

INDIANA DEPARTMENT OF CORRECTION
ADULT DISCIPLINARY PROCESS
APPENDIX I: OFFENSES

March 1, 2020

CODE	TITLE	CODES FOR LESSER INCLUDED OFFENSE(S)
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MAJOR OFFENSES

NOTE: Unless provided otherwise in the statement of offense, the words used in this appendix are to be interpreted consistent with the definitions provided in Section III of Policy and Administrative Procedure 02-04-101. If not defined, the words should be interpreted according to their common and ordinary meaning.

CLASS A OFFENSES

100	Violation of Law Violation of any federal, State or local criminal law <ol style="list-style-type: none">1. The Report of Conduct shall cite the name, Indiana Code number or other code number, and applicable language of any cited law.2. The Report of Conduct shall explain how the offender's behavior violated the cited law and address each element of the cited law.3. When an offender is charged with attempting to violate a federal, State, or local criminal law, the statutory code that covers attempted criminal conduct shall be used to define attempt (e.g., Indiana Code 35-41-5-1 for State crimes). Note: Please contact DOC Legal with any questions regarding the law	
102	Battery Against Offender Committing battery against another offender (1) with a weapon; (2) with bodily fluids, including but not limited to saliva, urine, feces, semen, or blood; or (3) resulting in serious bodily injury.	212, 213, 372
103	Rioting Encouraging, directing, commanding, coercing, or signaling one (1) or more other	223, 236, 351, 360

persons to participate in a disturbance to facility order caused by a group of two (2) or more offenders, or participating in such a disturbance, or remaining in a group where some members of the group are participating in such a disturbance.

106 **Possession of Dangerous/Deadly
Contraband/Property** 218

Possession or use of any explosive, ammunition, hazardous chemical (e.g., acids or corrosive agents), or dangerous or deadly weapon.

108 **Escape** 219, 355, 363

Intentionally fleeing from lawful detention or knowingly or intentionally failing to return to lawful detention following temporary leave or other authorized absence granted for a specific purpose or time period within two (2) hours after the designated return time.

111 **Conspiracy/Attempting/Aiding or Abetting**

Attempting by one's self or with another person or conspiring or aiding and abetting with another person to commit any Class A offense.

113 **Trafficking** 233, 306, 353, 361

Giving, selling, trading, transferring, or in any other manner moving an unauthorized physical object to another person; or receiving, buying, trading, or transferring; or in any other manner moving an unauthorized physical object from another person without the prior authorization of the facility warden or designee.

An offender engaging in behavior violating this provision or the Indiana Code criminal provisions IC 35-44.1-3-5 or IC 35-44.1-3-6 commits the act of trafficking, regardless of whether the offender is criminally arrested, prosecuted, or convicted.

114 **Sexual Act with a Visitor**

Contact of a sexual nature by an offender with a visitor including: contact between the penis and the vulva or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva or anus; or, penetration of the anal or genital opening of a visitor by a hand, finger or other object. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

- 115 **Nonconsensual Sexual Act** 216
- Contact of a sexual nature by an offender against another person without his or her consent, or a person unable to consent or refuse including: contact between the penis and the vulva, or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva, or anus; or, penetration of the anal or genital opening of another person by a hand, finger, or other object. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.
- 116 **Refusing a Mandatory Program** 347, 356, 371
- Refusing to participate in a mandatory program (as authorized by statute or by order of the Commissioner), to include: failure to register for the program, failure to comply with the criteria for participation in the program, failure to cooperate with the staff presenting the program and being terminated from the program based upon failure to participate or for other behavioral reasons.
- 117 **Battery Against a Staff Person, Volunteer, Visitor, Or Contractor**
- Committing battery against a staff person, volunteer, independent contractor, or visitor.
- 120 **Violation of Condition of a Temporary Leave**
- Failure to abide by any rules/conditions of the Temporary Leave Agreement.
- 121 **Use and/or Possession of Cellular Telephone or Other Wireless or Cellular Communications Device**
- Unauthorized use or possession of any cellular telephone or other wireless or cellular communications device.
- 122 **Asserting and/or Filing a False Lien or Judgment or Complaint**
- Asserting and/or filing a lien or judgment or complaint against any person when the basis for said lien or judgment or complaint is false or otherwise untrue.
- 123 **Body Fluid and Fecal Waste**
- Placing body fluid or fecal waste in a location unintended for the hygienic disposal of body fluid or fecal waste and/or placing body fluid or fecal waste in a location with the intent that another person will touch or otherwise come in contact with the body fluid or fecal waste. The word “body fluid” as used here has the same definition as set forth in Indiana Code 35-45-16-2.

