TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Correctional Institutions Division

DEATH ROW PLAN

October 2004

ADOPTION OF DEATH ROW PLAN

In my duties as Division Director of the Correctional Institutions Division, I hereby adopt the attached *Death Row Plan* for use in the operation of the Texas Department of Criminal Justice Death Row housing units and perimeter functions. This *Plan* is in compliance with Texas Board of Criminal Justice Rule §152.51; §§492.013(a), 493.004, Texas Government Code, and Article 43.14 – 43.20, Code of Criminal Procedure.

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DEATH ROW PLAN

The purpose of the *Death Row Plan* is to provide uniform rules and regulations in managing Death-Sentenced offenders. Although the terms "his" or "he" are used throughout the *Death Row Plan*, the contents refer to male and female Death Row offenders, except where specifically limited (i.e., due to facility structural differences).

DEFINITIONS

I. Death Row Segregation - A death-sentenced offender who refuses to or is not allowed to work. Death Row Segregation offenders may be assigned to Levels I, II, or III. Offenders assigned to Levels II or III require more intensive supervision due to poor institutional behavior.

II. Death Row Work Capable - A death-sentenced offender assigned to and required to work at a meaningful prison job, if available.

III. Death Row Classification Committee (DRCC) – The Warden shall be responsible for appointing the members of the DRCC which shall be comprised of the following staff:

A. Warden or designee (Captain or above),
B. Lieutenant or above,
C. Security representative (Sergeant or Correctional Officers assigned to Death Row area, and
D. Representative from the Health Services Division (medical or psychiatric) shall be used as a member of the committee who would function in a consulting capacity for issues impacting the physical and mental well being of the offender. The representative will be a voting member along with the other members of the committee.

PROCEDURES:

The classification process for death-sentenced offenders shall be governed by the following:

I. CLASSIFICATION PROCESS

A. Intake and Orientation for Newly Received Death Row Offenders

1. Initial Intake at Byrd/Woodman Units

a. Offender arrives from county.
b. Byrd/Woodman staff completes:

(1) Offender photographs (a set shall be sent to the housing unit)

(2) Offender Identification Card (not sent to housing unit until 2 – 4 weeks later)

(3) Fingerprints (2 sets) for the Correctional Institutions (CI) Division, FBI, and DPS (original is faxed to DPS and maintained by Classification). If the offender was not born in the U.S., a third set of fingerprints is made for the Immigration and Naturalization Service (INS).

(4) Cursory review of offender property for dangerous contraband

(5) Form CO2.1 – Biography and Information Sheet

(6) Offender Consolidated Report Form, Residence and Family Page

(5) Short information sheet containing:

(a) Full name;
(b) Date received;
(c) Death Row number;
(d) County of conviction;
(e) Cause Number;
(f) Date of birth; and
(g) Race.

c. The offender is then transported to the unit of assignment.

2. Intake and Orientation at Unit of Assignment

a. Housing Unit receives offender, offender property and sealed envelope with initial intake and orientation information as well as photographs.

b. Death Row supervisors conduct an interview with the offender and complete several forms and information sheets (information is self-reported by the offender).

(1) Basic Unit Orientation (rules, property, commissary and other daily activities)

(a) I-60 process explained
(b) Contact with supervisors explained
(c) Medical access explained
(d) Law Library access (Access to Courts) explained
(e) Recreation explained
(f) Custody Levels and review process explained
(g) Visiting List explained and blank form given to offender to complete
(h) Forms for above processes given to offender as well as:

(i) *Offender Orientation Handbook*
(ii) *Disciplinary Rulebook*
(iii) *Legal-3*
(iv) *Physical Fitness: An In-Cell Exercise Program*
(v) Copy of Offender Property Policy (AD-03.72, "Offender Property"

(2) Offender strip-searched and issued jumpsuit
(3) Tattoos (photos taken of each and list made)
(4) Property receipt and registration completed
(5) Keep-on-person (KOP) medications brought from county taken from offender for review by medical staff (may be reissued back as KOP)
(6) Check from county signed, thumbprinted, and deposit slip completed
(7) Information sheet completed (self-reported)

(a) Criminal history
(b) Escape history
(c) Summary of current offense (offender's version – include information pertaining to drugs, alcohol, or sex-related incidents if involved in offense);
(d) Scars (list and photograph as necessary)
(e) STG affiliation
(f) Known enemies
(g) Fall partners
(h) Schools
(i) Occupations
(j) Family and friends incarcerated
(k) Others incarcerated they intend to correspond with
(l) Current attorney (name, address, phone number)
(m) New attorney for appeal (if applicable)
(n) Religious preference

(8) Offender escorted to medical and psychiatric evaluation (KOP medications given to medical staff).

