

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 11/15/12

PAGE: 1 of 5

SUPERSEDES: 06/12/07

SUBJECT: EXTRADITION OF OFFENDERS

AUTHORITY: TEXAS CODE OF CRIMINAL PROCEDURE art. 51.13

PURPOSE: To provide instructions on the extradition of offenders after an arrest out of state.

PROCEDURES:

I. NOTIFICATION OF ARREST

A. Region Notification

When a parole officer is notified that an offender with an active warrant is in custody out-of-state, the parole officer shall send within three (3) business days of notification, an email message to AUTLETS (Warrants Section) with the name of the location and the offender's State Identification number (SID#). If the offender 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*.

B. Warrants Section Notification

1. Upon notification by field staff, a law enforcement agency, holding authorities, or other reliable sources, the following shall occur:
 - a. When a teletype from the holding authority is received, the Warrants Section shall confirm the warrant by teletype.
 - b. When the Warrants Section receives notification from a source other than teletype, the case file shall be reviewed for verification of the pre-revocation warrant and warrant confirmation.
2. The offender's Offender Information Management System (OIMS) record will be transferred to the Extradition Unit and assigned to a Program Specialist I for monitoring. The status code shall be changed to "Pre-Revocation/Out of State."

II. EXTRADITION DETERMINATION

A. Responsibility for Extradition Determination

The following Parole Division employees are authorized to make extradition determinations: Division Director, a Deputy Director, Warrants Section Director, Warrants Section Assistant Director, Warrants Section Extradition Program Supervisor III, Warrants Section Extradition Program Specialist I's, and Central Coordination Unit (CCU) Program Supervisor V (Interstate Compact Cases).

1. Interstate Compact Cases

- a. If the offender is under Interstate Compact supervision, CCU staff shall send notification via a Compact Action Request (CAR) to the holding authorities that a probable cause hearing is required by the supervising state, unless the offender has received a new felony conviction. Interstate Compact offenders, who receive a new felony conviction, are not entitled to a probable cause hearing. Offenders transferred to another state under the Interstate Compact waive extradition, but may not be retaken without an extradition hearing or Governor's warrant. A retaking determination shall not be made until a probable cause hearing report or Felony Judgment of Conviction is received by CCU.
- b. CCU shall make the retaking determination in all Interstate Compact cases based on Interstate Commission Rules requirements and procedures outlined in PD/POP 3.10.4, *Supervision Procedures for Interstate Compact Offenders*.

2. Non-Interstate Compact Cases

If the offender is not under Interstate Compact supervision, the following shall apply:

- a. NCIC Entry:
 - i. The publication of a warrant in National Crime Information Center (NCIC) is an indication that the division intends to return the parole violator to Texas. It is the policy of the Texas Department of Criminal Justice (TDCJ) to return all violent offenders, the Governor's Top Ten Most Wanted, Sex Offenders, and Super-Intensive Supervision Program (SISP) offenders arrested in another state.
 - ii. If the warrant is published in the NCIC, the Warrants Section shall initiate the extradition process within two (2) days of warrant confirmation.

b. No NCIC Entry:

- i. If the warrant is published in the Texas Crime Information Center (TCIC) only, the warrant shall be upgraded in the NCIC by TLETS operators, upon receiving instructions by the Warrants Section Director, Warrants Section Assistant Director, Program Supervisor III, or Extradition Unit Program Specialist I.
- ii. If the offender is past his scheduled discharge date, within two (2) business days of receiving the file, the Warrants Section Director shall consider the totality of circumstances to make the extradition decision. Information such as the instant offense and other offenses as found in the criminal history and the case summary, pending charges, time calculation and whether the offender is suspected of a new offense shall be reviewed when making a determination.
- iii. For offenders not past their discharge date, the final extradition decision shall be made within two (2) business days by the Program Specialist III.

B. Local Charges

1. If the offender has local charges, the Warrants Section shall await the adjudication of those charges before making an extradition determination. When the Warrants Section receives notice that charges have been adjudicated, the extradition process shall continue.
2. If the offender receives a new felony conviction and is committed to that state's Department of Corrections or to a federal correctional institution, a detainer shall be lodged with that facility. The offender's OIMS record will be transferred to the Extradition Unit and assigned to a Program Specialist I for monitoring. The status code shall be changed to "Pre-Revocation/Out of State."

C. Notification to District Office Parole Supervisor

The Warrants Section shall notify the district office parole supervisor or office manager by email advising that the Warrants Section shall:

1. Monitor the custody status of the offender; and
2. Email a notification when an extradition or warrant determination is made.

D. Pre-Hearing

1. When the offender receives a new felony conviction and is committed to an out-of-state Department of Corrections or federal correctional institution, the Warrants Section shall request a certified copy of the judgment and sentence.

2. Upon receipt of the certified judgment and sentence, the Warrants Section shall forward the Notice of Parole Violation form (HS-129), which allows offenders the option of requesting a revocation hearing upon return to Texas or waiving their right to a revocation hearing.
 - a. If the offender elects to waive the revocation hearing, the Warrants Section shall prepare a Waiver Processing Sheet (PSV-67) and present supporting documents to the Texas Board of Pardons and Paroles (BPP) for review. If the BPP decision is revocation, the Warrants Section shall suspend the case for extradition arrangements according to the tentative release date. The Warrants Section shall then lodge the Proclamation of Revocation with the out-of-state facility.
 - b. If the offender requests a revocation hearing, the Warrants Section shall suspend the case for extradition arrangements according to the tentative release date.
- E. Upon notification that the offender is eligible to return to Texas, the offender shall be extradited, and the Warrants Section shall proceed with the revocation process.
 1. Males: Upon return to the Byrd Unit, the Rights of the Offender in the Revocation Process shall be forwarded to the district parole officer assigned to the Huntsville District Office (DPO), and the OIMS file shall be transferred to the DPO to interview the offender.
 2. Females: Upon return to the Woodman State Jail, the Rights of the Offender in the Revocation Process shall be forwarded to the institutional parole officer (IPO) assigned to the Gatesville Unit. The IPO shall interview the offender. The OIMS file shall not be transferred to the IPO.

III. BOARD RESULTS

The Warrants Section (Extradition Unit) shall monitor the revocation process for a decision.

- A. If the BPP's decision is revocation, the offender's file shall be forwarded to the Hearings Section for continued processing.
- B. If the decision is non-revocation and the offender 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 offender for release. Upon offenders release date, the Warrants Section shall withdraw the warrant.
- C. If the decision is non-revocation and the offender is past his discharge date, the Warrants Section shall withdraw the warrant and notify the Classification and Records Office to initiate the release of the offender.

- D. If the decision is for an Intermediate Sanction Facility/Substance Abuse Felony Punishment Facility (ISF/SAFPF), the file shall be delivered to the Hearings Section.

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