

# **Rehabilitation Programs Division Chaplaincy Department Manual**

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TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** ED-07.29 (rev. 2)

**DATE:** July 10, 2006

**PAGE:** 1 of 2

**SUPERSEDES:** ED-07.29 (rev. 1)  
November 2, 2000

## **EXECUTIVE DIRECTIVE**

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**SUBJECT:** RELIGIOUS POLICY STATEMENT

**AUTHORITY:** Sections 493.001 and 501.001, Texas Government Code; Senate Concurrent Resolution 44, 75th Texas Legislature

Reference: American Correctional Association (ACA) Standards 4-4114, 4-4115, 4-4277, 4-4512, 4-4515, and 4-4517

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

This directive establishes the Agency policy statement for participation in religious programs for offenders supervised by or incarcerated within a TDCJ operated or contracted unit and for the use of religious activities and programs that promote public welfare. The TDCJ extends to all offenders currently supervised by or incarcerated within a TDCJ operated or contracted facility the opportunity to pursue individual religious beliefs and practices in a manner that does not endanger the safe and secure operation of the Agency and which promotes the public welfare by the reduction of recidivism. Chaplaincy services shall be provided within the TDCJ with a two-fold purpose:

1. Chaplaincy shall facilitate offenders in the exercise of religious freedom; and
2. Chaplaincy shall assist offenders to incorporate religious beliefs and practices into a process of positive change in offender behavior which would promote public safety and reduce recidivism; thus, impacting public safety and promoting the reintegration of offenders into society.

**PROCEDURES:**

- I. The Chaplaincy program shall be the responsibility of the Director of Rehabilitation and Reentry Programs Division (RRPD). The RRPD Director may further delegate responsibility and duties to appropriate administrators within this division to effect development and coordination of religious policies and programming.
  
- II. Appropriate policies, procedures, and operations manuals shall be developed to facilitate program goals and objectives within organizational entities of the TDCJ.

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Brad Livingston \*  
Executive Director

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\* Signature on File



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** ED-02.01 (rev. 4)

**DATE:** July 18, 2010

**PAGE:** 1 of 11

**SUPERSEDES:** ED-02.01 (rev. 3)  
December 10, 2007

## EXECUTIVE DIRECTIVE

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**SUBJECT:** TEXAS DEPARTMENT OF CRIMINAL JUSTICE ETHICS  
POLICY

**AUTHORITY:** *Texas Constitution* art. III, §§ 50 & 51; *Texas Government Code* §§ 493.007, 508.081-.086, 552.001-.353, 556.004, 572.051, 572.054, 2113.012, 2203.004, 2252.901; *Texas Election Code* § 255.0031; *Texas Penal Code* §§ 36.02, 36.07, 36.08, 36.10, 37.10, 39.02, 39.03, 39.06; *Texas Ethics Commission Advisory Opinion No. 372 (1997)*

Reference: American Correctional Association (ACA) Standard 4-4069

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**POLICY:**

The TDCJ is committed to providing guidance to employees so they can strive to maintain high professional standards of conduct while on duty. In support of this objective, the TDCJ shall establish and publish those standards so every employee is made aware of not only prohibited conduct, but also conduct to which they should aspire. This directive and the Advisory Council on Ethics, with its mandate to provide a written response to employees' ethical conduct questions, are designed to further that commitment.

**DEFINITIONS:**

“Advisory Council on Ethics” (ACE) is the intra-agency body formed by the executive director, composed of a representative cross-section of TDCJ employees, whose mission is to advocate and foster an ethical environment for the TDCJ.

“Benefit” is anything reasonably regarded as financial gain or financial advantage to the recipient or to any other person in whose welfare the recipient has a direct and substantial interest.

## **DISCUSSION:**

Ethical conduct issues generally relate to conflicts or perceived conflicts between a person's self-interest and external duties. The external duties addressed in this directive are those duties associated with public service and related to working with others, including offenders and crime victims in an honest and fair environment. Ethical behavior means elevating those external duties above one's self-interest, except in those instances when action based on self-interest is both authorized and appropriate.

This directive describes the promotion of ethical conduct within the TDCJ and provides a resource, ACE, for those employees with questions. Code of Ethical Conduct (Attachment A) is a list of work behaviors to which employees should aspire. The bulk of the directive restates statutory admonishments and prohibitions concerning ethical conduct, as well as adopts higher standards than those provided by law to guide TDCJ employees in the conduct of TDCJ business.

Although extensive, this is not an exhaustive treatment of all potential areas of conduct or misconduct. While ethics issues are a component of virtually all TDCJ policies, those that closely relate to ethical conduct issues, or should be read in conjunction with this directive, include: ED-02.02, "Fraud Prevention, Detention, and Reporting"; ED-02.04, "TDCJ Fund-Raising"; PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees"; PD-23, "Employee Political Activity and Participation in Employee Organizations"; PD-26, "Nepotism"; PD-32, "Whistleblower Act"; PD-80, "Outside Employment"; AD-07.11, "Use of Offender Labor for Community and Public Work Projects"; and AD-02.50, "Vehicle Policy."

## **PROCEDURES:**

- I. Role of the Advisory Council on Ethics
  - A. The ACE is composed of a cross-section of no more than 12 TDCJ employees who demonstrate ethical behavior and are appointed to a two-year term by the deputy executive director upon recommendation of a division director. The ACE should not be confused with the Texas Ethics Commission, which is a separate state agency charged with issuing opinions that interpret some of the statutes discussed in this directive.
  - B. The ACE meets to increase TDCJ awareness of ethical issues, facilitate the practice of ethical behaviors within the TDCJ, improve TDCJ morale through the practice of ethical behaviors, assist in the development of ethics training materials, and foster the TDCJ's commitment to a fair, respectful, and honest work environment. ACE responds to staff who submit written questions or need written advice about ethical situations they have encountered or may encounter at work. Responses shall be reviewed by the Office of the General Counsel (OGC) prior to publication. Summaries of these responses shall be published, without

identifying the requesting person, on the TDCJ website under “Advisory Council on Ethics.” Responses may also be published in the *Connections* newsletter.

- C. The ACE is managed through the office of the deputy executive director and can be reached at P.O. Box 99, Huntsville, Texas 77342-0099, or by Mainframe e-mail at ETHICS\_ACE.
- D. The ACE is not designed or empowered to investigate alleged staff ethical violations and is not intended as a repository for such allegations. The existing chain of command, human resources, and investigatory resources shall be used.

The ACE shall refer the following to the appropriate entity within the TDCJ: issues that require investigation; reports of TDCJ policy violations or of criminal conduct by TDCJ employees or on TDCJ property; and inquiries that do not, in the judgment of the ACE, raise an ethical issue.

## II. Standards of Conduct

### A. An employee shall:

- 1. Perform official duties in a lawful, professional, and ethical manner benefitting the state and the TDCJ; and
- 2. Report conduct or activity the employee believes to be a violation of this directive.

### B. An employee shall not:

- 1. Accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee’s official conduct;
- 2. Disclose confidential information, information that is excepted from public disclosure under the *Public Information Act* or information that has been ordered sealed by the court, acquired by reasons of the employee’s official position or accept other employment, including self-employment, or engage in a business, charity, nonprofit organization, or professional activity the employee might reasonably expect to require or induce the employee to disclose confidential information, information that is excepted from the *Public Information Act*, or information that has been ordered sealed by the court, and acquired by reason of the employee’s official position;

3. Accept other employment, including self-employment, compensation, or engage in a business, charity, nonprofit organization, or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
4. Make personal investments or have a personal or financial interest that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest;
5. Engage in favoritism or cronyism (i.e., the granting or withholding of conditions or perquisites of employment based on excessive reliance on personal relationships as a basis for decisions or actions in the work environment);
6. Knowingly make misleading statements, either oral or written, or provide false information, in the course of official state business; or
7. Engage in any political activity while on state time or use state resources for any political activity.

### III. Acceptance of Certain Benefits Prohibited

- A. An employee shall not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another.
- B. An employee shall not solicit, accept, or agree to accept an honorarium in consideration for services the employee would not have been requested to provide but for the employee's official position. This subsection does not prohibit an employee from accepting transportation and lodging expenses in connection with a conference or similar event in which the employee renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event. Acceptance of a meal in this context is the only work-related exception to the general prohibition in Subsection C on accepting a meal from certain persons.
- C. An employee shall not solicit or accept, on behalf of any person, a benefit, including a meal, from a person who the employee knows or should know is:
  1. Interested in a unit, site, grant, contract, purchase, claim, or other financial transaction that may be substantially affected by the performance or nonperformance of the employee's official duties;

2. Subject to regulation, inspection, audit, or investigation by the TDCJ; or
  3. In the custody of the TDCJ.
- D. An employee may accept a benefit in a situation described by Subsection C, if the benefit is:
1. A fee or other benefit the employee is legally entitled to receive or which the employee paid for in a non-employee capacity;
  2. A gift based on kinship or a relationship independent of the employee's status as an employee;
  3. A small token, routinely produced and available to a general population, such as convention attendees (e.g., cap, keychain, or coffee mug received at a correctional convention);
  4. A commemorative item with an intrinsic value under \$20, such as a T-shirt or paperweight that is given as a memento of work on a particular TDCJ project;
  5. A discount provided to all TDCJ employees (on- or off-duty) by a merchant or vendor, if the acceptance would not violate the Standards of Conduct in Section II.; or
  6. In essence, a donation to the TDCJ to achieve a purpose that could otherwise be accomplished through expenditure of appropriated funds, such as payment of a conference registration fee for legitimate fact-finding, and which is accepted by the Texas Board of Criminal Justice (TBCJ) as a donation according to established procedure.

#### IV. Use and Misuse of State Property

- A. Generally, state resources are to be used for state purposes, not private purposes. Under some circumstances the misuse of state property is a crime as well as an administrative violation (e.g., a misuse for personal gain or to harm someone else). However, there are also circumstances in which the incidental use of state time, property, facilities, or equipment for personal purposes is not a "misuse" for purposes of the criminal law or TDCJ policy. State officers' and employees' personal lives occasionally intersect with their work lives, and the reasonable and incidental use of state time or state property, facilities, or equipment in crossing such intersections is not a "misuse" of state resources. TDCJ policy allows the activity and the personal use of state property, facilities, equipment, or time when it:

1. Does not result in direct cost to the state or the TDCJ;
  2. Does not impede TDCJ functions;
  3. Is not attributable to private commercial or business purposes; and
  4. Is limited to only incidental amounts of employee time that do not interfere with the normal performance of an employee's work duties (e.g., time periods comparable to a reasonable meal/convenience break during the day).
- B. An employee shall not use or authorize the use of an internal mail system for the distribution of political advertising. This prohibition does not apply to the distribution of political advertising that: (1) is delivered to the TDCJ's premises through the U.S. Postal Service; or (2) is the subject of or related to an investigation, hearing, or other official proceeding of the TDCJ.
- C. Other examples of specifically prohibited behavior, chosen for the likelihood that they otherwise could often occur, include the following, except to the extent specifically allowed in Subsection D or other TDCJ policy:
1. The use of employee or offender labor to accomplish activities of a personal nature with the exception of offender craft (piddling) activities, as well as career and technology education (CTE) shop activities, done in accordance with TDCJ policy;
  2. The personal use of state-owned or operated vehicles (see AD-02.50, "Vehicle Policy"), specifically including use for personal errands, transporting family members, and transporting alcohol;
  3. The appropriation or use of state-owned equipment, tools, supplies, materials, or consumables to include food items for personal consumption or resale;
  4. The use of state-owned or provided services, including computer software, for personal purposes;
  5. The use of state-owned or provided telephones or credit cards for long-distance personal calls;
  6. The use of state-owned or provided copiers or fax machines for personal use;
  7. The appropriation of any discarded state property;

8. The use of a state contract corporate credit card for personal retail spending;
9. The use of the TDCJ post office for personal correspondence, unless the employee lives in state housing and is unable to send or receive mail through the U.S. Postal Service; and
10. Unauthorized use of state time.

D. Permitted Personal Uses of State Property

1. Subject to the conditions described in Subsection A, and with appropriate reimbursement for any direct costs incurred by the TDCJ, employees are permitted to use state telephones for local calls, use state telephones with a personal credit card for long distance calls, and use state cell phones for any personal calls. However, possession of a TDCJ cell phone, pager, or calling card is a privilege, and TDCJ policy strictly prohibits any personal use other than calls necessitated by the intersection of work and personal life, as discussed in Subsection A. Use of TDCJ telephones, pagers, and calling cards are separately governed by AD-02.72, "TDCJ Communications Support."
2. State vehicles may be used for personal purposes only when:
  - a. The user is in a state vehicle on a business trip and has no other means for obtaining a meal or other necessities;
  - b. The user is engaged in personal activity but is on call for emergencies that would require immediate transport to the workplace in the state vehicle; or
  - c. The user stops for a personal errand that is unquestionably on the route to or from the user's work destination.
3. An employee may retain and use, for personal purposes, frequent flyer miles or other frequent user benefits, such as hotel stays, accumulated through work.
4. An employee may use a state copier for personal purposes if the copier is equipped to accept payment, or the office maintains a method for reimbursing the cost of copies to the TDCJ.
5. An employee may use state housing and consume state meals in accordance with TDCJ policy (see BP-11.76, "TDCJ Benefit Policy" and ED-11.77, "State-Owned Employee Housing and Mobile Home Spaces").

6. Within reasonable limits that a supervisor may set, an employee may use state equipment to prepare a TDCJ job application, using no more than incidental amounts of state time. State equipment shall not be used to maintain a résumé unless a version of such a document serves an TDCJ purpose, such as for speech introduction purposes, or as a collected list of TDCJ-related training. An employee may use state equipment to prepare an article or report for publication if the topic is related to TDCJ business and the employee is not compensated for the document.
7. An employee may use state provided internet access; however, the amount of time “online” for non-state purposes shall be restricted to incidental use as provided in Section IV.A or limits set by a supervisor. (See AD-15.07, “Information Resources Acceptable Use Policy” for further guidelines.)

V. Abuse of Office

- A. An employee shall not intentionally or knowingly violate a law relating to the employee’s office.
- B. An employee acting under color of office, and knowing the conduct is unlawful, shall not intentionally deny or impede another person’s exercise or enjoyment of any right, privilege, power, or immunity, or subject another person to sexual harassment.
- C. An employee shall not use non-public information acquired by virtue of employment to speculate or achieve a financial gain, or aid another person in speculating or achieving a financial gain.
- D. An employee shall not disclose or misuse non-public information acquired by virtue of employment, in order to obtain a benefit or harm or defraud another person.
- E. An employee shall not use their official position, or state-issued items, such as a badge, indicating such position for financial gain, obtaining privileges or avoiding, consequences of illegal actions.

VI. Conduct after Employment (“Revolving Door” Prohibitions)

These are statutory prohibitions imposed on former employees. Because of their applicability, they cannot be enforced with TDCJ disciplinary procedures, but Subsections A and B are subject to misdemeanor criminal penalties for a former employee who violates them while Subsection C is a prohibition on the TDCJ’s use of appropriated funds and does not carry a criminal penalty. In addition, these prohibitions shall be enforced by requiring, by contract, that TDCJ contractors shall not employ former TDCJ staff in violation of these prohibitions. This provision does not apply to a

former employee who represents a nonprofit entity or governmental body, or who renders services on behalf of a nonprofit entity or governmental body. Note that Subsection B of this section is a relatively narrow prohibition, applying only to an employee who “switches sides” with regard to a specific contract, transaction, audit, regulatory decision, or other issue. Employees are not generally prohibited from working for companies that do business with the TDCJ.

- A. A former member of the Texas Board of Criminal Justice (TBCJ) or the TDCJ’s former executive director may not make any communication to or appearance before an officer or employee of the TDCJ before the second anniversary of the date the TBCJ member or executive director ceased serving in that capacity if the communication or appearance is made with the intent to influence and on behalf of any person in connection with any matter on which the person seeks official action.
- B. A former employee shall not:
  - 1. Represent an offender, or receive compensation for services rendered on behalf of any person (including oneself), in a matter before the Board of Pardons and Paroles (BPP) or a panel of the BPP, for a period of two years after terminating employment;
  - 2. Serve as a parole commissioner before the second anniversary of the date the person’s employment with the TDCJ ceases;
  - 3. If the former employee was at or above pay group A17, B17, or C7, represent any person or be paid for aiding another person regarding a particular TDCJ matter in which the former employee personally participated or was responsible for as an employee, at any time; or
  - 4. Provide consulting services to the TDCJ for a period of one year after terminating employment.

## VII. Other Prohibitions

These are additional standards imposed by the *General Appropriations Act*.

- A. Funds appropriated by the *General Appropriations Act*, regardless of the source or character, may not be used:
  - 1. For influencing the outcome of any election, or the passage or defeat of any legislative measure (this does not prohibit testifying before or providing information to the legislature as an invited resource witness);

2. For the payment of salaries to any employee who uses alcoholic beverages while on active duty or for the purchase of alcoholic beverages, except for legitimate law enforcement purposes; or
  3. To enter into a contract for consulting or professional services or into an employment contract, with any individual who has been previously employed by the TDCJ within the past 12 months.
- B. An employee shall not, in the course of the employee's official duties, conduct business with an individual or firm with which the employee has either a direct or indirect financial interest.
- C. A state officer or employee may not use a state-owned or state-leased motor vehicle to support the candidacy of a person for office in the legislative, executive, or judicial branch of state government or of the government of the United States.

#### VIII. Sanctions

Violations of this directive shall result in disciplinary action pursuant to TDCJ disciplinary policies, with potential penalties as described in PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees." Former employees found to have violated this directive shall have their file marked as "must review before rehire." An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to an employment-related sanction.

#### IX. Distribution

This directive shall be provided to and read by all TDCJ employees. It shall be made available to any employee upon request, and shall be provided to the TBCJ. It shall also be a required component of all new-hire and in-service ethics training.

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Brad Livingston\*  
Executive Director

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\* Signature on file.

## Code of Ethical Conduct

The TDCJ Code of Ethical Conduct is a fundamental element of the TDCJ's mission of providing public safety, promoting positive offender change and reintegration into the society, and assisting victims of crime.

As a reflection of our mission statement, the Code of Ethical Conduct serves as a practical guide for all employees. This code embodies a fundamental respect for the constitutional rights of all people. It is the responsibility of each employee to adhere to the TDCJ's Code of Ethical Conduct.

I shall:

Maintain the highest standards of honesty, integrity, and impartiality.

Uphold all federal, state, and local laws, and adhere to the TDCJ's policies, procedures, rules, and regulations.

Be firm, fair, and consistent in the performance of my duties, without retribution, retaliation, harassment, or abuse toward others.

Provide and support the provision of humane custody, supervision, and care of offenders.

Not discriminate against any person on the basis of race, color, religion, national origin, sex, age, disability, geographic location, or economic status.

Not sexually harass or condone sexual harassment against any person and shall report any violations of this policy to the appropriate authorities.

Maintain confidentiality of information that has been entrusted to me, in my official capacity, unless legally compelled or authorized to release the information.

Not use my official position for unauthorized personal gain or the unauthorized personal gain of my friends or family.

Not conduct myself in any manner which may lead any person or entity to expect official favors.

Recognize that the Code of Ethical conduct is a symbol of the TDCJ's commitment to the public and a direct reflection on the employee as an individual.



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** ED-02.40 (rev. 3)

**DATE:** April 1, 2008

**PAGE:** 1 of 9

**SUPERSEDES:** ED-02.40 (rev. 2)  
December 28, 2001

## **EXECUTIVE DIRECTIVE**

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**SUBJECT:** NEWS MEDIA RELATIONS

**AUTHORITY:** *Public Information Act*, Chapter 552, Texas Government Code; Section 493.006, Texas Government Code

Reference: American Correctional Association (ACA) Standards 4-4020, 4-4021, 4-4022, 4-4099 and 4-4279

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

The TDCJ Public Information Office (PIO) shall serve as the primary contact between the Agency and the media.

**DEFINITIONS:**

“Authorized Personnel” are the employees of the TDCJ (or contract facilities) who have received authorization to speak on behalf of the Agency with the media on a particular subject matter or event. This policy does not include or pertain to the Texas Board of Criminal Justice (TBCJ or Board), as it is the oversight authority for the Agency.

“Media” is any member of the editorial and reporting staff of any newspaper or magazine listed in the *Gale Directory of Publications and Broadcast Media* or the *Editor & Publisher International Year Book*, the editorial and reporting staff of any radio or television station, or individuals who have otherwise been identified as news media by the PIO Director.

“Newsworthy Event” is any incident or situation that attracts, or has the potential to attract, the attention of the news media. Examples include, but are not limited to, employee or offender deaths or injuries, disturbances at TDCJ units or contract facilities, incidents involving parolees or other individuals under supervision, disciplinary action taken against an employee, memorial

or dedication ceremonies held at TDCJ units or contract facilities or an event involving the Windham School District (WSD).

**PROCEDURES:**

- I. Contacting the Public Information Office
  - A. The TDCJ PIO may be reached by telephone at (936) 437-6052 or by fax at (936) 437-6055.
  - B. During normal business hours (Monday through Friday, 8 a.m. to 5 p.m.), all TDCJ staff shall notify their Warden/Department Head, who shall advise the PIO Director, of any newsworthy event or Agency policy operational changes that might attract public interest or news coverage.
  - C. During the evenings, weekends or holidays, newsworthy information shall be reported to the Emergency Action Center (EAC), which is staffed 24 hours a day. Information from TDCJ employees can be reported by calling the EAC at (936) 437-6600 in accordance with AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents."
  - D. The EAC shall promptly notify the on-duty PIO officer of information.
- II. Release of Information to the Media
  - A. The release of information or newsworthy events occurring within the TDCJ shall be made by the PIO Director or their designee. Any event involving the WSD shall be coordinated with the WSD Superintendent or designee. Any event involving the TBCJ shall be coordinated with the TBCJ Chairman. Any event involving the Texas Board of Pardons and Paroles (BPP) shall be coordinated with the BPP Chairman.
  - B. The PIO shall coordinate with the respective Division Directors to obtain necessary factual details of a newsworthy event prior to the release of information.
  - C. Names of victims shall be withheld until an effort has been made to notify the next of kin.
  - D. Limited information regarding an offender shall be released as provided in the TDCJ *Public Information Manual*. The only medical information that may be released regarding an offender is the offender's general state of health or the nature of an injury to or critical illness suffered by the offender. No other medical information regarding an offender shall be released.

- E. The PIO may release information not prohibited by law, as the PIO deems appropriate with coordination with the Executive Director or designee.
- F. Media inquiries regarding ongoing criminal investigations within the Agency or directly impacting the Agency shall be referred to the Office of the Inspector General (OIG) for coordination of a response.
- G. Media inquiries regarding ongoing litigation within the Agency or directly impacting the Agency shall be referred to the Office of the General Counsel (OGC) for coordination of a response.

### III. Media Agencies Receiving Releases

Routine release of information on Agency-related matters may be sent to the major news outlets, as well as newspapers, radio stations and television stations.

### IV. Response to Media Inquiries

- A. Only authorized personnel shall make official responses to news media inquiries. The Executive Director or PIO Director shall personally grant this authorization.
- B. Division Directors or designees may be authorized to provide responses to media inquiries upon receiving approval from the PIO.
- C. If a request is made concerning operations and events at a specific unit, the Warden or designee may be authorized to respond to media inquiries, only after coordinating such release of information with the PIO.
- D. Administrators, Wardens and other authorized officials shall immediately notify the PIO of all media contacts and the nature of those contacts.

### V. Media Access to Units

- A. A Warden may, after coordination with the PIO, impose limitations on or set conditions for media access to the unit when, in the Warden's judgment, such media access would disrupt the safety and security of the unit or cause serious operational problems. Media interviews shall not be scheduled on weekends, holidays, or during offender visitation. Exceptions may be made for media attending an Agency-sponsored event scheduled on a weekend (e.g., WSD graduation).
- B. Media representatives may be denied access to units during periods of unusual tension as well as during actual emergencies and disturbances. Following such emergencies and disturbances, media representatives may be denied access until normal operations are restored.

- C. Official unit tours for media may be coordinated through the PIO Director's office. Any media tours are at the discretion of the Warden and subject to availability of PIO staff. No recording devices shall be allowed during these tours. Photography devices may be allowed at the discretion of the Warden and the PIO Director.

VI. Interviews with Specific Offenders

- A. A media representative may interview an offender as arranged by prior appointment and with the written consent of the offender on the Media Release Form (Attachment A).
- B. An interview with an offender may be prohibited by the Warden, after consultation with the PIO, when the interview, in the Warden's judgment, would impair the rehabilitation of the offender, detract from the deterrence of crime, disrupt the safety and security of the unit or cause serious operational problems. In addition:
  - 1. Interviews with offenders who are diagnosed with psychiatric disorders are prohibited. Due to medical confidentiality laws, this reason shall not be cited;
  - 2. An interview may be prohibited when the offender is in Solitary Confinement or Administrative Segregation;
  - 3. An interview may be prohibited for a reasonable adjustment time for a newly received offender or an offender who has returned to prison due to parole revocation or sentence reinstatement;
  - 4. Each interview shall not be more than one (1) hour in length; and
  - 5. The Warden or designee may authorize non-contact interviews.

C. Interviews with Death Row Offenders

- 1. Any media representative requesting an interview with a death row offender shall submit the offender's name to the PIO at least 24 hours prior to the announced interview date. Requests shall not be accepted at the unit of assignment. The number of offenders interviewed shall be limited by the capacity of the interviewing area.
- 2. Male death row interviews shall be scheduled by the PIO and conducted on Wednesdays, from 1 p.m. to 3 p.m., at the Polunsky Unit in Livingston, Texas. Female death row interviews shall be scheduled by the PIO and

conducted on Tuesdays, from 1 p.m. to 3 p.m., at the Mountain View Unit in Gatesville, Texas.

3. Interviews with death row offenders are limited to 45 minutes.
4. Interviews are not permitted with death row offenders on the day of their scheduled execution.

#### VII. Interviews with Offenders under Community Corrections Supervision

- A. The PIO Director, in coordination with the Parole Division Director and/or the Community Justice Assistance Division (CJAD) Director, or designee, shall handle interview requests with offenders who are in halfway houses or other types of custodial facilities.
- B. Approval for offender interviews shall be made on a case-by-case basis using criteria such as the level of supervision, the type of facility where the offender resides and the willingness of the offender to participate.
- C. Requests for interviews with parolees or probationers who live outside of a halfway house or other type of custodial facility shall be handled by the PIO Director, in coordination with the Parole Division Director, the CJAD Director, or designee.
- D. Media inquiries for the BPP shall be made to the PIO Director, who shall coordinate a response with the BPP Chairman.
- E. Media inquiries for the TBCJ shall be made to the PIO Director, who shall coordinate a response with the TBCJ Chairman.

#### VIII. Witnessing Executions

- A. Media representatives who wish to witness an execution are required to submit their request no later than three (3) business days prior to the scheduled execution. Requests must be prepared on official media outlet letterhead and faxed to the Huntsville PIO.
- B. Preference to witness an execution shall be given to media outlets located in the area where the capital crime was committed.
- C. A representative from the Associated Press (AP) and a representative from the *Huntsville Item* are guaranteed an opportunity to witness each execution.

- D. Media representatives from outside Texas may submit a request to witness an execution. The PIO or designee shall have the final authority to approve or deny the request.
- E. For the purpose of witnessing executions, the Agency does not recognize college or university newspaper reporters as media.

IX. Other Conditions of Media Access

- A. Media access is considered distinct from other forms of access to offenders and shall not be combined with other visits.
- B. Attorneys and family members are not allowed to be present during an interview of an offender by a media representative.
- C. Media representatives shall not be present during attorney visits to offenders, and media representatives who are on an offender's personal visitor list shall be denied media interviews with that offender.
- D. Media access is prioritized by the PIO according to the media outlet's deadline.
- E. Live television, radio or satellite interviews and telephonic media interviews with offenders are prohibited.

X. Photographs of Offenders

Photographs or videos of offenders require the written consent of the offender when the offender's face can clearly be identified. Exceptions would apply to photos or videos showing the offender from behind, or other angles, which would render individual identification impossible. Departmental identification photographs are considered public record and are available upon request.

XI. Access by Other Writers and Researchers

- A. Access to units and offender interviews for editorial researchers, independent filmmakers, documentary filmmakers, book authors, magazine writers, freelance journalists and other non-news media representatives may be permitted on the same basis and under the same conditions as access by media described in Sections V through VII with the permission of the PIO Director. Scholastic research requests shall be made to Executive Services in accordance with AD-02.28, "Agency Research."
- B. Book authors and freelancers shall provide a copy of their contract or other form of contractual relationship with a news organization, production company or publisher prior to obtaining authorization to interview an offender.

XII. Contract Facilities

TDCJ contract facilities (e.g., private prisons, privately operated state jails, halfway houses, Intermediate Sanction Facilities [ISFs], transitional treatment centers and Pre-Parole Transfer [PPT] facilities) shall, in coordination with the PIO Director, provide for reasonable and responsible media access through written policy, practices and procedures that are in accordance with confidentiality rules and regulations. This directive shall be used as a guide for contract facilities.

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Brad Livingston\*  
Executive Director

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\* Signature on file.

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**MEDIA RELEASE FORM**

**Forma de Liberación de Medios de Comunicación**

The undersigned offender of the Texas Department of Criminal Justice (TDCJ) hereby signifies that the offender freely and voluntarily consents to be photographed and/or interviewed by \_\_\_\_\_ on \_\_\_\_\_ for preparation of \_\_\_\_\_. It is understood that this material shall be produced for \_\_\_\_\_ and it may be used and distributed on whatever basis deemed necessary by \_\_\_\_\_ without any further consent from the undersigned offender. Further, said offender releases the TDCJ, its employees and agents from all claims and causes of action arising from production of said material.

El infrascrito preso del Departamento de Justicia Criminal de Texas certifica que el ofensor libremente y voluntariamente consiente ser fotografiado y/o entrevistado por \_\_\_\_\_ en \_\_\_\_\_ para la preparación de \_\_\_\_\_. El preso entiende que este material es producira para \_\_\_\_\_ y el material puede ser usado o distribuida en cualquier base creida necesaria por \_\_\_\_\_ sin mas consentimiento del preso infrascrito. Adicional, el preso dicho alivia el Departamento de Justicia Criminal de Texas, sus empleados y agentes de todas las demandas y causas de acción que se presenta del producción de material dicho.

Notice to Offender: If you agree to the interview or photograph, you are advised that any comments, statements or images may be given or sold commercially by the person or organization to which you grant the interview and material may be used in any other medium without additional permission.

Aviso al preso: Si usted conviene a la entrevista o fotografía, estas avisado que cualquier comentario, declaración o fotografía (retrato) puede ser dado o vendido comercialmente por la persona o organización a quienes usted concede la entrevista y el material puede ser utilizado en cualquier otro media sin permiso adicional.

\_\_\_\_\_  
Name (Nombre)

\_\_\_\_\_  
Unit (Unidad)

\_\_\_\_\_  
Signature (Firma)

\_\_\_\_\_  
Number (Numero)

\_\_\_\_\_  
Witness (Testigo)

\_\_\_\_\_  
Witness (Testigo)





TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-01.82 (rev. 4)

**DATE:** July 30, 2012

**PAGE:** 1 of 4

**SUPERSEDES:** AD-01.82 (rev. 3)  
July 12, 2002

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** LINES OF AUTHORITY FOR DUAL-SUPERVISED POSITIONS

**AUTHORITY:** Texas Government Code §493.006(b)

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**POLICY:**

The TDCJ shall establish guidelines clarifying the lines of authority for employees working in dual-supervised positions located at units.

**DEFINITION:**

“Administrative Supervision” is the supervision of dual-supervised employees by supervisors responsible for ensuring employees are following all of the safety and security protocols of the unit.

“Dual-Supervised Position” is a position customarily departmentally budgeted, assigned to a unit or a Correctional Institutions Division (CID) regional director’s office, that reports to the department head for technical supervision and the warden or CID regional director for administrative supervision. Departments that have these positions include, but are not limited to: Agribusiness, Land, and Minerals; Laundry, Food, and Supply; Industry; Offender Grievance; Classification; Access to Courts; Risk Management; Chaplaincy; Counsel Substitute; Offender Mail Program; Sex Offender Rehabilitation Programs; Substance Abuse Treatment Program; Unit Maintenance; Commissary and Trust Fund; Reentry and Integration Division; and the COURAGE (Challenge, Opportunity, Understanding, Respect, Acceptance, Growth, and Education) Program for Youthful Offenders.

“Technical Supervision” is the supervision of dual-supervised employees by supervisors responsible for ensuring the employees are trained to perform specialized or technical essential functions, such as functions directly related to agriculture, human resources, or maintenance, and for evaluation and monitoring the employee’s performance of such job duties.

**PROCEDURES:**

The following guidelines are established to assist all employees and supervisors in determining the responsibility of supervision.

I. Warden

- A. The warden is responsible for the activities of all employees assigned to the unit.
- B. The warden is responsible for supervision of an employee in performance or decision-making areas not involving the employee's specialized expertise, such as security related matters.
- C. The warden is responsible for time reporting in accordance with the guidelines in PD-91, "Work Cycles and Compensable Hours of Work." Authorization for overtime shall be coordinated and approved by the warden and appropriate department head prior to the employee working overtime. Overtime incurred as a result of an emergency situation shall be in accordance with the guidelines in PD-91.

II. Department Head

The department head is responsible for the activities of employees in the respective department.

