



TEXAS DEPARTMENT OF CRIMINAL JUSTICE

OFFENDER ORIENTATION HANDBOOK

as

Approved by the

Director of the Texas Department of Criminal Justice, Correctional Institutions Division

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Texas Department of Criminal Justice

Regional Offices

TDCJ-CID
Private Prisons
2505 Lake Rd, Ste #1
Huntsville, Texas 77340

TDCJ-CID Region I
1225 Ave. G
Huntsville, Texas 77340

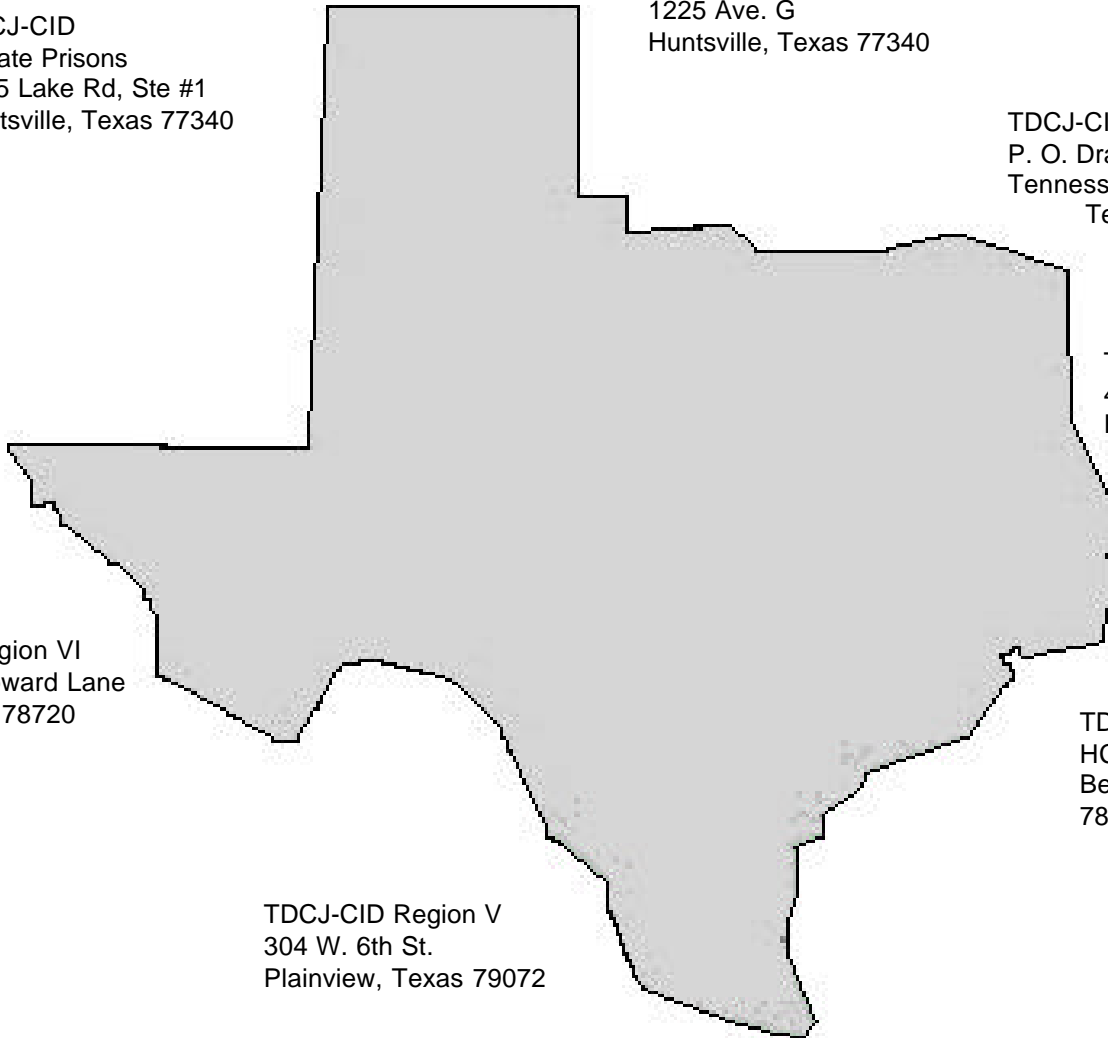
TDCJ-CID Region II
P. O. Drawer 400
Tennessee Colony,
Texas 75861

TDCJ-CID Region III
400 Darrington Road
Rosharon, Texas
77583

DCJ-CID Region VI
616 West Howard Lane
ustin, Texas 78720

TDCJ-CID Region V
304 W. 6th St.
Plainview, Texas 79072

TDCJ-CID Region IV
HC02 Box 965
Beeville, Texas
78102



Facilities Within the Texas Department of Criminal Justice

Allred
2101 FM 369 North
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Bartlett
1018 Arnold Dr.
Bartlett, Tx. 76511

Baten
1995 Hilton Road
Pampa, Tx. 79065

Beto
P. O. Box 128
Tennessee Colony, Tx. 75880

Boyd
Route 2, Box 500
Teague, Tx. 75860

Bradshaw
P.O. Box 9000
Henderson, Tx. 75653-9000

Bridgeport
4000 North 10th Street
Bridgeport, Tx. 76426

Briscoe
1459 W. Highway 85
Dilley, Tx. 78017-4601

Byrd
P. O. Box 100
Huntsville, Tx. 77342-0100

Central
One Circle Drive
Sugarland, Tx. 77478

Clemens
11034 Hwy 36
Brazoria, Tx. 77422

Clements
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Amarillo, Tx. 79107-9606

Cleveland
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Cleveland, Tx. 77328

Coffield
Route 1, Box 150
Tennessee Colony, Tx. 75884

Cole
3801 Silo Road
Bonham, Tx. 75418

Connally
899 FM 632
Kenedy, Tx. 78119

Cotulla
HC62, Box 100
Cotulla, Tx. 78014

Dalhart
HCR 4, Box 4000
Dalhart, Tx. 79022

Daniel
938 South FM 1673
Snyder, Tx. 79549

Darrington
59 Darrington Road
Rosharon, Tx. 77583

Dawson
P O. Box 650675
Dallas, Tx. 75265-0675

Diboll
1604 South First Street
Diboll, Tx. 75941

Dominguez
6535 Cagnon Road
San Antonio, Tx. 78252

Duncan
1502 South First Street
Diboll, Tx. 75941

Eastham
P.O. Box 16
Lovelady, Tx. 75851

Ellis

Huntsville, Tx. 77343

Estelle
264 FM 3478
Huntsville, Tx. 77320-3322

Estes
1100 Highway 1807
Venus, Tx. 76084

Ferguson
12120 Savage Dr.
Midway, Tx. 75852-3654

Formby
970 County Rd. AA
Plainview, Tx. 79072

Fort Stockton
1500 IH 10 East
Fort Stockton, Tx. 79735

Garza East
HC02, Box 985
Beeville, Tx. 78102

Garza West
HC02, Box 995
Beeville, Tx. 78102

Gatesville
1401 State School Road
Gatesville, Tx. 76599-2999

Gist
3295 FM 3514
Beaumont, Tx. 77705

Glossbrenner
623 S. FM 1329
San Diego, Tx. 78384

Goodman
Route 1, Box 273
Jasper, Tx. 75951

Goree

Huntsville, Tx. 77344

Gurney
P.O. Box 6400
Tennessee Colony, Tx. 75861

Halbert
P.O. Box 923
Burnet, Tx. 78611-0923

Hamilton
200 Lee Morrison Lane
Bryan, Tx. 77807

Havins
500 FM 45 East
Brownwood, Tx. 76801

Henley
7581 Hwy 321
Dayton, Tx. 77535

Hightower
902 FM 686
Dayton, Tx. 77535

Hilltop
1500 State School Road
Gatesville, Tx. 76598

Hobby
742 FM 712
Marlin, Tx. 76661-4685

Hodge
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Rusk, Tx. 75785

Holliday
295 IH 45N
Huntsville, Tx. 77340-4968

Hospital Galveston
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Galveston, Tx. 77550

Hughes
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Gatesville, Tx. 76597

Huntsville
815 12th Street
Huntsville, Tx. 77342-0099

Hutchins
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Dallas, Tx. 75241

Jester I, III, IV
Route 2
Richmond, Tx. 77469

Johnston
703 Airport Road
Winnsboro, Tx. 75494

Jordan
1992 Hilton Road
Pampa, Tx. 79065

Kegans
707 Top Street
Houston, Tx. 77002

Kyle
701 South IH 35
Kyle, Tx. 78640

LeBlanc
3695 FM 3514
Beaumont, Tx. 77705

Lewis
P.O. Box 9000
Woodville, Tx. 75990

Lindsey
1137 Old Post Oak Road
Jacksboro, Tx. 76458

Lockhart
P.O. Box 1170
Lockhart, Tx. 78644

Lopez
1203 El Cibolo Rd.
Edinburg, Tx. 78539

Luther
1800 Luther Dr.
Navasota, Tx. 77869

Lychner
2350 Atascocita Road
Humble, Tx. 77396

Lynaugh
1098 S. Highway 2037
Fort Stockton, Tx. 79735

McConnell
3001 S. Emily Drive
Beeville, Tx. 78102

Michael
P O. Box 4500
Tennessee Colony, Tx. 75886

Middleton
13055 FM 3522
Abilene, Tx. 79601

Montford
8602 Peach Street
Lubbock, Tx. 79404

B. Moore
8500 North FM 3053
Overton, Tx. 75684

C. Moore
1700 N. FM 87
Bonham, Tx. 75418

Mountain View
2305 Ransom Rd.
Gatesville, Tx. 76528

Facilities Within the Texas Department of Criminal Justice

Murray

1916 N. Hwy 36 Bypass
Gatesville, Tx. 76528

Neal

9055 Spur 591
Amarillo, Tx. 79107-9696

Ney

114 Private Road 4303
Hondo, Tx. 78861

Pack

2400 Wallace Pack
Navasota, Tx. 77869

Plane

904 FM 686
Dayton, Tx. 77535

Polunsky

3872 FM 350
Livingston, Tx. 77351

Powledge

Route 2, Box 2250
Palestine, Tx. 75882

Ramsey I

1100 FM 655
Rosharon, Tx. 77583

Ramsey II

1200 FM 655
Rosharon, Tx. 77583

Roach

15845 FM 164
Childress, Tx. 79201

Robertson

12071 FM 3522
Abilene, Tx. 79601

Rudd

2004 Lamesa Highway
Brownfield, Tx. 79316

Sanchez

3901 State Jail Road
El Paso, Tx. 79938

Sayle

4176 FM 1800
Breckenridge, TX 76424

Scott

Route 5, Box 1500
Angleton, Tx. 77515

Segovia

1201 E. Cibolo Road
Edinburg, Tx. 78539

Skyview

P. O. Box 999
Rusk, Tx. 75785

Smith

1313 County Rd 19
Lamesa, Tx. 79331

Stevenson

1525 FM 766
Cuero, Tx. 77954

Stiles

3060 FM 3514
Beaumont, Tx. 77705

Telford

P.O. Box 9200
New Boston, Tx. 75570

Terrell

1300 FM 655
Rosharon, Tx. 77583

**Carol S. Young Medical
Facility Complex**

Route 4, Box 1174
Dickinson, Tx. 77539

Torres

125 Private Road #4303
Hondo, Tx. 78861

Travis County

8101 FM 969
Austin, Tx. 78724

Tulia

4000 Hwy 86 West
Tulia, Tx. 79088

Vance

Route 2
Richmond, Tx. 77469

Wallace

P.O. Box 2000
Colorado City, Tx. 79512

Ware

P.O. Box 2500
Colorado City, Tx. 79512

Wheeler

4300 E. Fifth Street
Plainview, Tx. 79072

Willacy County

1695 South Buffalo Drive
Raymondville, Tx. 78580

Woodman

1210 Coryell Road
Gatesville, Tx. 76528

Wynne

Huntsville, Tx. 77349

ADOPTION OF ORIENTATION HANDBOOK

This handbook contains general information and rules adopted by the Director of the Texas Department of Criminal Justice Correctional Institutions Division (TDCJ-CID).

TEXAS DEPARTMENT OF CRIMINAL JUSTICE MISSION STATEMENT

The mission of the Texas Department of Criminal Justice is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society and assist victims of crime.

Board of Criminal Justice

The Board of Criminal Justice is made up of nine (9) unpaid citizens. They are appointed by the Governor of Texas. The Board helps the Department to plan, budget and make policy.

Management

The Executive Director of the Texas Department of Criminal Justice appoints the Director and Deputy Directors of the Correctional Institutions Division. These directors guide the day-to-day operation and management of the TDCJ-CID.

GENERAL INFORMATION CONCERNING THIS HANDBOOK

This handbook is designed to provide the offender population with general information along with a standard for acceptable behavior. Offenders who do not conduct themselves in an acceptable manner could be charged with a specific disciplinary offense. The disciplinary offenses are listed in the **TDCJ Disciplinary Rules and Procedures for Offenders Handbook**. The standards for acceptable behavior by offenders listed in this handbook apply to all offenders. The conditions in administrative segregation/special management or disciplinary status may vary from those of general population offenders.

Upon entering the TDCJ, offenders will be provided with a current copy of the Offender Orientation Handbook. Offenders currently incarcerated within the TDCJ will have access to revised copies when revisions to the Handbook are made. Handbooks written in Spanish will be given to offenders whose primary language is Spanish. Rules will be explained to offenders who cannot read them and to offenders whose primary language is neither English nor Spanish.

All offenders confined within a facility of the Texas Department of Criminal Justice are responsible for understanding and abiding by the rules, regulations and policies detailed in the handbook as well as other policies and procedures posted on their facility of assignment. Failure to do so may result in disciplinary action.

For purposes of this handbook, the terms "he", "his" and "him" refer to all offenders, both male and female.

TABLE OF CONTENTS

Chapter 1: Offender Access to Services and Standards for Behavior	1
Reception and Diagnostic Process.....	1
Receiving and Screening.....	1
Photographs and Fingerprints.....	1
Physical Examination.....	1
Mental Health Screening	1
Americans with Disabilities Act (ADA).....	2
Orientation.....	2
Testing and Assessment	2
Sociological I and II Interviews.....	2
Segregative Classification.....	3
Institutional Offenders	3
State Jail Offenders.....	3
Transfer Offenders.....	4
SAFPF Offenders	4
Foreign Nationals.....	4
Unit Classification.....	5
Custody Levels.....	5
Administrative Segregation or Special Management	5
General Population Level 5.....	5
General Population Level 4.....	5
General Population Level 3.....	5
General Population Level 2.....	5
General Population Level 1.....	6
Committees	6
Unit Classification Committee	6
Administrative Segregation Committee/Special Management Committee.....	6
State Classification Committee	6
Security Precaution Designator Review Committee.....	6
Inter-Unit Transfers	6
Good Conduct Time	7
Time Credit Dispute Resolution Process.....	9
Individualized Treatment Plan.....	9
Collection of DNA Blood Samples	10
Standards of Behavior	10
Personal Cleanliness and Grooming.....	10
Clothing and Necessities	11
Clothing.....	11
Towels	11
Linens	12
Exchange Procedures for Necessities Items	12
Living Areas	12
Dining Hall.....	14
Shower Rules	15
Dayroom Rules	15
Recreation Yard Rules	16
Commissary Rules	16
Hall Rules.....	17
Offender Property	17
Contraband	20
Tobacco Policy	21
Safety Regulations	21
General Rules	22

Safe Prison Programs.....	24
Offender Protection.....	24
Sexual Assaults.....	24
Prevention.....	24
If The Attack Has Just Happened.....	25
Perpetrator.....	25
General Appropriations Act 2002-2003 Biennium Conference Committee	
Report on Senate Bill 1	26
Security Threat Groups.....	26
Programs and Services.....	27
Education	27
Testing and Assessment	27
Counseling.....	27
Adult Literacy, Basic Skills and GED Preparation	27
Special Education	28
English as a Second Language (ESL)	28
Reintegration Skills	28
Cognitive Intervention.....	28
Career and Technology Education	29
College Classes.....	29
Job Placement - Project RIO.....	30
Libraries	31
School Rules	31
Information on Education Programs	32
Recreation and Non-Programmatic Activity.....	32
Recreation and Non-Programmatic Activities	32
Out-Of-Cell Time Requirements for Non-Programmatic and Recreational	
Activity	32
Offender Craft Shop and Piddling.....	32
In-Cell Art.....	33
Health Services	33
Medical Services.....	33
Dental Services	34
Pharmacy Services	35
Psychiatric and Psychological Services	35
Mentally Retarded Offender Program	35
Complaints about Medical Staff.....	36
Substance Abuse Treatment.....	36
Religious Services	37
State Counsel for Offenders	37
Language Assistance.....	39
Correspondence Rules.....	40
Visitation	41
Telephone Calls.....	41
Emergency Absences	42
Emergency Absence.....	42
Emergency Absence Eligibility Requirements	43
Inmate Trust Fund.....	44
ID Cards.....	46
Commissary	47
Voter Registration.....	48
Offender Request To Official (I-60) Form	49
Administrative Segregation Plan	49
Institutional Lockdowns	49
Impermissible Conduct.....	50

Disciplinary Procedures and Rules.....	50
General Procedures	50
Solitary Confinement	51
Counsel Substitute Program	51
Appeal Process	52
Grievance Procedures for Offenders.....	52
Parole Information	54
Parole Information.....	54
The Parole Interview	55
Parole Eligibility Requirements	56
70 th Legislature Requirements	56
72 nd Legislature Requirements.....	57
73 rd Legislature Requirements	58
74 th Legislature Requirements	59
75 th Legislature Requirements	60
Offenders with Detainers Pending	60
Parole and Mandatory Supervision Violators.....	60
Offenders who commit offenses while in custody	60
Questions about Parole-related issues	61
Sex Offender Treatment Program Information.....	61
Sex Offender Treatment Program (SOTP) and Evaluation.....	61
Civil Commitment of Sexually Violent Predators	61
Sex Offender Treatment Program Information.....	62
Offense Codes Requiring Registration.....	62
Orchiectomy	63
TDCJ Crime Stoppers “Behind the Walls”	64
Chapter 2: Offender Visitation Rules.....	65
Introduction	65
1.0 General Information.....	65
Visitation Schedule	65
Frequency and Length of Visits	66
Frequency of Contact Visits.....	66
Eligibility Criteria for Contact Visits.....	67
Number of Visitors Allowed	67
2.0 Who Can Visit With Offenders	67
Approved Visitors List.....	67
Visitors Approved for Contact Visits.....	68
Visitor Notification.....	69
3.0 Rules for Visits.....	70
Visitor Identification	70
Searches of Visitors and Vehicles.....	71
Contraband Items.....	71
Supervision of Visits.....	72
Rules for Offenders	72
Rules for Visitors	72
Denial of Visits/Visitors	74
Termination of Visits in Progress	74
4.0 Visits for Special Offender Categories.....	75
MROP (Mentally Retarded Offender Program) and Psychiatric In-Patient Offenders.....	75
Psychiatric Out-Patient Offenders	75
Transient Status Offenders	75
Safekeeping Status	75
Pre-Hearing Detention.....	75
Lockdown Status.....	76
Administrative Segregation/Special Management	76
Death Row Offenders	76
G5J5 Offenders	76

5.0 Suspension of Visits.....	77
General Visits	77
Contact Visits	77
6.0 Special Visits	78
Three Hundred (300) Miles	78
Spiritual Advisors.....	78
Prospective Employers	78
Critical/Serious Illness List.....	78
Hospice Offenders.....	79
Visits Between Offenders (Non-Legal)	79
Current/Former TDCJ Employees.....	80
Attorney Visits.....	81
Legal Visits Between Offenders	81
Chapter 3: Uniform Offender Correspondence Rules.....	82
General Rules and Instructions Regarding General Correspondence	82
Permissible Correspondents.....	82
Restricted Correspondents	82
How to Correspond	83
Publications	85
Special and Media Correspondence.....	85
Permissible Correspondence.....	85
Exceptions	85
Legal Correspondence.....	85
Handling Offender Correspondence.....	86
Content Inspection of General Correspondence.....	86
Contraband in General Correspondence.....	86
Contraband in Legal, Media, or Special Correspondence.....	87
Record of Legal, Special, or Media Correspondence.....	87
Content of Inspection of Publications.....	87
Processing Incoming and Outgoing Offender Mail	88
Forwarding of Mail	88
Mailrooms	89
Treatment Programs	89
Review Procedures for Denied Items	89
Handling of Denied Items	89
Correspondence Appeal Procedure.....	89
Chapter 4: Offender Access to the Courts, Counsel and Public Officials Rules..	91
Law Libraries.....	91
Law Library Collections, Conditions, and Supplies.....	91
General Population Offender Access to the Law Library	92
Administration Segregation, Lockdown, G5, Medical Segregation, Temporary Detention, Trusty Camp, Work Camp, and Death Row Offender Access to the Law Library.....	92
Offender Personal Legal Material	93
Storage and Access.....	93
Searches and Shakedowns of Offender Legal Materials	93
When and Where Legal Work May Be Performed	93
Locations and Times	93
Offenders Assisting Other Offenders on Legal Matters	93
Notary Public Services.....	94
Documents.....	94
Scheduling	94
Attorney Visitation	94
Periods of Visitation	94
Notice	95
Identification.....	95
Designated Representative's Application to Visit.....	95
Limits on Number, Persons, and Type of Visit.....	96

Rejection by Offender of Visitation Request.....	96
Procedures During Visit.....	96
Rejection of Visitation Request or Termination of Visit.....	98
Suspension of Visitation Privileges	98
Attorney Visitation Review Procedure.....	98
Consular Officials.....	99
Attorney/Offender Telephone Calls.....	99
General Guidelines	99
Telephone Call Approval	100
Court Conference Calls.....	101

CHAPTER 1

OFFENDER ACCESS TO SERVICES AND STANDARDS FOR BEHAVIOR

I. RECEPTION AND DIAGNOSTIC PROCESS

All offenders in the TDCJ are received either at a transfer facility, a reception diagnostic facility, a state jail intake facility or a SAFP intake facility. These facilities are equipped to receive and process offenders admitted to the agency's custody. Offenders who speak little or no English will be identified and will receive the necessary type of language assistance while in the Diagnostic Process and later when assigned to a unit.

A. Receiving and Screening

Offenders will be searched upon arriving at a TDCJ facility. A receipt will be completed for each offender's money and property. Medical care will be given, if considered urgent. Offenders will be housed according to security needs. State clothing will be issued; haircuts and showers provided.

B. Photographs and Fingerprints

Each offender will go to the Photograph and Identification Department where he will be:

1. photographed,
2. fingerprinted,
3. examined for any identifying scars, marks, or tattoos, and
4. interviewed to obtain basic information.

The fingerprints will be sent to the FBI and the Texas Department of Public Safety (DPS). The Photograph and Identification process helps identify every offender to make sure no one is admitted or released illegally, and creates the state-issued identification card that each offender is required to carry.

C. Physical Examination

Offenders will be given a physical examination by medical and dental staff. The medical and dental staff will ask each offender about his medical history. The medical and dental staff will use the results of the examination to determine the special needs, if any, of an offender. The special medical needs of an offender will be taken into consideration during the classification process.

D. Mental Health Screening

Each offender will undergo an initial psychological screening. If during this process it is determined there may be special needs, the offender will be referred for further evaluation. (This process is not used on SAFP intake facilities.)

E. Americans with Disabilities Act (ADA)

It is the intent of the Texas Department of Criminal Justice to comply with the Americans with Disabilities Act (ADA). Offenders are hereby advised of their responsibility to report a disability. ADA related complaints should be addressed through the Offender Grievance Procedure. ADA related complaints could also be voiced on an I-60 to the Unit Warden.

F. Orientation

An orientation is provided to all new offenders and is provided in Spanish to those offenders who require it. The orientation will cover the following:

1. Policies, rules, and standards of behavior
2. Programs
3. Educational services
4. Offender grievance procedures
5. Classification procedures
6. Disciplinary procedures
7. Food service
8. Offender records
9. Commissary and offender accounts
10. Mail and visitation rules
11. Recreation and leisure activities
12. Medical, dental and psychological services
13. Access to courts, counsel and public officials rules
14. Safe prisons program
15. Orchiectomy services
16. Other offender activities and programs

G. Testing and Assessment

All offenders will be tested to determine educational, psychological, and substance abuse treatment needs, except on SAFF intake facilities.

H. Sociological I and II Interviews

During sociological interviews, offenders will be asked questions about their:

1. criminal history
2. social history
3. institutional history
4. educational history
5. employment history
6. family history
7. military history
8. drug and/or alcohol histories
9. any other pertinent information.

Offenders will be interviewed to verify information in their records. Offenders may be punished through the disciplinary process for giving false information during interviews. A summary of all information collected on each offender will be used to help in the classification process.

Sociology II interviews are not completed on SAFF intake facilities.

I. Segregative Classification

A Segregative classification is assigned to every offender based on the offender's age and previous incarceration. The Segregative classes are:

I	First Offender	21 years of age or less
IA	First Offender	22-25 years of age
IB	First Offender	26 years of age or older
II	Second Offender	21 years of age or less
IIA	Second Offender	22-25 years of age
IIB	Second Offender	26 years of age or older
IIC	Multi-Offender	26 years of age or older

J. Institutional Offenders

The State Classification Committee (SCC) and designated staff of the Classification and Records Office (CRO) will determine the first unit to which each Institutional offender will be sent. Offenders do not have the right to choose their unit of assignment. Offenders are assigned to units by the SCC after their interviews and testing are completed.

Offenders spend the first few weeks going through the diagnostic process. Data is collected on each offender. The SCC and CRO staff uses this data to place offenders with similar characteristics on units or facilities together. The SCC and CRO staff will make its decision based on:

1. all information collected,
2. the offender's safety needs,
3. the offender's security needs, and
4. the offender's treatment needs.

Based on 1-4 above, the SCC may also recommend the offender's:

1. level of supervision (custody level),
2. housing assignment, and
3. job assignment.

K. State Jail Offenders

Under legislation that established the State Jail felony, state jail offenders are housed in facilities closest to their county of conviction.

1. Offenders convicted of a fourth degree (or state jail) felony and sentenced by a court to serve a sentence of up to 24 months in one of TDCJ State Jail facilities designated to serve the county (or counties) in which their conviction occurred.
2. There are nine (9) designated state jail service regions served by one or more state jail facilities; created to provide cost effective, community based incarceration enabling offenders to connect to services in their home communities.

L. Transfer Offenders

Transfer Offenders are convicted of 1st, 2nd or 3rd degree offenses and are awaiting assignment to a permanent facility and subject to the classification procedures as stated above. Offenders can be detained in a transfer facility for up to two (2) years before being moved into a permanent facility.

M. SAFPF Offenders

Substance Abuse Felony Punishment Facility (SAFPF) offenders are normally assigned to units closest to their county of residence in order to facilitate family visits, family counseling, and continued contact with the offender's community supervision officer (CSO).

N. Foreign Nationals

If you are a non-U.S. citizen, you are entitled to have TDCJ notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want TDCJ to notify your country's consular officials, you can request this notification now by advising an intake staff member or at any time in the future by contacting the classification office on your unit.

If you are a non-U.S. citizen and are a citizen of one of the following countries you MUST advise TDCJ immediately. It is mandatory that your country's consular representatives in the United States be notified that you have been detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things.

Algeria	Guyana	Seychelles
Antigua and Barbuda	Hong Kong	Sierra Leone
Armenia	Hungary	Singapore
Azerbaijan	Jamaica	Slovakia
Bahamas, The	Kazakhstan	Tajikistan
Barbados	Kiribati	Tanzania
Belarus	Kuwait	Tonga
Belize	Kyrgyzstan	Trinidad & Tobago
Brunei	Malaysia	Tunisia
Bulgaria	Malta	Turkmenistan
China	Mauritius	Tuvalu
Costa Rica	Moldova	Ukraine
Cyprus	Nigeria	United Kingdom
Czech Republic	Philippines	U.S.S.R.
Dominica	Poland (non-permanent Residents Only)	Uzbekistan
Fiji	Romania	Zambia
Gambia,	The Russia	Zimbabwe
Georgia	Saint Kitts and Nevis	
Ghana	Saint Lucia	
Grenada	Saint Vincent and the Grenadines	

II. UNIT CLASSIFICATION

A. Custody Levels

On the unit of assignment, an offender is given a custody designation which indicates several things. It tells where and with whom he can live, how much supervision he will need, and what job he can be assigned to.

