

COMAL COUNTY INMATE RULE BOOK

Revised Date: July 2014

EXPECTED BEHAVIOR

While you are housed in this institution you will be expected to comply with the rules, regulations, and behavioral guidelines outlined in the inmate rule book.

1. Keep the Inmate Rule book in good condition.
2. Follow all of the rules and regulations.
3. Follow all staff orders.
4. Do not abuse the property of Comal County, or the property of another person.
5. Maintain good personal hygiene.
6. Treat the staff and other inmates with respect.
7. Keep your Housing Unit as well as your personal space clean.
8. Seek medical, mental, and dental care when needed.

You are required to review inmate disciplinary procedures and building rules. These procedures and rules are available in this booklet.

INMATE RIGHTS

Services and functions that are not listed as inmate rights are considered inmate privileges. Following the inmate rulebook as well as maintaining good behavior maintains your inmate privileges. The privileges granted to you are done so as a courtesy from Comal County. Any type of negative or irrational behavior will result in a disciplinary hearing and the possible loss of your inmate privileges.

The following are inmate rights:

1. You have the right to treatment for serious medical, dental and mental health needs.
2. You have the right to adequate nutrition in accordance with established nutritional standards.
3. You have the right to reasonable access to the courts.
4. You have the right to postal correspondence (mail) both privileged and non-privileged (as long as the correspondence is not deemed a security risk or in violation of this agencies correspondence policy).
5. You have the right of unrestricted and confidential access to the Courts [on matters such as the legality of your conviction, civil matters, pending criminal cases, conditions of your imprisonment, etc.]
6. You have the right to legal counsel, by interviews and correspondence, from an attorney of your choice.

If you have questions or concerns, address them to your Floor Officer. The Floor Officer's directives/actions/requests are to be followed. If further information or clarification is needed or you wish to appeal, address an inmate request form to the

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corrections shift supervisor. If you feel you still have not been provided a proper response, properly address the Administrative Sergeant. First wait for a response from the hall officer before proceeding and writing the next level in the chain of command. Your concerns will be addressed at the earliest opportunity; therefore, follow the chain of command for the quickest results.

INMATE REQUESTS AND COMPLAINTS

Your Floor Office can address the majority of your questions without having to submit a written inmate request form. Speak with your Floor Officer before submitting an inmate request form.

Inmate request forms are available through the Floor Officer. The forms can be used for many different things in the jail. Since every request is different in nature it is vital that you fill out the request form completely. You must also ensure that you explain your request or problem on the form with as much detail as possible. If you fail to fill out the form completely, or if it is not specific to your concerns or problems it may be sent back to you. If you require assistance, ask your floor officer.

INMATE GRIEVANCE PROCEDURE

The inmate grievance system is an administrative means for the resolution of grievances.

Grievance Definition:

1. Unjust denial or restriction of inmate privileges;
2. Prohibited act by facility staff;
3. Criminal act;
4. Violation of civil rights.

Not all complaints or incidents qualify as a grievance. All grievances will be routed to the designated Grievance Officer. If you feel you have a grievance it must be submitted within 7 days from the date it occurred.

Those inmates wishing to file a grievance will do so in writing on the Grievance Form provided for you. Once you have completed the form it will be received by the designated Grievance Officer and a copy will be retained by the inmate filing the grievance. The designated Grievance Officer will determine if it is a legitimate grievance or a general complaint.

In case of an emergency, after hour's grievance, the corrections shift supervisor will make the determination of any action(s) needed at that time. The corrections shift supervisor will forward all information to the designated Grievance Officer for review and follow up. The corrections shift supervisor will ensure the inmate is made safe and no reprisals against them will occur.

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The designed Grievance Officer will provide you a written, interim response within 15 days of receipt. The designed Grievance Officer will then forward the grievance to the grievance committee for review and proper action. You will be provided a final, written response to the filed grievance within sixty (60) days of receipt.

When filing what you believe to be a grievance, include the following information:

1. The privilege or right violated;
2. All of the persons involved;
3. All witnesses involved;
4. Time and dates when all events occurred;
5. All pertinent details concerning the incident.

Ensure the above listed information is provided to the designated Grievance Officer for the expeditious handling of all grievances.

Appeals upon the final written decision of your grievance must be written and submitted within seven (7) days to the Jail Administrator or designee. Their decision is final.

INMATE ATTIRE

When leaving your housing unit for any reason, you must be in your county issued uniform (shirt, pants, and footwear). When wearing thermal underwear they must be worn underneath the jail issued uniform.

Upon being housed in this facility you will be issued an identification armband. The band will contain your name and SPN#. It is your responsibility to keep the armband on your wrist at all times. If the identification band comes off, immediately advised your Floor Officer so it can be replaced. If you do not have an inmate arm band on, all privileges can and will be temporarily revoked (i.e. commissary, visitation, etc.)

Altered clothing (county issued or personal) will be considered contraband and will be confiscated and/or discarded.

Clothing brought in upon intake or purchased from the Commissary is your responsibility and must be stored in your property container. All personal clothing will be marked with the inmates first and last name. Any clothing items found affixed/hanging from railings, vents, doors, empty bunks, and light fixtures will be confiscated and will be used as evidence in a disciplinary hearing and will result in those items being confiscated and/or discarded.

You are responsible for all county issued property and will be required to return all property upon transfer or release. Any county issued property altered or damaged while in your possession will result in possible disciplinary action(s) as well as a fee to replace the item(s). This is to include any damage to your housing unit or equipment therein. Depending on the extent of damage to the item, you could face criminal charges.

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PERSONAL HYGIENE

You are required to keep yourself clean and presentable at all times. Hair and fingernails will be kept clean and of a length not to create a health and/or safety hazard.

County issued clothing and bedding will be laundered according to established schedules.

