

N.C.P.I.—Crim 240.84

[EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF CLIENT ABUSE. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2016

N.C. Gen. Stat. § 122C-66 (b)

240.84 [EMPLOYEE] [VOLUNTEER] AT A FACILITY FAILED TO REPORT VIOLATIONS OF CLIENT ABUSE MISDEMEANOR.

The defendant has been charged with failing to report that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who, other than as part of generally accepted [medical] [therapeutic] procedure, knowingly caused [pain] [injury] to a client.¹

For you to find the defendant guilty of this offense the State must prove three things beyond a reasonable doubt:

First, that the defendant was a(n) [employee] [volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders].

Second, that the defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who, other than as part of generally accepted [medical] [therapeutic] procedure, knowingly caused [pain] [injury] to a client².

And Third, that the defendant failed to report³ that defendant [witnessed] [had knowledge of] a(n) [employee] [volunteer] who knowingly caused [pain] [injury] to a client, other than as part of generally accepted [medical] [therapeutic] procedure, to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a(n) [employee]

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[volunteer] at (name facility), a facility whose primary purpose is to provide services for the [care] [treatment] [habilitation] [rehabilitation] of individuals with [mental illness] [developmental disabilities] [substance abuse disorders], and that the defendant failed to report that the defendant [witnessed] [had knowledge of a(n)] [employee] [volunteer] who knowingly caused [pain] [injury] to a client, other than as part of a generally accepted [medical] [therapeutic] procedure, to (name person), who was an authorized personnel designated by the facility to receive reports of employee and volunteer violations, then it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

1 This provision is effective for offenses committed on or after December 1, 2015.

2 Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. § 122C-60 or to protect himself or others from a violent client does not violate this subsection.

3 N.C. Gen. Stat. § 122C-66(b) states “[n]o employee making a report may be threatened or harassed by any other employee or volunteer on account of the report.”