

5120-9-06

**Inmate rules of conduct.**

- (A) The disciplinary violations defined by this rule ~~shall~~ address acts that constitute an immediate and direct threat to the security or orderly operation of the institution, or to the safety of its staff, visitors and inmates, (including the inmate who has violated the rule), as well as other violations of institutional or departmental rules or regulations.
- (B) Dispositions for disciplinary rule violations (henceforth, "rule violations") are defined in rules 5120-9-07 and 5120-9-08 of the Administrative Code.
- (C) Assault and related acts rule violations: Assault and related acts, rules 1.1 through 1.6; threats, rules 2.1 through 2.5; sexual misconduct, rules 3.1 through 3.8; fighting, unauthorized group activity, and disturbances, rules 4.1 through 4.6; resistance to authority and disrespect, rules 5.1 through 5.7; unauthorized relationships, rule 6.1; lying and falsification, rules 7.1 through 7.2; escape and related conduct, rules 8.1 through 8.6; weapons, rule 9.1; drugs and other related matters, rules 10.1 through 10.7; gambling, dealing and other related offenses, rules 11.1 through 11.4; property and contraband, rules 12.1 through 12.7; fire violations, rules 13.1 through 13.2; computer, telephone, mail, and visiting, rules 14.1 through 14.7; tattooing and self-mutilation, rules 15.1 through 15.2; general provisions rules 16.1 through 16.3 as follows:
- (1) Causing, or attempting to cause the death of another person (DRC inmate rule of conduct no. 1.1).
  - (2) Hostage taking, including any physical restraint of another person. (DRC inmate rule of conduct 1.2).
  - (3) Causing, or attempting to cause, physical harm to another person. (DRC inmate rule of conduct 1.3).
  - (4) Throwing, expelling, or otherwise causing a bodily substance to come into contact with another person. (DRC inmate rule of conduct 1.4).
  - (5) Throwing any other liquid or material on or at another person. (DRC inmate rule of conduct 1.5).
  - (6) Knowingly transmitting a communicable disease to another person. (DRC inmate rule of conduct 1.6).
  - (7) Threatening bodily harm to another person (with or without a weapon). (DRC inmate rule of conduct 2.1).
  - (8) Threatening harm to the property of another, including state property (DRC inmate rule of conduct 2.2).

- (9) Extortion by threat of violence or other means towards another person. (DRC inmate rule of conduct 2.3).
- (10) Use of telephone, mail, electronic devices, or any form of communication to threaten, harass, intimidate, or annoy another person. (DRC inmate rule of conduct 2.4).
- (11) Intentionally grabbing or touching (not sexual contact) a staff member or non-incarcerated person without the consent of such person in a way likely to harass, annoy, or impede the movement of such person (DRC inmate rule of conduct 2.5).
- (12) Non-consensual sexual conduct with another person, whether compelled by force, by threat of force, by intimidation other than threat of force, or by any other circumstances evidencing a lack of consent by the victim. (DRC inmate rule of conduct 3.1).
- (13) Non-consensual sexual contact with another person, whether compelled by force, by threat of force, by intimidation other than threat of force, or by any other circumstances evidencing a lack of consent by the victim. (DRC inmate rule of conduct 3.2).
- (14) Consensual sexual conduct or consensual sexual contact with another incarcerated person for the purpose of sexually arousing or gratifying either person. (DRC inmate rule of conduct 3.3).
- (15) Consensual romantic contact with another incarcerated person including kissing and hand holding. (DRC inmate rule of conduct 3.4).
- (16) Non-exhibitionist seductive or obscene acts. (DRC inmate rule of conduct 3.5).
- (17) Indecent exposure, exhibitionistic masturbation, or exhibitionist obscene acts, including but not limited to masturbating while watching an individual or any sort of intentional aggression towards another person in an attempt to cause threat, harm, or humiliation. (DRC inmate rule of conduct 3.6).
- (18) Sexual harassment- unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an incarcerated person toward any person. (DRC inmate rule of conduct 3.7).
- (19) Stalking- engaging in a pattern of conduct that causes another person to reasonably fear for his or her safety or to believe that the incarcerated person will cause physical harm to the other person. (DRC inmate rule of conduct 3.8).