B. DRCC Review

Newly received Death Row offenders shall be reviewed by the DRCC within 48 hours of arrival for their initial leveling. New arrivals shall generally be classified as Level I.

C. Admission Summary

The Sociology Department shall complete an Admission Summary that will be used to create the Travel Card.

D. Work Capable Review

The Work Capable program for male offenders is suspended pending further decision by the Texas Board of Criminal Justice. The female Work Capable program is functional. Therefore, the review procedures apply only to female offenders at this time.

A Death-sentenced offender shall undergo a ninety (90) day diagnostic process. The offender shall be reviewed by the DRCC for Work Capable status as indicated below.

1. When assigning offenders to Work Capable, it is the policy of the TDCJ-ID to assign offenders to a meaningful prison job when available.

2. Work Capable Criteria

   When reviewing an offender for Work Capable status, the committee shall consider the following:

   a. History of serious destruction of State property;

   b. History of Security Precaution Designator (escape [ES], staff assault [SA], hostage [HS]);

   c. History of prior convictions involving assaultive behavior;

   d. History of Security Threat Group (STG) affiliation or involvement;

   e. History of offender misconduct resulting in the application of serious institutional disciplinary proceedings, as follows:

      i. Assaults on staff or offenders;

      ii. Possession of deadly or dangerous weapons;

      iii. Involvement in smuggling or trafficking in contraband;

      iv. Inciting or participating in a disturbance of a violent disruptive nature; or

v. Committing major disciplinary infractions or multiple minor disciplinary infractions.

f. History of below average performance in work;

g. History of medical (which would limit ability to work) or psychiatric conditions;

h. Presence within the unit of personal enemies or possibility of retaliation (e.g., former police officer or hate crime perpetrator);

i. Incapable of or refusal to work in available prison jobs;

j. Not psychologically cleared by unit Psychiatric Team; and

k. Refusal to participate during classification process.

Offenders assigned to Level II and Level III will be ineligible for Work Capable status.

3. Offender Appearance at DRCC

The offender shall be given an opportunity to appear before the DRCC and be provided with a written record of the reasons for the committee decision upon conclusion of the review. An offender who is present at the DRCC shall be verbally advised of the committee's recommendation to the SCC. An offender who refuses to attend committee proceedings shall automatically be denied Work Capable status and shall be notified in writing by use of the I-204 (Management Level Review/Determination) form.

4. Appeal of DRCC Decision

The offender may appeal the decision of the DRCC through the Offender Grievance procedures.

5. Scheduling and Documentation of Hearing

a. A Death Row Segregation offender shall appear before the Death Row Classification Committee no less than six (6) months and not more than one (1) year after completing the intake process. The DRCC shall use the same time frames for subsequent Work Capable reviews.

b. Offenders shall be notified no less than 24-hours prior to a DRCC review for Work Capable status.

c. Each unit should utilize the Countroom Management System (R050 program) to issue a lay-in. These will be printed by the unit countroom and issued to offenders by segregation security staff.

d. All decisions by the DRCC shall be noted on the docket with the next scheduled review entered in the UC00 program screen 01, option A. A review code of "09" Death Row Review will be used for Work Capable status reviews.

6. Review of DRCC Recommendation by SCC

a. Assignment of a Death Row offender to Work Capable status requires both a recommendation by the DRCC and an approval of the DRCC decision by the State Classification Committee (SCC).

b. Following a DRCC review of a Death Row offender for Work Capable status, the DRCC will submit a recommendation to the SCC for each Death Row offender recommended for Work Capable status. Recommendations concerning Work Capable status may be forwarded to the SCC by electronic mail (e-mail). The recommendation shall include the offender's name, TDCJ #, current unit of assignment, current custody status, date of DRCC review, appropriate reasoning for the DRCC recommendation and the name of the DRCC chairperson.

c. The SCC shall review the recommendation and notify the DRCC or Unit Administration by E-mail of the approval or denial for Work Capable status of each Death Row offender submitted by the DRCC.

7. Death Row offenders shall not be assigned to Work Capable status (i.e., they will remain in Death Row Segregation status) until approval for Work Capable status is received from the SCC.

