

INMATE CLASSIFICATION
RECORDS SUBPOENA ATTACHMENT

1. All disciplinary reports (TDC form I-47);
2. All original offense reports (no TDC form number);
3. All disciplinary reports (TDC form MO-01);
4. All disciplinary hearing records (TDC form I-47A);
5. All hearing worksheets (TDC form CS-12);
6. All service investigation worksheets (TDC form CS-10.11);
7. All administrative segregation reports (TDC form I-169A);
8. All administrative segregation hearing reports (TDC form I-169A);
9. All administrative cell records (TDC form I-191);
10. All administrative medical inspection reports (TDC form I-7A);
11. All segregation confinement records (TDC form I-201);
12. All segregation confinement records (TDC form I-201-W);
13. All investigative reports from the work location (no TDC form number);
14. All inmate medication received reports (no TDC form number)
15. All inmate request forms (TDC form I-60)
16. All inter-office communications concerning this inmate (no TDC form number);
17. All state disciplinary committee and unit reclassification committee communications/letters (TDC form RO-52);
18. All inter-office communications to the district attorney concerning any actions taken or any offenses committed while in TDC (no TDC form number);
19. All detainer letters (TDC form RO-7);
20. All support service inmate deletion forms (no TDC form number);
21. All special precaution transfer checklists (TDC form AD-50);
22. All inter-office communications concerning inmate free will donation to the Tullos/Smith Fund or any other free will donation (TDC form SO-2);
23. All situational furlough requests (no TDC form number);
24. All furlough information forms (no TDC form number);
25. All furlough agreement forms (no TDC form number);
26. All inmate grievance forms (TDC form I-127);
27. All personal property receipts (TDC form I-136);
28. All employee injury report forms (TDC form TNG-29);
29. All injury reports (TDC form SAF-04);
30. All safety regulation forms signed by this inmate (TDC form SAF-01);
31. All medical records

MEDICAL/PSYCHIATRIC RECORDS SUBPOENA ATTACHMENT

1. ALL MEDICAL RECORDS
2. ALL PSYCHOLOGICAL/PSYCHIATRIC RECORDS (INCLUDING ALL RECORDS FROM EVERY PSYCHIATRIC UNIT OFFENDER HAS BEEN ON)
3. ALL RECORDS CONTAINED IN OFFENDER'S BLUE AND BROWN FILES
4. ALL PAMIO PROGRAM RECORDS
5. ALL MEDICAL/PSYCHOLOGICAL/PSYCHIATRIC EVALUATIONS
6. ALL MEDICATION RECORDS (TO INCLUDE MEDICATION COMPLIANCE RECORDS FROM DATA PROCESSING)
7. ALL PRESCRIBED TREATMENT RECORDS
8. ALL RECORDS DISCUSSING/REFERENCING DIAGNOSIS AND PROGNOSIS OF PATIENT
9. ALL RECOMMENDATIONS/REFERRALS FOR MEDICAL AND PSYCHIATRIC COUNSELING
10. ALL OTHER ACTIVITIES RECORDED IN OFFENDER'S MEDICAL/PSYCHIATRIC RECORDS
11. ALL IN-PATIENT RECORDS
12. ALL OUT-PATIENT RECORDS
13. ALL RECORDS FROM MEDICAL RECORDS ARCHIVES
14. ALL ADMINISTRATIVE SEGREGATION OUT-PATIENT SOCIAL/PSYCHIATRIC NOTES, PSYCHIATRIC THERAPIST NOTES AND ANY MEDICATION LOGS/NOTES