- A. The appropriate department head shall be responsible for the supervision of an employee in areas of decision-making and performance involving the specialized expertise of the employee's duties, for example an industry employee determining how to repair broken machinery.
- B. Employee grievances related directly to areas of specialized expertise shall be the responsibility of the appropriate department head.
- C. Extended leaves shall be coordinated with the appropriate department head to determine if the transfer of trained personnel shall be provided to the unit to offset potential program deficiencies in operations.
- D. The appropriate department head shall approve travel that requires reimbursement. The warden or employee shall obtain approval from the department head prior to the scheduled travel date.

III. Performance Evaluations

Performance evaluations for dual-supervised employees shall be coordinated between unit and administrative authorities in accordance with PD-52, "Performance Evaluations."

IV. Responsibility of Employee Discipline

The warden shall have the responsibility for the overall management of the unit and may reprimand, discipline, or recommend the dismissal of employees. The appropriate department head shall be consulted in cases of employee discipline involving dual-supervised employees. The appropriate department head may also initiate disciplinary action in consultation with the warden. Matters of disagreement between the warden and the appropriate department head shall be resolved by the deputy executive director or the appropriate division director.

V. Visiting TDCJ Staff

In some cases, TDCJ employees not assigned to the unit may have frequent and regular duties within the confines of a unit. These employees work in central offices, regional offices, or on special purpose assignments and are under the supervision of department staff responsible for hiring, promotion, and disciplinary actions. While physically on unit property, all employees, regardless of employment status, shall adhere to the warden's administrative supervision and security rules and regulations. Violations by employees not assigned to the unit shall be referred by the warden to the appropriate department head for corrective action.

VI. Office of the Inspector General Staff

Office of the Inspector General (OIG) employees are sometimes assigned to a specific unit or have frequent and regular duties within the confines of a unit. The OIG is the sole administrative and supervisory authority over these employees. While physically on unit property, OIG employees shall adhere to the warden's administrative supervision and security rules and regulations. Violations by OIG employees shall be reported to the inspector general or designee.

VII. Medical Staff

Unit medical staff, employed for the purpose of correctional managed health care, is employed by the University of Texas Medical Branch (UTMB), Texas Tech University Health Sciences Center (TTUHSC), or other contract provider. These employees may be assigned to a specific unit or have frequent and regular duties within the confines of a unit. While physically on unit property, these employees shall adhere to the warden's administrative supervision and security rules and regulations. Violations by these employees shall be reported to the respective management team (UTMB or TTUHSC) and disciplinary action for such employees shall be governed by the management team's human resources policies.

VIII. Windham School District Staff

Windham School District (WSD) employees are not dual-supervised. WSD employees and college instructors are not subject to the disciplinary authority of a warden. While physically on unit property, these employees shall adhere to the warden's administrative supervision and security rules and regulations. Violations by these employees shall be reported to the WSD superintendent.

IX. Parole Staff

Institutional parole officers are not dual-supervised employees and are not subject to the disciplinary authority of a warden. While physically on unit property, these employees shall adhere to the warden's administrative supervision and security rules and regulations. Violations by these employees shall be reported to the chairman of the Board of Pardons and Paroles for institutional parole officers and the Parole Division director for field parole officers.

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Brad Livingston\*  
Executive Director

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\* Signature on file



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-03.02 (rev. 1)

**DATE:** November 1, 2005

**PAGE:** 1 of 5

**SUPERSEDES:** AD-03.02  
May 25, 1999

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** IMPERMISSIBLE OFFENDER CONDUCT

**AUTHORITY:** Section 500.001, Texas Government Code; Open Records Act, Chapter 552, Texas Government Code

Reference: American Correctional Association (ACA) Standards 4-4182 and 4-4226

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

Offenders committed to the TDCJ will be managed in accordance with their specific custody designation and in a fair and impartial manner. Staff shall ensure each offender confined or housed in a secure correctional facility, operated by or for TDCJ, is restricted in his access to information about himself, other offenders, staff, or items which constitute security concerns. An offender shall not have any supervisory, administrative, or disciplinary authority over other offenders; receive special privileges; or obtain or have access to sensitive information.

This directive identifies impermissible conduct and privileges as they relate to the management of offenders. (NOTE: Because offenders in therapeutic community settings are under strict control and supervision of staff, and because of the hierarchical structure prescribed in treatment guideline, offenders are excluded from Sections I.A. – C. and II. A. and B. of the Procedures section in this directive during the time they are in such treatment settings. All release of information shall be in accordance with federal law [i.e., Code of Federal Regulations, 42 CFR Part 2; see also the *Open Records Act Manual* Chapter 01.06]). In addition to the list of impermissible conduct and privileges provided within this directive, procedures and guidelines already in place must also be followed (i.e., *Disciplinary Rules and Procedures for Offenders*, *Offender Orientation Handbook*).

**DEFINITIONS:**

“Direct Supervision” means the offender is within the sight and sound of a staff member.

“Indirect Supervision” means the offender is periodically observed by a staff member at least two (2) times every hour.

“Non-Sensitive Offender Information” includes offender name, TDCJ number, housing location (unit of assignment only unless the offender is assigned to a Substance Abuse Treatment Facility), or job assignment. Non-Sensitive information is in accordance with Section 552.029, Texas Government Code.

“Sensitive Information” includes facts or data, which if known by an offender, could be utilized to gain power or advantage over another person or jeopardize security (i.e., maps, facility blueprints, emergency plans, use of force reports, security reviews/reports). This includes information in a document (either electronically stored or in printed form).

“Sight and Sound” is no physical barriers between the offender and staff member and at a distance not greater than that at which a normal conversational voice volume can be heard.

“Special Privilege” is a right, immunity, benefit, advantage, or favor not authorized by policy, which is granted to one offender and not another.

“Staff” is any uniformed, non-uniformed, or contractual employee of the TDCJ.

**PROCEDURES:**

I. Supervisory, Administrative, or Disciplinary Authority Over Offenders

Regardless of custody status, job or program assignment, no offender shall be directed or allowed to act in such a manner as to enforce TDCJ or unit rules and regulations, exercise supervisory or administrative authority, or impose discipline over other offenders. To this extent, no offender shall:

- A. Convey orders or instructions from a staff member to another offender;
- B. Recommend for or against any action or privilege affecting another offender;
- C. Search or inventory another offender’s property, search another offender or his living area, or accompany a staff member in doing so;
- D. Gain power or an advantage over other offenders;
- E. Physically or verbally abuse or intimidate another offender;

- F. Administer or assist in administering any form of punishment or discipline to another offender;
- G. Grant or deny an offender access to any benefit or activity;
- H. Control the movement or activities of other offenders, except as provided by approved ingress/egress procedures (i.e., pushing gate open/shut after being unlocked by staff);
- I. Provide security escort for another from one place to another, with or without a staff member;
- J. Assist in breaking up fights, quelling riots, or other offender disturbances;
- K. Participate in the taking of offender count;
- L. Handle another offender's commissary withdrawal slip or identification (ID) card;
- M. Handle mail or distribute another offender's correspondence (however, they may carry mailbags under supervision); or
- N. Have access to sensitive information, or information about himself, staff, or security issues which is exempt from disclosure.

## II. Special Privileges

Privileges, included in, but not limited to, the following list shall not be extended to any offender:

- A. Allowed greater access to areas of the unit than any other similarly-assigned offender, except when on duty and as necessary to perform legitimate job functions;
- B. Enter or leave a housing area without direction from a staff member;
- C. Treated in a lenient manner or excused from the disciplinary process due to job assignment;
- D. Exemption from searches of property or living quarters;
- E. Possession of any item of contraband or be allowed access to confiscated contraband;
- F. Possession of any special or altered clothing, except as may be authorized by the Warden for offender job assignments/special events;

- G. Possession of any weapon, handcuffs or other forms of chemical or physical restraints, or the keys to any restraints; or
- H. Receipt of money, commissary goods, or services in exchange for any service, apart from payments approved by Agency policy.

III. Offender Access to Information

- A. Through an offender's job or program assignment, the offender may be in a position to have access to or view the following non-sensitive information regarding another offender while on the job:

- 1. Computer-generated lay-in rosters obtained from the Count Room;

NOTE: Tracking rosters shall not be accessible due to HS18 restrictions that are noted.

- 2. Legal locker box assignment (via log information; no processing of I-60 requests for the boxes);
- 3. Diets;
- 4. Clothing and shoe sizes;
- 5. Safety training attendance;
- 6. Religious program affiliation;
- 7. Project RIO enrollment (initial enrollment form); and
- 8. Class assignment schedule.

NOTE: Forms regarding any of the above shall not be viewed/handled by an offender if they contain anything more than the above-listed information (i.e., religious affiliation, the Chaplaincy Department ITP questionnaire which lists other social information prohibited by this directive) to which offenders are prohibited access.

- B. Offenders may possess or have access to other information under the following circumstances:
  - 1. The limited records and information which an offender may have about himself, or is authorized to review or receive copies, pursuant to the TDCJ *Open Records Act Manual*, Chapter 01.02.

2. The only information an offender may have about an employee is payroll name, rank or title, and current business address (see TDCJ *Open Records Act Manual*, Chapter 01.02).
  - C. All sensitive information and other information exempt from disclosure, shall be completely secured (i.e., in locked rooms or storage) from access by offenders.
  - D. Unless obtained through a state or federal court order or legitimately through the litigation process, and required to be maintained by the offender for purposes of access to courts, any facts or data regarding other offenders, other than the above-listed items, for the above-listed reasons, shall be considered contraband, if found in the possession of an offender, and confiscated.
- IV. Offender Access to Offices and Workstations
- A. Offender access to offices and workstations with telephones, copy machines, fax machines, two-way radios, typewriters, or computers shall be under direct supervision.
  - B. Under no circumstance shall an offender be permitted to use a computer that has Internet access or resides on a local area network (LAN) that has Internet access.
  - C. Under no circumstance shall an offender be authorized a computer system password or provided a computer system password that enables the offender to access any part of the automated information system containing the offender data or Agency business data that would jeopardize security. Any documented passwords should be secured in order to prevent offender access.
- V. Employee or offender report of alleged violations of this directive and investigations of alleged violations of impermissible offender conduct shall be handled through special review and in accordance with AD-03.82, "Management of Offender Grievances." Such allegations shall be investigated and sustained findings shall be reported to the appropriate Division or Deputy Director.
- VI. TDCJ staff allowing offenders any special privileges or condoning conduct in violation of this policy shall be subject to disciplinary action (see PD-22, "General Rules of Conduct and Disciplinary Guidelines for Employees").
- VII. Monitoring of impermissible offender conduct, as set forth in this directive, shall be the responsibility of the Operational Review Team.
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Ed Owens\*  
Deputy Executive Director

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\* Signature on file.



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-03.29 (rev. 7)

**DATE:** November 1, 2005

**PAGE:** 1 of 21

**SUPERSEDES:** AD-03.29 (rev. 6)  
November 4, 2003

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** TDCJ PROCEDURES TO BE FOLLOWED IN CASES OF  
OFFENDER DEATH

**AUTHORITY:** Sections 501.014(b), 501.015(c), 501.055, 501.0551, and 552.029(8), Texas Government Code; Sections 313.004(a), 671.001(d) and Chapter 672 and 692, Texas Health and Safety Code; Article 39.05, Texas Penal Code; Chapter 49.04, 49.09, 49.18, Texas Code of Criminal Procedure; Section 521.401, Transportation Code; and 42 USC Section 13704.

Reference: American Correctional Association (ACA) Standards 4-4395 and 4-4425

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

This policy shall establish the guidelines to be followed in the event of the death of an offender while in custody at a TDCJ unit or a unit under contract with the TDCJ (i.e., leased beds or private prisons).

The Warden and Unit Manager of Health Services/Health Administrator shall establish coordination procedures with the Justice of the Peace (JP) and the Medical Examiner of the county or precinct in which the unit is located. These arrangements shall address the manner and timing of notice to the JP or Medical Examiner; the manner and timing of movement of the body; orders for an autopsy as well as notification to the coordinating funeral home.

The Warden may designate any of his assigned duties listed in this directive to a subordinate as appropriate. Duties assigned to the Chaplain may be delegated only to a designee appointed by the Warden and trained in those duties by the unit Chaplain. Notifications requested via electronic mail (E-mail) may be made via facsimile (fax) for those units that do not have access to the TDCJ E-mail system.

**DEFINITIONS:**

“Coordinating Funeral Home” is the funeral home which provides contract funeral arrangements for offenders in the TDCJ.

“Justice of the Peace (JP)” is an official required to conduct an inquest under certain circumstances as outlined in Chapter 49, Texas Code of Criminal Procedure. If the JP who serves the precinct in which the body or body part was found is not available to conduct an inquest, the nearest available JP serving that county shall conduct the inquest. If there is not an available JP, the County Judge shall initiate the inquest. In this policy, JP shall mean any of these officials in that capacity.

“Natural Attended Death” occurs when an offender dies from natural causes while attended by a physician or a registered nurse.

“Other Death” occurs when an offender dies in any circumstance (such as suicide, homicide, accident, any death that occurs in an offender’s housing or work area, i.e., not in an inpatient setting such as the unit infirmary) other than natural attended death or execution.

“Unclaimed Body” is the body of a deceased offender who has not been claimed by next of kin.

**PROCEDURES:**

I. Notification to Local and TDCJ Officials

A. In the event of an offender death, the Warden or designee shall be notified immediately. The Warden shall implement the following steps based on the circumstances surrounding the offender death:

1. Natural Causes/Attended by Physician or Registered Nurse

When an offender dies from natural causes while attended by a physician or a registered nurse, the Warden or designee shall immediately notify the unit Chaplain and the Office of the Inspector General (OIG). The Chaplain shall immediately begin the notification procedures set forth in Section II, “Notification of Next of Kin” below. The Warden shall then notify the coordinating funeral home to make preliminary arrangements for removal of the body from the unit. The Warden shall complete a TDCJ Transport Authorization for Offender Remains form (Attachment A) and follow autopsy ordering procedures listed in Section III.

2. Other Deaths

When an offender death occurs in any circumstance other than those referenced in I.A.1. above, the Warden shall contact the OIG, the JP, or Medical Examiner and the appropriate outside law enforcement agency if advised that the OIG shall not be conducting the investigation of the death. The OIG determination for investigation responsibilities shall be based on the availability of an OIG Investigator in the specific geographic location

where the death occurred. The body shall not be moved until an investigation is conducted by the JP or Medical Examiner and the OIG or designated law enforcement officials. State law requires the JP or Medical Examiner to personally inspect the body and conduct an inquest as to the cause of the death. The Warden should notify the coordinating funeral home when the time is appropriate to make arrangements for removal of the body from the unit. Transportation from the site of death to the postmortem examination site, if necessary, shall be facilitated through the coordinating funeral home.

3. Executions

The JP or Medical Examiner shall not authorize a postmortem examination following the death of an offender by legal execution. In cases of death as a result of legal execution, the Huntsville Unit Chaplain shall notify the next of kin by phone of death.

4. Adult Fatality Review Team

Chapter 672, Texas Health and Safety Code, permits a county to establish an Adult Fatality Review Team that may conduct reviews of unexpected deaths that occur within the county. If any Warden or medical department becomes aware that an Adult Fatality Review Team has been established regarding a death on their unit, the TDCJ Division Director for Health Services and the Medical Director of the university provider shall be informed within 24 hours by fax, E-mail, or telephone.

B. The Warden or designee shall notify the Emergency Action Center (EAC) of a death within three (3) hours and shall provide information on when and how the death occurred, in accordance with AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents."

1. The Warden or designee shall report an offender's death by telephoning EAC. If the death is other than a natural attended death or execution, the Warden or designee shall report an offender's death by telephoning the appropriate Regional Director, Director of Specialized Supervision (PD), or next highest authority, in addition to EAC. EAC shall assign an incident number. The unit shall send a message via E-mail to EAC as well as the Classification and Records Office (CRO), giving as many details as possible, including the time of death, a preliminary cause of death and who pronounced the offender deceased. Additional information shall include the name, address, and telephone number of the notified next of kin and the coordinating funeral home holding the remains of the deceased offender.

2. The EAC officer shall make the following notifications:

a. In the event of a suicide, homicide, accidental death, or a death with unusual circumstances, the appropriate Division Director, Deputy

Director (CI Division), or Deputy Director for Support Services (PD), Victim Services Representative, and Public Information Officer shall be contacted.

- b. For all offender deaths, the Huntsville Unit, the Death Records Technician, Executive Services, and Inmate Trust Fund (ITF) shall be notified by EAC. EAC will transfer the Death Notification E-mail (Attachment B) from the unit to these departments within 72 hours.
- C. The Warden is responsible for ascertaining if the deceased offender is a citizen of a country other than the United States. If so, the Warden must indicate the deceased offender's country of citizenship when initially reporting to EAC and the CRO. The CRO shall be responsible for communicating with foreign authorities as required by treaties or other international obligations.

## II. Notification of Next of Kin

The Warden shall notify the Chaplain at the time of death, or when it is determined death is imminent due to critical illness or injury. The Warden shall designate an alternate staff member to assist in the notification process if the Chaplain is unavailable. If it is not possible to notify the Chaplain or if there is no assigned Chaplain at a unit, the Chaplain of the nearest TDCJ unit shall be notified to be in attendance.

- A. The Chaplain shall immediately become acquainted with the facts concerning the death and call the person listed on the offender's travel card or records as the person to notify in the event of illness or death. If that person is not available or does not have a listed telephone, the Chaplain shall call another individual listed on the offender records. Every phone call must be documented, noting date, time, number, and person called, as well as remarks.
- B. Notification Procedures (Natural Death)
  1. When an offender dies from natural causes while attended by a physician or a registered nurse, the Warden or designee shall immediately notify the unit Chaplain who shall immediately attempt to notify the offender's next of kin. The Chaplain shall inform the next of kin of the offender's time of death and explain that an autopsy shall be conducted on the offender unless the next of kin objects to the TDCJ within eight (8) hours of the stated time of death. Any objection to an autopsy shall be documented and verbally conveyed immediately to the Warden. The Chaplain shall also document the objection or lack thereof on the Death Notification E-mail and send it to the Warden. This completed E-mail form shall be attached to the TDCJ Autopsy Order form (Attachment C) and faxed to the University of Texas Medical Branch (UTMB) at (409) 772-9350. A courtesy copy shall be faxed to the coordinating funeral home.
  2. If the next of kin objects to the autopsy within eight (8) hours of the time of death, the unit Chaplain shall document the objection and inform the Warden

as soon as possible. The Chaplain shall then proceed with ascertaining whether the family plans to claim the body of the deceased offender.

3. In order of priority, "Next of Kin" shall mean:

- a. Spouse;
- b. Adult children or guardians of minor children;
- c. Parents; and then
- d. Siblings.

If the Chaplain is attempting to contact these individuals over a period of time and a disagreement over whether to conduct an autopsy arises between next of kin, preference should go to the top of the list. For example, if the Chaplain calls the spouse first, but does not receive an answer, he should then attempt to call the adult child or guardian of minor child. If the adult child (or guardian) objects to an autopsy, but the spouse calls the Chaplain and does not object to an autopsy, the spouse's lack of objection will take precedence over the child's objection. This list encompasses the entire next of kin group that should be contacted.

4. If the next of kin cannot be reached, the unit Chaplain shall keep trying, mindful of the eight (8) hour right of objection to an autopsy. Each attempt shall be completely documented.
5. After notification, if it is decided that an autopsy is necessary to determine the specific cause of death, the Chaplain shall then notify the family that a JP has ordered an autopsy. However, this shall only be necessary if the family objected to an autopsy being performed on the offender.

C. If unable to notify any of the next of kin by telephone, the Chaplain shall contact the office of the Chief of Police or County Sheriff where the relatives reside and request local law enforcement officials to make the notification of death. The Chaplain shall:

1. Request that the officers indicate to the person contacted that a TDCJ Chaplain has made prior attempts to contact them;
2. Request that the person contacted calls the Warden of the unit where the offender died;
3. Explain the eight (8) hour time frame for the next of kin to object to any autopsy if the offender's death was a natural death attended by a physician or registered nurse; and

4. Request that the relative contact the Warden regarding plans for disposition of the body.
- D. The Chaplain shall attempt to ascertain if the family plans to claim the body of the deceased offender. If the family wishes to claim the body, they shall be asked to make arrangements with the coordinating funeral home. The Chaplain shall assist the family and the coordinating funeral home in accordance with Chaplaincy procedures and training. If the family does not wish to claim the body, the Chaplain shall advise them to send a message by overnight mail or fax to the Huntsville Unit Warden's Office requesting that TDCJ inter the body in the TDCJ (Joe Byrd) cemetery. All calls by the Chaplain related to these matters shall be made at the expense of the Agency.
  - E. If an offender wishes for another party to control disposition of his remains, the offender must complete the Appointment of Agent to Control Disposition of Remains (Attachment D) and have the document placed in his unit file with a copy to the named agent.
  - F. At the very earliest opportunity, the Chaplain who contacted the next of kin shall write a letter to the family expressing sympathy on behalf of the TDCJ. The Chaplain shall retain a copy of this letter and submit a copy to the Director of Chaplains.
  - G. Once the notification of the next of kin has been completed, the Chaplain shall send verification that the notification has been made to the CRO and the appropriate Division Records Administrator, or their designee, through the Death Notification E-mail.
    1. The Death Notification E-mail shall be accessible by the Chaplain through a computer terminal on the unit. The Chaplain shall complete steps one (1) through five (5) and then proceed to the E-mail form. When an offender dies of natural causes while attended by a physician or a registered nurse, the next of kin's objection to an autopsy of the offender shall be documented on the E-mail form.
    2. The completed Death Notification E-mail shall automatically be sent to the appropriate officials and offices (i.e., CRO, Division Records Administrator, Warden of the Huntsville Unit, Warden of the unit where the offender died, and other areas to be notified as indicated in this directive).

### III. Autopsy Requirements

- A. It is TDCJ policy that an autopsy be ordered on all offender deaths, except deaths by legal execution.
  1. The autopsy is ordered by the Warden or designee when an offender dies of natural causes while attended by a physician; however, the offender's family

may stop the autopsy if they enter an objection to the performance of the autopsy within eight (8) hours of the time of death.

2. An autopsy for all “other deaths” shall be ordered by the JP or other equivalent authority.

B. In order to assist local jurisdictions in the costs involved, arrangements for conducting autopsies have been secured the UTMB at Galveston. If circumstances indicate an autopsy should be performed elsewhere and the local jurisdiction requires assistance in paying the costs involved, the UTMB/TDCJ Managed Care office should be contacted at (409) 747-8512 to coordinate alternative arrangements prior to conducting the autopsy.

#### IV. Offender Eye, Organ, and Tissue Donors

Each offender shall be afforded the opportunity to register as an eye, organ, or tissue donor. During the intake process, each offender shall be allowed to complete a TDCJ Donor Information Sheet and Uniform Donor Card form (Attachment E). The completed donor form shall be kept in the offender’s medical record. Blank donor forms shall be prominently displayed in areas accessible to offenders along with information about the ability of offenders to execute a “Statement of Gift” and the effect of that execution. TDCJ shall not authorize the donation of any offender’s eyes, organs, or tissues in the absence of a completed donor form.

- V. An offender may request to have his body donated to the Texas State Anatomical Board of Medical Education and Research. A Will Form (Attachment F) must be filled out by the offender. A complete copy of the offender’s medical record and Will Form must accompany the deceased body.

#### VI. Release of Information to the Media

The TDCJ Public Information Office shall release the name(s) and basic information (i.e., date, location, and cause) regarding the incident(s) resulting in death, to the news media, only after the next of kin has been notified, or after a reasonable attempt to notify the next of kin has been made.

#### VII. Funeral Arrangements

A. If the offender death is from a cause other than execution or natural attended death, TDCJ officials shall supply the coordinating funeral home, with the name, address and telephone number of the JP present at the time of the inquest. For all deaths, TDCJ officials shall supply the coordinating funeral home with the name of the appropriate registrar (city or county) with whom the death certificate must be filed.

B. The coordinating funeral home shall forward State form #VS 115, 11/77, “Report of Death,” to the proper registrar, designating the coordinating funeral home as the funeral home of record.

- C. Transportation to a local funeral home for interment preparation shall be facilitated by the coordinating funeral home. TDCJ ambulances shall not be used to transport deceased offenders. Once TDCJ releases the body to the individual claiming the offender's body, subsequent arrangements including financial responsibility (i.e., burial or cremation, transportation from autopsy site to the local funeral home) are strictly the prerogative of that individual. The Warden shall not sign cremation orders.
- D. The coordinating funeral home shall be responsible for the interment arrangements in the prison cemetery if the remains of the offender are not claimed. These arrangements shall be coordinated with the Warden of the Huntsville Unit.
- E. The Huntsville Unit shall not make arrangements to inter the offender until the unit receives either a message by overnight mail or fax from the family stating they do not wish to claim the body or, in cases where the family cannot be located, an E-mail message from the Chaplain who tried to locate the family. The Huntsville Unit shall send a copy of the overnight message or fax from the family to the CRO or the appropriate division records office.
- F. When a question arises concerning funeral arrangements or proper disposition of an offender's remains, the coordinating funeral home shall be contacted using its 24-hour telephone number.
- G. The coordinating funeral home shall provide the following basic services for the interment of an offender's remains:
  - 1. Transportation to funeral home;
  - 2. Embalming of the remains;
  - 3. Dressing the body;
  - 4. Basic cosmetology;
  - 5. Casket;
  - 6. Visitation;
  - 7. Outer vault;
  - 8. Transportation to cemetery; and
  - 9. Service and interment of remains.

VIII. Notification of Community Supervision and Corrections Departments (CSCDs) for Offenders Under Supervision of Judge or CSCD

The Warden or designee shall be responsible for notifying the supervising officer and CSCD of the offender's death only if the offender was to continue on CSCD supervision (i.e., upfront time and modified probation). The notification shall be sent via fax (fax number should be documented on the offender's commitment papers) on the next business day. The fax shall include the offender's name, TDCJ number, SID number, and date of death.

IX. Disposition of the Offender's Personal Belongings

A. Upon the death of an offender, the Warden shall ensure all of the offender's tangible personal property, to include any craft shop property, is promptly collected, inventoried, and boxed. The box shall be labeled with the offender's name, TDCJ number, date of death, and estimated value.

B. If the estimated value of the offender's tangible personal property is less than \$100, the Warden or designee shall, subsequent to the Chaplain's notification of next of kin, contact the person indicated on the offender's records as the person to be notified in case of death as to the contents of the offender's personal effects. Every phone call must be documented noting date, time, number, and person called, as well as remarks. The Warden or designee shall ascertain whether the person wishes to receive the personal effects.

1. If the person contacted desires to receive the personal effects of the deceased, the Warden or designee shall see that the effects are promptly mailed to that person or held to be picked up. The property may be shipped via inter-agency mail to the unit that is closest to the relative or via U.S. mail at Agency expense.

2. If the person contacted chooses not to receive the offender's personal effects or if the property is unclaimed after 30 days, the Warden or designee shall ensure that the property is disposed of in accordance with Agency disposition options as outlined in AD-03.72, "Offender Property."

C. If the value of the deceased offender's personal property is estimated to be in excess of \$100, the Warden or designee shall notify the person indicated on the offender's travel card or records that the property may be released only to a certified heir utilizing an affidavit of heirship (see Section X. below) or other appropriate legal documentation.

1. The Warden shall inform the interested next of kin:

a. To contact the Inmate Trust Fund (ITF) of the Business and Finance Division for the procedures to file an affidavit of heirship on any balance in the offender's account;

- b. That the property may be shipped via inter-agency mail to the unit that is closest to the legal heir; however, any shipping costs will be the responsibility of the heir. The approximate shipping costs and instructions for providing monetary payment to cover the shipping charges shall be explained by the Warden or designee; and
  - c. That the property shall be maintained by the unit for a period of six (6) months, after which time the property is unclaimed it shall be disposed of in accordance with Agency disposition options as outlined in AD-03.72, "Offender Property."
2. The Warden or designee shall notify the ITF by E-mail that the offender's personal property is in excess of \$100 in value and the heirs have been notified as described above.
  3. Upon receipt of an affidavit of heirship or other appropriate legal documentation, the ITF shall notify the appropriate Warden or designee in writing of the legally designated heir.
  4. Upon such notice, the Warden or designee shall mail the property to the heir or make arrangements for the property to be picked up. In either case, the unit shall maintain responsibility for the property for a period not to exceed six (6) months.
- D. The Warden shall forward a memo to the appropriate TDCJ division records office indicating the disposition of personal effects. This memo shall be placed in the offender's permanent record maintained by the CRO or appropriate division records office.
- X. Disposition of Inmate Trust Fund/Offender Account
- Texas Government Code Section 501.014(b) sets forth procedures for the disposition of a deceased offender's money held in the offender account with ITF.
- A. The ITF shall contact the person indicated by EAC to be the notified next of kin and inform them to provide the following:
    1. An affidavit of heirship pursuant to Section 137 of the Texas Probate Code must be forwarded to the ITF;
    2. Upon receipt of the affidavit of heirship, the ITF shall forward all money held on behalf of the deceased offender to the designated heirs; and
    3. The ITF shall notify the appropriate Warden or designee that a designated heir has been identified so the property may be released.
  - B. Funds not claimed are held for a period of two (2) years by the TDCJ. After two (2) years, the funds shall revert to the State of Texas by escheat.

- C. ITF shall be contacted for further assistance regarding disposition of offender accounts.

## XI. Written Reports

- A. For deaths other than natural attended deaths or executions, the Warden or designee shall forward a written Administrative Review within ten (10) working days to the Regional Director or appropriate Division Director, EAC, and the Division Director for Health Services (in accordance with AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents"). EAC shall provide copies of the report to other administrators upon request. The report shall include the following information:
  - 1. Name of the deceased;
  - 2. TDCJ number;
  - 3. Unit of assignment;
  - 4. Date and time of death;
  - 5. Name and title of the person who pronounced the offender dead; and
  - 6. Circumstances of death (to include the names and TDCJ/Social Security Numbers of other individuals involved and the nature of their involvement).
- B. When an offender expires, the attending physician or the unit Medical Director shall enter a clinical summary of death into the health record in accordance with the TDCJ Health Services policy.
- C. The deceased offender's completed medical record shall immediately be forwarded to the designated Division Death Records for review by the TDCJ Medical Director or designee.
- D. Health Services or appropriate medical personnel shall ensure a copy of the offender's death certificate and autopsy report is forwarded to the Director of Classification and Records or appropriate Division Records Coordinator. The section containing the cause of death and significant conditions may be redacted on the copy; all other data must be legible.
- E. Upon receipt of notification of an offender's death, the unit Medical Director shall provide the Division Director of Health Services with the reports required by TDCJ Health Services policy.
- F. Each Chaplain assigned to attend an offender's death shall notify the Director of Chaplaincy of the action taken and results obtained. This shall include, but not be limited to:

1. A brief synopsis of the offender's death and the process of notification of the next of kin by the Chaplain (every phone call must be documented noting date, time, number and person called, as well as any remarks);
  2. A copy of the completed Death Notification E-mail; and
  3. A copy of the next of kin letter.
- G. The unit files for deceased offenders shall be retained by the unit of assignment. The Warden shall be responsible for assuring the file is not easily accessible by unauthorized individuals and is maintained in a safe location, separate from other inactive files.
- H. For those deaths investigated in accordance with this directive, a Custodial Death Report shall be completed and forwarded to the Office of the Attorney General by the OIG within 30 days of the offender's death.
- I. Executive Services will compile information regarding all offender deaths for the purpose of reporting to the Bureau of Justice Statistics in accordance with federal law.
- J. A checklist for compiling an Offender Death Packet is found at Attachment G.
- XII. Requests for Death Certificates

A copy of the death certificate for an offender who expires while in the custody of the TDCJ shall be maintained by the Death Records Technician. Upon notification of an offender's death, the Death Records Technician shall initiate a request for a copy of the death certificate from the county in which the death occurred.

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Ed Owens\*  
Deputy Executive Director

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\* Signature on file.

**Texas Department of Criminal Justice  
TRANSPORT AUTHORIZATION FOR OFFENDER REMAINS**

**The undersigned authorizes and directs the coordinating funeral home  
and/or its said agents or staff to make the removal of the said remains of**  
\_\_\_\_\_ **from** \_\_\_\_\_,  
*(Print Offender Name)* *(Print Unit/Location)*  
**who died on** \_\_\_\_\_, **and to hold until further notification**  
*(Date of Death)*  
**from the Warden of the unit with regards to the approval for an autopsy.**

**NOTE: If an offender death is determined to be from natural cause by a certified medical physician, the offender's family will be provided the opportunity to object to an autopsy.**

*Instructions: If death occurs on the unit the Warden shall sign this form authorizing the transport of the remains. If death occurs off the unit the Warden shall sign the form and shall the deliver the form by the most expedient means to the appropriate medical staff at the location of the death.*

\_\_\_\_\_  
Signature of Warden/Designee

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Medical Physician's/Registered Nurse's Signature

\_\_\_\_\_  
Printed Name

Address of Physician/Registered Nurse:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DEATH NOTIFICATION E-MAIL**  
(Example of E-form available to Chaplains)

MESSAGE ID: 717812                      DATE: 09/19/05                      PRIORITY: 000  
  
SUBJECT: DEATH NOTIFICATION

\*\*\*\*\*DEATH NOTIFICATION\*\*\*\*\*

INMATE: LAST NAME, FIRST                      TDCJ#  
DATE OF DEATH: 00/00/0000  
CUSTODY:                      STATUS:                      RACE:                      DOB: 00/00/00    AGE:  
CAUSE OF DEATH:                      TIME:                      DOCTOR:  
PLACE OF DEATH:  
DUTY WARDEN:                      TIME:  
JUSTICE OF THE PEACE:                      TIME:  
TDCJ-CI DIVISION - OIG:                      TIME:  
COORDINATING FUNERAL HOME:                      TIME:  
CHAPLAIN:                      TIME:  
EAC:                      TIME:  
OBJECTION TO AUTOPSY BY N.O.K. ( ) YES ( ) NO ( ) UNABLE TO CONTACT  
N.O.K.                      TIME                      HRS                      PHONE  
ADDRESS:                      FAMILY WILL ( ) WILL NOT ( ) CLAIM BODY  
ADDRESS:  
LOCATION OF BODY:  
LOCATION OF INMATE PROPERTY:



**Texas Department of Criminal Justice**  
**APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS**

I, *(print name)* \_\_\_\_\_, of sound mind, willfully and voluntarily make known my desire that, upon my death, the disposition of my remains shall be controlled by \_\_\_\_\_ *(print name of agent)* in accordance with Section 711.022 of the Health and Safety Code and, with respect to that subject only, I hereby appoint such person as my agent (attorney-in-fact).

