



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 502.02

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Effective Date: September 1, 2006

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Approved by: George M. Little

Subject: DISCIPLINARY PUNISHMENT GUIDELINES

- I. AUTHORITY: T.C.A. 4-3-603, T.C.A. 4-3-606, T.C.A. 40-35-501, T.C.A. 41-21-236, and T.C.A. 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, TRICOR employees, and inmates, excluding any offender assigned to and participating in a Specialized Alternative Incarceration Unit (S.A.I.U.) program.
- IV. DEFINITIONS:
 - A. Commissioner's Designee (CD): TDOC employee(s) authorized by the Commissioner to serve as the approving authority for specific actions occurring at privately managed facilities.
 - B. Physical Injury: A cut, abrasion, bruise, burn, or disfigurement; physical pain, temporary illness, or impairment of the function of a bodily member, organ, or mental faculty.
 - C. Serious Physical Injury: Physical injury resulting in prolonged unconsciousness, obvious disfigurement, protracted loss or substantial impairment of a function of a bodily member, organ, or mental faculty or one which carries a substantial risk of death, and usually requires hospitalization.
 - D. 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.
- 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 RED date by the exact amount indicated on 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.

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The imposition of a harsher penalty shall be sustained only if the offense involved an 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 eighteen (18) months. (See Policy #502.05.)
- C. Good conduct credits and prisoner performance 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.
- D. When an inmate is found guilty of escape from any minimum-security facility or program without actual or threatened violence (i.e., escape from furlough/pass or escape from annex) sanctions shall be imposed as defined in the matrix for Class A.

When an inmate is found guilty of escape 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 (3) 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).

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 (3) 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).

All extensions of parole and release dates for indeterminate/determinate sentences shall result in the loss of good conduct credits (GCC) and/or sentence reduction credits (PSRC) in an amount equal to three (3) 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.

- E. 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 (2) years and five (5) 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).

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All extensions of parole and release dates for indeterminate/determinate sentences shall result in the loss of good conduct credits (GCC) and/or sentence reduction credits (PSRC) in an amount equal to no more than two (2) years (five (5) 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 (1) 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.

- F. The records office shall forward the original CR-3298 and a copy of the disciplinary proceedings to the Warden for approval of the loss of time recommended by the disciplinary board. At privately managed facilities, the Commissioner's Designee will approve the loss of time before the CR-3298 is forwarded to the Warden. In the absence of the CD, the contract monitor (CM) assigned to that facility will serve that function. If both the CD and CM are unavailable, the necessary notification/request for authorization will be made by telephone to the CD. If the CD is not reachable via phone, the CM will be contacted.

If the action is approved by the Warden, 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 TOMIS.

- G. 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.
- H. When an inmate is convicted of the charge of "Refusal to Participate" and the job 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 #505.07.) These restrictions will remain in effect for thirty (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 thirty (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.)
- I. When an inmate is convicted of the charges of "Drug - Possession (DPO)", "Drugs - Selling (DRS)", "Intoxicated Drugs (IDR)", "Drug Screen Positive"(PDR)", "Refusal of/or Attempt to Alter (RAA)", "Intoxicated-Alcohol (IAL)", "Intoxicants-Use (IUS)", "Drinking (DRI)" "Intoxicants-Selling (ISE)", "Inhalants (INH)", or "Intoxicants-Possession (IPO)" in addition to any other punishment imposed, the offender's visits shall be modified according to the following and shall be consecutive to any other visitation suspension imposed which the inmate is currently serving.

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1. First Offense - Visits shall be suspended for six (6) months.
2. Subsequent Offenses - Visits shall be suspended for one additional six-month period.
3. Following a period of visitation restriction of twelve (12) months, inmates who continue to violate rules regarding substance abuse and risk lengthy visitation restrictions shall be given consideration by the Warden for limited and restricted visits by one (1) or two (2) 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 abuse 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 abuse programming.
5. Attorney and minister visits are not affected by this section.

J. If an inmate is found guilty or pleads guilty to a disciplinary offense, in addition to any other punishment imposed, the offender may be assessed a fee according to the following schedule, with the exception of Class C offenses which may only be assessed after three (3) Class C convictions in a thirty (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 (2) 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 to the State of Tennessee General Fund.