- (20) Rioting or encouraging others to riot. (DRC inmate rule of conduct 4.1).
- (21) Engaging in or encouraging a group demonstration or work stoppage. (DRC inmate rule of conduct 4.2).
- (22) Engaging in unauthorized group activities as set forth in paragraph (B) of rule 5120-9-37 of the Administrative Code. (DRC inmate rule of conduct 4.3).
- (23) Encouraging or creating a disturbance. (DRC inmate rule of conduct 4.4).
- (24) Fighting. (DRC inmate rule of conduct 4.5).
- (25) Engaging in a group fight with 4 or more incarcerated persons. (DRC inmate rule of conduct 4.6).
- (26) Physical resistance to a direct order. (DRC inmate rule of conduct 5.1).
- (27) Disobedience of a direct order. (DRC inmate rule of conduct 5.2).
- (28) Refusal to carry out a job assignment or work detail. (DRC inmate rule of conduct 5.3).
- (29) Refusal to carry out a rehabilitative program assignment. (DRC inmate rule of conduct 5.4).
- (30) Refusal to accept a housing assignment. This rule is also referred to as "refusal to lock." (DRC inmate rule of conduct 5.5).
- (31) Being out of place. (DRC inmate rule of conduct 5.6).
- (32) Disrespect towards another person, including instigation of, or perpetuating fighting. (DRC inmate rule of conduct 5.7).
- (33) Establishing or attempting to establish a person relationship with a staff member or non-incarcerated person, without authorization from the managing officer, including but not limited to: sending personal mail/email to such person at his or her residence or another address/email address not associated with the agency; making a telephone call to or receiving a telephone call from such person at his or her residence or other location not associated with the agency; giving to, or receiving from such person, any item, favor, or service; engaging in any form of business with such person, including buying, selling, or trading any item or service; and soliciting sexual conduct, sexual contact or any act of a sexual nature with such person. (DRC inmate rule of conduct 6.1).

- (34) Giving false information or lying to a staff member or non-incarcerated person. (DRC inmate rule of conduct 7.1).
- (35) Forging, possessing, or presenting forged or counterfeit documents. (DRC inmate rule of conduct 7.2).
- (36) Escape from institution or outside custody (e.g. transport vehicle, department transport officer, other court officer or law enforcement officer, outside work crew, etc.). As used in this rule, escape means that the incarcerated person has exited a building in which he was confined; crossed a secure institutional perimeter, or walked away from or broken away from custody while outside the facility. (DRC inmate rule of conduct 8.1).
- (37) Removing or escaping from physical restraints (handcuffs, leg irons, etc.) or any confined area within an institution (cell, recreation area, strip cell, vehicle, etc.). (DRC inmate rule of conduct 8.2).
- (38) Attempting or planning an escape. (DRC inmate rule of conduct 8.3).
- (39) Tampering with any aspect of the facility physical structure or security monitoring or restraining devices in order to facilitate an escape (or an escape attempt). (DRC inmate rule of conduct 8.4).
- (40) Possession of escape materials; including keys or lock picking devices (may include maps, tools, ropes, material for concealing identity or making dummies, etc.). (DRC inmate rule of conduct 8.5).
- (41) Forging, possessing, or obtaining forged, or falsified documents which purport to effect release or reduction in sentence. (DRC inmate rule of conduct 8.6).
- (42) Possession of, manufacture of, or possession of plans, instructions, or formula for making a weapon, ammunition, explosive or incendiary device. (DRC inmate rule of conduct 9.1).
- (43) Unauthorized possession or manufacture of drugs or another intoxicating substance (i.e. alcohol or hooch). (DRC inmate rule of conduct 10.1).
- (44) Unauthorized consumption of drugs or another intoxicating substance (i.e. alcohol or hooch), including failing any positive test for drugs or another intoxicating substance. (DRC inmate rule of conduct 10.2).
- (45) Procuring, attempting to procure, or receiving unauthorized drugs; aiding, soliciting, or collaborating with another to procure unauthorized drugs or to

- convey unauthorized drugs into a correctional facility. (DRC inmate rule of conduct 10.3).
- (46) Procuring, attempting to procure, or receiving contraband; aiding, soliciting, or collaborating with another to procure contraband or to convey contraband into a correctional facility. (DRC inmate rule of conduct 10.4).
- (47) Unauthorized possession of drug paraphernalia. (DRC inmate rule of conduct 10.5).
- (48) Misuse of authorized medication. (DRC inmate rule of conduct 10.6).
- (49) Refusal to submit or otherwise to cooperate with any type of testing for drugs or an intoxicating substance, or mandatory substance abuse sanctions. (DRC inmate rule of conduct 10.7).
- (50) Gambling or possession of gambling paraphernalia. (DRC inmate rule of conduct 11.1).
- (51) Dealing, conducting, facilitating, or participating in any transaction, occurring in whole or in part, within an institution, or involving any person for which payment of any kind is made, promised, or expected. (DRC inmate rule of conduct 11.2).
- (52) Conducting business operations with any person or entity outside the institution, whether or not for profit, without specific permission in writing from the managing officer. (DRC inmate rule of conduct 11.3).
- (53) Possession or use of money in the institution. (DRC inmate rule of conduct 11.4).
- (54) Stealing or embezzlement of property, obtaining property by fraud or receiving stolen, embezzled, or fraudulently obtained property. (DRC inmate rule of conduct 12.1).
- (55) Destruction, alteration, or misuse of property. (DRC inmate rule of conduct 12.2).
- (56) Possession of property of another incarcerated person. (DRC inmate rule of conduct 12.3).
- (57) Tampering with locks or locking devices in order to keep doors from locking as a nuisance or to get out of locked area not for escape purposes. (DRC inmate rule of conduct 12.4).

