



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 502.02

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Effective Date: August 16, 2023

Distribution: B

Supersedes: 502.02 (11/1/2021)

Approved by: Frank Strada

Subject: DISCIPLINARY PUNISHMENT GUIDELINES

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 40-35-501, TCA 41-21-236, and TCA 41-24-110.
- II. PURPOSE: To establish guidelines for the amount of sentence credits which may be taken, the term of punitive segregation which may be imposed, and the amount of time a parole eligibility date may be extended for the commission of a disciplinary offense.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) employees, employees of privately managed facilities, Tennessee Rehabilitative Initiative in Correction (TRICOR) employees, and inmates, excluding any offender assigned to and participating in a Specialized Alternative Incarceration Unit (SAIU) program or a TDOC authorized transition center (TC) or inmates assigned to the Women's Therapeutic Residential Center (WTRC).
- IV. DEFINITIONS:
 - A. Contract Monitor of Compliance (CMC): TDOC employee(s) authorized by the Commissioner to monitor contract compliance at privately managed facilities.
 - B. Contract Monitor of Operations (CMO): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities. In the absence of the CMO, the Contract Monitor of Compliance (CMC) assigned to that facility will serve that function. In the absence of both the CMO and CMC at privately managed facilities, the necessary notification/request for authorization will be made by telephone to the Correctional Administrator (CA). If the CMO is not reachable via phone, the CMC will be contacted. If both the CMO and CMC are unavailable by telephone, the CA shall be contacted for required authorizations or notifications.
 - C. Good Conduct Sentence Credits: Sentence reduction credits for good behavior inherent in the sentences of inmates convicted of an offense committed after July 1, 1981.
 - D. Good and Honor Time: Sentence reduction credits for good behavior inherent in the sentences of inmates convicted of an offense committed before July 1, 1981. (Replaced by Good Conduct Sentence Credits).
 - E. Good Institutional Behavior: The absence of convictions for disciplinary infractions resulting in more than a verbal warning. (See Policies #502.01 and #502.05).
 - F. Incentive Time: Sentence credits for program participation, replaced September 1, 1980, by Prisoner performance Sentence Credits (PPSC).
 - G. Injury: Physical harm to another person that requires medical attention but does not rise to the level of a serious injury. These injuries would include cuts, abrasions, and bruises.

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- H. Prisoner Performance Sentence Credits (PPSC): Effective September 1, 1980, sentence credits earned for participation in work, educational, and/or vocational programs.
- I. Prisoner Sentence Reduction Credits (PSRC): Effective on or after March 1, 1986, inmates who exhibit satisfactory performance within a program and who exhibit good institutional behavior may be awarded credits monthly toward reduction of sentence parole and expiration dates.
- J. Serious Injury: A substantial risk of death, prolonged unconsciousness, prolonged or obvious disfigurement or a prolonged loss or substantial impairment of a function of a bodily member, organ, or mental faculty requiring outside medical treatment.
- K. Threatened Violence: A threat, whether verbal or physical, explicit, or implied.
- V. POLICY: Punishment imposed for the commission of a disciplinary offense shall be related to the seriousness of the offense and administered uniformly and impartially throughout all institutions. Corporal punishment is prohibited as a form of punishment.
- VI. PROCEDURES:
- A. The attached chart sets forth the guidelines for the maximum number of sentence credits which may be taken and the maximum term of punitive segregation which may be imposed for the commission of disciplinary offenses of various classes. When the inmate has not earned the number of credits designated by the disciplinary board to be taken, Sentence Computation Services will extend the Release Eligibility Date (RED) date by the exact amount indicated on the TDOC Sentence Credit/Extension Actions, CR-3298. (See Policy #505.01) Sanctions which permit the restriction of privileges, extra duty, etc., are outlined in Policy #502.01.
- The horizontal axis specifies the number and type(s) of offenses previously committed. The vertical axis sets forth the offense for which the inmate has just been convicted. Maximum punishment for a specific offense is set forth where the two axes intersect.
- The imposition of a harsher penalty shall be sustained only if the offense involved a death, assault or injury to an employee, volunteer, or visitor, or if justified in the disciplinary committee's findings by an overwhelming or substantial reason.
- B. Guidelines for maximum punishment may be exceeded in cases where the inmate was previously convicted of an equal or greater offense within the past 36 months. (See Policy #502.05)
- C. When an inmate is charged criminally for a violation of state or federal law that was committed while the inmate was incarcerated, the disciplinary board may exceed maximum punishment guidelines up to the removal of all earned sentence credits. The Assistant Commissioner of Prisons/designee must approve all disciplinary board decisions to remove all earned credits.
- D. Good conduct credits and prisoner performance sentence credits (PPSC) taken from an inmate for an offense committed on or after October 1, 1980, shall not be restored. Good and honor time credits taken from an inmate for an offense committed prior to October 1, 1980, may be considered for restoration.