All decisions made by my agent with respect to the disposition of my remains, including cremation, shall be binding.

**SPECIAL DIRECTIONS:**

Set forth below are any special directions limiting the power granted to my agent:

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**AGENT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Acceptance of Appointment: \_\_\_\_\_

(signature of agent)

Date of Signature: \_\_\_\_\_

## **Texas Department of Criminal Justice DONOR INFORMATION SHEET**

Texas law allows you to make a voluntary anatomical gift of life if you die while in the custody of the Texas Department of Criminal Justice. This anatomical donation is a gift. You, nor your family, shall receive any financial reward, payment, or compensation.

Each offender desiring to participate shall be provided an information form and donor card. On the donor card, you may indicate whether you wish to be an eye, tissue, or organ donor upon your death. These forms shall be available at the unit medical department and may be located in other areas of the unit as designated by the Warden.

If you have an interest in participating as an eye, tissue, or organ donor, please submit a sick call request to your unit Manager of Health Services/Health Administrator. Your trust fund account shall not be charged for request to participate in the donor program. You shall then be scheduled to have your Uniform Donor Card completed (i.e., signed and witnessed). It shall be made a part of your permanent medical file.

\*If you should decide you no longer want to be a donor, please contact your unit Manager of Health Services/Health Administrator and your Uniform Donor Card shall be destroyed.

### **Información Para Donantes**

La ley del Estado de Texas permite que los presos hagan un regalo voluntario anatómico de vida si el preso se muere cuando está en la custodia del Departamento de Justicia Criminal de Texas (TDCJ). Esta donación es un regalo. El preso no recibirá ningún premio de dinero ni compensación.

Se le proporcionará, a cada preso interesado a participar, un formulario informativo y tarjeta de donador de órgano. En la tarjeta de donador, el preso puede indicar si el/ella quisiera ser donante de ojo, tejido, u órgano al morir. Estas formas estarán disponibles en el departamento médico de su facilidad y serán puestos en otras áreas de la facilidad a la dirección del Guardian/Administrador de la Facilidad.

Si usted tiene interés en participar como donante de órgano, por favor entregue una petición para tratamiento médico al Administrador de Salud de su facilidad. Es gratis participar en el programa de órgano. Al recibir la petición para tratamiento médico, usted será puesto en una lista para completar la tarjeta de donador de órgano (i.e., que sea firmada y que tiene testigo). La tarjeta sera puesta en su archivo permanente médico.

\* Si decide que ya no quiere ser donador, por favor pongase en contacto con el Administrador de Salud de su facilidad y la tarjeta de donador de órgano será destruida.

## Texas Department of Criminal Justice UNIFORM DONOR CARD

Eye, tissue, and organ donation provides an opportunity for persons to offer a “Gift of Life”. Organ and tissue donation is approved by all major religions. If you have questions about your faith’s belief about donations, contact your unit Chaplain. There is no payment to the offender or the offender’s family upon death for donating organs. Legally, they are considered gifts and no monetary reimbursement is involved. Similarly, neither you nor your family shall be charged for making an organ donation gift. It is important to tell your spouse and other close family members, as well as your doctor of your decision to become an organ donor. Organ donation must be secured within a very few hours of death. It is important that you complete a Uniform Donor Card if your decision is to give the “Gift of Life,” which will communicate your decision to your family. Your wish to be a donor at the time of your death shall not interfere with the medical care you receive during your lifetime.

UNIFORM DONOR CARD	
Signature of Donor	Date of Birth of Donor
Date Signed	City & State
Witness	Witness
This is a legal document under the Uniform Anatomical Gift Act or similar laws.	

UNIFORM DONOR CARD	
Signature of Donor	Date of Birth of Donor
Date Signed	City & State
Witness	Witness
This is a legal document under the Uniform Anatomical Gift Act or similar laws.	

### Donador de Órgano Formulario

Donación de tejido y órgano presenta la oportunidad de ofrecer el “Regalo de Vida.” Donación de órgano y tejido es aprobada por todas las religiones mayores. Si usted tiene preguntas de la creencia de su religión, pongase en contacto con el capellán de la facilidad. El preso no recibirá pago por la donación de los órganos cuando se muera. Legalmente, son considerados regalos y no hay reembolso de dinero. Así mismo, usted y su familia no tendrán que pagar dinero por hacer una donación de órgano. Es importante decirle a su esposo/esposa y a los otros familiares, así como su doctor, de la decisión a ser donador de órgano. Donación de órgano se necesita obtener muy pronto despues de que uno se muere. Es importante que usted complete una Tarjeta Uniforme de Donador si su decisión es de dar el “Regalo de Vida,” cual comunicará su decisión a su familia.” Su deseo de ser donante nunca estorbará el cuidado médico que usted recibirá.

TARJETA UNIFORME DE DONADOR	
Firma de Donador	Fecha de Nacimiento del Donador
Fecha	Ciudad y Estado
Testigo	Testigo
Este documento es legal bajo la ley de <i>Uniform Anatomical Gift Act</i> o leyes similares.	

TARJETA UNIFORME DE DONADOR	
Firma de Donador	Fecha de Nacimiento del Donador
Fecha	Ciudad y Estado
Testigo	Testigo
Este documento es legal bajo la ley de <i>Uniform Anatomical Gift Act</i> o leyes similares.	

**Texas Department of Criminal Justice  
WILL FORM**

BE IT KNOWN THAT I, \_\_\_\_\_, now residing at

\_\_\_\_\_

Address	City	State	Zip
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being of sound mind, do hereby will and bequeath, at my death, my body to the Anatomical Board of the State of Texas for the purpose of advancement of medical science and education.

I do ( ) or do not ( ) authorize the Anatomical Board of the State to transport the willed/donated body hereon described out of the State of Texas in the event that the holding institution and the Executive Secretary of the Board have determined an excess of bodies currently exists in the State of Texas.

If the above institution does not need the body at the time of death, it is agreed that the body may be assigned by said Anatomical Board to another institution.

I understand that I cannot be guaranteed that my body will be acceptable at the time of death, and in that event, my survivors will need to make other arrangements for the final disposition of my body. I understand that if I have a contagious disease, if my body is badly damaged at death, if an autopsy has been performed for transplantation or otherwise, my body may not be acceptable to the Willed Body Program. If my body is acceptable, I authorize release of pertinent radiographs and information from my medical records to officials at the institution named above for the purpose of enhancement of the use of my body in medical education and research.

I do hereby instruct those who will arrange for disposition of my body to notify the above institution at the following address and phone number so that appropriate arrangements can be made at the time of my death:

**Willed Body Program  
The University of Texas Health Science Center at Houston  
6431 Fannin Suite 7.046  
Houston, TX 77030**

**Phone Numbers:  
(713) 500-5603 (713) 716-4414 (pager)  
(713) 500-0522 (fax)**

I understand that the receiving institution will pay a basic fee for embalming and transportation of my body a distance of 300 miles or less from the institution. If my death should occur at a greater distance from the receiving institution, I hereby instruct my representative to make necessary transportation arrangements or authorize my body to be delivered to a closer institution approved by the Anatomical Board. Any additional costs will be charged to the estate.

It is my understanding that final disposition of my body shall be cremation.

I hereby relinquish all rights and claims regarding my body, by any person whatsoever, and direct that in accepting and using this body for scientific purposes, and disposing of the body, neither the Anatomical Board of the State of Texas nor the receiving institution shall incur any liability, and no claim shall arise against that institution in any manner. I understand that complaints or inquiries regarding a willed or donated body should be directed to the Executive Secretary of the Anatomical Board of the State of Texas. The name and address of this individual may be obtained from the institution to which the body was delivered and is listed in the Texas State Telephone Directory.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Donor's Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone # ( ) \_\_\_\_\_

Date of Birth \_\_\_\_\_ Male ( ) Female ( ) S.S. # \_\_\_\_\_

Signature and address of two (2) witnesses:

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Phone

## Texas Department of Criminal Justice OFFENDER DEATH PACKET

Offender's Name: \_\_\_\_\_ TDCJ #: \_\_\_\_\_

Unit of Assignment: \_\_\_\_\_ Date of Death: \_\_\_\_\_

Person Compiling Death Packet: \_\_\_\_\_

The following items must be included in the Offender Death Packet. Use this sheet as a checklist for compiling the packet.

- \_\_\_\_\_ 1) Summary of Offender Death
- \_\_\_\_\_ 2) Incident Report
- \_\_\_\_\_ 3) EAC Report
- \_\_\_\_\_ 4) Photocopy of travel card
- \_\_\_\_\_ 5) Chaplain's Offender Death Notification E-mail
- \_\_\_\_\_ 6) Transport Order Form
- \_\_\_\_\_ 7) TDCJ Autopsy Order (if appropriate\*)
- \_\_\_\_\_ 8) TDCJ Organ Donor Form (if appropriate)
- \_\_\_\_\_ 9) Appointment of Agent to Control Disposition of Remains (if appropriate)
- \_\_\_\_\_ 10) Custodial Death Report (OIG)
- \_\_\_\_\_ 11) Personal Property Receipt
- \_\_\_\_\_ 12) Letter to the Family
- \_\_\_\_\_ 13) Personal Property Letter
- \_\_\_\_\_ 14) Staff Participants/Witnesses
- \_\_\_\_\_ 15) Offender Participants/Witnesses/Refusal
- \_\_\_\_\_ 16) Objection to Cremation of Remains Form

\*only used if natural attended death



TEXAS DEPARTMENT

OF

CRIMINAL JUSTICE

**NUMBER:** AD-03.83 (rev. 6)

**DATE:** March 9, 2010

**PAGE:** 1 of 3

**SUPERSEDES:** AD-03.83 (rev. 5)  
August 10, 2005

# ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** OFFENDERS WHO REFUSE TO COMPLY WITH GROOMING STANDARDS

**AUTHORITY:** Texas Government Code §§ 493.004, 507.001-.006

Reference: American Correctional Association (ACA) Standards 4-4263 and 4-4283

**APPLICABILITY:** Correctional Institutions Division (CID) and Private Facility Contract Monitoring/Oversight Division (PFCMOD)

## **POLICY:**

The Texas Department of Criminal Justice (TDCJ) shall establish grooming standards for offenders and ensure compliance for reasons related to security, safety, and sanitation. The only exceptions shall be due to a medically documented issue.

## **PROCEDURES:**

### I. Offender Grooming Standards Non-Compliance

Offenders who refuse to shave, cut their hair, or who have extreme haircuts, which are not in compliance with the TDCJ grooming standards, as outlined in the *Offender Orientation Handbook*, shall be charged with offense code 24.1, Refusing to Comply with Grooming Standards. These offenders shall be disciplined in accordance with the *Disciplinary Rules and Procedures for Offenders*. Offenders found guilty of refusing to comply with grooming standards shall be subject to any appropriate penalty contained therein, including cell restriction.

#### A. General Population

1. Offenders who receive cell restriction as a penalty for refusing to cut their hair, shave, or for having an extreme haircut shall be managed in accordance with AD-03.70, "Cell Restriction for General Population

Offenders.” Special cell restriction (described in AD-03.70 as a Category 3 cell restriction) shall be used for offenders who continually refuse to shave, cut their hair, or who have an extreme haircut. Offenders assessed special cell restriction for refusal to comply with grooming standards shall be subject to the same activities, recreation requirements, and repeat terms as applied to offenders on special cell restriction for refusal to work, as outlined in AD-03.70.

2. Offenders convicted of refusal to comply with grooming standards shall not be assigned to administrative segregation solely for violations of offender grooming standards.

B. Administrative Segregation or Death Row

Offenders in administrative segregation or death row who continually refuse to comply with grooming standards shall be disciplined through the prudent use of cell restriction, and managed as outlined in the following.

1. Offenders found guilty of this offense shall receive up to 15 days of cell restriction and loss of privileges, to include commissary and personal property (except legal material) restrictions. As outlined in the *Disciplinary Rules and Procedures for Offenders*, one term of cell restriction or loss of recreation may not exceed a period of 15 days for each disciplinary conviction. Cumulative terms of cell restriction or loss of recreation penalties shall not exceed 30 days when imposed on administrative segregation offenders, or 90 days when imposed on death row offenders. The cumulative limit is calculated from the date of the most recent conviction.
2. Out-of-cell physical recreation shall be allowed as outlined in the *Disciplinary Rules and Procedures for Offenders*. Offenders in administrative segregation shall be allowed to recreate for one hour every seven days when cell restriction or loss of recreation privileges is imposed as a penalty. When consecutive terms of cell restriction or loss of recreation is imposed on a death row offender, the offender shall be allowed to recreate for one hour every seven days.

- C. Prior to the expiration of the cell restriction term assessed for failure to comply with grooming standards, the offender shall be ordered to comply with the grooming standards. Failure to comply shall result in another charge of refusal to comply with grooming standards and immediate notice of a new charge. The disciplinary hearing officer (DHO) shall attempt to hear the charge before the cell restriction term ends. Upon a finding of guilt, appropriate penalties may be re-imposed. This process may be repeated as necessary to achieve compliance with grooming standards.

- D. When possible, the disciplinary restrictions shall be managed in such a way that offenders on cell restriction for refusal to comply with grooming standards are placed on the same schedule, and can therefore be processed on the same day. If possible, the disciplinary hearings may be held in a location other than the hearing room (e.g., the segregation area) so these offenders are not escorted through the general population areas of the unit.
- E. It is recommended, whenever possible, that offenders who refuse to comply with the grooming standards be housed in close proximity to one another within the appropriate custody designation.

II. Disciplinary Hearing (General Population, Administrative Segregation, and Death Row)

- A. At all disciplinary hearings involving the refusal to comply with grooming standards, the DHO shall ensure there is not a medical reason for an offender's failure to shave. An opinion from appropriate medical staff shall be obtained to the effect that no medical condition exists which prevents the offender from complying with grooming standards.
- B. At such time an offender in disciplinary status expresses a willingness to shave or get a hair cut voluntarily, the offender shall be given the opportunity to do so. An offender's compliance with grooming standards shall be taken into consideration by the warden or designee when deciding to remove or modify the disciplinary sanctions.

III. Official Photographs and Fingerprints

For identification purposes during intake processing, or to update the offender's identification (ID) card/offender mug shot, all offenders shall cooperate in being fingerprinted and photographed. Male offenders shall be required to shave their face and have their hair cut using a triple aught (000) blade for intake processing photographs. A regulation haircut and clean shaven face shall be required for photographic updates. If an offender refuses to cooperate in this procedure, only the amount of force necessary to gain compliance with the order shall be used, unless precluded by medical orders. The force implemented shall be in accordance with the TDCJ *Use of Force Plan*.

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Brad Livingston\*  
Executive Director

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\*Signature on file.



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-04.18 (rev. 5)  
**DATE:** November 17, 2006  
**PAGE:** 1 of 10

**SUPERSEDES:** AD-04.18 (rev. 4)  
March 14, 2003  
AD-03.41 (rev. 3)  
June 14, 2002  
AD-04.72 (rev. 2)  
May 13, 1996  
AD-07.15 (rev. 4)  
March 14, 2003

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## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** OFFENDER JOBS: ASSIGNMENTS, JOB DESCRIPTIONS,  
SELECTION CRITERIA, WORK PROGRAMS AND SUPERVISION

**AUTHORITY:** Sections 494.001, 494.002, 497.004, 497.051, 497.081, 497.090 through 497.099, 498.0041, 499.102(a), 501.001, 501.021, and 507.029, Texas Government Code; Americans with Disabilities Act (ADA); 42 U.S.C., Chapter 126, § 121.01; National Commission on Correctional Healthcare (NCCHC) Standards.

References: American Correctional Association (ACA) Standards 4-4182, 4-4277, 4-4429, 4-4448 through 4-4454, 4-4455, 4-4457, 4-4458, 4-4461, and 4-4511.

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency) and Correctional Institutions Division (CID)

**POLICY:**

The TDCJ shall provide work opportunities and establish offender job programs in accordance with state and federal law. Job assignments shall be based upon rational and objective criteria and in such a manner as to ensure that the safety, security, treatment, and rehabilitative needs of all offenders are met. No offender job assignment shall be made on the basis of gender, race, color, creed, or national origin.

**DEFINITIONS:**

“Appropriate Job Assignment” is the placement of offenders into jobs within the TDCJ that may relate to the offender’s work skills. Specialized skills shall be verified from past work experience or Career and Technology Education (CTE)/vocational skills learned while incarcerated.

“Direct Supervision” is the oversight a staff member maintains by having an offender within ‘sight and sound’ (no physical barriers between the offender and staff member and at a distance no greater than that at which a normal conversational voice volume can be maintained).

“Employable Skill Training” is specialized training or knowledge in recognized occupations where employment opportunities exist for ex-offenders.

“Outside Trusty Offender” is an offender who has been classified General Population Level 1 (G1/J1/OT) of the TDCJ *Classification Plan* which may be assigned a job or activity inside or outside the security perimeter with unarmed periodic supervision.

“Periodic Supervision” is oversight of a staff member which requires a sight check of an outside trusty offender (General Population Level 1 [G1/J1/OT]) at a minimum of once every two (2) hours on a random basis.

“Project RIO (Reintegration of Offenders)” is a partnership among three (3) state agencies (i.e., TDCJ, Texas Youth Commission [TYC], and the Texas Workforce Commission [TWC]) to provide counseling, testing, guidance, and appropriate job placement services for offenders and ex-offenders. The Windham School District (WSD) component of Project RIO links the training and services offenders receive in the TDCJ to training and job placement provided by other agencies when the offender is released.

“Security Precaution Designators (SPD)” is a code documented in an offender’s record that identifies the offender as a special management risk. The designators shall be used for offenders who have a history of escape (ES), taking hostages (HS), assaulting staff (SA), or defeating restraint devices (SR). (See AD-04.11, “Security Precaution Designators” for more information.)

“Staff Member” is any uniformed, non-uniformed, or contractual employee of the TDCJ.

“Trade Completion Report” is a summary report generated by the WSD via the TDCJ mainframe, which identifies offenders (by name, TDCJ number, current unit of assignment, current job assignment, and specific skill) who have completed CTE/vocational training for a specific skill. A copy of a Trade Completion Report for a specific vocational trade can be obtained from any unit education department.

**PROCEDURES:**

- I. Offender job descriptions shall include:
  - A. Job title;
  - B. Job code;
  - C. Essential job functions;
  - D. General qualification requirements;
  - E. On-the-job training eligibility;

- F. Physical/mental characteristics/special conditions; and
- G. Related vocational training.

II. Responsibility/Authority for Offender Job Assignment and Removal

A. Job Assignment by Administrative Classification Staff

1. The State Classification Committee (SCC) or designated Classification and Records Office (CRO) staff may initially assign an offender to a specific job at a specific unit (e.g., tractor driver at the Clemens Unit), or to a general work area at a specific unit (e.g., Computer Recovery at Wynne).
2. Routinely or upon request, the SCC may transfer an offender to a unit and assign that offender to a general work area or a specific job.

B. Job Assignment by Unit Staff

1. The Warden shall have overall authority and ultimate responsibility for offender job assignments on the unit in accordance with the criteria established in this directive.
  - a. The Unit Classification Committee (UCC) or Warden or designee shall make offender job assignments to either a general work area or to a specific job.

NOTE: The UCC shall review custody, as well as, the vocational training and work experience of each offender transferred to the unit, to ensure every effort is made to place the offender into a job that is commensurate with the offender's training and experience. Offenders within five (5) years of projected release shall be strongly considered for placement into jobs when available that are related to verified work experience or CTE/vocational skill acquired while incarcerated.

- b. Supervisors of general work areas on the unit (e.g., food service, maintenance) may be designated by the Warden to make specific job assignments within their respective department. The job site supervisor shall assign an offender with a temporary job code and review the offender for permanent assignment within 72 hours.
- c. Job site supervisors shall submit the name and TDCJ number of the offender to the Chief of Classification for possible review. If a UCC decision is required for the job change, the requesting supervisor may serve as a security member of the UCC to provide input concerning the offender's approval/denial.

2. Only the UCC shall have the authority to make changes in an offender's job assignment that would affect other areas of the offender's Individualized Treatment Plan (ITP).

C. Removal From Job Assignment

The SCC, UCC, or Warden or designee, may remove an offender from a particular job when it is in the best interest of the safety, security, and medical needs of the unit.

III. Job Assignment Criteria

Job assignments shall be made on the basis of an offender's total record and as required by the offender's training, current needs, and circumstances. All staff having the authority/responsibility to make offender job assignments shall first consider and ensure the offender meets the minimum requirements indicated on the job description of the job under consideration.

A. General Job Assignment Guidelines

1. The workforce requirements of the unit, specialized skills of an individual offender, and other objective criteria shall be considered when making a job assignment. Offenders who are certified in a particular job skill as the result of specialized training shall generally receive priority placement in job openings in the area of certification or skill provided the assignment would not endanger the security of the public, unit, staff, or other offenders.
2. Voluntary job or work reassignments are permissible provided the job change is consistent with the safety, security, treatment, and rehabilitative needs of the offender involved as well as the safety and security of the unit.
3. No job assignments shall be made on the basis of sex, race, color, creed, or national origin.

B. Security-related criteria include:

1. Custody;
2. Security precaution designators;
3. Criminal history, to include all prior adult incarcerations;
4. Current offense, length of sentence, and time served on sentence;
5. Violent or passive tendencies;

6. Offender enemies;
  7. Security Threat Group (STG) affiliation;
  8. Current institutional adjustment, as reflected by the offender's disciplinary record; and
  9. Special safety requirements.
- C. Specific guidelines relative to custody designations and job requirements must be adhered to as stated in the TDCJ *Classification Plan*.
- D. Prohibitions for Selection/Assignment to Certain Jobs
1. Offenders in a custody level more restrictive than G2/P2/J2 shall not be assigned to jobs such as maintenance workers, janitors, clerks, dockworkers, or any other job where the offender would have access to multiple areas of the unit while the offender is on work assignment, even if the offender is under direct supervision.
  2. Offenders shall not be assigned to a clerk or non-housing janitor job where female, non-uniformed staff members are assigned if the offender's record reflects:
    - a. A history of convictions or current convictions involving aggressive sexual acts (i.e., Sex Assault [Rape; Sexual Assault; Sexual Abuse; Aggravated Rape; Aggravated Sexual Abuse; or any other Sexual Assault offense to include Indecency with a Child]);
    - b. A history of convictions or current convictions involving kidnapping;
    - c. Any institutional disciplinary history of aggressive sexual acts (i.e., Code 7, "Sexual Abuse" and Code 20.2, "Sexual Fondling");
    - d. Any major disciplinary infraction with the past twelve months; or
    - e. A history of security precaution designators.
- E. Health-Related Criteria
1. Health Services professional staff (e.g., psychiatrist or physician) shall be responsible for documenting an offender's current health and job-related restrictions on the HSM-18, "Health Summary for Classification" form. Health Services staff shall also be responsible for updating the data files and providing appropriate notification with respect to any changes in an offender's health status, which require a job change for health-related

reasons, in accordance with procedures established in the *Standards of the NCCHC* and Health Services policies and procedures. The information contained on the HSM-18 shall be reviewed prior to any job assignment and shall be adhered to in all offender job assignments.

2. Lay-Ins and Cell Passes
  - a. Whenever a change in an offender's medical condition occurs such that a new job restriction is placed on the offender by a physician:
    1. The computerized HSM-18, "Health Summary for Classification" form shall be updated immediately by appropriate Health Services staff;
    2. The offender shall be given an administrative cell pass, by the physician, for the rest of that day;
    3. The offender shall be given a medical lay-in (See Health Services Policy E-37.3, "Medical Lay-Ins") for the purpose of job and housing review; and
    4. The offender shall be notified of the lay-in on a daily basis and shall be excused from work until such time as a classification review has been completed and the lay-in has been canceled.
  - b. Health Services is responsible for updating the HSM-18, "Health Summary for Classification" form immediately.
  - c. Upon receipt of the new HSM-18, "Health Summary for Classification" form, unit staff designated as the reviewing authority shall immediately review the form to determine whether the offender's current job assignment is contraindicated by the offender's new job restrictions (specific procedures contained in the *Unit Classification Procedures Manual*).
  - d. An offender who is unable to perform the current job assignment due to a temporary medical condition (e.g., cold, flu, high fever) as determined by appropriate Health Services professional staff, shall be given a medical lay-in which shall specify the length of time the offender is to be excused from work (See AD-03.62, "TDCJ Offender Medical Lay-Ins"). Health Services shall be required to update the HSM-18, "Health Summary for Classification" form whenever the length of a medical lay-in exceeds two (2) weeks.

IV. Identifying Job Needs Within the TDCJ

A. Job Site Supervisors

Each job site supervisor shall identify jobs for offenders within their specific area of oversight and shall:

1. Maintain a listing of the number of offenders required for each job;
2. Maintain copies of each job description in that area;
3. Maintain a current list of job vacancies;
4. Coordinate with the Project RIO Workforce Specialist or the WSD representative on units without a Project RIO Workforce Specialist to review the current unit level offender workforce for previously trained workers who may qualify to fill a job vacancy.

NOTE: If there are no offenders with verified training to qualify for the position on the unit, other offenders from throughout the CID may be considered for placement;

5. Notify the Chief of Unit Classification or appropriate unit staff on units without a Chief of Unit Classification to request a trained worker; and
6. Maintain a current list of definitions for the HSM-18, "Health Summary for Classification" form restriction codes.

- B. The UCC or appropriate unit staff on units without a Chief of Unit Classification shall maintain a list of all unit offender job vacancies and give priority to filling them with appropriately trained offenders.

V. Job Site Supervision

- A. G2/P2/J2, G3/P3/J3, G4/P4/J4, and G5/P5/J5 offenders shall be provided supervision as indicated in the Classification Boundaries of the TDCJ *Classification Plan*.

- B. For work assignments or activities outside the security perimeter (to include public access areas):

1. General population Level 1 (OT, J1, G1) offenders shall be under periodic supervision; or
2. P1 offenders shall be under direct supervision at all times outside of the security perimeter.

- D. All staff, to include contract staff, is responsible for identifying potential offender crisis situations. If such situations are identified, staff members shall inform the security supervisor of the potential problem.

VI. Training Programs and Identifying Qualified Offenders

A. Job Training Programs

1. On-the-Job Training (OJT) Program

- a. The WSD shall be responsible for procedural guidelines for, and coordination of, occupational training programs to ensure the training components meet recognized standards, which includes the awarding of completion certificates. Procedural guidelines are contained in the *WSD Policies and Procedures Manual* (8.02-12.2).
- b. The program shall provide additional opportunities for employable skill training to offenders and provide creditable training to those offenders who are assigned jobs where an employable skill may be learned.
- c. The WSD Principal or Project RIO Workforce Specialist must coordinate:
  - 1. The OJT activities at each unit with the Warden; and
  - 2. The location and number of positions in approved occupations with the applicable departmental representatives.
- d. The Warden and WSD Principal or Project RIO Workforce Specialist shall ensure the guidelines of the OJT Program are followed and administered equitably by the unit departments offering this training.
- e. To be considered for an OJT program by the WSD an offender must meet the following minimum requirements:
  - 1. Demonstrate appropriate interest for the particular occupation;
  - 2. Meet minimum security and custody requirements for jobs in approved occupations;
  - 3. Have an aptitude for the approved occupation;

4. Agree to participate in the OJT program and to abide by its requirements; and
  5. Must be physically able to perform all work required of the trade.
- f. Offenders who satisfactorily complete OJT may be identified on the Education and Incarceration (EDIC) Achievement screen on mainframe.
2. Windham School District
    - a. The WSD shall offer training to eligible offenders to provide the offenders with employable skills through:
      - (1) CTE; or
      - (2) Vocational training through contracts with local community colleges for offenders with a GED or high school diploma.
    - b. The WSD shall maintain the Trade Completion Report.
- B. Identifying Qualified Offenders through the Project RIO Program
- The Project RIO Workforce Specialist shall:
1. Upon request, verify a Project RIO eligible offender's skilled work experience (prior to confinement);
  2. Upon request, provide the Chief of Unit Classification or appropriate unit staff on units without a Chief of Classification with the Trade Completion Report; and
  3. Follow Project RIO guidelines to identify qualified offenders and request appropriate transfers.
- C. If the workforce needs of the unit require an offender with a specialized skill but such an offender is not available, a qualified worker may be acquired from another unit through the following procedures:
1. The job site supervisor may request the Project Rio Workforce Specialist to review the systemwide Trade Completion Report in an attempt to locate an acceptable qualified worker;
  2. Upon identification of a qualified worker located on another unit, the job site supervisor shall coordinate a request for the offender's transfer with the Warden or designee;

3. The Warden of the requesting unit shall confer with the Warden of the qualified worker and, upon mutual agreement, the Warden of the requesting unit shall request a non-routine transfer through the appropriate Regional Director; and
4. The Regional Director for the requesting unit shall advise a SCC member of the approved request in order that the transfer of the offender may be scheduled.

VII. Offender Transitional Job Services

Offenders who participate in Project RIO services while incarcerated shall be assisted in securing appropriate employment upon release. The TDCJ component of Project RIO shall enhance an offender's appropriate post-release employment prospects by:

- A. Providing access to the offender's unit for TDCJ approved tours by prospective employers and others involved in the offender employment process;
- B. Providing documentation of training/certification and work experience for distribution to prospective employers, the TWC, Local Workforce Development Boards, and the Parole Division;
- C. Facilitating TDCJ approved interviews of selected offenders by prospective employers involved in the employment of ex-offenders; and
- D. Facilitating Career Awareness Days with the WSD and appropriate unit staff as required by Project RIO guidelines as outlined in the WSD Policy 7.00.

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Ed Owens\*  
Deputy Executive Director

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\* Signature on file.



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-06.10 (rev. 1)

**DATE:** September 2, 2004

**PAGE:** 1 of 5

**SUPERSEDES:** AD-06.10  
June 1, 2001

# ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** NOTIFICATION REGARDING SERIOUSLY/CRITICALLY ILL OFFENDERS

**AUTHORITY:** Section 494.002, Texas Government Code

Reference: American Correctional Association (ACA) Standard 4-4395

**APPLICABILITY:** Correctional Institutions (CI) and Health Services Divisions

**POLICY:**

The purpose of this directive is to establish an efficient and timely system of notification for the Texas Department of Criminal Justice (TDCJ or Agency) when an offender has been determined to be either seriously or critically ill. The following procedures shall be followed when an offender is determined to be seriously or critically ill, while the offender is in the custody of a TDCJ unit.

In the event of placement of the offender on the serious/critical list, the unit Manager of Health Services/Unit Health Administrator notifies the Warden or designee who shall make the appropriate notifications to the next of kin.

**DEFINITIONS:**

“Seriously or Critically Ill” are levels of 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 chance 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.

“Critically Ill” is any illness or injury that is life or limb threatening.

“Seriously Ill” is an injury or illness that necessitates immediate medical treatment and without which may progress to a life threatening, or potentially life threatening condition.

**PROCEDURES:**

I. General Procedures

- A. If an offender is deemed seriously or critically ill, the unit Manager of Health Services/Unit Health Administrator shall notify the Warden or designee who shall make the appropriate notifications to the person designated by the offender as the emergency contact on his travel card.
- B. These procedures shall also be followed in the event an offender is at a free-world hospital. The unit Manager of Health Services/Unit Health Administrator should be made aware of the offender's status by the free world physician and make the necessary notification to the Warden.
- C. For notification of next of kin when an offender has died, procedures from AD-03.29, "TDCJ Procedures to be Followed in Cases of Offender Death," shall be used.

II. Seriously/Critically Ill Notification Report

- A. At the time of notification by the Health Services personnel that an offender is considered to be in serious or critical condition, the Warden or designee shall collect the necessary information to complete the Seriously/Critically Ill Notification Report (Attachment A).
- B. In the section of the form marked, "Other Pertinent Information," the Warden or designee should list such information as the date and time the offender arrived at the unit, describe the offender's condition and any other relevant information.

III. Notification

The next of kin for medical decisions is not necessarily the emergency contact. The next of kin for medical decisions is governed by law. The emergency contact is determined by the offender. Therefore, as defined below, an example of an emergency contact may be a friend. However, that friend may not, by law, make the decision to remove the offender from life support.

- A. The Warden/designee (during normal duty hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.) or the Chaplain/Shift Supervisor (during after hours, weekends and holidays), shall notify the emergency contact as designated on the offender's travel card. (Any time the offender is before the Unit Classification Committee, this information should be verified and updated.)

- B. However, if medical decisions need to be made regarding the offender's care (i.e., the offender is comatose or unable to make decisions regarding his care), the definition of next of kin and procedures for notification contained in Health Services Policy I-70.1 must be used.
- C. Should efforts to contact the emergency contact via phone fail, the Chaplain's office will be notified and they shall contact local law enforcement for assistance in locating the emergency contact. Information such as addresses of family members must be provided to the law enforcement agency in order to meet this request. The emergency contact shall be instructed to contact the unit. All efforts by the Chaplain to make notification must be reported to the Warden and documented on the Seriously/Critically Ill Notification Report.