An offender's custody level depends on his current institutional behavior, his previous institutional behavior, and his current offense and sentence length. If he violates rules, he will be placed in a more restrictive custody. If he complies with the rules, he will be assigned a less restrictive custody level.

Institutional Offender Custody Levels:

1. Administrative Segregation
2. General Population Level 5 (G5)
3. General Population Level 4 (G4)
4. General Population Level 3 (G3)
5. General Population Level 2 (G2)
6. General Population Level 1 (G1)

State Jail Offender Custody Levels:

1. Special Management
2. General Population Level 5 (J5)
3. General Population Level 4 (J4)
4. General Population Level 2 (J2)
5. General Population Level 1 (J1)

Administrative Segregation or Special Management refers to offenders who must be separated from the general population because they are dangerous, either to other offenders or staff, or they are in danger *from* other offenders. Additionally, offenders who, according to the SCC, are members of security threat groups designated by TDCJ may be given this custody level. These offenders leave their cells, for the most part, only for showers and limited recreation. (Offenders assigned to Administrative Segregation in expansion cellblocks shower in their cells.)

General Population Level 5 (G5) or (J5) custody refers to offenders who have assaultive or aggressive disciplinary records. G5 or J5 custody offenders must live in cells. They may not work outside the security fence without direct, armed supervision.

General Population Level 4 (G4) or (J4) custody means the offender must live in a cell, with few exceptions, and may work outside the security fence under direct **armed** supervision. J4 State Jail offenders may be housed in designated dorms.

General Population Level 3 (G3) refers to Institutional offenders who may live in dorms or cells inside the main building of the unit. G3 offenders are ineligible to live in dorms outside the main building of a unit, inside the security fence. G3 offenders will be generally assigned to field force and secure jobs inside the perimeter as designated by the Warden. They may work outside the security fence under direct **armed** supervision. (State Jail offenders are not assigned to level 3 custody.)

General Population Level 2 (G2) or (J2) custody refers to offenders who may live in dorms or cells inside the security fence. They may work outside the security fence under direct **armed** supervision.

General Population Level 1 (G1) or (J1) custody allows offenders to live in dorms outside the security fence. They may work outside the security fence with periodic unarmed supervision.

Note: Offenders in all of the above general population custody levels may also be given a safekeeping status if they need an added level of protection from other offenders.

B. Committees

In TDCJ, a Classification Committee determines an offender's custody.

1. **Unit Classification Committee (UCC):** responsible for assigning an offender a custody level. This custody level designates where offenders will live on the unit and what job(s) are best for them. Offenders appear before this committee when they arrive on a new unit. They also meet with the UCC when routine classification decisions are needed.
2. **Administrative Segregation Committee/Special Management Committee (ASC/SMC):** responsible for the process of reviewing offenders for placement in administrative segregation or special management (for State Jail offenders) and routine reviews of those offenders.
3. **State Classification Committee (SCC):** a central administrative classification committee that makes final decisions with regards to agency-wide issues and unit classification committee recommendations. During the reception and diagnostic process, the SCC makes decisions concerning the initial assignment of an offender to a unit. The SCC also makes final decisions regarding administrative segregation, safekeeping and offenders approved for outside trusty status.
4. **Security Precaution Designator Review Committee (SPDRC):** The authority that determines the eligibility for removal of a security precaution designator code from the offender's record. This committee is also the authority that determines if a security precaution designator should remain in the offender's record after designated timeframes expire.

C. Inter-Unit Transfers

Inter-unit transfers are transfers from one unit to another. Offenders do not have a right to choose their unit of assignment. Inter-Unit transfers are based on departmental and offender needs. Offenders may not be transferred closer to home for visitation reasons. Transfer requests follow a process. The Warden, the Unit Classification Committee or the proper department head must first recommend transfer requests. If approved at the unit level, the unit will then contact the State Classification Committee.

Transfer requests for medical or educational reasons must be made to the correct department. For example; the Education Department must review and approve a transfer request to attend a four-year college program. If approved, the department head forwards the request to the State Classification Committee

for its review. The State Classification Committee will **not** review transfer requests directly from offenders.

Some offenders have problems/conflicts on their unit and want a transfer. These offenders should contact the unit staff for help. If further review is needed, the State Classification Committee will be contacted.

Hardship transfer requests may be considered to accommodate immediate family members listed on the offender's approved visitation list if medical documentation can be obtained.

D. Good Conduct Time

Note: Good conduct time does not apply to State Jail offenders. State Jail Offenders are not assigned a time-earning status and are not eligible for good conduct time credit or parole. Only the sentencing judge can shorten the length of the original sentence.

Some offenders can shorten their time with the TDCJ by earning good conduct time. By law, good conduct time applies only to an offender's eligibility for parole or mandatory supervision release. Offenders released on parole or mandatory supervision must serve the rest of their sentence day for day under the supervision of a parole officer. For example, if an offender has been sentenced to the TDCJ for 10 years and is paroled after serving three (3) calendar years, he will be on parole for seven (7) calendar years.

Offenders can be granted good conduct time for jail time served under certain conditions.

Good conduct time is awarded based on an offender's:

1. offense date
2. compliance with all rules and regulations,
3. diligent participation in work, school, or treatment programs

Good conduct time is a **privilege**, not a right. Offenders must follow the rules in order to receive good conduct time. Some or all of the good conduct time awarded to an offender may be taken away for disciplinary infractions. Good conduct time will **not** be given back to an offender once it has been taken away.

When offenders enter the TDCJ, they are assigned a time-earning status of Line Class I. Offenders can work their way into a higher time-earning status or be placed into a lower time-earning status, dependant upon their behavior. Each time-earning status is linked with a set number of days of good conduct time that can be earned each month. This rate is fixed by law. There are two (2) types of time-earning statuses:

1. Line Class status (ranging from Line Class III to Line Class I), and
2. State-Approved Trusty (SAT) status (ranging from SAT IV to SAT II).

Newly received offenders will be assigned to Line Class I status. Additionally, newly received offenders must wait six (6) months before they are eligible to be reviewed for promotion in time-earning status.

Good conduct time is awarded based on the laws in effect when the crime was committed, as described below.

Offenders who committed their crimes **before** September 1, 1987 are "Pre-70th Legislature" offenders. These offenders are also known as "65th Legislature" offenders. They are awarded good conduct time each month based on their time-earning status.

"Pre-70th Legislature, 65th Legislature and Pre-65th Legislature" offenders can also earn up to 15 extra days of good conduct time each month. These extra credits are called "A", "B", and "C" credits. To receive these credits, offenders must complete one or more programs in academic or vocational education or complete an On-the-Job Training Program while in the TDCJ. These extra credits are awarded from the time the program was completed. Offenders in Line Class III status are not eligible to receive A, B, or C credits.

Offenders who committed their crime **on or after** September 1, 1987 are known as "70th Legislature" offenders. They are awarded good conduct time each month based on their time-earning status **if** they participate in assigned work or school programs. For participating, these offenders also get an extra 15 days of diligent participation credits each month. These offenders get **no** good conduct time for each day they do not go to work, school or a required treatment program when unexcused. "70th Legislature" offenders who are assigned to administrative segregation **will not receive any** of the 15 days diligent participation good conduct time credits. They will receive only the good conduct time based on their time earning status. Offenders who are excused from participating for any reason receive good conduct time. This includes the extra 15 days.

"70th Legislature" offenders are not eligible to earn the "A", "B", or "C" educational credits.

Two things affect an offender's eligibility for release on parole or mandatory supervision. They are:

1. the type of crime the offender was convicted of, and
2. the laws in effect when the crime was committed.

Offenders returned to the TDCJ for parole or mandatory supervision violations, whether those violations are for technical violations or new offenses, will not receive credit for past good conduct time. They start earning new good conduct time from the date of re-arrest. Violators back in the TDCJ will be assigned to Line Class I status regardless of their previous status. An offender who starts a new sentence without leaving the custody of TDCJ will retain his time-earning status.

The laws dealing with good conduct time are very complicated. There are many rules that determine how much good conduct time offenders can earn and how it applies toward their sentences. Good conduct time, parole or mandatory supervision statutes do not apply to State Jail offenders.

SAFPF offenders are under unique guidelines related to early release and/or parole, and should check with unit administrators for assistance in understanding which, if any, apply to their individual situation.

E. Time Credit Dispute Resolution Process

The TDCJ has established a dispute resolution process for offenders who allege their time credits are in error. Complaints regarding time credits cannot be resolved through the Offender Grievance Process.

Institutional Offenders

Offenders must contact the Classification and Records Office (CRO) by submitting an Offender Time Credit Dispute Resolution Form (CL-147) to the CRO.

State Jail Offenders

Offenders must submit the CL-147 form to the Unit Intake Coordinator for resolution.

Upon receipt of correspondence, the CRO or Intake Coordinator will investigate the allegations. If a correction to time is made, the offender will be provided a new time slip or a commitment data form after the correction. If the CRO finds no error in the time-served credits, the offender will be provided a written statement from the Custodian of Offender Records, certifying the credits to be correct based upon documents received by TDCJ.

Offenders may not file a time-credit error in an application of a Writ of Habeas Corpus until:

1. A final certification decision from the CRO has been received by the offender; or,
2. More than 180 days has passed since offender filed the complaint with the Custodian of Offender Records, and no response has been received.
3. Offenders who are within 180 days of their presumptive parole date, date of release to mandatory supervision, or date of discharge may use either this internal time credit dispute resolution procedure, or submit their application directly to the court, if the Writ of Habeas Corpus is not otherwise barred.

F. Individualized Treatment Plan

The Individualized Treatment Plan (ITP) is a plan of treatment for an individual offender. The plan outlines programmatic activities and services for an offender and prioritizes his participation in recommended programs based on the offender's needs, program availability and applicable parole or discharge date. An offender's needs for programs are ranked and prioritized to assess the immediacy for placement. Treatment department professionals develop the ITP, interview the offender, assess all available information and record their judgments concerning specific programming needs. Treatment department professionals will be responsible for tracking and reviewing all offenders newly assigned to TDCJ for ITP reviews within two weeks of the offender's arrival on the unit. Any conflicts or problems that may arise from ITP recommendations concerning program or job scheduling will be referred to the UCC for resolution.

The ITP serves to establish institutional conditions required by statute for an offender to be considered for release on parole as defined by Texas Government Code, Section 508.152. Some of these programs are mandatory and non-attendance can result in disciplinary action, loss of good conduct time or negative parole consideration.

G. Collection of DNA Blood Samples

All offenders received by the TDCJ at a diagnostic and reception unit shall be reviewed to determine if they are subject to DNA specimen collection. TDCJ is required by law to collect a DNA blood sample from all offenders who are received on or after 4-01-04 with a new 1st, 2nd or 3rd degree felony conviction. Those offenders returning as a technical violator only may or may not be required to submit to a DNA test, dependant upon criteria established by law.

Offenders received prior to 4-01-04 who have present or prior convictions for Murder, Capital Murder, Aggravated Assault, Burglary of a Habitation and offenses for which sex offender registration is required will also be required to submit to a DNA test if a sample has not previously been obtained. This determination will be based on the criteria established by law.

If an offender refuses to be tested, the Unit Health Administrator will inform the Building Major and the Chief of Classification, who will instruct security staff to charge the offender with the appropriate disciplinary offense for refusing to submit to DNA specimen collection. The disciplinary report will be brought before a major disciplinary hearing. If found guilty and if the offender has still not provided the blood sample, the offender shall be assessed progressive disciplinary sanctions for the level two offense. Cases may be filed at a rate of one per month until compliance is achieved, unless an offender's projected release date is imminent and may be delayed through disciplinary action, in which case another disciplinary report may be filed during the month.

III. STANDARDS OF BEHAVIOR

The standards of behavior outlined below apply to G1/J1, G2/J2, G3 and G4/J4 custody general population offenders. The conditions in disciplinary status, administrative segregation/special management, lockdown or G5/J5 custody may vary from the following:

A. Personal Cleanliness and Grooming

1. Offenders will be given the opportunity to shower. Offenders will maintain good personal hygiene.
2. Offenders will brush their teeth daily.
3. Male offenders must be clean-shaven. No beards, mustaches or hair under the lip will be allowed.
4. Male offenders must keep their hair trimmed up the back of their neck and head. Hair must be neatly cut. Hair must be cut around the ears. Sideburns will not extend below the middle of the ears. No block style, afro, natural or shag haircuts will be permitted. No fad or extreme hairstyles/haircuts are allowed. No mohawks, tails, or designs cut into the hair are allowed.

5. Female offenders will not have extreme hairstyles. No mohawk, "tailed" haircuts or shaved/partially-shaved heads will be allowed. Female offenders may go to the beauty shop on their unit; however, going to the beauty shop is a privilege. Female offenders may be restricted from going to the beauty shop as the result of disciplinary action.
6. Offenders' fingernails will be neatly trimmed. Fingernails will not exceed more than one-eighth of an inch past the tip of the finger or thumb. Fingernails will not be filed to a point, but will be rounded.

B. Clothing and Necessities

All clothing and necessities will be as clean and well kept as possible. Offenders will not alter, damage, destroy or mark on any state-issued clothing or necessities item. Offenders will not have any extra clothing or necessities in their possession unless specifically authorized (e.g., medical).

1. Clothing

- a. Offenders will be issued outer clothing, underwear, socks and shoes/brogans.
- b. Offenders will be issued enough clothing to keep them warm during cold weather.
- c. Offenders shall be provided the opportunity to have three complete sets of clean clothing per week.
- d. Offenders will wear clothing in the manner stated below when leaving their living area.
 - 1) Pant legs will not be rolled up or tucked inside socks or footwear. Pants will not be worn below the waist level.
 - 2) Collars may not be tucked inside the shirt. Male offenders will wear their shirttails tucked inside their pants. Female offenders will wear their shirttails as stated in their unit's policy.
 - 3) Male offenders will wear socks with state-issued footwear. Female offenders will wear socks or hose with state-issued shoes.
 - 4) Shoes will be worn completely covering the feet and will be laced and tied. The type of shoes offenders are allowed to wear and the locations where the shoes are to be worn will be controlled by unit policy and safety regulations.

2. Towels

- a. Offenders shall be provided the opportunity to have a clean shower towel at least three (3) times per week.
- b. An offender on a unit that has a centralized shower will receive a cell towel to use in his living area. An offender

on a unit which has a shower located on the pod will be given a daily shower towel to keep in his living area; no cell towel will be issued.

- c. Cell towels must be traded in at least once a week.

3. Linens

- a. Offenders will be issued a mattress and pillow or mattress/pillow combo. Linen exchange will be conducted weekly and shall include two sheets and one pillowcase or if a mattress/pillow combo is used, two sheets only.
- b. Offenders will be issued a blanket(s) to use during cold weather.
- c. Each offender will trade his dirty sheets and pillowcase for clean sheets and a pillowcase at least once a week.

4. Exchange Procedures for Necessities Items

- a. Necessity items will be exchanged one-for-one, clean-for-dirty.
- b. During the exchange, offenders will be afforded the opportunity to examine items for proper fit and damage. If items do not fit properly or damage is found, the item should be turned in for replacement.
- c. Offenders will be held responsible for dirty items exchanged. Returned items will be checked for intentional damage. Offenders found to have intentionally damaged state property will be subject to disciplinary action as outlined in the TDCJ Disciplinary Rules and Procedures.

C. Living Areas

- 1. Each offender will be assigned to a bunk in a cell or a dormitory. Offenders must not change bunks without permission. Each offender will be assigned a locker or a shelf for storing personal property. No offender will use a bunk, shelf or locker not assigned to him.
- 2. Each offender must keep his living area neat, clean and free from contraband. Beds will be made when not being used for sleeping.
- 3. All property must fit in a box provided that is approximately 1.75 cubic feet but shall not exceed 2.0 cubic feet. Some exceptions (i.e., radio, typewriter, and fan) can be stored outside the box.
- 4. An offender is not allowed to go into another offender's cell. An offender will be considered in violation of this rule if:
 - a. any part of his body enters the cell of another offender,

OR

- b. any object, held in any way by an offender, enters the cell of another offender.
5. Offenders will not hang towels, blankets, clothing, or other similar items in their living area so that it blocks an officer's view of any area. Items will not be placed, stored or hung in the windows, on cubicle walls, or in front of vents.
6. An offender must get permission from the officer on duty before passing any item:
 - a. through the bars or windows of any dormitory or cellblock area,
 - b. from cellblock to cellblock,
 - c. from dormitory to dormitory, or
 - d. from cell to cell.
7. Each offender may have one mattress and one pillow or one mattress/pillow combo, a cell towel if issued one pillowcase and two sheets or if a mattress/pillow combo is used, two sheets only.
8. Offenders will not be allowed to sleep on the floor.
9. Offenders will play their radios in a low volume or with the use of headphones or earphones. The officer on duty will determine when a radio is not being played at an appropriate volume.
10. Offenders will not place homemade covers, shades, or other similar items, on lights in living areas or over air vents to restrict the exchange of air inside the living area.
11. Offenders will not alter, disfigure, damage or destroy any state property in their housing area, to include the bunk, ceiling, walls, fixtures or other similar items.
12. Offenders will report problems with cell, wing or dorm toilets, sinks, electrical plugs, lights, or other similar items to the officer on duty.
13. Offenders will not be allowed to store open containers of food that can spoil in their living areas. Opened containers of food that will not spoil must be sealed or wrapped while being stored in living areas.
14. Offenders will not be loud or boisterous. Offenders will not use vulgar or abusive language.

15. When leaving his living area, each offender will:
 - a. make sure his bed is made
 - b. turn off all electrical appliances, except the clock in a clock radio
 - c. pick up all garbage and empty all garbage containers
 - d. dress properly
 - e. make sure he has his identification card with him, and
 - f. make sure property is stored appropriately.
16. Offenders will not loiter in the hallway outside of the living areas.
17. Offenders will not throw trash or other items into the hallway outside their living area or out the window. Trash will be put in trash cans.
18. Offenders will not have items sticking out of their cells or windows.

D. Dining Hall

1. Offenders will be provided with three (3) wholesome meals a day.
2. Offenders will not talk loudly or cut in line.
3. Meals will normally be served cafeteria style. No food may be wasted or stolen. Offenders will not try to have more food placed on their tray by offenders working on the serving line. The offender workers have been told by officials how much food to serve.
4. An offender may go through the serving line once per meal.
5. The officer on duty will direct offenders where to sit. Offenders will not skip seats or save seats for other offenders.
6. Offenders are allowed to talk with those offenders at the same table as long as it is kept within normal conversational levels (as interpreted by the supervising employee).
7. Offenders are not allowed to pass anything from one table to another.
8. Offenders, who are not satisfied with the food, may talk to the officer on duty.
9. Offenders will be given 20 minutes to eat, from the time they enter the dining room until they depart. Offenders who are loitering, visiting, or engaging in other similar activities and not eating will be told to leave the dining hall.
10. Offenders will stay seated until ready to leave the dining hall. Each offender will clean his eating area and turn in all trays, cups, utensils and other similar items before leaving. No utensils

11. will be taken from the dining hall. No food will be taken from the dining hall, except as allowed by unit policy.
12. Offenders who are denied access to the dining hall due to disruptive behavior will be served a sack lunch.

E. Shower Rules

1. Offenders normally will shower one (1) time each day; however, paraplegic offenders may be allowed to shower whenever necessary, as determined by Health Services.
2. Offenders will not shower during normal working hours unless authorized by a supervisor.
3. Offenders will not loiter in the shower area.
4. Offenders using centralized shower locations will not carry towels or extra clothing from the shower area.
5. Offenders will not save shower stalls for other offenders.

F. Dayroom Rules

1. Television will be kept at a low volume.
2. Offenders will choose television programs by majority vote of the offenders watching television or through established unit procedure.
3. Offenders may talk at a low level as long as they do not disturb those who are watching television.
4. Loud talking, arguing, horseplay, slamming dominoes, and other types of disturbances will not be allowed.
5. Offenders will be seated while in the dayroom.
6. Offenders will not save chairs for other offenders in the dayroom.
7. Offenders must be properly dressed while in the dayroom (see section III B.1.e). Female offenders must wear bras while in the dayroom.
8. Offenders will not wear caps, hats or headgear in the dayroom, with the exception of headscarves worn by female offenders for religious purposes.
9. Offenders will not take blankets, pillows or linens into the dayrooms.
10. Offenders will not take radios, typewriters, fans, or other electric devices into the dayrooms.
11. Offenders will not take stingers, hot pots, or any other type of heating element into the dayrooms.

12. Offenders may have:
 - ✍ One canned drink or cup of drink
 - ✍ One opened container of food, enough for self-consumption (i.e., chips, cookies, candy, no canned food)
 - ✍ One newspaper, book, magazine, (no pornography)
 - ✍ One Bible
 - ✍ Board games
 - ✍ Writing materials, pen, pencil, (no stamps, no legal materials)
 - ✍ Brush or comb
13. Rules concerning television viewing may be different in a therapeutic community, including SOTP and IPTC, and are determined by treatment staff.

G. Recreation Yard Rules

1. Offenders will be properly dressed while going to or returning from the recreation yard. Offenders may wear regulation T-shirts in place of their outer shirts on the recreation yard, but must be fully dressed while going to and coming from recreation. Female offenders must wear bras while on the recreation yard.
2. Offenders will not take linens, towels or blankets into the yard.
3. Offenders will not come in contact with the fence.
4. Offenders will not place clothing on the fence.
5. Horseplay is prohibited.
6. Physical contact not related to approved recreational activity is against the rules.
7. Offenders will immediately report any injury to an employee.
8. Offenders will not damage or abuse recreational equipment.
9. Offenders will not urinate anywhere other than in toilets provided on the recreation yard or toilets in the building.
10. Offenders will not carry food items or beverages to the recreation yard.

H. Commissary Rules

1. Offenders will not go to the commissary during their regular working hours.
2. Offenders will not talk in the commissary line.
3. Any item bought from the commissary must be for personal use only.

4. Offenders must have enough money in their trust fund accounts to cover the cost of all commissary items ordered.
5. Commissary purchase slip (SO-7) must be filled out completely before approaching the commissary window. *DO NOT USE RED INK.*
6. Merchandise is to be listed on the commissary purchase slip (SO-7) in order of need or preference.
7. Offenders will be charged a spend trip to the commissary anytime the offender's card is scanned.
8. Offenders should check commissary items before leaving the commissary window. No changes will be made after an offender leaves the commissary window area.
9. Offenders will not be allowed to return items to the commissary unless they are defective.
10. Offenders must take commissary items back to their assigned living area immediately after leaving the commissary.
11. Only one (1) offender is allowed at the commissary window at a time. Offenders will carry their own commissary items; no helpers or carriers will be allowed.
12. Offenders will not be allowed to purchase more items than will fit in the allotted storage space as per the Offender Property Policy.

I. Hall Rules

1. Offenders will walk single file next to the wall.
2. Offenders will be properly dressed while out of their housing area.
3. Offenders will not drink or eat in the hallway.
4. Offenders will not throw trash or spit on the floor.
5. Offenders will not speak loudly or engage in horseplay.
6. Offenders will not loiter or run in the hallway or walkway. Offenders will not sit against or lean on the wall in the hallway or walkway.

J. Offender Property

TDCJ policy establishes what personal and state-issued property an offender may possess, and obtain, while in custody – and how it will be stored. By choosing to possess property while in the TDCJ, an offender consents to the rules and regulations established regarding the acquisition, possession, storage and disposition of that property. When an offender's property is restricted, or left behind due to his departure from the unit, it will be inventoried and stored in the unit property room.

1. Newly-received offenders are permitted to bring the following items:
 - a. Substance Abuse Literature
 - b. Health Care Devices and supplies, medically prescribed items will be evaluated by TDCJ Health Services staff, contact lenses shall be allowed only until state-issued eyeglasses are provided to the offender.
 - c. One wedding ring and one wrist watch (may be denied if determined to be excessive in value or size)
 - d. Legal material (limited to official documents; no unused stationery items)
 - e. Shower shoes – one pair
 - f. Photographs, except those of a sexually explicit nature (Polaroid-type must have the bottom removed)
 - g. One pair of shoes only if state-issued footwear is unavailable in the correct size; once a state issued pair is available, the personal shoes must be eliminated
 - h. One religious text
 - i. Visitor address list and phone numbers
 - j. Female offender may retain seven (7) bras if they are white in color and do not have an underwire
 - ✍ Items of Identification (i.e. birth certificate, social security card, driver's license and similar items) will be placed in offender's central file and returned to the offender upon release from TDCJ.
 - ✍ Cash, money orders, cashiers or law enforcement checks shall be deposited into the Offender Trust Fund account, no personal checks accepted.
 - ✍ An offender returning to TDCJ following a bench warrant or emergency absence will not be permitted to return with food or hygiene items; however, any other property taken with the offender at the time of departure from TDCJ may accompany him upon return if there is not risk to security. Items requiring registration must be supported by a TDCJ "Registered Property Receipt."
2. Upon arrival at TDCJ, and at times when an offender's property is taken or returned, inventory forms will be completed. Items not allowed at intake will be mailed at the offender's expense to anyone he chooses within the designated time limits. If this is not possible, the items will be destroyed or donated to charity. Parcels shall not be sent cash on delivery (C.O.D.).
3. Certain items must be registered and engraved (if possible). An offender is responsible for keeping the registration papers as proof of ownership. Items which must be registered are wedding ring; wrist watch (other than one purchased at commissary); shoes (other than state-issued); radio; electric fan; typewriter; and hotpot. In addition, female offenders will receive registration papers for a curling iron and hair dryer.

4. Metal, fire-resistant, closable storage containers are provided for storage of an offender's property. An offender will have no less than 1.75 cubic feet available but will not be authorized to utilize more than 2.0 cubic feet of a container that is larger than the maximum 2.0 cubic foot size. Nothing other than cell or dormitory fixtures may be placed on the walls, windows or doors of an offender's housing area. (NOTE: Upon approval by the Warden, additional storage may be provided for legal material needed for current litigation.)
5. An offender may not participate in the inventorying of another offender's property and property transactions between offenders are prohibited. Staff may only provide an offender with items as authorized by agency policy.
6. Amounts that an offender may spend in the commissary are based on his classification, custody or disciplinary status. Subject to approval by the Warden, an offender may order authorized items from an outside vendor. However, no offender may possess more property than he can store in designated areas.
7. Claims for lost or damaged offender property shall be pursued through the Offender Grievance procedure. Loss or damage that is determined to be the responsibility of the TDCJ shall generally be paid at no more than \$50 per item; no more than \$500 dollars total.
8. An offender may have property restricted due to his classification, custody or disciplinary status. (NOTE: If an offender remains in a Level 3 segregated status for nine [9] consecutive months and fails to make arrangements for the 'restricted property', it will be disposed of by the agency.)
9. Upon departing a unit on a temporary basis or due to re-assignment, an offender must choose wisely what property he takes with him – as it must be placed into **one state-issued mesh bag** and fit into a two (2) cubic foot storage space. If permanently reassigned to another unit, an offender will generally receive the remaining property within 21 days following arrival at the unit of assignment. (NOTE: Offenders authorized additional legal storage may take one additional mesh bag of legal material; if going out on bench warrant or to court, they may take one mesh bag of legal material for each authorized legal storage container.)
10. If an offender departs due to parole or emergency absence, property left behind will be stored for a maximum of thirty (30) days; if out on bench warrant, property will be stored in the Property Room for a maximum of six (6) months. If the offender has not returned to TDCJ custody upon completion of these time frames, and has not made arrangements for the disposition of the stored property, it will be disposed of by the agency.
11. No offender may send out a property item, by mail or visitor, with the intent of having the item repaired and returned.