CLASS B OFFENSES

200 **Habitual Conduct Rule Violator**

Being found or pleading guilty to five (5) unrelated Class C Conduct Offenses in a period of six (6) months or less.

NOTE: If a Class C conduct offense is for failure to participate in the SOMM program, it is not to be counted towards the five (5) unrelated Class C Conduct Offenses.

202 **Possession or Use of Controlled Substance or Controlled Substance Analog**
344

Possession or use of any unauthorized substance controlled pursuant to the laws of the State of Indiana or the United States Code, possession of drug paraphernalia, possession/use of a controlled substance analog or a lookalike substance. If an offender is charged with possession of a lookalike substance, the person writing the REPORT OF CONDUCT must specifically identify what controlled substance or controlled substance analog, or intoxicating substance the confiscated material looks like or is intended to mimic. See Indiana Code 35-48-4-4.6 for guidance relating to lookalike controlled substances.

203 **Refusal to Submit to Testing**

Refusal to submit to any testing or sampling required by statute (e.g., DNA sampling) or refusal to submit to a test to determine the presence of alcohol or a controlled substance, a controlled substance analog, or intoxicating substance as ordered by staff, including failure to provide an adequate or unadulterated specimen for testing purposes.

204 **Sexual Contact Against a Staff Person Without Consent** 216, 302

Contact of a sexual nature with a staff person, including contractual staff and volunteers, which includes intentional touching, with one's own body or any object or device, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any staff person. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)

205 **Abusive Sexual Contact with a Visitor** 216, 302

Non-penetrative contact, with one's own body or any object or device, of a sexual nature by an offender against a visitor without his or her consent, or of a visitor who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or

buttocks of any visitor. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit or contact is incidental to an altercation.)

206 **Abusive Sexual Contact with Another Offender** 206, 302

Non-penetrative contact, with one's own body or any object or device, of a sexual nature by an offender against another offender without his or her consent, or of an offender who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any offender. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit or contact is incidental to an altercation.)

207 **Possession of Electronic Device** 215, 228, 353

Unauthorized alteration, use or possession of any electronic device, including, but not limited to: computer, computer software, pager, PDA, computer disk, CD/DVD, recording tape (audio or video) or associated hardware. (This offense includes accessing computers, software, the Internet, social media, a facility LAN, etc. or using such in a manner not authorized by the Department of Correction and the alteration of authorized electrical devices, such as televisions, fans, etc, for unauthorized purposes, e.g., charging cellular telephones/electronic devices, etc.)

208 **Security Threat Group/Unauthorized Organizational Activity** 223, 246, 351, 360

Engaging, pressuring or authorizing others to engage in security threat group or unauthorized organizational activities, meetings or criminal acts; displaying, wearing, possessing or using security threat group or unauthorized organizational insignia or materials; or, giving security threat group or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization that has not been approved by the Department of Correction.

209 **Impairment of Surveillance** 352, 364, 465

Impairing the vision and view of correctional staff in any manner including using curtains, coverings or any other matter or object in an unauthorized manner that obstructs or otherwise impairs the line of vision into an offender's cell or room or which obstructs or otherwise impairs any viewing panel or surveillance equipment, either audio or visual within the facility, including blocking staff's view down a range.

212	Battery Against Offender	236, 360, 372
	Committing a battery against another offender resulting in bodily injury.	
213	Threatening	348, 364
	Engaging in any of the following:	
	<ol style="list-style-type: none"> 1. Communicating to another person an intent to physically harm, harass or intimidate that person or someone else. 2. Communicating an intent to cause damage to or loss of that person's or another person's property. 3. Communicating an intent to intentionally make an accusation that he/she knows is untrue or false 	
215	Unauthorized Possession of Property	228, 306, 353
	Unauthorized possession, destruction, alteration, damage to, or theft of property, State property, or property belonging to another person.	
216	Sexual Conduct	302
	Engaging in any of the following:	
	<ul style="list-style-type: none"> • Sexual intercourse, as defined in Policy and Administrative Procedure 02-04-101, with the consent of the other offender • Making a request, hiring, or coercing another person to have sexual contact, as defined in Policy and Administrative Procedure 02-04-101. • Having contact with or performing acts with an animal that would be sexual intercourse or sexual contact if with another individual • Clutching, exposing, fondling, or touching the offender's own intimate parts for the sexual arousal of the offender or others, whether clothed or unclothed, while observable by others. 	
218	Possession of Plans for Weapons	
	Possession of literature or plans regarding an explosive, ammunition or a dangerous or deadly weapon.	
219	Possession of Escape Paraphernalia	352, 353, 364
	Possession of escape paraphernalia including: a disguise, a mask, or a dummy or dummy-like object or a map or maps related to an escape or escape attempt or that may be used to aid an escape.	