#### IV. Following Notification

After the emergency contact has been notified, the Warden or designee will sign and distribute the completed Seriously/Critically Ill Notification Report. The Warden or designee will be responsible for sending a follow-up E-mail message confirming that notification has been made.

- A. The E-mail message shall contain the following information:
  - 1. Offender's name;
  - 2. Offender's TDCJ number;
  - 3. The phrase, "Seriously/Critically Ill";
  - 4. Senior Warden at offender's unit of assignment;
  - 5. Manager of Health Services/Unit Health Administrator at offender's unit of assignment; and
  - 6. Unit of assignment.
- B. The E-mail message shall be distributed to the following:
  - 1. Chaplain, and
  - 2. Unit Records Office.

A copy of the E-mail message will be attached to the completed Seriously/Critically Ill Notification Report. The Warden will review the completed report.

- C. Each unit Records Office shall maintain a current list of all offenders on the Seriously/Critically Ill List on file.

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Ed Owens \*  
Deputy Executive Director

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\* Signature on File

## SERIOUSLY/CRITICALLY ILL NOTIFICATION REPORT

Name \_\_\_\_\_ TDCJ# \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_  
DOB \_\_\_\_\_ Unit Of Assignment \_\_\_\_\_ SERIOUS

**The Following Notifications Were Made:**

Unit Warden/designee \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_  
Name  
By E-mail  In Person  By Fax  By Phone   
Notified By Whom: \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_  
Chaplain \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_  
Name  
Notified By Whom: \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_

**Person Contacted: (listed as emergency contact on travel card)**

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Address \_\_\_\_\_  
Phone number \_\_\_\_\_  
Contacted By Whom: \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_  
Medical Condition Indicated by Doctor \_\_\_\_\_  
Time \_\_\_\_\_ Date \_\_\_\_\_ Doctor's Name \_\_\_\_\_  
Hospital \_\_\_\_\_ City \_\_\_\_\_  
Comments \_\_\_\_\_

Classification & Records Contact Person: \_\_\_\_\_  
Notified By Whom: \_\_\_\_\_ Time: \_\_\_\_\_ Date \_\_\_\_\_

**Other Pertinent Information** (Should include date and time offender arrived at the unit, offender's conditions, and any other relevant information.)

Time \_\_\_\_\_ Date \_\_\_\_\_

**Report Completed**

by: \_\_\_\_\_  
Name Title Date



TEXAS DEPARTMENT

**NUMBER:** AD-07.30 (rev. 6)

OF

**DATE:** May 8, 2006

CRIMINAL JUSTICE

**PAGE:** 1 of 14

**SUPERSEDES:** AD-07.30 (rev. 5)  
December 19, 2000

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** PROCEDURES FOR RELIGIOUS PROGRAMMING

**AUTHORITY:** Sections 493.001, 493.024, and 501.001, Texas Government Code; Chapter 110, Civil Practice and Remedies Code

Reference: American Correctional Association (ACA) Standards 4-4114 - 4-4121, 4-4180, 4-4273, 4-4277, 4-4319, and 4-4512 - 4-4521

**APPLICABILITY:** Correctional Institutions (CI) Division, Rehabilitation and Reentry Programs Division (RRPD), Parole Division secure facilities, and Texas Department of Criminal Justice (TDCJ or Agency) contracted facilities.

**POLICY:**

- I. The Texas Department of Criminal Justice extends to offenders of all faiths who are supervised or incarcerated within TDCJ operated units or contracted facilities, reasonable and equitable opportunities to pursue religious beliefs and participate in religious activities and programs that do not endanger the safe, secure, and orderly operation of the Agency.
- II. Chaplaincy services shall be provided within TDCJ operated units or contracted facilities in order to serve offenders who desire to practice elements of their religion. Chaplaincy services shall be non-discriminatory in the treatment of the religious beliefs of offenders. Participation in all religious activities and attendance at religious services of worship is strictly voluntary. No TDCJ employee, contractor, or volunteer shall disparage the religious beliefs of any offender or compel any offender to make a change of religious preference.
- III. Chaplaincy services shall strive to assist offenders who desire to incorporate religious beliefs and practices into a process for positive change in personal behaviors by offering meaningful, rehabilitative religious programming as an important tool for successful reintegration into society.
- IV. This policy shall establish the procedures to be utilized by unit Chaplains, contract Chaplains, Wardens, and other TDCJ or contract employees in following Agency policy with regard to:

- A. The religious beliefs and practices of offenders supervised by or incarcerated within TDCJ operated units or contracted facilities; and
- B. The provision of pastoral care and religious programming within TDCJ operated units or contracted facilities.

**DEFINITIONS:**

“Adherent” is an offender who has declared a religious preference that has been recorded on the offender’s official record.

“Approved Volunteer” is a person who provides a service or who participates in volunteer activities on a regular basis, has been approved through the application process, and has completed the volunteer training and orientation.

“Chaplain” is a person employed by or under the supervision of the TDCJ, or employed by a TDCJ contracted facility, with responsibilities and skills in the area of religion, pastoral care, and religious programming.

“Holy Day” is a time designated by a religious group as having special remembrance or observance requirements related directly to the religious belief or group.

“Life Changes Academy” is the structure within the TDCJ for organizing religious programming and for maintaining a balanced religious program, which includes: Track I: Specialized Programs; Track II: Mentor Programs; Track III: Family Programs; Track IV: Rehabilitation Programs; Track V: Reentry Programs; Track VI: Spiritual Growth Groups; and Track VII: Non-Religious Programs.

“Pastoral Care” is the care and guidance for offenders in transition. Transitions include beginning and ending incarceration, death and dying, marriage and divorce, traumatic experiences, accidents, illness, and other personal crises, as well as the process of personal spiritual growth.

“Religious Ceremony” is a ceremony having religious meaning, especially an established ceremony mandated by a religion or religious group.

“Religious Practice Committee (RPC)” is a group of senior administrative representatives appointed by Division Directors that provides an integrated review of religious practice issues and TDCJ policy, procedures, and practices.

“Religious Meal” is a regular meal with religious significance commemorating either a special day or occasion. Offenders of the religious group eat together, separated from regularly scheduled meals by either allotted time or by arranging a separate place for observance (see *Chaplaincy Department Manual*).

“Religious Group” is any body of persons whose main purpose for organizing is to pursue religious beliefs with those of like faith.

“Minister/Spiritual Advisor” is a clergy person who serves an offender in an official religious capacity.

**PROCEDURES:**

The following information is intended to provide overall guidelines and procedures for unit Chaplains, contract Chaplains, and other Agency or contract employees regarding religious programming. The Chaplaincy Department shall maintain a *Chaplaincy Department Manual* for the purpose of detailing policy application, religious practices, and procedures concerning the operation of Chaplaincy services within the TDCJ as outlined in this directive.

I. Unit Chaplains

- A. Unit Chaplains provide professional/spiritual leadership, pastoral care, and religious program supervision to individuals and groups within the TDCJ.
- B. Unit Chaplains are responsible for scheduling regular opportunities for worship and other religious activities for offenders.
- C. Unit Chaplains are available upon request to provide pastoral care and counseling to offenders currently supervised by, or incarcerated within, TDCJ operated or contracted facilities.
- D. Unit Chaplains are responsible for developing religious programs, training volunteers, and supervising the operation and administrative reporting of the applicable components of the Life Changes Academy and similar programming.
- E. All religious programming and the unit Chaplain’s schedule shall be posted in areas readily visible to the offender population.

II. Religious Preference Changes

- A. Upon intake, an offender may designate any or no religious preference.
- B. After this initial declaration of religious preference, an offender may officially record a change of religious preference only one (1) time in any subsequent 12-month period.
- C. An offender may change a designated religious preference by submitting an appropriate request form (e.g., I-60, “Inmate Request to Official”) to the unit Chaplain.

- D. The unit Chaplain shall process offender religious preference changes as follows:
1. An offender's I-60 request for a religious preference change shall be signed by the offender requesting the change and the signature shall be verified by the unit Chaplain or designee;
  2. The unit Chaplain shall verify eligibility for a religious preference change by checking the SSNO screen on the mainframe computer system and the offender's travel card;
  3. The original I-60 shall be forwarded to the Director of Chaplaincy's office, which shall ensure the religious preference request, if eligible for change, is entered on the SSNO screen;
  4. A copy shall be added to the offender's unit file;
  5. A notation of the change shall be made on the offender's travel card or similar record. The unit Chaplain shall note the change, date and initial the card; and
  6. A copy of the original I-60 shall be returned to the offender with an indication of any action taken.

III. Observance of Religious Ceremony

The TDCJ recognizes the significance of purposeful religious ceremony as an important component of numerous religions and shall seek to provide for the observance of religious ceremony by offenders consistent with the reasonable constraints of sound penological practice.

Any ceremony that is prescribed by a religious group as a requirement for adherents and approved for observance by appropriate TDCJ authorities shall be coordinated by the unit Chaplain.

- A. Appropriate authority shall include the Warden or designee and the Director of Chaplaincy, or the RPC (see Section X);
- B. The extent and frequency for observance of any religious ceremony shall be determined by consideration of the following:
  1. The spiritual/religious significance of the ceremony;
  2. The availability of appropriate supervision (e.g., security and/or treatment staff);
  3. Time and space requirements; and

4. The security concerns of the unit.

#### IV. Programming and Scheduling of Religious Activities

- A. The TDCJ shall afford offender religious groups appropriate opportunity to practice religious beliefs, consistent with the safety and security concerns of the unit and with the objectives stated in other administrative directives. The TDCJ shall afford verified groups within the offender population equal consideration concerning fair access to its units for purposes of scheduling and conducting services of worship and religious activities consistent with all other unit policies and objectives stated in this directive.
- B. Space for religious programming shall be designated at each TDCJ operated unit or contracted facility.
- C. Unit Chaplains shall schedule services of worship, religious activities, and meetings of a religious nature.
  1. All such services, activities, and meetings shall be governed by unit rules, regulations, and policies with regard to staff and volunteer safety, security and orderly conditions of the unit, and offender conduct.
  2. Religious services, activities, and meetings shall be scheduled with reasonable frequency. The following factors shall be considered in the scheduling of all religious activities on each unit.
    - a. Staff supervision requirements.
    - b. Unit and individual security concerns as set forth in other Agency policies, or as identified by Wardens.
    - c. The availability of TDCJ approved religious volunteers to assist in religious activities.
      - (1) If an approved volunteer is scheduled to facilitate a religious gathering and is prevented from attending by circumstances beyond the volunteer's control, that volunteer shall make a reasonable attempt to arrange for a qualified substitute with the approval by the Warden or designee, or the unit Chaplain.
      - (2) If no substitute can be found due to time limitations, the religious gathering shall proceed under supervision of unit personnel, as directed by the Warden or designee, and as consistent with sound, legitimate prison management.

- d. Subsequent to an initial allotment for a religious group, additional meeting time and space shall be provided on an equitable pro rata formula to all scheduled religious groups as described below:
  - (1) The percentage of the offender population that the requesting religious group represents, and
  - (2) The amount of time and space available for religious programming.
3. All unit religious activities shall be under direct or general supervision of the unit Chaplain.
  - a. The unit Chaplain shall coordinate procedures with the Warden.
  - b. Ordinarily, worship events, religious activities, and meetings of a religious nature shall be under the direct supervision of the unit Chaplain.
  - c. With the Warden or designee's approval, services, activities, and meetings not conducted personally by the unit Chaplain shall be established and scheduled upon the unit Chaplain's recommendation.
  - d. In the event the unit Chaplain cannot be at the unit to directly supervise a properly scheduled activity due to illness, denominational leave, vacation, or other event, the unit Chaplain shall notify the Warden or designee so unit staff can be assigned to provide adequate supervision.
  - e. The unit Chaplain and Warden may draw upon approved religious volunteers to help facilitate and conduct scheduled religious activity in the unit Chaplain's absence (see AD-07.35, "Administration of Volunteer Services in the TDCJ").
4. Subject to security guidelines, the unit Chaplain shall not schedule and the Warden shall not authorize worship services or special religious activities for religious groups or individuals with doctrines, beliefs, or practices that could create security problems.
5. The Warden or designee shall temporarily discontinue a religious service, activity, meeting, or special observance that disturbs the orderly conditions of the unit.

6. An offender may request that a worship service, doctrinal study, or religious ceremony be scheduled for a specific religious group that is not already provided for in the unit's religious programming.
  - a. The offender must officially indicate a religious preference for the requested specific religious group.
  - b. If the requested religious group does not already have a worship service, doctrinal study, or religious ceremony scheduled on that unit, the unit Chaplain shall evaluate the request based on availability of time, space, approved volunteers, and appropriate supervision to facilitate the request.
  - c. The unit Chaplain shall contact the Warden and the Director of Chaplaincy for approval before a new religious group is scheduled to meet.
  - d. Upon approval, the religious group may be scheduled with a minimum duration, as resources are available, providing all other criteria as set forth in this directive are met.
  - e. Additional time may be allotted according to the pro rata formula (see Section IV.C.2.d).
  
- D. Attendance at approved services of worship, religious activities, and meetings of a religious nature shall be subject to the following considerations:
  1. Attendance shall be voluntary;
  2. The opportunity to attend services, activities, and meetings shall be offered to all offenders with the exception of those offenders who, by nature of the classification/custody level, are not eligible to attend religious services or meetings (i.e., administrative segregation and G5 custody);
  3. There shall be no restrictions on attendance based on race, color, religion, sex, national origin, age, disability, or genetic information;
  4. The Warden may limit the number of offenders in attendance at any religious meeting or discontinue the activity indefinitely for good cause;
  5. The Warden may deny any offender permission to attend such activities if the offender's attendance could affect the safe and secure operation of the unit or the safety of an individual offender; and
  6. Normal work assignments should not preclude attendance at meetings of a religious nature. In regards to an offender's work schedule or job

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assignment, the supervisor shall make a judicious effort in scheduling work to allow the offender to attend at least one (1) religious meeting per week.

- E. The opportunity to transfer for approved specialized religious programs is limited to offenders whose custody level is G1, G2, or G3. Offenders in G4 custody, as a result of a security precaution designator code with a one (1) year clear major disciplinary history, may also be approved for specialized religious programs. For additional information regarding security precaution designators, refer to SM-07.02, "Security Precaution Designators."
- F. No offender shall be required to attend, or to participate in, any religious program or activity as a condition of receiving food or basic necessities. Attendance at religious events or services may be restricted to include only those offenders who practice that religion. Food items may be a part of these religious events or services with restricted attendance. For example, sacraments available during a ceremony (i.e., communion) shall not be provided to non-participating offenders.

V. Religious Holy Days

- A. The Director of Chaplaincy shall maintain and distribute an official listing of religious holy days (Religious Holy Days Annual List) for the TDCJ.
- B. Any requests from offenders for the recognition of holy days that are not identified on the Religious Holy Days Annual List shall be evaluated on a case-by-case basis by submitting an HQ-150, "Religious Practice Issue Assessment Form" (Attachment A). The HQ-150 shall be submitted by the unit Chaplain to the RPC.
- C. The annual list shall be adjusted accordingly each year to include those holy days which were not previously listed but have subsequently been identified as a time of special significance for a religious group in the TDCJ.
- D. Lay-Ins for Religious Holy Days
  1. An offender requesting a lay-in for an established holy day of the offender's religious preference or a lay-in for a special service/observance shall submit the request to the unit Chaplain on an I-60, "Inmate Request to Official" a minimum of 14 days in advance of the scheduled religious holiday.
  2. The unit Chaplain shall advise the Warden concerning the request.
  3. If approved, the unit Chaplain shall follow unit procedures for processing lay-ins.
  4. Any special observance connected with a holy day lay-in shall require the supervision of the unit Chaplain as considerations of time and space permit, and with attention to the safety and security concerns of the unit.

5. Approved volunteers from the specified religious group may assist in special holy day observances.
6. An offender who is granted a lay-in from a work assignment for a holy day may be required to make up the hours at a reasonable time to be determined by the Warden or designee.

#### VI. Religious Property

- A. All newly constructed multi-purpose buildings provided for religious observances on state property shall be non-sectarian in design and shall be made available on a non-preferential basis according to minimal meeting standards, approved religious programming requests, proportional representation of offender religious groups within each unit, and availability of volunteer assistance.
- B. Offenders may receive and retain religious literature for personal use providing such materials are obtained through appropriate channels (e.g., literature distributed through by the Chaplaincy Department). All religious literature is subject to receipt and review in accordance with BP-03.91, "Uniform Offender Correspondence Rules" for approval or denial.

Note: AD-03.72, "Offender Property," provides necessary guidelines for possession of religious material by offenders in transfer categories.

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- C. Offenders may possess religious items which are consistent with their religious orientation and do not otherwise violate safety and security standards of operation for the unit. More specific guidance for accommodating a specific religious group item request can be found in the *Chaplaincy Department Manual*.

#### VII. Religious Dietary Preferences and Religious Meals

- A. The TDCJ provides all offenders access to nutritionally adequate meals and, within administrative practicability, allows offenders to meet religious dietary requirements and restrictions. TDCJ Food Services provides a regular diet tray, a meat-free diet tray, or a pork-free diet tray from which an offender may choose. The offender shall follow dietary preferences or restrictions by selecting the appropriate food tray or menu plan choice from the available options. Unit Chaplains shall assist offenders, when requested, with authoritative information regarding the food preferences or restrictions, if any, for various religions. Provision of meals for offenders shall be in accordance with established policy.
- B. A religious meal that is prescribed by a religious group as a requirement for adherents and approved for observation by appropriate TDCJ authorities (see Section III.A.1) shall be coordinated by the unit Chaplain. The unit Food Service Manager and the Warden shall be consulted concerning all scheduled religious meals. Food provision for religious observance shall be in accordance with

established policy. Attendance at a religious meal shall be subject to the approval of the unit Chaplain.

VIII. Religious Volunteers

Religious program volunteers shall be utilized by the TDCJ in accordance with AD-07.35, "Administration of Volunteer Services in the TDCJ," as a method of improving the overall effectiveness of religious programming for every TDCJ operated unit or contracted facility.

IX. Ministerial Visitation

- A. Each unit shall provide a Ministerial Visitation Program. The unit Chaplain shall be responsible for the coordination of all pastoral visits, with final approval by the Warden. This shall include verification of credentials, scheduling of visits, and offender lay-ins. The Warden's office shall be notified of all pastoral visits.
- B. All visiting ministers or spiritual advisors (i.e., Pastor, Minister, Priest, Priestess, Rabbi, Imam, Shaman, Monk, Medicine Man/Woman, Nun, or similar advisors) shall be permitted ministerial/spiritual advisor visits with a particular offender at the rate of no more than two (2) visits per month. The visiting minister/spiritual advisor need not be of the same religious preference. An offender shall accept or decline a requested ministerial visit.
- C. Each ministerial visitation shall be scheduled for a maximum duration of two (2) hours, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. Exceptions shall be made on a case-by-case basis as authorized by the Warden.
- D. The minister/spiritual advisor must provide credentials to the unit indicating official status as a clergy person. Credentials shall consist of one (1) of the following:
  1. Minister Identification Card supplied by the authorizing denomination or religious group;
  2. License or Ordination certificate;
  3. Official letter from an organized religious body or congregation indicating the status of the letter holder as an official representative of the religious body or congregation for all religious functions or for specific prison-related religious functions; or
  4. A current listing as a clergy person in an official listing of ministers/clergy from an organized religious body.
- E. Arrangements for a ministerial visit should be made a minimum of 24 hours in advance of the expected visit. The Warden may approve visits with less than 24 hours notice.

- F. Such visits are for a one-on-one pastoral or instructional visit, not for group study. With pre-approval by the unit Chaplain and Warden, the visiting minister/spiritual advisor may bring a holy book, religious instructional material, and/or communion.
- G. The length and location of such visits shall be determined by the Warden or designee.
- H. Ministerial visitation privileges may be denied, suspended, or terminated with appropriate justification.

X. Religious Practice

- A. All claims of a burden on the free exercise of an offender's religious practice shall be referred to the unit Chaplain. Whenever such a claim is made, the unit Chaplain shall utilize the HQ-150, "Religious Practice Issue Assessment Form," for requested religious practices that have not been previously examined or decided. The unit Chaplain shall also use the HQ-150 to address similar issues when raised by the Warden, other TDCJ staff, non-Agency religious representative, or other interested parties.
- B. When claims of a burden on an offender's religious practices are presented on the I-127, "Offender Grievance Form," the unit Grievance Investigator shall provide the unit Chaplain with the facts pertinent to the issue in order to facilitate an investigation. The unit Chaplain shall use the HQ-150 to assess the offender's claim. In addition, the unit Chaplain shall assist the unit Grievance Investigator in developing a response to be placed on the I-127.
- C. If the issue is presented on the I-127, and has been previously reviewed on the HQ-150, it is not necessary to complete another review of the claim provided no new facts are presented. A copy of the HQ-150 must be provided to the unit Grievance Investigator, as well as a suggested response.
- D. The procedures for completing the HQ-150 are as follows:
  - 1. The unit Chaplain shall complete the HQ-150 at the unit level with appropriate input from the offender, Warden, outside religious authority, and any other source of information deemed necessary.
  - 2. Upon completion of the HQ-150 at the unit level, the offender shall be notified as to whether or not a removable burden exists. If the offender is dissatisfied with the results, the offender shall be notified of the right to appeal through the established offender grievance process.
  - 3. The completed HQ-150 and copies of all related materials used in the investigation shall be forwarded to Director of Chaplaincy's Office for any additional review and response.

4. The Director of Chaplaincy or designee may also present the issue to the RPC for review and action as deemed necessary.
- E. The Director of Chaplaincy shall coordinate a RPC to address any issues presented.
1. The RPC shall be composed of divisional representatives appointed by Division Directors. Representation shall include the CI Division, RRPD, and the Office of the General Counsel.
  2. Each member shall serve a two (2)-year term. The Director of Chaplaincy or designee shall be a permanent member and serve as chairperson.
  3. Meetings of the RPC shall be held monthly or as needed.
  4. The RPC shall consider issues presented to it within the context of a comprehensive review of TDCJ policies and practices. The RPC shall review proposed resolutions for religious practice issues and indicate concurrence or non-concurrence with the unit resolution. A non-concurrence response requires every effort to achieve an alternate response as a resolution.
  5. Decisions of the RPC are final and shall be communicated to unit Chaplains and unit administration and staff for implementation.

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Ed Owens \*  
Deputy Executive Director

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\* Signature on File

<b>TEXAS DEPARTMENT OF CRIMINAL JUSTICE</b> <b>Religious Practice Issue Assessment Form</b>		
Offender's Name:	TDCJ #:	Date:
Unit:	Housing:	
Offender's religious preference on the SSNO screen and travel card:		
1. Clearly state the offender's request for a religious accommodation:		
2. Assess the requested accommodation as part of the offender's religious preference:		
A. Offender interviewed: Yes <input type="checkbox"/> No <input type="checkbox"/> Date of interview:		
B. Summary of offender interview:		
C. Does the offender's religious preference (as listed on the SSNO screen and travel card) require the object or practice for practitioners? Yes <input type="checkbox"/> No <input type="checkbox"/>		
D. Has the offender provided any reference to textural religious authority or sacred writings in support of the requested accommodation? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, list and summarize:		
E. List and summarize any other references to textural religious authority or sacred writings gleaned from research:		
F. Were you able to verify a religious requirement? Yes <input type="checkbox"/> No <input type="checkbox"/>		
G. Was a religious authority contacted? Yes <input type="checkbox"/> No <input type="checkbox"/>		
H. Please provide name, title, address, phone, fax, and e-mail of religious authorities contacted:		
Name/Title: _____		
Address: _____		
Telephone, fax, e-mail: _____		
Name/Title: _____		
Address: _____		
Telephone, fax, e-mail: _____		
I. Summarize religious authorities' perspective on the requested religious accommodation:		

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3. Identify, in conjunction with the Warden or designee, any compelling countervailing considerations. Check and describe all that apply:	
<input type="checkbox"/> a. None (Skip to item #4)	<input type="checkbox"/> f. Excessive administrative burden (explain)
<input type="checkbox"/> b. Offender safety issue (e.g., item's of value)	<input type="checkbox"/> g. Unavailability of space
<input type="checkbox"/> c. Unit safety/security issue	<input type="checkbox"/> h. Scheduling limitation (e.g., time)
<input type="checkbox"/> d. Unavailability of "free world" or volunteer leadership	<input type="checkbox"/> i. Appropriate supervision unavailable
<input type="checkbox"/> e. Accommodation would violate other law/court order	<input type="checkbox"/> j. Other (Explain)
4. If the offender's request is clearly a recognized practice of the offender's designated religious group and there are no compelling considerations checked and described in item #3 (above), then the request shall be accommodated. However, if one or more considerations in item #3 are present, then identify in conjunction with the Warden or designee, and if possible with the cooperation of the offender, any alternative accommodation.	
5. <input type="checkbox"/> Alternative accommodation proposed (check and describe below): Note: A recommendation here is only appropriate when the initial request is being denied.	
6. Unit Chaplain's Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Approve alternative <input type="checkbox"/> Deny (state reason)	
PRINTED NAME:	
SIGNATURE: _____ DATE: _____	
7. Unit Warden's Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Approve alternative <input type="checkbox"/> Deny (state reason)	
PRINTED NAME:	
SIGNATURE: _____ DATE: _____	
8. Director of Chaplaincy's Office Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Approve alternative <input type="checkbox"/> Deny (state reason)	
PRINTED NAME:	
SIGNATURE: _____ DATE: _____	
9. Religious Practice Committee's (RPC) Decision: <input type="checkbox"/> Concur <input type="checkbox"/> Concur alternative <input type="checkbox"/> Non-concur	
PRINTED NAME:	
SIGNATURE: _____ DATE: _____	



TEXAS DEPARTMENT

NUMBER: AD-07.35 (rev. 6)

OF

DATE: October 24, 2008

CRIMINAL JUSTICE

PAGE: 1 of 3

SUPERSEDES: AD-07.35 (rev. 5)  
April 20, 2005

# ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** ADMINISTRATION OF VOLUNTEER SERVICES

**AUTHORITY:** Texas Government Code, §§ 493.0052, 493.0053 and 501.009 and Chapter 2109; Texas Code of Criminal Procedures, art. 56.02

Reference: American Correctional Association (ACA) Standards 4-4114 - 4-4122

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

The TDCJ shall establish an Agency-wide plan to standardize the administration and reporting of volunteer activities and services in all TDCJ units (to include private and contract facilities) and offices. The TDCJ shall actively encourage volunteers and volunteer organizations to provide activities and services for offenders and victims who are impacted by these offenders without regard to race, color, religion, gender, national origin, disability, genetic information or age. The TDCJ, through the Rehabilitation and Reentry Programs Division (RRPD), shall establish a Volunteer Coordination Committee (VCC) to develop, coordinate and implement the TDCJ *Volunteer Services Plan*.

**DEFINITIONS:**

“Volunteer” is an individual who provides a service or who participates in volunteer activities on a regular basis and has been approved through the application process and completed the volunteer training and orientation.

**PROCEDURES:**

Approved volunteers shall agree in writing on the TDCJ Acknowledgement of Training/Orientation (*Volunteer Services Plan*, Appendix D) to abide by Agency policies relating to security and confidentiality of information. A volunteer may have access to confidential information on an as needed basis as approved by the department to which they are assigned.

Volunteers who offer professional services shall submit credentials and/or licenses prior to performing services.

- I. Agency-wide standards and procedures for Volunteer Services are outlined in the TDCJ *Volunteer Services Plan*. Each division shall address specific volunteer procedures in pre-service orientation.
- II. All volunteer activities and services shall maintain goals and sound correctional practices applicable to the Agency for security and orderly operations. Volunteers approved in accordance with the *Volunteer Services Plan* may be invited to provide activities and services to the offender population. All activity/service curriculum, to include content, length, frequency, materials and locations, as well as the individuals presenting the activity/service, shall receive prior approval and training by designated TDCJ staff.

III. Types of Volunteer Activities and Services

The TDCJ shall encourage volunteer organizations to provide the following types of activities and services for offenders:

- A. Literacy and education services;
  - B. Life skills services;
  - C. Job skills services;
  - D. Parent training services;
  - E. Drug and alcohol rehabilitation;
  - F. Support groups;
  - G. Arts and crafts;
  - H. Religious programs;
  - I. Victim Awareness Training;
  - J. Education on medical issues and prevention; and
  - K. Other programs aimed at reducing recidivism.
- IV. In order to ensure Agency-wide uniformity and consistency in volunteer practices, all revisions to the *Volunteer Services Plan* shall be reviewed by the VCC, and each division shall be responsible for compliance with the *Plan*.

V. Volunteer Coordination Committee

The RRPD Manager of Services or designee shall serve as chair of the VCC. The committee shall be composed of representatives from the following:

- A. Correctional Institutions Division (CID);
- B. Parole Division;
- C. Private Facilities Contract Monitoring and Oversight Division (PFCMOD);
- D. Victim Services Division;
- E. RRPD;
  - 1. Chaplaincy;
  - 2. Substance Abuse;
  - 3. Sex Offender Treatment Program; and
- F. Windham School District (WSD).

VI. Implementation of Volunteer Activities and Services

- A. The RRPD shall administer the review and approval process for volunteer-led activities and services designed for the primary purpose of rehabilitating or reintegrating offenders.
- B. Program proposals shall be approved following the procedures provided in the *Volunteer Services Plan*.
- C. Volunteer-led services and activities shall be monitored and evaluated, as necessary, to ensure Agency program goals and objectives are met.

VII. Volunteer Activities and Services for Victims of Violent Crime

The Victim Services Division shall encourage volunteers to provide appropriate types of activities and services for victims of violent crime.

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Brad Livingston\*  
Executive Director

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\* Signature on file.



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-07.38 (rev. 2)

**DATE:** April 8, 2008

**PAGE:** 1 of 3

**SUPERSEDES:** AD-07.38 (rev. 1)  
September 2, 2005

## **ADMINISTRATIVE DIRECTIVE**

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**SUBJECT:** ADMINISTRATION OF MENTOR SERVICES

**AUTHORITY:** Section 501.009 and Chapter 2109, Texas Government Code

**APPLICABILITY:** Correctional Institutions Division (CID), Parole Division, Rehabilitation and Reentry Programs Division (RRPD), Victim Services Division and Windham School District (WSD)

**POLICY:**

The Texas Department of Criminal Justice (TDCJ or Agency) shall establish guidelines for the coordination and standardization of mentoring services and Agency mentors who provide mentoring services for incarcerated or released offenders in an effort to enhance the offender's successful reintegration. No mentor shall be discriminated against because of race, color, religion, sex (gender), national origin, age, disability or genetic information.

**DEFINITIONS:**

“Mentor” is a volunteer who meets Agency-approved mentor criteria and is recommended by TDCJ program staff.

“Mentoring” is a one-to-one (same gender) relationship that focuses on the rehabilitative needs of the mentored offender, fosters caring and support, encourages personal development, assists in personal visioning and develops active community partnerships. Programs utilizing husband and wife teams may be allowed to mentor individual offenders.

“Volunteer” is an individual who provides a service or who participates in volunteer activities on a regular basis and has been approved through the application process and completed volunteer training and orientation.

**PROCEDURES:**

I. Mentor Criteria

A. Mentors shall be:

1. Twenty-one years of age or older; and
2. The same gender as the offender being mentored.

B. Approved employee volunteers shall not be mentors.

II. Mentor Services

A. Due to the therapeutic nature of the mentoring relationship between the offender and mentor, the mentor is permitted to correspond and communicate with the offender, the offender's family and approved community groups in order to promote rehabilitation for the offender and to enhance the offender's successful reintegration upon release to the community. A mentor shall:

1. Adhere to TDCJ policies, rules and regulations relative to Agency volunteers as outlined in AD-07.35, "Administration of Volunteer Services in the TDCJ," the *Volunteer Services Plan* and the *Mentoring Plan*. Violations could result in declining the future services of the mentor;
2. Strive to maintain the Agency's goals and observe sound practices that will maintain the security and orderly operations of the Agency; and
3. Participate in training and scheduled debriefings.

B. The TDCJ reserves the right to:

1. Disapprove an applicant as a mentor;
2. Withdraw the approved status of a mentor;
3. Select or disapprove an offender who volunteers to be matched with a mentor; and
4. Terminate any mentoring relationship between a mentor and an offender.

III. All mentoring programs and materials used, as well as, the location and length of mentoring sessions shall receive prior approval by designated TDCJ staff.

- IV. All divisions within TDCJ that utilize mentors shall ensure uniformity and consistency within the administration and reporting of the mentoring program by abiding by Agency approved selection criteria, operational procedures and training programs.
- V. The Volunteer Coordination Committee (VCC), as described in AD-07.35, "Administration of Volunteer Services in the TDCJ," shall develop, coordinate and implement the *Volunteer Services Plan* and *Mentoring Plan*. Any revisions to these plans shall be reviewed and approved by the VCC.
- VI. Confidentiality

Each TDCJ department/division that utilizes mentors shall abide by Agency policies relating to security and confidentiality of information. A mentor may have access to confidential information on an as needed basis as approved by the Division Director or designee to which the mentor is assigned.