12. When an offender departs his cell or bunk area, his property must be stored in the following manner:
 - a. A photo and one each of hygiene items may be stored on a shelf, if available.
 - b. Shoes, state-issued necessity items, non-combustible items (e.g. typewriter, radio, fan, etc) shall be neatly stored in the housing area as designated by unit administration.
 - c. All remaining offender property must be stored in the closeable container.

K. Contraband

Possession of contraband is a violation of TDCJ rules.

1. Possession includes having an item on the body of an offender, among his belongings or in his cell or immediate living area, no matter who owns the item.
2. *Contraband is:*
 - a. Any item not allowed when the offender came to the TDCJ, not given or assigned to an offender by the TDCJ, and not bought by an offender for his use from the commissary
 - b. Any item altered from its original condition
 - c. Any item which, in the judgment of TDCJ personnel, unreasonably hinders the safe and effective operation of the facility
 - d. Items in excess of the amounts authorized or stored in an unauthorized manner
 - e. Any item received or sent through the mail that is not approved in accordance with the TDCJ Correspondence Rules
 - f. Anything an offender is not supposed to have: such as, but not limited to:
 - 1) Money
 - 2) Items used for gambling, such as dice and playing cards
 - 3) Books, magazines or newspapers that are not approved
 - 4) Clothes that are not approved
 - 5) Handcuffs or other items used for restraining offenders, including keys
 - 6) Tobacco or tobacco related items.
 - g. Any item used to violate a TDCJ rule.
3. Any contraband found on TDCJ property may be taken and disposed of according to procedures set forth by the TDCJ and the State of Texas.

L. Tobacco Policy

All facilities within the TDCJ are designated as tobacco free.

Offenders found in possession of tobacco products, paraphernalia or similar products may be charged with a disciplinary offense.

M. Safety Regulations

1. Every effort will be made to provide a safe living and work environment for offenders. It is the responsibility of each offender to exercise care, cooperation and common sense while performing their assigned job duties and daily activities.
2. Offenders will **immediately** report all injuries to their appropriate work supervisor or staff member.
3. Offenders must immediately report all safety hazards to their appropriate work supervisor or staff member, and must not continue to work in any area or on any equipment that has been deemed unsafe or improperly guarded by the work supervisor. If an offender's work supervisor or other staff member does not agree that an unsafe condition exists, the offender may report the situation to the Unit Risk Manager, either verbally or in writing.
4. Appropriate safety related personal protective equipment will be provided to offenders where necessary. It is the responsibility of each offender to use this personal protective equipment to protect against physical injury and health hazards. Offenders must wear safety goggles when performing operations such as: grinding, filing, mowing, etc. Hearing protection must be worn in all work areas designated with high noise levels. Work or safety shoes must be worn while performing assigned job functions, and safety shoes must be worn in all designated areas or job functions.
5. Offenders must perform only work that is assigned to them. Operating machines or equipment or performing any operation that has not been specifically assigned is strictly forbidden.
6. Offenders must not remove safety guards from machinery or equipment or operate machinery and equipment without required safety guards in place. Offenders must not adjust, oil, clean, repair or perform any maintenance on machinery or equipment that is in motion.
7. Offenders must not ride on the drawbars of farm vehicles and must not ride on tractors, forklifts, or other vehicles unless an authorized manufacturer installed seat is provided. Offenders must not stand in moving vehicles and must not sit where their legs hang over the sides of vehicles and trailers. Offenders must not dismount any vehicle until it has come to a complete stop.

8. The fabrication or repair of personal offender items on State equipment is prohibited, unless authorized in the Unit Craft Shops.
9. Any offender found in violation of these procedures or any other posted unit specific safety or risk management policy is subject to disciplinary action.

N. General Rules

Offenders shall make themselves aware of and follow all written rules and posted signs.

1. The possession or use of any tobacco products, paraphernalia, or related products is prohibited.
2. No loud or boisterous talking, no vulgar or abusive language will be allowed.
3. When talking to an employee or official, offenders will stand with arms by their side and call them Mr., Ms., or Officer **(Last Name)** or use their title. Offenders can identify the officer by the last name on his nameplate that is worn as part of the uniform. Offenders will show respect when talking with employees, officials, visitors and other offenders. Offenders will answer "yes, sir"; "no, sir"; "yes, ma'am"; or "no, ma'am".
4. No fighting, scuffling, horseplay, or similar activities will be allowed.
5. Offenders will not litter. Trash and garbage will be placed in trashcans.
6. Offenders will not alter, disfigure, damage or destroy any state property.
7. Offenders will not have playing cards, dice or any other item that can be used for gambling.
8. Offenders will not tamper with handcuffs, restraints or any security equipment.
9. Offenders will not take posted information from bulletin boards.
10. Offenders and their living areas may be searched at any time by staff.
11. Offenders are not allowed in unauthorized areas.
12. Offenders will not be allowed in their work areas except during their work hours, unless approved due to special circumstances.
13. Offenders will not traffic and trade postage supplies for other commissary items.

14. Offenders are expected to be dressed and ready when called for work, school or other turnouts. There will be no tardiness allowed by offenders.

15. Offenders are allowed to carry the following items to their job assignment:

- ✍ 1 authorized comb or brush
- ✍ 1 handkerchief (may not extend out of the pocket)
- ✍ Personal Identification card

All other items are prohibited in the workplace. In addition, offenders will not be allowed to take any item from the workplace back to the living area.

16. Offenders will not belong to any group or organization that has not been officially approved by the TDCJ or unit administration.

17. Offenders shall not wear sunglasses indoors unless medically prescribed.

18. It is the intent of the TDCJ to have all offenders immediately comply with lawful instructions or orders. An offender will obey the staffs' orders at all times, as long as the orders do not place him or those around him in physical danger, or would cause him to violate a TDCJ written rule or policy. In such cases, the written policy almost always would supersede the direct order.

19. An offender should be aware of how to handle situations in which he perceives himself to be the object of sexual advances by staff members. Any type of sexual advancement by any staff member directed toward any offender is a strict violation of policy. Similarly, it is a violation of the rules for offenders to direct advances towards officers or staff. Officers or staff may not solicit offenders in any way for any type of sexual favors. The same applies towards offenders. This includes any conversation(s) that might lead to sexual involvement or relationship of a personal nature. Personal correspondence with a staff member is prohibited.

In the event that an offender feels they are being pressured for sexual favors or to violate any institutional rule, the offender shall refuse to do the prohibited act and either:

- ✍ File a formal grievance
- ✍ Contact a ranking officer
- ✍ Contact Classification Staff
- ✍ Contact the Unit Warden
- ✍ Contact the Chaplain
- ✍ Contact the Office of the Inspector General
- ✍ Contact any staff member with whom he feels comfortable with to let them know and request their help.
- ✍ Write a family member and urge them to call the Ombudsman Office immediately.

IV. SAFE PRISONS PROGRAM

A. Offender Protection

TDCJ strives to maintain the safety and security of all offenders incarcerated within the Agency. However, in some situations, measures must be taken to achieve a greater degree of protection for certain offenders.

If an offender is being pressured by another offender for money, property, or sexual favors, the offender should immediately contact a Correctional Officer, Classification staff, the Warden, the Chaplain, the Office of the Inspector General, or any staff member with whom he feels comfortable. It is imperative that one of these individuals be contacted immediately so that they can help the offender be removed from a potentially serious situation.

B. Sexual Assaults

Rape and sexual abuse happen to females and males of all ages, from infancy to the senior years. 98% of males who have raped boys report they are heterosexual. Most males who assault men and women are married or report having girlfriends. Sexual assault has nothing to do with the victim's present or future sexual orientation. Victims may be either heterosexual or homosexual.

A survivor is not at fault for the rape even if she/he was in a secluded area or had previous consensual sex with the attacker. If males victims of sexual assault ejaculated or became sexually aroused, it does not mean they were not raped or that they gave consent. These are normal, involuntary physiological reactions. It is common for survivors of sexual assault to have feelings of embarrassment, anger, guilt, panic depression, and fear for several months or years after the attack. Other common reactions include loss of appetite, nausea or stomach aches, headaches, loss of memory and/or trouble concentrating and changes in sleep patterns.

1. Prevention

The only way rape can be prevented is when a potential rapist chooses **NOT** to rape. However, **YOU** may avoid an attack by keeping the following safety guidelines in mind:

- ☞ Position yourself in "Safe Zones" areas where you can see a staff member and the staff member can see you. If you are being pressured for sex, report it to any staff member immediately.
- ☞ Be aware of situations that make you feel uncomfortable. Trust your instincts. **IF IT FEELS WRONG, LEAVE, GET HELP, OR CALL OUT FOR A STAFF MEMBER.**
- ☞ Don't let your manners or pride get in the way of keeping yourself safe. Don't be afraid to say "NO" or "STOP IT NOW."
- ☞ Walk and stand with confidence. Many rapists choose victims who look like they won't fight back or are emotionally weak.

- ✍ Avoid talking about sex and casual nudity. These things may be considered a come on, or make another believe that you have an interest in a sexual relationship.
- ✍ Do not accept commissary items or other gifts from other offenders. Placing yourself in debt to another offender can lead to the expectation of repaying the debt with sexual favors.

2. If The Attack Has Just Happened...

Get to a safe place. **REPORT THE ATTACK TO A STAFF MEMBER IMMEDIATELY.** The longer you wait, the more difficult it is to obtain the evidence necessary for a criminal and/or administrative investigation. Request immediate medical attention; you may have serious injuries that you are not aware of, and any sexual contact can expose you to sexually transmitted diseases. Do not shower, brush your teeth, use the restroom, or change your clothes. You may destroy important evidence.

The person contacted will immediately take the offender to a safe place. The offender will be examined by qualified medical personnel and will receive treatment for any injuries while evidence is gathered. An offender victim representative (chaplain, psychologist, sociologist, case manager) may be requested at the time of the collection of evidence to counsel and provide any other support.

If you have been attacked or witnessed an attack, you should report the attack to any staff member, supervisor or the Unit Warden. You may also report the incident to the Office of the Inspector General Investigator assigned to your facility. All allegations regarding sexual assault will be investigated immediately by OIG.

Later on, seek the support of a trusted friend, family member, chaplain or the victim representative coordinator on your facility. The days ahead can be traumatic and it helps to have people who care about you to support you. Seek professional help. Mental Health staff is available for crisis care 365 days a year to listen and offer support.

3. Perpetrator

All cases of sexual assault are investigated by the Office of the Inspector General as a criminal investigation. You may be prosecuted for a criminal offense and if found guilty of a felony, any additional prison time (5 – 99 years) will be stacked on top of your current sentence in accordance with Texas law.

If you are convicted, your **VICTIM** will have an opportunity to write a statement which can impact your **SENTENCE LENGTH** and can affect your ability to parole. Also, you will be required to **REGISTER AS A SEX OFFENDER** upon release from prison.

YOU WILL BE ISSUED A DISCIPLINARY CASE if found guilty, sanctions will be harsh. In addition, your classification level will be reviewed and likely downgraded, which could mean a transfer to a higher security prison or housing unit with significantly less

freedom of movement and limited privileges. If you have family, this will affect your loved ones and their ability to visit you.

Engaging in **HOMOSEXUAL** conduct in prison significantly increases your risk of HIV infection, along with exposing you to other sexually transmitted diseases.

If you have trouble controlling your actions, seek help from mental health staff and/or consider participating in programs designed to control anger or reduce stress. To reduce immediate feelings of anger or aggression, try talking to or writing a friend, meditate, do breathing exercises to relax, or engage in some type of exercise.

4. General Appropriations Act 2002-2003 Biennium Conference Committee Report on Senate Bill 1.

May 2001

Safe Prisons Program. It is the intent of the Legislature that out of funds appropriated above the Texas Department of Criminal Justice (TDCJ) establish and maintains a Safe Prisons Program for the purpose of preventing and limiting the number of sexual assaults by offenders on offenders. Strategies to prevent sexual assaults that may be used in the Safe Prisons Program include, but are not limited to: use of protective custody; use of an offender's assault history in making cell assignments; use of an offender's likelihood of victimization in cell assignments; education of correctional officers on the importance of preventing sexual assault; education of new prisoners on the risks of sexual assault, including prosecution; the use of surveillance cameras; and the appointment of a Safe Prisons Program Coordinator. TDCJ shall report annually to the Legislative Budget Board and the Governor the number of sexual assaults by offenders on offenders and the actions taken on each assault. The Legislative Budget Board and the Governor may establish additional reporting elements. The Safe Prisons Program Coordinator reports directly to the TDCJ Correctional Institutions Division Director.

V. SECURITY THREAT GROUPS

Offenders who participate in gang related activities may be confirmed as a security threat group member. Those confirmed as a security threat group member will be assigned to administrative segregation. If placed in administrative segregation, you will be separated from the general population and you will lose a number of privileges. Other restrictions include: contact visits are not allowed; no participation in educational or vocational classes; emergency absence requests are not considered; good time credits will not be awarded; and movement is restricted. As a security threat group member, you could also become a victim of security threat group related violence and may even place your immediate family in danger.

If a confirmed security threat group member wishes to disassociate with their current affiliation, the offender may request to be considered for the Gang Renouncement and Disassociation (GRAD) Process. Upon approval, the offender must complete the GRAD process before they are reviewed for release from administrative segregation and returned to general population status.

VI. PROGRAMS AND SERVICES

A. Education

The Windham School District provides many educational programs and services to eligible offenders within the TDCJ. One of the main goals of Windham is to prepare offenders for release so they will not return to prison. Workplace skills are included in all programs.

Classes include instruction in reading, writing, and math as well as college courses on several units or facilities. The goal of all classes is to prepare students for work both in prison industry and for jobs after release from incarceration. The following programs and services are provided throughout the system:

- ✍ Testing and Assessment
- ✍ Counseling
- ✍ Academic Programs
 - ? Adult Basic Education (Literacy)
 - ? GED Preparation
 - ? Special Education
 - ? English as a Second Language (ESL)
- ✍ Personal and Social Development Programs
 - ? CHANGES
 - ? Cognitive Intervention
 - ? Parenting
 - ? Perspectives and Solutions
- ✍ Career and Technology Education (Vocational)
- ✍ College
- ✍ Job Placement – Project RIO
- ✍ Libraries

Most classes are held for three (3) hours per day, five (5) days per week. Not all programs and services are available at every unit or facility location.

1. Testing and Assessment

Offenders may take an educational achievement test (EA test) at an intake facility or on the unit of assignment. They also may be tested (aptitude and interest inventory) to identify the most appropriate job(s) or career(s) for them. Periodically, students take an EA test to determine educational progress. Also, the GED test is administered to eligible offenders.

2. Counseling

School counselors are available to help offenders decide which classes to take. They are available to give advice about preparing for jobs and careers after release. The school counselors also help students who have problems that affect their school participation.

3. Adult Literacy, Basic Skills and GED Preparation

Eligible offenders may enroll in academic programs. They can learn to read, write and do math. Students learn job skills and life skills that will

help them get jobs when they are released. Students can also study for and take the GED test. A GED is like a high school diploma and can help to make the student eligible for many jobs and college entrance.

4. Special Education

The Special Education program provides educational services to eligible offenders with disabilities. Offenders may be evaluated for this program by asking, or their teachers or principal may refer them. Disabilities that affect learning may qualify a student for special education. These include:

- ✍ Learning disability
- ✍ Emotional disturbance
- ✍ Mental retardation
- ✍ Orthopedic or other health impairment
- ✍ Visual or hearing impairment
- ✍ Speech impairment

The special education program has many services including special help in academic and vocational classes, computer-assisted instruction, speech therapy, Braille and large print materials, and sign language interpreters.

5. English as a Second Language (ESL)

The English as a Second Language program (ESL) is for offenders with little or no English speaking, reading and writing abilities. ESL helps with listening, speaking and beginning reading skills in English. Offenders are tested in English to check their progress with English reading and writing skills. After improving their English skills, students then attend regular academic or vocational classes.

6. Reintegration Skills

Reintegration programs offer life skills to prepare offenders for release. CHANGES, the name of the prerelease program, stands for Changing Habits and Achieving New Goals to Empower Success. The CHANGES program is offered to offenders within two (2) years of release. It includes many topics that are important to being successful in the freeworld.

- ✍ Personal Development
- ✍ Interpersonal Relations
- ✍ Civic and Legal Responsibilities
- ✍ Victim Awareness
- ✍ Health and Wellness
- ✍ Career/Employment
- ✍ Re-entry into Society

7. Cognitive Intervention

Cognitive Intervention is a class to help offenders make good decisions. It will help offenders avoid trouble and keep them from coming back to prison. The class includes many topics that would benefit offenders. Topics include:

- ✍ Self Control
- ✍ Problem Solving
- ✍ Thinking Errors
- ✍ Thinking Skills
- ✍ Choices and Consequences
- ✍ Anger Management
- ✍ Stress Management
- ✍ Time Management
- ✍ Goal Setting

8. Career and Technology Education

Windham offers training in numerous trade areas to eligible offenders. Programs prepare students for jobs after release. Most of the programs are 600 hours long. Students attend class six (6) hours per day, five (5) days per week. Most units or facilities offer several trades, some of which include:

- | | |
|---------------------------------|----------------------------------|
| ✍ Automotive Trades | ✍ Welding and Other Metal Trades |
| ✍ Construction Trades | ✍ Diesel Mechanics |
| ✍ Horticulture/Landscape trades | ✍ Computer Related Trades |

Windham also coordinates **On-the-Job Training** (OJT) for TDCJ. The OJT program provides employable skill training to those offenders who are assigned jobs where an employable skill may be learned. Offenders being trained are given work experiences that are suitable for similar occupations in the freeworld.

The **Apprenticeship Program** offers offenders training in many crafts. Each craft requires 2,000 to 8,000 hours of work background. Offenders must have 144 hours of related classroom instruction per year. The U.S. Department of Labor issues a Certificate of Completion of Apprenticeship to students who complete the program.

9. College Classes

All college expenses incurred will either be paid by the offender at registration or repaid by the offender upon release, per legislative requirement effective September 1995.

Academic

The state will provide only the cost of an offender's initial academic course each semester (which will be reimbursed to the state by the offender after release if not before.) Additional courses each semester may be taken, but will be at the expense of the student. These costs will be paid by the offender at registration from personal funds or by other financial aid arrangements between the offender and the college or university.

Academic courses are available on a wide variety of units in all areas of the state. Senior college level courses are available on selected units with limited major areas of study. Offenders housed on a unit that does not offer the academic program for which they qualify may request a unit transfer for participation by submitting the appropriate forms to the WSD

Counseling and Testing Office. The TDCJ State Classification Committee will make all decisions on unit assignments. For assistance with an education transfer, the offender must contact the current unit education department staff.

Vocational

The state will provide two college level vocational courses (which will be reimbursed to the state by the offender after release if not before.) Additional courses may be taken, on a space-available basis, but will be at the expense of the student. These costs will be paid by the offender at registration from personal funds or by other financial aid arrangements between the offender and the college or university.

College vocational courses are available to offenders on a wide variety of units. Offenders are assessed for aptitude and interest and placed on a waiting list for the requested vocational course. Offenders with the least amount of time remaining on his/her sentence receive priority placement in the requested course. Offenders housed on a unit that does not offer the vocational training course for which they qualify will be placed on the WSD District Wide Waiting List. WSD Counseling and Testing Office will arrange unit transfers for offender through the State Classification Committee. **The State Classification Committee will make all decisions on unit assignments.** Generally, an offender may participate in two college-level vocation courses while incarcerated. Only one college vocational course may be taken while the offender is outside of 5 years of a projected release or maximum expiration date.

Minimum requirements for enrollment in college programs are:

- ✍ A verified high school diploma, GED or at least 3 hours of transferable college credit from an accredited institution.
- ✍ Appropriate composite TABE score or a verified associate or higher degree.
- ✍ Appropriate classification and disciplinary status.
- ✍ Appropriate release date for course completion.
- ✍ Appropriate medical classification if required for the course.

10. Job Placement - Project RIO

Project Reintegration of Offenders (RIO) provides appropriate programs that are structured to reduce recidivism and unemployment of ex-offenders. This is accomplished by offering a linkage between Texas Department of Criminal Justice offender training services while incarcerated, to job placement and training programs after release, through the Texas Workforce Commission.

Project RIO helps offenders get a job after release. The Project RIO Specialist, located in the school, can assess work aptitudes and interest to help offenders decide what kind of job to prepare for while in prison, and what courses to take. The Project RIO Specialist will also help gather the documents each person needs to get a job in society. The Project RIO Specialist can also provide important tips about finding, interviewing for, and keeping a job.

To be eligible for Project RIO services, the offender must be close to release and meet all enrollment criteria.

11. Libraries

The Windham School District maintains libraries to support its educational programs and provide recreational reading opportunities for eligible offenders. The libraries offer a wide variety of reading materials, including reference books, library books, magazines and newspapers.

Offenders must follow established unit library rules and procedures posted in the library. The rules and procedures will show the scheduled library hours, the number of books that can be checked out, and the length of time on the books. It is the responsibility of the offender to make sure library books are returned to the library or put in a unit book drop box on time. Reference books, magazines, and newspaper are to remain in the library and cannot be removed.

Library books are state numbered property. Disciplinary action will be taken for loss, theft, damage, or destruction of books, reference books and magazines. Overdue library books are considered contraband.

12. School Rules

The Windham School District has rules to help create an orderly and positive atmosphere. A positive atmosphere helps people learn. The following rules apply to all students in the school:

- ✍ Students will arrive for class on time.
- ✍ Students will not leave the classroom or school without permission.
- ✍ Sleeping in class is not permitted.
- ✍ Eating, horseplay and profanity are not permitted.
- ✍ Students must be neatly groomed and properly dressed.
- ✍ Cheating on any schoolwork or test is not permitted.
- ✍ Students must do all their assigned work and take all required tests.
- ✍ Students are not permitted to bring personal property to the school.
- ✍ Excessive noise and other disruptive behaviors are not appropriate.
- ✍ Students shall not steal, damage or destroy school property.
- ✍ Students must follow all the TDCJ, unit, and school rules.
- ✍ Vocational students must read S.O.P. before operating power equipment and read M.S.D.S. before handling chemicals.
- ✍ Vocational students will wear eye protective gear when required.
- ✍ Students are not allowed to work on personal projects in class.
- ✍ Vocational students will check out tools according to established checkout procedures.

Violation of any of these rules may result in disciplinary action and the possible removal from school.

13. Information on Education Programs

Contact the unit Principal or Windham Counselor for information on any educational program or service. Enrollment in Windham School District programs is based on Individualized Treatment Plan (ITP) priorities.

B. Recreation and Non-Programmatic Activity

The TDCJ has developed guidelines for out-of-cell time which affords offenders the opportunity to engage in non-programmatic and programmatic recreation activities. Facilities and equipment are provided for eligible offenders to participate. Offenders on recreation restriction as a result of disciplinary actions may not participate.

1. Recreation and Non-Programmatic Activity

Non-programmatic recreation activities may include:

- ☒ Television viewing
- ☒ Dayroom games such as chess, checkers and dominoes
- ☒ Team sports including basketball, softball and volleyball
- ☒ Individual sports such as table tennis, handball, horseshoes and weight lifting
- ☒ Basic in-cell craft activities

Programmatic recreation activities include:

- ☒ Intramural/games
- ☒ Craft shop participation where available
- ☒ Tournaments/League Play
- ☒ Bodybuilding/powerlifting

2. Out-of-cell time requirements for non-programmatic and recreational activity.

- a. G1/J1, G2/J2, and G3 Custody offenders will be allowed a minimum of four (4) hours on weekdays, and seven (7) hours on the weekends.
- b. G4 Custody offenders will be allowed four (4) hours on weekdays, and four (4) hours on weekends. J4 Custody offenders will be allowed two (2) hours on weekdays, and four (4) hours on weekends.
- c. G5 Custody offenders will be allowed two (2) hours each day. J5 Custody offenders will be allowed one (1) hour each day.

3. Offender Craft Shop and Piddling

Note: State Jails do not have craft shops and piddling.

The use of the unit craft shop (commonly referred to as the piddling shop) is a privilege and will be treated as such. (Piddling cards shall be issued on a first-come first-served basis.) To participate in the craft shop program, an offender must:

- ☒ Have a time-earning status of at least Line Class I,
- ☒ Be classified as G1, G2, or G3 custody,

- ✍ Be assigned to TDCJ at least six (6) months prior to submitting a request for craft shop participation,
- ✍ Have a clear disciplinary record for the prior six (6) month period (no major or minor disciplinary case convictions),
- ✍ Have a job assignment (except for offenders who are medically unassigned), and
- ✍ Have sufficient funds on deposit with the Offender Trust Fund to make initial purchase of supplies/materials as follows:

Required start-up funds:

- | | |
|--------------------|---------------------|
| ✍ Basic Arts: | Minimum of \$ 25.00 |
| ✍ Woodworking: | Minimum of \$ 50.00 |
| ✍ Leather working: | Minimum of \$100.00 |
| ✍ Jewelry: | Minimum of \$100.00 |
| ✍ Other crafts: | Minimum of \$ 25.00 |

Offenders must satisfy the above criteria before submitting an I-60 request to participate in the unit craft shop program and be approved by the Warden or his designee.

Advanced in-cell piddling programs exist at the Warden's discretion. Advanced in-cell offenders must meet the above rules in order to participate in the craft shop program.

The Craft shop program is a privilege. The Warden may take away an offender's piddling privileges at any time.

4. In-Cell Art

All offenders who are eligible for commissary purchases may purchase basic art supplies from the commissary for use in their cells. Once purchased, basic art items shall be considered personal property with the appropriate restrictions applied regarding storage and use. The following provisions also apply:

- ✍ The sale of any artwork from the in-cell basic art program is prohibited.
- ✍ Basic art items purchased by an offender for in-cell artwork shall be used for recreational purposes only.
- ✍ When an offender has abused the privileges extended with the in-cell basic art program, his privileges may be restricted in accordance with TDCJ disciplinary rules and procedures.

C. Health Services

Health care is provided for offenders who have medical, dental, psychiatric and psychological problems. Also, physically handicapped offenders receive services through the Physically Handicapped Offender Program.

1. Medical Services

The health needs of each offender are assessed when he/she enters prison. Basic medical services including emergency care, sick call and ongoing care for chronic illness are offered at each unit. Licensed medical professionals provide health care. Offenders who need special care may be sent to a unit, which

provides the specific service(s), needed. Offenders needing hospital care are sent to the TDCJ Hospital at Galveston or to other hospitals which serve TDCJ.

Offenders who have trouble seeing, hearing, speaking or walking can get help from Medical Services. Their problems are assessed and care is provided if needed. All offenders may access the medical department by submitting a sick call request slip or by direct request to a security officer or supervisor. In accordance with state law, if a visit to a TDCJ facility health clinic meets offender health care co-payment criteria, a \$3.00 co-payment fee will be charged. Access to health services will be provided regardless of the offenders' ability to pay this fee. Specific details on unit procedures will be provided at unit orientations and will also be provided in writing. In the event of an emergency, offenders may request a correctional officer or supervisor to contact the medical department on their behalf. The medical department staff will provide direction as to disposition based on their clinical judgment.

2. Dental Services

All offenders may ask for dental care. Offenders can use the Sick Call Request form to ask for an appointment. The Sick call request slip can be found in the housing areas. The dentist decides who needs treatment and when treatment should be given. The most pressing needs are treated first. Swelling, pain, or infection is urgent. Filling a small cavity or just cleaning teeth is not urgent. An offender with these problems may have to wait to be treated.

Offenders are given a toothbrush and tooth powder at the Reception and Diagnostic Centers. When they get to their unit of assignment, they will be given information about oral hygiene aids available. Offenders will get instructions on how to keep their teeth and gums in healthy condition. Offenders must be able to demonstrate that they can keep their teeth and gums healthy before receiving dental care other than emergency or urgent dental care.

The type of dental care offered includes:

- a. examination
- b. X-ray
- c. cleaning
- d. dental care and health education
- e. silver and tooth-colored fillings
- f. stainless steel temporary crowns
- g. pulling of teeth and oral surgery

Dental services **NOT** provided include:

- a. gold or porcelain crowns or bridges
- b. braces
- c. dentures (unless there is a severe medical condition requiring them)

3. Pharmacy Services

Medicine may be obtained at the pill window or the commissary. Prescriptions may be picked up at the pill window after 24 hours. The offender will need his ID card to get medicine at the pill window. Some prescriptions may take longer to arrive. The person at the pill window can answer questions about the medication.

