD/POP-4.2.1, *Pre-hearing and Hearing Process*.
 3. The Warrants Section is responsible for sending the “lay in” request, providing a list of witnesses, hearing officers, attorney, and interpreters to Woodman State Jail hearings.

IV. BOARD RESULTS

The Warrants Section Extradition Unit shall monitor the case for the BPP decision.

- A. Within five (5) business days of the BPP decision, the following must be completed:
1. If the client has a Special Condition “P” (Mental Health/Intellectual and Developmental Disabilities) or has an IQ of 70 or below, the Warrants Section will notify the Office of Mental Health Services Liaison and Utilization Review;
 2. Huntsville DPO or the Gatesville IPO must notify the client; and
 3. Warrants Section will notify the Classification and Records Office (CRO) via email.
- B. If the BPP decision is non-revocation and the client is not past discharge, the Warrants Section shall forward the case file to Review and Release Processing to develop a residence plan and process the client for release.
- C. Upon notification from the CRO of a scheduled release date, the Warrants Section shall withdraw the warrant and transfer the OIMS record to the supervising DPO.

- D. If the decision is non-revocation and the client is past their discharge date, the Warrants Section shall withdraw the warrant and notify the CRO by email to initiate the release of the client.
- E. If the decision is for an Intermediate Sanction Facility/Substance Abuse Felony Punishment Facility (ISF/SAFPP), the OIMS case will be transferred to the CCU for the transfer to the ISF/SAFPP.
- F. If the decision is revocation,
 - 1. The Huntsville DPO is responsible to notify the male clients at the Byrd Unit in accordance with PD/POP-4.2.1-*Pre-Hearing and Hearing Process*;
 - 2. The Gatesville IPO will notify the female clients in accordance with the BPP time frames; and
 - 3. The Warrants Section will send a notification to the Byrd Unit and Woodman State Jail, via email, within one (1) business day of notification or BPP action.

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