

Appendix VI – Class Offenses and Presumptive Punishments

	Class D	Class C	Class B	Class A
<b>Offense</b>	<p>(D1) Be in an unauthorized location;</p> <p>(D2) Negligently fail to perform or complete assigned duties;</p> <p>(D3) Possess contraband not constituting a threat of escape or a danger of violence;</p> <p>(D4) Gamble or possess gambling paraphernalia;</p> <p>(D5) <i>No longer in use.</i></p> <p>(D6) Fail to go to bed when the lights are dimmed or get up during the night without securing permission of the correctional staff;</p> <p>(D7) Exchange articles of clothing/linen/sheets, possess unauthorized or excess clothing/linen/sheets, or mutilate or alter State issued clothing/linen/sheets or wear or use same;</p> <p>(D8) Counterfeit, forge, alter or reproduce without authorization any document, article of identification, stamps or other papers, or knowingly possess such falsified materials;</p> <p>(D9) <i>No longer in use.</i></p> <p>(D10) <i>No longer in use.</i></p> <p>(D11) <i>No longer in use.</i></p> <p>(D12) Fail to keep living quarters in a clean and/or proper condition;</p> <p>(D13) Fail to observe basic standards of personal hygiene in bathing and grooming;</p> <p>(D14) Feign physical or mental illness or disablement for any purpose;</p> <p>(D15) Misuse prison supplies;</p> <p>(D16) Assist another person with litigation or legal matters;</p> <p>(D99) Attempt to commit any of the above-listed offenses, aid another person to commit any of the above-listed offenses, or make plans to commit any of the above-listed offenses. It shall be no defense that an individual was prevented from completing any of the above-listed offenses by prison staff or intervening circumstances.</p>	<p>(C1) <i>No longer in use.</i></p> <p>(C2) Direct toward or use in the presence of any State official, any member of the prison staff, any inmate, or any member of the general public, oral or written language or specific gestures or acts that are generally considered disrespectful, profane, lewd, or defamatory;</p> <p>(C3) Willfully disobey or fail to obey or cause another inmate to disobey or fail to obey any lawful order of a prison official or employee, or any other lawful order to which subject;</p> <p>(C4) Fight or engage in mutual physical confrontation not involving weapons, or not involving outside medical attention;</p> <p>(C5) Offer, give, solicit or accept a bribe or offer to give or withhold anything to persuade another to neglect duties or perform favors;</p> <p>(C6) Leave, quit without authorization, fail to report to any facility job, work or program assignment, or scheduled appointment;</p> <p>(C7) Threaten to harm or injure another or threaten to damage the property of any person;</p> <p>(C8) Wrongfully take or carry away the personal property of another or State property or accept or buy such property with the knowledge it has been wrongfully taken;</p> <p>(C9) Barter or trade; loan or borrow; solicit or engage in any business activity;</p> <p>(C10) Intentionally inflict self-injury for any reason;</p> <p>(C11) Misuse or use without authorization, the telephone or mail;</p> <p>(C12) <i>No longer in use.</i></p> <p>(C13) Willfully create a hazardous or physically offensive condition or situation; (Formerly Offense D5)</p> <p>(C14) Possess funds in a form other than authorized by Division of Prisons' Policy, in excess of the authorized amount, or from an unauthorized source; (Formerly Offense D10)</p> <p>(C15) Possess stamps in excess of the authorized amount as specified in Division of Prisons' Policies;</p> <p>(C99) Attempt to commit any of the above-listed offenses, aid another person to commit any of the above-listed offenses, or make plans to commit any of the above-listed offenses. It shall be no defense that an individual was prevented from completing any of the above-listed offenses by prison staff or intervening circumstances.</p>	<p>(B1) Possess or have under control any weapon or instrument to aid in an assault, insurrection or riot;</p> <p>(B2) Flood cell(s);</p> <p>(B3) Willfully tamper with, damage or block any locking device, fence, door, gate or window;</p> <p>(B4) <i>No longer in use.