Offenders are allowed to carry some medications on their persons, as determined by the prescribing doctor. The offender may be given the entire card of medication to be locked up with his personal belongings.

Medication such as vitamins and some over-the-counter medicine can be purchased in the commissary. The commissary officer can help offenders to know what medicines are sold there.

4. Psychiatric and Psychological Services

Psychiatrists, psychologists, nurses, and other trained professionals are available to help with mental health issues. Offenders can use form I-60 to ask for mental health services. For immediate assistance, offenders may contact a correctional officer or supervisor who will notify the mental health or medical department.

An offender may be sent to a special Psychiatric Center unit if his problems are severe. Trained staff can help an offender with these problems to get well.

Mental Health Services provides the following:

- ☞ Evaluates offenders for potential mental health problems.
- ☞ Diagnoses mental illness and determines which method(s) of treatment will be most effective and beneficial to offenders.
- ☞ Provides access to mental health services for offenders who send a sick call request (SCR) or an I-60. Access to services will include crisis intervention. Access to services may include "follow-up" appointments.
- ☞ Provides treatment to mentally ill offenders. This may or may not include medication.
- ☞ Ensures confidentiality, but recognizes its limits within the prison.

Mental Health Staff cannot:

- ☞ Approve, authorize or make telephone calls for offenders.
- ☞ Change custody levels, line classes, etc.
- ☞ Run the unit or judge unit operations or employees.
- ☞ Tolerate threats. Offenders are responsible for their own behavior.

5. Mentally Retarded Offender Program

The Mentally Retarded Offender Program helps offenders with severe learning problems. Test scores and other information help staff decide who needs this special help. Offenders learn to read and do math. They learn to work and to live with other people. Services include:

- a. case management
- b. basic school work
- c. job training
- d. psychological help
- e. counseling
- f. recreation and
- g. work opportunities

Offenders who need this type of help are also assisted with finding these services in the freeworld when they are released.

6. Complaints about Medical Services

Any offender who feels that he/she did not receive medical care that is necessary and appropriate should contact the treating professional at their unit of assignment. If the offender is unsatisfied with the response from the treating professional, each facility has an informal complaints process in place. The offender should submit an I-60 and/or letter to the facility based complaint coordinator, who is the facility Health Administrator. If the offender continues to be dissatisfied with the response from this process, the offender has the option of filing a grievance (I-27) through the Offender Grievance Process.

*As of September 1, 2004, the Patient Liaison Program was removed as an avenue for offenders to contact concerning their dissatisfaction with medical services.

D. Substance Abuse Treatment

The Substance Abuse Treatment Program provides assessment and chemical dependency treatment service to offenders incarcerated in both state prisons and state jails.

1. Intensive treatment is provided on prison units located strategically throughout the state. Intensive treatment is facilitated by the Therapeutic Communities that include cognitive and behavior therapy, twelve step programs, and secular recovery programs. These are available to assist offenders in living a sober and responsible lifestyle.
 - a. There are two types of intensive therapeutic community programs.
 - (1) LeBlanc and Hamilton Units offer programs that are approximately 6 months in duration. These are pre-release programs designed to help chemically dependent offenders with their recovery and reentry to the community. The Parole Board determines which offenders attend these programs.
 - (2) There is also an In-Prison Therapeutic Community Program for males at the Kyle Unit and for females at the Halbert Unit. These use the same treatment principles as the pre-release programs. Offenders with a FI-5 vote from the Parole Board may be placed in these programs.
2. Offenders in State Jail or State Prison units generally may attend self-help groups such as Alcoholics Anonymous, Narcotics Anonymous, or Secular Organization for Sobriety.

3. State Jail units, in addition to self-help groups, may also offer substance abuse-related peer education programs to eligible offenders. Unit administration can help you determine what programs are available to you.

Should you have further questions, you may write the Substance Abuse Treatment Program at:

Truck Mail: Substance Abuse Treatment Program
West Hill Mall – Huntsville

First Class: #2 Financial Plaza Suite 370
Huntsville, Texas 77340

E. Religious Services

Religious services and support are provided to all interested offenders. There is at least one (1) chaplain assigned each unit. Chaplains provide general spiritual support. Chaplains listen, advise and guide. They help offenders to stay in touch with their families.

Unit Chaplains participate at Offender orientations and make available to each incoming offender information about Chaplaincy. Chaplains function as members of the Warden's Executive Management Team and the Post Trauma Treatment Team, which provides important and essential resources to the offender population.

At times, volunteers help Chaplains with their duties. Volunteer groups also come into the prison to sing, preach, teach and to provide other help.

News about religious programs is posted on unit bulletin boards. Leaflets may also be passed out to tell about programs. Sometimes offenders may hear about a program or service from other offenders. All eligible offenders may attend the unit services. If sick or in administrative segregation or solitary, offenders may have a chaplain or volunteer visit.

F. State Counsel for Offenders

State Counsel for Offenders (SCFO) can provide independent legal counsel to indigent offenders incarcerated in TDCJ-CID. This service is only for offenders who cannot afford to pay an attorney to assist them with their legal problems. SCFO operates independently of TDCJ and all legal correspondence between an offender and SCFO is confidential under the laws concerning attorney-client privileges.

There are five legal sections within SCFO: Trial, Appellate, Civil Commitment, Immigration and General Legal. These sections perform the following functions:

1. The **TRIAL** Section represents indigent offenders who are indicted for felonies allegedly committed while incarcerated within TDCJ-CID. Legal assistants and investigators assist attorneys in this section. Investigators will frequently visit with offenders first to gather information about the alleged crime, interview witnesses and take photographs. Attorneys will represent the offender in all court appearances, file all necessary motions, obtain plea agreements, and try the case.

NOTE: Correspondence with SCFO employees about the case is privileged and confidential. Any other communication between an offender and other people (including other offenders) is NOT confidential and can be used against the offender during a trial or other administrative proceeding.

2. The **APPELLATE** Section assists indigent offenders who need help with appeals and writs. If the offender represented by a Trial Section attorney is convicted of a crime, SCFO may pursue an appeal on behalf of the offender. If the appellate section pursues the case, they will prepare briefs and argue the case before the appropriate appellate courts.

Attorneys will also assist offenders who discover substantial errors in their convictions. It is important for the offender to be very specific about the error that was made in the case. Most errors will not result in a reversal of the case or the right to a new trial. Attorneys may assist offenders by researching whether there is a valid, provable legal reason to file a writ of habeas corpus or a direct appeal to either set aside or modify the conviction or sentence.

LEGAL ASSISTANTS, working under the direction of the APPELLATE Section, investigate time credit issues to determine whether an offender is receiving all their time credits. Offenders who feel TDCJ is improperly computing their time credits should first use the Dispute Resolution Process to resolve the error.*

The Dispute Resolution Process cannot resolve jail time credit problems brought about by mistakes on the Judgment and Sentence that is holding them in custody. Offenders who feel the judge failed to award enough jail time credit on the judgment should skip the Dispute Resolution Process.

3. The **CIVIL COMMITMENT** Section represents indigent offenders facing commitment under Chapter 841 of the Health and Safety Code, commonly known as the Sexually Violent Predator (SVP) statute. Attorneys, legal assistants and investigators work together to help provide a defense to civil commitment. Attorneys will handle all parts of the case, including discovery, depositions and trial. If an offender is civilly committed, the Appellate Section will determine whether there are any issues to appeal. Under some circumstances SCFO may continue its representation of the offender in the appellate process.

4. The **IMMIGRATION** Section assists indigent offenders who are docketed to appear before the Immigration Judge as part of a removal proceeding (formerly known as “deportation”). SCFO will receive a notice if a TDCJ-CID offender is the subject of a removal proceeding and will visit the offender upon the offender’s arrival at a Huntsville unit for the removal hearing. If the attorney determines the offender has a defense to removal, SCFO will represent the offender at the removal proceeding.

The Immigration section will also assist offenders interested in the Prisoner Exchange Program. That program allows offenders to serve the remainder of their sentences in their own country. Not all countries participate in the program.

Any offender who has questions about an immigration issue may write SCFO for assistance.

5. The **GENERAL LEGAL** Section provides assistance for matters not covered by one of the other sections. Attorneys in this section can assist offenders with pending charge problems, detainers, and probation revocation waivers. They can also provide answers to questions about civil actions, powers of attorney, expunctions, divorces, termination of parental rights and marriages by proxy. Basic information about all these topics is included in the 9th Edition **Legal Handbook**. Offenders should consult the **Legal Handbook** before writing SCFO for assistance.

How Offender Can Get Help

Offenders who want help with legal problems should first consult the 9th Edition of the **Legal Handbook**. The **Legal Handbook** contains valuable information, along with sample pleadings and letters, that can help answer many legal questions. Offenders who need help using the **Legal Handbook** should ask the Law Librarian. If the **Legal Handbook** does not answer the offender's question, the offender should write SCFO with the specific issue or problem they are having by using an I-60. If the issue or problem cannot be adequately explained on the I-60, the offender should write on regular paper, place the contents in an envelope marked "Truck Mail" and send the letter to SCFO. It helps speed up the process if the offender places the correct section (Trial, Appellate, Civil Commitment, Immigration or General Legal) on the correspondence. If the offender's problem involves time credits and the Dispute Resolution Process was not successful in resolving the issue (or was not used – see * above), the offender should obtain a Jail Time Questionnaire form from the Law Librarian, fill it out, and send it to SCFO.

Offenders must contact SCFO directly – the request for help cannot come from friends or family members. **ALL REQUESTS MUST HAVE THE OFFENDER'S NAME AND TDCJ NUMBER.** If that information is missing, SCFO cannot help the offender.

SCFO **CANNOT** assist offenders with civil rights issues, disputes about TDCJ policy or procedures, fee-generating cases, or parole decisions. For help with those issues please see Chapter 1 of the 9th **Legal Handbook**.

G. Language Assistance (Asistencia de Lenguaje)

La TDCJ provee asistencia de lenguaje en varios programas y áreas de servicio para delincuentes quienes hablan solamente el español, o quienes estan muy limitados en su habilidad de hablar el ingles. Esos servicios incluidos son:

The TDCJ provides language assistance in several program and service areas for offenders who speak only Spanish or who are very limited in their ability to speak English. Those services included are:

Grievance Procedure - Offenders who are involved in the grievance procedure and need language assistance because they are having difficulty understanding the Grievance response should contact a *Spanish Staff Interpreter* to request language assistance.

Disciplinary Process - Offenders involved in the disciplinary process who need language assistance will be provided such assistance as required. The counsel

substitute assists offenders in preparing for the hearing by gathering witness statements, securing any relevant documentary evidence and other relevant information as necessary. The counsel substitute will represent the offender during the hearing.

Documents in Spanish - The TDCJ provides many documents and informational notices in Spanish. If an offender needs a document or notice in Spanish, he should contact a *Spanish Staff Interpreter* who will determine if the information is already available in Spanish and get the offender a copy, if appropriate.

Law Library - Offenders in need of language assistance in the law library should contact the Law Library Supervisor.

State Counsel for Offenders - Offenders who need language assistance to communicate with a state counsel (attorney) or paralegal should contact the unit law library and request language assistance.

Windham School District - The Windham School District offers English as a Second language at a number of facilities for offenders who speak little or no English.

H. Correspondence Rules

Offenders may send and get mail while in the TDCJ. There are four types of correspondence including general, special, legal and media correspondence. The rules governing offender correspondence are found in Chapter 3 of this handbook. Read them closely.

Offenders may send letters to as many people as they choose. Offenders must go through the TDCJ to receive and send mail. Mail may not be smuggled in or out of TDCJ units or facilities. All rules for sending and receiving mail must be followed.

Offenders should tell their family and friends to address their letters with the offender's name, number and unit address. Offenders may not get packages from friends and family. Offenders may receive approved publications, such as magazines, books or newspapers, from the publisher or store that sells them. Offenders may receive writing paper from legitimate suppliers or vendors. Family or friends may not send writing paper in packages. Offenders may not receive cash on delivery (C.O.D.) items or packages with payment on approval from any source. Offenders may not receive money, stamps, or other negotiable items in the mail. Money can be placed into an offender's account using the process described in sub-section L, of this chapter.

Offenders may buy stamps and writing paper in the commissary. Offenders with less than \$5.00 in their trust fund may request correspondence supplies. The mailroom or law library provides this service. Rules for getting postage stamps or paper are posted on each unit.

Each unit has a mailroom. TDCJ employees staff the mailroom. No offender may handle the mail of another offender. An offender with questions about the mail should see a mailroom supervisor.

I. Visitation

It is the policy of the TDCJ to enable and encourage offenders, consistent with security and classification restraints, to have visits with family members and friends. Visitation within a TDCJ unit will be conducted in an accommodating manner, in keeping with the need to maintain order, the safety of persons, and the security of the unit. Offender visits may be subject to electronic monitoring by investigators of the Office of the Inspector General. Offender visits are conducted in accordance with the provisions of the Offender Visitation Plan and under the direction of the Warden.

While it is recognized that visitation is an integral component of the rehabilitation process and every effort will be made to ensure that visits are conducted under the least restrictive protocol available, offenders *will not* be assigned to a unit *solely* for convenience of visitation privileges. While it is recognized that unit assignments may create hardships for visitation, these assignments are based on considerations other than offender or family convenience.

For general and contact visitation rules, refer to the Offender Visitation Rules in Chapter 2 of this Handbook. For information on legal visits, refer to the Access to Courts Rules in Chapter 4.

J. Telephone Calls

It is the policy of the TDCJ to allow eligible offenders to make telephone calls. An offender's use of the telephone is an earned privilege based on a good conduct and work record. It is not the department's policy to accept incoming telephone calls for offenders, except under emergency circumstances as determined by staff.

1. To be eligible for telephone calls, offenders must:
 - a. be on their unit of assignment for 90 days (30 days for State Jail offenders)
 - b. not have any disciplinary violations within the last 90 days (30 days for State Jail offenders)
 - c. be engaged in full-time work, school or treatment. (Offenders whose medical condition keeps them from working and who meet all other requirements will be eligible),
 - d. have the person being called listed on their approved visitor list.

Generally, offenders shall be Level 1, 2, or 3 custody. Level 4 custody offenders shall be allowed telephone calls if they are SAT 3 or 4, with a year clear of major disciplinaries (State Jail offenders must also have a year clear of major cases), and the Warden has no security concerns regarding the call.

Offenders who are in other custody categories shall only be eligible at the Warden's discretion.

2. All outgoing calls must be made collect with the following limitations:

- a. Offenders shall be limited to one (1) phone call every 90 days (30 days for State Jail offenders)
 - b. All calls will be no longer than five (5) minutes long. If the offender cannot reach someone at the number he called, he may try another number.
 - c. Calls may be further restricted during high traffic periods, such as Christmas holidays, where a three (3) minute limit would allow more calls to be made.
- 3. No offender will be on the phone at count time. No offender will delay count because of a telephone call.
 - 4. Offenders making telephone calls will conduct their telephone conversations in an acceptable manner. Offenders making telephone calls will use understandable conversation. No code language will be allowed. Loud, boisterous conversations will not be permitted. Threats, obscenities or other abuses will cause an offender to lose his telephone privileges. Security staff will monitor all calls.
 - 5. Telephone calls may be subject to electronic monitoring by investigators of the Office of the Inspector General.
 - 6. Offenders requesting telephone privileges shall submit an I-60 to the Major or his designee. The following information must be included:
 - ✍ Offender's name and number
 - ✍ Housing and job assignment
 - ✍ Date of last phone call
 - ✍ Name and relation of the person to be called
 - ✍ Reason for the call

Note: Procedures may vary on SAFP facilities.

K. Emergency Absences

An Emergency Absence is an approved leave of absence from prison for a day under escort of TDCJ staff. They are granted for emergency reasons only.

An Emergency Absence is a privilege - not a right. It is granted to offenders who are trustworthy, work hard and who are considered acceptable security risks by TDCJ to be temporarily released to the general public and who meet the basic criteria set forth by TDCJ.

1. Emergency Absence

Emergency absences are granted to:

- a. attend funerals, or visit a funeral home to view a deceased immediate family member
- b. visit critically ill immediate family members. "Immediate family" is defined as an offender's parents, spouse, children and siblings.

Offenders cannot request an emergency absence. Only doctors or Funeral Home Directors on behalf of the offender's family can make requests for emergency absences. These absences are granted for no longer than one (1) day.

2. Emergency Absence Eligibility Requirements

To be considered for an emergency absence, an offender must meet the current TDCJ established criteria listed below and be approved by the State Classification Committee and other parties concerned.

Eligibility Criteria – AD 04.56 Non-Medical Emergency Absence Review Procedures

- a. Must be at least Line Class I G3 custody and have been in the custody of the TDCJ for six (6) months;
- b. State Jail offenders must be at least J2 custody and have been in the custody of the TDCJ for six (6) months or one-third (1/3) of sentence, whichever comes first;
- c. Must be within 12 months of parole eligibility, if applicable;
- d. Must not have been convicted for any of the offenses listed below (to include soliciting, attempting, conspiring, or aiding others to engage, solicit, attempt or conspire to commit any of the listed offenses); or have been incarcerated in or sentenced to an adult correctional facility for any felony offense during which violence was used in the commission of the offense as identified by TDCJ records;
 - (1) Homicide (Capital Murder; Murder; Manslaughter; or any other homicide offense);
 - (2) Kidnapping (Aggravated Kidnapping; Kidnapping; unlawful restraint or any other Kidnapping offense);
 - (3) Sexual Offense (Rape; Sexual Assault; Sexual Abuse; Aggravated Rape; Aggravated Sexual Abuse; or any other Sexual Assault offense to include Indecency with a Child);
 - (4) Robbery (Robbery; Aggravated Robbery; or any other Robbery offense);
 - (5) Assault (Assault; Aggravated Assault; Injury to a Child; Injury to an Elderly Person; or any other Assault offense);
 - (6) Escape (Any Escape offense from an adult correctional facility); or
 - (7) Any offense in which the offender used or exhibited a deadly weapon during the commission of the offense or during immediate flight therefrom and where an affirmative finding on use of a deadly weapon was made by the trial court or jury;
- e. Must not have had any disciplinary rule violations, which resulted in major penalties within the past six (6) months, or have a disciplinary history of assaults on staff;

- f. Must not have been convicted of an offense under Section 42.072, Texas Penal code (Stalking).
- g. Must not have an unresolved or pending felony or U.S. Immigration detainer;
- h. No out-of-state emergency absences;
- i. An offender may be released on an emergency absence not more than 2 times during a 12 month period.

L. Inmate Trust Fund

Offenders are required to surrender all money they have in their possession to officials at the receiving location. The offender will be given a receipt showing money relinquished. Money found on an offender after the first day of confinement will be confiscated as contraband and the offender will be charged with a disciplinary violation.

The offender's TDCJ number also serves as his Inmate Trust Fund account number. The name on the account will be the same as that listed in the official TDCJ records. An offender's funds will be disbursed solely at his request. *Inmate Trust Fund* reserves the right to correct any error.

There are several ways for family/friends to deposit money in an offender's account.

✍ **MONEY ORDERS OR CASHIER'S CHECKS** made payable to "Inmate Trust Fund for *Offender Name and Number*"

-Obtain deposit slips from offender or by sending an addressed, stamped envelope to Inmate Trust Fund

-Send deposits and/or requests for deposit slips to Inmate Trust Fund, P.O. Box 60, Huntsville, Texas 77342-0060

✍ **MONTHLY CHECKING ACCOUNT DEBIT (ACH)**

-Complete an ACH authorization form (available on request from the Inmate Trust Fund) and have a set amount automatically debited for a personal checking account once each month for deposit to a specified offender

-Attach a voided check on the account to be debited

-Select date, 5th or 15th, debit transaction will occur each month

-Submit form with voided check to Inmate Trust Fund, P.O. Box 60, Huntsville, Texas 77342-0060

-Free service provided by TDCJ

✍ **WESTERN UNION QUICK COLLECT** from anywhere in the United States. All three Quick Collect products are subject to different fees, send amounts, and other restrictions in certain states. Standard fee for over-the-counter Quick Collect transaction at a Western Union location is \$9.95. Deposit will post to offender's account within 24 hours.

Western Union Quick Collect

-Call Western Union at 1-800-325-6000, or visit www.westernunion.com to find the nearest Western Union location

Western Union Quick Collect by Phone

-For **credit card transactions**-call Western Union at 1-800-634-3422 (Press 2 to send Q/C payment)

Western Union Quick Collect Online

-For Web transactions, visit www.westernunion.com

For each Quick Collect transaction the following information must be provided:

Pay to: TDCJ-Inmate Trust Fund
Code City and State: TDCJ/TX
Account number with Facility: Offender's TDCJ number and offender's last name
Attention: Offender's last name and offender's first name

- ✍ **Western Union Convenience Pay** offered at select locations within the state of Texas. Send up to \$200 to an offender's trust fund account for a service fee of \$3. Call 1-800-354-0005 to find a Convenience Pay agent location. Retail location includes Kroger, HEB, Minyard's, Sack 'n Save, Carnival and selected Western Union agent locations.
- ✍ **ACE, America's Cash Express** from anywhere in the United States. Deposit funds to an offender's trust fund account for a service fee of \$3. For the nearest ACE location, call 1-866-734-2306 or visit their web site at www.acecashexpress.com.
- ✍ **Jpay** allows you to send money to an offender for service fees ranging from \$1.95 to \$8.95. Visit their web site at www.jpays.com or call 1-800-574-jpay to send funds using Visa, Discover, or MasterCard credit/debit card. Senders can make cash deposits at any MoneyGram location nationwide using an Express Payment form. Senders may also make cash deposits from their home after setting up a cash collection account with a Jpay customer representative,

Do not send trust fund deposits to the offender's facility of assignment and do not send the offender's personal mail or personal items (stationary, pictures, etc.) to the Inmate Trust Fund.

The Inmate Trust Fund can respond to questions regarding deposit receipt, but other information concerning the offender's account activity can only be released to the offender. Offenders receive monthly bank statements itemizing account transactions.

Personal checks are not accepted and will be returned to the sender or destroyed. Sending cash through the mail is not recommended. Money orders and cashier checks of \$500 or more, insurance checks and company checks require two weeks to clear before the offender can use the funds. The Inmate Trust Fund does not pay interest; therefore, the account should hold no more than what is required to meet the offender's immediate needs. Offenders with excess funds are encouraged to open a savings account with a banking facility of their choice.

The Inmate Trust Fund does not forward personal mail or other items sent with money deposits. Packages for offenders received at Offender Trust Fund will be refused and returned at the sender's expense.

An Inmate Trust Fund Account is held under the authority of TDCJ. Anyone who deposits or maintains funds in an Inmate Trust Fund Account thereby agrees to be bound by agency policies concerning such funds which are in effect at the time these funds are placed in the account or thereafter. These policies include the forfeiture and disposition of the contents of such accounts. The agency may decide what funds will be deposited, what funds may be withdrawn and to whom these funds may be paid.

In general, offenders may not receive gifts or fees from other offenders. A deposit from one offender to another may be made only by transfer from one Inmate Trust Fund (ITF) account to another and must have unit administrative approval. This approval must be obtained even if the depositing offender has made previous deposits to the receiving offender's account.

Deposits from one offender to another, processed through an outside person or bank, shall be considered a violation of the TDCJ "Trafficking and Trading Rules" regardless of whether accepted for deposit or received by the ITF Department. Suspected violations shall result in an investigation. Confirmed violations of deposits between offenders may result in disciplinary action against any offenders involved in any unauthorized transactions, whether depositors or recipients. If an offender reports unauthorized transactions that are afterward determined to be in violation of the stated policy and voluntarily signs a waiver for forfeiture of the funds received, no disciplinary action will be taken.

Moreover, funds gained through extortion (by coercion, deception, or violence) may be forfeited. If an offender is found guilty of extorting money that has been deposited in his trust fund account, or has been received without authorization as described above, the offender shall forfeit title to the funds.

M. ID Cards

Normally, within two (2) to seven (7) days after an offender is received, he will be issued an identification card. The ID card will be used for commissary purchases, dispensing of medication, meals served, access to authorized areas within the unit and participation in various programs as well as other general security requirements. Offenders are required to carry their ID card at all times. It is the responsibility of every offender to immediately notify the security office, Commissary Officer or Warden's office if his ID card is lost, stolen or damaged. The ID card is property of the state and is furnished as identification for offenders. The ID card may become the offender's property upon parole, discharge or mandatory supervision, if needed for identification. Offenders will give or show their ID cards when asked by an officer or staff.

Pursuant to A.D. 03.83 "TDCJ Offenders who Refuse To Comply with Grooming Standards" ID cards will not be issued to offenders not complying with agency grooming standards.

It is a violation of the TDCJ offender rules and regulations for any offender to:

1. **NOT** be in possession of his ID card. If an offender does not have his ID card with him, it will be considered a refusal or failure to obey orders;
2. willfully damage, change the appearance of the card, abuse or destroy one's own or another offender's ID card. Such actions shall be considered as damaging or destroying property belonging to the state, or another offender;
3. be in possession of any other offender's ID card. Offenders in possession of another offender's ID card shall be considered possessing contraband or unauthorized property;

4. use or try to use another offender's ID card for any purpose. Offenders who try to use another offender's ID card shall be considered in possession of contraband or unauthorized property, or stealing property belonging to the state or another offender;
5. use, try to use or conspire to use any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained ID card for any purpose, knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained. Offenders who commit these offenses shall be considered stealing property belonging to the state, or another offender;
6. receive or try to receive money, goods or any item of value by use of another offender's ID card or by use of a counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained identification card. Offenders who knowingly commit these offenses shall be considered stealing property belonging to the state or another offender, or
7. give or loan an ID card to another offender so that offender can obtain, or attempt to obtain, extra benefits through use of another card. Offenders who loan or give their ID cards to another offender shall be considered trafficking and trading contraband/commodities.

Violations of these rules subject an offender to disciplinary proceedings and penalties in accordance with the **Disciplinary Rules and Procedures**.

N. Commissary

Commissaries are stores within the prison where items not furnished by the state may be purchased. The ID card given to offenders can be used to make commissary purchases, as long as they have funds in the Inmate Trust Fund to cover their purchases and they are not on commissary restriction as the result of disciplinary action.

There are two (2) types of purchases that can be made at the Commissary - regular and special.

Regular Purchases are those items purchased within a two (2) week period, such as soft drinks, pastries, and food. Regular purchases are limited to \$75.00 every two (2) weeks, with the following exceptions:

- ☞ G4/J4 custody offenders may spend \$30.00 every two (2) weeks; however, S3, S4 and State Jail offenders with one (1) year clear major disciplinary record shall be allowed to make purchases up to \$75 every two (2) weeks.
- ☞ G5/J5 custody offenders are allowed to spend \$20.00 every two (2) weeks.

Administrative Segregation Offenders may make purchases according to the following guidelines:

- Level I** may purchase \$60.00 every two (2) weeks.
- Level II** may purchase one of each personal hygiene items (toothbrush, toothpaste, deodorant, soap, shampoo, comb, sunscreen, fan, tampons, and beachcombers), and a

maximum of \$10.00 in correspondence supplies (stamps, stamped envelopes, legal pad, writing tablets, envelopes, pens, and pencils) every two (2) weeks.

Level III may purchase a maximum of \$10.00 in correspondence supplies (stamps, stamped envelopes, legal pad, writing tablets, envelopes, pens, and pencils) and one each of personal hygiene items.

Death Row Offenders may make purchases according to the following guidelines:

Level I may purchase \$75.00 every two- (2) weeks.

Level II & III may purchase a maximum of \$10 in correspondence supplies, and one each of personal hygiene items.

Special Purchases are not limited by dollar amount, but limited in quantity to one (1) of each item per offender. Availability of these items is at the Warden's discretion. The following items (available through the unit commissaries) are classified as special purchase items.

