



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 502.05

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Effective Date: August 16, 2023

Distribution: B

Supersedes: 502.05 (1/11/19)

Approved by: Frank Strada

Subject: DEFINITIONS OF DISCIPLINARY OFFENSES

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, TCA 40-35-501 as amended.
- II. PURPOSE: To define the rule infractions for which an inmate within the physical custody of the Tennessee Department of Correction (TDOC) may be disciplined and/or criminally prosecuted.
- III. APPLICATION: To all TDOC and privately managed institutional employees and inmates, and employees of Tennessee Rehabilitative Initiative in Correction (TRICOR).
- IV. DEFINITIONS:
 - A. Attempt: When an accused makes a substantial but unsuccessful effort to commit said act. This effort entails more than mere preparation.
 - B. Body Fluid: A fluid or fluid secretion of the body. These fluids would include but not limited to blood, saliva, semen, or urine.
 - C. 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.
 - D. Intimate Parts: Includes semen, vaginal fluid, primary genital area, inner thigh, buttock, mouth, or breast of a human being.
 - E. 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.
 - F. Sexual Contact: The intentional touching of a person's intimate parts, or the intentional touching of the clothing covering the immediate area of a person's intimate parts, if the intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification. This contact would include kissing.
- V. POLICY: The TDOC will consistently and uniformly apply the definitions below to alleged and/or adjudicated offenses which are the subject of disciplinary proceedings, and which may be referred to the local district attorney general for further prosecution.
- VI. PROCEDURES:
 - A. The rule infractions defined below are classified as either Class A (most serious), B, or C (least serious).
 1. Abscond (ACM) (Class A): To flee custody from indirect supervision. (Indirect supervision is defined as periodic observation and monitoring of offenders as is reasonable in order to supervise said offenders who are assigned to a work crew, detail, or similar assignment not inside the secure perimeter of a facility. This also

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applies to Offenders who flee from Probation or Parole supervision or Furlough. Absconders may be considered for prosecution for the criminal offense of escape).

2. Abuse of Telephone Privileges (TEL) (Class B or C): Making unauthorized use of telephone, abusing equipment, or violating any other written directive relating to inmate telephone use.
3. Arson (ARS) (Class A): An act committed by any inmate who willfully and maliciously sets fire to or burns, causes to be burned, or who aids, counsels, or procures the burning of any personal property, any house, building or other structure, the property of himself/herself or another.
4. Assault on Inmate – Serious Injury (AOW) (Class A): A violent act on any inmate, which causes 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.
5. Assault on Inmate (AOO) (Class A or B): An aggressive act on any inmate that causes or has the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.
6. Assault on Staff – Serious Injury (ASW) (Class A): A violent physical act on any staff member which causes 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.
7. Assault on Staff (ASO) (Class A or B): An aggressive act on any staff member that causes or has the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.
8. Assault on Visitor, Guest, or Volunteer – Serious Injury (AVW) (Class A): A violent physical act on any visitor, guest, or volunteer which causes 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.
9. Assault on Visitor, Guest, or Volunteer (AVO) (Class A or B): An aggressive act on any visitor, guest or volunteer that causes or may have the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.
10. Attempted Escape (AES) (Class A): To attempt to flee from direct or indirect custody or supervision of the TDOC.
11. Attempted Suicide (SUC) (Class B): Situation in which an individual has performed an actual or seemingly life-threatening behavior with the intent of jeopardizing his/her life or presenting the appearance of such intent, but which has not resulted in death.
12. Burglary (BUR) (Class B): The breaking and/or entering into a building, room(s),

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or storage areas therein used and/or occupied by any person(s), or institutional areas specifically secured from or otherwise off limits.