- Inmate uniforms will be washed at least once a week.
- Inmate mattress covers and towels will be washed at least once a week.
- Inmate personal whites will be washed at least once a week.
- Inmate blankets will be washed at least once every (90) days.

On the days when personal laundry is washed, you will place your personal whites in a laundry bag provided to you by the floor officer. Upon returning of laundry back to the cell, it is the inmate's responsibility to ensure all property is accounted for.

Officers will issue and collect razors daily (unless the inmate has been placed on razor restriction). It is your responsibility to take care of and account for your razor. You will only be issued one (1) razor per week. If your razor is broken or damaged you will not be issued another one until the new razor exchange takes place. If you fail to take the proper care of your razor it can result in possible disciplinary action.

Upon being housed in the facility you will receive the following hygiene items:

- Soap
- Cup
- Toothbrush
- Toothpaste
- Comb
- Eating Utensil

These items are offered to you at least once a week while confined to the Comal County Jail facility (with the exception of combs which are issued once a month). They are provided on a one for one basis (with the exception of soap). Any hoarding of the above items can result in possible disciplinary action.

Toilet paper will be provided nightly during the razor pass. If toilet paper is needed, you may request a roll from your Floor Officer at any time. Turning in the core from the empty roll redeems toilet paper. Toilet paper is given out on a one for one basis. If there are any toilet paper rolls found in a housing area without the core, you or the entire cell may receive disciplinary action, to include the loss of the Television for up to twenty-four (24) hours. Toilet paper rolls will not be stored at individual bunks.

HAIRCUTS

Haircuts are available for all inmates in the jail facility. Haircuts will be conducted once a month for each individual housing area. There will be no designer haircuts (fades, mohawks, lines carved in hair); there are no exceptions to this. Hair guards will not be

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changed. Once a hair guard is selected by the inmate the entire head will be cut at that length. Beards must be trimmed and clean. All haircuts and beards must be kept sanitary. If a haircut or beard is unsanitary then you may be required to cut or trim the area.

Inmates will be required to remove hair weaves, hairpieces and/or false fingernails upon entering the jail facility.

SANITATION

At least once daily, all inmates will clean their assigned living areas. Cleaning supplies will be provided to inmates who will clean common areas, as well as personal housing areas. Unit privileges may be temporarily forfeited should any part of the unit fail inspection. The immediate living areas that need to be cleaned are the following:

- Toilets
- Wash Basins
- Showers
- Floors
- Bunks
- Bars
- Walls

All individual areas and common areas will be swept and mopped each day.

In the event that any inmate refuses to clean their immediate living area, this can result in possible disciplinary action(s) being taken against that inmate.

All inmates assigned a property container will be store them under their assigned bunk. If you are in a top bunk, store your property container under the bottom bunk below you. If unable to store under a bunk you will store you property container under your desk area.

Photographs, newspaper articles, personal drawings and/or other items will not be pasted, taped, affixed to or laid upon walls, windows, bars, bed rails, or light fixtures. Anything posted in any way to the above items will be confiscated and placed in your property, and can result in possible disciplinary action(s) being taken against the inmate.

Any personal property left out on open bunks or under a mattress may be confiscated and disposed of. The property you have needs to be placed in your individual storage container. If you are in a housing area without a storage container, you need to keep your property stacked neatly on your desk.

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TELEPHONE USAGE

Phones are made available to each unit from 0700 to 2300 hours. These are collect call telephones, which require the receiver of the call to pay for the charges. TDD phones are available for the hearing impaired. Should you need one of these phones, contact your Floor Officer for assistance. You will be allowed to purchase phone cards through commissary provided you have sufficient commissary funds.

Messages will not be taken for inmates.

Inmates can lose their phone privileges due to disciplinary sanctions.

INTERCOMS

Unnecessary use of intercoms is prohibited, and if abused, possible disciplinary action(s) may be taken.

The intercom system in your cell is for emergency purposes only. This button is not intended for you to call the control room and ask for a floor officer, a request form, to ask the time, etc.

VISITATION INFORMATION

You are responsible for requesting and filling out a visitation form. The form needs to be completed as neatly as possible. The form allows you to identify five (5) visitors. You are only allowed to change your visitation form once a month. You do not need to place children under the age of seventeen (17) on the list. Children under the age of seventeen (17) will be accompanied by a parent or guardian.

- Inmates are responsible for advising visitors of the time and day of their visitation. This includes any changes to your visitation schedule.
- Inmates may refuse any visitor.
- Inmates need to make sure their visitors are aware of the requirement to arrive and register at least ten (10) minutes prior to the visitation time. Failure to do so may result in the visitor being turned away and you not receiving the visit.
- Visitors must have a valid picture ID.
- No items will be accepted through visitation.

Each inmate shall be allowed a minimum of two (2) visitation periods per week, for twenty (20) minutes each visit. At least one of the visitation periods shall fall on either a weekend or evening.

PROHIBITED ITEMS

You are prohibited from having certain items in your possession and/or living area, due to the safety of the officers and your fellow inmates. Contraband includes, but is not

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limited to: altered items, alcoholic beverages, tobacco products, medications and controlled substances, money, any weapons or items which could be used to inflict injury, extra bedding or clothing, personal grooming items not purchased from the commissary and/or items from other jail/penal institution commissaries, and any other items not specifically authorized by the jail supervisors. As a general rule, items, which have not been issued by the jail, or items not purchased from the commissary are considered to be contraband. All contraband may be discarded or placed in your personal property. Any contraband such as drugs or weapons will placed into evidence for possible disciplinary action(s) and /or criminal charges.

Personal and cell searches will be conducted randomly and frequently to retrieve items of contraband to ensure the safety and security of both inmates and staff members. Inmates need not be present during cell searches.

Inmates may be subject to unclothed searches.