- | | |
|-------------------------|--|
| Radios | Hotpot |
| Clock | Dominoes |
| Fan | Earbuds |
| Chess set | Typewriter |
| Calculators | Headphones |
| Clothing items | Curling iron |
| Hair dryer | Storage locker |
| Print wheels | Start rite kit |
| Shoes (no beachcombers) | Radio boosters |
| Perm kits | Multiplug power strips with surge Protectors |
| Watch | |

Note: Some of these items are not available on State Jails and SAFF's due to the absence of available electrical plugs.

The Commissary prices are set by the Manager IV for Commissary and Trust Fund in conjunction with the Program Administrator for Commissary Warehouses and can change at any time with proper notice. All items bought from the Commissary must be for the offender's personal use. Any item bought from the Commissary must be used for its intended purpose.

O. Voter Registration

An offender may be eligible to vote. In order to vote, he must meet the following criteria:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined mentally incompetent by a final judgment of a court;
- (4) has not been finally convicted of a felony or, if so convicted, has:
 - (a) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court
- (5) is a resident of this state; and

(6) is a registered voter.

You may obtain further information from the Registrar of Voters in your county or from the Elections Division of the Secretary of State's office.

P. Offender Request To Official (I-60) Form

Offenders can ask for help by using the Offender Request to Official (I-60) form. I-60 forms are available in living areas and in various other places on the unit. An offender asking for help should briefly write his problem or request on side 1 of the I-60 and fill in his name, number, date of the request, unit of assignment, living quarters and work assignment on the bottom. The offender should also complete side two of the form by checking the appropriate box, if one applies, and addressing it to the individual or department he is asking for help. If it is unknown which individual or department the I-60 should be addressed to, the unit Chief of Classification has been appointed as the point of personal contact for all offenders and will provide assistance and/or advice as needed. The I-60 can be sent through truck mail or placed in the appropriate box on the unit. A response, an appointment or some action should be made to the I-60 as soon as possible by the appropriate department or individual.

Q. Administrative Segregation Plan

The purpose of the Administrative Segregation Plan is to provide uniform rules and regulations for the use of Administrative Segregation/Special Management within the TDCJ. Administrative Segregation/Special Management is a non-punitive status involving separation of an offender from the general population for the purpose of maintaining safety, security and order. Administrative Segregation/Special Management consists of the following categories:

1. Security Detention,
2. Pre-hearing Detention,
3. Protective Custody, and
4. Temporary Detention Between Consecutive Terms of Solitary Confinement.

Offenders undergoing the reception and diagnostic process and those on a transient unit assignment will not be treated as administrative segregation offenders except to the extent provided for in the Plan. Specific information regarding the conditions and procedures relating to Administrative Segregation/Special Management can be obtained by reviewing the Administrative Segregation Plan. A copy of the Administrative Segregation Plan is available in the law library for review by offenders.

R. Institutional Lockdowns

A lockdown of an institution, wing, cell block or dorm may be imposed by the Warden when it is believed that such an action is necessary to suppress a major disruption of the unit's safety and security. As a general rule, offenders are confined to their cell or dorm area and all routine processes and certain privileges and rights are suspended until the lockdown is lifted. Privileges and activities shall be restricted only to the degree necessary to protect the security of the unit, other offenders, and the unit staff. The length of time an area is locked down is determined by the continued behavior of the affected offenders.

S. Impermissible Conduct

No offender shall have: any supervisory, administrative or disciplinary authority over other offenders; receive special privileges (such as, but not limited to, being exempt from searches, possessing special or altered clothing and so forth); or obtain or have access to sensitive information about staff, the general public, other offenders, or the business operations that would jeopardize security absent a state or federal court order.

V. DISCIPLINARY PROCEDURES AND RULES

The Disciplinary Process is designed to modify offender behavior where necessary.

A. General Procedures

1. Offenders in the TDCJ are required to obey all rules and regulations either issued by TDCJ or those specific to their unit. If an offender violates a rule, he may be punished through the Disciplinary Process. For more information, see the **Disciplinary Rules and Procedures for Offenders** handbook (GR106).
2. Once a rule violation has been noted, if it is not settled informally, the rule violation may be reported in the form of an offense report.
3. After an offense report has been written, the report will be given a number and will be graded as major or minor. The offender will be notified of the charges filed against him.
4. A disciplinary hearing will be conducted to decide whether or not the offender is guilty or not guilty and, if guilty, determine the punishment. Punishment is progressive and may fall in the following range depending on the seriousness of the offense:
 - a. Counsel and reprimand,
 - b. Loss of privileges,
 - 1) being able to recreate,
 - 2) buying things from the commissary (except legal materials),
 - 3) watching movies and/or television,
 - 4) having access to personal property,
 - 5) having contact visits;
 - c. being restricted to his cell,
 - d. doing extra work,
 - e. being placed in solitary confinement,
 - f. being placed in a lower time-earning class,
 - g. permanent loss of good time.
5. An offender who intentionally damages or destroys state property may be assessed monetary damages. Upon conviction of this offense, TDCJ may seize the contents of the offender's trust fund account and award itself damages for the value of the property damaged.

6. The disciplinary history may be provided to Parole, and may be used in determining an offender's Parole eligibility.
7. For State Jail offenders, the disciplinary history may be part of the report submitted to the court (judge), the community supervision office, and the parole authority under whose jurisdiction the offender is confined.

B. Solitary Confinement

Solitary confinement is a segregated housing status, which may be imposed as the result of a major disciplinary hearing or a State Jail offender disciplinary hearing. Solitary confinement is ordinarily used when all other levels of discipline have been tried; where the safety of other offenders or staff is concerned; or when the serious nature of the offense makes it necessary. Offenders in solitary will be allowed out of their cell only one (1) time each day to shower. Offenders may be placed in solitary for up to 15 days. Consecutive terms will be separated by 72 hours.

C. Counsel Substitute Program

1. The purpose of the Counsel Substitute Program is to assist offenders charged with an alleged rule infraction during the major disciplinary process. It is the job of the Counsel Substitute to ensure that all "due process" steps are followed when the offender is brought before a major hearing.
2. The Counsel Substitute does the following things for an offender when the offender will go before a major hearing:
 - a. Ensures the offender understands the rights provided through the disciplinary process when notified of pending charges.
 - b. Reads the charge to the offender and makes certain the disciplinary case and the rights provided in the disciplinary process are understood.
 - c. The Counsel Substitute will assist the offender in preparing for the hearing by gathering documentary evidence, witness statements and other relevant information as necessary. The Counsel Substitute will represent the offender during the hearing.
 - d. The Counsel Substitute will present the offender's case at the hearing asking pertinent questions of the charging officer and/or witnesses, as may be necessary
 - e. The Counsel Substitute will advise the offender of appealable issues and assist in filing an appeal upon request.
3. Offenders must be provided with Counsel Substitutes before a major hearing when any of the following are met:
 - a. The offender is mentally retarded as defined in the Mentally Retarded Offender Plan (has an IQ of 73 or below) or if the offender's mental ability to understand and respond to disciplinary charges and proceedings is questionable;

- b. The offender's educational achievement score is below 5.0 on reading or his literacy or understanding of English is questionable;
 - c. The offender's case is very complex;
 - d. The offender is confined to any form of segregation before the disciplinary hearing;
 - e. The offender requests a counsel substitute; or
 - f. A witness requested by the accused offender is on a different unit or facility.
4. Special Procedures for Psychiatric Patients
- a. When a psychiatric offender is charged with a disciplinary infraction, psychiatric clearance must be obtained before proceeding with the disciplinary.

D. Appeal Process

At the end of the disciplinary hearing, the disciplinary hearing officer will tell the offender of his right to appeal the decision, with respect to guilt or the punishment given, through the offender grievance procedure.

Three Basic Grounds for Appeal:

- 1. one or more procedural rights were violated
- 2. insufficient evidence to find offender guilty
- 3. penalty imposed by the hearing officer was too severe

The disciplinary decision may be appealed by filing a grievance. If the offender is not satisfied with the decision, he may then file a Step-2 grievance for appeal purposes. The Counsel Substitute will assist offenders with an appeal if they request assistance.

VI. GRIEVANCE PROCEDURES FOR OFFENDERS

- A.** Grievance forms are available from the law library, housing area, shift supervisors, or by contacting the unit grievance office. After completely filling out the form, place it in the grievance box yourself or give it to the grievance investigator on your unit.
- B.** An attempt to informally resolve your problem must be made before filing a grievance. Informal resolution is defined as any attempt to solve the issue at hand and must be noted on the Step 1 grievance form (I-127). You have 15 days from the date of the alleged incident or occurrence of the issue presented in which to complete the Step 1 grievance form and forward it to the Unit Grievance Investigator (UGI). The Step 1 process may take up to 40 days from the date the unit grievance office receives the Step 1 form. If you are not satisfied with the Step 1 response, you may appeal the Step 1 decision by filing a Step 2 (I-128). You have 15 days from the date of the Warden's signature on the Step 1 form to submit the Step 2 to the grievance investigator on the unit. The Step 2 process may take up to 35 days to provide you a written response.
- C. Present only one issue per grievance and do not repeatedly grieve the same issue.**

- D.** Additional time may be required in order to conduct an investigation at either Step 1 or Step 2 and in either case, you will be notified of the extension in writing. Also, you may request that your grievance be withdrawn at any time during the process and the unit grievance investigator can help you with these procedures.
- E.** Complete your grievance in dark ink or type if possible. If you need any assistance filing a grievance or understanding a response, contact your unit grievance investigator.
- F.** The following issues are grievable through the Offender Grievance Procedure
- ✍ The interpretation or application of TDCJ policies, rules, regulations, and procedures;
 - ✍ The actions of an employee or another offender, including denial of access to the grievance procedure;
 - ✍ Any reprisal for submitting grievance or exercising other Access to Courts rights;
 - ✍ The loss or damage of authorized offender property possessed by persons in the physical custody of the Agency, for which the Agency or its employees, through negligence, are the proximate cause of any damage or loss;
 - ✍ Any other matter within the authority of the TDCJ.
- G.** You may not grieve:
- ✍ State or Federal Court decisions, laws and/or regulations;
 - ✍ Parole decisions;
 - ✍ Time-served credit disputes (these issues should be directed to the Classification and Records, Time Section or for State Jail offenders, to the Unit Chief of Classification or Intake Coordinator);
 - ✍ Matters for which other appeal mechanisms exist;
 - ✍ Any matter beyond the control of the Agency to correct.
- H.** Grievances that do not meet the following established screening criteria may be returned to you unprocessed; however, most grievances may be corrected and resubmitted within 15 days from the date of the signature on the returned grievance.
- ✍ Grievable time period has expired. (Step 1 grievances must be submitted within 15 days from the date of incident and Step 2 Appeals must be submitted within 15 days from the date of the signature on the Step 1.)
 - ✍ Submission in excess of 1 every 7 days. (All grievances received in the grievance office will be reviewed for emergencies; however, only one grievance will be processed every seven days [with the exception of disciplinary, specialty and emergency grievances.]
 - ✍ Originals not submitted. (Carbon copies are not considered originals even if they have an original signature. The original Step 1 and Step 2 forms (I-127 and I-128) must be submitted.)
 - ✍ Inappropriate/excessive attachments. (Your grievance must be stated on one form and in the space provided. Attach only official documents such as I-60's, sick call requests, property papers, and other similar documents that support your claim.)

- ✍ No documented attempt at informal resolution. (You are required to attempt to resolve issues informally with a staff member prior to filing a grievance. Remember, the attempt must be documented in the space provided on the I-127 form.)
- ✍ Malicious use of vulgar, indecent, or physically threatening language directed at an individual.
- ✍ The issue presented is not grievable. (Refer to Section G above).
- ✍ No remedy exists.
- ✍ The text is illegible/incomprehensible. (Write your grievance so that it can be read and understood by anyone.)
- ✍ Inappropriate. (You may not ask for monetary damages or any form of disciplinary action against staff.)

I. Do not use a grievance form to comment on the effectiveness or credibility of the grievance procedure; instead, submit a letter or I-60 to the Administrator of the Offender Grievance Program.

VII. PAROLE INFORMATION

A. PAROLE INFORMATION

Parole is a privilege, not a right! Parole is the discretionary and conditional release of an eligible offender from physical custody of a jail or prison if the offender agrees to serve the remainder of his sentence under the supervision of the Parole Division. Some requirements for an offender to be released on parole are: (a) serves sufficient time as required by law [Tex. Gov't. Code Ann. § 508.145 (West)]; (b) is not a risk to public safety; and (c) meets work, program participation, and behavior standards. Offenders approved for parole are allowed to leave the TDCJ and serve the remainder of their sentences under the supervision of parole officers. Offenders who are approved for parole may be released during their initial parole eligibility month/year (FI-1); may be released during a specified month which is beyond their initial parole eligibility month/year (FI-2); may be released to a Pre-Parole Transfer facility up to six months prior to a specified month/year which is beyond their initial parole eligibility date (FI-4); or may be transferred to an In-Prison Therapeutic Community (IPTC) for substance abuse treatment up to 11 months (FI-5). The Board of Pardons and Paroles (BPP) has also passed parole vote options that require rehabilitation treatment programs for certain offenders prior to parole. Specific categories include FI-3R, FI-6R, FI-7R, FI-9R, and FI-18R. The numerical identifier in the vote (3, 6, 9, and 18) reflects the number of months the offender must serve beyond a specified release date, which will be set by the BPP. An offender approved for parole under an FI-5 or any of the FI-R votes will be reevaluated by the BPP if he fails to complete the treatment program successfully. Offenders who are not approved for parole may be given new BPP review dates (Set-Off/Next Review Dates). The review process will resume several months prior to the next review dates. If the offender is incarcerated for an offense that occurred on or after 9-1-96, and is not approved for parole release, the offender's file will be reviewed by the BPP for possible release to mandatory supervision (RMS) or denial of release to mandatory supervision (DMS). Offenders who are denied release to mandatory supervision (DMS) will be given a new BPP review date (Next Review Date). The review process will begin several months prior to the next review date. Offenders denied release to mandatory supervision (DMS) will receive annual BPP review until receipt of approval for release on mandatory supervision (RMS) or upon release on expiration of their sentence on their maximum expiration date." Offenders whose offenses occurred prior to 9-1-96, who are denied parole and receive a serve-all from the BPP will be released to mandatory supervision on

their Projected Release Date (minimum expiration date). If the offender is serving consecutive sentences, he may be approved for parole on a specific cause number that is eligible for review (CU-FI) or the BPP may deny parole for a specific cause number (CU-NR). Offenders who are denied parole and are given serve-all will be released to Mandatory Supervision (MS) on their Projected Release Dates (minimum expiration dates). If an offender has no Projected Release Date and is given a serve-all, he will serve his/her entire sentence in calendar time and will be discharged from the TDCJ on his/her maximum expiration date. Parole and Mandatory Supervision allow an offender to be released from custody to the supervision of a Parole Division District Parole Officer. Parole and Mandatory Supervision rules are the same. In order to complete the required period of Parole or Mandatory Supervision, the releasee must meet the requirements of supervision. In addition to the General Conditions of parole and mandatory supervision, the BPP may also impose Special Conditions requiring treatment and other program participation, travel and contact restrictions, and restitution reimbursement, Electronic Monitoring may also be imposed by the BPP. Discharge from Parole or Mandatory Supervision occurs on the maximum expiration date of the offender's sentence.

B. THE PAROLE INTERVIEW

Offenders do not have to apply for parole or mandatory release consideration. Offenders do not have to hire attorneys or parole consultants to represent them in the parole process or to check on their parole status. All offenders will receive initial parole interviews regardless of disciplinary status (good time lost/class demotion); however, to be eligible for subsequent parole interviews offenders must be classified in the same or higher time earning status assigned to them when they entered TDCJ and must not have had any major disciplinaries in the six-month period prior to the dates they are reviewed for parole which resulted in loss of good time or reduction in class below entry level. During the parole interview offenders are given the opportunity to present parole release plans and employment plans. Release Plans to their family and friends are preferable due to limited halfway house space available. The law [Tex. Gov't Code Ann. § 508.181 (West 1997)] requires that offenders must reside in their Legal County of Residence after release. Legal County of Residence is defined as the county where the offender was living when he committed the present offense. If an offender is incarcerated for multiple offenses, the legal county of residence is determined by the residence at the time of the most recent present offense. Offenders who are called to the unit parole office should bring the names, complete addresses, including accurate zip codes and phone numbers of the person(s) in the Legal County of Residence with whom they intend to reside while on Parole or Mandatory Supervision. If the offender cannot provide addresses in his/her Legal County of Residence, alternate addresses (including out-of-state release plans) may be submitted and the BPP will decide whether or not to allow the offender to be released to a non-county of residence. Out-of-state plans must be accepted by the state to which placement has been requested (via Interstate Compact Agreement). Since all parole plans are verified by parole officers, it is important for them to be provided with complete and accurate addresses and phone numbers (home, work, day, night, and weekend phone numbers) so they can quickly verify each offender's parole plan. The BPP may require electronic monitoring as a condition of release. In the event this condition is imposed, special equipment must be installed in the residence. Prior to the offender's release, the sponsor must sign an agreement to remove all features from the phones (call forwarding, caller ID, call waiting, etc). The BPP may require halfway house placement as a special condition of an offender's release. When an offender has been interviewed for parole

consideration, a report is submitted to the BPP for a decision. When a decision is reached, the offender is informed of the decision. Remember, offenders do not have to apply for parole consideration. An offender DOES NOT have to be in physical custody of TDCJ to be paroled. Texas law authorizes Parole in Absentia (PIA). PIA is the parole release of TDCJ sentenced offenders from other holding facilities, including jails, contract facilities, and federal/other state prisons.

C. PAROLE ELIGIBILITY REQUIREMENTS

Offenders serving sentences for offenses that precede the 70th legislature should contact their Unit Institutional Parole Officer in reference to specific eligibility requirements.

The following is a listing of parole eligibility requirements (including 3g and Non-Mandatory Supervision offenses) separated by Legislatures.

- 1. 70th Legislature Requirements (Offense dates 9-1-87 to 8-31-92);[Article 42.18, Texas Code of Criminal Procedure (TCCP)].**
 - a.** Most offenders under this law become parole eligible when their flat time served and good time credits combine to equal one-fourth of their total sentences. Fifteen years total flat time and good time credit is the maximum requirement in this example. (Flat time served + good time credits = one-fourth of sentence = parole eligibility.)
 - b.** Offenders convicted of certain aggravated crimes (i.e., 3g offenses) must serve one-fourth of their sentences in calendar time (flat time); minimum – two years; maximum – 15 years. These 3g offenses are:
 - (1) Capital Murder
 - (2) Aggravated Kidnapping
 - (3) Aggravated Robbery
 - (4) Aggravated Sexual Assault, or
 - (5) “When it is shown that the defendant used or exhibited a deadly weapon as defined in the Penal Code, during the commission of a felony offense or during the immediate flight there from.”
 - c.** Offenders under this law who have their parole denied will be released to Mandatory Supervision on their Projected Release Dates; however, offenders convicted of certain offenses under this law do not have Projected Release Dates (minimum expiration dates). These offenders must be released on parole, or on their maximum expiration dates. Any good time earned by these offenders’ counts toward parole eligibility only, and does not apply to Projected Release Dates. An offender may not be released to Mandatory Supervision if the offender is serving a sentence for:

- (1) Murder, 1st Degree [Penal Code Section 19.02]
 - (2) Capital Murder [Section 19.03]
 - (3) Aggravated Kidnapping, 1st or 2nd Degree [Section 20.04]
 - (4) Sexual Assault, 2nd Degree [Section 22.011]
 - (5) Aggravated Assault, 2nd or 3rd Degree [Section 22.02]
 - (6) Aggravated Sexual Assault, 1st Degree [Section 22.021]
 - (7) Deadly Assault on Law Enforcement or Corrections Officer or Court Participant, 1st Degree [Section 22.03]
 - (8) Injury to a Child or Elderly Individual, 1st Degree [Section 22.04]
 - (9) Arson, 1st Degree [Section 28.02]
 - (10) Robbery, 2nd Degree [Section 29.02]
 - (11) Aggravated Robbery, 1st Degree [Section 29.03]
 - (12) Burglary, 1st Degree [Section 30.02 Subsection (d) (3)]; (if armed, in possession of explosives, or if threats or injuries to another occurred during the commission of the burglary).
 - (13) Any offense when the judgement for the offense contains an affirmative finding of a deadly weapon.
- d. Offenders serving consecutive (stacked) sentences must become parole eligible on each of the sentences in the series before they can be released on parole.
 - e. Offenders convicted of certain sex offenses that were committed on or after September 1, 1991 are required to register with local law enforcement authorities. The offenders will be informed at the time of release of the legal requirement to register as a sex offender within seven calendar days after release.
- 2. 72nd Legislature Requirements (Offense dates 9-1-92 to 8-31-93); [House Bill 93 amending Article 42.18 (TCCP)].**
- a. Same time requirements at 70th Legislature cases. (See Section I.A)
 - b. Same 3g offenses as 70th Legislature cases. (See Section I-.B)
 - c. Same Non-Mandatory Supervision offenses at 70th Legislature cases. (See Section I.C)
 - d. Changes From Prior Legislation: Capital Murder – Must serve 35 years calendar time (flat time) to be parole eligible and must receive two-thirds vote of the entire 18-member Parole Board to be approved for parole.

3. 73rd Legislature Requirements (Offense dates 9-1-93 to 8-31-95); Senate Bill 1067 amending Article 42.18 (TCCP)].

a. Same time requirements as 70th Legislature (See Section I.A)

b. Offenders convicted of certain Aggravated crimes (i.e., 3g offenses) must serve one-half of their sentences in calendar time (flat time); minimum –two years; maximum 30 years. These offenses are:

- (1) Capital Murder (note: must serve 35 years calendar time)
- (2) Murder, 1st Degree [Section 19.02]
- (3) Indecency with a Child, 2nd Degree [Section 21.11 (a)(1)]
- (4) Aggravated Kidnapping
- (5) Aggravated Sexual Assault
- (6) Aggravated Robbery
- (7) “When it is shown that the defendant used or exhibited a deadly weapon as defined in the Penal Code, during the commission of a felony offense or during the flight therefrom.”

c. Offenders under this law who have their parole denied will be released to Mandatory Supervision on their Projected Release Dates. (See Section I.C)

d. SIGNIFICANT CHANGES IN 73RD LEGISLATURE

- (1) CAPITAL MURDER – Must serve 40 years of calendar time (flat time) to be parole eligible; must have two-thirds vote of the entire 18-member Parole Board to be approved for parole.
- (2) DELETED as a Non-Mandatory Supervision offense - Deadly Assault on Law Enforcement or Corrections Officer or Court Participant [Section 22.03].
- (3) CHANGED as a Non-Mandatory offense – From Aggravated Assault, 2nd or 3rd Degree, to Aggravated Assault, 1st or 2nd Degree [Section 22.02]
- (4) DRUG FREE ZONES – Offenders convicted of crimes committed in Drug Free Zones [Section 481.134 of the Health and Safety Code] are not eligible for release on mandatory supervision. They are not eligible for release on parole until their actual time served equals five years, without consideration of good conduct time, or the maximum term of their sentences, whichever is less.
- (5) USE OF CHILD IN COMMISSION OF OFFENSE - Offenders convicted of crimes involving the use of a child in the commission of the offender [Section 481.140 of the Health and

Safety Code) are not eligible for release on Mandatory Supervision

4. **74th Legislature Requirements (Offense dates 9-1-95 to 8-31-97)**
 - a. Same time requirements as 70th Legislature cases. (See Section I.A)
 - b. Same 3g offenses as 73rd Legislature cases, plus the offense of Sexual Assault of a Child. (See Section III.B)
 - c. Offenders under this law who have their parole denied, will be released to Mandatory Supervision on their Projected Release Dates. (See Section I-C, for offenses not eligible for Mandatory Supervision, with the exception of Deadly Assault on Law Enforcement or Correctional Officer or Court Participant, which was deleted as a Non-Mandatory Supervision offense by the 73rd Legislature. Also, Aggravated Assault offenses, 1st or 2nd degree, as changed by the 73rd Legislature. Other exceptions to release on Mandatory Supervision will be found in Parts f and g of this section.)
 - d. Drug Free Zones and Use of Child in Commission of Offense [See Section III, d (5)]
 - e. **SIGNIFICANT CHANGES IN 74TH LEGISLATURE**
 - (1) Enhanced offenses resulting in life sentences for the following offenses will require 35 calendar years to be eligible for parole:
 - (a) Burglary of a Habitation with Intent to Commit Sex Assault or Indecency with a Child
 - (b) Aggravated Sexual Assault
 - (c) Aggravated Kidnapping (intent to violate or abuse victim sexually).
 - (2) **SEXUAL ASSAULT** (of a child) – Offenders convicted of Sexual Assault. [Section 22.011 (a) (2) of the Texas Penal Code] became 3g offenders during this legislative session and must serve one-half of their sentences in calendar time (flat time) to be parole eligible; minimum-2 years; maximum 30 years.
 - f. Sentences for offenses occurring on or after 9-1-96 will not be approved for release to Mandatory Supervision if a Parole Panel determines that the release would endanger the public. These are known as “Discretionary Mandatory Supervision” or House Bill 1433 cases.

- g. Sentences for offenses occurring on or after 9-1-96 will not be considered for Mandatory Supervision or Discretionary Mandatory Supervision if the offender has ever been convicted of: Capital Murder, Aggravated Kidnapping, Aggravated Sexual Assault (including Aggravated Sexual Abuse and Aggravated Rape), Aggravated Robbery, any offense with an affirmative finding of a deadly weapon, Murder 1st Degree, Sexual Assault 2nd Degree (including Sexual Abuse and Rape), Aggravated Assault (1st and 2nd Degree), Injury to a Child or Elderly 1st Degree, Arson 1st Degree, Robbery 2nd Degree, Drug Free Zone offense, Injury to Disabled Individual, Burglary 1st Degree, Use of Child in Commission of offense.

5. 75th Legislature Requirements (Offense dates 9-1-97 to present, Section 508.149 Texas Government Code); [House Bill 432 amending Article 42.18 (TCCP); Texas Code of Criminal Procedure changed 9-1-97 to Texas Government Code].

a. SIGNIFICANT CHANGES IN 75TH LEGISLATURE

- (1) The following offenses are not eligible for mandatory supervision if the offense occurs ON OR AFTER 5-23-97: Murder 2nd Degree [Section 19.02 of the Texas Penal Code]; Indecency with a Child 2nd Degree, Indecency with a Child 3rd Degree [Section 21.11 of the Texas Penal Code].
- (2) Sentences for offenses occurring on or after 5-23-97 will not be considered for Discretionary Mandatory Supervision if the offender has ever been convicted of Murder 2nd Degree or Indecency with a Child 2nd or 3rd Degree.

D. OFFENDERS WITH DETAINERS PENDING

All offenders with detainers should contact the Agency that placed the detainer with TDCJ and attempt to have their detainers resolved. Offenders with detainers who have been approved for parole, or scheduled for Mandatory Supervision release, will be released to the Agency that placed the detainer with TDCJ. Detainers are not ignored or forgotten by TDCJ or the Parole Division.

E. PAROLE AND MANDATORY SUPERVISION VIOLATORS

Technical Parole Violators and Mandatory Supervision Violators will be reviewed for parole when their time credits reflect they are legally eligible for parole review. Parole or Mandatory Supervision violators with new convictions will be eligible for parole consideration when they have accumulated sufficient time to become eligible for parole.

F. OFFENDERS WHO COMMIT OFFENSES WHILE IN CUSTODY

Offenders who commit felony offenses on or after July 1, 1994, while in the custody of TDCJ, jails, contract facilities, transfer facilities, FCI, other state

prisons, and other similar facilities are not eligible for parole review until after those charges are adjudicated and upon the offender meeting parole eligibility requirements.

G. QUESTIONS ABOUT PAROLE-RELATED ISSUES

To expedite responses, offenders who have questions about their parole eligibility dates or any other parole/release matters should contact the Unit Parole Officer or the Institutional Parole Office for assistance. Do not contact other departments, as they are not trained in parole issues. Parole-related questions should be sent on an offender request form (I-60) or letter to the Institutional Parole Office and should clearly state the question on the I-60/letter. Appropriate responses to these requests will be given as quickly as possible.