8. Once a Death Row offender has been assigned to Work Capable status, housing and job assignments shall be made by a Death Row Supervisor based on the DRCC's decision. The offender shall then be required to work. Should a job assignment not be available, the offender's name shall be placed on a waiting list.

E. Death Row Segregation

1. Level I - Offenders assigned to Level I shall be reviewed for Work Capable status no less than six (6) months and not more than one (1) year after completing the initial intake process or no less than six (6) months

and not more than one (1) year from their last Work Capable status review.

2. Level II – Within 90 days of the initial hearing, the offenders assigned to Level II status shall be reviewed by the DRCC. If a Level II offender has had a clear disciplinary record for the 90-day period he shall be promoted to Level I status. Subsequent review hearings shall be held within 90 days of the previous DRCC hearing. These 90-day hearings shall be documented on the I-204 form.

3. Level III – Within 30 days of the initial hearing, the offenders assigned to Level III status shall be reviewed and promoted to Level II status by the DRCC provided the offender has not had any major disciplinary infractions. If the offender remains in Level III status after any 30-day hearing due to a major disciplinary infraction, written justification shall be required and included on the I-204 form. Subsequent review hearings shall be held within 30 days of the previous DRCC hearing. These 30-day hearings shall be documented on the I-204 form.

F. Subsequent Reviews

1. The following Death Row offenders may be reconsidered every six (6) months for Work Capable if no security concerns exist which would preclude the offender from participating:

   a. Death Row Segregation offenders who refuse or elect not to participate in the Work Capable program during the Death Row classification process and

   b. Offenders denied participation not based on Work Capable eligibility criteria (e.g., participates in program, withdraws from program, and wants back in two months later).

2. The Warden or designee shall be responsible for scheduling systematic reviews by the DRCC of offenders assigned to Death Row Segregation to include:

   a. 30/90 day unit reviews for possible change in level designation
   b. Paper gown/paper mask restriction
   c. Property restriction
   d. Food loaf restriction
   e. Work Capable Reviews

3. The offender need not be present at the 30/90 day review hearings unless it is deemed appropriate by the DRCC. If the offender is on any type of restriction (i.e., property restriction, paper gown restriction, paper mask

restriction, or food loaf restriction) the DRCC shall also review the offender for continuation or removal of these restrictions. Offenders will be notified in writing of DRCC decisions by use of the I-204 (Management Level Review/Determination form). Offenders assigned to Level II or Level III will be ineligible for Work Capable status.

DRCC REVIEW CODES

01 Assignment to Unit
09 Death Row Review (Work Capable Status)
10 Death Row Custody Change/No Committee Action
21 30-day Review
23 90-day Review
28 Administrative Segregation Restriction

G. Removal or Temporary Transfer of a Death Row Offender from Work Capable Status.

Death Row Work Capable offenders shall not be transferred, as a matter of routine, to Death Row segregation status for isolated, minor offenses due to the policy of TDCJ to process these infractions without the offender's removal. The transfer to Death Row Segregation may occur due to specific security concerns or as a result of a conviction of a disciplinary infraction.

1. The removal of an offender from Work Capable status shall be accomplished through the unit classification process. In determining whether to remove a Death Row offender from Work Capable status the DRCC shall review the characteristics for Work Capable and any other additional and relevant factors.

2. The DRCC shall conduct a review within five (5) working days of the events requiring that committee's attention.

3. Upon receipt of official notification that an offender classified Work Capable has received an execution date, he shall be scheduled for the DRCC to review his status within 24-hours. A Work Capable offender shall be given an opportunity to remain on the Work Program if security concerns are not apparent or the offender does not request his removal. An offender who remains Work Capable shall automatically be moved to Death Row Segregation thirty (30) days prior to his scheduled execution date. A Death Row offender shall be reviewed by the DRCC upon official notification of a stay of execution, or if the State is seeking vacatur of a stay or upon final denial of the State's motion to vacate. Official notification of a stay must be received from the CI Division Director's Office, Warden's Office, Classification and Records Office in Huntsville,

or the Attorney General's Office. ** ***Staff must not accept a stay of execution from the offender's attorney.***

4. Offender Request: An offender may request to be removed from the Work Capable program. If requested, the offender shall be placed in segregation status and scheduled for review by the DRCC within five (5) working days.

5. An offender's refusal to participate in the classification process shall automatically result in reclassification to Death Row Segregation.

6. The DRCC shall notify the SCC concerning each offender removed from the Work Capable program. Such notice shall include the date and the reason the DRCC removed the Work Capable status.

