

ATTACHMENT B

CMIS CODE (See Note Below)	MAJOR RULE VIOLATION (*Nonbondable charges)	COMMON EXAMPLES
001 (escape from Level I or community placement) 050 (escape from secure facility)	* <u>Escape</u> Leaving or failing to return to lawful custody without authorization; failure to remain within authorized time or location limits (a) while on a public works crew; (b) while residing in a community residential home under electronic monitoring; or (c) during an authorized absence from work, school or other activity while residing in a community corrections center.	Leaving from hospital trip or while housed at hospital; unauthorized change of approved destination in community programs. (NOTE: Hiding from authorities even if still on prison property should be attempted escape.)
002	<u>Felony</u> Any act that would be a felony under state law is also a major misconduct violation. Reference shall be made to the specific statutory citation in all cases where this charge is alleged.	Breaking and entering - MCL 750.110. (NOTE: Use this charge only if there is no other specific violation which is applicable.)
003 (prisoner victim) 004 (staff victim) 005 (other victim)	* <u>Assault Resulting in Serious Physical Injury</u> Physical attack on another person which results or is intended to result in serious physical injury. Serious physical injury means any injury which requires medical treatment.	Attack using a knife, club, or other weapon; assault involving use of closed fists, kicking.
007 (prisoner victim) 008 (staff victim) 009 (other victim)	* <u>Assault and Battery</u> Intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is.	Throwing urine or feces or spitting on another person; physically resisting staff efforts to apply restraints. (NOTE: The victim of an assault and battery should not be charged with a violation of this rule.)
010	* <u>Homicide</u> Causing the death of another person by any means.	
012	* <u>Threatening Behavior</u> Words, actions or other behavior which expresses an intent to injure or physically abuse another person. Such misconduct includes attempted assault and battery.	Threat of sexual assault made by one prisoner to another prisoner; writing threatening letter to another person; threat made to a third person.

NOTE: The first number of the CMIS code for accomplice to any Misconduct should be 1, for attempt 2, and for conspiracy 3 (e.g., attempted escape would be 201).

ATTACHMENT B - continued

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013	* <u>Sexual Assault</u> Sexual penetration of, or sexual contact with, another person without that person's consent; non-consensual physical contact for sexual purposes.	Rape; intentional touching of sexual area (e.g., buttocks, breasts, genitals) without consent; kissing or embracing without consent of one who is kissed or embraced.
014	* <u>Fighting</u> Physical confrontation between two or more persons, including a swing and miss, done in anger or with intent to injure.	Fights between prisoners, whether with fists, broom handles or other weapons.
017	* <u>Failure to Disperse</u> Failure or refusal of a prisoner to leave an area in which a disturbance is occurring when the prisoner is physically able to leave; includes obstruction of staff at the scene of the disturbance. Disturbance is defined as a fight between prisoners, subduing or taking into custody of a prisoner or prisoners by staff, destruction of property, or any similar action or occurrence.	Preventing a staff member from coming to the aid of other staff; remaining at the scene of a fight to observe or offer encouragement to combatants; blocking staff who are removing a prisoner from an area.
020	<u>Disobeying a Direct Order</u> Refusal or failure to follow a valid and reasonable order of an employee.	Refusal to submit to a shakedown; fleeing from an officer after being directed to stop.
021	<u>Possession of Forged Documents; Forgery</u> Knowingly possessing a falsified or altered document; altering or falsifying a document with the intent to deceive or defraud; unauthorized possession or use of the identification card, prisoner store card, pass, or detail of another prisoner.	A fake pass, application, furlough paper, etc. which is represented to be true; possession of postage stamps with "washed" circulation markings.
022	* <u>Incite to Riot or Strike; Rioting or Striking</u> Advocating or instigating actions which are intended to seriously endanger the physical safety of the facility, persons, or property or to	Encouraging other prisoners to take group action to injure staff, destroy property, or disrupt normal operations; refusal of prisoners as a group to leave the yard when instructed by staff to

disrupt the operation of the facility by group cessation of normal activity; participation in such action; joining others in unauthorized work stoppage.

do so.

ATTACHMENT B - continued

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023	<p><u>Interference with the Administration of Rules</u> Acts intending to impede, disrupt, or mislead the disciplinary process for staff or prisoners, including failure to comply with a loss of privileges sanction imposed by a hearing officer.</p>	<p>Intimidating or tampering with a witness; tampering with evidence; interfering with an employee writing a misconduct report; making false accusations of misconduct against another prisoner or staff which results in disciplinary action being initiated against the person. (NOTE: Should not be charged as retaliation for the writing of a grievance; if written as result of a grievance, it must be shown that prisoner knew allegation was false when s/he made it and intentionally filed a false grievance. Ordinarily, the statement of staff member refuting the claim will not be sufficient.)</p>
024	<p><u>Bribery of an Employee</u> Offering to give or withhold anything to persuade an employee to neglect duties or perform favors.</p>	
026	<p><u>Insolence</u> Words, actions, or other behavior which is intended to harass, degrade or cause alarm in an employee.</p>	<p>Using abusive language to refer to an employee; writing about or gesturing to an employee in a derogatory manner.</p>
027	<p><u>Destruction or Misuse of Property with Value of \$10 or More</u> Any destruction, removal, alteration, tampering, or other unauthorized use of property which has a value of \$10 or more; unauthorized possession of a component part of an item which has a value of \$10 or more.</p>	<p>Tampering with locking device; use of a door plug; destruction of property belonging to another person; unauthorized use of a telephone or using another prisoner's Personal Identification Number (PIN) to make a telephone call; possession of television or tape player parts.</p>
028	<p><u>Failure to Maintain Employment</u> Failure of a prisoner in CRP to immediately report to appropriate</p>	<p>(NOTE: Applies only to prisoners in CRP)</p>

Department staff any absence from employment or training for illness, layoff, termination, or any other reason; failure to obtain prior staff approval for planned absences from, or voluntary termination of, employment or training.