**SUBJECTS OF SOME PERTINENT
TDCJ DIRECTIVES AND POLICIES**

<u>SUBJECT</u>	<u>DIRECTIVE</u>
Attorney/Offender Telephone Calls	AD-03.92
Complaints, Unit with Departmental Policies and Procedures and with the <u>Ruiz</u> Final Judgment, Establishment and Administration of TDCJ Monitoring Systems for	AD-02.92
Confiscation, Guidelines for TDCJ-ID Offender Personal Property	AD-03.72
Contraband, (Offender) Confiscation and Disposal of.....	AD-03.72
Crime Scene Protection and Evidence Handling	AD-16.03
Disciplinary Actions, Review of Offender	AD-04.35
Disciplinary Procedures (Offender)	AD-03.76
Disciplinary Punishment, Use of "Remain Line Class III" as (a Major).....	AD-04.36
Employee, Evidence Handling and Crime Scene Protection	AD-16.03
Housing, Offenders Requiring Single Cell	AD-04.68
Law Enforcement Authorities, Notice to in Cases of Violence Against Offenders	AD-03.36
Law Enforcement Powers (Limited), TDCJ-ID State Jail Employee	AD-03.25
Lay-Ins, Medical	AD-03.62
Offender Aggression, Prevention of Staff Injuries Due to	AD-03.48
Offender, Disciplinary Actions	AD-04.35
Offender, Disciplinary Procedures	AD-03.76
Offender, Injury Report Photographs (Precautionary Measures to be Utilized)	AD-03.47
Offender, Searches of.....	AD-03.22
Offender, Transfers Requested by Elected or Appointed Officials	AD-03.74
Offender, Urine Testing.....	AD-03.21
Offenders who Throw Projectiles, Management of	AD-03.80
Personal Property, Offender	AD-03.72
Personal Property, Offender	AD-03.73
Photographs, Offender Injury Report (Precautionary Measures to be Utilized)	AD-03.47
Prevention of Staff Injuries Due to Offender Aggression	AD-03.48
Standards for the Use of Force	BP-03.46
Standards Governing the Use of Force and Chemical Agents.....	BP-03.49
Telephone, Calls Between Attorney/Offender	AD-03.92
Telephone, Offender Access to.....	AD-03.90
Tobacco Policy, TDCJ	Board Rule 151.25
Use of Force, Procedures for	AD-03.46
Use of Force, Standards.....	BP-03.46
Use of Force Equipment, Standards Governing and Chemical Agents.....	BP-03.49
Use of State-Owned Vehicles.....	AD-02.50

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
HEALTH SERVICES DIVISION
AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____
(Name of Offender) (TDCJ Number)

(Social Security Number) (Date of Birth) (Admission Date) (Discharge Date)

hereby authorize: _____
(Name of Person or Organization)

to release the following information from my records:

(PLEASE LIST SPECIFIC INFORMATION) _____

TO: _____
(Name of Person or Organization to which information is to be sent)

(Address of Unit)

for the purpose of: _____

This consent is subject to revocation at any time except to the extent that action has been taken in reliance thereon, and upon:

(Date, event or condition)

This consent will expire within 180 days without express revocation.

OFFENDER REQUEST: I request the Texas Department of Criminal Justice to release specified below, to the organization, agency or individual named on this request. I understand that the information to be released includes information regarding the following condition(s):

AIDS, AIDS related complex (ARC)
and HIV antibody testing

Drug Abuse
Psychiatric Treatment

Sickle Cell Anemia
Alcohol Abuse and Alcoholism

(Signature of Offender)

(Date)

(Signature of Witness)

(Date)

NOTICE TO RECIPIENTS OF INFORMATION: This information has been disclosed to you from records whose confidentiality is protected by State Law. The Texas Hospital Act (Chapter 241, Health and Safety Code), the Medical Practice Act (Article 4495b-5,08 VTCS), and the Mental Health Records Act (Chapter 611, Health and Safety Code) prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such laws.

CAUSE NO. _____

THE STATE OF TEXAS

V.

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

MOTION NOT TO BE TRIED IN JAIL CLOTHES OR RESTRAINTS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant in the above entitled and numbered cause by and through his attorney of record and files this Motion not to be tried before the Jury in jail clothes and restraints and in support thereof would show the following:

I.

On Defendant's being placed in confinement, his regular civilian type clothing was taken from him and he has been compelled to be dressed in identifiable prison clothing. When Defendant is brought from the Texas Department of Criminal Justice—Institutional Division to Court, he will be handcuffed and shackled or be required to wear other such restraints, and may not have been allowed to shower and shave on the date of trial.

II.

Compelling the Defendant to be tried before a Jury in such distinctive, identifiable attire and restraints, without personal hygiene, will affect the Jury's judgment and violates the Defendant's constitutional right of presumption of innocence.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court order the Sheriff or Warden not to bring the Defendant to the courtroom for the purpose of trial or into the presence of any member of the jury panel attired in a prison uniform or in restraints of any kind.