7. The transfer of a Death Row Work Capable offender to Death Row Segregation Housing may be made for disciplinary or security reasons by the Warden or designee, pending review by the DRCC within five (5) days, for the following reasons:

   a. The offender is a current escape risk.

   b. The offender's presence in the Work Capable population would create a threat to the physical safety of other offenders or staff.

   c. It is necessary to maintain the integrity of an investigation, i.e., to preserve the integrity of information either in the offender' possession or another offender's possession.

   d. Offenders charged with a Level I, II, or III offense shall be brought before the Disciplinary Hearing Officer (DHO), as appropriate, within the applicable time frames set forth in TDCJ disciplinary procedures.

      i. If found guilty by the DHO, the offender shall have his Work Capable status reviewed by the DRCC within five (5) working days of the disciplinary hearing.

      ii. A finding of "not guilty" may result in the offender's reassignment to Work Capable housing unless other factors, excluding disciplinary reasons, prevent the DRCC from returning the offender to Death Row Work Capable status.

H. Record Keeping

1. One (1) unit file shall be maintained on each Death Row offender to include Work Capable/Segregation records and all pertinent information. The Death Row Supervisor shall be responsible for ensuring that each file contains the following information:

   a. I-203/I-204 forms
   b. Disciplinary reports (major and minor)

2. The offender shall be reviewed by the DRCC and be provided with a written record of the reason for the committee's decision upon conclusion of the committee.

I. Appeal Process

The offender shall have the right to appeal the decisions of the DRCC as outlined in the *Offender Grievance Procedures*.

In the event that the Warden wishes to appeal a decision made by the DRCC or SCC, the appeal shall be made to the Departmental Review Board (DRB).

II. GENERAL PROVISIONS

A. Visiting: Security cubicles shall be utilized in the unit visiting room for Death Row Segregation offenders. Death Row Work Capable offenders shall be allowed to utilize the General Population non-contact visitation area. Death Row offenders are not allowed contact visits. Visitation shall be held in conformance with the rules established by the *TDCJ Offender Visitation Plan*.

1. Number of Visits

Death Row offenders are allowed visits based on the schedule below. Generally, visits shall be two (2) hours in length (except where noted in the *Visitation Plan*). Special security procedures may be utilized during visitation periods to ensure the safety and security of all offenders, offender visitors, staff and the security of the institution.

Custody Level	**# of General Visits Allowed**
Work Capable & Level I	1 per week
Level II	2 per month
Level III	1 per month

2. Visiting Hours

Visitation shall be held on the following days (except on State-approved holidays):

Mountain View	Polunsky
Monday (8 - 5)	Monday (8 – 5)
Tuesday (8 – 12)	Tuesday (8 – 5)
Wednesday (8 – 5)	Wednesday (8 – 12)
Thursday (8 – 5)	Thursday (8 – 5)
Friday (8 – 5)	Friday (8 – 5)
Saturday (5:30 – 9:30)	Saturday (5:30 – 10:00)

Death Row Visitation may be held by appointment during high-traffic times or due to physical configuration of the unit Visitation Room. Scheduling will only be used to ensure the minimum amount of waiting time for visitors and most efficient use of Visitation Room facilities. Visitation at the Mountain View Unit shall be scheduled with the Warden's office in advance for all visits. Visitation at the Polunsky Unit shall be held on a first-come, first-serve basis, except for Saturday evenings, which will be scheduled by appointment.

Any time a State-approved holiday falls on a weekday, Death Row visitation will not be conducted. However, any time a State-approved holiday falls on a Saturday, Death Row visitation will be conducted.

3. Media

Press interviews of condemned prisoners shall be scheduled by the Public Information Office and conducted at the Polunsky Unit each Wednesday between the hours of 1:00 – 3:00 p.m. and on the Mountain View Unit on each Tuesday between the hours of 1:00 – 3:00 p.m.

4. Death Row Ministerial/Spiritual Advisor Visitation Guidelines

a. Outside ministerial/spiritual advisor visits are permitted on a case-by-case basis at the discretion of the Warden or designee. Permission for visits with spiritual advisors who are not listed on the offender's approved Visitors List may be obtained from the Warden. Spiritual advisors must satisfactorily identify themselves as such in order to obtain permission to visit.

i. Each Death Row offender may not have more than one (1) outside ministerial/spiritual advisor visit per week, until thirty (30) days before the offender's execution date.