If contraband is located in your living area or possession, you could be subject to disciplinary action(s); criminal charges may also be filed against you. All contraband discovered is subject to disposal.

PROPERTY

You will be issued jail clothing. Your personal clothing and property will be placed in the jail storage unit until you are released or transferred. You may be allowed to keep some belongings with you, but the Comal County Jail does not assume responsibility for personal items.

Property to be issued: One (1) set of jail clothing, one (1) mattress, one (1) mattress cover, one (1) blanket, one (1) towel, a property container (unless in a single person cell), one (1) cup and one (1) eating utensil.

You are responsible for county issued property and will be required to return all property upon transfer or release. Any county issued property altered or damaged while in your possession will result in disciplinary action as well as a fee to replace the item.

When you are transferred to another agency, your property, if left in storage, must be picked up within thirty (30) days of your release. If it is not picked up, it will be destroyed in accordance with state law. You must specifically name the person and their phone number who will pick up the property.

The following are authorized items allowed to be in your possession.

- Photographs – no larger than 5” x 7”. No Polaroid pictures and no pictures containing nude, sexually suggestive, or pornographic material will be accepted.
- Eyeglasses and or contact lenses and solution as approved by the medical staff.

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- Clothing you are allowed is; underwear or boxer shorts, socks, thermal tops/bottoms and T-shirts. All of these must be solid white in color. They must also have your name on them.
- Any item(s) purchased through Commissary.
- Reading materials. Reading materials consist of religious materials, newspapers, magazines or books (in accordance with the Comal County Correspondence Policy).
- You will only be permitted one (1) book from the Jail library cart
- Religious articles or medallions approved by the Jail Administrator.
- Pens (2) and (12) map pencils in your possession at one time.
- Paper, envelopes, and stamps that have been received through the Commissary or through the Indigent fund.
- Personal Hygiene items that are purchased through Commissary or issued by the jail staff. [Maximum of (5) sanitary napkins, (2) bars of soap, (1) toothbrush, (1) tube of toothpaste, (1) comb in possession at one time].
- One (1) drinking cup and one (1) eating utensil per inmate.

Any alteration of clothing or any other item from its intended use or design will be considered contraband and may be taken and disposed of.

Property Releases: Property may be released to a member of the public who has a legible, officially issued picture identification. A property release form will be completed and signed ensuring you want to release the property.

Upon being released, you will bring out all items in your cell that you have received while in custody. You will not hand out items to other inmates you are incarcerated with.

MONEY

Once you have been booked into the Comal County Jail, any money in your possession will be placed into your inmate commissary account. Once housed, the only type of money to be deposited in an inmate's commissary account will be through a Money Order mailed into the facility. The Money Order will be addressed to the inmate. Upon your release, any remaining balance in your commissary account will be provided to you in the form of a check.

Funds cannot be transferred from one inmate to another. You are also not permitted to have money sent into the facility and placed into another inmates account.

COMMISSARY

Hygiene items, snack foods, writing materials, stamped envelopes, T-shirts, and undergarments can be purchased through commissary.

- Commissary items will be ordered one time per calendar week. Inmates having necessary funds may make a written request for items on the

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commissary order form. The order form must be submitted by 0800 hours, Monday morning.

- All pertinent information on the commissary form must be filled in correctly and the form must have your signature. If the form is not filled out completely then you will not get commissary for the week. You will have to wait for the following week to order.
- Commissary will be delivered once a week. If there are unforeseen circumstances or situations, Commissary may be delivered to an inmate at a later time in the week.

If you are indigent (have no money in your account), writing materials are available through commissary and you must fill out a request form asking for these items.

DAY ROOM ACTIVITIES

Playing cards and dominoes is allowed in the dayroom area.

Horseplay and excessive noise will not be tolerated and may lead to possible disciplinary action, which may include loss of privileges for the tank.

Television viewing is a privilege and is restricted to the dayroom area only. Units such as disciplinary separation and medical units do not have televisions. Television volume must be kept to a low volume as not to disturb others. Appropriate volume will be determined by the Floor Officer and regulated when needed. Programs are generally the choice of the majority of those watching, but ultimately may be overridden by the Floor Officer if deemed necessary for unit order (this includes turning the television off). Your Floor Officer will turn off televisions at lights out and as deemed necessary.

Mattresses are to remain on your assigned bunk and off the floors at all times. Mattresses will not be permitted to be removed from your assigned bunk and placed in the day room area to sit or lay on.

You are not allowed to stand on your table or stool. This is a safety violation and you can face possible disciplinary action(s) for doing so.

HEADCOUNTS

Head counts are conducted several times daily. You will be required to comply with the Floor Officer's directions for all headcounts. Headcounts may be conducted at any time as directed by staff. During headcounts, you will be required to stand by your assigned bunk. Failure to comply can result in possible disciplinary action(s).

RECREATION

Each inmate is provided the opportunity for outdoor exercise, weather permitting. Inmates will not be permitted to take anything into the recreation area. Inappropriate or

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unsafe conduct will result in your removal from the recreation area and/or may result in disciplinary action(s). You will be allowed at least one (1) hour of physical recreation, three (3) days a week. At least one of these times will be during daylight hours.

FOOD SERVICE

Food is not to be given, traded, or sold to another inmate. Medical Staff will determine special diets for health reasons. Meals will be served three times per day. You are required to take the first available tray and be seated immediately. You have 20 minutes to finish your meal. Food from a tray may not be saved or stored for later consumption. Any alteration made to the above-mentioned food items could result in disciplinary action(s).

RELIGIOUS ACTIVITIES

Religious services are provided on a weekly basis when possible. Participation is voluntary. If you wish to attend these services, consult with your Floor Officer on when and how to attend religious services. The safety and the security of the facility will be the priority at all times. Religious services may be cancelled for safety and security reasons at any time. We offer Catholic, Baptist, and Non-Denominational services. You will only be allowed to attend one of the services.