13. Conspiracy to Violate State/Federal Law (CVS) (Class A or B): Two or more persons, each having the culpable mental state required for the offense which is the object of the conspiracy and each acting for the purpose of promoting or facilitating the commission of a state criminal offense, agreeing that one or more of them will engage in conduct which constitutes such offense. If a person guilty of conspiracy knows that another with whom the person conspired to commit a criminal offense has conspired with one or more other persons to commit the same offense, the person is guilty of conspiring with such other person or persons, whether or not their identity is known, to commit such offense. The state law/TCA Code or federal law/code/statute violated shall be cited in the incident report.
14. Contraband (CON) (Class B or C): To have, own, gain, or maintain control of item(s) which are either prohibited or not specifically authorized, or more than what is authorized by departmental or institutional policy. Any such item(s) found in a cell or room is presumed to be in the possession of all occupants of that housing space.
15. Creating a Disturbance (DIS) (Class B or C): To organize, encourage, promote, or participate in an institutional disturbance in which control of inmates is temporarily lost, or to disturb the peace of others by violent, profane, indecent, offensive, or boisterous conduct or language.
16. Destruction of Personal Property (DPP) (Class C): Willful abuse and/or destruction of the personal property of another.
17. Destruction of State Property (DSP) (Class B): Willful abuse and/or destruction of state-owned property. All guilty dispositions may result in the assessment of restitution for the cost of damages.
18. Disrespect (DSR) (Class B or C): Any act, whether spoken, visual or written, which would tend to degrade a particular person or position.
19. Dress Code Violation (DRV) (Class C): Failure to properly wear prescribed clothing in designated areas or in the manner mandated by TDOC Policy.
20. Drug Paraphernalia (DRP) (Class B): Any objects found of any kind which are used, intended for use, or designed for use in injecting, inhaling, ingesting, or otherwise introducing drugs into the human body. Such items include but are not limited to pipes, tubes, cans, needles, etc.
21. Drugs – Possession/Selling/Use (DPO) (Class A or B): To have, own, gain, or maintain, control over illegal drugs, or unauthorized medications, including narcotics, hallucinogens, opiates, barbiturates, stimulants, marijuana, including synthetic or K2, or medications in a manner not prescribed by a dentist or physician or the sell or exchange of any illegal drugs or medications. Any such item found in

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a cell or room is presumed to be in the possession of all the occupants of that housing space.

22. Escape (ESC) (Class A): To flee custody from direct supervision, custody, or control (such as while in transport to or from court, a hospital, or other venue) or from within the confines of a fenced facility.
23. Extortion (EXT) (Class B): To either verbally or by written or printed communication maliciously threaten to accuse another of a crime, offense, or immoral act; to do any injury to the person, reputation, or property of another, with intent thereby to obtain any money, property, or pecuniary advantage whatever; or to compel the person so threatened to do any act against his/her will.
24. Failure to Report as Scheduled (FRS) (Class C): Failure to be at a designated area at the prescribed time.
25. Failure to Turn in Earnings (FTE) (Class B): The failure of inmates assigned to applicable external work programs as required by said program to deliver their salaries or other income to the institution.
26. Falsifying, Altering, or Forging an Official Document (FAL) (Class B or C): Changing, modifying, or altering the writing of others, or the fraudulent making of any writing. This includes falsifying documents such as passes, ID cards, letters, etc.
27. Fighting (FIG) (Class B or C): A physical altercation between two or more persons without weapons.

Note: If a weapon is present – staff will also charge the inmate with Possession of a Deadly Weapon. If the Weapon is used, then the incident becomes an Assault on Inmate with Weapon
28. Flooding (FLD) (Class B or C): Deliberately causing cell or unit walk to become flooded with water.
29. Furlough Violation (FVI) (Class B): Failure to adhere to rules and regulations governing conduct during a period of authorized absence from the facility.
30. Gambling/Gaming (GAG) (Class C): The act of wagering items of value in a game of chance.
31. Homicide (HOM) (Class A): The killing of another person.
32. Horseplay (HOR) (Class C): Rough frolicking, not to the point of fighting.
33. Indecent Exposure (IND) (Class A): Exposing the breasts, genitals, or buttocks with the intent to excite, embarrass, harass, or torment a staff member.
34. Interference with Officer Duties (INT) (Class A or B): To impede, obstruct, or interfere with staff in discharging their duties.

