

How to Arrange Hearings with Offenders Incarcerated in the Texas Department of Criminal Justice

This document provides basic information for courts that want to conduct civil or criminal court proceedings involving offenders incarcerated in a Texas Department of Criminal Justice (TDCJ) facility.

Types of Hearings

Different types of hearings may be held within a correctional facility, by a closed circuit video teleconferencing system, or by an electronic broadcast system. Tex. Code Crim. Proc. art. 27.18.

Peace officers may testify before a grand jury using a closed circuit video teleconferencing system with the consent of the grand jury foreman and the attorney representing the state. Tex. Code Crim. Proc. art. 20.151.

A district judge may hear a nonjury matter relating to a civil or criminal case at a correctional facility in the county in which the case is filed or prosecuted if a party to the case or the criminal defendant is confined in the correctional facility. A correctional facility includes a facility operated by or under contract with the TDCJ. Tex. Gov't Code § 24.012(e).

With the consent and approval of the court, an offender may waive the right of trial by jury by a closed circuit video teleconferencing system, or by an electronic broadcast system except in cases where the death penalty will be sought. Tex. Code Crim. Proc. arts. 01.13, 27.19.

Courts may accept a plea of guilty or *nolo contendere* from an offender by a closed circuit video teleconferencing system, or by an electronic broadcast system. Tex. Code Crim. Proc. art. 27.19.

With the agreement of the parties, a trial judge may order that a hearing of a preliminary matter or witness testimony at trial be conducted by electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is available to the parties, approved by the court, and capable of visually and audibly recording the proceedings. Witness testimony at trial may be conducted by electronic means only if the witness is deposed before the commencement of the trial. Tex. Civ. Prac. & Rem. Code art. 30.012.

In a proceeding in the prosecution of a criminal offense in which an offender is required to testify as a witness, any deposition or testimony of the offender may be conducted by a closed circuit video teleconferencing system. Tex. Code Crim. Proc. art. 38.073.

If the court has sentenced an offender to pay a fine or costs or both and the defendant has defaulted in payment and is currently incarcerated in the TDCJ, the court may hold a hearing by means of an electronic broadcast system, including a secure videoconference, to determine whether the defendant is indigent and has failed to make a good faith effort to discharge the fines and costs. Tex. Code Crim. Proc. arts. 43.03(f), 45.046.

Federal judges and magistrates and state judges may conduct hearings involving civil or criminal matters pending before the court if a party to the case is confined in a facility operated by or under contract with the TDCJ. A *Spears* evidentiary hearing may be ordered by the judge or magistrate presiding over a federal cause of action. 42 U.S.C. § 1997e(f)(2). A Chapter 14 hearing may be ordered by a judge presiding over a state cause of action. Tex. Civ. Prac. & Rem. Code § 14.008. Chapter 14 of the Texas Civil Practice & Remedies Code contains screening provisions applicable to offender litigation in state court where the plaintiff files *in forma pauperis*. Tex. Civ. Prac. & Rem. Code § 14.004.

Scheduling the Hearing

When a court wants to hold a hearing within a correctional facility by a closed circuit video teleconferencing system the appropriate TDCJ personnel to contact will depend upon the nature of the hearing. To schedule a *Spears* evidentiary hearing or a Chapter 14 hearing, the requesting court will need to contact the Office of the General Counsel. For other types of hearings, court personnel will need to contact the central Access to Courts office (see Additional Information Section below). Whenever possible, the TDCJ requests 45 days advance notice be provided. Once the appropriate TDCJ personnel are able to check on the availability of space and confirm the date of the hearing or provide an alternative date, the TDCJ requests that the court enter an order setting the date of the hearing, and provide a copy of the order to the relevant TDCJ personnel.

At least 10 business days before the hearing date, the court will need to submit a list of all persons whose attendance is required at the hearing. All participants who will be attending the hearing must provide a photo identification card to enter the facility. Attorneys must also present a bar card. Attire should be professional, appropriate, and compatible with a correctional institutional setting. The list of persons to attend the hearing is to be submitted to the warden's office at the facility where the hearing will be held and to the appropriate TDCJ contact personnel. If problems arise, the contact person will be notified before the hearing at the earliest opportunity.

Testing the Equipment Prior to the Hearing

The TDCJ recommends that the closed circuit video teleconferencing system be tested before the date of the hearing as not all systems have been able to connect to the TDCJ network. Court personnel need to contact the TDCJ telecommunications personnel for assistance with this test.

Additional Information

Offender Search (unit location): <https://offender.tdcj.texas.gov/OffenderSearch/index.jsp>

Unit List with contact information: http://www.tdcj.texas.gov/unit_directory/index.html

For questions or assistance in scheduling hearings not categorized as a *Spears* evidentiary hearing or a Chapter 14 hearing, please contact the central Access to Courts Department at 936-437-4815 or atc@tdcj.texas.gov.

For a court appearance that will involve the transfer of an offender, contact the Classification & Records Department at 936-437-8748 or via email at courtorders@tdcj.texas.gov.

Contact information for the Office of the General Counsel (OGC):

Texas Department of Criminal Justice, Office of the General Counsel
209 W. 14th Street, Suite 500, P.O. Box 13084, Austin, Texas 78711-13084

Contact Melissa Marx with the OGC if you have any questions regarding the scheduling of a *Spears* evidentiary hearing or a Chapter 14 hearing. 512-936-6399,
Melissa.Marx@tdcj.texas.gov

For technical assistance and questions involving connectivity to the TDCJ dial-up network:
Communications Division 936-437-6463, Fax 936-437-1181.

Facility Locations with Closed Circuit Video Teleconferencing System Equipment

Allred Unit-Iowa Park – 940-855-7477; Fax 940-855-3928
Briscoe Unit-Dilley – 830-965-4444; Fax 830-965-1199
Clements Unit-Amarillo – 806 381-7080; Fax 806-383-7113
Cole State Jail-Bonham – 903 583-1100; Fax 903-583-7903
Dalhart Unit-Dalhart – 806 249-8655; Fax 806-249-8136
Daniel Unit-Snyder – 325-573-1114; Fax 325-573-3590
Darrington Unit-Rosharon – 281-595-3465; Fax 281-595-3300
Hughes Unit-Gatesville – 254-865-6663; Fax 254-865-6964
Jester IV Unit-Richmond – 281-277-3700; Fax 281-277-3714
Lopez State Jail-Edinburg – 956-316-3810; Fax 956-316-7447
Luther Unit-Navasota – 936-825-7547; Fax 936-825-6714
Lynaugh Unit-Fort Stockton – 432-395-2938; Fax 432-395-2372
McConnell Unit-Beeville – 361-362-2300 x3102; Fax 361-358-9295
Michael Unit-Tennessee Colony – 903-928-2311; Fax 903-928-2197
Montford Unit-Lubbock – 806-745-1021; Fax 806-748-1726
Mountain View-Gatesville – 254-865-7226; Fax 254-865-1381
Plane State Jail- Dayton – 936-258-2476; Fax 936-257-4449
Polunsky Unit-Livingston – 936-967-8082; Fax 936-967-8437
Roach Unit-Childress – 940-937-6364; Fax 940-937-3182
Robertson Unit-Abilene – 325-548-9035; Fax 325-548-9031
Sanchez State Jail-El Paso – 915-856-0046; Fax 915-856-0046 x150
Stiles Unit-Beaumont – 409-722-5255; Fax 409-729-0114
Telford Unit-New Boston – 903-628-3171; Fax 903-628-5896
Torres Unit-Honda – 830-426-5325; Fax 830-426-8320
Young Facility-Dickinson – 409-948-0001; Fax 409-945-3758