Religious literature, one (1) religious medallion, and Bibles are also available upon request. With prior approval and arrangements by the Jail Administration, you may receive religious counseling from an unrelated, approved pastor.

LAW LIBRARY

Legal materials are available through the inmate Law Library. You must request and complete a Law Library request and submit to your Floor Officer. The Library services are provided via the Internet.

RECREATIONAL LIBRARY SERVICES

Recreational paperback books are available in a limited amount. Inmates are not allowed to possess more than one recreational reading material. You can ask your Floor Officer for access to these library services.

Use of library material, for purposes other than the intended purpose, will cause the confiscation of these materials and/or possible disciplinary action(s).

CLASSIFICATIONS

The Classification Section reviews all classifications on a continuing basis. Your custody classification is based on current offense or conviction, offense history, institutional disciplinary history, prior convictions and stability factors. If you wish to appeal your

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classification assessment, you may do so by submitting a written inmate request to the Classification Officer.

Inmate Trustee Status: Inmate worker status is available to those inmates who meet established criteria. Being an inmate trustee is a privilege and not a right.

A written request will need to be submitted for review by the Trustee Officer for consideration of these positions. A request form can be obtained from your Floor Officer.

MEDICAL AND HEALTH SERVICES

If you have a medical, mental or dental concern, you must request and complete a Sick Call request.

Medical staff will review Sick Call request(s) submitted. If deemed necessary, the appropriate medical staff will see you on scheduled visit days. Unpaid medical bills become a debit on your Commissary Account and are paid off as funds are added. Medical debits from prior incarcerations are carried to subsequent incarcerations until paid in full.

Medications are to be taken in the presence of the medical staff member dispensing them. A mouth check will be required after taking your medication. Your failure to comply with this may result in possible disciplinary action(s).

You are prohibited from giving your medication to another person. Anyone found hoarding, abusing and/or in possession of another inmates medication(s) may be subject to disciplinary action(s).

The medical staff will only authorize special diets for medical purposes.

NOTARY SERVICES/ UNSWORN DECLARATIONS

Notary Services will not be provided. Instead, you can utilize the below format.

As provided by Texas Civil Practice and Remedies Code Chapter 132, an unsworn declaration is one made by an inmate in a county jail in lieu of a written sworn declaration (notarized document).

An unsworn declaration made under this chapter must be in writing and subscribed by the person making the declaration as true under penalty of perjury.

The form of a declaration must be as follows: "I (insert inmate's name and booking number), being presently incarcerated in the Comal County Jail in Comal County, Texas, declare under penalty of perjury that the foregoing is true and correct. Executed on (date), (signature).

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CREDITS FOR COUNTY TIME SERVED

Good Time Credit: Time deducted from your sentence for each day served, based on your compliance with the jail rules and regulations. Good-time credits earned may be forfeited due to improper behavior resulting in disciplinary action(s).

Back Time Credit: Time spent in custody prior to disposition of your charge. Only the judge may grant back time credit and the time granted will be deducted from your sentence (once again this can only come from the courts). Any discrepancies concerning back time, fines, court costs, etc. need to be addressed to your attorney or the courts.

INMATE RULES AND DISCIPLINE

It is the Comal County Corrections Divisions' policy to maintain a fair and impartial inmate disciplinary system, which ensures administrative due process and guidelines for disposition of alleged misconduct. The Corrections Division ensures sanctions are proportionate to the severity of the misconduct and are based on documented physical and testimonial evidence.

Approved Sanctions: A Floor Officer may impose Verbal Counseling. Only a Disciplinary Board may assess the following sanctions or a combination thereof.

MAJOR INFRACTIONS: These violations of rules and regulations constitute serious offense against persons and property and pose a serious threat to institutional order and safety. An inmate causing damage to jail property may have the actual costs incurred deducted, from his/her commissary account, following an institutional due process hearing establishing the inmates liability. Sanctions may include but are not limited to the following.

- A. Loss of good conduct credit;
- B. Loss of privileges for a period not to exceed thirty (30) days;
- C. Removal from work details and/or programs;
- D. Disciplinary separation for a period not to exceed thirty (30) days;
- E. Restitution for any damage to jail property.

MAJOR OFFENSES

Acts classified as offenses under state law

Acts classified as offense under federal law

Murder/homicide

Assaulting any person

Fighting with another person

Threatening another with bodily harm; with any offense against person or property

Extortion, blackmail, protection; to demand or receive money or anything of value in return for protection

Aiding another to commit suicide

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Making sexual proposals or threats to another
Engaging in sexual acts with others
Indecent exposure
Escape
Attempting or planning escape
Wearing a disguise or mask
Setting a fire
Destroying, altering, or damaging county property
Destroying, altering, or damaging the property of another person
Stealing [theft]
Tampering with or blocking any locking device or door
Possession, introduction or use of an explosive device or any ammunition
Possession, introduction or use of a gun, firearm, weapon, sharpened instrument, knife or unauthorized tool
Possession, introduction or use of any narcotics, narcotic paraphernalia, drugs or intoxicants not prescribed for the individual by the medical staff
Misuse of authorized medication
Hoarding medication, food, or any other item not meant for your possession
Rioting
Encouraging others to riot
Engaging in or encouraging a group demonstration
Refusing to work or to accept a program assignment
Encouraging others to refuse to work or participate in work stoppage
Insolence towards a staff member
Refusing to obey an order from staff
Lying or providing a false statement to a staff member
Counterfeiting, forging or unauthorized reproduction of a document, article of identification, money, security or official paper
Self-mutilation/Tattooing
Possession of tattooing paraphernalia
Making intoxicants
Being intoxicated
Giving or offering any staff member a bribe or anything of value
Interfering with taking of count
Being unsanitary or untidy
Failing to perform work as instructed by an officer
Possession of anything not authorized for retention or receipt by the inmate and not issued to him through regular institutional channels
Possession of tobacco and related paraphernalia
Throwing or propelling objects or substances
False Self-Identification
Disruption of the orderly running of the facility
Unexcused absence from work or any assignment
Using any equipment contrary to instructions or posted safety standards