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35. Intoxicants – Use, Sell, Exchange, Possess (IUS) (Class B): The wrongful possession, use, selling, or exchange of alcoholic products, inhalants, or misuse of prescribed or legal drugs causing an alteration of one’s physical or mental state, commonly termed “under the influence.”
36. Larceny (LAR) (Class B): The unauthorized taking, receiving, or carrying away of state property or the personal goods of another person.
37. Late Returning (LRT) (Class B or C): The failure to return to a specific place at the appointed time after authorized attendance at a job, school, training program or appointment pass.
38. Littering (LIT) (Class C): Carelessly or deliberately discarding materials in unauthorized areas.
39. Mutilation (MUT) (Class B or C): To cut, stab, rip, tattoo, burn, or otherwise damage a particular portion of the body by self-inflicted means.
40. No TDOC ID Card on Person (NID) (Class C): Failure to maintain ID card in possession.
41. No TDOC ID on Clothing (NOC) (Class C): Failure to mark or maintain proper TDOC identification on clothing.
42. Operating Unauthorized Vehicle (OUV) (Class B or C): The operation of any vehicle, either state or private, without written permission.
43. Out of Place (OOP) (Class B or C): Being present in a restricted or prohibited place or any unauthorized area not governed by general call-out or any area without either written or verbal permission.
44. Participating in a Riot (PIR) (Class A): To organize, promote, encourage, or directly take part in an institutional disturbance involving an assemblage of several persons which conduct creates grave danger of substantial damage to property or serious bodily injury to persons.
45. Participation in Security Threat Group Activities (PGA) (Class A): To organize, promote, encourage, or directly participate in a security threat group or security threat group activity.
46. Pending Investigation (PIN) (No disciplinary class designation used): Designation to be used when an inmate is suspected of a Class A or Class B infraction, and the senior security officer determines that the inmate should be segregated pending investigation.
47. Personal Property Violation (PPV) (Class B or C): Possession of personal property in violation of TDOC and/or institutional policy (i.e., over 6 cubic feet of property; items not allowed by the commissioner's property list; appliances with no TDOC identification number, a defaced or altered number, or another inmate's number, etc.).

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48. Positive Drug Screen (PDR) (Class A): A positive test result for one or more categories of drugs of abuse.
49. Possession and/or use of a Cellular Telephone/Communication Device/External Media Devices (PCT) (Class A): To have, own, gain, use or maintain control of a cellular telephone or any device which allows unauthorized/unmonitored two-way communication. This includes external devices (flash drives) that store media or data. Any such item found in a cell or room is presumed to be in the possession of all occupants of that housing space.
50. Possession of a Deadly Weapon (PDW) (Class A): To have, own, gain, or maintain control over any object likely to cause serious injury or death. Any such object found in a cell or room is presumed to be in the possession of all the occupants of that housing space.
51. Possession of Free-World Money (PFM) (Class B or C): To have, own, have control of or attempt to bring unauthorized free-world money into an institution.
52. Possession/Use/Introduction of Tobacco Products Offender (PTO) (Class B or C): To possess, own, have, control of, use, introduce, or attempt to introduce into a correctional facility cigarettes, cigarette papers, cigarette tobacco, pipes, pipe tobacco, tobacco substitutes, chewing tobacco, snuff, matches, cigarette lighters, smoking paraphernalia, and other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco-related products
53. Possession of Security Threat Group Materials (PGM) (Class A): To have, own, gain, or maintain control over any material identified as affiliated with a security threat group that includes, but is not limited to items such as: publications which contain articles, illustrations, or advertisements in known security threat group publications; documents of by-laws, ceremonial procedures, rosters, hit lists, memorandums, use of colors, hand signs, drawings, membership cards, certificates of rank, letters of introduction, or any other article or document specifically associated with security threat groups. A security threat group is defined as a group of individuals possessing common characteristics which serve to distinguish them from other individuals or groups who have been determined to be acting in concert, so as to pose a threat or potential threat to staff, other inmates, the institution, or the community.
54. Rape (RAP) (Class A): The act of forcing or coercing (through violence or threats of violence) an individual to submit to sexual intercourse (vaginal or anal) or other sexual acts to include cunnilingus and fellatio. The sexual penetration or act is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration or sex act that the victim did not consent. It shall also include the sex act of forcibly introducing foreign objects into an individual's body cavity (vaginal or anal) without the victim's consent.
55. Receiving Two Food Trays (TFT) (Class C): Obtaining additional trays of food by going through serving line more than one time or by other means.