(a) Special exceptions regarding spiritual advisor visitation shall be extended to Death Row offenders who are within thirty (30) days of their execution date.

(b) Death Row offenders may visit with their spiritual advisors at a prearranged time, for two (2) hours, on a regular Death Row visiting day.

(c) A Death Row offender may have a spiritual advisor visit and a regular visit on the same day. However, the spiritual advisor may not have a special visit and a regular visit with the same offender on the same day.

(d) A spiritual advisor visit shall not count against a Death Row offender's regular visits.

ii. Designating the Spiritual Advisor

(a) Each Death Row offender may designate in writing one (1) outside spiritual advisor for witnessing purposes.

(b) The designated spiritual advisor may be changed at the request of the Death Row offender, if adequate prior notice is given.

(c) Spiritual advisors must satisfactorily identify themselves as such in order to obtain permission to visit (i.e., religious credentials such as ordination papers).

b. In responding to requests for such visits, priority shall be given to offenders who have not recently had outside ministerial/spiritual advisor visits, and to their spiritual advisors who must travel great distances in order to visit.

i. Spiritual advisors requesting visits must contact the Mountain View Unit or Polunsky Unit Offender Records weekdays between 8:00 a.m. and 5:00 p.m. by calling (254) 865-7226 (Mountain View) or (936) 967-8082 (Polunsky), to schedule the visit.

ii. No more than three (3) outside spiritual advisor visits on Death Row shall be scheduled on any single visiting day.

iii. Visitation shall depend upon availability of time, space and staff.

B. Access to General Library: Each unit shall develop procedures to provide Death Row offenders access to general library books. The rules and procedures for Death Row offenders' access to general library books should closely resemble the unit's procedures for general population offenders' access to library books. Death Row Offenders shall not be allowed to go to the unit's general library (i.e., library books shall be delivered to offenders on Death Row).

C. Access to Law Library: A Death Row offender's access to law library books is governed by procedures established in the *Access to Courts Rules* and the *Access to Courts Procedures Manual*.

D. In-Cell Programs

Death Row Work Capable and Segregation Level I offenders may have access to in-cell programs that are consistent with security requirements. Only supplies available through the commissary may be used by male Death Row Offenders. Items available may be limited by the Warden if abused by an offender and property may be limited by the disciplinary process. These programs may be in the area of education as well as arts and crafts pursuant to AD-14.59 "Offender Piddling and Crafts Sales" with the exception of in-cell art programs. The Warden, Assistant Warden or designee may, on a case-by-case basis, suspend an in-cell program when an offender has abused that privilege. Offenders assigned to Level II or Level III are ineligible for In-Cell Programs.

E. Security Measures

Death Row security procedures shall be handled in accordance with the appropriate post orders.

1. Prior to and after each use, the shower areas, dayrooms, inside recreational areas and outside recreation areas are to be thoroughly searched.

2. Offenders shall be thoroughly strip-searched before and after recreation or leaving or returning to the assigned cellblock.

3. Frequent, thorough searches of cells, cell runs, shower areas and other locations within the housing area shall be conducted. Each cell shall be thoroughly searched prior to assigning an offender to the cell.

4. Support service inmates (SSIs) assigned to Death Row shall be strip-searched each time they enter or leave the Death Row area. While in the Death Row area, SSIs are to be kept under constant, direct supervision.

5. At any time that a problem develops with a particular offender in Death Row, the Death Row supervisor shall ensure that the problem is identified and addressed as soon as possible. Unresolved problems are not to be left to escalate into larger problems.

III. MANAGEMENT OF DEATH ROW WORK CAPABLE

A. Confinement Procedures

TDCJ-ID shall single cell all Work Capable Death Row offenders.

B. Recreation

Each Death Row Work Capable offender shall be allowed two (2) hours of recreation per day (either dayroom or recreation yard) with at least two (2) days outside, weather permitting. Four (4) offenders may exercise at one time in the dayroom, which shall be equipped with a table for tabletop games as well as a television. Therefore, an offender may have the option to forgo outside recreation and choose dayroom recreation. Female offenders may recreate in groups of four (4) outside as well.

C. Visitation

Visitation hours for Work Capable offenders shall be scheduled according to the *TDCJ Offender Visitation Plan*. Each Work Capable offender shall be allowed one (1) two (2) hour visit per week. Ministerial/Spiritual Advisor visits shall be conducted according to AD-07.30, "Procedures for Religious Programming," the *TDCJ Offender Visitation Plan*, and the *Death Row Plan*.