Respectfully submitted,
STATE COUNSEL FOR OFFENDERS
Texas Department of Criminal Justice
Attorney for Defendant

Attorney, Staff Attorney
Post Office Box 4005
Huntsville, Texas 77342-4005
(409) 437-_____/State Bar No. _____

CAUSE NO. _____

THE STATE OF TEXAS

VS.

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

MOTION TO DISQUALIFY JURORS AS A MATTER OF LAW

Comes Now, _____, by and through his counsel of record, and files this his Motion to Disqualify, as jurors, present employees of the Texas Department of Criminal Justice—Institutional Division (TDCJ-ID), to protect Defendant's right to equal protection of the law of the United States and Texas Constitution, and for cause would show the Court as follows:

I.

Some of the prospective jurors are employees of the Texas Department of Criminal Justice—Institutional Division. The Texas Department of Criminal Justice—Institutional Division is an agency of the state. TDCJ-ID employees generally have ready access to classification information on inmates, have regular contact with officers of Internal Affairs, frequently work directly or indirectly with witnesses in inmate cases and possess specialized knowledge which may be inadvertently supplied to other jurors in this cause. There is also the potential that because of their specialized training in the areas directly related to the case that other jury members would rely on their inclinations instead of engaging in the process of deliberation and evaluation on an individual basis.

II.

The State of Texas is bringing this action against the Defendant. Therefore, the State of Texas is a party to this cause. Likewise, the Texas Department of Criminal Justice is an agency of the State of Texas. An employee of the State, a party to this cause, should be foreclosed from serving on this jury.

III.

The Texas Government Code provides in Section 62.105 that "a person is disqualified to serve as a petit juror in a particular case if he is interested, directly or indirectly in the subject matter of the case." This provision does not make any exclusions for jurors in criminal cases. For this reason, Section 62.105, Tex. Gov. Code, should be read in conjunction with Art. 35.16 of the Texas Code of Criminal Procedure to excuse from jury service any employee of the Texas Department of Criminal Justice--Institutional Division on the grounds that while they may not have a direct interest in the case there is an indirect interest in the case.

Wherefore, Premises Considered, counsel for the Defendant requests that the foregoing motion be granted and that all employees of the Texas Department of Criminal Justice—Institutional Division be excused from jury service in this cause.

Respectfully Submitted,
State Counsel for Offenders
Texas Department of Criminal Justice
Attorney for Defendant

Attorney, Staff Attorney
P. O. Box 4005
Huntsville, TX 77342-4005
(409) 437-_____
State Bar No. _____

CAUSE NO. _____

THE STATE OF TEXAS

VS.

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

MOTION TO REQUIRE STATE TO AVOID RAISING SPECIFIC PRIOR
CONVICTIONS OF DEFENDANT PURSUANT TO DEFENSE STIPULATION

Comes Now, _____, by and through his counsel of record, and in accordance with Old Chief v. U.S., 136 L.Ed.2d 574, 117 S.Ct. 644, moves the Court to order the State not to raise, in any manner whatsoever during the guilt-innocence phase of this trial, the specific crimes which the Defendant was convicted of, and which do not directly relate to truthfulness.

I.

The Defendant, _____, if he testifies in his own defense, is willing to stipulate, for the sole purpose of the guilt innocence phase of the trial, as to his number of prior felony convictions not relating to credibility. Defendant therefore moves the Court, consistent with the holding in Old Chief, id., recognize that when the name or nature of the prior offense raises the risk of a verdict tainted by improper considerations, and when the purpose of the evidence is solely to challenge Defendant's credibility the State cannot refuse such stipulation.

II.

The jury will already know the Defendant has been convicted of a felony, because they will be told he is an inmate of TDCJ-ID as part of the State's case in chief, since the prison unit is the location of the alleged offense. With the stipulation as to Defendant's number of prior felony convictions unrelated to trustworthiness, the specific crimes become irrelevant for purposes of impeachment. The substantial possibility of prejudice to the Defendant thereby substantially outweighs the nonexistent probative value of any prior conviction unrelated to trustworthiness.