VIII. SEX OFFENDER TREATMENT PROGRAM INFORMATION

A. The Sex Offender Treatment Program (SOTP) and Evaluation

The Sex Offender Treatment Program (SOTP) is located on three TDCJ facilities; the Goree Unit in Huntsville, the Hightower Unit in Dayton, and the Hilltop Unit in Gatesville. The SOTP administers psychological evaluations, and offers sex offender rehabilitation services for both male and female offenders. Offenders are eligible if they are G1, G2, or G3 custody and within 18 months of release. The SOTP conducts psychological evaluations and offers treatment and education for male and female offenders. Two programs are available. The intensive treatment program is an 18 -month cognitive behavioral therapeutic community program. A shorter three-month education program is also available for low risk offenders. Offenders who are interested in receiving treatment should send an I-60 to the Rehabilitation and Reentry Programs Division.

B. Civil Commitment of Sexually Violent Predators

In 1999, the Texas Legislature passed a law that provides for the civil commitment of sexually violent predators. The law requires that an offender has two or more convictions for one of the following sex offenses be referred for civil commitment: aggravated sexual assault, sexual assault, indecency with a child by contact, aggravated kidnapping with the intent to commit a sex offense, or burglary of a habitation with the intent to commit a sex offense. In addition, the attempt, conspiracy, or solicitation to commit one of these offenses is a qualifying offense. Similar offenses committed in other states, under federal law or the Uniform Code of Military Justice also qualify, as do adjudications of delinquency in juvenile court for these types of offenses. In addition, a finding of not guilty by reason of insanity (NGRI) for one of these offenses coupled with a conviction for one of these offenses qualifies an offender, as does two findings of NGRI. Successfully completed probations or deferred adjudications also count as final convictions for purposes of civil commitment. The offender must be currently serving a conviction for one of these offenses.

The Texas civil commitment process is based on outpatient treatment and supervision. While most states that civilly commit sexually violent predators do so in an institutional setting, Texas opted to manage this population in the community. The Texas Council on Sex Offender Treatment (hereinafter CSOT) is responsible for case management and treatment services.

TDCJ staff identifies sex offenders who are within 16 months of their scheduled release date, transfers the offender to the SOTP for an evaluation, and presents

the case to the Multidisciplinary Team (hereinafter MDT). The MDT is jointly appointed by the Executive Director of TDCJ and the Commissioner of the Texas Department of Mental Health and Mental Retardation (MHMR) and includes representation for the TDCJ, CSOT, MHMR, and DPS. The team determines whether the offender has been convicted of two qualifying offenses, whether they think the offender is likely to commit a sexually violent offense after release or discharge, and if so, recommends that the offender be seen by an expert. If the expert determines that the offender has a behavioral abnormality that makes him likely to commit a predatory act of sexual violence after release or discharge, the case may be referred to the Special Prosecution Unit for consideration. If a petition is filed, the offender will receive a copy. If the offender is indigent, State Counsel for Offenders will be appointed to represent the offender.

C. Sex Offender Registration Program Information

Sex offender registration is required in all 50 states. Offenders convicted of certain sexual offenses on or after September 1, 1970, and who were still serving that sentence in prison, on probation, parole or mandatory supervision as of September 1, 1997, are required by law to register with local law enforcement authorities. TDCJ will complete the registration paperwork at the time of your release from prison and send it to the local law enforcement agency in the community where you will live and to the Texas Department of Public Safety (DPS). Within 7 days of your release, you must report to the local law enforcement agency and verify the information. Failure to do so may result in a new felony conviction.

TDCJ will also assess your level of risk to re-offend based upon a risk assessment instrument approved by the Risk Assessment Review Committee. The risk level is noted on the registration form. If you are noted as high risk and were convicted of a sex offense on or after January 1, 2000, your neighbors will receive a post card about you after you arrive in the community.

Information will also be printed in the newspaper on certain sex offenders and will be available on the DPS website regardless of the offender's risk level.

OFFENSE CODES REQUIRING REGISTRATION

Under Title 110A, Revised Statutes
 Article 6252 - 13c.1
 Adult and Juvenile Offenders

PENAL CODE	OFFENDER DESCRIPTION	MONTH/YEAR THE OFFENSE BECAME REGISTRABLE
Section 15.01 Section 15.02 Section 15.03	Conviction For Attempt, Conspiracy or Solicitation of an offense listed below (excluding indecent exposure).	09-01-1995
Section 20.02 Section 20.03	Unlawful Restraint, Kidnapping, or Aggravated Kidnapping and the judge made an affirmative finding that the victim or intended victim was younger than 17 years of age. (including deferred adjudication)	09-01-1991
Section 21.11	Indecency with a child (excluding deferred adjudication)	09-01-1991
Section 21.11	Indecency with a child (including deferred adjudication)	09-01-1993
Section 22.011	Sexual Assault (excluding deferred adjudication)	09-01-1991
Section 22.011	Sexual Assault (including deferred adjudication)	09-01-1993

Section 22.021	Aggravated Sexual Assault (excluding deferred adjudication)	09-01-1991
Section 22.021	Aggravated Sexual Assault (including deferred adjudication)	09-01-1993
Section 25.02	Prohibited Sexual Conduct (Incest) (excluding deferred adjudication)	09-01-1991
Section 25.02	Prohibited Sexual Conduct (Incest) (including deferred adjudication)	09-01-1993
Section 21.08	Indecent Exposure (4th Conviction) (excluding deferred adjudication)	09-01-1991
Section 21.08	Indecent Exposure (4th Conviction) (including deferred adjudication)	09-01-1993
Section 21.08	Indecent Exposure (2nd Conviction) (including deferred adjudication)	09-01-1995
Section 43.05	Compelling Prostitution	09-01-93
Section 43.25	Sexual Performance by a Child (including deferred adjudication)	09-01-1993
Section 43.26	Possession or Promotion of Child Pornography (including deferred adjudication)	09-01-1993
Section 20.04 (a)(4)	Aggravated Kidnapping, if defendant committed offense with intent to violate or abuse victim sexually	09-01-1995
Section 30.02	Burglary, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with intent to commit either of the following felony offenses: 21.11; 22.011; 22.021; 25.02; or 20.04(a)(4)	09-01-1995
Juvenile laws	An adjudication of delinquent conduct based on a violation of one of the offenses listed above, based on the date of enactment therein	09-01-1991 09-01-1993 09-01-1995
Out of State Convictions	Conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of any of the above listed offenses and dates of enactment	09-01-1995

Your parole officer will be able to answer questions concerning the Texas Sex Offender Registration Program.

D. Orchiectomy

The Rehabilitation and Reentry Programs Division coordinates offender requests for an Orchiectomy, which is another term for surgical castration. An offender may request this procedure if he has been convicted of (1) Indecency with a Child, (2) Sexual Assault of a Child, or (3) Aggravated Sexual Assault of a Child and has been previously convicted of one of those offenses. The offender must be 21 years of age or older, submit his request in writing, and sign a statement admitting that he is guilty of the offenses for which he has been convicted. The offender will then be placed in the 18-month Sex Offender Treatment Program. He will be required to complete the program before the surgery will be performed. During the course of treatment, a psychiatrist and psychologist will evaluate the offender to determine whether he is a suitable candidate for the procedure. They will counsel the offender before he undergoes the procedure. In addition, a monitor appointed by the Texas State Board of Medical Examiners will consult with the offender to ensure that medical professionals have provided adequate information regarding surgical castration and that the offender is free from coercion in his decision to have this procedure performed.

An offender can change his mind at any time before actually undergoing the procedure and withdraw his request. However, once an offender has requested the surgery but later decides not to proceed, he will no longer be eligible for the surgery at any time in the future. The request, or completion, of surgical castration has absolutely no influence on parole consideration, favorable or

otherwise. The Board of Pardons and Paroles cannot require that an offender receive an Orchiectomy as a condition of release.

If interested, you should send an I-60 to the Rehabilitation and Reentry Programs Division.

IX. TDCJ CRIME STOPPERS "BEHIND THE WALLS"

TIP COMMUNICATIONS PROCEDURES

If an offender has information about a felony crime or wanted fugitive and this information leads to the arrest, indictment and/or charges filed, he will be eligible to collect a cash reward of "up to" \$1,000.

HOW DO OFFENDERS REPORT INFORMATION TO CRIME STOPPERS?

WRITE TO:

**TDCJ
CRIME STOPPERS
P. O. BOX 1855
HUNTSVILLE, TX 77342-1855**

CALL: **1-800-832-8477**

Offenders will not be required to write their name, TDCJ number or return address on the outside of this sealed correspondence. Correspondence will not be logged or inspected by TDCJ personnel. This correspondence will be treated as "special correspondence." Writing to the TDCJ Crime Stoppers Program following the above instructions will assure informant anonymity.

WHAT TYPE OF INFORMATION IS REPORTED TO CRIME STOPPERS?

Information provided to TDCJ Crime Stoppers concerning a crime needs to be as specific as possible to ensure that the appropriate investigative actions can be taken. Include a physical description of the suspect (example: race, sex, age, date of birth, height, weight, hair and eye color). Also, include the name of the suspect, nicknames or street names used by the suspect, address, telephone number, employer, known hangouts and acquaintances and the location of the suspect. Be sure to include types of weapons and/or automobiles used by the suspect, and an explicit description of the date, time and type of crime committed. If you do not give complete information, an Office of Inspector General employee may contact you; however, the reason and purpose will remain confidential.

IMPORTANT INFORMATION

The TDCJ Crime Stoppers Program will not be used to circumvent the grievance system or to report problems that you may have with TDCJ or its operations that are not criminal in nature.

CHAPTER 2
OFFENDER VISITATION RULES

INTRODUCTION

It is the policy of the Texas Department of Criminal Justice (TDCJ) to enable and encourage offenders, consistent with security and classification restraints, to have visits with family members and friends. Visiting in TDCJ institutions shall be conducted in an accommodating manner, in keeping with the need to maintain order, the safety of persons and the security of the institution. However, visitation is a privilege, and may be temporarily restricted for an offender or restricted for a visitor if rule violations occur, or security concerns exist. Visitation may also be temporarily discontinued during unit lockdowns and other serious incidents (e.g., escape, riot). Offender visitation is managed under the direction of each Warden, and in accordance with the rules and guidelines outlined below. All offender visits (except for attorney-client visits) are subject to be electronically monitored. Unless otherwise noted, these rules and guidelines apply to both general (non-contact) visits and contact visits.

DEFINITIONS:

General Visits: Visits conducted inside the main building of the institution and during which no physical contact between offenders and their visitors is possible or allowed. General visits are usually held in a designated visiting area where offenders and visitors are physically separated by a glass wall or partition.

Contact Visits: Visits usually conducted outside of the main building and within the fenced perimeter and during which physical contact between an offender and visitor is allowed. Embracing and kissing is permitted once at the beginning and once at the end of each visit. Holding hands is permitted during visitation, as long as the hands remain on top of the table in full view of staff. During the visit, the offender and visitors are to be seated at opposite sides of the table, with the exception of the offender's small children who may be held by the offender.

1.0 GENERAL INFORMATION

- 1.1 Offenders are not assigned to units solely for convenience of visitation privileges. While it is recognized that unit assignments may create hardships for visitation, these assignments are based on considerations other than offender or family convenience.
- 1.2 Each unit has a designated Family Liaison Officer to ensure that offenders' relatives and other persons are given assistance during visits with offenders and given aid in resolving problems that may affect permitted contact with offenders. The Warden has ultimate responsibility for resolving any visitation problems.
- 1.3 Copies of these Offender Visitation Rules are prominently displayed at locations in the unit that are accessible to offenders and in areas accessible to visitors. Visitors shall be provided with copies of these rules upon request.

1.4 Visitation Schedule:

Visitation hours are normally on Saturday and Sunday, between 8:00 a.m. and 5:00 p.m., to include the noon hour. Visits are not allowed on holidays that fall during the week. For reasons of security, visits for death-sentenced offenders are normally scheduled for

Monday through Friday between 8:00 a.m. and 5:00 p.m. and on Saturdays between 5:30 p.m. and 9:30 p.m., except on State-approved holidays. Tuesdays (Mountain View) and Wednesdays (Polunsky) between the hours of 1:00 p.m. and 3:00 p.m., are reserved for media visitation for death row offenders.

1.5 Frequency and Length of Visits:

Generally, all offenders shall be permitted to have one (1) visit for a two (2) hour period each weekend, for a total of four (4) or five (5) visits per month, depending on the number of weekends in the month, except for offenders assigned to the following areas:

- ✍ Solitary Confinement
- ✍ Lockdown Status
- ✍ G5, J5 Custody
- ✍ Administrative Segregation/Special Management
- ✍ Intake Diagnostic Processing
- ✍ Level II and III Death Row Segregation

The number of contact visits allowed each month will count toward this total number. Except in unusual circumstances, an offender will not be scheduled for a contact visit and a general (non-contact) visit on the same day or on the same weekend.

1.5.1. Frequency of Contact Visits:

Based upon institutional behavior, and provided that eligibility criteria are met, offenders in the following statuses and custody levels will be eligible for contact visits, with the frequency as indicated below:

<u>Custody Level</u>	<u>Frequency</u>
Level 1 –G1, J1, P1	1 contact visit per week
Level 2 & 3 – G2, G3, J2, P2, P3	3 contact visits per month
Level 4 (Institutional offenders SAT 3 & 4 with clear year and State Jail offenders with clear year) – G4, J4, P4	2 contact visits per month
All other Level 4's – G4, P4, J4	0 contact visits, 1 regular visit per week
Level 5 – G5, J5, P5	0 contact visits, 2 regular visits per month
Level 5 (offenders on special penalty cell restriction) – G5, J5, P5	0 contact visits, 1 regular visit per month
Level 5 (GRAD offenders) – CG	1 regular visit per week
Protective Custody Level 1 – 4A	3 contact visits per month
Outside Trusty (OT), SAFP offenders (FT), IPTC offenders (IT)	1 contact visit per week
Medical (MD), Mental Health (MH), MROP (II)	(whatever computer recommended custody allows)

1.5.2 All offenders in G1, G2, G3 or appropriate G4 or Protective Custody-Level I at the Byrd, Jester I and private pre-release units shall be eligible to receive contact visits each weekend, except in those individual cases where contact visits have been suspended. If general (non-contact) visitation areas are constructed on these units, then offenders at these units shall be eligible for contact visits in accordance with the same rules and criteria as offenders at all other units.

1.5.3 Both outdoor and indoor contact visitation areas exist on TDCJ units. For outdoor contact visits, covered "picnic type" tables or similar seating

arrangements are recommended. The visiting area and tables shall be arranged to allow for adequate supervision. Contact visits shall be held outdoors if weather permits. The Warden or designee shall determine when inclement weather conditions prohibit the use of outdoor contact visitation areas.

1.5.4 Eligibility Criteria for Contact Visits:

1. Offenders are eligible for contact visits if they meet all of the following criteria:
 - a. Must be assigned to G1/J1, G2/J2, G3 (G4 offenders may be eligible if S3 or S4 with one [1] year clear of major disciplinary convictions and J4 offenders may be eligible with one year clear of major disciplinaries);
 - b. No administrative denial code (suspension of contact visits by the UCC for reasons of safety or security);
 - c. Offenders assigned to transfer facilities must have been incarcerated in TDCJ on a current TDCJ number for a minimum of three (3) months from the current TDCJ receive date.
 - d. offenders assigned to State Jails must be incarcerated for a minimum of 30 days from the TDCJ receive date.
2. Offenders shall be able to receive contact visits when their eligibility is reflected in the TDCJ mainframe computer records.
3. Contact visits may be suspended as a disciplinary punishment if the offender is found guilty of a disciplinary rule violation.
4. Offenders newly-assigned to a unit shall be reviewed by the Unit Classification Committee (UCC) to determine whether an offender should be administratively denied from having contact visiting privileges.

1.6 Number of Visitors Allowed:

Each offender is allowed to have up to two (2) adult visitors per visit. Children under 16 years of age may visit without being counted in this number. The number of children allowed per visit will be based on the amount of space available for visitation and on the visitor's ability to manage and control the children. Two seats are provided for visitors at each visitation station.

2.0 WHO CAN VISIT WITH OFFENDERS

2.1 Approved Visitors List:

During the reception and diagnostic process, each offender shall be asked to submit a list of no more than ten (10) names of proposed visitors to the Warden or designee. Each name submitted must include the physical address of the proposed visitor and the visitor's relationship to the offender. An offender must request to have a visitor added to the list. The visitor cannot request the addition. The offender is required to identify all individuals on his proposed Visitors List who are on active probation, parole or mandatory supervision release. Newly received offenders will be given sufficient time to obtain visitors' addresses for inclusion on the initial Visitors List. (Offenders may only include physical addresses for visitors; post office boxes are not permitted.)

- 2.1.1 Children under 16 years of age do not have to be included on an offender's Visitors List to be eligible to visit and will not be counted toward the number of

visitors allowed per visit. Children under 16 years of age must be accompanied by an adult (18 years old or older) who is listed on the offender's approved Visitors List.

- 2.1.2 Persons with criminal records will not automatically be prevented from visiting. The nature and extent of the criminal record and the time lapse since the criminal activity will be taken into consideration.
- 2.1.3 If a proposed visitor is not approved for visitation, the reasons for the denial will be given in writing to the offender. The offender or the visitor may appeal the decision through the Director's Review Committee.
- 2.1.4 Each offender will be given a copy of his approved Visitors List. The original will remain in the offender's facility file. The names and addresses of each offender's approved visitors will also be maintained on the computer.
- 2.1.5 Institutional offenders may make changes to their approved Visitors List once every six (6) months. State Jail offenders may make changes to their approved Visitors List every 60 days.

2.2 Visitors Approved for Contact Visits:

2.2.1 Contact visits are limited to the eligible offender's immediate family and to the significant other categories specified below. For purposes of this policy, immediate family is defined as:

- ✍ Natural or adoptive mother and stepmother
- ✍ Natural or adoptive father and stepfather
- ✍ Natural or adoptive children, stepchildren or grandchildren (children under the age of 16 years must be accompanied by an adult <18 or older> who is approved for contact visits)
- ✍ Natural or adoptive siblings and stepsiblings.
- ✍ Spouse (common law or ceremonial). The person listed as an offender's spouse on the offender's approved Visitors List shall be eligible for contact visits. Any change of an offender's spouse on the Visitors List must be verifiable by the Warden or designee (i.e., proof of divorce must be provided by the offender when a change in spouse is requested on the visiting list). A copy of the marriage license or other acceptable legal documents shall be used for verification. Acceptable documentation for establishing a common-law marriage status is a Declaration and Registration of Informal Marriage. A declaration of informal marriage shall be executed on a form prescribed by the Bureau of Vital Statistics of the State Department of Health and provided by the County Clerk. In absence of a Declaration and Registration of Informal Marriage, both the offender and the common-law spouse (must be sworn) may submit to the Warden affidavits declaring their marriage. The offender may use an unsworn affidavit under penalty of perjury (§§132.001 – 132.003, VTCA Civil Practice and Remedies Code). However, the common-law spouse must provide an affidavit certified by the County Clerk or notarized by a Notary Public. Any other form of registration acceptable to the Bureau of Vital Statistics is considered acceptable proof of marriage. A copy of the documents shall be placed in the offender's unit file.
- ✍ Grandparents, and grandchildren
- ✍ Persons related by marriage (father-, mother-, daughter-, son-, brother-and sister-in-law) if accompanied by an immediate family member. (Minor children of the offender qualify as an accompanying family member.)
- ✍ Aunt or Uncle

- ☞ Surrogate parent or special relationship. For purposes of this policy, a surrogate parent is generally defined as a person with whom the offender resided as a minor for a significant amount of time. For example, foster parents or the guardian of an offender's minor child, to include the parent of the child, are eligible if their relationship to the offender is verifiable by the Warden. A person having a special relationship with the offender may be eligible for contact visits if the special relationship is verified and approved by the Warden. The Warden shall have the authority to assess the relationship and determine if the proposed visitor qualifies as a surrogate parent or special relationship. The Warden shall have the authority to decline approval for a contact visit if he determines that the proposed visitor does not qualify for the contact visit.
 - ☞ Non-immediate family members. The Warden may approve non-immediate family members for contact visits with offenders who, although eligible, are not able to have contact visits with immediate family members, (e.g., the offender has no immediate family, family members are located too far for visitation, no immediate family members or visitors from other categories have been approved for contact visitation, or other similar situations).
- 2.2.2 An offender convicted and sentenced for current or prior crimes involving sexual offenses against children or offenses causing bodily injury to a child (age of child victim was 17 or younger) is restricted from having contact visits with children under the age of 16. This restriction is not intended to be used to prohibit family participation in counseling groups as a part of the SOTP. These exceptions shall only occur with the approval of the SOTP Clinical Director.)
- 2.2.3 Due to the physical structure of the visitation areas provided at outside trusty camp facilities, all offenders assigned to outside trusty camps shall be permitted to have contact visits with any and all persons listed on their approved Visitors Lists.
- 2.2.4 All offenders assigned to the Byrd, Jester I and private pre-release facilities shall also be permitted to have contact visits with any person listed on their approved Visitors Lists. This policy may be modified with respect to these facilities in the event that indoor visitation areas for general (non-contact) visits are constructed.
- 2.2.5 Offenders assigned to G1 custody will be allowed to have a contact visit with any person on their approved Visitors List.
- 2.3 Visitor Notification:
- 2.3.1 When an offender receives his initial unit assignment or is transferred to a new unit of assignment, the offender is responsible for notifying all persons on his Visitors List as to the unit's mailing address, visitation schedule (to include frequency and length of visits, periods of visitation, and other similar information), and number of visitors allowed per visit. The offender is also responsible for notifying his approved visitors of his TDCJ number.
- 2.3.2 The offender is responsible for notifying approved visitors who are on active probation, parole or mandatory supervision release that each time they visit they may be required to bring with them written permission from the individual or agency supervising such conditional release and obtain permission from the respective Warden prior to being allowed to visit the offender.
- 2.3.3 When an offender's visitation privileges are in any way restricted or suspended (e.g., offender is placed into solitary confinement; offender's contact visitation

privileges are administratively suspended by UCC), the offender is responsible for notifying the individuals on his Visitors List by mail as to the type and length of the restriction or suspension. In cases where an offender's general visitation privileges have been restricted due to the offender's placement in solitary confinement, and where notification by mail is not possible before the visitors are expected, the offender should notify the Warden or designee, who will attempt to contact the visitors by telephone.

- 2.3.4 In the event of placement of the offender on the seriously/critically ill list, the unit Manager of Health Services notifies the Warden or designee who shall make the appropriate notifications to next of kin in accordance with AD-06.10, "Notification Regarding Seriously/Critically Ill Offenders."

3.0 RULES FOR VISITS

3.1 Visitor Identification:

- 3.1.1 Prior to entering the visiting area, all visitors 16 years of age and older are required to properly identify themselves with acceptable identification which includes a photograph and signature, (e.g., valid driver's license, Department of Public Safety [DPS] identification card, employee identification card/badge, or student identification card). If the visitor's identification is questionable or not acceptable, further verification will be required (such as birth certificate, passport, credit card or some other official identification). Children under 16 years of age may be required to provide identification such as a birth certificate or DPS identification card.
- 3.1.2 Visitors must provide the following information prior to entering the unit:
 - a. Name and TDCJ number of the offender to be visited
 - b. Visitor's relationship to the offender
 - c. Visitor's current address
- 3.1.3 Persons on active probation, parole or mandatory supervision release may be required to provide written permission from the individual or agency supervising such conditional release. They also may be required to obtain permission from the Warden before being allowed to visit.
- 3.1.4 The officer in charge of visiting must verify all visitors have received approval prior to allowing the visit. Questions regarding identity shall be referred immediately to the Warden or designee.
- 3.1.5 A visitor shall be denied permission to visit and may have his name removed from the offender's Visitors List if:
 - a. The visitor is under the influence of drugs or alcohol
 - b. The visitor refuses or fails to produce sufficient identification or falsifies identifying information
 - c. The visitor refuses to be searched or refuses to allow his vehicle to be searched
 - d. The visitor violates any TDCJ visitation rule

3.2 Searches of Visitors and Vehicles:

- 3.2.1 All vehicles are subject to search prior to entering the grounds of the unit. Visitors shall be searched prior to entering the visitation area. Any visitor refusing the search procedure shall be required to leave the unit grounds.
- 3.2.2 All visitors shall leave in their vehicle any metal objects or material that is capable of causing injury, abetting escape or otherwise causing a threat to the safety or security of the facility. The Warden or designee has authority to make a final determination whether an object is prohibited. All visitors shall be screened by a metal detector prior to visiting an offender. Said screening shall be conducted outside the perimeter fence. If no perimeter fence exists, the metal detector screening shall be conducted prior to a visitor's breaching the security of the compound. All hand-carried items shall be searched. Note: During inclement weather only, at those units which do not have a gatehouse or shelter in which to screen visitors, staff may conduct the metal detector screening in a visitors' waiting area inside the unit.
- 3.2.3 No internal body cavity searches of visitors shall be conducted. Pat or strip-searches of visitors shall only be conducted if the visitor agrees, in writing, to be searched and the Warden or his designated representative on duty gives prior approval for the search based on reasonable cause. Any and all searches shall be conducted by officers of the same sex as the visitors being searched. However, metal detector screening may be performed by either gender.

3.3 Contraband Items:

Visitors shall not possess or introduce into the grounds of any unit, any items defined below as contraband or that could reasonably be determined to be used in furtherance of a violation of TDCJ policy. The Warden or designee has authority to make a final determination whether an item is prohibited. The following are defined as contraband:

- ✍ Any intoxicating beverages;
- ✍ Any controlled substance (as defined by Section 481.002, Texas Health and Safety Code) and dangerous drugs (as defined by Section 483.001, Texas Health and Safety Code) and not otherwise permitted by Article 38.11, Texas Penal Code;
- ✍ Any firearm or instrument customarily used or designed to be used as a dangerous weapon or having explosive substance [The Texas Board of Criminal Justice rule states, in part, that it is a criminal trespass for a person to enter or remain on the property of the TDCJ with a deadly weapon on his person or in his vehicle. Additionally, it is a felony under Section 46.035 of the Texas Penal Code for a person licensed to carry a concealed handgun under Texas Government Code, Chapter 411, Subchapter H, to carry a handgun on the premises of a correctional unit, regardless of whether the handgun is concealed. A person who is licensed under Texas Government Code, Chapter 411, Subchapter H, to carry a handgun, does not trespass on TDCJ property with the handgun if the gun is secured in the locked trunk of a vehicle or locked compartment if the vehicle does not have a trunk, before the vehicle enters TDCJ property. (Board Rule § 151.21)];
- ✍ Any instrument that may be used as an aid in effecting or attempting to effect an escape;
- ✍ Any article, instrument or substance specifically prohibited by the policies and rules of the department; and
- ✍ Any item brought onto the grounds (e.g., tobacco) with the intent that it be delivered to an offender.

