

CHAPTER 6

CODE OF OFFENSES

6-001 Applicability: The provisions of this rule shall apply to the Youth Rehabilitation and Treatment Centers and all other juvenile correctional institutions operated by the Department of Health and Human Services.

6-002 Departmental Policy: All youths who are housed within a juvenile correctional institution under the Department's supervision, or who under any circumstances are in the custody of or under the supervision of the Department as a disposition for an adjudication of delinquency shall be subject to the provisions of the Code of Offenses. Any breach of the Code of Offenses may result in appropriate disciplinary action. No conduct of a youth constitutes an offense unless it is defined as such in the Code of Offenses.

6-003 Notice of Offense: It shall be the duty of the Chief Executive Officer of the facility to familiarize each youth with the Code of Offenses either through the orientation process or by the distribution of printed manuals or rule books among the population. Youth and staff shall be kept informed of any changes in the Code by prominent posting of such changes. Newly admitted youths will be informed of the Code of Offenses during orientation.

6-004 Standard of Proof Required: A youth commits an offense only when he or she engages in conduct which fulfills all the necessary elements of the offense. The conduct must be voluntary and be intentional or reckless or grossly negligent. The accused must have had notice that the conduct was proscribed by the Code of Offenses or applicable statutes.

6-004.01 A youth may be charged as a principal and be subject to appropriate disciplinary sanctions if it is clearly determined that he or she knowingly commanded, induced, procured or aided another person in the commission of the offense. No youth is liable under this section for the conduct of another person if prior to the commission of the offense, the youth withdrew from participation in the offense and made a reasonable effort to prevent its commission. In any disciplinary hearing where the liability of the accused youth is based upon the conduct of another person, it will be no defense that the other person has been found free of guilt, has been determined guilty of a different offense, has been discharged from employment, or has been otherwise restricted from access to the facility.

6-004.02 A youth may be found guilty of attempting to commit an offense if: acting with the kind of culpability required for commission of such offense, the youth engages in conduct which in fact constitutes all of the acts necessary for the commission of the offense except its completion; or, the youth willfully provides substantial and knowing assistance to a person attempting to commit an offense under the Code of Offenses, the youth agrees with one or more persons to engage in or cause the performance of such conduct. A youth found guilty of an attempt shall be subject to the same penalties which correspond to the offense attempted.

6-004.03 If contraband is found in a living unit shared by more than one youth, there shall be a presumption that each of those youths has knowledge of the presence of the contraband. Each youth charged as a result of the discovery of such contraband shall have the burden of coming forward with evidence to rebut the presumption.

6-005 Offenses: For the purpose of the Code of Offenses, the following is a list of violations which shall be classified as offenses. Several of the offenses listed may also be considered criminal offenses and consequently shall be subject to state or federal jurisdiction, in addition to the appropriate penalties levied under Rule 6. In this event the matter may be referred to appropriate law enforcement officials for consideration for prosecution. An offender may be found guilty of committing an offense, attempting to commit an offense, or aiding and abetting in the commission of an offense.

1. Murder/Manslaughter. The killing of another person.
2. Mutinous Actions. Mutiny, inciting to riot, insurrection, taking of hostages, and/or arson in any part of the institution, or any work assignment, or within the extended limits of the facility.
3. Aggravated Assault/Assault/Fighting. Assault on another person which causes pain or bodily injury, threatened assault, fighting with another person resulting in serious bodily injury, or sexual assault.
4. Possession or Manufacture of Weapons. Possession or manufacture of any weapon or article to be used as a weapon.
5. Escape. Escape, or attempted escape from any part of the facility, from any work assignment, or any extended limits of the facility. Failure to remain within the extended limits of confinement or to return within the time prescribed to a facility.
6. Work Stoppage/Work Strike Encouraging other youths to refuse to work or participate in designated programs, or preventing other youths from working, or participating in designated programs.
7. Refusal to Submit to a Search. Refusal to submit to a search of person, clothing, property, or living quarters when ordered by authorized personnel; flight to avoid search; or interference with such a search.
8. Drug or Intoxicant Abuse. Use, possession, manufacture, or sale of drugs, narcotics, or medication not prescribed by facility personnel, or of intoxicants; being under the influence of any intoxicant, or refusal to submit to a breath, blood, or urine test upon instruction from authorized personnel.
Tampering with test procedures, contaminating the evidence, or intentionally invalidating the urinalysis in any manner.
9. Escape Paraphernalia. Possession, manufacture, or use of escape paraphernalia.
10. Destruction of Property Over \$500. Destruction, alteration, unauthorized use, or wasting of property which belongs to the State or another person valued over \$500; or unauthorized contact or interference with such property.
11. Demanding Payment for Protection. Demanding or receiving anything from another person in exchange for protecting another person from the youth population; demanding, or receiving anything in exchange for not informing on another person, or threatening to inform on another person.
12. Bribery. Offering to sell, give, or loan any item or to perform any service for the benefit of any person in exchange for that person's deviation from assigned authorized duties or institutional rules.