Wherefore, Defendant prays this motion be granted.

Respectfully Submitted,
State Counsel for Offenders
Texas Department of Criminal Justice
Attorney for Defendant

CAUSE NO. _____

THE STATE OF TEXAS

VS.

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

MOTION TO TESTIFY FREE FROM IMPEACHMENT FROM PRIOR CONVICTIONS

COMES NOW, _____, by and through his counsel of record, and in accordance with Rule 609, Texas Rules of Criminal Evidence, moves the Court to allow him to testify at the guilt/innocence stage of the trial free from impeachment by any prior convictions of which the state has given notice of an intent to use for such purpose, as follows:

I.

The prior convictions would so inflame the minds of the jurors that any value with reference to impeachment (these offenses having no particular correlation with truth-telling) would be outweighed by its prejudicial impact.

II.

The jury will already know the Defendant has been convicted of a felony, because they will be told he is an inmate of TDCJ-ID as part of the State's case in chief, since the prison unit is the location of the alleged offense.

III.

To require that the jury hear the nature of Defendant's prior record as a condition of his testimony would have a chilling effect on his right to a fair trial under both the Texas and U.S. Constitutions.

Wherefore, Defendant prays this motion be granted.

Respectfully Submitted,
State Counsel for Offenders
Texas Department of Criminal Justice
Attorney for Defendant

Attorney, Staff Attorney
P. O. Box 4005
Huntsville, TX 77342-4005
(409) 437-_____
State Bar No. _____

PRISON VOCABULARY

Affiliated: An inmate who is in a gang or who hangs out with a large group of other inmates.

Aggie: A hoe used to till the ground.

Blood-In, Blood-Out: To gain admission to some gangs you must kill someone, and to resign you must die or you will be killed by fellow members.

Clicking: When several inmates physically assault or manipulate another, usually weaker inmate.

Croaker: A prison medical officer.

Disrespect: This word, used as a verb, means to physically or mentally attack an inmate. If someone disrespects an inmate who is a gang member, the attacker disrespects the entire gang.

Drop a Dime on Them: Informing on another person.

Fall Partner: Accomplice in criminal act; rap partner.

Fish: A new inmate, especially one who has never been in prison before.

Hogging: One inmate is forced to fight other inmate, one after another, until the single inmate succumbs or he beats everyone else.

House: A cell.

Jacket: An inmates prison file or reputation.

Keister Stash: Drugs or other contraband hidden in the anus, usually inside a rubber balloon.

Locker Knocker: An inmate who steals from other inmates.

Out of Place: Inmates who are in the wrong custody area.

Punk: A weaker inmate who is considered the property of a stronger inmate.

Run: A cell block.

Running Store: An illegal operation, wherein an inmates sells other inmates items at prices often twice as much as what they cost at the commissary.

Squirrel: A mentally ill inmate (a ding).

Ticket: Inmate's record or discipline report

3.8.11 ATTORNEY VISITATION RULES

3.8.11.1 Attorney Visits Definitions

As used in Rule 3.8.11.

(1) the word "attorney" shall refer to any attorney licensed by and currently in good standing with any state bar of the United States and, except as used in Rules 3.8.11.5 and 3.8.11.6, shall also refer to that attorney's designated representative;

(2) the term "designated representative" shall refer to any individual (e.g. paralegal employee, legal assistant, clerk, student, investigator, or interpreter) certifying through the attorney's authorization that his/her visit with a Texas Department of Criminal Justice (TDCJ) offender is for matters related to an attorney-client or attorney-witness relationship and for no other purpose;

(3) the phrase "Warden or Facility Administrator" shall refer to any Warden or Facility Administrator of a prison unit or facility in the Texas Department of Criminal Justice and to that Warden or Facility Administrator's designee.