- (58) Possession or use of a cellular telephone. (DRC inmate rule of conduct 12.5).
- (59) Possession or use of tobacco. (DRC inmate rule of conduct 12.6).
- (60) Possession of any other contraband, including any article knowingly possessed with has been altered or for which permission has not been given (DRC inmate rule of conduct 12.7).
- (61) Setting a fire or any unauthorized burning. (DRC inmate rule of conduct 13.1).
- (62) Tampering with fire alarms, sprinklers, or other fire suppression equipment. (DRC inmate rule of conduct (13.2).
- (63) Unauthorized use of a telephone, mail, or electronic device. (DRC inmate rule of conduct (14.1).
- (64) Use of telephone, mail, or electronic devices in furtherance of any criminal activity. (DRC inmate rule of conduct 14.2).
- (65) Violation of visitation rules, including video visits. (DRC inmate rule of conduct 14.3).
- (66) Accessing directly or through indirect means any hardware, software, or system assets that are part of a local area network (LAN) or wide-area network (WAN) system used in the administrative operations of the agency. (DRC inmate rule of conduct 14.4).
- (67) Receiving, possessing, or using any storage media outside of the specific areas as designated by the managing staff member/designee. (DRC inmate rule of conduct 14.5).
- (68) The alteration of authorized electrical or technology devices for unauthorized purposes. (DRC inmate rule of conduct 14.6).
- (69) Possessing any technical documentation, in any format, that describes the accessing, handling, functionality, or architecture of any hardware, software, or system assets used in the administrative operations of the agency. (DRC inmate rule of conduct 14.7).
- (70) Self-mutilation, including tattooing. (DRC inmate rule of conduct 15.1).
- (71) Possession of devices or material used for tattooing. (DRC inmate rule of conduct 15.2).

- (72) Any act not otherwise set forth herein, knowingly done which constitutes a threat to the security of the institution, its staff, other incarcerated persons, or to the acting incarcerated person. (DRC inmate rule of conduct 16.1).
  - (73) Attempting to commit; aiding another incarcerated person in the commission of; soliciting another to commit; or entering into an agreement with another to commit any of the above acts. (DRC inmate rule of conduct 16.2).
  - (74) Any violation of any published institutional rules, regulations, or procedures. (DRC inmate rule of conduct 16.3).
- (D) No inmate ~~shall~~will be found guilty of a violation of a rule of conduct without some evidence of the commission of an act and the intent to commit the act.
- (1) The act must be beyond mere preparation and be sufficiently performed to constitute a substantial risk of its being performed.
  - (2) "Intent" may be express, or inferred from the facts and circumstances of the case.
- (E) Definitions: The following definitions ~~shall~~will be used in the application of these rules.
- (1) "Physical harm to person" means any injury, illness, or other psychological impairment, regardless of its gravity or duration.
  - (2) "Serious physical harm to persons" means any of the following:
    - (a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
    - (b) Any physical harm that carries a substantial risk of death;
    - (c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
    - (d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.
    - (e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.
  - (3) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, or any part of the body

or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

- (4) "Sexual contact" means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (5) "Possession" means either actual or constructive possession and may be inferred from any facts or circumstances that indicate possession, control, or ownership of the item, or of the container or area in which the item was found.
- (6) "Unauthorized drugs," for the purpose of this rule, refers to any drug not authorized by institutional or departmental policy including any controlled substance, any prescription drug possessed without a valid prescription, or any medications held in excess of possession limits.
- (7) "Extortion" as used in these rules, means acting with purpose to obtain any thing of benefit or value, or to compel, coerce, or induce another to violate a rule or commit any unlawful act.

Effective:

Five Year Review (FYR) Dates: 1/24/2024

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Certification

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Date

Promulgated Under: 111.15  
Statutory Authority: 5120.01  
Rule Amplifies: 5120.05  
Prior Effective Dates: 04/05/1976, 10/30/1978, 08/18/1979, 08/29/1983,  
06/03/1985, 01/14/1993, 07/18/1997, 07/19/2004,  
05/23/2014, 04/14/2022, 08/07/2023