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56. Refusal of Cell Assignment (RCA) (Class B or C): Refusal to accept a cell assignment made by a TDOC employee.
57. Refusal of a Direct Order (RDO) (Class C): The willful refusal to follow and carry out a specific, authorized, written or verbal directive.
58. Refusal of/or Attempt to Alter Test (RAA) (Class A): Refusal to provide an adequate breath or urine sample for a drug or alcohol screen upon request, refusal to sign any chain of custody forms, or attempting to change or modify documents, urine, or blood content for the purpose of creating false negative test results.
59. Refusal to Participate (RTP) (Class A): Refusal by any inmate to accept or report to or adequately participate in any assigned work, educational, or vocational training programs.
60. Refusing to Provide DNA Specimen (RDN) (Class A): Refusal by any inmate who has been convicted of a sex offense as outlined in T.C.A. 40-35-321, to provide a DNA specimen when ordered to do so.
61. Robbery (SAR) (Class A or B): The forcible taking of money or goods of any value from another person.
62. Sexual Battery (SXB) (Class A): Sexual contact by an offender with any staff member, contract employee, visitor, guest, or inmate and the inmate knows or has reason to know the victim did not consent.
63. Sexual Harassment (SXH) (Class B or C): Making sexually related comments, gestures, or written communication to another person.
64. Sexual Misconduct (SXM) (Class B or C): Any sexual conduct between inmates, including those instances where the preponderance of evidence is indicative of a preparation for, or immediate conclusion of such acts, including acts involving people, objects, or animals.
65. Solicitation of Staff (SOS) (Class B or C): To ask or seek fraternization, business transactions, social association, or friendship with state or contract employees which extends beyond the normal inmate/employee interaction.
66. Tampering with Security Device or Equipment (TSD) (Class A): Tampering with locking or other security devices or equipment causing that device to malfunction or become inoperable.
67. Threatening Employee (TEM) (Class B or C): A threat to an employee, whether verbal or physical, explicit, or implied that does not involve any physical contact.
68. Threatening Offender (TOF) (Class B or C): Intimidation or coercion of unwilling inmates to participate in any act or a threat to an inmate, whether verbal or physical, explicit, or implied.

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69. Unauthorized Financial Obligations/Transaction (UFT) (Class B or C): The selling, borrowing, or lending of goods (whether monies or property) or services between inmates or between inmates and free-world persons. Entering into any financial obligation between inmates or between inmates and free-world people without the consent of the Warden is also an unauthorized financial obligation/transaction.
70. Violation of TDOC/Institutional Policies (VPR) (Class B or C): Failure to comply with written rules governing inmate behavior. The incident report shall cite the TDOC policy or institutional policy/handbook rules violated, including policy section and subsection numbers.
71. Violation of State/Federal Law (VSL) (Class A): Any violation of State or federal law/code/statute not specifically addressed in this policy. The incident report shall cite the state law/TN Code or federal law/statue/code that was violated.

- B. Class A and B disciplinary offenses may be referred, at the Warden's/Superintendent's discretion, to the local district attorney general for possible prosecution. Reports of violence will be reported in accordance with TCA-41-21-408.
- C. The acronyms listed in parentheses in Section VI.(A) are OMS abbreviations of Disciplinary (LIBK). The category "Violation of TDOC/Institutional Policies" (VPR) is to be used to enter those offenses not otherwise listed in this policy.
- D. All offenses which may be classified as A or B, or as B or C, may be so designated at the discretion of the disciplinary board/hearing officer, depending upon the seriousness of the offense.

VII. APPLICABLE FORMS: None.

VIII. ACA STANDARDS: 5-ACI-3C-01 and 5-ACI-3C-06.

IX. DIVISION OF PRIMARY RESPONSIBILITY: Office of Prison Operations.

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POLICY CHANGE NOTICE 24-24

PURPOSE: This Policy Change Notice (PCN) modifies definitions of incident codes to separate the injury level from the offense code and modifies Agreement to Plead Guilty and Waiver of Disciplinary Hearing and Due Process Rights, CR-3171 to clarify the statement for waiving the inmate's rights.