D. Meals: Work Capable Feeding Procedures

Work Capable offenders shall receive the same food tray as general population and Level I Death Row Segregation offenders. Work Capable offenders shall eat their meals in their cells or at their work site, as the Warden or designee deem appropriate.

E. Commissary

1. Work Capable offenders have the same access to commissary items as minimum custody general population offenders.

2. Work Capable offenders shall have their purchases delivered to their cells.

F. Property

Work Capable offenders are required to maintain their property as outlined in AD-03.72, "Offender Property."

G. Showering

Offenders in Death Row Work Capable shall be provided the opportunity to take a shower seven (7) days per week. Death Row Work Capable offenders will be furnished and are expected to wear clean clothes as outlined in AD-09.26, "Allocation of Necessities." They must also adhere to grooming standards as outlined in AD-03.83, "TDCJ Offenders Who Refuse to Comply With Grooming Standards." Items allowed during showering are the same as general population offenders.

H. Correspondence

Death Row Work Capable offenders shall be provided with writing instruments, stationery and postage either from their Inmate Trust Fund account or through the provisions for Indigent Supplies.

I. Escort Procedures for Work Capable Offenders

Within the building, Work Capable offenders are normally escorted unrestrained by one (1) officer. Outside of the building, the offender shall be handcuffed and escorted by two (2) officers. In the housing area, Work Capable offenders shall be allowed to walk unescorted to recreate and shower. During necessity turnout, all riot gates shall be shut to prevent unauthorized movement in the hallway or contact with general population SSI offenders.

J. Work

Female offenders shall be employed doing special projects, to include sewing.

K. Religious Services

Religious services shall be held in the dayroom areas by placing chairs in the dayroom. Space should allow for up to 20 offenders to be seated at a time.

IV. MANAGEMENT OF DEATH ROW SEGREGATION

A. Confinement Procedures

A Death Row Segregation offender may be assigned to Level I, Level II, or Level III, based upon his behavior. The Death Row Classification Committee (DRCC)

shall have the authority to change the level to which an offender is assigned. Regardless of level, Death Row Segregation offenders shall be single-celled.

1. Level I - Offenders assigned to Level I are generally maintaining good behavior but for one or more reasons (see Work Capable review) are not eligible for Work Capable.

2. Level II - Offenders assigned to Level II:

   a. May be chronic rule violators but do not show a recent (within the last three [3] months) history of in-prison assaultive or aggressive behavior.

   b. The offender may have been assigned to Level III but due to a positive change in behavior and attitude, the DRCC has reviewed his status and reclassified the offender to Level II.

   c. The offender may have been involved in an incident or have received a disciplinary case that warrants placement in a more restrictive level.

3. Level III - Offenders assigned to Level III are chronic rule violators and are assaultive or aggressive in nature (i.e., history of institutional violence, offender assaults with weapons, history of weapons possession, assaults or attempted assault on offenders or staff, fighting with or without a weapon). The offender may be:

   a. A current escape risk (escape or escape attempt was assaultive in nature or it was determined on the basis of the circumstances surrounding the escape or escape attempt that the offender had a high potential for assaultiveness);

   b. A threat to the order and security of the institution as evidenced by repeated serious disciplinary violations (assaultive in nature); or

   c. A threat to the physical safety of other offenders or staff due to assaultive behavior that includes assaultive offenders identified and confirmed as being members of an STG.

B. Special Conditions/Restrictions

1. The DRCC may also determine any special conditions or restrictions, which should be imposed on Death Row Segregation offenders for security purposes. These special conditions include:

   a. Level of segregation;

b. Personal Property restrictions;
c. Known assault risks;
d. Known enemies (by name and TDCJ-ID number);
e. STG (gang) affiliations;
f. Restraint requirements (for movement);
g. Physical health conditions;
h. Mental health conditions;
i. Special diet requirements (medical and/or religious);
j. Medication requirements; and
k. Any other special circumstances related to the offender's segregation.

2. A Death Row Segregation offender shall be advised of the criteria for Work Capable status, which will be considered at subsequent review hearings. The offender shall have the right to appeal the decision of the committee through the offender grievance procedure.

C. Recreation Schedule

1. Offenders in any category of Death Row Segregation shall be allowed physical recreation out of their cells in conformity with the level to which they have been assigned.