K. 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.

L. 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.

VII. ACA STANDARDS: 4-4226, 4-4227, and 4-4255.

VIII. EXPIRATION DATE: September 1, 2009.

GUIDELINES FOR THE MAXIMUM AMOUNT OF SENTENCE CREDITS TO BE TAKEN
AND THE MAXIMUM TERM OF PUNITIVE SEGREGATION TO BE IMPOSED
FOR THE COMMISSION OF VARIOUS OFFENSES

Number of Prior Offenses		None	1	1	1	2	2	2	1	1	1	Exception **
Types of Prior Offenses			A	B	C	A	B	C	A&B	A&C	B&C	
Class A	Sentence Credits	6M	9M	6M	6M	12M	6M	6M	9M	9M	6M	30D
	Punitive Segregation	10D	20D	15D	10D	30D	30D	15D	30D	20D	20D	
Class B	Sentence Credits	*2M	*4M	*4M	*2M	*6M	*6M	*2M	*6M	*4M	*4M	
	Punitive Segregation	5D	10D	10D	5D	30D	20D	10D	20D	15D	15D	
Class C	Sentence Credits	*2D	*15D	*15D	*15D	*1M	*1M	*1M	*1M	*1M	*1M	
	Punitive Segregation	0	5D	5D	5D	10D	10D	5D	10D	10D	10D	

* PSRC time may only be taken for conviction of a Class A disciplinary offense. Good and Honor Time/Good Conduct Credits may be taken for the conviction of any offense.

** In instances of escape or assault on employees, volunteers or visitors, or refusal to provide a DNA specimen, see Section VI.(D), (E), and (F) for applicable action.

M - Month(s)

D - Day(s)



TENNESSEE DEPARTMENT OF CORRECTION SENTENCE CREDIT/EXTENSION ACTIONS

INSTITUTION

OFFENDER NAME: (LAST) _____ (FIRST) _____ (MI) _____ TDOC NUMBER _____

Triggering Incident Number: _____ Incident Date: _____

RECOMMENDED SENTENCE CREDIT ACTION TO BE TAKEN:

LOSS OF CREDITS

_____ Days PPSC Time
_____ Days PSRC Time
_____ Days Other (_____)

RESTORATION OF CREDITS

_____ Days PPSC Time
_____ Days PSRC Time
_____ Days Other (_____)

Reason for Restoration: _____

RECOMMENDED RELEASE DATE EXTENSION (Check appropriate boxes):

Escape from Minimum Restricted or Higher Custody, or any Custody with Actual or Threatened Violence [Three (3) year extension]

Assault (check one)

Assault with physical injury - Two (2) year extension

Assault with serious injury - Five (5) year extension

Fully describe extent and nature of victim(s)'s injuries and medical treatment required (Attach additional sheet if necessary): _____

Reverse Extension and Restore Release Date. Reason: _____

RECOMMENDATIONS MADE BY (Check One):

_____ Disciplinary Committee

_____ Administrative Review Board

_____ Other _____

Member

Member

Date

Chairperson

FINAL DECISION:

Warden

_____ Approved

_____ Disapproved

Date

Commissioner

_____ Approved

_____ Disapproved

Date



TENNESSEE DEPARTMENT OF CORRECTION
TRUST FUND ACCOUNT
PERSONAL WITHDRAWAL REQUEST

INSTITUTION

\$ _____

DATE: _____

PLEASE DEDUCT THE FOLLOWING AMOUNT FROM MY ACCOUNT:

DOLLARS

THIS CHECK IS TO BE MAILED TO:

NAME

STREET ADDRESS

CITY, STATE, ZIP

THE PURPOSE OF THIS WITHDRAWAL IS:

INMATE SIGNATURE

INMATE #

Building: _____

Room #: _____

WITNESSED: _____

APPROVED: YES NO

REASON FOR DENIAL: _____

WARDEN / DIRECTOR DESIGNEE

DATE

CR-2727 (Rev. 6-02)

White-Inmate

Canary-Trust Fund Office



TENNESSEE DEPARTMENT OF CORRECTION
TRUST FUND ACCOUNT
PERSONAL WITHDRAWAL REQUEST

INSTITUTION

\$ _____

DATE: _____

PLEASE DEDUCT THE FOLLOWING AMOUNT FROM MY ACCOUNT:

DOLLARS

THIS CHECK IS TO BE MAILED TO:

NAME

STREET ADDRESS

CITY, STATE, ZIP

THE PURPOSE OF THIS WITHDRAWAL IS:

INMATE SIGNATURE

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Building: _____

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WITNESSED: _____

APPROVED: YES NO

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CR-2727 (Rev. 6-02)

White-Inmate

Canary-Trust Fund Office



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POLICY CHANGE NOTICE 07-84

INSTRUCTIONS:

Please change Section VI.(I) to read as follows:

- "I. When an inmate is convicted of the charges of "Drugs - Possession (DPO)", "Drugs - Selling (DRS)", "Positive Drug Screen"(PDR)", "Drug Paraphernalia (DRP)", "Refusal of/or Attempt to Alter Test (RAA)", "Intoxicants-Possession (IPO)", "Intoxicants-Use (IUS)", "Intoxicants – Selling (ISE)", "Inhalants (INH)", or "Conspiracy to Violate State Law [(CVS)-only when related to alcohol or drug related charges)] in addition to any other punishment imposed, the offender's visits shall be modified according to the following and shall be consecutive to any other visitation suspension imposed which the inmate is currently serving.