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MINOR INFRACTIONS: These are violations of rules and regulations, which do not represent serious offenses against persons and do not pose a serious threat to institutional order and safety. Sanctions shall be limited to the following:

- A. Counseling;
- B. Verbal or written reprimand;
- C. Loss of privileges for a period of time not to exceed fifteen (15) days
- D. Disciplinary separation for a period not to exceed fifteen (15) days

MINOR OFFENSES

Gambling
Possession of gambling paraphernalia
Abuse of intercom system
Being present in an unauthorized area
Entering or exiting an area without permission
Unauthorized equipment use
Unauthorized taking of items into or out of units
Unauthorized absence from work or activity
Unauthorized change of bed assignment
Possession of unauthorized clothing, linen or bedding
Defacing property
Unauthorized contact (including contact with inmates while outside assigned housing area)
Unauthorized passing of items
Horseplay
Inadequate or partial uniform
Obstruction of view (i.e. attaching items to walls, bunks or bars)
Participating in an unauthorized meeting or gathering
Failure to follow safety or sanitation regulations
Failing to stand for count
Being unsanitary or untidy
Using abusive or obscene language
Unauthorized use of mail or telephone by inmates
Giving money or anything of value to or accepting money or anything of value from another inmate, a member of his family or his friends
Making frivolous, repetitive or unfounded accusations toward officers or others

DISCIPLINARY HEARING PROCEDURES – due process requirements:

- A. A neutral and impartial board of officers, which shall not include any person involved in the alleged violation or charge, will hear disciplinary hearings.
- B. The Jail Administrator or their designee will appoint the Disciplinary Board and Disciplinary Officer.
- C. The board will consider only infractions of written rules, regulations and prohibited activities.

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- D. Up to seven (7) days continuance may be authorized by the Jail Administrator or their designee in order to prepare for defense against charges, which may involve disciplinary segregation or loss of good conduct credit.
- E. The inmate will receive a written copy of the claimed violation or charges at least twenty-four (24) hours before the scheduled disciplinary hearing. You will be informed of the evidence against you, although confidential informants may be protected.
- F. Inmates may waive the right to any disciplinary hearing provided proper notification is given to the inmate prior to the signing of the waiver. The waiver form provided shall inform you of the charge against you, the allowable sanctions, and the sanctions offered by the waiver. A waiver will not include the loss of good time as a sanction.
- G. The inmate may not be represented by legal counsel, however, may be represented by another inmate if the accused inmate is illiterate or in cases where the complexity of the issue makes it unlikely that the inmate will be able to recollect and present the evidence necessary for an adequate comprehension of the case. If that is not permissible, substitute aid from the staff or from an inmate designated by the staff will be provided. This is subject to the overall safety and security of the facility.
- H. The inmate may make a statement in his or her own behalf, may call relevant witnesses on his or her behalf, and may present documentary defensive evidence when not unduly hazardous to institutional order and safety.
- I. The decision must be based solely on evidence presented at the hearing.
- J. A written record of the hearing will be made and retained for reference.
- K. The decision of the Disciplinary Board or Disciplinary Officer will be reported, in writing, at the conclusion of the hearing indicating the evidence relied upon and reasons for the disciplinary action(s) taken. A copy of the Disciplinary Boards findings will be placed in your inmate file.
- L. The inmate may appeal, in writing, to the Jail Administrator or their designee within seventy-two (72) hours of the conclusion of his/her hearing. The Jail Administrators' or their designees' decision will be final.
- M. The recommended sanctions by the Disciplinary Board will be effective upon completion of the appeals process and final approval by the Jail Administrator or designee. The Jail Administrator or their designee may reduce penalties or dismiss the charges upon review or appeal, but may not increase the penalty or add charges.

CORRESPONDENCE

POLICY: The Comal County Sheriff's Office ("CCSO") recognizes the rights of Detainees to free access to books, publications, courts, attorneys and government officials. CCSO also encourages all Detainees to maintain ties with their friends, which will aid in their reintegration process. This policy sets forth the procedures and regulations necessary for allowing Detainees to send and receive correspondence, as well as publications, in a consistent manner to ensure the proper processing of Detainee mail.

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PURPOSE: This plan establishes guidelines for the handling of privileged and non-privileged Detainee correspondence, both outgoing and incoming, and shall provide for the collection and distribution of correspondence.

DEFINITIONS: As used in this document, the following definitions shall apply:

- A. Privileged Correspondence: Mail addressed to or from:
 - 1. Officials of the federal, state and local courts;
 - 2. All federal and state officials and agencies, including the President of the United States;
 - 3. Bona Fide News Media; and
 - 4. A licensed attorney. Jail staff may confirm that sender is a licensed attorney and sent the correspondence to the addressee detainee.

- B. Bona Fide News Media : Includes all companies, individuals and organizations listed in *Gail Directory of Publishing or Editor and Publisher Yearbook*.

- C. Indigent Detainee: A Detainee who has \$5.00 or less in their personal property and/or maintains a daily average balance of \$5.00 or less in their Inmate Trust Fund for a period of seven (7) consecutive days.

- D. Non-Privileged Correspondence: Any mail addressed to or received from persons or organizations not listed as Privileged Correspondence.