- 3.3.1 If contraband is found on the person or in the clothing of a visitor during a pat or strip-search, or during a search of a visitor's vehicle, the contraband shall be confiscated. Law enforcement authorities shall be contacted at the discretion of the Warden or designated representative.
- 3.3.2 If law enforcement authorities indicate their intent to arrest the visitors, TDCJ shall detain those persons until the arrival of law enforcement authorities (see Section 20.02 [d] of the Texas Penal Code). The visitors shall be advised as to why they are being detained.
- 3.3.3 Visitors who are found to be in possession (i.e., on their person, in their clothing or in their vehicles) of contraband may be removed from an offender's Visitor List.
- 3.4 Supervision of Visits:
- Each Warden shall establish procedures for ensuring that all visits are conducted in a quiet and orderly manner.
- 3.4.1 Assigned staff shall constantly monitor for the passing of contraband (between an offender and his visitors as well as between offenders).
- 3.4.2 Offenders shall be pat or strip-searched prior to entering the visitation area and shall be strip-searched prior to departing the visitation area. Upon completion of the strip-search, the offender shall immediately leave the visitation area and shall not be given the opportunity to return to the visitation area or any part of it, to include the offender restroom.
- 3.5 Rules for Offenders:
- 3.5.1 Offenders shall be required to wear TDCJ-issued pants, shirts and State-issued or commissary purchased shoes during visits. Shirts must be tucked in at all times (Female offenders shall follow dress requirements as established on their unit).
- 3.5.2 Offenders shall not pass items to other offenders or to visitors.
- 3.5.3 Offenders shall not be loud or boisterous during visits in order to keep from disturbing other offenders and visitors.
- 3.6 Rules for Visitors:
- 3.6.1 Dress Requirements:
- a. Shirt and shoes are mandatory.
 - b. Halter-tops, T-shirts (underwear type), tank tops, fishnet or see-through fabrics are not allowed. Shirts and blouses with an open midriff are not allowed.
 - c. Shorts or cutoffs are not allowed, except for pre-adolescent boys and girls. (Generally, pre-adolescent means ten years old or less. However, the Warden has the final discretion based on the physical maturity of the child.)
 - d. Men and post-adolescent boys must wear long pants.
 - e. Women and post-adolescent girls may wear dresses, skirts (no shorter than 3" above the middle of the knee while standing), capri pants (styles of pants that are at least 3" below the middle of the knee while standing)

or long pants. (If a dress, pants or skirt appears to be too short, the duty officer will be contacted for a decision.)

- f. Shirts or other articles of clothing with pictures or language that may be considered profane or offensive by current public standards shall not be allowed.

3.6.2 Items Permitted for Visitors:

Visitors shall be permitted to bring into the unit a small wallet or change purse. Effective August 1, 2001, the TDCJ no longer allows visitors to bring any paper money onto a correctional facility. Visitors may bring coin money in an amount not to exceed \$20.00. Visitors who violate this rule may have their visit denied and may be removed from the offender's visitation list. Visitors with infants or small children may bring no more than three (3) diapers, baby wipes, and two (2) baby bottles ("sippy" cup for toddlers) into the unit. These items may be stored in a clear plastic bag. Visitors will be allowed to purchase soft drinks and vending machine snacks for offenders during general and contact visits, but the items must be consumed during the visit.

3.6.3 Items Not Permitted for Visitors:

Visitors shall not be permitted to bring packages, mail, magazines, pagers, cell phones, food items, purses, diaper bags, briefcases, cameras, baby strollers, toys, dolls, photographs or photograph albums, or other non-authorized items into the unit. Visitors shall not be permitted to bring items of any kind to offenders. All such items shall be locked in visitors' vehicles prior to entering the unit. Photographs of family members and other similar items can be mailed to offenders at their unit of assignment. All photographs must be reviewed and approved through established procedures. TDCJ units are designated as "tobacco free." Visitors shall not be permitted to bring cigarettes, cigarette lighters, matches or any tobacco products (any product prepared for smoking, chewing or dipping) into TDCJ units (Board Rule § 151.25).

3.6.4 Visitor Conduct:

- a. Visitors are prohibited from engaging in the following activities:

1. Loitering around the unit's front gate or guard tower;
2. Walking along the perimeter road;
3. Photographing buildings, fences, or any other part of the unit;
4. Loud playing of radios; or
5. Yelling at offenders.

- b. Visitors are required to keep accompanying children as orderly as possible during the visit so that other offenders and visitors shall not be disturbed. In the event that visitors are unable to control their children, the visit shall be terminated and visitors and children shall be escorted out of the front gate. Adult visitors are responsible for the supervision of all children who accompany them.

3.6.5 Removal of Articles from the Unit:

No visitor shall take any article whatsoever from the grounds of the unit (e.g., gifts from offenders or offenders' excess personal property items) without authorization from the Warden or his designated representative.

Offender Craft Items:

On those units which sell offender-made craft items, the purchase of such items is allowed only during visitation hours (hours will be designated by each unit). Purchase must be paid for in CASH only. Monies for payment of craft items may be arranged in advance with the Duty Warden. Purchases are handled by personnel inside the main building at the unit. Crafts designated as gifts for visitors can be claimed by those visitors by presenting the appropriate personnel with valid identification.

3.7 Denial of Visits/Visitors:

- 3.7.1 When there is reason to believe that a forthcoming visit or a particular visitor shall compromise the safety and security of offenders, staff or the institution, the Warden shall have the authority to cancel the visit or deny a particular individual permission to visit on that day. In addition, the Warden may remove an individual's name from an offender's Visitors List when there is cause to believe that the visitor shall compromise the security of the institution or the safety of offenders or staff.
- 3.7.2 Offenders will be notified in writing of the denial of a visit/visitor either before (if time permits) or immediately after the cancellation of the visit. Offenders will also be given written notice upon removal of a visitor's name from the Visitors List.
- 3.7.3 An offender may appeal the decision to remove an individual's name from his Visitors List to the Director's Review Committee.
- 3.7.4 A visitor whose name has been removed from an offender's Visitors List will be notified of this fact by the Warden. The denied visitor will be notified in writing of the specific reasons for his removal from the Visitors List except in those cases when disclosure of the reasons to the individual would jeopardize institutional security or the safety of any individual. Additionally, a denied visitor will be notified of the right to appeal the decision to remove his name from an offender's Visitors List to the Director's Review Committee. The appeal must be submitted within 14 days of the date on the written notice. If the appeal is denied, the individual may submit another appeal after six (6) months of the denial.

3.8 Termination of Visits in Progress:

- 3.8.1 The Warden on duty shall have the authority to terminate an offender's general or contact visit while the visit is in progress if the offender violates established TDCJ offender rules and regulations or if the offender's visitors do not comply with the rules and regulations established for visitors, to include failure to prevent children from disturbing other persons in the visiting area.
- 3.8.2 Prior to termination of a visit, less severe alternatives will be attempted if appropriate. This will include warnings to the offender or visitors of improper conduct which, if not discontinued, will result in the visit being terminated and may result in the visitor's name being removed from the offender's Visitors List.

4.0 VISITS FOR SPECIAL OFFENDER CATEGORIES

4.1 MROP (Mentally Retarded Offender Program) and Psychiatric In-Patient Offenders:

Determinations regarding visitation (general and contact visits) for offenders in an MROP-Sheltered Facility or a psychiatric in-patient facility shall be made on a case-by-case basis by the offender's program treatment team.

4.1.1 Eligibility for contact visits for these offenders is determined as follows:

- a. Assigned to a management level commensurate with G1/J1, G2/J2, or G3 custody (and appropriate G4/J4), as determined by the treatment team.
- b. Meets eligibility criteria.
- c. Review and approval by the program treatment team with a psychiatric or rehabilitation aide supervisor or designee as a member. If the psychiatric or rehabilitation aide supervisor or designee is unable to attend, he may submit recommendations in writing to the treatment team as to whether or not the offender should be eligible to receive contact visits in light of security concerns.

4.1.2 The frequency of contact visits for these offenders will be determined based upon the same custody status levels as general population offenders. Visitation for all psychiatric in-patient facilities may be scheduled for any day of the week, at the discretion of the program treatment team and the unit administration.

4.1.3 Unit Health Services staff are responsible for providing the Warden with a list of names/TDCJ numbers of psychiatric in-patient offenders who are precluded from visitation as a result of their illness.

4.2 Psychiatric Out-Patient Offenders:

Psychiatric outpatients are eligible for general and contact visits in accordance with the same criteria and procedures as all other general population offenders.

4.3 Transient Status Offenders:

Offenders in transient status or housing (except those undergoing diagnostic and reception processing) are eligible for general visits in the same manner as all other general population offenders. Contact visitation for these offenders is allowed in accordance with the criteria and procedures outlined in these rules and at the discretion of the Warden.

4.4 Safekeeping Status:

Offenders in safekeeping status are eligible for general and contact visits in accordance with the same criteria and procedures as all other general population offenders.

4.5 Pre-Hearing Detention:

Offenders in pre-hearing detention are not allowed to have contact visits while in that status, irrespective of custody level or time-earning status. However, these offenders are allowed to have general visits in accordance with the same criteria and procedures as general population offenders.

4.6 Lockdown Status:

Offenders on lockdown status may be precluded from visitation in accordance with policy related to lockdowns and the facility's progressive release lockdown schedule. However, visits by an offender's attorney shall be permitted (except as prohibited in the TDCJ Attorney Visitation Rules).

4.7 Administrative Segregation/Special Management:

4.7.1 General Visits:

Offenders in Administrative Segregation/Special Management (Security Detention and Protective Custody) are allowed general visits in accordance with the *Administrative Segregation Plan*.

Level I One (1)-two (2) hour non-contact visit each week

Level II Two (2)-two (2) hour non-contact visits each month

Level III One (1)-two (2) hour non-contact visit each month

Special security procedures may be utilized during visitation periods to ensure the safety and security of all offenders, offender visitors, staff and the security of the institution.

4.7.2 Contact Visits

Offenders in Administrative Segregation – Security Detention are not eligible for contact visits. Offenders in Administrative Segregation – Protective Custody Level I (only) are eligible for contact visits with the same criteria and frequency as G2/J2, and G3 custody general population offenders. Eligible Protective Custody-Level I offenders may have their contact visits scheduled during the week with prior approval from the Warden. However, those who do so shall not have a general or contact visit on the following weekend.

4.8 Death Row Offenders:

Offenders on Death Row are allowed one general visit per week for a two (2) hour period. Visiting hours for death-sentenced offenders are Monday through Friday, 8:00 a.m. to 5:00 p.m. and on Saturdays between 5:30 p.m. and 9:30 p.m., except on State-approved holidays. Tuesdays (Mountain View) and Wednesdays (Polunsky) between the hours of 1:00 p.m. and 3:00 p.m. are reserved for the media (e.g., TV, newspapers) to visit death-sentenced offenders. Special security procedures (e.g., security cages) may be utilized during the visitation periods to ensure the safety and security of offenders, offender visitors, staff, as well as the security of the institution.

4.9 G5/J5 Offenders:

4.9.1 G5 offenders are allowed two (2) non-contact visits each month. G5/J5 offenders who are on special penalty cell restriction are allowed only one (1) non-contact visit each month. All visits will be limited to two (2) hours in duration. Due to the physical configuration of the expansion cellblock facilities (the separate cellblock facilities at the Estelle, Lewis, Smith, Allred, and Clements Units designed to house G5 and Administrative Segregation offenders), assigned offenders in these facilities only shall have scheduled visits during the week. Generally, all visits should be scheduled one (1) week in advance. Visitation times will be 8:00

a.m. through 5:00 p.m., seven (7) days per week. Individuals on an offender's approved Visitors List are responsible for scheduling dates and time of visits.

- 4.9.2 G5 offenders participating in the Gang Renunciation and Disassociation (GRAD) process at the Ramsey I Unit are allowed one (1) two (2) hour non-contact visit each week. The G5 offenders participating in the GRAD process are only allowed visits on the weekends.

5.0 SUSPENSION OF VISITS

5.1 General Visits:

Loss of general visitation privileges cannot be imposed as a result of conviction for a disciplinary violation. However, general visitation privileges shall be suspended while offenders are in solitary confinement for serious rule violations. Visitation privileges may be suspended for offenders on lockdown status.

5.2 Contact Visits:

Because contact visitation is a privilege granted to offenders based on meritorious institutional behavior, contact visitation is subject to suspension through the unit disciplinary process as a result of institutional rule violations. Contact visitation privileges may also be administratively suspended or denied for reasons of safety and security.

5.2.1 Contact Visitation Suspensions Resulting from Disciplinary Convictions:

Minor Disciplinary Hearings: Offenders who are eligible for contact visits and who are found guilty of minor disciplinary violations by a Minor Hearing Officer may have their contact visitation privileges suspended for a minimum of one (1) visit and a maximum of two (2) months from the date of conviction. Offenders whose contact visitation privileges are suspended will continue to be eligible for a general visit each weekend as outlined in these rules.

Major Disciplinary Hearings: Offenders who are eligible for contact visits and who are found guilty of disciplinary violations by a Disciplinary Hearing Officer, through the major disciplinary hearing process, may have their contact visitation privileges suspended for a minimum of one (1) visit and a maximum of four (4) months from the date of conviction. Offenders whose contact visitation privileges are suspended shall continue to be eligible for a general visit each weekend as outlined in these rules.

5.2.2 Administrative Suspension of Contact Visits through Use of the Administrative Denial Code:

Contact visitation privileges may be administratively suspended by the UCC upon determination that contact visits for the offender would be detrimental to the safety or security of other offenders, staff or the institution. Upon the UCC's recommendation, the suspension shall be lifted and the offender shall be eligible for contact visits so long as he meets all other eligibility criteria. This procedure (5.2.2) does not apply to MROP offenders at an MROP Sheltered Facility or to psychiatric in-patient offenders. Supervision of contact visits for these offenders are by recommendation from their program treatment team.

6.0 SPECIAL VISITS

The Warden or designee may permit special visits (contact or non-contact) or authorize special conditions of visits outside of the ordinary course of established visitation rules. Offenders or visitors wanting to have a special visit shall submit requests in writing to the Warden. The Warden or designee shall review the request and notify the offender of his denial or approval of the special visit. In those circumstances when the offender has had no prior notice of the special visit (e.g., family travels over 300 miles to see the offender without telling the offender of their visit), the Warden shall have the authority to approve or deny the request based on his assessment of the individual circumstances of the request. The Warden has sole discretionary authority to grant or deny requests for special visits, to include, but not limited to, the circumstances outlined below.

6.1 Three Hundred (300) Miles:

Permission for visits of a maximum of four (4) hours may be obtained through the Warden or designee for those visitors whose residence is three hundred (300) or more miles (as indicated by the Texas State Mileage Guide) in distance (one way) from the offender's unit of assignment. A total of eight (8) hours visiting with a maximum of four (4) hours per day on two (2) consecutive days may be permitted. Such visits may be scheduled during weekdays by special arrangement. Only one special extended visit may be held each month. Permission for an extended visit due to distance traveled shall not normally be granted if the visitor has visited more than once in the past month.

6.2 Spiritual Advisors:

Permission for visits with spiritual advisors who are not listed on the offender's approved Visitors List may be obtained from the Warden. Spiritual advisors must satisfactorily identify themselves as such in order to obtain permission to visit (guidelines for ministerial/spiritual visits for offenders on death row are outlined in the *Death Row Plan*).

6.3 Prospective Employers:

Permission for visits with prospective employers who are not listed on the offender's approved Visitors List may be obtained from the Warden. Prospective employers must satisfactorily identify themselves as such in order to obtain permission to visit.

6.4 Critical/Serious Illness List:

"Seriously ill" or "critically ill" are medical conditions determined by a licensed physician. Critically ill is the gravest condition, when death is an acute concern. Seriously ill is also a grave condition, but there is usually more of a possibility that the patient may recover than there is with the critically ill status. The determination of the status of an offender is to be made by a physician only and not based on the assumptions of correctional staff.

1. Offenders on TDCJ units

Offenders who are placed on the critical or serious illness list by a licensed physician, to include those offender patients listed as non-ambulatory, may be precluded from visitation if physically unable to visit during the regularly scheduled visitation period. The presiding physician shall make the determination regarding the offender's ability to receive visitors. However, the Warden may provide alternative means for visiting for those offenders on a case-by-case basis (e.g., rescheduling a visit during the weekday by special arrangement).

2. Free-World Hospitals

If the offender is in a free-world hospital, usually visitation does not take place. However, in exceptional circumstances, family visitation will take place as considered appropriate by the Warden, Chaplain, and free-world hospital administration. Factors taken into consideration will include the seriousness of the illness (as determined by the presiding physician), security needs, and the hospital's physical structure or location.

3. Hospital Galveston

Critically or seriously ill offenders are allowed visits seven (7) days a week at Hospital Galveston. The determination of whether an offender is seriously or critically ill is determined by the presiding physician.

6.5 Hospice Offenders:

All visits shall be coordinated through the Chaplaincy Department and shall meet the approval of both security and Health Services. Visitation may occur seven (7) days a week, generally between the hours of 8:00 a.m. and 5:00 p.m. The Warden shall have final authority over visitation within the Hospice Program.

6.5.1 Visitation in the Infirmary

- a. Visitors entering the infirmary must be immediate family or those on the offender's approved visiting list.
- b. Visiting children must be immediate family as defined by TDCJ Visitation Plan. Children 16 years of age and younger shall visit in the regular visitation area. Only persons 17 years of age and older shall be permitted to go to the infirmary to visit.
- c. Only up to four (4) adult visitors at one time shall be permitted to visit an offender in the infirmary.
- d. Exceptions can be made due to the deterioration of the offender's health and at the Warden's discretion.

6.5.2 Visiting in the General Visitation Area

- a. Offenders, whose health condition permits, may receive visits in the existing visitation area.
- b. Offenders receiving visits in the existing visiting area may visit with anyone on their approved visiting list.
- c. All other visitation issues shall be in accordance with existing visitation policy.

6.6 Visits Between Offenders (Non-Legal):

Permission for special, non-legal visits between offenders may be granted under the conditions outlined below. Final approval from the State Classification Committee (SCC) must be obtained in those cases where the offenders are assigned to different units and approval of the visit necessitates a temporary unit transfer.

6.6.1 Eligibility Criteria:

Offenders must meet the following criteria in order to be approved for a visit.

- a. The offenders must be assigned to a permanent unit.

- b. The offenders must be related by blood or marriage.
- c. Both offenders must have been in the TDCJ for a minimum of six (6) months and have demonstrated satisfactory institutional adjustment (i.e., no major disciplinary cases for six [6] months and no pending disciplinary cases).
- d. Each offender must be listed on the approved Visitors List of the other offender.
- e. The offenders must not have had a non-legal visit with another offender within the last twelve (12) months.
- f. Visits will not be permitted between Institutional and State Jail offenders.

6.6.2 Approval Process:

- a. An offender must submit a written request to his Warden to obtain approval for a visit with another offender. If approved, the Warden shall forward the request to the Warden of the offender to be visited via e-mail.
- b. If both Wardens approve the visit, the request shall be submitted to the SCC via e-mail for review. If approved, the SCC shall schedule the visit and notify the Wardens involved. If the visit is denied, the SCC shall return the request to the unit via e-mail. Offenders may appeal such denials through the *Offender Grievance Procedures*.

6.7 Current/Former TDCJ Employees:

For purposes of the *TDCJ Visitation Plan*, "employee" (current or former) shall mean anyone employed (currently or previously) by the TDCJ, or anyone currently or previously employed by an agent of TDCJ (private prison vendor, Windham School District, UTMB, Texas Tech or other similar entity).

6.7.1 Eligibility Criteria for Visitation

Current/former employees are not allowed to be placed on an offender's visiting list unless:

- a. The relationship was established prior to the offender's incarceration; and
- b. While employed with the TDCJ, the current/former employee reported the relationship to Agency officials in accordance with *PD-21, "Employee General Rules of Conduct"*; and
- c. The current/former employee is a spouse, child, sister/brother, aunt/uncle, step-parent, step-child, sister-in-law/brother-in-law, mother/father, mother-in-law/father-in-law, daughter-in-law/son-in-law, adopted child or parent, or grandmother/grandfather of the offender.

- 6.7.2 If a former employee does not meet all of the above three (3) criteria, the former employee shall not be allowed to visit for 24 months after the employee's date of separation from employment with the Agency. After expiration of the 24-month period, the former employee may be reviewed for visitation privileges by the Director's Review Committee. The offender must submit an RO-1 and RO-2 form to request that the former employee be added. Documented security concerns (i.e., the former employee delivered or attempted to deliver contraband to the offender while still an employee or had sexual contact with the offender while employed) may cause disapproval of the request. If the former employee is approved, the visitor may be added to the list immediately, even if the offender is not eligible for a list change.

6.7.3 General Guidelines

- a. Former employees may correspond with offenders in accordance with the *TDCJ Correspondence Rules*. Only current employees who are approved on the offender's visitation list are authorized to send personal correspondence to the offender.
- b. Former employees are not precluded from participation in an Agency-approved volunteer program. However, former employees shall not be allowed to participate in an Agency-approved volunteer program at any unit where an offender is housed when a relationship exists between the offender and the former employee.
- c. Any consideration for an exception to the above must be submitted through the Warden to the appropriate Division Director or designee for approval.

6.8 Attorney Visits:

Rules for offender visits with attorneys shall be governed by the Attorney Visitation Rules established in the *Offender Access to the Courts, Counsel and Public Officials Rules*. Cellular phones shall not be allowed on the unit. Computer laptops and personal digital assistants are permitted although these electronic devices may not be used to communicate with a third party during the visit.

6.9 Legal Visits Between Offenders:

In accordance with the *Offender Access to the Courts, Counsel and Public Officials Rules* (referred to as the Access to Courts Rules), offenders shall be permitted to assist or advise each other on all legal matters. Guidelines and procedures for legal visits between offenders are outlined in the Access to Courts Rules.

CHAPTER 3

UNIFORM OFFENDER CORRESPONDENCE RULES

I. General Rules and Instructions Regarding Correspondence

A. Permissible Correspondents

An offender may correspond with as many persons as he or she chooses, except as restricted by this policy (Uniform Offender Correspondence Rules).

B. Restricted Correspondents

1. Other Offenders

Offenders may not correspond with other offenders unless:

- a. The offenders are immediate family members (parents, step-parents, grandparents, children, step-children, spouses, common law spouses, and siblings);
- b. The offenders have a child together, as proven through a birth certificate and the parental rights have not been terminated;
- c. The offenders are co-parties in a currently active legal matter; or
- d. The offender is providing a relevant witness affidavit in a currently active legal matter.

2. Negative Mailing List

Offenders shall be denied permission to correspond with persons on their negative mailing list. Persons on that list may be:

- a. Minors whose parents or guardians object in writing to the correspondence, except an offender's own child or step-child (unless the child or step-child is the offender's victim as described in subsection 3 of "Restricted Correspondents");
- b. Individuals who request in writing that further correspondence not be sent to them by the offender; and
- c. Individuals who have attempted to send contraband into the institution or otherwise committed a serious violation of the correspondence rules, as determined by the Warden. A person who commits a serious violation of the Uniform Offender Correspondence Rules may be prohibited from any further correspondence with a particular offender and may be placed on a negative mailing list of persons with whom that particular offender may not correspond. Within 72 hours of such addition to a negative mailing list, a notice, accompanied by a statement of the reason therefore, shall be sent to the disallowed person and to the offender. Within the same time period, the disallowed person and the offender shall

also be notified of how to appeal and the procedure for appeal.

3. Victims

Pursuant to AD-04.82, Section 38.111 of the Texas Penal Code, and Section 498.0042 of the Texas Government Code, the TDCJ prohibits unauthorized contact with a victim or a member of a victim's family by offenders who are confined in the TDCJ Correctional Institutions (CI) Division if:

- a. The offender is currently serving time for committing a crime against that victim;
- b. The victim was younger than 17 years of age at the time of the offense; and
- c. Written authorization for the contact was not obtained prior to the initiation of the contact.

Offenders making unauthorized contact with victims shall be charged with a major disciplinary offense and, if the charge is sustained, shall forfeit all or any part of accrued good conduct time if the offender is not a State Jail offender. A State Jail offender shall be assessed a major disciplinary penalty if the charge is sustained. An offender may also be subject to criminal charges for improper contact with a victim.

C. How to Correspond

There is no restriction placed upon the length of incoming or outgoing correspondence. All offender mail must be sent and received through duly authorized channels. Offenders must not smuggle letters in or out of the institution.

1. Authorized Channels

Offenders may only send First Class or Certified or Priority United States mail through the offender mail system.

2. C.O.D. Mail

No Cash on Delivery (C.O.D.) mail shall be accepted for any offender and no offender shall be authorized to send C.O.D. Unauthorized items arriving by mail shall be returned to the sender at the expense of the offender if ordered by said offender, unless the offender is without funds, in which case the mail shall be returned at the sender's expense. Offenders will be notified when C.O.D. mail is returned to the sender.

3. Packages

All outgoing packages may not be sealed for mailing until inspected by TDCJ. Packages must be free of contraband or material which constitutes a threat to security or which cannot be lawfully sent through the mail. Inspection of this mail shall be done in the presence of the offender; if cleared for mailing, the item shall be sealed and placed in the mail by the sender in the

presence of the inspector. These rules shall not apply to outgoing packages to special, legal, and media correspondents, which shall be governed by the rules relating to such correspondence.

Packages may not be sent to offenders by individuals. TDCJ will permit the delivery of packages of stationery from legitimate stationery vendors (a stationery vendor need not register in advance with the TDCJ in order to be a "legitimate" vendor), subject to its right of inspection. Packages of publications may be sent to offenders by publishers or publication suppliers, including bookstores. Special provisions are made for packages to be received from suppliers for craft shop operations. All incoming packages shall be subject to inspection. Offenders will be notified when unauthorized packages are returned.

4. Return Address and Outgoing Correspondence

Offenders must put their commitment name, TDCJ number, unit name, and current address on each outgoing envelope or package. Offenders having a legal name other than their commitment name may also place that name in the return address. No other information may be made part of the return address.

Offenders may not embellish their outgoing envelopes with illustrations or written messages other than the return address, the name and address of the intended recipient, and a notation that the envelope contains legal, special, or media mail.

Mailroom officials shall refuse for mailing, after consultation with the MSCP, any outgoing correspondence from an offender that they reasonably believe will be deemed nonmailable by the United States Postal Service pursuant to 18 U.S.C. Section 1716. This includes envelopes or packages having obnoxious odors or containing liquids or powders.

5. Stationery

Any type of stationery, whether bought at the commissary, mailed from approved sources as described in these Rules, and stationery authorized for issuance to indigent offenders may be used in correspondence. Offenders may not use homemade envelopes to correspond.

6. Indigent Postage

Postage and stationery for mail from indigent offenders may be secured through the Warden's representative. Postage and stationery must be made available to indigent offenders, including those in administrative segregation, at regular intervals. Postage and stationery will be furnished to an indigent offender for correspondence to any special correspondent listed in these Rules and to any attorney or legal aid society. An indigent offender may use indigent postage to send five (5) one-ounce domestic letters per week to general correspondents and five (5)

items to legal or special correspondents. Upon request to the Warden's representative and for good cause shown, an offender may send extra letters to general, legal, or special, correspondents using indigent postage.

Funds expended by TDCJ for postage and stationery within the first 60 days that an offender is indigent may be recouped by TDCJ from funds later deposited in the offender's Trust Fund Account.

D. Publications

An offender may receive publications in the mail only from the publisher or publication supplier, including bookstores. Offenders ordering publications must forward their payments for subscription to individual publications with their orders. Offenders shall not receive publications of any kind on a trial basis with payment postponed. Persons desiring to give publications directly to individual offenders may have them mailed directly to the offender only from the publisher or publications supplier, including bookstores. Publications received by offenders may be in languages other than English.

II. Special and Media Correspondence

A. Permissible Correspondence

Offenders may write sealed and uninspected letters directly to special and media correspondents. All incoming correspondence from any special or media correspondent may be opened and inspected only for contraband, except under the special circumstances noted in these Rules. The inspection shall be in the offender's presence. All incoming special correspondence envelopes shall be prominently stamped as received by TDCJ or cancelled so that franked government envelopes cannot be reused.

B. Exceptions

In individual cases, where reasonable suspicion exists to believe these correspondence rules or the law is being violated, incoming or outgoing special or media correspondence may be opened and inspected for contraband and content upon obtaining written permission of the Director of the CI Division or his designee. Such inspection shall be in the presence of the offender.

III. Legal Correspondence

Offenders may write sealed and uninspected letters directly to legal correspondents. No correspondence from an offender to any legal correspondent may be opened or read. All incoming correspondence from any legal correspondent may be opened and inspected for contraband only. The inspection shall be in the offender's presence. No correspondence to an offender from any legal correspondent may be read.