INSTRUCTIONS: Print this PCN and attach it to the front of all hardcopy versions of Policy #502.05, *Definitions of Disciplinary Offenses*, and maintain any documents generated from the previous practice for the required retention period.

CHANGES TO POLICY:

Section IV.G. is revised as follows (~~deleted text~~; **added text**):

- G. Weapon: Includes objects, instruments, or toxic/flammable substances the inmate controlled at the time of the offense and are considered an element of the offense. Includes gun(s), sharp object (cutting type injuries), pointed objects (stabbing type injuries), solid/blunt objects (thrown or use to strike) or toxic/flammable liquids.

Section VII.A.4-9. is revised as follows (~~deleted text~~; **added text**):

4. Assault on Inmate **with a weapon—Serious Injury** (AOW) (Class A): A violent act on any inmate **with a weapon that includes objects, instruments, or toxic/flammable substances the inmate controlled at the time of the offense and are considered an element of the offense.** ~~which causes 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.~~
5. Assault on Inmate **without a Weapon** (AOO) (Class A or B): An aggressive act on any inmate that causes or has the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.
6. Assault on Staff **with a weapon —Serious Injury** (ASW) (Class A): A violent act on any staff member **with a weapon that includes objects, instruments, or toxic/flammable substances the inmate controlled at the time of the offense and are considered an element of the offense.** ~~which causes 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.~~
7. Assault on Staff **without a Weapon** (ASO) (Class A or B): An aggressive act on any staff member that causes or has the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.
8. Assault on Visitor, Guest, or Volunteer **with a Weapon —Serious Injury** (AVW) (Class A): A violent physical act on any visitor, guest, or volunteer **with a weapon that includes objects, instruments, or**

toxic/flammable substances the inmate controlled at the time of the offense and are considered an element of the offense. ~~which causes 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.~~

9. Assault on Visitor, Guest, or Volunteer without a Weapon (AVO) (Class A or B): An aggressive act on any visitor, guest or volunteer that causes or may have the potential to cause injury. This would include hitting, pushing, and throwing liquids/fluids.

CR-3171 is revised as follows: (~~deleted text~~; added text):

I admit I violated the above listed rule(s) and agree to plead guilty and ~~accept whatever punishment the disciplinary board may impose~~ that by signing this agreement, I acknowledge the authority of the disciplinary board to impose sanctions in accordance with established procedures. In making this agreement, I understand that I am waiving the following rights:

1. The right to personally appear before the disciplinary board
2. The right to plead not guilty and to have the case against me proven by a preponderance of evidence.
3. The right to present my own version of the facts.
4. The right to call witnesses in my own behalf.

I am signing this agreement of my own free will and under no threat or coercion to do so. I understand that by signing this agreement, ~~I must accept whatever punishment the disciplinary board may impose and will not be allowed to appeal.~~ I acknowledge the authority of the disciplinary board to impose sanctions in accordance with established procedures. Furthermore, I understand that I am willingly forfeiting the right to appeal these decisions.



TENNESSEE DEPARTMENT OF CORRECTION
AGREEMENT TO PLEAD GUILTY
AND
WAIVER OF DISCIPLINARY HEARING AND DUE PROCESS RIGHTS

Inmate Name: _____ TDOC Number: _____

Having been in violation of rules as follows:

Disciplinary Docket Number: _____

Offenses and Category _____

I admit I violated the above listed rule(s) and agree to plead guilty and that by signing this agreement, I acknowledge the authority of the disciplinary board to impose sanctions in accordance with established procedures. In making this agreement, I understand that I am waiving the following rights:

1. The right to personally appear before the disciplinary board
2. The right to plead not guilty and to have the case against me proven by a preponderance of evidence.
3. The right to present my own version of the facts.
4. The right to call witnesses in my own behalf.

I am signing this agreement of my own free will and under no threat or coercion to do so. I understand that by signing this agreement, I acknowledge the authority of the disciplinary board to impose sanctions in accordance with established procedures. Furthermore, I understand that I am willingly forfeiting the right to appeal these decisions.

Inmate Signature

Date

Staff Witness

Date

Disciplinary Board Chairperson

Date