- E. Negative Mailing List: Persons on that list may be:
 - 1. Minors, other than:
 - (a) Minors related to the Detainee as son or daughter, unless otherwise ordered by a court having jurisdiction over the Detainee or the minor;
 - (b) Minors related to the Detainee, except as son or daughter, unless the minor's parent or guardian objects, or as otherwise ordered by a court having jurisdiction over the Detainee or the minor; and
 - (c) Other minors whose parents or guardians consent in writing, unless otherwise ordered by a court having jurisdiction over the Detainee or the minor.
 - 2. Individuals who request, in writing, not to receive further correspondence from the Detainee;

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3. Other Detainees at a jail or prison who request, in writing, not to receive further correspondence from the Detainee, or as ordered by a court having jurisdiction over either Detainee;
4. Victims or alleged victims of the Detainee with whom the court prohibits contact; and
5. Individuals who have attempted to send Contraband into the institution or otherwise committed a serious violation of these correspondence rules, as determined by the Jail Administrator or his/her designee. A person who commits a serious violation of this policy may be prohibited from any further correspondence with a particular Detainee and may be placed on a Negative Mailing List of persons with whom that particular Detainee may not correspond. Within three (3) business days of placement on a Negative Mailing List, a notice, accompanied by a statement of the reason for placement on the Negative Mailing List, shall be sent to the disallowed person and to the Detainee, along with the procedures to appeal the decision to the Chief Deputy.

GENERAL MAIL SERVICES

1. All outgoing correspondence shall be stamped, unsealed until inspected, and include the Detainee's full return address at the Comal County Jail.
2. Sending and receiving correspondence shall be available to all Detainees on an equitable basis. Detainees shall be permitted to send as many letters of as many pages as they desire provided they can pay for applicable postage.
3. Detainees can correspond with any person not on the Detainee's Negative Mailing List, as that term is defined herein. Detainees shall be denied permission to correspond with persons on the Detainee's Negative Mailing List.
4. Detainee-to-Detainee correspondence may be prohibited where a legitimate penological interest exists.
5. Correspondence and packages shall be processed within 72 hours, excluding weekends, and holidays. Detainees may receive correspondence in any quantity, amount and number of pages.
6. Supplies (envelopes, stationery, stamps) shall be available for Detainees to purchase through the commissary. Detainees shall be allowed to retain writing materials, stamps and correspondence in reasonable amounts so as not to constitute a fire hazard or otherwise.

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7. If requested by an Indigent Detainee, jail staff shall furnish a reasonable amount of paper, writing instruments, envelopes, and stamps for Privileged Correspondence. Additionally, Indigent Detainees shall be furnished paper, writing instruments, envelopes, and stamps to post at least three (3) letters a week for Non-Privileged Correspondence. A negative balance may be maintained on the Detainee's Inmate Trust Fund for indigent postage and correspondence supplies.
 - (a) Postage provided for an Indigent Detainee shall be limited to First Class mail and shall not include registered, certified or insured mail.
 - (b) All Privileged Correspondence must have an address that can be verified. Documentation shall be maintained within the facility's mail room logbook, listing the total amount of postage spent per day for an Indigent Detainee's Privileged Correspondence. Mail without postage shall be checked to verify both the privileged status of the addressee and the indigent status of the Detainee. Upon verification of both, the correct postage (First Class only: no certified, insured or registered postage) will be placed on the envelope. Documentation shall be maintained listing the Detainee, addressee, amount of postage used and correct date.

INSPECTION OF ALL INCOMING AND OUTGOING ITEMS OTHERS THAN PRIVILEGED CORRESPONDENCE

- A. Mail addressed to or received from persons or organizations not listed in Section III.A. shall be considered Non-Privileged Correspondence. All incoming Non-Privileged Correspondence may be opened and may be censored, provided a legitimate penological interest exists, as well as inspected for Contraband or other enclosures by Jail staff. This correspondence may be read, censored and/or rejected as set forth in paragraph B below.
 1. A copy of the original correspondence that is censored or rejected should be retained, at least until any appeals process is completed.
 2. The Detainee to whom the correspondence was addressed and the sender of the correspondence will be notified of the reasons for such action and be given the opportunity to appeal the decision through the grievance process as set forth in this policy. If Contraband is discovered, it shall be confiscated and the Detainee to whom it was addressed will be advised of such action.

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3. Detainees will not be allowed to keep the sender's envelope(s). After the Detainee receives the contents of the correspondence, the envelopes will be discarded. Detainee will be given the opportunity to copy down the return address.
- B. Rejection of incoming mail or other items addressed to Detainees.
1. Any incoming mail or other items containing items that: (1) Detainees are not allowed to have in their possession; and/or (2) presents a threat to the safety or security of the staff, Detainees, institution, or public (hereinafter collectively referred to as "Contraband") shall be removed. Contraband does include any written material disapproved for its content.
 - (a) If Contraband is found in an incoming letter, publication or book, the Contraband shall be removed, if possible, and the item will be delivered. If the Contraband cannot be removed from the letter, book or publication, the item shall not be delivered to the Detainee.
 - (b) Individuals who have attempted to send Contraband into the Comal County Jail or have otherwise committed a serious violation of these correspondence rules, as determined by the Jail Administrator or his/her designee, may be prohibited from any further correspondence with a particular Detainee and may be placed on the Negative Mailing List of that particular Detainee. Within three (3) business days of placement on a Negative Mailing List, a notice, accompanied by a statement of the reason for placement on the Negative Mailing List, shall be sent to the disallowed person and to the Detainee, along with the procedures to appeal.
 - (c) At the Sheriff's discretion, contraband may be returned to the sender, and the cost of returning contraband will be deducted from Detainee's Inmate Trust Fund. Detainee will be given notice of the deduction from their Inmate Trust Fund and may appeal the withdrawal.
 2. Inflammatory writings and pornography contained in general correspondence, magazines, photos, newspapers, periodicals and other publications will be rejected on a case-by-case basis, including but not limited to:
 - (a) Information regarding the manufacture of explosives, weapons or drugs;

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- (b) Materials a reasonable person would consider written specifically for the purpose of communicating information designed to achieve facility disruption through Detainee disturbances, riots or strikes;
- (c) Publications contributing to or encouraging criminal behavior or other behavior which is considered detrimental to Detainee rehabilitation;
- (d) Writings based on specific factual information that is determined to be detrimental to Detainee rehabilitation because it would encourage deviate criminal sexual behavior; and
- (e) Information which, if communicated, would create a danger of violence and physical harm to another human being.