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Brad Livingston \*  
Executive Director

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\* Signature on File



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-11.02 (rev. 4)

**DATE:** January 9, 2012

**PAGE:** 1 of 5

**SUPERSEDES:** AD-11.02 (rev. 3)  
July 7, 2004

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** ATTORNEY GENERAL REPRESENTATION, INDEMNIFICATION,  
AND LIMITATION OF LIABILITY

**AUTHORITY:** Tex. Const. Art. IV, § 22; Tex. Civ. Prac. & Rem. Code (TCP) Ann. Ch. 101,  
104, 108 (Vernon 2005 & Supp. 2010); Att’y Gen. Op. No. DM-457 (1997);  
General Appropriations Act, 81st Leg. R.S., Art. IX, § 16.01; Texas Penal Code  
§§ 49.04 - 49.09

Reference: American Correctional Association (ACA), *Standards for Adult  
Correctional Institutions*, Standard 4-4023

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ)

**POLICY:**

All employees shall cooperate with the Office of the Attorney General (OAG) in the event that employees are sued for acts or omissions arising out of the course and scope of the performance of the employee’s duties.

The following information is provided to assist employees in understanding their legal rights and obligations. As an administrative directive, it is general in nature, and shall not be treated as individualized legal advice for a specific situation.

**DEFINITIONS:**

“Employee,” for the purpose of this directive, is a person eligible to be indemnified and includes, but is not limited to:

- a. Present or former TDCJ employees;
- b. Present or former members of the Texas Board of Criminal Justice (TBCJ); and
- c. Physicians, psychiatrists, phlebotomists, chaplains, and spiritual advisors under contract with the TDCJ.

“Indemnification” means that the state will pay part or all of an employee’s actual damages, court costs, and attorney’s fees depending on the type of case and the employee’s conduct.

## **PROCEDURES:**

### I. Introduction

Under state law, an employee is generally entitled to representation by the OAG if the employee is sued for acts or omissions arising from the performance of the employee’s duties for the TDCJ. Even though an employee is entitled to representation by the OAG, an employee must officially request such representation as outlined in AD-11.03, “Lawsuits Against TDCJ Employees.”

### II. Attorney General Duties

The Texas Constitution requires the attorney general to represent the state in all lawsuits and pleas in the Texas Supreme Court in which the state may be a party. The attorney general has a statutory duty to prosecute and defend all lawsuits in which the state is interested before the Texas Supreme Court and the courts of appeals. Section 101.103 of the Texas Tort Claims Act (TTCA) requires the attorney general to defend each lawsuit brought under the TTCA against the TDCJ. The attorney general is required to defend an individual who is eligible for indemnification as described below. Cooperation with the OAG is essential if an employee wants to be represented.

### III. Employee Refusal of Attorney General Representation

An employee who is entitled to OAG representation may retain counsel at the employee’s own expense as either part of, or all of, the employee’s defense representation. The OAG’s approval is not required. However, any employee not represented by the OAG may not be indemnified by the state and may have to pay all damages assessed against the employee as well as fees charged by private attorneys. If the employee retains private counsel, the employee may also request representation from the OAG and may then consult with the assistant attorney general to coordinate with outside representation.

### IV. Claims Not Eligible for Representation by the Attorney General

The OAG does not provide representation for a claim or lawsuit that does not address the performance of an employee’s official duties. Examples include but are not limited to:

- A. A divorce, even when allegedly caused by TDCJ work-related stress;
- B. A traffic violation;
- C. An auto tort claim that occurs while on personal time, performing a personal errand either during or outside of work hours, or during the commute to and from work;

- D. A criminal case, even if connected to job performance, such as theft, facilitating escape, or drug trafficking.
- E. A work-related personal claim, such as an employee suing a member of the public for defamation, or a lawsuit by an employee against the TDCJ or another employee of the TDCJ.
- F. A counterclaim by an employee, such as when an offender sues an employee for excessive use of force and the employee countersues for assault. The OAG will defend the employee against the use of force charge, but will not provide representation in regard to the countersuit.

## V. Indemnification by the State

### A. Indemnification Qualifications

1. The state is liable for indemnification only if the damages are based on an act or omission by an employee in the course and scope of the employee's office, employment, or appointment to serve the TDCJ, and if:
  - a. The damages arise from a lawsuit for negligence that is not a willful or wrongful act or an act of gross negligence; or
  - b. The damages arise from a lawsuit for a violation of state or federal constitution or laws, except when the court in its judgment, or the jury in its verdict, finds that the employee acted in bad faith, with conscious indifference or reckless disregard; or
  - c. Indemnification is in the interest of the state as determined by the attorney general.
2. The state may also indemnify an employee if the employee is liable for the damages solely because the employee signed an industrial solid waste or hazardous waste manifest or other records in the course and scope of employment. Further, for indemnification in a hazardous or solid waste situation, the employee must not have increased or aggravated the circumstances of contamination by negligent acts or willful misconduct.
3. Any questions regarding indemnification should be directed to the OAG.

### B. State Liability

In some cases, an employee's liability can be no more than the indemnification limit, so the covered employee has no personal liability. In other cases, the employee's personal liability may exceed the state's indemnification limit. Each of the following situations assumes that the employee is eligible for indemnification, as described above.

1. The state may indemnify one employee who is found liable as a result of litigation up to \$100,000. If more than one employee is found liable as a result of litigation, the state may indemnify the employees up to \$300,000 for a single occurrence of personal injury, death, or deprivation of a right, privilege, or immunity not arising under the constitution or laws of the United States. In those cases, the employee's liability is capped at \$100,000.
2. The state may indemnify the employee up to \$100,000 for a claim under the U.S. Constitution or federal law, but the employee shall be liable for any amount over \$100,000.
3. The state may indemnify the employee up to \$10,000 for each occurrence of damage to property. The employee cannot be liable for more than \$100,000 for property damage. The employee shall be personally liable for damages awarded in any amount over \$10,000 and up to \$100,000.
4. An employee who signs a hazardous waste manifest or record has unlimited indemnification related to that activity.

C. Criminal Prosecution Indemnity

1. The state may indemnify an eligible employee for reasonable attorney's fees incurred in defense of a criminal prosecution against the employee if:
  - a. The attorney general determines that the conduct for which the employee is criminally prosecuted could give rise to a civil lawsuit covered in section V.A.1.a and b;
  - b. The employee is found not guilty after a trial or appeal, or the complaint, information, or indictment is dismissed without a plea of guilty or nolo-contendere being entered; and
  - c. The attorney general determines that the complaint, information, or indictment presented against the employee was dismissed because:
    - i. The presentment was made on mistake, false information, or other similar basis, indicating absence of probable cause to believe, at the time of the dismissal, the employee committed the offense; or
    - ii. The complaint, information, or indictment was void.
2. State liability for indemnification under this section may not exceed \$10,000 for the prosecution of a criminal offense or the prosecution of two or more offenses prosecuted in a single criminal action.

3. This section does not apply to an employee who is criminally prosecuted for driving while intoxicated or intoxication manslaughter.
4. An initial determination of the liability of the state for indemnification and the reasonableness of attorney's fees will be made by the attorney general upon application by an employee seeking indemnification.
5. If the attorney general determines that the state is liable for indemnification, the attorney general may indemnify the employee for reasonable attorney's fees as provided by this section from funds appropriated for that purpose. If the attorney general determines that the state is not liable for indemnification, the employee may appeal to a district court in Travis County. An employee who is not entitled to an initial determination may bring a lawsuit in a district court in Travis County.
6. A district court in Travis County has jurisdiction to hear a lawsuit under this section and may issue an order directing the OAG to indemnify the employee for reasonable attorney's fees as provided by this section. The judgment of the district court is final and is not subject to appeal.

#### VI. Non-monetary Lawsuits

The OAG may represent an employee in cases where the plaintiff is seeking non-monetary relief. Failure to provide representation could result in a series of injunctions and declaratory findings far more restrictive on state operations and potentially more expensive than an award of monetary damages.

The OAG may authorize the OGC to represent an employee or the agency in a mandamus action or writ of habeas corpus. An employee should always request attorney general representation, and let the attorneys determine representational duties.

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Brad Livingston<sup>\*</sup>  
Executive Director

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<sup>\*</sup> Signature on file



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-11.03 (rev. 3)

**DATE:** February 14, 2003

**PAGE:** 1 of 9

**SUPERSEDES:** AD-11.03 (rev. 2)  
October 2, 2000

# ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** LAWSUITS AGAINST TDCJ EMPLOYEES

**AUTHORITY:** Article 4, Section 22, Texas Constitution; Chapters 101 and 104, Texas Civil Practice and Remedies Code; Section 30.07, Texas Civil Practices and Remedies Code; Chapters 402 and 492, Texas Government Code; Texas Rules of Civil Procedure; Federal Rules of Civil Procedure

Reference: American Correctional Association (ACA) Standard 3-4023

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

It is the policy of TDCJ that all current and former employees cooperate with the Office of the Attorney General in the event an employee is sued for acts or omissions arising out of the performance of his duties as a TDCJ employee.

**PROCEDURES:**

I. Introduction

The instructions in this directive are intended to guide the employee in seeking Attorney General representation and cooperating in the defense of the lawsuit. The Office of General Counsel (OGC) is available to facilitate contact between the Office of the Attorney General and employees. Contact the OGC if any assistance is needed regarding litigation or the processes contained in this directive.

The following information is provided to assist employees in understanding their job-related legal rights and obligations. As an administrative directive, it is general in nature, and should not be treated as individualized legal advice for a specific situation.

The procedures and instructions explained herein should be read very carefully. The failure to follow these instructions and to cooperate with the Office of the Attorney General in defense of the suit may result in personal liability for which indemnification is not available.

## II. Service of Process in Civil Lawsuits

### A. Suits Against the TDCJ

The Executive Director is the only person authorized to receive service on behalf of the Texas Board of Criminal Justice (Board), the Agency, or any division of the Agency (Section 492.010(d), Texas Government Code).

When anyone (marshals, deputies, or other personal service carriers) attempts personal service on TDCJ, the Board, or names a division of TDCJ, service must be refused. Direct the service carrier to the Administration Office in Huntsville, or the Office of the General Counsel (OGC) in Austin. When certified mail service is inadvertently received by a unit/facility, department, or mailroom, the material must be forwarded to the Office of the Attorney General, Deputy Attorney General for Litigation immediately. A copy must also be furnished to the OGC – Litigation Support office.

### B. Suits Against Individual Employees

If someone accepts service of process for someone else in a lawsuit with or without the permission of the other person, that person being sued is a defendant whether or not they know they have been sued. No employee shall accept service of process for any other named employee. Service by certified mail, return receipt requested, shall not be signed for by a person other than the person addressed on the envelope. An employee may accept service of process if their name is garbled but recognizable. If in doubt, an employee should call the OGC.

Mailroom employees shall not sign certified mail for other employees. An employee shall not sign an acknowledgment of service by first class mail if the service is not meant for that employee. Mailroom employees may sign mail receipts for the Executive Director, Division Directors, or Wardens if they have signed permission on file in the mailroom authorizing them to do so. The mailroom employees may accept and forward post office notification of certified mail (Delivery Notice/Reminder Receipt, PS Form 3849) for all other Agency employees.

### C. Service can be by personal delivery of the citation and petition/complaint or by certified mail, return receipt requested. If these methods fail, other methods of service may be possible, such as service on anyone over 18 at the person's

workplace or home. An employee served as an individual in a lawsuit must immediately follow the directions outlined in the subsequent sections.

### III. Requesting Attorney General Representation

- A. In order to be entitled to representation by the Office of the Attorney General and indemnification by the State, the employee against whom the suit is brought must deliver to the Attorney General the originals of all documents served on the person along with a request for representation not later than the 10th calendar day after the date of service. The employee must also forward a copy of all documentation to the Office of General Counsel, Litigation Support Program, P.O. Box 13084, Austin, Texas 78711.
- B. Upon service of the citation or summons, the TDCJ employee shall immediately complete the Request for Representation form letter (Attachment A) made available by the OGC, the employee's supervisor or the INFOPAC reporting system on the mainframe. When uncertain about what to do, the employee should request immediate assistance from the OGC – Litigation Support office. When an employee requests representation, the form letter and all original documents must be forwarded by first class mail to the following address:

Office of the Attorney General  
P. O. Box 12548 - Capitol Station  
Austin, Texas 78711-2548  
ATTENTION: Deputy Attorney General for Litigation  
(512) 463-2191 main switchboard  
(512) 463-2063 fax

Telephone facsimile will be accepted by the Office of the Attorney General as long as the originals are sent immediately afterwards. The original summons, the complaint, and the envelopes and any other accompanying documents must be attached to this letter. A copy of the letter and attached documents shall be sent to the OGC – Litigation Support office and a copy should be retained by the employee for future reference.

- C. The Attorney General will ask for personal information so they can identify and locate the employee throughout the course of the lawsuit. All personal identifying information that you give to the Attorney General is confidential and privileged by statute. It will not be disclosed to an offender by the Office of the Attorney General.
- D. Employees must use caution in discussing any litigation, except with the Assistant Attorney General representing them, or with the Office of General Counsel. However, the fact of a lawsuit against an employee should be reported to the employees' supervisor.

- E. Employees should be prepared to complete and forward a written summary of their version of the allegation or incident to the Assistant Attorney General representing them. The OGC – Litigation Support office will secure most records for the Assistant Attorney General from the Agency. If an employee has knowledge of documents kept on the unit/facility level that are in addition to Agency required documents they must notify the OGC – Litigation Support office. In addition, the Assistant Attorney General may request other documents or records concerning the allegation or incident. When employees have questions regarding what documents are relevant they should call the Office of the Attorney General or OGC – Litigation Support office. Employees should keep a copy of everything they send to the Office of the Attorney General. If an employee has never heard of the lawsuit when the Office of the Attorney General contacts them, they should ask for a copy of the petition/complaint.
- F. After an employee is sued, they shall make no statement regarding the case to anyone unless directed in writing or electronic mail (E-mail) by the OGC – Litigation Support office or the Office of the Attorney General. Statements to supervisors shall be made only upon presentation of a Request for Information form from the OGC. If an employee or their supervisor has questions about this requirement, contact the OGC – Litigation Support office.
- G. When an employee sues the Agency or their supervisor, the supervisor shall consult with the OGC – Litigation Support office and the TDCJ Human Resources Office prior to taking any action affecting any term or condition of the plaintiff's employment. The OGC – Litigation Support office provides an advocate and interface between and on behalf of the TDCJ and its employees and the Office of the Attorney General in lawsuits brought by offenders. If an employee receives requests for information or documents from the OGC the employee shall correspond with them directly. The OGC – Litigation Support office will assist employees with offender matters upon request.

#### IV. Cooperation with the Office of the Attorney General

- A. The Attorney General is the attorney of record for all litigation against the Agency and Agency employees. The OGC may assist the Office of the Attorney General by arranging appointments of TDCJ personnel:
  - 1. Between defendants/witnesses and the Assistant Attorney General assigned to the case;
  - 2. For depositions; and
  - 3. For court appearances.

- B. The OGC will assist the Office of the Attorney General with responses to allegations in the petition and, later in the lawsuit, in discovery. If so, employees will receive a form request from the OGC or the Office of the Attorney General with instructions for response and a deadline for responding (see Attachments B and C). The deadlines are always short. However, if employees have followed the instructions outlined in the above paragraphs, they should be able to respond immediately. Employees should remember that they are the ones who will be at a disadvantage if the deadline is not met.
- C. Employees shall submit responses to discovery in writing, accompanied by a signed, notarized verification of the information provided. Staff attorneys will not verify factual responses to discovery. Those persons who provide factual testimony or documents must verify the data. Multiple verifications may be needed. Each signatory must verify those responses which they provide.
- D. Employees who cannot comply with a request from the Office of the Attorney General must notify either the OGC – Litigation Support office or the Assistant Attorney General responsible for the case as soon as they discover they cannot comply or they discover the records do not exist.
- E. Contacts
  - 1. Office of the Attorney General  
Law Enforcement Defense Division  
300 W. 15th Street 7th floor  
P.O. Box 12548  
Austin, Texas 78711-2548  
(512) 463-2080  
Facsimile (512) 495-9139
  - 2. TDCJ General Counsel  
P.O. Box 13084 – Capitol Station  
Austin, Texas 78711-3084  
(512) 463-9693  
Facsimile (512) 936-2159  
  
Physical Address:  
209 West 14<sup>th</sup> Street  
5<sup>th</sup> Floor – Suite 500  
Austin, Texas 78701
  - 3. Director – Litigation  
(Address same as General Counsel)

4. Director – Legal Affairs  
P.O. Box 4004  
Huntsville, Texas 77342  
(936) 437-2141  
Facsimile (936) 437-6994

Physical Address:  
Administration Building  
861 IH 45 North  
Room No. 111  
Huntsville, Texas 77320

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Ed Owens<sup>\*</sup>  
Deputy Executive Director

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\* Signature on File

Deputy Attorney General of Litigation  
Office of the Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

Date: \_\_\_\_\_

RE: REQUEST FOR REPRESENTATION

Deputy Attorney General of Litigation:

I am a defendant in a case named

\_\_\_\_\_, v.  
\_\_\_\_\_, cause/case  
number \_\_\_\_\_. On \_\_\_\_\_,

20\_\_\_, I was served with the Citation/Summons by (check which is correct):

- \_\_\_\_\_ United States first class mail
- \_\_\_\_\_ U.S. certified mail, return receipt requested (green card)
- \_\_\_\_\_ Sheriff/Constable's Deputy for \_\_\_\_\_ County
- \_\_\_\_\_ United States Marshall's Service
- \_\_\_\_\_ Private process server

The Citation/Summons and Original Petition/Original Complaint are attached. I hereby request that the Attorney General provide me with legal representation. At the time of the incident alleged in the Petition/Complaint, I was employed by the Texas Department of Criminal Justice.

I prefer (check one): \_\_\_\_\_ a trial by jury; \_\_\_\_\_ to leave the decision whether to demand a jury trial to my counsel; \_\_\_\_\_ to waive service in this case and request that the Attorney General make an appearance on my behalf. I understand that should I leave employment with the TDCJ, I will give my current home address and home telephone number to the Attorney General and the TDCJ Office of General Counsel and I will advise each of any changes.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Social Security Number

\_\_\_\_\_  
Current Unit/Facility of Assignment/Office Address

\_\_\_\_\_  
Work Telephone with Area Code

C: Director of Litigation  
P.O. Box 13084, Capitol Station  
Austin, Texas 78711  
(with copy of Petition/Complaint and Citation/Summons)

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**THE OFFICE OF THE GENERAL COUNSEL**  
**Request for Information Form**

**TO:**

**DATE:** (current date)

**FROM:** The Office of the General Counsel

**RE:**

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On \_\_\_\_\_, you were served with process in the above styled and numbered lawsuit. Please forward two copies of the following to this office no later than \_\_\_\_\_ and retain a copy for your records. Please **DO NOT USE TRUCK MAIL**.

1. Point-by-point response to allegations in the Complaint;
2. List of Witnesses and summary of their information;
3. Identification of all relevant documents, their location and custodian;
4. Chronology of events; and
5. Any and all information deemed necessary for the defense of this lawsuit.

If you have any questions, please feel free to contact the Office of the General Counsel main number (512) 463-9899.

c:

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**THE OFFICE OF THE GENERAL COUNSEL**  
**Memorandum**

**TO:**

**DATE:** (current date)

**FROM:** The Office of the General Counsel

**RE:**

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The following item(s) pertaining to the above referenced matter are attached for your information:

Please provide the necessary documents in duplicate and retain a copy for your records. Respond to discovery no later than \_\_\_\_\_.

This production request must be submitted bound in file folders and all copies must be labeled indicating specifically what production number it is referring to. If it is necessary to use more than one file folder for a response, please label them accordingly, e.g., Response to Production Request No. 1, Volume I of II.

**PLEASE DO NOT USE TRUCK MAIL**

If you have any questions, please feel free to contact the Office of the General Counsel main number (512) 463-9899.

c:



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

**NUMBER:** AD-14.31 (rev. 4)  
**DATE:** February 20, 2009  
**PAGE:** 1 of 6  
**SUPERSEDES:** AD-14.31 (rev. 3)  
September 7, 2005

## ADMINISTRATIVE DIRECTIVE

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**SUBJECT:** ACCOUNTABILITY FOR TDCJ PROPERTY

**AUTHORITY:** Texas Government Code Chapter 403, Subchapter L, Chapter 614, Subchapter D, Chapter 2175, Subchapters C, D, E, §§2175.901 and 2175.903; *General Appropriations Act* 80<sup>th</sup> Legislature, Regular Session, Article IX, §12.04

Reference: American Correctional Association (ACA) Standard 4-4037

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ or Agency)

**POLICY:**

The TDCJ shall account for all real and personal property possessed by the Agency, maintain detailed records in the manner prescribed by the Texas Comptroller of Public Accounts (CPA) and establish policies and procedures regarding accountability for capitalized or controlled property and disposition of obsolete or unusable property.

**DEFINITIONS:**

“Agency Property Manager” is the Executive Director or designee. The Agency Property Manager is responsible for the maintenance and accountability of all state property in the Agency’s possession. The Director of Accounting and Business Services has been designated as the Agency Property Manager.

“Capitalized Assets” are property with a value greater than or equal to the state capitalization threshold as set forth by State Property Accounting (SPA), a section within the CPA, and having a useful life greater than one (1) year. These items are required by state regulations to be captured and reported to the SPA and in some cases the General Land Office (GLO).

“Controlled Assets,” also referred to as CPA controlled assets, are state-owned assets that, due to the nature of the item and SPA requirements, shall be secured and tracked in the *Lonestars* Fixed Asset Subsystem and reported to the SPA.

“Fixed Assets” are property classified as either capitalized, Comptroller controlled or locally controlled assets, as defined in this directive. These assets are tangible, non-consumable and have an estimated useful life of greater than one (1) year. These assets are also commonly known as numbered property.

“Locally Controlled Assets” are state-owned assets that are not capitalized or controlled but are tracked and accounted for as mandated by the thresholds set by the TDCJ. These assets are also referred to as inventoried assets.

“Property Accountability Officer” is the individual(s) within each division responsible for supervising the Property Officer and Property Custodian to ensure that property accountability is maintained in accordance with SPA and TDCJ policies.

“Property Custodian” is any Department Head or other employee who has accepted numbered property, as defined in this directive, for use in assigned job duties.

“Property Officer” is the employee who serves as the primary point of contact for all matters pertaining to Agency property accountability. The Property Officer shall work closely with all Property Custodians to provide the guidance and training necessary for maintaining accurate property accountability. The Property Officer has access to maintain the electronic property files in *Lonestars* Fixed Asset Subsystem and reports directly to the Property Accountability Officer.

“Unnumbered Assets” are non-capitalized and non-controlled property, including all items other than fixed assets.

## **PROCEDURES:**

### I. General

- A. It is the responsibility of each division’s management to ensure an adequate separation of duties for the custody, accountability and supervision of staff responsible for Agency property and accountability of such.
- B. The designated Property Accountability Officer at each location is responsible for ensuring that state property is accounted for by being tracked, inventoried, transferred or disposed of in accordance with SPA policies, the TDCJ *Property Procedures Manual* and this directive.
- C. All staff are required to cooperate fully with Accounting and Business Services in ensuring that the *Lonestars* Fixed Asset Subsystem database remains accurate. All capitalized and controlled property in use at a location but not charged to that location shall be reported to Accounting and Business Services.
- D. Any employee, to include contract employees, authorized to use state-owned property shall share in the responsibility for its care along with the Property Custodian.

- E. Detailed procedures regarding matters dealing with all property issues and transactions are located in the *TDCJ Property Procedures Manual*. This manual is produced, updated and distributed by Accounting and Business Services and shall be in compliance with SPA rules and regulations.

## II. Property Transfers

- A. When a permanent transfer of any numbered asset occurs, the shipping Property Officer or designee shall immediately perform the “transfer out” transaction in the *Lonestars* Fixed Asset Subsystem. In the event the location or facility does not have a designated Property Officer, the Property Custodian shall be required to perform the “transfer out” transaction.
- B. Upon receipt and verification of the transferred asset, the receiving Property Officer or designee shall immediately enter/accept the transfer in the *Lonestars* Fixed Asset Subsystem.
- C. Accounting and Business Services shall review a Fixed Asset Activity Report on a weekly basis to ensure that transactions are being processed accurately and in a timely manner.

## III. Deletions - Capitalized and Controlled Property

- A. When a fixed asset is considered to be obsolete, not repairable or uneconomical to repair, the Property Accountability Officer shall determine the most appropriate and cost efficient method of disposal.
- B. Data processing equipment (e.g., Central Processing Units [CPUs], monitors, keyboards, mice, speakers, printers, scanners, laptop, battery backup Uninterrupted Power Supplies [UPS], etc.) meeting the deletion criteria shall first be submitted to Accounting and Business Services for possible surplus to other state agencies, political subdivisions and assistance organizations. If the data processing equipment is not claimed within ten (10) days, the Property Custodian shall contact the TDCJ Wynne Computer Recovery Program. At that time, the Property Custodian shall complete the Deletion Request and Disposal Verification (Attachment A) and provide it to Accounting and Business Services.
- C. If the Property Accountability Officer determines that a sale of salvage or surplus property (with the exception of data processing equipment) is warranted, a Decision Memorandum (DM) shall be submitted through the Division Director or designee to Accounting and Business Services. Upon approval of the DM, the property can be sold. Once the property is sold, Accounting and Business Services shall perform the deletion in the *Lonestars* Fixed Asset Subsystem.

- D. For items deemed not appropriate for sale, the Property Officer shall consider other methods of disposal, preferably inclusion as salvage/scrap to be sold as recyclable items. In such cases, a Deletion Request and Disposal Verification validated with the signatures of the Property Custodian, Property Officer and Property Accountability Officer shall be completed. The Property Accountability Officer shall complete the form, certifying an inspection of the item and indicating the intended method of disposal.
  - E. Once the property has been disposed of, the Property Accountability Officer shall ensure the completion of the “Disposal Verification” section of the Deletion Request and Disposal Verification and submit the form to Accounting and Business Services. Accounting and Business Services shall perform the deletion in the SPA System and in the *Lonestars* Fixed Asset Subsystem.
  - F. Deletion and disposition of any numbered property over 45 years old or less than two (2) years old or with an asset value of \$5,000 or more requires prior approval of Accounting and Business Services. Refer to the *TDCJ Property Procedures Manual* for specific instructions.
  - G. Any employee altering, dismantling, destroying or disposing of state property without the proper approval is subject to both administrative and criminal charges.
  - H. Surplus sales procedures as noted above shall apply to all divisions and departments within the TDCJ with the exception of the Agribusiness, Land and Minerals Department. The sale of surplus agricultural products is governed by Texas Government Code §497.113 and authority granted by the Texas Board of Criminal Justice (TBCJ or Board).
- IV. Non-Capitalized and Non-Controlled Property
- A. The Property Officer and at least one (1) witness shall appropriately dispose of non-capitalized and non-controlled property determined to be obsolete or unusable. A record of the disposal shall be retained by the Property Officer in accordance with the *TDCJ Record Retention Schedule*.
  - B. Upon recommendation of the Property Accountability Officer to the Director of Accounting and Business Services, TDCJ employees may be held pecuniarily liable for damage or loss of any non-capitalized or non-controlled state-owned property.
- V. Missing Property
- A. Items that are lost, destroyed or stolen shall be reported immediately to Accounting and Business Services via methods established in the *TDCJ Property Procedures Manual*.

- B. If the Agency Property Manager or the Executive Director has reasonable cause to believe that any property in the Agency's possession has been lost, destroyed or damaged through the negligence of any state official or employee, the Executive Director or Agency Property Manager shall report the loss, destruction or damage to the CPA and the Office of the Attorney General (OAG) within 72 hours of discovery.

VI. Personal Property

Personal property owned by an employee, which may be construed as state-owned property, shall be clearly labeled as "Personal Property of \_\_\_\_\_."

VII. Property Inventories

- A. As required by state law, a complete physical inventory of all property in the Agency's possession shall be conducted annually.
- B. The method, schedules and deadlines for conducting the inventory shall be stipulated by the Property Accounting section of Accounting and Business Services in order to ensure the Agency is in compliance with SPA regulations and state law.
- C. An inventory shall be conducted at each Agency unit, office and location. On-site staff shall conduct the inventory and, as specified by SPA procedures, staff assigned to conduct the inventory shall have no normal responsibilities for entering or reporting personal property. In addition, staff conducting the inventory shall not be Property Custodians or the Property Officer for the property being inventoried.
- D. The Property Accountability Officer at each Agency location shall select an inventory team that meets the above criteria to conduct the inventory at the location.
- E. Inventory results for each location shall be reported to Property Accounting, who shall audit and compile the results, assure compliance and report the results to appropriate state agencies and regulatory authorities. In some cases, it may be necessary for Property Accounting to conduct on-site, follow-up audits on results and/or local methodology. Auditing of the state-owned property shall also be conducted during a Divisional Operational Review.

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Jerry McGinty  
Chief Financial Officer



**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**DELETION REQUEST AND DISPOSAL VERIFICATION**

Unit #: \_\_\_\_\_ Dept #: \_\_\_\_\_ Div #: \_\_\_\_\_ Index #: \_\_\_\_\_

The following state property has been disposed of:

TDCJ Number	Description, Make and Model	Serial Number	Asset Value	In-Service Date	Del Code	Disp Code

<p><b>Deletion Code:</b></p> <ol style="list-style-type: none"> <li>1. Obsolete or repair parts not available</li> <li>2. Worn Out</li> <li>3. Uneconomical to repair</li> <li>4. To be dismantled for repairs</li> </ol> <p>Other _____</p>	<p><b>Disposal Code:</b></p> <ol style="list-style-type: none"> <li>1. Sold as Scrap</li> <li>2. Dismantled for Parts</li> <li>3. No Value</li> <li>4. Computer Recovery Program</li> </ol> <p>Other _____</p>
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Requested by: \_\_\_\_\_  
Property Custodian (Print and Sign) Date

Reviewed by: \_\_\_\_\_  
Property Officer (Print and Sign) Date

Deletion Approved by: \_\_\_\_\_  
Property Accountability Officer/Property Auditor (Print and Sign) Date

**This is to certify that the above listed property has been approved for deletion and has been disposed of in an acceptable manner most beneficial to the state.**

Disposed of by: \_\_\_\_\_ Date: \_\_\_\_\_  
Name and Title (Print and Sign)

Witnessed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Name and Title (Print and Sign)

**INSTRUCTIONS:**

Forward Original Copy to Accounting & Business Services, TDCJ Headquarters Complex, P.O. Box 4015, Huntsville, Texas 77342. Keep a copy for your records.

If Asset Value of Item is over \$5,000 or the item is less than two (2) years old or over 45 years old, contact Property Accounting to obtain approval for Asset Disposal.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS**  
**PART 6 TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**CHAPTER 152 CORRECTIONAL INSTITUTIONS DIVISION**  
**SUBCHAPTER D OTHER RULES**  
**Rule § 152.71 Acceptance of Gifts Related to Buildings for Religious and Programmatic Purposes**

(a) Policy. Only the Texas Board of Criminal Justice (TBCJ) is authorized to accept gifts on behalf of the Texas Department of Criminal Justice (TDCJ) from any public or private source, for use in maintaining and improving correctional programs and services. The TBCJ also specifically and earnestly encourages the involvement of volunteers and volunteer organizations for the purpose of providing reintegration of offenders through secular and spiritual programs. Correctional facilities of the TDCJ typically need additional space or amenities in existing space to provide religious services and programs. The TBCJ and the TDCJ shall actively encourage the donation of buildings and enhancements for buildings that are related to the provision of religious and secular programs.

(b) Procedures.

(1) The TDCJ shall meet with donor groups for the purpose of accepting a building or enhancement for a building related to the provision of religious and secular programs. The TBCJ respects the right of contributors to designate a specific project at a specific TDCJ unit at which the donated building or enhancement will be used.

(2) Subject to final project approval by the executive director or designee, all plans for the building or enhancement must be approved by the Facilities Division. The donor or designee will design and construct the donated buildings, at the donor's cost, after a determination that the donor or designee is qualified to design and construct the donated buildings in accordance with the TDCJ Administrative Plan for Capital Improvements by Donor Groups. All design and/or construction activities by the donor or designee will be coordinated through the Facilities Division. The Capital Improvement Review Committee shall review and coordinate all steps pertaining to the project, ensuring all aspects of the TDCJ Administrative Plan for Capital Improvements by Donor Groups are followed.

(3) The TDCJ shall be the owner of the donated or enhanced building and shall be responsible for the operation, control, and maintenance of the building, which shall be used for religious and other correctional programs and services. The naming of buildings obtained under this rule is subject to 37 Texas Administrative Code §155.21.

(4) Buildings that serve as chapels provided by or enhanced by donations under this rule shall provide a place for all offenders to practice their religion guaranteed by the First Amendment to the United States Constitution, in accordance with TDCJ policy and procedures on religious beliefs and practices of offenders, as well as to participate in programs with religious and other volunteers, the TDCJ Chaplaincy staff, and other programmatic personnel.

(5) These donations, including donations at privately-operated, state-owned facilities shall be presented at a regularly scheduled meeting of the TBCJ for discussion, consideration, and possible action.