2. Level I offenders shall be allowed out-of-cell recreation in accordance with one of the three following schedules at the discretion of the Warden or designee:

a. Seven (7) days per week with one (1) hour of out-of-cell physical recreation each day; two (2) hours of the weekly out-of-cell recreation shall be outdoors, weather permitting; or

b. Five (5) days per week with two (2) hours of out-of-cell physical recreation each of the five (5) days; two (2) hours of the weekly out-of-cell recreation shall be outdoors, weather permitting; or

c. Four (4) days per week with three (3) hours out-of-cell physical recreation each of the four (4) days; three (3) hours of the weekly out-of-cell recreation shall be outdoors, weather permitting.

3. Level II - Offenders assigned to this level shall be allowed out-of-cell recreation four (4) days per week with one (1) hour out-of-cell physical recreation each of the four (4) days; one (1) hour of the weekly out-of-cell recreation shall be outdoors, weather permitting.

4. Level III - Offenders assigned to this level shall be allowed out-of-cell recreation three (3) days per week with one (1) hour out-of-cell physical

recreation each of the three (3) days; one (1) hour of the weekly out-of-cell recreation shall be outdoors, weather permitting.

D. Visitation

1. Death Row Segregation offenders shall be allowed visitation privileges according to the level to which they have been assigned:

   a. Level I - one (1) general visit per week.
   b. Level II - two (2) general visits per month.
   c. Level III - one (1) general visit per month.

2. Visitation hours for segregation offenders shall be scheduled according to the *TDCJ Offender Visitation Plan*. Ministerial/Spiritual Advisor and Execution visitation shall be scheduled in accordance with AD-07.30 and the *TDCJ Offender Visitation Plan.*

E. Meals

Death Row Segregation offenders shall have access to nutritionally adequate meals. Specific dietary requirements shall be met for those offenders whose religious, medical or dental condition requires dietary management. The Death Row Segregation Supervisor and the Food Service Manager will need to coordinate the number and type of food trays to be delivered to Death Row Segregation offenders.

F. Commissary

Death Row Segregation offenders shall have access to commissary in accordance with the level to which they have been assigned:

1. Level I - same access to commissary as minimum custody general population offenders ($75.00 every two [2] weeks) to include approved TDCJ electrical appliances (i.e., fan, typewriter, radio, and other similar items).

2. Level II - purchase of one (1) item each of personal hygiene items and correspondence supplies (correspondence supplies not to exceed $10.00) every two (2) weeks. The $10.00 refers to correspondence supplies only. Additional correspondence supplies may be purchased upon submission of a special purchase request by the offender and approval by the Warden.

3. Level III – purchase of one (1) item each of personal hygiene items and correspondence supplies (correspondence supplies not to exceed $10.00) every two (2) weeks. The $10.00 refers to correspondence supplies only.

Additional correspondence supplies may be purchased upon submission of a special purchase request by the offender and approval by the Warden.

Specific limitations may be placed on an offender's property by the DRCC for documented reasons. Commissary items shall be delivered to Death Row Segregation offenders.

G. Property

Death Row Segregation offenders shall retain personal property allowed in accordance to the level to which they have been assigned. Note: The DRCC may restrict any property of Death Row Segregation offenders that presents a danger to the security of staff, the offender, other offenders, or a danger of escape.

1. Death Row Segregation offenders in Level I, Level II, and Level III are allowed the following basic personal property items:

   a. Legal materials/legal research materials (no metal fasteners/paper clips);
   b. Approved religious book or articles necessary for the practice of the offender's religion that does not violate the security of the institution;
   c. TDCJ approved publications in accordance with correspondence rules;
   d. Photographs;
   e. Letters;
   f. Correspondence supplies;
   g. "Keep-on-Person" medications per Health Service Policy (until 30 days prior to date of execution);
   h. Health care devices and supplies prescribed for the offender by Health Services;
   i. One (1) small comb or brush;
   j. One (1) bar of State-issued soap;
   k. One (1) pair of shower slides;
   l. One (1) pair of TDCJ-ID authorized or issued shoes (non-steel toe);
   m. One (1) roll of toilet tissue;
   n. One (1) toothbrush;
   o. One (1) tube of toothpaste/tooth powder;
   p. All offenders shall be provided with a daily change of socks, underwear, a clean towel, and a change of State-issued clothes not less than three (3) times per week. There is a weekly change of cell towel, set of sheets, pillowcase and gown. All necessity items are to be furnished at shower time and exchanged on a one-for-one basis per AD-09.26, "Allocation of Necessities." Units allowing offenders to keep a shower towel in their possession are not

required to issue cell towels. The exchange of necessity items shall be completed even if the offender refuses to shower;

q. Personal jewelry items in accordance with AD-03.72, "Offender Property;"

r. Gender-related items to include bras, panties, sanitary napkin belt, sanitary napkins, tampons, douche items;

s. Small amount of cleaning supplies as the administration deems appropriate; and

t. Mattress and pillow.