3.8.11.2 Periods of Visitation

Except as limited by Rules 3.8.11.3, 3.8.11.22, 3.8.11.23 and 3.8.11.24, any offender, including one in the Diagnostic Unit, on medical reprieve, in administrative and punitive segregation, or on Death Row, may have a visit from any licensed attorney, Monday through Friday, excluding State and Federal holidays, between 8:00 a.m. and 5:00 p.m., including lunch and dinner hours, for any length of time. If it would not unreasonably disrupt work schedules or threaten prison security, the Warden or Facility Administrator may permit the visit to extend past 5:00 p.m. On Saturdays, Sundays and State and Federal holidays, attorneys may visit subject to the rules governing non-attorney visits and to Rules 3.8.11.1, 3.8.11.3 - 3.8.11.7, 3.8.11.9, 3.8.11.12 (to the extent it applies to Rule 3.8.11.9), 3.8.11.15 - 3.8.11.18 and 3.8.11.20 - 3.8.11.25, unless the Warden or Facility Administrator grants additional privileges such as those set out in Rule 3.8.11.

3.8.11.3 Notice

By 3:30 p.m. of the day immediately preceding the date that an attorney wishes to visit an offender, the attorney must give the name of each offender to be visited and an estimated arrival time to the Warden or Facility Administrator of the unit or facility to which each offender is assigned.

Notice to the TDCJ employee answering the telephone during normal office hours in the office of the Warden or Facility Administrator for the unit or facility to be visited shall be deemed notice to the Warden or Facility Administrator. Upon giving such notice, the attorney shall have the right to visit, subject to any limitations set out in Rule 3.8.11. After the attorney has arrived at the unit or facility to which the offender is assigned and provided proper identification as provided by Rule 3.8.11.4, the Warden or Facility Administrator shall produce the offender for the visit without unreasonable delay.

If the attorney does not give the notice provided by this Rule, the visit may be permitted by the Warden or Facility Administrator of the unit or facility to which the offender is assigned if the visit would not unreasonably disrupt work schedules or threaten prison security.

3.8.11.4 Identification

Attorneys: Attorneys must satisfactorily identify themselves to the Warden or Facility Administrator and complete and sign a copy of the "Attorney Application to Visit TDCJ Offender" form (I-163). An attorney bar card and either a driver's license or some other official identification that includes a photograph and the name of the attorney are satisfactory identification for a licensed attorney. Any other individuals accompanying a licensed attorney during a particular visit, must complete the "Attorney Authorization for Approved Representative to Visit TDCJ Offender" form (I-166) before the visit is granted.

Designated Representatives: If written authorization to serve as an attorney's designated representative has been filed with TDCJ and approved in accordance with Rule 3.8.11.5, or Rule 3.8.11.4, upon arrival at the unit or facility immediately before the visit, the representative must present satisfactory identification to the Warden or Facility Administrator, complete and sign a copy of the "Attorney Authorization for Approved Representative to Visit TDCJ Offender" form (I-166), and present a notarized statement signed by the attorney that contains the following information for each offender: (1) name of the attorney and State Bar number, (2) name of the representative, (3) name and TDCJ number of each offender to be visited, (4) name of the unit or facility in which each offender is incarcerated, (5) date of the visit, (6) whether each offender is the attorney's client or witness, (7) the attorney's signature, and (8) a notary's certificate. Either the representative's driver's license or some other official identification that includes a photograph and the name of the representative shall constitute satisfactory identification.

The Warden or Facility Administrator shall maintain a file record of the completed attorney and attorney representative forms.

3.8.11.5 Designated Representative's Application

For TDCJ approval to serve as an attorney's designated representative, the representative (unless accompanying the licensed attorney as described in 3.8.11.4) must submit to the Warden or Facility Administrator of the TDCJ unit or facility to be visited, at least one week before the first requested visit to TDCJ, as that attorney's representative, a completed and signed copy of the "Application to Visit TDCJ Offender as Attorney's Representative" (long form I-164). If it would not unreasonably disrupt work schedules or threaten prison security, the Warden or Facility Administrator may accept such an application filed less than one week before the requested visit. TDCJ shall maintain the confidentiality of all information provided on all such completed applications. If the answer to any question leads TDCJ to reasonably believe that a visit by the representative may pose a legitimate threat to prison security, TDCJ may ask such additional questions of the representative as are reasonably calculated to lead to the discovery of information that would prove the existence or extent of such security threat. If the attorney's designated representative has previously completed the I-164 (long form) and submitted it to any TDCJ unit or facility for the same attorney, it need not be submitted before a visit to either the unit or facility first visited, or any other TDCJ unit or facility.