.....  
*Source Note: The provisions of this §152.71 adopted to be effective February 17, 2005, 30 TexReg 722; amended to be effective March 3, 2010, 35 TexReg 1760*

# **Rehabilitation Programs Division Chaplaincy Department Manual**

## **Appendices Table of Contents**

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**AD-01.82r4 “Lines of Authority for Dual Supervision Positions”**

**AD-03.02r1 “Impermissible Offender Conduct”**

**AD-03.29r7 “TDCJ Procedures to be Followed in Cases of Offender Death**

**AD-03.83r6 “TDCJ Offenders Who Refuse to Comply with Grooming Standards**

**AD-04.18r5 “Offender Jobs: Assignments, Job Descriptions, Selection Criteria, Work  
Programs and Supervision”**

**AD-06.10r1 “Notification Regarding Seriously/Critically Ill Offenders”**

**AD-07.30r6 “Procedures for Religious Programming”**

**AD-07.35r6 “Administration of Volunteer Services”**

**AD-07.38r2 “Administration of Mentor Services”**

**AD-11.02r4 “Attorney General Representation, Indemnification and Limitation of Liability”**

**AD-11.03r3 “Lawsuits Against TDCJ Employees”**

**AD-14.31r4 “Accountability for TDCJ Property”**

**BR-152.71 “Acceptance of Gifts Related to Buildings for Religious and Programmatic  
Purposes”**

**ED-02.01r4 “TDCJ Ethics Policy”**

**ED-02.40r4 “News Media Relations”**

**ED-07.29r2 “Religious Policy Statement”**

**Deletion of Computer Equipment**

**Instructions to Access Agency Policies (06-02)**

**Religious Devotional Item Update**

**Religious Practice Committee Decisions**

**RPD-02.03-Request-for-Information**

**Suggested Religious Vendors**

**Volunteer Services Plan**

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**Texas Department of Criminal Justice**  
Inter-Office Communications  
*Accounting & Business Services*

**To:** Property Officer  
**From:** Property Accounting  
**Date:** April 30, 2008  
**Subject:** Computer Recovery Facility

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Once a fixed asset has become obsolete, not repairable, uneconomical to repair, or un-usable for the purpose for which it was intended, it must be deleted from the Agency property records and properly disposed. TEX. GOV'T CODE ANN. SEC. 403.273 (h) (Vernon Supp. 1997).

Data processing equipment must be advertised on the BuyWays for ten (10) days prior to transferring the equipment to computer recovery. Please send an IOC or email to Carmen Clary, CCL7462, requesting computer equipment be placed on BuyWays. The following information is needed:

PROPERTY # AND SUFFIX  
ADVERTISE DATE: MM / DD / YYYY  
CONTACT PERSON: SALES PERSON:  
PHONE NUMBER: ( )  
SURPLUS LOCATION:

If the property has not sold at the end of ten (10) days, your department must **call computer recovery at 936-291-5162 or 936-436-4081** to advise them of the quantity and types of information technology equipment that are being transferred.

After computer recovery has accepted the equipment, a deletion request must be completed and mailed to Carmen Clary to notify her of completion. Carmen may be contacted at 936-437-6226.



# INSTRUCTIONS TO ACCESS AGENCY POLICIES

Executive Services automates and maintains the agency's current **DPOM**  (Departmental Policy and Operations Manual) in the **INFOPAC (INFO)** section of the mainframe (**FORVUS**). You can access this manual from a PC with mainframe access or a unit telex.

The manual contains TDCJ administrative policies, executive directives, Board policies, human resources policies, open records manual, property manual, state vehicle fleet management plan, information technology security manual, etc. You can peruse these policies and manuals. **If you print any, be sure to secure them as you would other sensitive or confidential information.**

Preset functions used in FORVUS and INFOPAC are:

<b>PF01=HELP</b>	<b>PF02=PRINT</b>	<b>PF03=END</b>	<b>PF04=MENU</b>
<b>PF05=RFIND</b>	<b>PF06=MARK</b>	<b>PF07=UP</b>	<b>PF08=DOWN</b>
<b>PF09=</b>	<b>PF10=LEFT</b>	<b>PF11=RIGHT</b>	<b>PF12=QUIT</b>

Note: Your keyboard configuration determines which keys will activate the preset functions. Common configurations are:

1. One configuration utilizes the actual function keys (F1 thru F12), with the <Ctrl> key to enter and the <Pause/Break> key to clear.
2. Another configuration utilizes the <Alt> key in conjunction with the numeric keys (1 thru +/- key), with the <Enter> key and the <F2> key to clear. There may be other configurations for your keyboard.

3.  **Note:** Those of you with FORVUS on your PC probably have a keyboard configured differently. "Right click" your mouse to automatically access the correct preset functions. A keypad with the preset functions will appear for your use and a second one is available.

TIP: The <Tab> key or the arrow keys on your keyboard can be used to move the cursor within a screen. The <Home> key will move the cursor to the command line.

SCROLLING: The PF08 key allows you to scroll down policy pages. The PF07 allows you to scroll back to previous pages. Or, type "U" in the command line for up and "D" for down. (TIP: You can also scroll from one policy to the next policy in each report chapter.)

Below are instructions to assist you:

**Step 1 – Log on to the Mainframe (At the CICS Screen, provide your User ID and Password)**

**Step 2 – At the blank screen, type "INFO" and press the far right <Enter> key.**

Note: If you are in EMS or another Mainframe application and the screen is not blank, press the <Pause/Break> key until you have a blank screen, then type "INFO" and press the <Enter> key. Or, access the preset functions by a "right click" on your mouse and click on <Clear> on the keypad.

**Step 3 – You will notice that the Viewing Menu Screen has appeared. Do NOT enter any information on this screen. Press your <Enter> key. The Reports Screen will now appear.**

*Note: Policies from the DPOM will be listed under report sections identified as ES/DPOM/\_\_\_\_. The report number corresponds with the DPOM chapter. The policies are organized within the reports the same as they were within the chapters of the hard copy manual.*

*Generally, a policy will be in the report chapter that corresponds with the first two digits in the policy number. As an example, you will access AD 07.32 “Offender Property” located in report/chapter ES/DPOM/03 titled Offender Management.*

**Step 4 – To find AD 03.72, click on the option field next to ES/DPOM/03 or press your keyboard’s <Tab> key until the cursor is in the option field in front of the 03 report to be viewed. Type “S” and press <Enter>.**

Note: If the report chapter you want to view is not displayed, press the PF08 key on the keypad or press the <Home> key. In the Command line, type “D” for the next page and press <Enter>. Continue until you find the report chapter you want, then follow Step 4.

**Step 5 – The Report Versions Screen is now in view. Type “S” in the option field and press <Enter>.**

**Step 6 – The Report Section Index Screen appears. Click on the option field next to the policy you want or <Tab> down to the option field next to the policy. Type “S” and press <Enter> to view the policy you want.**

Note: The policies listed in each report chapter index are listed in numeric order. If you do not find your policy listed, press the PF08 (down) key or press the <Home> key to the command line, type “D” and press <Enter>. The next page for policies located in the report chapter index will appear. Continue until you locate the correct page for AD 03.72. Click at the option field or tab down to the option field next to the policy. To view the policy, type “S” and press <Enter>.

**Step 7 – To print the policy you are viewing, type “Print” in the command line.**

- A. The Printing Menu Screen appears. With your mouse, click on the first 0 following the TO = => PAGE: 000001 or arrow down and over to it. Press the <DELETE> key until all the numbers are deleted or press the <Erase EOF> on the keypad. Then, with your mouse, click on the first 0 following the NUMBER OF PAGES TO BE PRINTED: 000001 and delete that number entirely. Deleting these numbers allows INFOPAC to determine the length of the policy automatically.
- B. Press <Enter> to print and your pages are automatically set to print to the last page of the policy. Press <Enter> again and your print order is submitted. (Hint: Do NOT type print at either of these points or you will only get the first page of the policy.)

## Step 8 – Returning to a previous menu and exiting INFOPAC:

- A. To return to a previous menu or back out of a policy, press the <PF3> key.
- B. To totally exit the program from anywhere in INFOPAC, press the <PF12> key.

### ➡➡➡➡➡ What if I don't know the policy number?

Go to the Reports Screen after the Viewing Menu Screen. You will notice ES/DPOM/OB is the Alpha Subject Index for the policy manual. Enter it like you would any report chapter until you see the first page of the index. You can scroll up and down the index using the PF7 or PF8 keys until you find the policy you want. However, this is tedious since the index is 26 pages in length. I recommend you print the index and put it in a file folder for future reference. It is much easier to find policies via the printed Alpha Subject Index. Be aware, however, that the index is revised periodically and given a new date.

### ➡➡➡➡➡ Is there another way to print a policy?

Yes. Press the PF03 key when you are viewing the policy. The Reports Section Index screen will appear, and you can print from this screen. Click in the option field next to the policy you want printed or press the <Tab> key until you are in the option field next to the policy. Type "S" (Do **NOT** press <Enter>) and press the <PF2> key. This method recognizes the number of pages in the policy automatically. Then press <Enter> to schedule the print order.

### ➡➡➡➡➡ I don't understand TDCJ or Data Process terminology or acronyms? Is there a glossary?

Yes. Scroll through the Reports Screen (the 2<sup>nd</sup> screen) until you find the glossary listed. You access it in the same manner as the policy index.



If you have any further questions or problems accessing policies, call the Chaplaincy Headquarters Office

# Rehabilitation Programs Division



## Religious Devotional Item Update 2011

# Terminology

A religious devotional item is any item that has religious significance. Chaplaincy recognizes the following items:

## 1. Religious neckwear

- Medallions
- Prayer beads (All beads shall be black in color)
- Medicine bags/pouches

## 2. Religious devotional items other than neckwear

- |                    |                     |                  |
|--------------------|---------------------|------------------|
| -head covers       | -religious pictures | -prayer shawl    |
| -feather           | -prayer rug         | -religious texts |
| -program bracelets | -prayer oil         | -phylactery      |
| -shell             | -pebbles            | -scarf           |
| -headband          | -runes              | -wooden comb     |
| -druid egg & bag   |                     |                  |

## Facts

- A TDCJ offender is permitted to possess only approved religious devotional items approved through the RPC and appropriate for the faith preference as identified on the offender's travel card.
- All religious devotional items should have property papers.
- All contraband shall be processed in accordance with AD 03.72 – Section VII, Disposition of Offender Property. The Chaplain shall be notified of the confiscation of any offender religious devotional items.
- All prayer beads regardless of faith are black
- Offenders are only permitted to wear (1) item of neckwear at a time.
- Variations in medallions can change due to supply and demand issues (RPC to approve variations).
- Medallions must be smaller than 1½ in. in diameter.
- All head coverings regardless of faith are white.
- All prayer shawls regardless of faith are white.

# All Faiths

**“4 Life” rubber bracelet** from Prison Fellowship

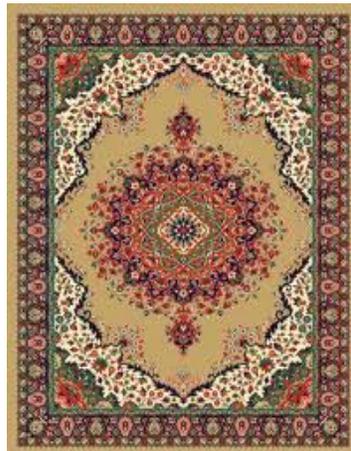
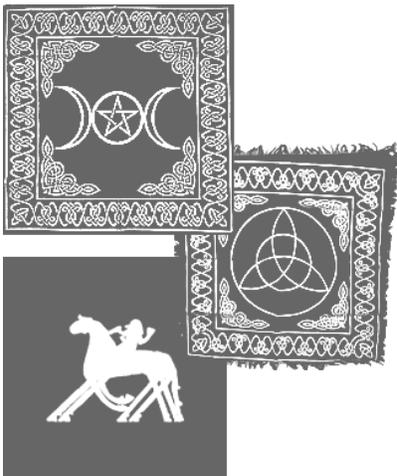


**Therapon Values Bracelet**

(The Spiritual Dynamics of Criminal Recovery and Relapse Prevention Program bracelet with completion of program)

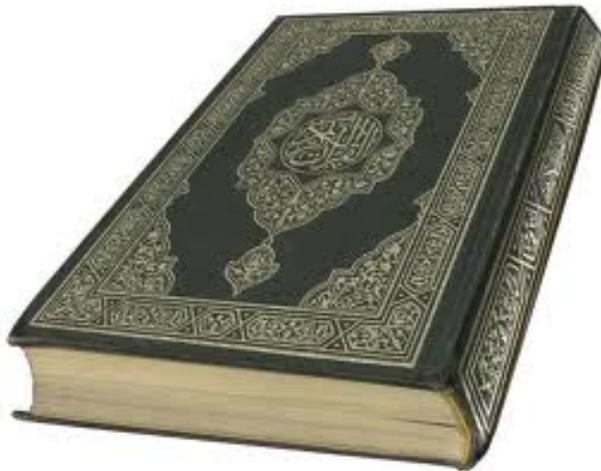
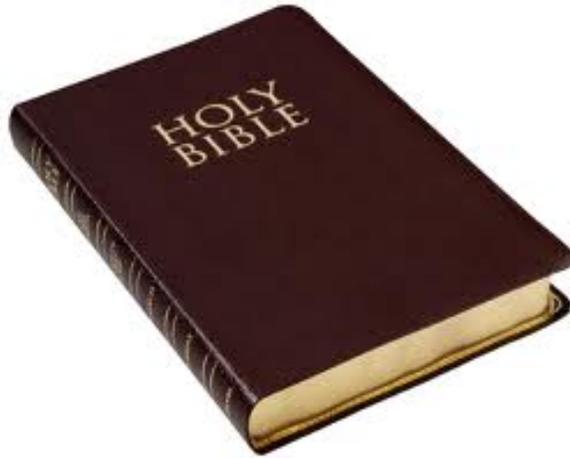


**Prayer Rug:** Approximate size of 26 inches x 45 inches, rolled up after use, no color restriction, designs might vary, cannot be a towel or blanket.



# All Faiths

**Religious Text** is defined as a central text of any faith group that is used as the primary source of teaching and practices.



**Keep in mind that religious texts can be different sizes and color. (The Book of Shadows could be a composition book with a label that states “Book of Shadows”.)**

**Prayer Oil** (NOTE: Prayer Oil shall be purchased through Unit Commissary.)



The KAIROS Cross, the Franciscan Cross, and the pentagram are approved religious medallions that are distributed by program volunteers to offenders who have completed specific programs.



# Buddhists

Japa/Mala Beads (All beads are black)



Medallion



Picture of Buddha



November 2011

# Hindu/Hare Krishna

## Medallion



## Japa/Mala Beads (All beads are black)



# Roman Catholic

Medallion (The offender can only possess one Medallion)



Rosary (All beads are black)



Scapular



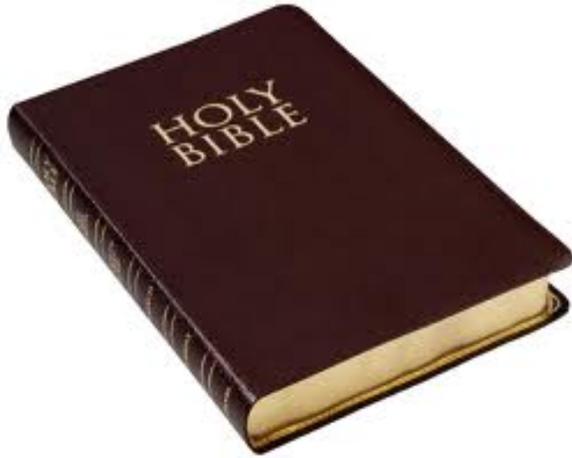
# Greek Orthodox

Prayer Beads (All beads are black)

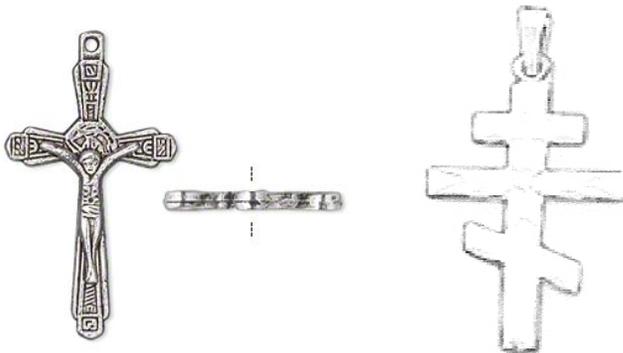


# Christian

Text (Bible - text can be different sizes and colors)



Medallions (The offender can only possess one Medallion)



# Jewish/Messianic Jewish

Medallion (The offender can only possess one Medallion)



Yarmulke/Kippah



**Scarf** (females)



**Talith** (Prayer shawl)

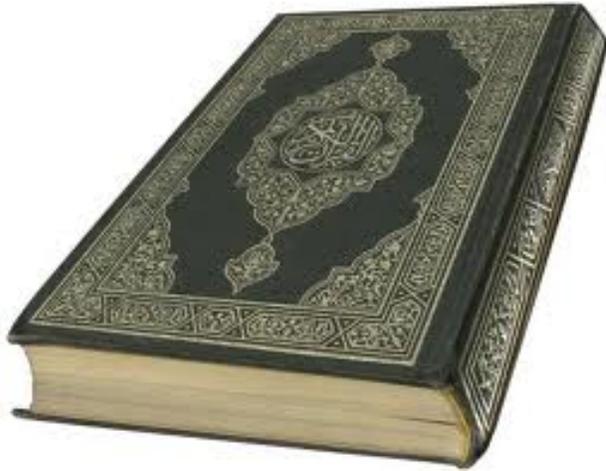


**Tefillin/Phylactery** (This item is stored in chaplain's office and only to be used with direct supervision)

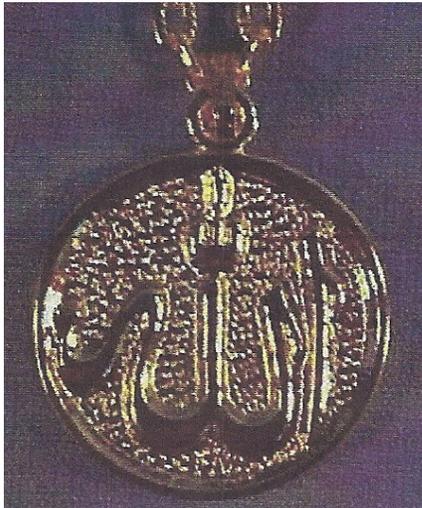


# Muslim/Islamic

Text (Quron - text can be different sizes and colors)



Medallion (The offender can only possess one Medallion)



**Kufi**



**Hijab**



**Dikr Beads** (All beads are black)



# Native American

**Medallion** (The offender can only possess one Medallion)



**Medicine Bag** (The offender can only possess one Medicine bag)



**Note:** The Medicine Bag may contain some natural objects. These items may be visually inspected, but for religious reasons any inspecting officer shall exercise care while performing a visual examination and not touch the bag or its contents. The offender should not be asked what the items mean.

The following natural objects are permitted in an offender's medicine bag:

Sacred Stones (7 marble size permitted)

Bone

Tooth

Plant: sage, sweet grass, cedar (1/16th of teaspoon)

**Feather** (different sizes and colors)



**Shell** (different colors and the palm size or smaller)



**Headband** (white cloth or natural leather)



# Odinist/Asatru

**Medicine Pouch** (Medicine Pouch 2 ¼ x 3 inches)



A medicine pouch may contain natural objects such as: feathers, pebbles, token of an event or milestone in their lives, a nut or seedpod, dried flowers. These items may be visually inspected, but for religious reasons any inspecting officer shall exercise care while performing a visual examination and not touch the bag or its contents.

**Headband** (white cloth or natural leather)



**Prayer beads** (All beads are black)



**Medallion** (The offender can only possess one Medallion)



**Picture of God/Goddesses** (There are multiple deities that are different from these)





# Rastafarian

Prayer cap (All head coverings must be white)



# Santeria

**Prayer cap** (All head coverings must be white)



# Satanism

## Medallion



# Sikh

**Turban** (All head coverings must be white)



**Wooden comb**



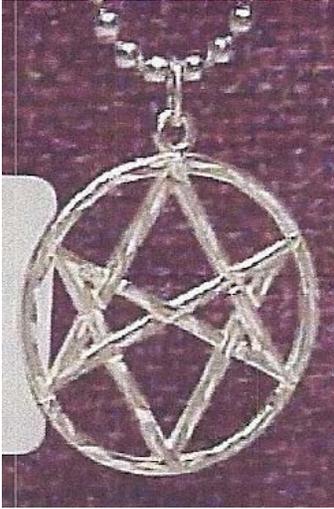
# Taoism

## Medallion



# Thelema

## Medallion



# Unitarian Universalist

## Medallion



# Wiccan / Celtic / Druid / Pagan / Neo-Pagan

**Text** (Book of Shadows – this text is a journal that can be different sizes and colors)



(The Book of Shadows could be a composition book with a label that states “Book of Shadows”).

**Medicine Pouch** (Medicine Pouch 2 ¼ x 3 inches)



A medicine pouch may contain natural objects such as: feathers, pebbles, token of an event or milestone in their lives, a nut or seedpod, dried flowers. These items may be visually inspected, but for religious reasons any inspecting officer shall exercise care while performing a visual examination and not touch the bag or its contents.

November 2011

**Medallion** (The offender can only possess one Medallion)



**Picture of God/Goddesses** (There are multiple deities that are different from these)



**Picture of the medicine wheel/wheel of the year**



**Druid crane bag with Druid egg**



**Runes**



**Headband** (white cloth or natural leather)



**Prayer beads** (All beads are black)



# Yahwehist/Sabbatarian

## Yarmulke/Kippah



## Scarf (females)



## Talith (Prayer shawl)



# Where to get additional information

Contact your Unit Chaplain

Contact your Regional Chaplain

Contact Chaplaincy Headquarters:

Manager of Chaplaincy Operations  
Bill Pierce (936) 437-8684

Program Supervisor III  
Clint D. Morris (936) 437-6319

Chaplaincy Headquarters  
Two Financial Plaza, Suite 472  
Huntsville, TX 77340  
(936) 437-3028



<b>Housing assignments:</b>	06/18/02
Assignments shall not be made on the basis of religious preference.	
<b>Chaplaincy/State Jail Christian Faith-Based Community Program:</b>	02/19/03
State contract money should not be used to fund programs that deny access on the basis of faith preference.	
<b>Chasid Cup</b> (pre-filled communion cups)	11/10/06
<b>The White Man's Bible</b> (Contains racial and inflammatory content)	
<b>Allow offenders to preach and disparage other faiths</b>	04/13/07
<b>Allow offenders to have TV's in their cells for faith-based programs</b>	
<b>The King's Table, Inc. - proposed program for indigent offenders:</b>	09/30/08
(Offenders will complete an application for funds, up to \$100 per month, for one (1) year (\$1,200), to be used in commissary, visitation services, books/magazines, shoes/clothing and legal assistance)	
<b>Religious Music Tapes</b>	02/17/10

### Bahai

<b>APPROVED</b>	<b>Holy day fast- March 2-20</b> (eat before sun up and after sundown)	06/11/11
<b>DENIED</b>	<b>Spiritual Shower</b> (Friday's at noon)	09/22/2011

### Buddhist

<b>APPROVED</b>	<b>Mala Prayer Beads:</b> (Black beads no more than 3/8" in size and must have cotton cord; to be used in the cell/cubicle, and not to be worn as jewelry)	05/09/01
	<b>Wheel medallion:</b> 	06/18/02
	<b>Picture of Buddha to serve as an altar</b>	
	<b>Meditation group:</b> (As time, space, and approved volunteers are available, and security concerns are satisfied)	02/19/03
	<b>Prayer Beads: 108-bead prayer bead approved:</b> (If beads are of the same size as standard approved prayer beads)	04/13/07
	<b>Yoga Mat: 24" x 72", foam, that cannot be torn</b> (Mats to be donated and kept in the Unit Chaplain's office and used during worship services with an approved volunteer)	12/17/09
<b>DENIED</b>	<b>Buddha medal</b> (May obtain a picture of Buddha)	09/24/02
	<b>6' Cushion</b>	06/13/03
	<b>Chanting Bells &amp; Chimes:</b> (Denied for individual offender possession, but may be brought in and removed by volunteer for religious ceremonies)	
	<b>Designated area for private meditation</b> (Offender may meditate in his cell)	08/01/05
	<b>White tassels on prayer beads</b>	
	<b>Buddhist-designated Unit</b>	06/01/07
	<b>Yoga mat for in cell use</b> (Offender may purchase a prayer rug)	09/30/08
	<b>Single-cell housing</b>	09/14/10
	<b>Special job accommodations</b>	09/14/10

### Christian Identity

<b>DENIED</b>	<b>Holy day observance</b> (Leviticus 23; Numbers 28 & 29; Deuteronomy 16)	07/15/08
	<b>Reason for refusal of Leviticus 23, Numbers 8 &amp; 29, Deuteronomy 16 as holy day observances:</b> (The Christian Identity Religion has been recognized to be a front organization for a white supremacy organization, and there are no	09/30/08

benefits to offenders of the Christian Identity faith since there would be no lay-ins nor any special services to commemorate these days)

### **Christian Non-Denominational**

**DENIED** Tarot Cards 09/14/10

### **Church of Israel**

**DENIED** Videos & Study material (Racially exclusive) 04/13/07

### **Church of Jesus Christ of Latter Day Saints/Mormon**

**DENIED** Johnnies on Saturday 05/09/01  
Wear garments of the holy priesthood 08/01/05  
“Choose the Right” (CTR) ring 06/02/10

### **Eastern Orthodox**

**APPROVED** Orthodox Cross medallion: 08/01/05  
Orthodox prayer rug 07/15/08

**DENIED** Blessed bread and water to be kept in the Chapel 06/01/07  
100-knot Orthodox Rosary bead set, black, wool string, @ 18” long 11/05/07

### **Free masons**

**DENIED** Request for services (Freemasonry does not identify itself as a religion) 06/18/02

### **Greek Orthodox**

**APPROVED** Prayer beads (offered through Holy Transfiguration Monastery) 9/14/10  
Holy Days

- Jan 1- The Circumcision of Jesus Christ; St. Basil the Great
- Jan 6- Epiphany Day
- March 25- The Annunciation of the Blessed Virgin Mary
- March 28- Palm Sunday
- April 4- Holy Pascha (lay-in approved) 06/11/11
- May 23- Sunday of Pentecost
- August 15- Dormition
- December 25- Christmas Day

**DENIED** Greek Orthodox knotted wool prayer rope 02/17/2010

## Hare Krishna

<b>APPROVED</b>	<b>Religious Books</b> (Chapel to make adequate space available)	<b>01/13/00</b>
	<b>Japa Prayer Beads</b> (Must meet same standard that applies to other beads)	<b>02/19/03</b>
<b>DENIED</b>	<b>Bag for storing Japa prayer beads</b>	<b>06/13/03</b>
	<b>Observe Ekadashi holy day with lay-in and specific foods for feast days:</b>	<b>08/01/05</b>
	(Nirajala Ekadashi is not one of the recognized holy days for this faith; TDCJ does not recognize religious diets)	
	Two (2) showers per day	<b>06/02/10</b>
	Flesh colored paint	<b>06/02/10</b>

## Hebrew Identity

<b>DENIED</b>	<b>Meet as study group with other offenders and approved volunteer:</b>	<b>08/01/05</b>
	(Inflammatory doctrine, racially exclusive)	

## Hinduism

<b>APPROVED</b>	<b>Prayer rug</b>	<b>04/13/07</b>
<b>DENIED</b>	<b>Gold Locket &amp; Chain</b> (Given by husband to wife)	<b>02/19/03</b>
	<b>Rakhi</b> (Band tied around the wrist for Raksha Bandhan festival)	<b>12/17/04</b>
	<b>Leave temple set up on desk and carry money</b>	<b>08/01/05</b>
	<b>Bag for storing Mala prayer beads</b>	
	<b>Siddha Yoga - monthly meeting</b>	<b>04/13/07</b>
	<b>Prayer Bead Bag</b>	<b>09/22/11</b>

## House of Yahweh

<b>APPROVED</b>	<b>Head covering like the ones used by Jewish offenders:</b>	<b>06/18/02</b>
	(White cloth cap; worn in cell/dorm and/or at religious ceremonies or meetings)	
	<b>Talit / Tallis / Talith / Prayer shawl:</b>	<b>07/15/08</b>
	(White cloth with pale blue thread running through the cloth; worn in cell/dorm and/or at religious ceremonies or meetings)	
	<b>Teach the message of the Kingdom of Yahweh:</b>	<b>07/15/08</b>
	(Ref. CM-12.01; recorded with prior approval of the message by the Unit Chaplain)	
	<b>Pork-free sack meal on Yom Kippur</b>	<b>09/22/11</b>
<b>DENIED</b>	<b>Request for Irish Spring soap</b> (Dial soap contains pork by-products)	<b>02/19/03</b>
	<b>Scripturally sound diet</b> (Torah)	<b>09/22/11</b>

## Islam / Muslim

<b>APPROVED</b>	<b>Shower prior to Jumah prayer service in undershorts</b>	<b>02/12/02</b>
	<b>Hijab:</b>	<b>06/18/02</b>
	(White cloth, head covering for females, in approved TDCJ pattern; may be worn at all times; size: approximately 40.9" x 40.9"; Female offenders are permitted to have 2 – one for daily use and one for religious services)	

<b>DENIED</b>	<b>Nation of Islam - Separate services</b> (Reaffirmed 08/22/01)	<b>03/09/00</b>
	<b>Exemption from job assignments in swine operations</b>	<b>11/12/00</b>
	<b>Issue extra towels for prayer rugs, and TDCJ-made head coverings</b>	<b>06/18/02</b>
	<b>Beard - 1/4"</b> (Denied by 5 <sup>th</sup> Circuit Court)	<b>02/19/03</b>
	<b>Turbah</b> (Clay Tablet) <b>and Agig</b> (Silver Ring)	<b>06/13/03</b>
	<b>Request toothpaste other than Colgate</b> (Contains pork by-products)	<b>08/06/04</b>
	<b>Prayer time away from the hoe squad</b>	<b>12/17/04</b>
	<b>Nation of Islam:</b>	<b>07/24/06</b>
	• <b>Holy days - Savior's Day &amp; Atonement</b>	
	• <b>Tapes and literature</b>	
	<b>5% Nation of Islam - Separate services</b>	<b>11/05/07</b>
	<b>Halal meal</b>	<b>03/18/11</b>

### **Judaism**

<b>APPROVED</b>	<b>Scarf/head covering for females</b> (White, worn in-cell & at services)	<b>08/01/05</b>
	<b>Phylactery/Tefillin</b> (to be stored in the chaplain's office on all non-designated units)	<b>06/11/11</b>
<b>DENIED</b>	<b>Exemption from job assignments in swine operations</b>	<b>11/12/00</b>
	<b>Observe Tuesdays as the Lord's Sabbath Day</b>	<b>06/18/02</b>
	<b>Observe Friday sundown to Saturday sundown &amp; adjust work schedules</b>	<b>06/13/03</b>
	<b>Job change from kitchen due to exposure to non-kosher foods</b>	
	<b>Tallit / Prayer Shawl for Females</b> (Used by Jewish men only)	<b>08/01/05</b>
	<b>All-Cotton blankets</b> (Not available in the agency; blankets contain no wool)	<b>07/24/06</b>
	<b>Lay-in for Purim</b> (Denied by Jewish religious authority)	<b>04/13/07</b>
	<b>Full Bead</b>	<b>06/11/11</b>
	<b>Payot</b> (side-burns)	
	<b>Tizitzit</b> (shirt with tassels)	
	<b>Yarmulke</b> (to wear ALL time)	
	<b>Services without an approved volunteer/staff</b>	
	<b>Kosher meals for females</b> (Operationally unfeasible)	<b>09/22/11</b>

### **Luciferianism**

<b>APPROVED</b>	<b>Image of Sigil of Baphomet</b> (baseball card size)	<b>09/14/10</b>
<b>DENIED</b>	<b>Bat's Blood</b>	<b>09/14/10</b>
	<b>Oujia Board</b>	<b>09/14/10</b>
	<b>VooDoo Doll</b>	<b>09/14/10</b>
	<b>Holy Day's</b>	<b>09/14/10</b>

### **Light of the World**

<b>APPROVED</b>	<b>Scarf/head covering for females</b> (White, worn in-cell & at services)	<b>12/17/08</b>
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## Lost House of Israel

**DENIED:** Requested religious holy days to include a lay-in for the Day of Atonement and the Feast of Tabernacles 4-17-11

## Mason

**DENIED** Seal of Soloman medallion 09/14/10

## Messianic Jewish

**APPROVED** May obtain the same devotional items as Jewish offenders: 06/18/02

- **Yarmulke / Kippah** (White cloth cap; worn in cell/dorm and/or at religious ceremonies or meetings)
- **Talith / Prayer shawl** (White cloth with pale blue thread running through the cloth; worn in cell/dorm and/or at religious ceremonies or meetings; Alternative: 2 pieces of blue ribbon may be attached to the offender's shirt, only in the offender's cell and during his periods of prayer)
- **Scarf** (White head covering for females)
- **Tefillin / Phylactery** (Straps & boxes for arm and head; **NOTE:** This item shall be stored by the unit/facility chaplain and used only during worship under direct supervision)

**Star of David medallion:** 07/15/08  
**Head scarf** (females) 09/22/11

**DENIED** Medallion: Star of David with a Cross in the middle 09/30/08

## Moorish Science Temple of America

**APPROVED** Separate religious services and faith group listing: 07/15/08  
(Services approved as time, space, and approved volunteers are available, and security concerns are satisfied)

**DENIED** Fez (Head Covering for Moorish Science) 09/24/02  
Turban 07/24/06

## Native American

**APPROVED** Indoor pipe ceremony due to inclement weather: 02/20/04  
(All Units with exception of the Stevenson Unit)

- Smudge bowl lit outside, offenders are smudged as they enter gym
- Smudge bowl is extinguished after the pipe is purified
- The pipe is not lit until time for smoking and passed around once

**Increase size of approved Medicine Bag to 2 ¼" x 3"** 07/24/06

**Hair sent home when cut** (Mailed immediately, cannot be kept in cell) 07/15/08

**Holy Days for Native American Shamanism:** 09/30/08

- Spring Equinox

- Summer Solstice
- Fall Equinox
- Winter Solstice

**Approved for ceremonial use by a volunteer (unused portion taken off unit by volunteer) 06/02/10**

- Copal (resin from the bark of a tree -similar to frankincense and myrrh)
- Cincasa (a mixture of bayberry, sumack, ocia roots, sage and sweet grass)

**DENIED**

Meet for 15 minutes at dawn for prayer	06/18/02
Sleep on the floor	08/01/05
6" Shell & 12" bamboo flute	11/10/06
Personal smudging ceremony	07/15/08
American Indian Religious Holy Days	09/30/08
Rune Stones	08/05/09
Personal Prayer Pipe	08/05/09
Obtain deceased relatives hair	08/05/09
Multi-colored headband with religious symbols	08/05/09
Pointed Stones	08/05/09
Buffalo-cranberry bars	09/14/10
Shell-fish pouches	09/14/10
Obtain ashes from deceased relatives	03/18/11
All purpose cement	04/18/09
10 soft buckskin thongs	04/18/09
Eagle head and claws	04/18/09
Wrapped medicine wheel kit 4 inches	04/18/09
Small medicine bag from outside vendor	04/18/09
Coup feather kit w/imitation feathers	04/18/09
7 turquoise stones 14-16mm	04/18/09
Buffalo skull (bone)	04/18/09
Kouplock (ponytail from base of head)	06/11/11
Shrine built in bunk area	09/22/11
Sweat Lodge	09/22/11
Gift religious devotional items to indigent offenders	09/22/11

**Odinism / Asatru**

**APPROVED Approved for offender possession and in-cell use only: 06/18/02**

- A picture of a god and goddess that meets standards established in the TDCJ property policy
- Prayer beads to be used only for prayer rituals
- A medicine pouch (Maximum size 2 ¼" x 3" square made of pliant animal skin containing natural objects such as feathers, pebbles, token of an event or milestone in their lives, a nut or seedpod, dried flowers)
- A picture of the medicine wheel/wheel of the year
- A Book of Shadows (A diary, a blank book in which the owner makes entries of spiritual significance to the owner)

**Thor's Hammer medallion: 02/19/03**

**Religious services:**

(As time, space, and approved volunteers are available, and security concerns are satisfied)

**Headband (White cloth or natural leather, no Rune symbols) 08/01/05**

**Approved for group observances:**

(\*All items are approved on condition that their size and shape are not deemed dangerous. \*Candles may be burned only in settings in which they do not pose a fire hazard, with the decision as to whether they pose such a hazard to be made by Unit Administration \*Items are to be brought into a unit by an Approved Volunteer or Contract Chaplain and removed when ceremonies are concluded. \*Items are to be inventoried before being allowed into the unit, and inventoried again when they are removed from the unit.)