13. Drug Paraphernalia. Possession, or manufacture of needles, syringes, or any other drug or narcotic paraphernalia.
14. Sexual Activities. Engaging in or pressuring others to engage in sexual activities.
15. Destruction of Property Valued Between \$100 and \$500. Destruction, alteration, unauthorized use, or wasting of property which belongs to the State or another person valued between \$100 and \$500; or unauthorized contact or interference with such property.
16. Disobeying a Direct Order. Disobeying any direct verbal or written order from any employee, or refusing immediately to comply with such a direct order.
17. Forgery. Forging, or altering official papers or documents. Signing another youth's name or number.
18. Theft. Taking of property from another person or from the State with the intent to deprive the owner of the property's use; or the unauthorized possession of stolen property.
19. Use of Threatening Language or Gestures/Fighting. Use of language or gestures thereby threatening physical harm to another person; or fighting which results in more than physical contact but less than serious bodily injury.
20. Gambling or Promoting Gambling. Promoting gambling; or possessing gambling devices or records; or betting on the outcome of a future event such as a game of skill or chance.
21. Unauthorized Areas. Being in or reporting to any area without proper authorization, loitering, or failure to report to a work assignment, program assignment, or other designated area without permission.
22. Improper Handling of Funds. Failure to turn over all incoming monies to the Department's accountant or designee for processing; the cashing of payroll checks; the diversion of incoming monies; or the making of unauthorized deductions from payroll checks.
23. Improper Use of Transportation. Operation of a motor vehicle without authorization from the Department authorities; the operation of a company-owned, job-related vehicle for any purpose other than work; or transportation in any vehicle without prior authority from Department administrators.
24. Law Violations. Violation of any law, statute, or ordinance of any city, county, state, or federal government; or failure to promptly notify Department authorities of any contact with law enforcement officials.
25. Failure to Work. Failure to work as directed by an institutional staff member or agent of the State.
26. Medication Abuse. Use or possession of authorized medication contrary to prescription or unauthorized possession of non-prescription medication.
27. Flare of Tempers/Minor Physical Contact. Flare of tempers between youths resulting in minor physical contact, or which appears likely to result in a confrontation; or such conduct on the part of an youth directed toward any person(s).
28. Destruction of Property Under \$100. Destruction, alteration, unauthorized use, or wasting of property which belongs to the State or another person valued under \$100; or unauthorized contact or interference with such property.
29. Possessing or Receiving Unauthorized Articles. Possessing or receiving unauthorized articles from another person without the approval of the Chief Executive Officer. Any item which has not been issued to an youth, purchased by him/her through proper institutional channels, or otherwise specifically approved for his/her possession by the facility administration is an unauthorized article.

30. Swearing, Cursing, or Use of Abusive Language or Gestures. Swearing, cursing, or use of abusive gestures or language directed to another person.
31. Mutilation of Self or Others. Intentionally piercing, branding, marking, tattooing, or cutting any portion of one's body or another's body or causing injury to one's self.
32. Selling, Loaning, or Giving Items to Others. Selling, giving, or loaning anything or accepting anything from another person without the prior approval of the Chief Executive Officer.
33. Violation of Sanctions. Violation of restrictions or sanctions as imposed by a Disciplinary Committee of the institution or Department.
34. Violation of Any Signed Program Agreement. Violation of any term or condition of any signed program agreement.
35. Possession of Official Government Money Without Authorization. Possession of official government money without authorization, or in excess of the amount authorized by the Chief Executive Officer.
36. Tattoo Activities. Performing tattoo services, maintaining tattoo paraphernalia, or receiving a tattoo.
37. Disruption of Authorized Duties. Hindering any employee or youth in the performance of his/her duties by creating a disturbance, causing a delay, giving false information to authorized State Personnel, delaying count, turning in a false alarm, wearing a disguise or mask, tampering with locks, malingering, littering, or by creating or maintaining a health, safety or fire hazard.
38. Conduct with a Visitor in Violation of Regulations. Conduct with a visitor in violation of visiting regulations which have been posted or otherwise published to the youth population; contact with persons in or near areas where the public's access is restricted.
39. Violation of Mail or Telephone Regulations. Violation of procedures set out in Rule 3, or any institutional regulations governing use of the mails and telephone which have been posted or otherwise published to the youth population.
40. Violation of Regulations. Failure to adhere to any written or posted order or regulation of the institution or a program of the Department.
41. Gang-related Behavior. Use of gestures, language, or other conduct which promotes or indicates gang affiliation.