3.8.11.6 Rejection of Representative's Application

When the attorney's designated representative form is required and has been completed and submitted, the Warden or Facility Administrator of the unit or facility at which the requested visit will occur shall determine within a reasonable time, and in any event no later than 4:00 p.m. of the day before the date of the requested visit, whether to reject the requested visit. A visit by a designated representative shall only be rejected if the visit would cause a legitimate immediate threat to prison security. If the decision is to reject the visit request, then, within forty-eight (48) hours after the decision is made, the Warden or Facility Administrator shall mail the sponsoring attorney a written explanation of the reasons for the decision. Between 4:00 and 5:00 p.m. of the day before the date of a requested visit or during office hours on the day of a requested visit, any designated representative who has requested a visit with any offender or that representative's sponsoring attorney may contact the Warden or Facility Administrator of the unit or facility in which the offender resides to determine whether the Warden or Facility Administrator has decided to reject the requested visit. When the short form is required and has been completed and submitted, the Warden or Facility administrator shall permit the visit, subject to any other restrictions set out in Rule 3.8.11.

3.8.11.7 Limits on Number of Visits and Persons per Visit

Visits by an attorney are not counted in the number of visits allowed an offender. Offenders are not limited in the number or length of visits by attorneys. Except as provided in Rules 3.8.11.22, 3.8.11.23 and 3.8.11.24, one or more attorneys may visit one or more offenders at the same time, subject to reasonable regulation of the time, place and number of participants. Advance notice as provided in Rule 3.8.11.3 must be given for each offender to be visited.

3.8.11.8 Privacy

At all times during a visit between an offender and an attorney, unless requested to do otherwise by either the attorney or the offender, the Warden or Facility Administrator shall respect the privacy of the visit and maintain a sufficient distance from the visiting offender and attorney to preserve the privacy of communications between them. This rule does not limit the Warden or Facility Administrator's ability to maintain visual surveillance during the visit or to terminate the visit as provided in Rule 3.8.11.16 in case of a threat to prison security.

3.8.11.9 Items Permitted with Attorney

Attorneys may bring briefcases and attaché cases into the visiting area. Attorneys may also bring a tape recorder into the visitation area and may use it for taking notes of the interview with the offender and for recording the conversation between the attorney and the offender, but for no other purpose. Attorneys are prohibited from bringing portable telephones, wireless communication devices, or other electronic equipment (e.g. video, etc.) into the visitation area. The Warden or Facility Administrator may open and inspect briefcases, attaché cases, and tape recorders, but only in the attorney's presence and only for the purpose of detecting contraband. The Warden or Facility Administrator may also search the attorney for weapons and contraband.

3.8.11.10 Items Permitted with Offender

Offenders may bring documents into the visiting area. Those documents may be inspected by the Warden or Facility Administrator, but only in the offender's presence and only for the purpose of detecting contraband.

3.8.11.11 Exchange of Items

Under no circumstances will an offender and an attorney be permitted to exchange any item that threatens prison security (e.g. currency, weapons, drugs) or any item described in Rule 3.8.11.20. During a visit an attorney and an offender are permitted to directly and confidentially exchange documents and other items (e.g. writing utensil) to facilitate transaction of legal matters.

3.8.11.12 Rejection of Contraband Articles

If an item constituting contraband as defined in Rule 3.8.11.20 is found in an inspection permitted by Rules 3.8.11.9 and 3.8.11.10, the Warden or Facility Administrator shall reject the contraband, shall immediately give each attorney and offender who participated in the exchange a written statement of the reason for the rejection, and may terminate the visit if such action is reasonable in relation to the seriousness of the violation as determined by the nature of the contraband. Any such offender or attorney may appeal the rejection through the procedure outlined in Rule 3.8.11.18.

3.8.11.13 Removal of Items

An attorney may remove from the institution any document received from an offender under Rule 3.8.11.11. An offender may remove from the visitation area any document received from an attorney under Rule 3.8.11.11 unless the item is deemed contraband at which time Rule 3.8.11.12 applies.