- Hammer (Leather or cardboard and small enough to be non-lethal)
- Blessing Bowl (Wood or Plastic)
- Sprig of Evergreen
- Drinking Horn or Mug
- Grape juice for Blot and Sumbel (TDCJ provided)
- Set of Runes (24)
- Gandor (Wood, leather, or cardboard)
- Oath ring
- Altar cloth the size of a large handkerchief
- Candle
- Representations of Gods and Goddesses (Up to 5 small statuettes)
- Small piece of driftwood or small stone
- Altar block (If no flat table is available)

**Rune Stones** (must be purchased through Unit Commissary) **09/30/08**

**DENIED**

**Denied for offender possession:**

**06/18/02**

- Tarot cards and books explaining their use
- Altar
- Wand
- Candles
- Oils
- Herbs
- Incense
- Salt

**Wooden Blessing Bowl** (alternative: purchase a bowl from commissary)

**09/22/11**

**Alter Cloth** (alternative: handkerchief from commissary)

**09/22/11**

**Ban on staff for handling all religious devotional items**

**09/22/11**

**Bead** (1/4 inch)

**09/22/11**

**Offender Coordinator to lead services**

**09/22/11**

### **Other (Animistic Spiritualism / Hoodooism)**

**DENIED**

**Carve religious items and symbols from soap:**  
(A picture of an animal may be used)

**12/17/04**

### **Rastafarian**

**DENIED**

**Prayer cap**

**06/13/03**

### **Roman Catholic**

**APPROVED**

**St. Dismas Medal** (With completion of the program; worn as medallion)

**08/01/05**

**Meditation benches** (Must be donated; stored by Chaplain when not in use)

**06/01/07**

**DENIED**

**Benedictine medallion**

**06/01/07**

## Santeria

<b>APPROVED</b>	<b>Prayer beads</b>	<b>08/01/05</b>
<b>DENIED</b>	<b>Pouch for storing prayer beads, and medal with picture of Orisha</b>	<b>08/01/05</b>
	<b>Black cap</b> (alternative: white cap)	<b>09/22/11</b>
	<b>Grim Reaper Medallion</b> (alternative: Medicine Wheel Medallion-Commissary)	<b>09/22/11</b>
	<b>Grim Reaper Statue</b> (alternative: photo of Grim Reaper- baseball card size)	<b>09/22/11</b>
	<b>Black Scry Bowl</b> (alternative: bowl sold in commissary)	<b>09/22/11</b>

## Satanism

<b>APPROVED</b>	<b>Baphomet medallion:</b>	<b>11/05/07</b>
	<b>Book of Shadows (Blank book)</b>	<b>09/14/10</b>
<b>DENIED</b>	<b>Satanic holidays</b>	<b>09/24/02</b>
	<b>Black robe, bell and chalice</b> (Commissary cup may be used for chalice)	<b>02/20/04</b>
	<b>Purchase up-side down crucifixion for group worship</b>	<b>09/14/10</b>
	<b>Black nail polish</b>	<b>09/14/10</b>

## Seventh Day Adventist

<b>DENIED</b>	<b>Place in transient or single cell sundown Friday to sundown Saturday</b>	<b>07/15/08</b>
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## Taoism

<b>APPROVED</b>	<b>Prayer rug</b>	<b>02/20/04</b>
<b>DENIED</b>	<b>Chinese coin for meditation</b>	<b>02/12/02</b>
	<b>Prayer Pillow</b>	<b>02/20/04</b>
	<b>Prayer beads with white drop strings with a small white ball on the end</b>	<b>08/01/05</b>

## Thelema

<b>APPROVED</b>	<b>Unicursal hexagram medallion:</b>		<b>08/01/05</b>
	<b>Holy Days</b>		<b>04/13/07</b>
	<b>Blank book (Book of Shadow)</b>		<b>06/18/02</b>
	<b>Image of Stele of Revealing</b> (baseball card size)		<b>09/14/10</b>
	<b>Prayer Rug</b> (26 x 45 inches)		<b>09/14/10</b>

## Unitarian Universalist

<b>APPROVED</b>	<b>Flaming Chalice medallion:</b>	<b>08/05/09</b>
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## United Church of God

<b>APPROVED</b>	<b>Weekly Sabbath service, and annual holy day services:</b> (As time, space, and approved volunteers are available, and security concerns are satisfied)	<b>06/27/01</b>
<b>DENIED</b>	<b>Exemption from work on Saturdays</b>	<b>06/27/01</b>
	<b>Request to wear Tzitzit at all times</b>	<b>02/19/03</b>
	<b>Kosher meal plan</b>	<b>07/15/08</b>
	<b>Work proscription from Friday sunset to Saturday sunset</b>	
	<b>Laminated UCG associate member business card</b>	
	<b>Lay-in for holy days</b>	
	<b>United Church of God-designated unit</b>	

## United Pentecostal

<b>DENIED</b>	<b>Allow females to wear dresses</b>	<b>02/12/02</b>
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## Universal Life Church

<b>DENIED</b>	<b>Allow to practice any/all faiths, attend any/all programs, and obtain any/all approved religious devotional items from any/all faiths</b>	<b>11/05/07</b>
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## Vampirism

<b>DENIED</b>	<b>To recognize "Vamadanish" as a holy day.</b>	<b>2/17/10</b>
	<b>To approve the following devotional items: black beads, vampire cross, Head covering, skull, black mirror, and pentagram box.</b>	<b>2/17/10</b>

## Voodoo

DENIED      **Juju necklace** (Made of chicken bones)      08/06/04  
**Noon shower daily**      03/18/11

### Wiccan / Celtic / Druid / Pagan / Neo-Pagan

APPROVED      **Volunteer-led Wiccan ceremonies:**      01/25/01

(As time, space, and approved volunteers are available, and security concerns are satisfied)

**Ministerial visits:**

(Wiccan ministers or spiritual advisors are covered by AD-07.30)

10/19/01

**Approved for offender possession and in-cell use only:**

06/18/02

- A picture of a god and goddess that meets standards established in the TDCJ property policy
- Prayer beads that are similar to those allowed to adherents of other religions - to be used only for prayer rituals
- A medicine pouch (Maximum size 2 ¼" x 3" square made of pliant animal skin) containing natural objects such as feathers, pebbles, token of an event or milestone in their lives, a nut or seedpod, dried flowers
- A picture of the medicine wheel/wheel of the year
- A Book of Shadows (A diary, a blank book in which the owner makes entries of spiritual significance to the owner)

**Approved for group observances:**

(\*All items are approved on condition that their size and shape are not deemed dangerous. \*Candles may be burned only in settings in which they do not pose a fire hazard, with the decision as to whether they pose such a hazard to be made by Unit Administration \*Items are to be brought into a unit by an Approved Volunteer or Contract Chaplain and removed when ceremonies are concluded. \*Items are to be inventoried before being allowed into the unit, and inventoried again when they are removed from the unit.)

- Representations of deities such as statuettes, pictures, or such symbols as: seashells, flowers, feathers, crystals, pinecones, driftwood, pictures of animals
- Ceramic wand with quartz crystal points / **wooden wand (11/05/07)** - 12" long
- Altar pentacle
- Altar cloth (white) the size of a large handkerchief (available through commissary)
- Candles: up to six (6) with small candle snuffer **(11/05/07)**
- Ritual broom (besom): Maximum size, 24" long
- Chalice: Wood, plastic or ceramic
- Cauldron – 5 ½" in diameter, cast iron
- Bowls to mix salt & water, made of metal or ceramic
- Bell
- Book of Shadows
- Incense: cone, stick, or brick; resin, powdered
- Oil used for anointing
- Cookies to be used ritually
- \*Water, salt and juice may **not** be brought on the unit, but may be obtained in the unit for use in Pagan group ceremonies
- \*Any object made of glass may **not** be brought in the unit
- **Runes or Tarot Cards (11/05/07)**

	<b>Meditation group:</b> (As time, space, and approved volunteers are available, and security concerns are satisfied)	<b>02/19/03</b>
	<b>Druid - Crane Bag and Druid Egg:</b> (Bag consistent with size of Native American/Wiccan bag; Egg – marble size)	<b>02/20/04</b>
	<b>Prayer rug</b>	<b>12/17/04</b>
	<b>Weekly group meetings and meetings on holy days:</b> (As time, space, and approved volunteers are available, and security concerns are satisfied)	<b>07/24/06</b>
	<b>Druid - Wiccan medallion:</b> (Greenman Ministry offers a free pentagram pendant to indigent offenders who do not have a medallion)	<b>11/10/06</b> <b>03/18/11</b>
	<b>Neo-Pagan - Thor's Hammer medallion:</b> (A new Thor's Hammer will be offered through commissary, the old style was determined to have gang related symbols)	<b>07/15/08</b> <b>12/17/10</b>
	<b>Rune Stones</b> (must be purchased through Unit Commissary)	<b>09/30/08</b>
<b>DENIED</b>	<b>Tarot Cards</b>	<b>08/09/00</b>
	<b>Lay-ins for the eight holy days:</b> (Per religious authority: lay-ins are not required, observance can be done in-cell during off hours) (Reaffirmed 07/24/06)	<b>01/25/01</b>
	<b>Wiccan-designated Unit</b> <b>Denied for offender possession:</b>	<b>06/18/02</b>
	<ul style="list-style-type: none"> <li>• Tarot cards and books explaining their use</li> <li>• Altar</li> <li>• Wand</li> <li>• Candles</li> <li>• Oils</li> <li>• Herbs</li> <li>• Incense</li> <li>• Salt</li> </ul>	
	<b>Special clothing</b>	<b>02/20/04</b>
	<b>Private room to practice faith and have a nude skylad</b>	<b>04/13/07</b>
	<b>Pyramid stone (pointed)</b>	<b>06/02/10</b>
	<b>Storage pouch for runes stones</b>	<b>09/22/11</b>

### **World Church of the Creator**

<b>DENIED</b>	<b>Religious vegetarian diet</b>	<b>11/04/99</b>
	<b>Holy days</b> (Racially exclusive)	<b>01/25/01</b>

### **Yahweh's Evangelical Assembly**

<b>APPROVED</b>	<b>Weekly religious service, and annual holy day services:</b> (As time, space, and approved volunteers are available, and security concerns are satisfied)	<b>02/19/03</b>
<b>DENIED</b>	<b>Request for communal meals</b>	<b>02/19/03</b>



ADMINISTRATION

**REQUEST FOR INFORMATION**

Number: 02.03  
Date: June 2006  
Page: 1 of 1

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**SUBJECT: REQUEST FOR INFORMATION**

**APPLICABILITY:** Rehabilitation and Reentry Programs Division (RRPD)

**PURPOSE:** To establish procedures by which the Division shall respond to requests for information from Legislators and Texas Department of Criminal Justice (TDCJ) Board Members.

**PROCEDURE:**

- I. Requests for information from Legislators or TDCJ Board Members shall be directed to the RRPD Division Director, or designee.
- II. In the event a RRPD staff member must respond to a Legislator or TDCJ Board Member, the staff member shall immediately upon termination of the call, contact the RRPD Division Director or designee, with a verbal synopsis of the request as well as the response.
- III. The staff member shall also provide written documentation of the request and response as soon as possible.
- IV. The Executive Assistant to the RRPD Division Director shall establish a log to record requests for information, to include:
  - A. Name and phone number of caller;
  - B. Nature of request;
  - C. Disposition of request.
- V. The log shall be maintained in accordance with the Records Retention Schedule.

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**Signature on File In Chaplaincy Headquarters**  
Madeline M. Ortiz, Director  
Rehabilitation and Reentry Programs Division

# TDCJ Chaplaincy's



Suggested  
Religious Vendors

**Be advised that if religious devotional items are carried in the commissary, they must be purchased in the commissary (per CP 05.01)**

**Buddhist Devotional items may be purchased from:**

**Liberation Foundation Prison Project**

San Francisco, CA 94131  
Houston, Texas 77221-4048

**Buddhist Service or Information Contact**

Rev. Myokei (Lynda) Caine-Barrett  
Myoken Temple  
P.O. Box 14048  
Houston, Texas 77221-4048  
Phone: 713-429-1274  
Toll Free: 1-877-803-6647  
Web site: [www.nichiren-shu.org/houston](http://www.nichiren-shu.org/houston)  
E-MAIL: [nbstx@comcast.net](mailto:nbstx@comcast.net)

**Headquarters of Integral Yoga® International**

Rev. Lakshmi Barsel, Ph.D.  
Director, Satchidananda Prison Project  
108 Yogaville Way  
Buckingham, Virginia 23921-2229  
Phone: 434-969-3121 x 116  
Fax: 434-969-1303  
Website: [www.iyiva.org](http://www.iyiva.org)  
E-mail: [programs@iyiva.org](mailto:programs@iyiva.org)

**Project Clear Light**

2220 Postoffice Street Ste B  
Galveston Island, TX 77550  
Phone: 409-599-7268  
E-mail: <http://projectclearlight.org>

**Nakayama Butsudans**

P.O. Box 82419  
Portland, Oregon 97282  
Phone: 503-233-2200  
Email: <http://www.nakayamabutsudans.com/>

## **Jewish**

### **Jumbo Judaica**

11000 Fondren Street, Suite B104  
Houston, TX 77096  
Phone: 713-774-7704 ext. 19  
Website: <http://www.jumbojudaica.org/>

## **Messianic Jewish, and Sabbatarian groups -Devotional items may be purchased from:**

### **Jewish Jewels**

7264 West Oakland Park Blvd.  
Lauderhill, FL 33313  
Phone: 954-741-0925

## **Native American Devotional items may be purchased from:**

### **Crazy Crow Trading Post**

PO Box 847  
Pottsboro, TX 75076-0847  
1-800-786-6210 / (903) 786-2287

### **Pilcher's Indian Store**

14909 Industrial Road  
Omaha, NE 68114  
402/ 334-7556

### **Golden Eagle Ministries of Texas**

PO Box 5556  
Abilene, TX 79608  
*Native American Prayer Rug - \$25*

### **Tribe: Alabama-Coushatta Tribal Council**

Tribal Contact: Ms. Frances Batisse, Chair  
Address: Route 3, Box 640  
Livingston, TX 77351  
Phone: 936/ 563-1221 Toll Free: 800/ 926-9038

### **Tribe: Caddo Tribal Council**

Tribal Contact: Ms. Brenda Edwards, Chair  
Address: PO Box 487  
Binger, OK 73009  
Phone: 405/ 656-2344

### **Tribe: Cherokee Nation of Oklahoma**

Tribal Contact: Ms. Chad Smith, Prin. Chief  
Address: PO Box 948  
Tahlequah, OK 74465  
Phone: 918/ 456-0671

### **Tribe: Cheyenne-Arapaho Business Comm.**

Tribal Contact: Ms. Viola Hatch, Chair  
Address: PO Box 38  
Concho, OK 73022  
Phone: 405/ 262-0345

### **Tribe: Chickasaw Nation**

Tribal Contact: Mr. Bill Anoatubby, Governor  
Address: PO Box 1548  
Ada, OK 74820  
Phone: 580/ 436-2603

### **Tribe: Choctaw Nation of Oklahoma**

Tribal Contact: Mr. Gregory Pyle, Honorable Chief  
Address: PO Box 1210  
Durant, OK 74701  
Phone: 580-924-8280

### **Tribe: Comanche Business Committee**

Tribal Contact: Mr. Wallace Coffey, Chair  
Address: HC 32 Box 1720  
Lawton, OK 73502

### **Tribe: Creek Nation of Oklahoma**

Tribal Contact: Mr. Bill S. Fife, Principal Chief  
Address: PO Box 580  
Okmulgee, OK 74447  
Phone: 918/ 756-8700

### **Tribe: Jicarilla Apache Tribe**

Tribal Contact: Levi Pesapa, President  
Address: PO Box 507  
Dulce, NM 87528  
Phone: 575/ 759-3242

**Tribe: Mescalero Apache Tribe**

Tribal Contact: Mr. Mark Chino, President  
Address: PO Box 227  
Mescalero, NM 88340  
Phone: 575/ 464-4494

**Tribe: Miami Tribe of Oklahoma**

Tribal Contact: Mr. Floyd Leonard, Chief  
Address: PO Box 1326  
Miami, OK 74355  
Phone: 918/ 542-3118

**Tribe: Modoc Tribe of Oklahoma**

Tribal Contact: Mr. Bill G. Follis, Chief  
Address: 515 G SE Street  
Miami, OK 74354  
Phone: 918/ 542-1190

**Tribe: Osage Nation of Oklahoma**

Tribal Contact: James Roan Gray, Principal Chief  
Address: 621 Grandview Ave.  
Pawhuska, OK 74056  
Phone: 918/ 287-5555

**Tribe: Peoria Indian Tribe of Oklahoma**

Tribal Contact: Mr. John Froman, Chief  
Address: PO Box 1527  
Miami, OK 74355  
Phone: 918/ 540-2535 or 800/ 320-8742

**Tribe: Pueblo of Cochiti**

Tribal Contact: Vernon Garcia, Honorable Governor  
Address: PO Box 70  
Cochiti, NM 87072  
Phone: 505/ 465-2244

**Tribe: Pueblo of Santa Ana**

Tribal Contact: Mr. Andrew Gallegos, Governor  
Address: 2 Dove Road  
Bernilillo, NM 87004  
Phone: 505/ 771-6703

**Tribe: Seminole Nation of Oklahoma**

Tribal Contact: Mr. Jerry Haney, Principal Chief  
Address: PO Box 1498  
Wewoka, OK 74884  
Phone: 405/ 257-6343

**Tribe: Seneca-Cayuga Tribe of Oklahoma**

Tribal Contact: Mr. Leroy Howard, Chief  
Address: PO Box 1283  
Miami, OK 74355  
Phone: 918/ 542-6609

**Tribe: Susquehannock Tribe**

Tribal Contact: Chief Penn  
Address: PO Box 244  
Nocatee, FL 34268

**Tribe: Wichita & Affiliated Tribal Exec. Comm.**

Tribal Contact: Mr. Gary McAdams, Pres.  
Address: PO Box 729  
Anadarko, OK 73005  
Phone: 405/ 247-2425

**Tribe: Wyandotte Tribe of Oklahoma**

Tribal Contact: Mr. Leonard Bearskin, Chief  
Address: 64700 E. Hwy 60  
Wyandotte, OK 74370  
Phone: (800) 256-2539

**Tribe: Ysleta de Sur Pueblo**

Tribal Contact: Mr. Elias Torres, Governor  
Address: P. O Box 17579 Ysleta Station  
El Paso, TX 799407  
Phone: 915/ 859-7913

**Neo-Pagan, Thelema, Odinist, Asatru, and Wiccan Devotional items may be purchased from:****Azure Green**

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Middlefield, MA 01243-0048  
Phone: 413-623-2155  
Fax: 413-623-2156  
Website: <http://www.azuregreen.net/>  
E-mail: [azuregreen@azuregreen.com](mailto:azuregreen@azuregreen.com)

**Greenman Ministry**

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Richmond, TX 77469-3119  
Phone: 832-443-7616  
Website: <http://www.greenmanministry.org/>  
E-mail: [mail@greenmanministry.org](mailto:mail@greenmanministry.org)

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**VOLUNTEER SERVICES PLAN**

**Texas Department of Criminal Justice**

**VOLUNTEER SERVICES PLAN**

**FOREWORD**

The Texas Department of Criminal Justice (TDCJ) encourages volunteers and volunteer organizations to provide services and activities for offenders incarcerated, those transitioning between confinement and society, and those on supervision, to reduce incidence of recidivism. TDCJ policy, Administrative Directive (AD)-07.35, "Administration of Volunteer Services" directs the Agency to develop a Volunteer Services Plan which establishes uniform rules and regulations to guide staff in both the conditions and procedures relating to volunteers in the TDCJ.

The TDCJ is fully committed to abide by and enforce the provisions outlined herein, and all volunteers and employees are expected to comply with its requirements.

  
Brad Livingston, Executive Director  
Texas Department of Criminal Justice

5/7/10  
Date

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# Volunteer Services Plan

## I. PURPOSE

The purpose of the Texas Department of Criminal Justice (TDCJ or agency) Volunteer Services Plan is to establish consistent, standard operating procedures throughout all divisions of the TDCJ for the administration, coordination, and reporting of volunteer services. This plan shall be an overall policy guide for each division of the agency in implementing and operating their individual volunteer services programs.

## II. DEFINITIONS

**Approved Volunteer** - A person who has been approved through an application process, completed volunteer training and orientation, and participates in a program/service or participates in volunteer activities on a regular basis.

**Certified Volunteer Chaplain's Assistant (CVCA)** - An approved Chaplaincy program volunteer that has received additional security and Chaplaincy policy training. The CVCA assists the chaplain on the unit in accordance with the TDCJ/Rehabilitation Programs Division (RPD) Chaplaincy Manual. (Refer to Chaplaincy Department Manual, policy 14.05)

**Community Partner Program Volunteer** - An individual employed by any Community Outreach Program, state, federal or law enforcement agency, and is being compensated to perform an official duty.

**Contraband** – Any item not permitted in the secured perimeter of a unit or in some cases, at any TDCJ facility. Also, any item brought into, or taken out of a facility, or in the possession of an offender, visitor or employee as defined in the Texas Penal Code, Section 38.11, or is prohibited by the rules and regulations of the TDCJ.

**Correspondence** – Communication by letter or memo.

**Data** - A representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automatic means.

**Employee Volunteer** - An individual who has been approved and completed training as a volunteer but is also employed by the TDCJ and donates time and services outside of his/her normal job function(s) and required working hours. Employee volunteers shall not serve on the facility to which they are currently assigned, unless approved by the facility administrator; they may not serve as mentors; and may not correspond with offenders. The facility administrator shall have final approval of an employee's volunteer assignment on the facility they wish to volunteer.

**Enemy** – One who is identified as a member of an opposing gang; has been antagonistic or has had conflict with another in the past.

**Ex-offender** - An individual convicted of any crime (excluding traffic violations) and has discharged their sentence (i.e., no longer incarcerated; has completed parole, community supervision, or mandatory supervision and all requirements under the law). (Also see definition for Releasee).

**Fiscal Year** – Agency reporting period that begins September 1<sup>st</sup> and ends August 31<sup>st</sup> of the following year.

**Mentor** - an approved volunteer, who meets agency-approved mentor criteria, is recommended by the TDCJ program staff, and has completed on-line mentor training or training provided by authorized personnel. Approved employee volunteers may not serve as mentors. (Refer to AD-07.38 Mentor Guidelines).

**Mentoring** - A one-to-one (same gender) relationship that focuses on the rehabilitative needs of the mentored offender. The mentor fosters care and support, encourages personal development, and assists with re-entry into the community upon release. Programs using husband and wife teams may be allowed to mentor individual offenders.

**Offender** - An individual in the custody of or under the supervision of a city, county, judicial district (probation), state or federal agency. These individuals include but are not limited to patients, parolees, individuals under mandatory supervision, and those incarcerated.

**Partner's Program Volunteer** - An offender who has been released for a period of six months and has one year of sobriety (six months of which may be acquired during their incarceration). Partner Program participants shall be accompanied by an approved volunteer and may visit the unit(s) more than one time. (Refer to AD- 07.36 Partner's Program).

**Releasee** - An individual convicted and sentenced for any crime (excluding traffic violations), and is currently on community supervision, deferred adjudication, parole, or mandatory supervision. (See also definition for Ex-offender.)

**Special Volunteer** - Any individual or group who provides a service or participates in volunteer activities no more than four times or has not established a pattern of regular, scheduled participation. After the fourth visit as a special volunteer, the individual will be required to become an approved volunteer for future visits. The exception is those individuals that participate in special events such as crusades on an annual basis, but no more than four times in a calendar year. Special volunteers do not complete a Volunteer Application and are not typically subject to a criminal history check unless deemed necessary. Ex-offenders and releasees are eligible to participate as a special volunteer 12 months after their release from incarceration and with a clear criminal history.

**Student Intern Volunteer** - A student who is enrolled in a university or community college; desires to volunteer for limited periods of time; and is taking course work which requires “internship” experience for course credit, pre-professional training, or work experience.

**Volunteer Coordination Committee (VCC)** – A committee of representatives designated by the TDCJ divisions and departments that use volunteers. The VCC serves as the reporting entity for and provides oversight of volunteer activities for the agency.

**Unit Chaplain** - An employee on the facility that is responsible for all religious programming as well as coordination of volunteer(s) and volunteer activities associated with religious programming.

**Unit Volunteer Coordinator (UVC)** - An employee on the facility that has been designated by the unit volunteer authority to coordinate volunteer(s) and volunteer activities not associated with religious programming.

**Unit Volunteer Authority (UVA)** – An assistant warden (or major on smaller units that do not have an assistant warden’s position) or administrator of the parole office that is responsible for oversight of volunteer(s) and volunteer activities.

**Victim** - An individual or family member directly or indirectly affected by the unlawful behavior of an offender.

**Volunteer Review Committee (VRC)** – A committee that includes the chairman of the Volunteer Coordination Committee, the director of the Correctional Institutions Division or Parole Division, and a designee of the appropriate volunteer program. The VRC reviews placement denials of volunteers; volunteer suggestion forms and other matters regarding volunteers that require dispute resolution. A designee may be substituted for any of the members, as needed.

**Volunteer Services** – A department within the RPD that serves as the coordinator of the agency's volunteer program. The director of volunteer services typically serves as the RPD division director's designee chairperson for the Volunteer Coordination Committee (VCC).

**VS00** - The official TDCJ mainframe volunteer database (Volunteer Tracking System) from which authorized users' access a volunteer's status, unit restrictions, history of visits, history of policy violations, and all other related volunteer information. (Refer to the VS00 User Guide for instructions).

### **III. OVERSIGHT OF VOLUNTEER SERVICES**

#### **VCC**

The VCC includes representatives from the TDCJ departments/divisions that use volunteers. The manager of support services, or designee, of the RPD serves as chairman of the VCC. Functions of the committee include, but are not limited to:

1. Establishing agency-wide philosophy, goals, and objectives regarding volunteer use consistent with the mission of the TDCJ.
2. Enhancing and coordinating volunteer activities.
3. Evaluating performance objectives.
4. Reporting the results of volunteer activities annually to the Texas Board of Criminal Justice (TBCJ), the TDCJ managers, legislators and the public.
5. Developing agency-wide volunteer policies and procedures and reviewing, as necessary.
6. Analyzing critical issues and providing guidance to departments/divisions.
7. Reviewing volunteer programs, as reported by their department/division, and identifying new or continuing areas in which volunteers are needed and may serve.
8. Soliciting input from other staff members, volunteers, victims, and offenders regarding volunteer issues, as necessary.

## **Volunteer Services Plan**

The Volunteer Services Plan, along with applicable policies and procedures, shall be the guide for developing, implementing, and managing volunteer services/programs within the agency. The plan consists of designated categories of volunteers; screening and approval procedures; orientation/training; code of conduct; procedures for managing policy violations; recognition of volunteers; record-keeping; confidentiality rules and laws; monitoring and other similar categories. Each division shall be responsible for compliance with the agency-wide plan and any procedures specific to their division. All departments/divisions shall strive to treat volunteers in a uniform, consistent manner from location to location and ensure volunteers comply with agency policy.

### **IV. VOLUNTEER PROGRAM REQUIREMENTS**

- A. Individuals who want to participate in the TDCJ volunteer program shall submit a completed and signed original TDCJ Volunteer Application (Appendix A) and attend an approved volunteer training/orientation session. The volunteer application is also available on the TDCJ website.
- B. Volunteers shall submit proof of qualifications such as licenses, certificates, or other similar items for services that require special training and certification. Proof of the qualification(s) shall be kept in the volunteer's file.
- C. The agency may decline the services of an individual for any reason other than race, color, religion, gender, national origin, disabilities, genetic information or age [18 years or over (Partner Program volunteers must be 21 years old)].
- D. Processing Volunteer Applications
  - 1. Volunteer applications will be date-stamped upon receipt. The number of applications received for each month will be documented on the Monthly Volunteer Application Summary form (see Appendix B).
  - 2. Volunteer applications must be filled out completely. Incomplete applications will be returned to the applicant.

Upon receipt of the completed application, designated volunteer staff shall conduct a criminal background check on each applicant through the Texas Crime Information Center (TCIC) and the National Crime Information Center (NCIC). Fingerprint cards may be required when deemed necessary. Additional criminal background checks will be conducted on an as-needed basis.

3. Possession of a criminal record or specific offenses on record does not exclude a volunteer applicant. However, the criminal record may be used to determine placement or denial of the applicant. Current background references and/or additional criminal history information may be requested and checked. A personal interview may also be conducted at the discretion of the appropriate division director or designee.

4. Ex-offender and Releasee Volunteer Applicants

- a) Ex-offenders may serve as a volunteer provided they have a clear criminal background for the previous 18 months and have demonstrated successful reentry into the community since discharging their sentence.
- b) Releasees may serve as a volunteer provided they have a clear criminal background check for the previous 18 months; a satisfactory report from their supervising officer while on parole, mandatory supervision, or community supervision; and the supervising officer concurs with the releasee's participation in the volunteer program. A letter from the supervising officer concurring with the releasee's participation in the TDCJ Volunteer Program shall be requested. The supervising officer shall be notified if the releasee has been approved/disapproved as a TDCJ volunteer. The supervising officer shall report all violations of supervision to the director of volunteer services. Violations committed while on supervision may result in removal from the volunteer program.
- c) The application of any ex-offender or releasee convicted of a sex offense, as defined by Administrative Directive 04.09 "Sex Offender Identification Criteria and Methods of Recording Information", shall be reviewed by the manager of the Sex Offender Rehabilitation Program (SORP), or designee. The manager of the SORP, or designee, will provide their recommendation for approval or disapproval as a participant in the volunteer program to include a justification before final approval is granted.

5. Security Threat Group (STG)/Gang Affiliation

- a) All ex-offenders and releasee applicants shall be screened for gang affiliation through the TDCJ Security Threat Group Management Office (STGMO) and the Texas Anti-Gang Information Tracking (TAGIT) System.
- b) Applicants who are confirmed gang members, but have completed the Gang Renunciation and Disassociation (GRAD) process, will not be excluded from the TDCJ volunteer program unless there is evidence that placement of the individual would affect the safety and security of the facility, employees, volunteers and offenders.
- c) Any individuals who are confirmed as a member of a STG while incarcerated, and who did not complete the GRAD process, shall be approved by the VRC.

6. Employee and Ex-employee Applicants

- a) Applicants who are currently or previously employed by the TDCJ will undergo an employment check through the TDCJ Human Resources Division for disciplinary history and rehire eligibility. The applicant's disciplinary history will be considered when approving the volunteer applicant. Applicants who are not eligible for rehire will not be approved as a volunteer unless the appropriate divisional authority agrees.
- b) Employees will not be eligible to serve on a facility where they are currently assigned unless the facility administrator approves the employee volunteer's assignment.