2. The following additional property is allowed according to the level to which a Death Row Segregation offender is assigned:

a. Level I -

(1) Items purchased through the Commissary to include approved TDCJ-ID electrical appliances (fan, typewriter, and other similar items);

(2) General library books;

(3) In-cell arts and crafts (piddling) items in accordance with AD-14.59, "Offender Piddling and Crafts Sales";

(4) Gender-related items in accordance with AD-03.72, "Offender Property."

b. Level II - approved personal hygiene items purchased through the Commissary.

c. Level III - approved personal hygiene items purchased through the Commissary.

Note: The DRCC may restrict any property of Death Row Segregation offenders that presents a danger to the security of staff, the offender or other offenders or a danger of escape.

H. Showering

Offenders in Death Row Segregation shall be provided the opportunity to take a shower seven (7) days per week. Death Row Segregation offenders shall be furnished and are expected to wear clean clothes as outlined in AD-09.26, "Allocation of Necessities." They must also adhere to grooming standards as outlined in AD-03.83, "TDCJ Offenders Who Refuse To Comply With Grooming Standards." Security staff shall issue the offender a disposable razor to be replaced every week and for female offenders to be replaced every month. Razors shall be issued to Level I offenders each week/month to be maintained in their personal property unless the Warden deems such possession to be a security risk. A razor shall be issued to a Level II or III offender after he enters the shower. The razor shall be returned to the security staff by the offender before he returns to his cell. Security staff shall store the razor in such a manner as to ensure each

offender receives his own razor. Items allowed in an offender's possession during showering are as follows:

1. Level I - soap, shampoo/conditioner, towel, shower slides, razor.
2. Level II – soap, shampoo/conditioner, towel, shower slides, razor.
3. Level III – soap, shampoo/conditioner, towel, shower slides, razor.
4. Female offenders may take undergarments and feminine hygiene products (as necessary) to the shower.

Thirty (30) days prior to an execution date, razors shall be issued to Level I offenders in the same manner as Level II and Level III offenders.

I. Correspondence

Death Row Segregation offenders shall be provided with writing instruments, stationery and postage either from their Inmate Trust Fund account or through the provisions for Indigent Supplies.

J. Management Procedures

The following are guidelines, in addition to those previously noted, related to the management of segregation areas. Each Warden is responsible for ensuring that these procedures are followed.

1. Death Row Segregation Housing Practices:

   a. Each unit shall ensure that categories and levels of Death Row Segregation can be identified by the cell number or row of the segregation housing area. Offenders in Level I, Level II, and Level III should be housed in separate physical locations (e.g., different rows, or with partitions between the groups). If this separation of levels cannot be accomplished in this manner, every effort shall be made to maintain an empty cell between the levels. It is recommended that whenever it is necessary to designate cells on a single row to house different levels of Death Row Segregation offenders (e.g., 10 cells for Level III and 15 cells for Level II with an empty cell between the groups), the first group of cells on the row should be designated for Level II offenders and the last group of cells should be designated for Level III offenders. The rows or group of cells designated for specific levels of Death Row Segregation offenders should remain constant to the extent possible (i.e., only under special circumstances such as lack of bed space for another level of Death Row Segregation shall the designation of rows or cells change in the Administration Segregation housing area).

b. Offenders in Death Row Segregation shall be assigned to housing areas that are specifically designated for their custody requirements. The housing recommendations of treatment professionals, as noted in each offender's Health Summary for Classification form, shall be followed by classification committees, classification and security staff.

2. Segregation Security Measures:

Each Warden shall immediately take all necessary steps to assure that the safety and security of offenders and staff in segregation area is maximized, in accordance with the applicable post orders and the *Administrative Segregation Plan*.

3. Offender Restrictions

Offender restrictions (i.e., property, food loaf, paper mask, paper gown restrictions) shall be handled in accordance with the Security Memorandum, "Offender Restrictions."

4. Death Row Segregation Escort Procedures:

Death Row Segregation offenders shall be strip-searched and placed in restraints before exiting their cells. Death Row Segregation offenders will be escorted according to procedures outlined in the Death Row Cellblock Officer post orders.