220

Engaging in Unauthorized Financial Transaction

Engaging in or possessing materials used for unauthorized financial transactions. This includes, but is not limited to, the use or possession of identifying information of credit cards, debit cards, or any other card used to complete a financial transaction. This includes the discussion of engaging in unauthorized financial transaction(s) with any other person.

Unauthorized Financial Transaction is defined as: Giving, transferring, sending, trading, transmitting or in any other manner moving monies or other currencies from an offender to another person or from another person to an offender without the prior authorization of a facility warden. This definition should be construed liberally and intends to prohibit any and all unauthorized financial transactions involving an offender, regardless of the means of a transaction and regardless of sender and recipient of a transaction. Unauthorized financial transaction includes, but is not limited to, the prohibition of a financial transaction between one or more offenders, between an offender and the offender's family or associates, between an offender and the family or associates of another offender, and between an offender and a staff person or volunteer or the family or associates of a staff person or volunteer. Unauthorized financial transaction also includes the prohibition of a transaction between the family and associates of one offender and the family and associates of another offender when that transaction is done at the direction of or at the behest of or for the benefit of an offender and the reason for the transaction is an unauthorized, improper, or illegal purpose.

222

Arson

305

Setting a fire without authorization.

223

Group Demonstration/Work Stoppage

347, 351, 352, 356, 364

Engaging in, or encouraging others in a Department facility to engage in, a group demonstration, work stoppage, or refusal to work.

226

Tampering with Lock

352, 364, 469

Tampering with, altering or blocking any locking device or mechanism or possession of any device that may be used to pick locks.

228

Possession of Altered Property

353

Unauthorized possession of any item of property that has been altered or modified from its intended use or purpose.

Or,

Filing an unsuccessful judicial request for a time cut that has been previously awarded to the offender by the Department.

246 **Possession of Offensive Material** 353, 360

Unauthorized possession and/or display of any symbol, paraphernalia, photograph or any other item or behavior which is prohibited by Department of Correction policies, procedures or rules or which is offensive based upon an individual's gender, race, religion, ethnic or personal background or which may intimidate another person based upon their gender, race, religion, ethnic or personal background, such as materials relating to a security threat group.

247 **Possession or Solicitation of Unauthorized Personal Information** 361, 364

Possessing or soliciting unauthorized personal information regarding another offender, ex-offender, victim/witness, potential victim, or current or former staff person, including but not limited to personnel files, offender packets, medical or mental health records, photographs, Social Security Numbers, home addresses, financial information, or telephone numbers, except as authorized by a court order or as approved in writing by the Warden. This includes soliciting for correspondence (pen-pals) through forums on any website or periodical.

250 **Community Re-Entry Center/Community Transition Program Violations**

Commission of any of the below acts by Community Re-Entry Center/Community Transition Program participants:

- (A) Refusing employment or the opportunity to seek employment, resigning or being discharged from employment without the approval of the Warden.
- (B) Failure to turn in all wages, tips, monetary compensations, pay stubs or statements of earnings to staff
- (C) Securing or using any identification card other than the approved offender identification card unless approved by the Facility Head or designee to possess an employment identification card from the offender's approved place of employment.
- (D) Failing to report to work/school as scheduled, being absent from work/school, failing to return to the center/program within prescribed time limits unless approved by the Warden.

- (E) Failure to go to, or from, the approved destination, by the approved route or approved method of transportation.
- (F) While in the Community Re-Entry Center/Community Transition Program, refusing to obey an order from any staff member.
- (G) While in the community Re-Entry Center/Community Transition Program, refusing to work or accept a work, program or housing assignment, or unauthorized absence from any work or program assignment.

251 **Interfering with Counts**

Failing to stand count, being late for count, or interfering with the taking of the count.

252 **Interfering with Staff**

Interfering with a staff member in the performance of his/her duties.

253 **Mailing, Delivering, or Otherwise Sending Unauthorized Correspondence**

An offender who receives a direct written order from an IDOC staff person, volunteer, or contractor to cease mailing, delivering, or otherwise sending correspondence to a specific other person, must comply with the direct written order. Any act or attempt to act contrary to the direct written order, violates this provision.

MINOR OFFENSES

CLASS C OFFENSES

302 **Sexual Harassment**

Repeated, unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another individual

304 **Disfigurement of Body**

Disfiguring, cutting, piercing, removing, mutilating, discoloring, tattooing anyone's body, including one's own body, or possession of paraphernalia that can be used for this purpose.