C. Detainee Outgoing Mail:

- 1. All outgoing Non-Privileged Correspondence may be opened and may be censored, provided a legitimate penological interest exists.
- 2. Unless mail is from an Indigent Detainee, all Detainee mail, to include Detainee-to-Detainee mail, must have a U.S. postage stamp prior to being mailed out.
- 3. Detainees must not seal outgoing correspondence, unless the mail is Privileged Correspondence.
- 4. Detainees should not send other Detainees personal items of property through the mail.
- 5. Detainees are not allowed to send clothing or material of any type through the mail.

UNDELIVERED CORRESPONDENCE

- A. The following types of mail will be considered undeliverable and will be returned to the sender:
 - 1. Correspondence that does not have a complete address sufficient to allow an officer to identify the addressee Detainee from inspection of the envelope will be stamped "Return to Sender/Incomplete Address," and returned to the sender unopened.
 - 2. Correspondence addressed to a Detainee no longer in the Comal County Jail System shall be returned to the sender.

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3. Mail containing the following items will be considered undeliverable:
 - (a) Cash, personal checks, payroll checks and certified checks will not be permitted in the correspondence. The assigned jail staff shall fill out the appropriate forms to document the receipt of cash, checks, etc., and the return of the cash, money orders or certified checks to the sender.
 - (b) All books, booklets, magazines or other publications.
 - (i) All books, booklets and magazines must come directly from the publisher or a bona fide bookseller (such as Amazon) and no hard cover bound books are allowed. Any books, booklets and magazines not received from the publisher or a bona fide bookseller will be returned to the sender and any cost associated with returning the item shall be deducted from the addressee Detainee's Inmate Trust Fund. A "bona fide bookseller" constitutes an entity that regularly engages in the sale or distribution of books.
 - (c) Eyeglasses.
 - (d) Stickers are not allowed on stationary. All envelopes will be retained by jail staff.
 - (e) Greeting cards larger than 8x11.
 - (f) Musical cards.
 - (g) Postage stamps, envelopes or stationary. All postage stamps, envelopes or stationary must be purchased through the Jail Commissary.
 - (h) Hard plastic/laminated cards.
 - (i) Jewelry or cosmetics.
 - (j) Polaroid photos of any size.
 - (k) Clothing or material of any type.
 - (l) Photographs containing hand gang signs, gestures, or life-size tattoos.

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- (m) Photos or items showing nude/partially nude/sexually explicit photographs of any type.
 - (n) Photographs taped, glued or pasted to cards, letters, etc.
 - (o) Photographs of children not fully clothed.
 - (p) Glue, glitter, tape, beads, string, or wire on cards or envelopes.
 - (q) Human hair or personal body items.
 - (r) If the mail or publication contains staples or paperclips, the staples and/or paperclips will be removed prior to delivery.
- 4. Magazines, newspapers or periodicals addressed to Detainees shall not be deliverable if they are not sent directly from the publisher and will be returned to the sender.
 - 5. Detainees shall not be permitted to receive mail sent “standard rate” or “bulk rate,” unless it is addressed to a specific Detainee. All other mail sent “standard rate” or “bulk rate,” as indicated by the U.S. Postal Service stamp, may be discarded upon receipt by the facility without notice to the Detainee.
 - 6. Detainees are not permitted to send or receive any type of correspondence on a cash-on-delivery (COD) basis. Unauthorized items arriving by mail shall be returned to the sender at the expense of the addressee Detainee if ordered by the Detainee, unless the Detainee is without funds, in which case the mail shall be returned at the sender's expense. Detainees shall be notified when COD mail is returned to the sender.
- B. When deemed necessary to return or censor any incoming mail, a written record shall be made. Such a record shall include:
- 1. Detainee’s name and SID number;
 - 2. Description of the mail in question;
 - 3. Action taken and the reason therefor;
 - 4. Disposition of the mail; and
 - 5. Name of authorized supervisor authorizing the action.

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- C. Incoming certified or registered mail addressed to Detainees shall be signed for by the assigned jail staff. The assigned jail staff shall verify that the Detainee is in custody prior to opening the certified mail. The assigned jail staff shall return the mail to the sender if the Detainee is not in the facility and the assigned jail staff will keep a log book of all certified and registered mail returned.
- D. All items received in the mail that the Comal County Sheriff's Office believes might be illegal shall be turned over to the Comal County Sheriff's Office, Criminal Investigation Division (CID). A Facility Incident Report (FIR) shall be written and, if applicable, a Comal County Sheriff's Office Offense Report shall be submitted.

PRIVILEGED CORRESPONDENCE

- A. Privileged Correspondence shall be treated as privileged only if the name and official status of the recipient/sender appears on the envelope.
- B. Incoming Privileged Correspondence may be held prior to further process for a reasonable period of time (normally not to exceed two (2) business days) to allow verification of the privileged status of the addressee/sender.
- C. Outgoing Privileged Correspondence addressed to the persons listed in Section III.A. can be sealed by the Detainee and shall not be opened or interfered with unless a search warrant is obtained.
- D. Incoming Privileged Correspondence from persons listed in Section III.A. shall be opened only in the presence of the Detainee by the supervisor or designee. Inspection of Privileged Correspondence shall be limited to only locating Contraband.
- E. Whenever jail officials have probable cause to suspect incoming Privileged Correspondence is part of an attempt to formulate, devise or otherwise effectuate a plan to escape from the jail, to violate state or federal laws or to violate rules of the Comal County Jail; officials shall obtain a search warrant prior to opening and reading the correspondence involved.