IV. Handling Offender Correspondence

A. Content Inspection of General Correspondence

All general correspondence shall be subject to the right of inspection and rejection by the unit mailroom officers. All outgoing or incoming letters to and from offenders and enclosures such as clipping, photographs or the like shall be disapproved for mailing or receipt only if the content falls as a whole or in significant part into any of the categories listed below:

1. Contains threats of physical harm against any person or place or threats of criminal activity;
2. Threatens blackmail or extortion;
3. Concerns sending contraband in or out of the institutions;
4. Concerns plans to escape or unauthorized entry;
5. Concerns plans for activities in violation of institutional rules;
6. Concerns plans for future criminal activity;
7. Uses code and its contents are not understood by the reader;
8. Solicits gifts of goods or money under false pretenses or for payment to other offenders;
9. Contains a graphic presentation of sexual behavior that is in violation of the law;
10. Contains a sexually explicit image;
11. Contains information, which if communicated would create a clear and present danger of violence or physical harm to a human being; or
12. Contains records or documentation held by TDCJ which are not listed in the attachment to the TDCJ *Open Records Act Manual* Chapter 2.

The offender and the sender or addressee will be provided a written statement of the disapproval and a statement of the reason therefore within 72 hours of the receipt of said correspondence. This notice will be given on Correspondence Denial Forms. The offender will be given a sufficiently detailed description of the rejected correspondence to permit effective utilization of the appeal procedures. The offender, sender, or addressee may appeal the mailroom officer's decision through the procedures outlined in these Rules.

B. Contraband in General Correspondence

If contraband is found in an incoming letter or publication, the contraband should be removed from the letter or publication, if possible. If the contraband cannot be removed from the letter or publication, the letter

shall not be delivered to the offender. A rejection as contraband is subject to the appeal procedures outlined in these Rules.

C. Contraband in Legal, Media, or Special Correspondence

If an enclosure constituting contraband is found, the contraband shall not be delivered to the offender. A written notice of the rejection and a statement of the reasons therefore shall be sent to the offender and the correspondent within 72 hours of the rejection. The offender shall be given a sufficiently detailed description of the rejected contraband to permit effective utilization of the appeal procedures. At the same time the correspondent and the offender shall be notified of how to and the procedure for appeal.

D. Record of Legal, Special, and Media Correspondence

The mailroom shall keep a record showing the source and destination of all incoming and outgoing legal, special, and media correspondence.

E. Content Inspection of Publications

All publications are subject to inspection by the MSCP in Huntsville and by unit staff. The MSCP has the authority to accept or reject a publication for content, subject to review by the DRC. Publications shall not be rejected solely because they advocate the legitimate use of prison grievance procedures or urge offenders to contact public representatives about prison conditions or because they contain criticism of prison authorities.

1. Rejection Due to Content

A publication may be rejected if:

- a. It contains contraband;
- b. It contains information regarding the manufacture of explosives, weapons, or drugs;
- c. It contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through offender disruption such as strikes or riots;
- d. A specific determination has been made that the publication is detrimental to offenders' rehabilitation because it would encourage homosexual or deviant criminal sexual behavior;
- e. It contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity; or
- f. It contains sexually explicit images. Publications will not be prohibited solely because they display naked or partially covered buttocks. Subject to review by the MSCP and on a case-by-case basis, publications constituting educational, medical/scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books

and/or guides, National Geographic, or artistic reference material depicting historical, modern, and/or post modern era art, may be permitted.

The subsection regarding sexually explicit images will become operative one (1) year after the effective date of this Board Policy.

2. Notice

If a publication is rejected, the offender, the editor and/or the publisher will be provided a written notice of the disapproval and a statement of the reason therefore within 72 hours of receipt of said publication on a Publication Denial Form. Within the same time period, the offender, the editor and/or the publisher shall be notified of how to and the procedure for appeal. The offender will be given a sufficiently detailed description of the rejected publication to permit effective utilization of the appeal procedures. The offender, the editor, or the publisher may appeal the rejection of the publication through procedures provided by these Rules.

3. List of Disapproved Publications

A list of publications disapproved for receipt by offenders during the last two (2) months shall be conspicuously posted in appropriate places on each institution. The list shall be updated every month.

F. Processing Incoming and Outgoing Offender Mail

All mail will be processed, including delivery, pick-up, or notifications, by TDCJ employees or private facility staff only and during waking hours whenever possible. No offender is to handle another offender's mail, either incoming or outgoing.

All incoming mail, except packages, will be delivered within 24 hours of receipt, except on weekends or holidays. Incoming packages will be delivered within 48 hours of receipt, except on weekends or holidays. The hours of weekends and holidays shall not be used in computing the 24 or 48 hour period.

All outgoing mail, except packages, will be delivered to a United States Postal Service employee within 24 hours, except on weekends or holidays. Outgoing packages will be delivered to a United States Postal Service employee within 48 hours, except on weekends or holidays. The hours of weekends and holidays shall not be used in computing the 24 or 48 hour period.

G. Forwarding of Mail

Mail received must be forwarded to an offender immediately in the event the offender has left the unit for any reason and a forwarding address is available. Newspapers will be forwarded by truck mail for seven (7) days and other subscriptions will be forwarded by truck mail for 45 days after an offender is transferred between TDCJ institutions if truck mail is available between the two (2) institutions.

H. Mailrooms

All unit mailrooms will be open and provide mail service Monday through Friday, except on holidays recognized by the United States Postal Service.

I. Treatment Programs

The Substance Abuse Treatment Program, the Sex Offender Treatment Program, and other treatment programs or therapeutic communities, as approved by the Director of the CI Division and the Director of the Rehabilitation and Reentry Programs Division and maintained by the MSCP, may have more restrictive content-based requirements for general correspondence and publications, as long as those more restrictive requirements are directed at the treatment goals and needs of the treatment program or therapeutic community.

V. Review Procedures for Denied Items

A. Handling of Denied Items

Any incoming or outgoing correspondence or publications that are rejected shall not be destroyed, but shall remain with the mailroom officer subject to examination and review by those involved in the administration of appeal procedures outlined herein. Upon completion of the appeal procedures, if the correspondence or publication is denied, the offender may request that it continue to be held in the custody of the mailroom officer for use in any legal proceeding contemplated by the offender, or that it be disposed of in one (1) of the following manners unless security concerns mandate the offender not have a choice in the disposition:

1. Mail the publication or correspondence to any person at the offender's expense; or
2. Destroy the publication or correspondence, only with the offender's written permission.

B. Correspondence Appeal Procedure

Any offender or other correspondent, or editor or publisher of a publication may appeal the rejection of any correspondence or publication. An offender or a correspondent may appeal the placement of the correspondent on the offender's negative mailing list. An offender or a correspondent may apply to the DRC for reconsideration of the negative mailing list placement after the passage of six (6) months.

1. How to Appeal

A written notice of appeal must be sent to the DRC within two (2) weeks of notification of rejection. Upon receipt of notification, the correspondence or publication in question shall be sent to the DRC.

2. Final Decision

The DRC shall render its decision within two (2) weeks after receiving the appeal, and will issue written notification of the decision to the parties involved within 48 hours.

Chapter 4

OFFENDER ACCESS TO THE COURTS, COUNSEL, AND PUBLIC OFFICIALS RULES

I. Law Libraries

A. Law Library Collections, Conditions, and Supplies

1. Law Book Collections: Each unit required to maintain a full law library shall, at a minimum, include the following materials or their equivalent:
 - a. Federal Reporter 2d
 - b. Federal Reporter 3d
 - c. Federal Supplement
 - d. Federal Supplement 2d
 - e. Supreme Court Reporter
 - f. Supreme Court Digest
 - g. Southwestern Reporter 2d, Texas Cases
 - h. Southwestern Reporter 3d, Texas Cases
 - i. United States Code Annotated, following volumes only:
 - 1) Title 18
 - 2) Title 28 §2201-2254
 - 3) Title 28 Rules of Appellate Procedure
 - 4) Title 28 Rules of Civil Procedure
 - 5) Title 42 §1771-2010
 - j. Vernon's Texas Annotated Statutes and Codes (includes Penal Code and Code of Criminal Procedure)
 - k. Vernon's Texas Rules Annotated
 - l. Wright's *Federal Practice and Procedure*, Criminal only
 - m. Texas Practice Series Evidence, Volumes 1 through 2
 - n. *Corpus Juris Secundum*, Criminal only
 - o. *Texas Digest*
 - p. Pamphlets:
 - 1) Federal Civil Procedure Code and Rules
 - 2) Federal Criminal Code and Rules
 - 3) Texas Criminal Procedures Code and Rules
 - 4) Texas Rules of Courts, State and Federal
 - q. One (1) Legal Research Guide or Manual
 - r. United States Constitution (contained within *Black's Law Dictionary*)
 - s. Local Rules of the United States District Courts for the Northern, Eastern, Southern, and Western Districts of Texas
 - t. *Black's Law Dictionary*
 - u. Federal and State Postconviction Remedies and Relief – Habeas Corpus
 - v. Shepard's Citations: Texas, Federal, and U.S.
 - w. Texas Penal Code Annotated
 - x. Texas Legal Dictionary
 - y. *Offender Handbook*, English and Spanish
 - z. TDCJ *Offender Legal Handbook*

- aa. Court-provided forms
- bb. Rules of the Texas Board of Pardons and Paroles, 37 Texas Administrative Code §141 et seq.

Published volumes (or their equivalent) of case decisions are maintained by copyright date. Unit law libraries shall maintain Federal Reporters for the previous 25 years; Federal Supplements for the previous 20 years; Supreme Court Reporters for the previous 30 years; Southwestern Reporters for the previous 20 years. Removed case law shall be made available for offender review through a central lending library.

- 2. Law Library Conditions: The room designated by the Warden as the law library shall be of sufficient size to accommodate the law book collection and to provide adequate workspace for the number of offenders permitted to attend the law library at one time.
- 3. Law Library Supplies: Each unit shall make available to all indigent offenders writing instruments, paper, carbon paper, postage, and envelopes necessary and appropriate for the processing of legal matters in accordance with AD-07.90, "Correspondence Supplies and Postage Supplies for Offenders."

B. General Population Offender Access to the Law Library

- 1. Schedule: Each unit shall have a posted schedule for law library attendance, which shall, at a minimum, assure offenders who wish to use the law library the opportunity for ten (10) hours of access per week. The schedule shall take into account offenders' work assignments and other programmatic activities offered at the unit. The schedule shall assure that at least one (1) law library period occurs on the weekend.
- 2. Extra Time for Law Library Use: Any offender who demonstrates the need for extra time for law library use should submit an I-60 form (Inmate Request to Official) to the unit's Access to Courts Supervisor. Except for good cause, such requests shall be granted for use of the law library during the period an offender is not involved in programmatic activities.
- 3. Misconduct During Law Library Periods: An offender who has been found guilty of a major disciplinary offense related to stealing or damaging law library books or materials may be denied physical access to the law library for a period not to exceed 30 days. During such period the offender shall be provided access to law books in accordance with the rules regarding segregated offenders.

C. Administrative Segregation, Lockdown, G5, Medical Segregation, Temporary Detention, Trusty Camp, Work Camp, and Death Row Offender Access to the Law Library

- 1. Legal Research Material: Offenders in any of the above categories shall not be afforded direct access to the law library. They shall be allowed to request and receive up to three (3)

items of legal research materials per day, delivered on three (3) alternating days per week (e.g., M-W-F) from the unit's law library collection for use in their cells.

2. Legal Visits: Offenders may request a legal visit for the purpose of conferring with another offender on legal matters by sending an I-60 form to the unit's Access to Courts Supervisor.

II. Offenders' Personal Legal Material

A. Storage and Access

Offenders may store their personal legal materials in their cells or dormitories in accordance with AD-03.72, "Offender Property," and the *Access to Courts Policy Manual*.

B. Searches and Shakedowns of Offender Legal Materials

1. General Procedures: The personal legal materials (including pleadings, transcripts, books, notes, drafts, and correspondence to and from attorneys, courts and public officials) belonging to an offender are confidential. They may not be read by staff as part of a search or shakedown. They may be physically inspected in accordance with AD-03.72 to see that no physical contraband (such as weapons or drugs) is secreted in them.
2. Search of Written Materials: An offender's personal legal materials may only be searched for written contraband if there is a reasonable suspicion that written contraband is included in them. This must be documented in writing prior to search, using the I-185, "Notice of Confiscation of Written or Printed Material During Search for Written Contraband," and I-186, "Authorization to Search Legal Material for Written Contraband," forms, and performed in accordance with the procedures contained within the *Access to Courts Policy Manual*.

III. When and Where Legal Work May Be Performed

A. Locations and Times

1. Locations: Offenders may perform legal work in the unit's law library, in their cells, or in other areas designated by the Warden. Offenders may not perform legal work in the dayroom, but may possess their legal documents in the dayroom while awaiting departure from or upon return to the housing area.
2. Times: Offenders may perform legal work in their cells or in other areas designated by the unit during their off-work periods. Offenders may perform legal work in the law library in accordance with the unit's law library schedule.

B. Offenders Assisting Other Offenders on Legal Matters

1. Assistance Permitted: Offenders shall be permitted to assist or advise each other on legal matters in accordance with these and other Agency rules and regulations.

2. Misconduct Related to Legal Work: The direct or indirect offer, request, or receipt of a payment, benefit, or reward in exchange for legal assistance shall be a disciplinary violation.
3. Law Library Periods: Offenders who wish to confer with each other in the unit law library must first obtain the verbal permission of the officer in charge, unless unit policy permits such assistance without prior permission. Offenders shall be required to confer quietly so as not to disturb other offenders.
4. Legal Visits: Offenders who wish to confer with each other regarding legal matters, but are unable to do so without special arrangements, shall submit an I-60 form to the unit's Access to Courts Supervisor. The reason for any denial of a request to confer shall be recorded on the I-60 form.

IV. Notary Public Services

A. Documents

Under both federal law (28 U.S.C. § 1746) and State law (Texas Civil Practice and Remedies Code § 132.001-132.003), offenders incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public. Documents for which notarization is requested by an attorney and documents destined for another state or country requiring notary public service shall continue to require notary public service.

B. Scheduling

Offenders may request notary public service by submitting an I-60 request form to the Access to Courts Supervisor. Offenders requesting notary public service must explain in their request why an unsworn declaration will not be legally sufficient. Requests shall be acted upon (denied or provided) within 72 hours of the receipt of the request.

V. Attorney Visitation

A. Periods of Visitation

Except as limited by these Rules, an offender may have a visit from an attorney or designated representative, Monday through Friday, excluding State and Federal holidays, between 8:00 a.m. and 5:00 p.m., including lunch and dinner hours, for any length of time. If it would not unreasonably disrupt work schedules or threaten prison security, the Warden may permit the visit to extend past 5:00 p.m. On Saturdays, Sundays, and State and Federal holidays, attorneys or designated representatives may visit subject to the rules governing non-attorney visits. At the Warden's discretion, an attorney seeking to visit an offender on Death Row on a non-business day may be permitted to do so if the attorney offers a reasonable explanation, without violating the attorney-client or work product privileges, why the visit must occur before the first business day following the date of the requested visit.

B. Notice

By 3:30 p.m. of the business day immediately preceding the date that an attorney or designated representative wishes to visit an offender, the attorney must give the name of each visitor and his profession, the name of each offender to be visited, and an estimated arrival time to the Warden of the unit to which each offender is assigned. The attorney must also give the estimated time at which he or his designated representative would like to visit each offender in the case of multiple offenders assigned to the same unit. After the attorney or designated representative has arrived at the unit and provided proper identification, the Warden shall produce the offender for the visit without unreasonable delay.

C. Identification

1. **Attorneys:** Attorneys must satisfactorily identify themselves to the Warden and complete and sign a copy of the "Attorney Application to Visit TDCJ Offender" form (I-163). An attorney bar card and either a driver's license or some other official identification that includes a photograph and the name of the attorney are satisfactory identification for an attorney. Any other individuals accompanying an attorney must have the attorney complete the "Attorney Authorization for Approved Representative to Visit TDCJ Offender" form (I-166) before the visit is considered and official identification shall be required.
2. **Designated Representatives:** Once written authorization to serve as an attorney's designated representative has been filed with TDCJ and approved, upon arrival at the unit and before the visit, the representative must present satisfactory identification to the Warden and provide a copy of the "Attorney Authorization for Approved Representative to Visit TDCJ Offender" form (I-166). Either the representative's driver's license or some other official identification that includes a photograph and the name of the representative shall constitute satisfactory identification. If the attorney has already provided the unit with the I-166 form, the representative need not provide an additional copy.

D. Designated Representative's Application to Visit

For TDCJ approval to serve as an attorney's designated representative, the proposed representative (unless accompanying the licensed attorney) must submit to the Warden of the TDCJ unit to be visited, at least one (1) week before the first requested visit to TDCJ as that attorney's representative, a completed and signed copy of the "Application to Visit TDCJ Offender as Attorney's Representative" (I-164).

Upon receipt of the completed I-164 form, the unit shall send a copy to the TDCJ Access to Courts, Counsel, and Public Officials Department located in Huntsville, Texas. TDCJ shall maintain the confidentiality of all information provided on all such completed applications. If the answer to any question leads TDCJ to reasonably believe that a visit by the representative may pose a legitimate threat to security, TDCJ may ask such additional questions of the representative as are reasonably

calculated to lead to the discovery of information that would prove the existence or extent of such security threat. If it is determined that such security threat exists, the application may be denied and a written response detailing the reason for denial shall be provided to the sponsoring attorney.

If the attorney's designated representative has previously completed the I-164 form in the last 12-month period (this form must be re-submitted annually) and submitted it to any TDCJ unit for the same attorney, it need not be re-submitted before a visit to either the unit first visited, or any other TDCJ unit.

E. Limits on Number, Persons, and Type of Visit

Offenders are not limited in the number or length of visits by attorneys. One (1) or more attorneys may visit one (1) or more offenders at the same time, subject to reasonable regulation of the time, place, and number of participants and subject to the Warden's determination whether such a visit would threaten security. The attorney may visit with other offenders on the same day at the same unit, subject to the same considerations listed above.

Attorney visits shall be non-contact, unless the unit's configuration provides only contact visitation or in the case of an expert visiting as a designated representative. Before the contact visit by an expert is granted, the expert must provide a statement to the Warden that a contact visit is necessary for the validity of the examination or test and also provide a detailed list of the items the expert will need to conduct the examination or test. Only the expert, the offender's attorney, and the offender may participate in an attorney-initiated expert contact visit.

F. Rejection by Offender of Visitation Request

Immediately after an attorney who has been approved for a visit with an offender arrives at the unit in which the offender resides and completes the "Attorney Application to Visit TDCJ Offender," or when appropriate, the "Attorney Authorization for Approved Representative to Visit" form, the Warden shall notify the offender of the requested visit. If the offender objects to such a visit, the Warden shall deny the attorney or the designated representative the right to visit with the offender, provided that immediately after the offender's objection is communicated to the Warden, the offender (or two witnesses in case the offender refuses to sign) signs and swears to a completed copy of the "Refusal to Visit Attorney or Attorney Representative" form. Immediately after completion of the form, a copy of the completed and signed form shall be given to the offender refusing the visit and to the attorney whose visit was refused.

G. Procedures During Visit

1. Privacy: Unless requested to do otherwise by either the attorney or the offender, the Warden shall respect the privacy of the visit and maintain a sufficient distance from the visiting offender and attorney or designated representative to preserve the privacy of communications between them. This rule does not limit the

ability of the Warden to maintain visual surveillance during the visit or to terminate the visit in case of a threat to security.

2. **Items Permitted with Attorney or Designated Representative:** Attorneys may bring briefcases, attaché cases, computer laptops, and personal digital assistants into the visiting area; however, electronic devices may not be used to communicate with a third party during the visit. Attorneys or designated representatives may also bring a tape recorder into the visitation area to be used only for taking notes of the interview with the offender and for recording the conversation between the attorney or designated representative and the offender, but for no other purpose.

With prior approval, video equipment may be used to conduct a deposition. Before, during, and after the deposition, a deposed offender shall adhere to the TDCJ clothing standards as outlined in the TDCJ Offender Handbook. The video camera shall be in a fixed place and be in operation only during the deposition.

Attorneys and designated representatives are prohibited from bringing portable telephones, wireless communication devices, or other electronic equipment not noted in TDCJ rules and regulations into the unit. The Warden may open and inspect any item (e.g., briefcases, attaché cases, and tape recorders), but only in the attorney's or designated representative's presence and only for the purpose of detecting contraband. The Warden may also search the attorney or designated representative for weapons and contraband.

3. **Items Permitted with Offender:** Offenders may only bring pertinent legal documents, writing paper, and a writing utensil into the visiting area. Those documents may be inspected by the Warden, but only in the offender's presence and only for the purpose of detecting contraband.
4. **Exchange of Items:** The area used for the attorney-offender visit shall have a pass-through slot available for the attorney or designated representative and an offender to directly and confidentially exchange documents. The exchange of voluminous legal documents may require the assistance of staff.
5. **Rejection of Contraband Articles:** If an item constituting contraband as defined in the TDCJ rules and regulations is found in an inspection, the Warden shall reject the contraband, shall immediately give each attorney and offender who participated in the exchange a written statement of the reason for the rejection, and may terminate the visit if such action is reasonable in relation to the seriousness of the violation as determined by the nature of the contraband. Any such offender or attorney may appeal the rejection through the procedure outlined in these Rules.
6. **Removal of Items:** An attorney may remove from the unit any document received from an offender. An offender may remove

from the visitation area any document received from an attorney unless the item is deemed contraband.

7. Writing Utensils: If writing utensils and paper are not available in the visiting area for use by offenders, an attorney is permitted to transmit these items to the offender. After completion of the visit, staff shall return the writing utensils and unused paper to the attorney, but the offender shall be permitted to choose whether to retain all paper used during the visit or to give it to the attorney.

H. Rejection of Visitation Request or Termination of Visit

The Warden may deny an attorney or designated representative the right to visit with any offender or terminate such a visit immediately if that visit would cause a legitimate threat to security, but only for as long as such a threat exists and only if no lesser action would alleviate the threat. The attorney or designated representative may not waive any threat perceived by the Warden. If a decision denying an attorney's request to visit an offender or an attorney's request to have a designated representative visit the offender is made later than 4:00 p.m. of the day preceding the date of the requested visit, the Warden shall immediately attempt to notify the attorney and offender of the denial. Within 24 hours after denying an attorney's request to visit with an offender, a request by an attorney to have a designated representative visit the offender, or terminating such a visit, the Warden shall send to the offender and the attorney a written explanation of all reasons for said denial or termination, the reasons for the rejection or termination, notification of the right to appeal, and an explanation of the procedure for appeal. The Warden shall also provide a copy of the denial documentation to the Access to Courts Department in Huntsville.

I. Suspension of Visitation Privileges

A Regional Director may prohibit any attorney or designated representative who commits a serious violation of visitation regulations from any further visits with any offender or impose restrictive conditions regarding future visits that are reasonably appropriate to the violation. Within 72 hours after an attorney or designated representative is prohibited from or restricted in further visits, the Warden shall send to the attorney and to the offender being visited at the time of the violation a notice containing the following information:

1. Notification of the visitation prohibition, its duration, any restrictions regarding future visits, and the reasons for the prohibition or restriction, and
2. Notification that both the attorney and the offender have the right to appeal and an explanation of the procedure for appeal. Attorney visitation rights shall not be suspended or restricted except as provided by these rules.

J. Attorney Visitation Review Procedure

Any TDCJ visitation prohibition or restriction may be appealed either by an attorney whose visitation privileges have been suspended or

restricted or by an offender with whom such an attorney either cannot visit or must visit under authorized restrictions. If a TDCJ visitation prohibition or restriction has been imposed on a designated representative, the appeal must be filed by the sponsoring attorney. Any such person wishing to appeal must send to the Director's Review Committee written notice of appeal within two weeks after receiving the notice or statement required by the rule pursuant to which the suspension or restriction was imposed. Upon receipt of an appeal notice, the Director's Review Committee shall obtain all documents and other tangible objects on which the prohibition or restrictions were based. The Director's Review Committee shall render its decision within two (2) weeks after receiving the appeal and shall notify each affected attorney and offender in writing of that decision within 48 hours after the decision is rendered.

K. Consular Officials

Consular officials are afforded the same rights and privileges as attorneys, except that consular officials may be permitted to meet with groups of their foreign national offenders with the permission of the appropriate Regional Director after consideration of security concerns.

VI. Attorney/Offender Telephone Calls

A. General Guidelines

1. Attorneys are not permitted to use an attorney/offender telephone call to provide contact between the offender and any other person.
2. Attorneys may not send faxes to, nor receive faxes from, offenders.
3. The request for telephone contact shall be made in writing by the offender's attorney, and shall provide the unit with at least 24 hours notice. Consideration of requests by offenders for telephone contact with their attorneys should be predicated upon critical circumstances (e.g., the offender receives correspondence from the courts with a deadline necessitating immediate contact with the attorney) and must also be in writing by sending an I-60 to the unit's Access to Courts Supervisor.
4. Time/distance factors may be considered in a request for an attorney/offender telephone call. If the scheduled date for court appearance or hearing precludes a personal visit or correspondence, the request for telephone contact should be approved. Requests for telephone contact with offenders shall only be considered for approval during weekdays between 8:00 a.m. and 5:00 p.m. unless the requesting attorney presents compelling circumstances.
5. Frequency and duration of attorney/offender telephone conversations shall be decided on a case-by-case basis determined by need.

6. Even if the attorney's written request for telephone contact with an offender is approved, only collect calls from the offender to the attorney may be made. Payment by the offender or third party billing shall not be approved. A specific time may be arranged for the telephone call either on the same day as the request or on a day that is convenient for all parties.
7. The rules regarding Attorney/Offender Telephone calls do not apply to State Counsel for Offenders attorneys.
8. The stipulations regarding time limits and eligibility requirements contained in AD-03.90, "Offender Access to Telephones," do not apply to attorney/offender telephone calls.
9. Except as authorized by warrant or court order, telephone calls to attorneys pursuant to these rules shall not be monitored or recorded.

B. Telephone Call Approval

1. Attorney requests for telephone contact with an offender shall be directed in writing to the Warden. The attorney may create his own form or letter or may use the form provided by TDCJ (I-162), but the form or letter must contain the following:
 - a. The name and number of the offender;
 - b. The attorney's full name, address, bar card number, telephone number, and fax number;
 - c. An affirmation of an existing attorney-client relationship with the offender;
 - d. An acknowledgment that the telephone call may not be used to accomplish any non-attorney-client communication;
 - e. The general reason (e.g., impending court deadline) the call could not be precluded by a personal visit or correspondence;
 - f. Permission for the offender to return the call collect (only collect calls shall be approved);
 - g. A date/time for the return telephone call convenient to the TDCJ unit and the attorney; and
 - h. The attorney's signature.
2. The employee receiving the request shall verify the attorney's identity by requesting a faxed copy of the attorney's bar card and driver's license. Upon verification of the attorney's identity, the State Bar Association shall be contacted by telephoning (800) 204-2222 or checking the Texas State Bar internet database at <http://www.texasbar.com/members/onlinetools> to ensure the attorney is in good standing. When questions arise, inquiries should be coordinated with the Access to Courts Department in Huntsville.
3. Approvals for attorney/offender telephone calls must be made by an employee with rank of Major or higher.

4. Denial of an attorney/offender telephone call must be made by a Warden. The reasons for denial must be given to the attorney in writing with a copy sent to the Access to Courts Department in Huntsville.

VII. Court Conference Calls

A judge may request that a court hearing be conducted via a telephone conference call or video conference rather than bench warrant the offender to his or her courtroom. For an offender to participate in a conference call court hearing, TDCJ will require the judge to send a court order or a letter signed by the judge, on official letterhead, for the offender to participate in a telephone or video conference, with the details necessary for a telephone or video conference. The court order or letter must state the offender's name, number, date, time, and collect telephone number where the call can be facilitated in the case of a telephone conference call. In the case of a video conference, the court order or letter must provide appropriate information so that the video conference may be facilitated. No collect telephone number need be provided if the court initiates the telephone call. The Agency will verify the order or letter and facilitate the call using a speakerphone or a regular handset phone if a telephone conference has been requested. Attorney-client confidentiality does not apply to court hearings.