- 305 **Use/Possession of Tobacco**
- Possession and/or use of tobacco, tobacco associated products or unauthorized tobacco substitute products (including, but not limited to cigarette lighter, pack of matches, rolling papers, electronic cigarettes, etc.)
- 306 **Possession of Money**
- Unauthorized possession of money or currency.
- 307 **Unauthorized Possession of Food Items**
- Obtaining more meals or food items from the Dining Hall or other area in which food is served than authorized.
- 344 **Misuse of Medication**
- Misuse of authorized medication or possession of unauthorized medication.
- 346 **Business Activity**
- Unauthorized participation in any business activity or any activity not authorized under Policy and Administrative Procedure 02-01-116, "Offender Business Activities."
- 347 **Refusing an Order**
- Refusing to obey an order from any staff member. An offender may be guilty of this offense if the offender knew or reasonably should have known that the order existed or was in effect.
- 348 **Insolent/Vulgar/Profane Behavior**
- Insolence, vulgarity or profanity toward any person(s).
- 350 **Lying to Anyone**
- Lying or providing a false statement.
- 351 **Unauthorized Meeting**
- Participating in any unauthorized meeting or gathering.
- 353 **Unauthorized Possession of Property**

Any unauthorized possession, alteration, removal or relocation of personal property.

356 **Refusing an Assignment**

Refusing to work or accept a work, program or housing assignment or unauthorized absence from any work or program assignment.

357 **Motor Vehicle Violations**

Unauthorized use, operation or possession of a motor vehicle, driver's license, motor vehicle keys or registration.

360 **Disruptive Behavior**

Disruptive, unruly, rowdy conduct, making unreasonable noise or disturbing other people, arguing or horseplay.

361 **Abuse of Mail/Telephones/Visits**

Unauthorized use or abuse of mail, telephones, or visitation.

362 **Conspiracy/Attempting/Aiding or Abetting (Class C)**

Attempting to commit any Class C offense; aiding, commanding, inducing, counseling, procuring or conspiring with another person to commit any Class C offense.

366 **Unauthorized Area**

Entering or remaining in a room or area other than the room or area to which the offender is assigned, without permission of authorized staff, or leaving a room or area where the offender is required to be, without permission of the staff person supervising the activity or without a valid pass to go somewhere else at that time. This offense includes entering the living area (cell, bed area, etc.) of another offender without permission from staff or facility rules or permitting another offender to enter the offender's living area without permission from staff or facility rules and includes reaching or leaning into or putting any object or part of the body into another offender's living area.

367 **Gambling**

Gambling or possession of gambling paraphernalia, or preparing or conducting a gambling pool, lottery, drawing or other game of chance.

370 **Cruelty to Animals**

Striking, hitting, punching or kicking any animal or deliberately abusing or mistreating any animal, including those under the care and control of the Department.

371 **Inadequate Work/Study Performance**

Failing to meet the standards set for performance on a work assignment or program assignment if the offender has the ability to meet those standards, including: failure to submit program assignments, deliberately working at a slower pace than what is required to timely perform tasks refusing to follow work standards established for a work assignment.

372 **Fighting**

Participating in a situation where two (2) or more people are trying to injure each other by any physical means where no weapons are involved and no serious bodily injury occurs.

373 **Punctuality and Attendance**

Failure to attend and be on time for all activities for which an offender is scheduled, unless:

1. The offender is sick and reports this to staff as required by the facility;
2. The offender has a valid pass to be in another location; or,
3. The offender is authorized to not attend the event or activity.

375 **Staff/Offender Provocation**

Intentionally or knowingly causing physical contact with staff or another offender that a reasonable person would regard as offensive, but which results in no injury.

CLASS D OFFENSES

465 **Violating Facility Rule**

Violating any facility rule, regulation, or standing order if said rule, regulation, or standing order has been posted or otherwise communicated to the offender.

469 **Violation of Safety/Sanitation Rules**

Failure to follow safety or sanitation regulations, using any equipment or machinery unless specifically authorized to do so or operating such equipment or machinery in a manner contrary to instructions or posted standards.

472

Failure to Maintain Personal Hygiene Standards

Being unsanitary or untidy; failure to keep one's person or one's quarters in accordance with standards which have been posted or otherwise communicated. This offense includes failure to maintain personal cleanliness or grooming to the point that the offender presents a health hazard or is offensive to others and who has knowledge of this condition and the opportunity to correct it. Offenders shall be expected to shower at a minimum of once per week unless the offender has a documented medical excuse.

473

Unauthorized Contact

Unauthorized contact with the public including physical contact with a member of the public and oral communication with the public which has not been approved by staff.