3.8.11.14 Writing Utensils

If writing utensils and paper are not available in the visiting area for use by offenders, an attorney is permitted to transmit these items to the offender under the procedures described in Rule 3.8.11.11. After completion of the visit, the Warden or Facility Administrator shall return the writing utensils and unused paper to the attorney, but the offender shall be permitted to choose whether to retain all paper used during the visit or to give it to the attorney using the procedure described in Rule 3.8.11.11.

3.8.11.15 Rejection by Offender of Visitation Request

Immediately after an attorney who has been approved for a visit with an offender arrives at the unit or facility in which the offender resides and completes the "Attorney Application to Visit TDCJ Offender," or when appropriate, the "Attorney Authorization for Approved Representative to Visit" form, the unit Warden or Facility Administrator shall notify the offender of the requested visit. If the offender objects to such a visit, the Warden or Facility Administrator shall deny the attorney the right to visit with any offender, provided that immediately after the offender's objection is communicated to the Warden or Facility Administrator, either

- (1) said offender signs and swears to a completed copy of the Refusal to Visit Attorney or Attorney Representative form, or
- (2) two witnesses sign, and swear to a completed copy of the Witness Certificate of TDCJ Offender's Refusal to Visit Attorney or Attorney's Representative form.

Immediately after completion of the appropriate form, listed above, a true and correct copy of the completed and signed form shall be given to the offender refusing the visit and to the attorney whose visit was refused.

3.8.11.16 Rejection by Warden or Facility Administrator of Visitation Request or Termination of Visit

The Warden or Facility Administrator may deny an attorney the right to visit with any offender or terminate such a visit immediately if that visit would cause a legitimate immediate threat to prison security, but only for as long as such a threat exists and only if no lesser action would alleviate the threat. If a decision denying an attorney the right to visit an offender is made later than 4:00 p.m. of the day preceding the date of the requested visit, the Director or the Director's designee shall immediately, by telephone or in person, attempt to notify all such attorneys and all such offenders of the denial. Within twenty-four (24) hours after denying an attorney's right to visit with any offender or terminating such a visit, the Director shall send to any such offender and any such attorney a written explanation of all reasons for said denial or termination, the reasons for the rejection or termination, notification of the right to appeal, and an explanation of the procedure for appeal. Any such offender or attorney may appeal the denial or termination through the procedure outlined in Rule 3.8.11.18.

3.8.11.17 Suspension of Visitation Privileges

The Bureau of Classification may prohibit any attorney who commits a serious violation of institutional visitation regulations from any further visits with any offender or impose restrictive conditions regarding future visits that are reasonably appropriate to the violation. Within seventy-two (72) hours after any attorney is prohibited from or restricted in further visits, the Warden or Facility Administrator shall send to that attorney and to each offender being visited at the time of the violation, a notice containing the following information: (1) notification of the visitation prohibition, its duration, any restrictions regarding future visits, and the reasons for the prohibition or restriction, and (2) notification that both the attorney and each such offender have the right to appeal and an explanation of the procedure for appeal. Attorney visitation rights shall not be suspended or restricted except as provided by either this Rule or Rules 3.8.11.12, 3.8.11.15, 3.8.11.16, 3.8.11.22, 3.8.11.23 or 3.8.11.24. Any such attorney or offender may appeal the prohibition or restrictions through the procedure outlined in Rule 3.8.11.18.

3.8.11.18 Attorney Visitation Review Procedure

Any TDCJ visitation prohibition or restriction may be appealed either by an attorney whose visitation privileges have been suspended or restricted in the manner provided by either Rule 3.8.11.12, 3.8.11.16, or 3.8.11.17 or by an offender with whom such an attorney either cannot visit or must visit under restrictions authorized under Rule 3.8.11.12, 3.8.11.16, or 3.8.11.17. Any such person wishing to appeal must send to the Director's Review Committee written notice of appeal within two weeks after receiving the notice or statement required by the Rule pursuant to which the suspension or restriction was imposed. Upon receipt of an appeal notice, the Director's Review Committee shall obtain all documents and other tangible objects on which the prohibition or restrictions were based. The Director's Review Committee shall render its decision within two (2) weeks after receiving the appeal and shall notify each affected attorney and offender in writing of that decision within forty-eight (48) hours after the decision is rendered.