7. Volunteer Programs and Program Areas

Volunteer applicants will select the program area in which they desire to serve. Program areas include: Chaplaincy; Substance Abuse Treatment Program (SATP); SORP; Parole Division; Victim Services; Windham School District (WSD); as a Student Intern and/or at a Transitional Treatment Center (TTC)/Halfway House. The applicant may select more than one program area. All programs are subject to review and approval, to include proposed curriculum (i.e., books, study guides, videos, etc.), prior to implementation. New programs shall be submitted for approval on a program proposal form to the RPD

for review and approval. The program proposal form is available on the TDCJ website under Volunteer Services. The unit volunteer authority is responsible for ensuring that programs and related material have been approved, and materials are maintained, as appropriate. Should the proposed program/curriculum convey a message that is contrary to the mission of the agency (i.e., safety, security, and rehabilitation), the program and the volunteer will not be approved.

8. Additional Processing Requirements for Each Program Area

a) Chaplaincy Program Volunteers

Applicants with a criminal history that select Chaplaincy as their area of interest will be required to:

- i. provide a letter of support from their pastor or other ecclesiastical authority; and
- ii. answer additional questions regarding their criminal history, incarceration and contact with those currently incarcerated (see example form at Appendix C).

If the applicant is an ex-offender, a letter of support from a chaplain or warden that is familiar with the ex-offender applicant is also encouraged.

b) Substance Abuse Program Volunteers

Applicants with a criminal history that select the Substance Abuse Program as their area of interest will be required to answer additional questions regarding their criminal history, incarceration, and contact with those currently incarcerated (Appendix C).

c) SORP Volunteers

Applicants that select the SORP will be reviewed by the SORP manager for approval. Applicants with a criminal history will be required to answer additional questions regarding their criminal history, incarceration and contact with those currently incarcerated (Appendix C).

d) Parole Division Volunteers

Applicants that select the Parole Division as their area of interest will be processed according to the standard procedures only.

e) Victim Services Volunteers

Applicants that select Victim Services as their area of interest will be required to provide a professional and personal letter of support.

f) WSD Volunteers

Applicants that select the WSD as their area of interest will be processed according to the standard procedures only.

10. Applicants with a clear criminal history report will be sent a letter (Appendix D) within 15 working days of receipt of the application to attend volunteer training. Applicants with a criminal history will be processed as requested information/support documentation described under Section IV.8 is received. For those applications, the in-house processing time should take no more than 20 days and a letter to attend volunteer training will be sent to the applicant.

**NOTE:** All support documentation requested of the volunteer (i.e., letter from pastor, letter from supervising officer, etc.) shall be a signed original, dated, and on official letterhead.

## **V. VOLUNTEER TRAINING/ORIENTATION**

- A. Applicants are not considered approved until they attend a volunteer training/orientation session. Training topics shall include, but are not limited to, safety and security, rules of conduct, definition and examples of contraband, emergency situations, confidentiality, lines of communication, liability, and other pertinent information. Additional training similar to on-the-job training may be required by specific program areas (i.e., Parole, WSD) before the volunteer is allowed to begin their volunteer service.

- B. Volunteers shall attend an approved volunteer training session within six months from the date of the letter notifying them to attend training. A list of the training locations available state-wide, and their dates and times for each training session, will be included. Should circumstances prevent the applicant from attending the training session within the six month timeframe, a one-time extension may be granted to the applicant. In this event, a second criminal background investigation will be conducted to confirm the applicant's criminal history status has not changed.
- C. New volunteers must present their training letter to the trainer(s) in order to attend the training session.
- D. Volunteer training is conducted by designated security supervisory staff using the TDCJ Volunteer Training Facilitation Guide. The Guide will be developed in coordination with the VCC and the RPD Staff Development group. The Guide shall reflect the guidelines established within the Plan and will be reviewed by the VCC on an annual basis. Volunteer trainers must be positive representatives for the Agency. Volunteer trainers must be trained to conduct volunteer training. Correctional Institutions Division regional staff will be responsible for training the volunteer trainers. A unit chaplain will typically assist as a co-trainer and will also receive training as a trainer. The RPD staff will provide training to regional staff to train volunteer trainers.
- E. Volunteers shall sign a TDCJ Volunteer Sign-In form (Appendix E) and a TDCJ Acknowledgment of Training/Orientation form (Appendix F) at the conclusion of the training session. These forms provide a written record of the volunteer's training and their written acknowledgment of agency rules and risks. The volunteer trainers shall also sign the training form at the conclusion of the training session.
- F. The volunteer trainers shall collect all signed Acknowledgement of Training/Orientation forms and the Volunteer Training Sign-In Roster and forward to Volunteer Services. Volunteer Services will maintain the rosters for one calendar year and the acknowledgement of training/orientation form will become a part of the volunteer's permanent file.
- G. The Acknowledgment of Training/Orientation form serves as the needed documentation confirming that the volunteer has completed the process to become an approved TDCJ volunteer.

- H. Volunteers are responsible for confirming their approval status prior to scheduling their volunteer visit(s). The volunteer shall contact the appropriate volunteer authority who shall review the volunteer's status on the VS00.
  
- I. Volunteers shall be required to attend volunteer training every two years. The volunteer may attend refresher training at an on-site location or participate in refresher training online (if available). The online training is available to the volunteer in alternating two year increments, beginning with the first refresher training session. The volunteer shall strive to attend a refresher training session within six months of the two year anniversary date. If the volunteer will be attending an on-site training session, they shall contact the unit volunteer authority at the facility they wish to attend the training session at least five days prior to the session in order to be approved to enter the facility. Volunteer Services will generate an annual report to monitor/identify those individuals that have not participated in a refresher training session within the required timeframe. Volunteers who fail to attend a refresher training session within the stated timeframe will be placed in pending status until refresher training has been completed.

## **VI. ENTRY PROCEDURES**

- A. All volunteers shall be required to present a valid picture identification card (e.g. driver's license or similar photo identification) and have received proper clearance in order to enter or exit the facility (refer to Post Order-07.047). Volunteers are required to complete the volunteer sign-in log (Appendices J-1 through J-3) for the program area in which they are participating and will wear a volunteer badge. Volunteers will be searched for contraband prior to entering the facility.
  
- B. Volunteers will be required to seek prior approval from the unit volunteer authority to bring items such as supplies, equipment, study material, food items, etc. into the facility for their volunteer program/visit.
  
- C. Coordination and direct oversight of volunteer activities is provided by facility staff. However, direct oversight does not necessarily imply that the volunteer's assigned staff member shall be physically present while the volunteer activity is being performed (i.e., tutoring, teaching, leading support groups, mentoring, training, and performing other similar activities).

- D. A Volunteer Program Assessment/Suggestion Form (Appendix G) will be available to volunteers in order that they may have input into the TDCJ Volunteer Services' goals and objectives. These forms will be forwarded to each department/division administrative staff. The VRC will convene to review suggestions and determine feasibility for implementation. Suggestion forms will be maintained as administratively valuable.

## **VII. VOLUNTEER CATEGORIES**

### **A. Approved Volunteers**

Individuals that have met the requirements stated in Section IV are approved volunteers. Approved volunteers will make arrangements with the unit volunteer authority to schedule visits and activities.

### **B. Special Volunteers**

Individuals who want to participate in volunteer activities, but are not approved volunteers, will be considered special volunteers with the following requirements.

1. Ex-offenders and releasees who desire to participate in a volunteer activity as a special volunteer must have been released from incarceration at least 12 months at the time of the activity/program and must have the prior approval of the unit volunteer authority. An exemption from this 12 month timeframe requirement may be granted by the executive administration on a case-by-case basis and the exemption shall be documented on the Special Volunteer Approval Form (Appendix H).
2. The Special Volunteer Approval Form (Appendix H) will be completed by the unit chaplain, unit volunteer coordinator or the volunteer/volunteer group and submitted to the unit volunteer authority for approval. The unit volunteer authority has final approval whether or not the individuals listed on the form will be granted access into the facility. Adequate time shall be allowed for obtaining approval for large volunteer activities/programs that will use a large number of special volunteers. The form shall be used for entrance and exit from the facility.
3. The forms will be submitted to Volunteer Services for record-keeping and tracking purposes. A copy of the form shall be maintained on the facility. The Special Volunteer Approval Form shall be maintained for two years.

4. Special volunteers (individuals/groups) approved for visits will receive training/orientation through the Letter of Orientation for Special Volunteers (Appendix I) prior to entering the facility.
5. Once the special volunteer enters the facility for the event, they will initial the Special Volunteer Approval Form in the space provided indicating they agree to abide by the rules and regulations presented in the orientation letter.
6. Special volunteers are subject to sanctions for rule violation(s) (see Section X).
7. Direct oversight is required for special volunteers unless otherwise approved by the facility administrator. Special volunteer groups will stay together unless otherwise approved by the facility administrator.
8. Special volunteers may visit (statewide) no more than four times before they become an approved volunteer. If the individual establishes a pattern of regular, scheduled participation they will be required to become an approved volunteer for future visits. The exception is those individuals that participate in special events such as crusades on an annual basis, but no more than four times in a calendar year.
9. Use of special volunteers is beneficial in recruiting approved volunteers.

B. Student Intern Volunteers

1. Placement of student intern volunteers shall be approved by the appropriate TDCJ department/division supervisor.
2. The student intern shall be jointly managed by designated TDCJ program staff and the student's professor.
3. Student intern volunteers shall be approved volunteers, to include participation in formal training and compliance with all departmental procedures and record-keeping requirements.

4. Major course studies for which volunteer interns may be placed are criminal justice, political science, sociology, psychology, social work, health professions, education, teaching, agriculture and industry-related fields, seminary and ministerial training, or other fields as appropriate to each division.
5. A Memorandum of Agreement (Appendix K) between the department/division with which the student intern will be serving their internship, the student intern, and the participating university will be completed. A copy of the completed form will be maintained in the intern's permanent volunteer file.
6. Student intern volunteer visits will be recorded on the TDCJ mainframe database, VS00.

D. Partners Program Volunteers

1. The Partners Program is a Substance Abuse Felony Punishment Facility (SAFPF) / In-Prison Therapeutic Treatment Facility (IPTC) substance abuse program.
2. A releasee who wishes to participate in the Partners Program must be referred by an approved volunteer.
3. A Partners Program application (Appendix L) must be completed and submitted to Volunteer Services.
4. The Partners Program application shall be signed by an approved volunteer who is willing to sponsor the partner. By signing the application, the approved volunteer attests to the positive characteristics they have seen displayed by the applicant.
5. The applicant must have been released from incarceration at least six months at the time of application or unless otherwise approved by the unit volunteer authority.
6. The applicant shall have one year or more of continuous sobriety, six months of which may be acquired during their incarceration.

7. The applicant must have a letter from their supervising parole/community supervision officer stating that they have satisfactorily completed at least six months of supervision and have their approval to participate in the Partners Program. If the sentence was discharged, a copy of the discharge papers showing completion of sentence must be submitted.
8. Approved Partners must be accompanied by the sponsor volunteer during the unit visit. Unit administration shall be notified of the partner visit at least five calendar days prior to the visit. The warden, or designee, shall have final approval of the visit.
9. Partners Program volunteers may not visit at units where they have a known enemy, relative, friend, or significant other. Volunteer Services shall be notified of potential or known enemies, relatives, friends or significant others that were not reported on the application but recognized by the partner after arrival at a unit.
10. Partners Program volunteer visits will be recorded on the TDCJ mainframe database, VS00.

C. Community Partner Program Volunteers

1. Community Partner Program volunteers shall complete a volunteer application and participate in volunteer training to become an approved volunteer.
2. Community Partner Program volunteer visits will be recorded on the TDCJ mainframe database, VS00.

## **VIII. GUIDELINES FOR VOLUNTEER MANAGEMENT**

The following guidelines are provided for management of volunteers and volunteer activities. All volunteers and facility staff shall adhere to these guidelines. Volunteers are subject to sanctions for failure to abide by the guidelines.

- A. Volunteers shall be respectful of the needs and requirements of each department/division. Volunteer activities shall be consistent with sound correctional practices for security and orderly operations.

- B. Volunteers shall not form a non-professional, personal or emotional relationship with an offender(s).
- C. Volunteers (excluding employee and Victim Services volunteers) may correspond with an offender(s). Correspondence shall not include any references that are sexual in nature; refer to criminal behavior or gang-related information; refer to or include contraband; refer to actions that are inappropriate such as soliciting money, or contain records or documents held by the TDCJ (those not listed in the TDCJ Public Information Act Manual). Volunteers shall not reference or include personal information when corresponding with offenders (e.g., personal photographs, personal relationships, personal finances, etc.) or provide legal and/or financial advice.
- D. Such exchange shall terminate the volunteer approved status. The volunteer shall include the word "Volunteer" as part of the return address. Volunteers shall use a postal box address or the address of the organization, program, or church they represent as the return address.
- E. Volunteers shall not mail any items of correspondence for offenders. This includes, but is not limited to, correspondence between offenders, family members, victims, friends, or enemies.
- F. Volunteers shall not carry/pass messages from offender to offender; the offender's family; their victims or their victim's family in written or verbal form. This includes making or accepting personal calls for or from an offender's family member(s).
- G. Volunteers may be spiritual advisors to offenders, visiting an offender on a one-on-one basis. However, the visit must be arranged and approved in coordination with the facility chaplain and facility administrator.
- H. No volunteer shall contact the victim of an offender, including a family member who may be the victim. The offender may state that he wants to reconcile with or make it up to the victim. It is the responsibility of the TDCJ volunteer to notify volunteer staff if the offender has made such a request, but the volunteer is not to act upon the offender's request. While it is understood that restoration, forgiveness, and reconciliation are important aspects of rehabilitation, the right of the victim will always take precedence over the desire of the offender. The victim, if and when he or she chooses to come face

to face with his or her offender, can contact the Victim Services Division to arrange mediation.

- I. Volunteers are required to acknowledge on their application if a family member, friend, victim, or enemy is assigned to a TDCJ facility. Volunteers are responsible for reporting immediately to the unit volunteer authority when a family member, friend, victim or enemy becomes incarcerated after the volunteer begins their volunteer service.
- J. Volunteers shall not be placed at a location where a relative, friend, victim, or enemy resides or is supervised. Volunteers are responsible for reporting immediately to the appropriate authority when a relative, friend, victim or enemy is moved to the facility on which the volunteer serves. The volunteer may be reassigned to another facility. The unit volunteer authority may permit exceptions to this practice, but the exception shall be documented on the VS00.
- K. Volunteers shall not enter a facility with any item considered to be contraband. All items or materials the volunteer will be using during their program/service must be approved before entry into the facility.
- L. Volunteers shall not remove any item from the facility without prior approval.
- M. Access to telephone service on a facility will be limited to emergency use only, with the exception of CVCA making telephone calls to a family member of an offender when authorized. Any such calls pertaining to an offender's family shall be made from within the facility. Volunteers shall be advised that calls made from the unit may be monitored by agency personnel.
- N. Volunteers shall dress in a conservative and responsible manner that is appropriate for the volunteer assignment being performed and adhere to the grooming standards established herein. Regardless of the volunteer assignment, any attire which is of extreme design, revealing in nature and conveys messages of a derogatory or offensive nature through language, logos, or symbols is prohibited. This includes signs or symbols of apparent membership in a STG/gang as evidenced by tattoos or other signs or symbols of membership. Any extreme haircuts, styles or colors are also prohibited. Items that will not be allowed are: jewelry items worn on the facial areas (e.g., earrings/studs in nose, tongue, lips, or eyebrow); any attire (to include slits in skirts) shorter than three inches above the middle of the knee while standing; sweat suits and wind suits unless

they are appropriate for the activity being conducted; any attire that exposes midriff or shoulders; halter tops or tank tops; slacks and pants worn below the waist; any attire that is considered to be see-through, low-cut (in front or back) or tight-fitting; white shirt and white pants/skirts worn together ; and open-toed shoes worn without socks or hose. The agency may take into consideration the type of activity being offered by the volunteers before ruling on whether or not grooming standards or attire is appropriate.

- O. In accordance with the TDCJ Risk Management policy (RM-25), volunteers will abide by agency safety guidelines and immediately report an injury to the assigned staff member.
- P. Volunteers shall not be permitted to perform any activity involving the actual receipt or handling of money (either cash or readily negotiable documents such as checks, money orders, state warrants, etc.) while performing volunteer/intern services for the TDCJ.
- Q. Volunteers shall not accept any personal gifts from offenders or give personal gifts to offenders. [Exception: See Mentoring Plan]
- R. Volunteers, or their family members, shall not place money in an offender's Trust Fund Account. [Exception: Family member or individual with whom a relationship was established prior to incarceration and declared to the unit volunteer authority or Volunteer Services.]
- S. Volunteers may not visit an offender in regular unit visitation. [Exception: Family member or individual with whom a relationship was established prior to incarceration and declared to the unit volunteer authority or Volunteer Services.]
- T. Volunteers shall not allow a releasee to reside at their personal place of residence. [Exception: Family member or individual with whom a relationship was established prior to incarceration and declared to the unit volunteer authority or Volunteer Services.]
- U. Volunteers shall not have releasees visit in their home [Exception: Group meetings or events (i.e., Alcoholics Anonymous group meetings, religious study groups, religious fellowships, etc.)]

- V. Volunteers may transport releasees.
  
- W. Volunteers shall not, under any circumstances, supervise or manage offenders or other volunteers. Supervision of offenders and volunteers is a staff function. However, CVCAs may coordinate and facilitate religious/substance abuse programming.
  
- X. Volunteers may use the TDCJ office space, supplies, and equipment. Administrators shall maintain control over such usage.
  
- Y. Volunteers will report complaints or concerns directly to the unit volunteer authority. If the issue cannot be resolved at the facility, Volunteer Services must be contacted for coordination with the appropriate divisional authority. Volunteers shall use the Volunteer Suggestion Form to provide information/make suggestions regarding the volunteer program.
  
- Z. Volunteers shall report immediately to the appropriate authority any information revealed by an offender to a volunteer that is criminal in nature or could impact public/facility safety.
  
- AA. The TDCJ has zero tolerance for sexual misconduct, as defined in PD-29 "Sexual Misconduct with Offenders". Volunteers are prohibited from establishing or continuing in personal relationships with offenders, including engaging in, or attempting to engage in, any form of consensual sexual misconduct with offenders or forcing or attempting to force offenders to participate in non-consensual sexual misconduct. Volunteers who violate the policy shall not be allowed to continue to perform services for the agency.

Acts of sexual misconduct include, but are not limited to:

- i. having sexual contact or sexual intercourse with an offender;
- ii. requiring or intentionally allowing an offender to engage in sexual contact, sexual intercourse or other sexual conduct for any reason (e.g., the sexual gratification of another employee or other individual);
- iii. masturbating in front of an offender;
- iv. making obscene or sexual advances, gestures or comments toward an offender or being receptive to any such advances, gestures or comments made by an offender toward another employee or other individual;

- v. touching of self in a sexually provocative way to solicit a response from an offender or while located in any area where offenders might be located (e.g., unit, an office when an offender cleaning crew is present);
- vi. conducting any verbal communication of a sexual nature with or within potential hearing range of an offender;
- vii. providing written communication or photographic items of a sexual nature to an offender; or
- viii. influencing or making promises in exchange for sexual favors or because an offender refused to submit to a sexual advance. This includes putting money into or promising to put money into an offender's trust fund or bringing in or promising to bring in contraband for an offender in exchange for sexual favors.

It is a felony offense if anyone, including a volunteer, at a TDCJ facility violates the rights of a person in custody or engages in sexual contact or sexual intercourse with a person in custody.

Any volunteer who witnesses any such misconduct shall be required to report the misconduct immediately to one or more of the following: facility administrator/warden; Records Management Office, Office of Inspector General – Investigations Division in Huntsville, TX; or the PREA Ombudsman Office in Huntsville, TX.

A volunteer shall not be subject to harassment, retaliation, intimidation or coercion for reporting a personal employee-offender relationship or any incident of sexual misconduct.

- BB. Communication with the media by volunteers regarding any TDCJ business shall be approved by the TDCJ Public Information Office and coordinated with the unit volunteer authority prior to contact and dissemination of any information.
- CC. The TDCJ maintains a drug free workplace. If a volunteer is required to take a prescription/non-prescription medication while on the facility, it must be taken into the facility in the original container. If the medication causes side effects that may affect the volunteer's service, a written statement that includes the name of the prescribed drug, the name of the prescribing physician and possible side effects must be submitted to the appropriate authority.

- DD. Volunteers must notify Volunteer Services when there is a change in the volunteer's name and/or contact information (i.e., address, phone number(s), etc.)
- EE. Volunteers must notify the unit volunteer authority or Volunteer Services within 48 hours if they have been arrested. The volunteer will be placed on pending status in the VS00.
- FF. Volunteers shall not proselytize or induce someone to convert to one's faith or recruit someone to join one's party, institution, or cause while serving as a volunteer. Volunteers shall not disparage the faith of any offender, nor deliberately seek to influence a change in any offender's denomination.
- GG. Volunteers are allowed to bring in electronic musical devices to include PA systems and components, such as microphones and speakers, and portable music players needed for background music, laptop computers without broadband capability. Other electronic devices allowed include amplifiers and instruments used with amplifiers. Before laptop computers are allowed on the unit the volunteer will sign an affidavit (see Appendix M) stating that the laptop computer does not have broadband capabilities. No PDA, Blackberry, cell phone devices or any variations of these types of units are allowed on the facility at any time.

## **IX. PLACEMENT OF VOLUNTEERS**

- A. While preferences of the volunteers shall be considered, placement of volunteers will be based on the needs of the facility, needs of the offender population, space availability, existing program schedules, and the proposed volunteer activity.
- B. Approved volunteers shall sign the Volunteer Assignment Description Form (see Appendix N), which will become a part of the facility volunteer file, and will be updated as necessary. This form shall be kept on the unit as deemed administratively valuable.

## **X. CONFIDENTIALITY**

All approved volunteers shall agree in writing by signing the Volunteer Training/Orientation form to abide by agency policies relating to security and confidentiality of all records and information, both written and verbal, which pertains to employees, offenders, and releasees. A volunteer may have access to confidential information on an as needed basis and as approved by the appropriate department and applicable facility administrator or their designee. Approved

volunteers that are granted access to the TDCJ mainframe system will be required to be fingerprinted via the TDCJ Livescan system. Facility staff shall contact Volunteer Services to make arrangements for the designated volunteer to be fingerprinted. Failure of the volunteer to maintain confidentiality as stated may incur a penalty for disclosure of such information, i.e., criminal prosecution or civil suit.

## **XI. VOLUNTEER RESIGNATION AND INACTIVITY**

A volunteer may be deleted from the program by resigning or for inactivity.

- A. A volunteer that wishes to discontinue their participation in the volunteer program shall notify the appropriate authority and submit a letter of resignation. The volunteer's status will be changed to "delete" on the TDCJ mainframe volunteer database, VS00. Should the individual desire to renew their service, they must repeat the approval process (application and training).
- B. A volunteer who has been inactive for two years will be deleted from the program. Departments/divisions shall screen volunteer records once per year identifying those volunteers who have not provided services during the past two years. The volunteer's status will be changed to "delete" on the TDCJ mainframe volunteer database, VS00. Should the individual want to renew their service, they must repeat the approval process (application and training).

## **XII. VIOLATION OF POLICY**

- A. Volunteers are subject to sanctions for failure to abide by the TDCJ rules and regulations or failure to perform responsibilities in accordance with the assignment description or expectations. Serious or unusual incidents involving volunteers will be reported in accordance with AD-02.15 (Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents). The unit volunteer authority shall be notified in any such event so that appropriate action may be taken.
- B. The unit volunteer authority shall contact Volunteer Services within ten days of the date of the charge/incident to change the approval status of the volunteer to "pending" on the TDCJ mainframe volunteer database, VS00. The volunteer will not be allowed to continue their service until an investigation has been completed and a decision is made regarding action to be taken, if any. Violations that typically result in a letter of

instruction do not require placing the volunteer on pending status.

- C. The unit volunteer authority shall initiate an investigation into the allegations of improper behavior to include securing witness statements and a statement from the volunteer, if required.
- D. Sanctions will be progressive in nature but determined by the seriousness of the violation; results of the investigation; previous violations; and service history of the volunteer. As warranted, sanctions include, but are not limited to: a letter of instruction; verbal reprimand; suspension; restriction(s); reassignment; retraining; removal from the program (denied) or a combination thereof.
- E. The unit volunteer authority shall consult with the director of volunteer services prior to final disposition of sanctions.
- F. The unit volunteer authority shall contact the volunteer to discuss the results of the investigation and confer the sanction(s), if any. An entry into the VS00 will be made documenting the sanctions and any change(s) to the volunteer's status within 15 days after the volunteer is notified. The volunteer may appeal the decision to the appropriate division volunteer authority.
- G. The unit volunteer authority shall complete a Volunteer Violation of Policy form (see Appendix O), attach support documentation, and submit the form to Volunteer Services. If due to unforeseen circumstances the investigation/forms completion process is delayed, the unit volunteer authority shall contact Volunteer Services for an extension.
- H. For those volunteers whose status is changed to "denied", an electronic message will be sent to facility administrators notifying them of the change in approval status. Volunteers who have been placed in denied status due to violation of policy may reapply for consideration to become an approved volunteer one year from the date of the incident (exceptions may be granted on a case by case basis).
- I. The Violation of Policy form will be placed in the volunteer's permanent file. Violation of Policy forms will be maintained as long as deemed administratively valuable.

### **XIII. RECORDKEEPING AND REPORTING**

In order to accurately record/report volunteer activities/services within the TDCJ, each department/division shall report all monthly volunteer statistics/activities.

A. Definitions for Volunteer Statistics:

**Cumulative (C)** - In statistical reports, the cumulative number (C) for each volunteer category shall reflect the total volunteer activity to date, beginning with the onset of the current fiscal year.

**Fiscal Year Total** - The statistics for all volunteer categories shall start from a zero balance EXCEPT for the number of approved volunteers, employee volunteers, certified volunteer chaplains' assistants and any carry-over student intern volunteers.

**Monthly (M)** - In statistical reports, the monthly number (M) for each volunteer category shall reflect that volunteer activity for the reporting month.

**Volunteer Contacts** - The number of offenders, victims, or offender family members that received rehabilitative service, activity or program from an individual volunteer. (Note: The same offender or victim may have contact with multiple volunteers depending on the rehabilitative programming in which the offender or victim is participating.) Correspondence shall not be considered an offender or victim contact and shall not be reported as such.

**Training** – The actual number of volunteers that have completed volunteer training/orientation for the reporting month.

**Volunteer Hours** - The actual number of hours a volunteer has spent in providing some type of rehabilitative activity or service for offenders or victims.

**Volunteer Visit** - Each time an approved or special volunteer visits any facility in order to provide some type of rehabilitative service, activity or program for offenders or victims.

B. TDCJ Monthly Statistical Volunteer Report

The monthly statistical report will be completed by each department/division and forwarded to the VCC coordinator by the third Friday of each month. The monthly report shall include the following information: number of approved volunteers (to include employee volunteers, CVCAs, ex-offenders, mentors, partners, and student interns); volunteer visits; volunteer hours; volunteer to offender/victim contacts; special volunteer visits; special volunteer hours; and special volunteer to offender/victim contacts. These monthly reports will become a part of the annual VCC Fiscal Report and will be maintained in the record retention schedule as long as it is deemed administratively valuable.

C. Annual VCC Fiscal Report

The VCC Coordinator shall prepare an annual report that includes a summary of the monthly statistical reports and an overview of each volunteer program area. The annual report shall be completed within six months of the closing current fiscal year ending.

D. Volunteer Training Report

A monthly report that reflects the number of volunteer training sessions scheduled state-wide; the number of volunteer training sessions conducted; the number of special training sessions conducted; and the number of attendees for each session. The data will reflect the previous month's totals.

E. Emergency Action Center (EAC)

An annual review of the number of EAC reports submitted for the fiscal year in comparison to the number of volunteer visits to determine a ratio of serious or unusual incidents involving volunteers to volunteer visits. The number of serious or unusual incidents should not exceed two percent of the total number of volunteer visits.

F. Each department/division's designated volunteer staff shall ensure data is entered into the VS00 to record volunteer activity (i.e., history of visits). Data will be entered by the tenth day of the month following the reporting month.

#### **XIV. VOLUNTEER FILES**

- A. The approved volunteer's permanent file (paper file) will be maintained by the division's central administration staff for the program area for which the volunteer serves. These files will be maintained for three years after the volunteer's status has been changed to delete. Volunteer files with a status of denied due to policy violations will be maintained as administratively valuable by all departments/divisions. Individuals who apply to be an approved volunteer but fail to complete the necessary training or fail to submit required documents/licenses within the allotted timeframe will be classified as incomplete and the volunteer file will be destroyed. Individuals who apply for approved volunteer status but are denied due to their background check will be classified as denied and documents received will be maintained as administratively valuable. The permanent file will contain the following documents:
- Volunteer Application
  - TDCJ Acknowledgement of Training/Orientation form(s)
  - TDCJ Volunteer Assignment Form (Parole and Victim Services only – all other departments/divisions shall maintain the form in the facility file)
  - Criminal History (NCIC/TCIC)
  - Pertinent Licenses/Certification
  - TDCJ Volunteer Violation of Policy form (if applicable)
  - Other notes/statements deemed appropriate.
- B. The electronic volunteer file (VS00) is created when a completed application is received by each department/division. The electronic file serves as an official record and contains information from the volunteer application; regarding policy violations; restrictions and reflects the status of the volunteer. The electronic file of those volunteers in denied status will be maintained as long as deemed administratively valuable. The electronic file of those volunteers in delete status will be maintained for three years.

#### **XV. RECOGNITION OF VOLUNTEERS**

- A. Recognizing the valuable contributions of volunteers is an important part of the volunteer program. Volunteers shall be recognized annually for their contribution. This may range from a formal event that may include a program, presentation and food or as informally as a letter and certificate of appreciation.

- B. Local or regional events shall be coordinated with the appropriate division volunteer administrator or designee. The unit volunteer authority shall be included in the planning phase.
- C. A calendar of award/recognition programs for the calendar year shall be established for reporting/tracking purposes.
- D. An annual agency-wide volunteer awards ceremony will be coordinated by the VCC and its chair and in coordination with the TBCJ. In all cases, awards, events, or ceremonies provided by the agency shall be adhere to the financial limits set forth in Texas Government Code § 2109.004.

## **XVI. MONITORING**

Performance measures will be reviewed at VCC meetings and evaluated to determine if the goals of the program are being met. The VCC will make necessary adjustments to the Plan to ensure effectiveness of the volunteer program. Performance measures may include, but are not limited to: processing timelines for applications and policy violations; volunteer training; EAC reports; number of new applications; and volunteer appreciation events

Each department/division shall establish a system of self audits to ensure data on volunteers and their service(s) is entered accurately on the VS00; reporting procedures are followed and timelines met; and training for volunteers and facility volunteer trainers is meeting the intended goal.

## **XVII. VOLUNTEER REVIEW COMMITTEE (VRC)**

- A. The VRC shall be a standing committee that will consist of three members, or their designees:
  - Director of RPD.
  - Division director for which the concern/issue is affected.
  - VCC member from the appropriate program area.

B. The functions of the VRC are as follows:

- Review submitted justifications from wardens/office administrators regarding placement denial of approved volunteers.
- Review volunteer plan violations, volunteer suggestion forms, and other related volunteer issues
- Review applications of individuals who have been identified in association with a STG and did not complete the GRAD process before release.
- A VRC Form (see Appendix P) will be prepared for the meeting and committee members will sign the form indicating their position (approved/disapproved) regarding the volunteer applicant.

C. The director of volunteer services will convene the committee on an as-needed basis. Appeals to decisions made by the VRC shall be directed to the director of volunteer services.

## APPENDIX OF VOLUNTEER FORMS

APPENDIX A	TDCJ Volunteer Application	A form required as the initial step in becoming an approved volunteer. An on-line version is available from the TDCJ website.
APPENDIX B	Monthly Volunteer Application Summary	A report that reflects the number of new applications received each month.
APPENDIX C	Criminal History Questionnaire	Form mailed to volunteer applicant with a criminal history to obtain additional information regarding their incarceration.
APPENDIX D	Volunteer Training Letter	Letter sent to the volunteer applicant to attend a volunteer training session.
APPENDIX E	Volunteer Training Sign-In Form	Signed by the volunteer upon entrance to the training session. Volunteer trainer will also sign.
APPENDIX F	Acknowledgement of Training / Orientation Form	Signed by the volunteer and volunteer trainer at the conclusion of the training session.
APPENDIX G	Volunteer Program Assessment / Suggestion Form	Available to the volunteer to provide input into the volunteer program.
APPENDIX H	Special Volunteer Approval Form	Form listing all special volunteers and is submitted to the unit warden for approval prior to the volunteer activity.
APPENDIX I	Letter of Orientation for Special Volunteers	Training/orientation for the special volunteer. Provided to the special volunteer prior to the event.
APPENDICES J1-J3	Volunteer Sign-In Logs	Facility sign-in logs for volunteer program areas (i.e., Chaplaincy, Parole and Substance Abuse).
APPENDICES K1-K3	Student Intern Memorandum of Agreement forms	Utilized for establishing an agreement between a student intern and the TDCJ. Includes a confidentiality and indemnification statement.
APPENDIX L	Partner Application	A form required for volunteer applicants interested in the Substance Abuse Partner Program.
APPENDIX M	Broadband Affidavit	Required for volunteers that bring in laptop computers as part of their service.
APPENDIX N	Volunteer Assignment Description	To be completed by the volunteer and facility volunteer staff member.
APPENDIX O	Violation of Policy	To be completed when volunteers violate TDCJ policy.
APPENDIX P	Volunteer Review Committee Form	To be completed as part of the VRC process.