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- E. When an inmate is found guilty of escape/abscond from any minimum-security facility or program without actual or threatened violence (i.e., escape/abscond from furlough/pass or escape from annex) sanctions shall be imposed as defined in the matrix for Class A.
1. When an inmate is found guilty of escape/abscond from minimum-security facility or program with actual or threatened violence, in addition to any other punishment imposed, the offender's release eligibility date shall be extended by adding three years or extended to the sentence expiration date, whichever is less (if sentenced as a Class X felon, or under the Judge Sentencing Act or the Sentencing Reform Act of 1989).
 2. When an inmate is found guilty of escape from minimum restricted or higher custody with or without actual or threatened violence, in addition to any other punishment imposed, the offender's release eligibility date shall be extended by adding three years or extended to the sentence expiration date, whichever is less (if sentenced as a Class X felon, or under the Judge Sentencing Act or the Sentencing Reform Act of 1989).
 3. All extensions of parole and release dates for indeterminate/determinate sentences shall result in the loss of good conduct credits (GCC) and/or prisoner sentence reduction credits (PSRC) in an amount equal to three years, where credits are available (all available credits shall be removed if the full amount is not available). A CR-3298 shall be completed by the disciplinary board for each sentence extension and/or recommended action for loss of sentence credits. The original CR-3298, attached to the original disciplinary forms, shall be forwarded to the institutional record office for review.
- F. When an inmate is found guilty of a Class A disciplinary assault offense that results in physical injury to any person that requires medical treatment, in addition to any other punishment imposed, the offender's release eligibility date shall be extended by adding two years and five years shall be added when serious bodily injury resulted or release eligibility date shall be extended to the sentence expiration date, whichever is less (if sentenced as a Class X felon, or under the Judge Sentencing Act or the Sentencing Reform Act of 1989).

All extensions of parole and release dates for indeterminate/determinate sentences shall result in the loss of good conduct credits (GCC) and/or prisoner sentence reduction credits (PSRC) in an amount equal to no more than two years (five years if serious bodily injury resulted), where credits are available (all available credits shall be removed if the full amount is not available).

There will be only one extension per incident, regardless of the number of victims or severity of injury involved in the incident. A CR-3298 form shall be completed for each sentence extension. The original CR-3298, attached to the original forms, shall be forwarded to the institutional records office for review. If an inmate is found guilty of assault, where no or very minor injury resulted, sanctions shall be imposed as defined in the matrix for Class A offenses.

- G. The records office shall forward the original CR-3298 and a copy of the disciplinary proceedings to the Warden/Superintendent for approval of the loss of time recommended by the disciplinary board. At privately managed facilities, the CMO will approve the loss of time before the CR-3298 is forwarded to the Warden. In the absence of the CMO, the CMC assigned to that facility will serve that function. If both the CMO and CMC are unavailable, the necessary notification/request for authorization will be made by telephone to the CA.

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If the action is approved by the Warden/Superintendent, all paperwork shall be routed back to the records office. The records clerk shall maintain a copy of the approved CR-3298, and the records' office copy of the disciplinary report. The original CR-3298, attached to a copy of the disciplinary action, shall be forwarded to the Commissioner for approval. Once approved by the Commissioner, the original CR-3298, attached to a copy of the disciplinary action, shall be forwarded to the Director of Sentence Management Services for application to the offender record in the offender management system (OMS).

