



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 04-01.22**

**Date: January 8, 2004**

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**Supersedes: BPP-POL. 98-06.03**

## **BOARD POLICY**

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**SUBJECT: SPECIAL CONDITION “D” (RELEASE TO DETAINER)**

**PURPOSE:** To establish Special Condition “D” (Detainer) as a special condition of parole or mandatory supervision and to establish a procedure for imposing special condition “D” as a condition of parole or mandatory supervision.

**AUTHORITY:** §§508.0441, 508.045 and 508.221, Government Code

**POLICY:**

Members of the Texas Board of Pardons and Paroles and parole commissioners determine conditions of parole and mandatory supervision. Members and commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The board presiding officer (chair) designates the composition of the respective panels. Special conditions are conditions imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.

**COMPONENTS:** Special Condition “D” (Detainer)

“D”—At any time that this condition is in effect, and to the extent directed by the offender’s supervising parole officer, an offender shall:

1. be released to the custody of the detaining agency;
2. report to the parole division, as instructed, at all times while not in custody on the basis of the detainer; and
3. report immediately to the parole division, as instructed, upon withdrawal or cancellation of the detainer.

**DEFINITIONS:** Detainer – an administrative order imposed by an agency which is empowered by law to restrict an individual’s physical liberty.

**PROCEDURE:**

- I. Imposition of Special Condition
  - A. A parole panel, upon a majority vote, may impose special condition “D” as a special condition of parole or mandatory supervision.
  - B. Unless otherwise directed, any condition of parole or mandatory supervision imposed, withdrawn, or modified is effective on the date the offender is served notice of the parole panel decision.
  - C. At any time that special condition “D” is in effect, an offender’s supervising parole officer may require the offender to comply with any or all special condition components to the extent directed in writing by the offender’s supervising parole officer, provided that an acknowledgment form is executed every time compliance requisites are imposed or modified.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 8<sup>th</sup> DAY OF JANUARY, 2004.**

**RISSIE OWENS, PRESIDING OFFICER (CHAIR)**

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*\* Signature on file.*