ATTACHMENT B - continued

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029	* <u>Possession of a Weapon</u> Possession of any item designed or intended to be used to cause or threaten physical injury to another person.	Possession of a prison-made knife, club, or any item fashioned to resemble a weapon.
030	* <u>Possession of Dangerous Contraband</u> Unauthorized possession of explosives, acids, caustics, toxins, materials for incendiary devices; escape materials; detailed road maps for any area within the State of Michigan, adjacent state or Ontario, Canada; exempt policy directives, operating procedures or other restricted documents; possession of bodily fluids stored in a container within a cell or room; possession of a tattoo device; possession of critical tools and materials or dangerous tools and materials as defined by policy; includes failure to return any item covered by the definition which is signed out for a work or school assignment or any other purpose.	Possession of gasoline, butane lighter, toilet bowl cleaner, rope and grappling hook, screwdriver, or hammer. (NOTE: Possession of any item covered by this definition with the intent to cause physical injury should be charged as Possession of a Weapon.)
031	<u>Possession of Money</u> Possession of unauthorized amounts of money or money from unauthorized sources. Money is defined as either cash, negotiable instrument, credit card or blank check.	No money is authorized in institutions.
032	<u>Creating a Disturbance</u> Actions or words of a prisoner which result in disruption or disturbance among others, but which does not endanger persons or property.	

ATTACHMENT B - continued

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033	<u>Sexual Misconduct</u> Consensual touching of the sexual or other parts of the body of another person for the purpose of gratifying the sexual desire of either party, except that an embrace of a visitor at the beginning and end of a visit, or holding hands with a visitor during a visit is not sexual misconduct; intentional exposure of the sexual organs to another person in a location or manner where such exposure has no legitimate purpose; imitating the appearance of the opposite sex; words or actions of a sexual nature directed at another person in order to harass or degrade that person.	Kissing, hugging, intercourse, or sodomy; exposure of sexual organs when prisoner knows officer will be making rounds; wearing clothing of the opposite sex; wearing of makeup by male prisoners; whistling at and making sexual remarks to another person; making propositions of a sexual nature. (NOTE: Threats of sexual assault should be charged as Threatening Behavior.)
034 (alcohol) 039 (marijuana) 040 (heroin/morphine) 041 (cocaine) 042 (other substance) 043 (drug test refusal) 044 (narcotics paraphernalia)	<u>Substance Abuse</u> Possession, use, selling, or providing to others, or being under the influence of, any intoxicant, inhalant, controlled substance (as defined by Michigan statutes), alcoholic beverages, marijuana or any other substance which is used to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system; unauthorized possession or use of prescribed or restricted medication; possession of narcotics paraphernalia; failure or refusal to voluntarily submit to substance abuse testing which is requested by the Department for the purpose of determining the presence in the prisoner of any substance included in this charge.	Narcotics paraphernalia includes such items as marijuana and "crack" pipes, needles and syringes which are used to administer narcotics, but does not include such items as "roach clips" and cigarette papers; failure to return prescribed or restricted medication after its authorization date has expired.

035	<u>Unauthorized Occupation of Cell or Room</u> Being in another prisoner or prisoners' cell or room, or clearly defined living area, without specific authorization from staff; being present in any cell, room or other walled area with another prisoner or prisoners or a member or members of the public without staff authorization.	Two prisoners in a "one-person" cell; being in a room, cell, bay, cubicle or other area to which the prisoner is not assigned; two prisoners in a restroom stall; prisoners and member of the public in prisoners' restroom or visiting area restroom.
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ATTACHMENT B - continued

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036	<u>Out of Place</u> Being within the lawful boundaries of confinement and not attempting to escape, but in a location without the proper authorization to be there; absent from where one is required to be; breaking toplock without authorization; being outside assigned housing unit without prisoner identification card; being absent from required location during count.	"Skating" in another block; no pass; no I.D. card; failure to be where required by detail; failure to remain on own bunk or other location as designated by facility rules during count. (NOTE: "Skating" in own housing unit during the day is a minor unless on toplock status.)
037	<u>Theft; Possession of Stolen Property</u> Any unauthorized taking of property which belongs to another; possession of property which the prisoner knows, or should have known, has been stolen.	
038	<u>Gambling; Possession of Gambling Paraphernalia</u> Playing games or making bets for money or anything of value; possession of gambling equipment, or other materials commonly associated with and intended for wagering.	Possession of dice, betting slips, point spreads, items used as counters in a card game, and similar items.
045	* <u>Smuggling</u> Bringing or attempting to bring any unauthorized item into or out of a correctional facility or a specialized area or unit within a facility such as segregation.	Receiving marijuana or a controlled substance (as defined by Michigan statutes), jewelry, shoes, etc. during a visit.