</i></p> <p>(B5) Knowingly inhale, smell or breathe any vapors, fumes or odors, or possess for the purpose of inducing or attempting to induce intoxication through inhalation; or possess, inject, or ingest any non-controlled substance for the purpose of altering mental or physical capacity;</p> <p>(B6) Commit, solicit or incite others to commit any sexual act or indecently expose oneself, or touch the sexual or other intimate parts of oneself or another person for the purpose of sexual gratification;</p> <p>(B7) Instigate or provoke an assault on another;</p> <p>(B8) Interfere with a staff member in the performance of his or her duties;</p> <p>*(B9) Violate any law of the State of North Carolina or the United States of America;</p> <p>(B10) Commit or incite others to commit acts, which spread or may spread communicable diseases, or possess any instruments capable of spreading communicable diseases (including but not limited to tattooing instruments and needles);</p> <p>(B11) <i>No longer in use.</i></p> <p>(B12) Leave, quit without authorization, fail to report, or neglect to adhere to approved schedules for community-based programs;</p> <p>(B13) Instigate or provoke an assault on a staff member;</p> <p>(B14) Willfully damage, destroy, alter, tamper with or lose State property or property belonging to another;</p> <p>(B15) Communicating directly, indirectly, via a third party, or in any manner with victims, or family members of the victims, who have requested in writing to Department of Public Safety officials that such communication is unwanted;</p> <p>(B16) Possess any tobacco products or paraphernalia; or possess unauthorized lighters or lighting devices; or use any tobacco products;</p> <p>(B17) Causing work stoppage, or delaying work while on community work assignment in the</p>	<p>(A1) Seize or hold a hostage or in any manner unlawfully detain any person against his/her will;</p> <p>(A2) Participate in a riot, insurrection, work stoppage or group demonstration, or incite/encourage others to riot, participate in an insurrection, work stoppage or other group demonstration;</p> <p>(A3) Commit an assault on a staff member with a weapon or by any other means likely to produce injury, such as hitting, kicking, pushing, pulling, throwing objects;</p> <p>(A4) Commit an assault on another with a weapon or any other means likely to produce injury;</p> <p>(A5) Commit an assault on another inmate with intent to commit any sexual act;</p> <p>(A6) Escaping or attempting to escape from any prison facility, community assignment, during transport, or from the supervision of DOC staff or its authorized agent. Attempt will include possession of escape plans, possession of any object that could aid in an escape, attempt to hide within the facility to affect an escape, or any other action that could result in escape if correctional staff did not intervene;</p> <p>(A7) Possess, manufacture, and/or detonate an incendiary or explosive device;</p> <p>(A8) Set a fire that endangers the life of another person or damages state property;</p> <p>(A9) Commit an assault on a staff member by throwing liquids, (including but not limited to urine and feces), or spitting on a staff member;</p> <p>(A10) Fight or engage in a mutual physical confrontation involving weapons (including but not limited to knives, locks, and razors), or resulting in outside medical attention;</p> <p>(A11) Commit an assault on a staff member with intent to commit any sexual act;</p> <p>A12) Manufacture, possess, introduce, sell or use any unauthorized controlled substance, unauthorized intoxicant or alcoholic beverage, or possess associated paraphernalia;</p> <p>(A13) Refuse to submit to a drug test or breathalyzer test, or interfere with the taking of such tests;</p> <p>(A14) Participate in, or organize, whether individually or in concert with others, any gang or Security Threat Group (STG), or participate in any activity or behavior associated with a Security Threat Group;</p>

<sup>1</sup> This chart is provided in reverse order, from Class D to Class A, because Class D represents the lowest grade of offenses and punishments.