MISCELLANEOUS CORRESPONDENCE

- A. Outgoing Certified Mail:
 - 1. The assigned jail staff will be responsible for the handling of certified mail.
 - 2. The Detainee shall complete a certified mail form and forward it with the correspondence to the assigned jail staff along with a Inmate Trust Fund Withdrawal Form.

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3. The assigned jail staff will deliver the completed Inmate Trust Fund Withdrawal Form necessary for withdrawal of funds from the Detainee's Inmate Trust Fund.
 4. The assigned jail staff will take the correspondence, along with the necessary funds, to the Post Office for certification.
 5. Indigent Detainees do not have certified mail privileges.
- B. Magazine/Book Subscriptions:
1. Detainees will be allowed to order magazine or book subscriptions directly from a publisher. Such subscriptions must not violate Section VIII, Miscellaneous Correspondence.
 2. Procedures for ordering subscriptions are as follows:
 - (a) The Detainee will provide a complete Inmate Trust Fund Withdrawal Form along with a stamped, self-addressed envelope and subscription order to the assigned jail staff.
 - (b) The assigned jail staff will deliver the envelope to the United States Postal Service for processing.
 - (c) Detainees shall not receive publications of any kind on a trial basis with payment postponed.
- C. Receipt of Publications (books, magazines, newspapers, newsletters, etc.)
1. A Detainee may receive publications in the mail only directly from the publisher or bookstore. Detainees ordering publications shall forward payment for subscription to an individual publication with the order. Persons desiring to give publications directly to individual Detainees must have the publications mailed directly from the publisher or publisher's supplier, including bookstores. Detainees may receive gift publications.
 2. Publications received by Detainees may be in languages other than English.
 3. Packages of publications (books, etc.) may be sent to Detainees by publishers or bona fide booksellers. The Comal County Jail shall accept delivery of packages from public carriers only, such as USPS, UPS, FedEx, or DHL. The package must identify the person (Detainee or other) who ordered the publication. A package that does not identify the person ordering the publication shall be returned to the sender.

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4. All incoming packages shall be subject to inspection. If inspection reveals private correspondence, Contraband, or other evidence that the package was not sent by the publisher or bona fide bookseller, the package and all of its contents shall be returned to the person who ordered the publication or to the sender.
5. Detainees shall be notified when unauthorized packages have been denied.

D. Content Inspection of Publications

All publications are subject to inspection by assigned staff. The Jail Administrator or his/her designee has the authority to accept or reject a publication for content, subject to review by the Chief Deputy. The Jail Administrator or his/her designee shall render decisions on publications reviewed within fourteen (14) days of receipt, with a goal of rendering the decision within five (5) business days. Detainees do not have to be notified when magazines, books or other publications are being held for review. Publications shall not be rejected solely because the publication advocates the legitimate use of Detainee grievance procedures, urges Detainees to contact public representatives about jail/prison conditions, or contains criticism of authorities.

1. Rejection Due to Content

A publication may be rejected if:

- (a) it contains Contraband that cannot be removed;
- (b) it contains information regarding the manufacture of explosives, weapons, or drugs;
- (c) it contains material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of prisons through Detainee disruption such as strikes, riots, or violent actions activity;
- (d) a specific determination has been made that the publication contains graphic presentations of sexual behavior that is in violation of the law, such as rape, incest, sex with a minor, bestiality, necrophilia, or bondage;
- (e) it contains sexually explicit images (Publications shall not be prohibited solely because the publication displays partially covered buttocks. Subject to review by the Jail Administrator or his/her designee and on a case-by-case basis, publications

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constituting educational, medical, scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books or guides, *National Geographic*, or artistic reference material depicting historical, modern, or post modern era art, may be permitted.); or

- (f) it contains material on the setting up and operation of criminal schemes or how to avoid detection of criminal schemes by lawful authorities charged with the responsibility for detecting such illegal activity.

2. Notice

If a publication or package is rejected, the Detainee and sender shall be provided a written notice of the rejection and a statement of the reason for rejection within three (3) business days of the rejection date on a Publication Denial Form, along with the procedures to appeal. The Detainee shall be given a sufficiently detailed description of the rejected publication to permit effective use of the appeal procedures. The Detainee or sender may appeal the rejection of the publication through procedures outlined in this policy. Publications approved by the Jail Administrator or his/her designee shall be delivered to Detainees within three (3) business days.

3. Handling of Rejected Items

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

- (a) Mail the publication or correspondence to any person at the Detainee's expense; or
- (b) Destroy the publication or correspondence, only with the Detainee's written permission.

4. List of Rejected Publications

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A list of publications rejected during the last two months shall be noted on the Law Library Holdings List. The list shall be updated every month.

APPEAL PROCEDURES

A. Placement on Negative Mailing List

Any Detainee, other correspondent, or sender of any correspondence or publication may appeal the placement of the correspondent on the Detainee's Negative Mailing List.

1. Appeal Procedure

A written notice of appeal, including justification, shall be sent to the Chief Deputy within two (2) weeks of notification of placement on the Detainee's Negative Mailing List.

2. Final Decision

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

3. Reconsideration

A Detainee, other correspondent, or sender may appeal to the Chief Deputy for reconsideration of the Negative Mailing List placement after six months.

B. Rejected Items

Any Detainee, other correspondent, or sender of any correspondence or publication may appeal its rejection and may submit written evidence or arguments in support of their appeal.

1. Appeal Procedure

A written notice of appeal, including justification, shall be sent to the Chief Deputy within two (2) weeks of notification of rejection. Upon receipt of the appeal, the correspondence or publication in question shall also be sent to the Chief Deputy.

2. Final Decision

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