- H. When an inmate is found guilty of refusal to provide a DNA specimen, if ordered to do so by the sentencing court or mandated by legislation, the inmate shall be excluded from earning any behavior sentence credits until such time as the inmate provides the ordered specimen.
- I. When an inmate is convicted of the charge of "Refusal to Participate" and the jobs coordinator determines that a job/program dismissal is warranted, in addition to any other punishment imposed, the inmate's television, radio, and tape player/compact disc player, or any other recreational electronic devices will be removed, commissary purchases will be restricted to basic hygiene items and visitation privileges will be limited to attorneys and ministers only. (See Policy #502.01) These restrictions will remain in effect for 30 days after accepting a new job/program assignment. In instances where inmates have been convicted and are permitted to remain in the same job/program, these restrictions will remain in effect for 30 days. An inmate will not be paid for the day of the incident if he/she is found guilty of Refusing to Participate (RTP). (See Policy #504.04)
- J. When an inmate is convicted of the charges of "Drugs-Possession/Selling/Use - (DPO)", "Positive Drug Screen (PDR)", "Drug Paraphernalia (DRP)", "Refusal of/or Attempt to Alter Test (RAA)", "Intoxicants- Use, Sell, Exchange, Possess (IUS)", "Conspiracy to Violate State Law [(CVS)-only when related to alcohol or drug related charges]", or "Possession and/or Use of Cellular Telephone (PCT)" in addition to any other punishment imposed, the offender's visits, with the exception of ministers and attorneys, shall be modified according to the following and shall be consecutive to any other visitation suspension imposed which the inmate is currently serving.
1. First Offense - Visits shall be suspended for three months.
 2. Subsequent Offenses - Visits shall be suspended for one additional three-month period.
 3. Following a period of visitation restriction of 12 months, inmates who continue to violate rules regarding substance use and risk lengthy visitation restrictions shall be given consideration by the Warden/Superintendent for limited and restricted visits by one or two members of the immediate family (or significant friend in the absence of immediate family) who may be instrumental in convincing the inmate to seek help and to comply with substance use regulations. These procedures shall be incorporated into the facility's visitation policy.
 4. The penalty may also be considered for reduction if the inmate successfully completes substance use programming.
- K. When an inmate is convicted of the charge of "Possession/Use/Introduction of Tobacco Products (PTO)" in addition to any other punishment imposed, the offender's visits shall be modified

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according to Section VI (J) (1-4) above and shall be consecutive to any visitation suspension imposed which the inmate is currently serving.

- L. When an inmate is convicted of the charge of Indecent Exposure (IND), Sexual Battery (SXB), Sexual Harassment (SXH), or Sexual Misconduct (SXM), in addition to any other punishment imposed, the offender's visits shall be modified according to Section VI (J) (1-4) above and shall be consecutive to any visitation suspension imposed which the inmate is currently serving.
- M. If an inmate is found guilty or pleads guilty to a disciplinary offense, in addition to any other punishment imposed, the offender will be assessed a fee according to the following schedule, with the exception of Class C offenses which may only be assessed after three Class C convictions in a 30-day period.
- Class A Offense - \$5.00
Class B Offense - \$4.00
Class C Offense - \$3.00
1. The inmate will be required to complete a Personal Withdrawal Request, CR-2727. If an inmate refuses to sign the CR-2727, the refusal shall be documented and witnessed by two employees on the CR-2727. If a hearing officer heard the case, another employee shall be available to witness the signing of the form.
 2. Any inmate whose trust fund account does not contain sufficient funds shall be required to complete a CR-2727 to allow funds to be deducted from his/her trust fund account when the balance exceeds zero.
 3. Funds generated as a result of this policy mandate shall be deposited into the State of Tennessee General Fund.
- N. Inmates convicted of fighting or assault on another inmate, staff, or visitor, in addition to any other punishment imposed, may be assessed the actual cost for medical treatment resulting from this incident by the disciplinary board/hearing officer.
- O. Inmates convicted of a drug related disciplinary offense after confirmation of a positive urinalysis test by the contract laboratory shall be required to pay the cost of the confirmation test in addition to any other sentence imposed by the hearing officer/disciplinary board.
- P. Inmates who fail or refuse to provide a urine sample for field testing of drugs will be assessed a fee that is equal to the contract laboratory cost of each drug on the multi-panel field drug test for which the inmate is refusing to provide the urine sample.
- Q. Facilities operating a transition center and the WTRC will also use swift, certain, and proportionate sanctions in their disciplinary punishment guidelines as outlined in Policy #513.02.

VII. FORMS: CR-2727 and CR-3298

VII. ACA STANDARDS: 5-ACI-3C-01, 5-ACI-3C-02, 5-ACI-3D-08, and 5-ACI-4A-09.

IX. DIVISION OF PRIMARY RESPONSIBILITY: Office of Prison Operations