			<p>community, causing the inmate to be returned to the facility due to inmate misconduct;</p> <p>(B18) Threaten to harm or injure staff; (Formerly C12)</p> <p>(B19) Sell, accumulate, give, misuse, or hide medication; (Formerly C1)</p> <p>(B20) Commit an assault on a staff member in a manner unlikely to produce injury;</p> <p>(B21) Commit an assault on another in a manner unlikely to produce injury;</p> <p>(B98) Deliberately provide false and/or misleading information to staff during an investigation related to any offense in this class;</p> <p>(B99) Attempt to commit any of the above-listed offenses, aid another person to commit any of the above-listed offenses. It shall be no defense that an individual was prevented from completing any of the above-listed offenses by prison staff or intervening circumstances.</p>	<p>(A15) Offer, give, solicit or accept a bribe, or offer to give or withhold anything to persuade staff to neglect duties or perform favors;</p> <p>(A16) Possess or use in any manner any type of unauthorized recording or image taking device or any type of unauthorized communication device whether audio, video, or any device that has direct outside communication capability: e.g. internet, email, instant message. Examples include but are not limited to smart phones, mobile cellular phones, desktops, laptop, personal digital assistants, cameras, tape recorders or digital recorders that can be used to send and/or receive any type of messages/images for any purpose;</p> <p>(A17) Commit an assault on any person, other than an employee or inmate, with intent to commit any sexual act;</p> <p>(A18) Knowingly make to any person a false oral or written allegation about a staff member that, if true, could expose the staff member to criminal liability;</p> <p>(A19) Commit an assault on another by throwing liquids (including but not limited to urine and feces), or spitting on another;</p> <p>(A20) Wrongfully take, give away, or carry away, canteen inventory/cash, which results in a loss of more than one hundred dollars (\$100.00);</p> <p>(A21) Extortion, strong-arming, verbal or physical intimidation for personal or financial gain;</p> <p>(A98) Deliberately provide false and/or misleading information to staff during an investigation related to any offense in this class;</p> <p>(A99) Attempt to commit any of the above-listed offenses, aid another person to commit any of the above-listed offenses, or make plans to commit any of the above-listed offenses. It shall be no defense that an individual was prevented from completing any of the above-listed offenses by prison staff or intervening circumstances.</p>
<p><b>Pre-emptive Punishment</b></p>	<p>(1) <b>Confinement in disciplinary segregation for up to 15 days.</b></p> <p>(2) Loss of one (1) privilege for a period not to exceed 1 month.</p> <p>(3) Up to 20 hours extra duty within the next 30 days following the hearing or release from disciplinary segregation. Not more than 4 hours shall be performed on a workday and not more than 8 hours on other days.</p> <p>(4) Loss of up to 10 days sentence credits, as applicable.</p> <p>(5) Limit weekly trust fund withdrawals to \$10.00 for a period not to exceed 1 month.</p>	<p>(1) <b>Confinement in disciplinary segregation for up to 30 days.</b></p> <p>(2) If the inmate is in minimum custody, demotion to minimum custody level I or level II.</p> <p>(3) Up to 30 hours extra duty within the next 45 days following the hearing or release from disciplinary segregation. Not more than 4 hours shall be performed on a workday and not more than 8 hours on other days.</p> <p>(4) Loss of up to two (2) privileges for a period not to exceed 2 months</p> <p>(5) Loss of up to 20 days sentence credits, as applicable.</p> <p>(6) Limit weekly trust fund withdrawals to \$10.00 for a period not to exceed 2 months.</p>	<p>(1) <b>Confinement in disciplinary segregation for up to 45 days.</b></p> <p>(2) Demotion from minimum to medium custody.</p> <p>(3) Loss of up to 30 days sentence credits, as applicable.</p> <p>(4) Up to 40 hours extra duty within the next 60 days following the hearing or release from disciplinary segregation. Not more than 4 hours shall be performed on a workday and not more than 8 hours on other days.</p> <p>(5) Loss of up to two (2) privileges for a period not to exceed 4 months.</p> <p>(6) Limit weekly trust fund withdrawals to \$10.00 for a period not to exceed 4 months.</p>	<p>(1) <b>Confinement in disciplinary segregation for up to 60 days.</b></p> <p>(2) Demotion from minimum to medium custody, or medium to close custody.</p> <p>(3) Loss of up to 40 days sentence credits, as applicable.</p> <p>(4) Up to 50 hours extra duty within the next 60 days following the hearing or release from disciplinary segregation. Not more than 4 hours shall be performed on a workday and not more than 8 hours on other days.</p> <p>(5) Loss of up to three (3) privileges for a period not to exceed 6 months.</p> <p>(6) Limit weekly trust fund withdrawals to \$ 10.00 for a period not to exceed 6 months.</p>