

Section 270.2. Standards of inmate behavior, 7 NY ADC 270.2

Compilation of Codes, Rules and Regulations of the State of New York Currentness
Title 7. Department of Corrections and Community Supervision
Chapter V. Procedures for Implementing Standards of Inmate Behavior and for Granting Good Behavior
Time Allowances
Subchapter C. Standards of Inmate Behavior in All Facilities
Part 270. Standards of Inmate Behavior--Behavior Prohibited in All Facilities and the Classification
of Each Infraction (Refs & Annos)

7 NYCRR 270.2

Section 270.2. Standards of inmate behavior

Implemented on September 1, 1988, the following is a list of prohibited behavior in all correctional facilities. Violation of any of the rules will result in appropriate disciplinary action.

A. PENAL LAW OFFENSES

Tier

Rule Any Penal Law offense may be referred to law enforcement II,
1.00 agencies for prosecution through the courts. In addition, III
departmental sanctions may be imposed based upon a criminal
conviction.

Note: This rule does not preclude an inmate from being disciplined at any time for any violation of the following rules of conduct based upon the same incident.

B. INSTITUTIONAL RULES OF CONDUCT

1. Rule Series 100 Assault and Fighting. Tier

i. 100.10 An inmate shall not assault or inflict or attempt to II,
inflict bodily harm upon any other inmate. III

ii. 100.11 An inmate shall not assault or inflict or attempt to II,
inflict bodily upon any staff member. III

iii. 100.12 An inmate shall not assault or inflict or attempt to II,
inflict bodily harm upon any person not included in III
rules 100.10 and 100.11.

iv. 100.13 An inmate shall not engage in fighting. II,
III

v. 100.14 An inmate shall not practice or instruct others in I, II,
martial arts (aikido, judo, karate, jujitsu, kung fu, III
t'ai chi ch'uan, etc.)

vi. 100.15 An inmate shall not engage in unauthorized sparring, I, II
wrestling, body- punching, or other forms of disorderly
conduct.

2. Rule Series 101 Sex Offenses. Tier

i. 101.10 An inmate shall not engage in or encourage, solicit or I, II,
attempt to force another to engage in sexual acts. III

ii. 101.11 An inmate shall not intentionally and forcibly touch the I, II,

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- sexual or other intimate parts of an employee for the purpose of degrading or abusing such employee or for the purpose of gratifying the inmate's sexual desire. Forcible touching includes squeezing, grabbing, pinching and kissing. III
- iii. 101.20 An inmate shall not engage in lewd conduct by intentionally masturbating in the presence of an employee, or intentionally exposing the private parts of his or her body unless as part of a strip frisk, strip search, medical examination or other authorized purpose. I, II, III
- iv. 101.21 An inmate shall not engage in physical contact with another inmate. Prohibited conduct includes, but is not limited to, kissing, embracing or hand- holding. I, II
- v. 101.22 An inmate shall not stalk an employee, visitor or other person. Stalking includes, but is not limited to, conduct directed at a specific employee, visitor or other person where the inmate knows, or reasonably should know, that such conduct is likely to cause reasonable fear of material harm to the physical health, safety or property of such person. I, II, III
3. Rule Series 102 Threats. Tier
- i. 102.10 An inmate shall not, under any circumstances make any threat, spoken, in writing, or by gesture. I, II, III
4. Rule Series 103 Bribery and Extortion. Tier
- i. 103.10 An inmate shall not bribe or extort or attempt to bribe or extort any person. II, III
- ii. 103.20 An inmate shall not request or solicit goods or services from any business or any person other than an immediate family member without the consent and approval of the facility superintendent or designee. I, II, III
5. Rule Series 104 Riot, Disturbances and Demonstrations. Tier
- i. 104.10 An inmate shall not conspire or take any action which is intended to or results in the takeover of any area of the facility. II, III
- ii. 104.11 An inmate shall not engage in any violent conduct or conduct involving the threat of violence either individually or in a group. II, III
- iii. 104.12 An inmate shall not lead, organize, participate, or urge other inmates to participate, in a work-stoppage, sit-in, lock-in, or other actions which may be detrimental to the order of facility. II, III
- iv. 104.13 An inmate shall not engage in conduct which disturbs the order of any part of the facility. This includes, but is not limited to, loud talking in a mess hall, program area or corridor, talking after the designated facility quiet time, playing a radio, television or tape player without a headphone or through a headphone in a loud or improper manner, or playing a musical instrument in a loud or improper manner. I, II, III
6. Rule Series 105 Unauthorized Assembly or Activity. Tier
- i. 105.10 An inmate shall not form a group of inmates or join an assembly of inmates without authorization. The size of the group is determined by local policy. I, II, III
- ii. 105.11 An inmate shall not conduct a religious service or make I, II,

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- a speech or address without authorization by the superintendent or designee. III
- iii. Repealed and Reserved.
- iv. 105.13 An inmate shall not engage in or encourage others to engage in gang activities or meetings, or display, wear, possess, distribute or use gang insignia or materials including, but not limited to, printed or handwritten gang or gang related material. III
- Note: For purposes of this rule, a gang is a group of individuals, having a common identifying name, sign, symbol or colors, who have individually or collectively engaged in a pattern of lawlessness (e.g., violence, property destruction, threats of harm, intimidation, extortion, or drug smuggling) in one or more correctional facilities or that are generally recognized as having engaged in a pattern of lawlessness in the community as a whole. For purposes of this rule, printed or handwritten gang or gang related material is written material that, if observed in the inmate's possession, could result in an inference being drawn about the inmate's gang affiliation, but excludes published material that that the inmate has obtained through the facility library or that has been approved for the inmate to possess through the media review process.
- v. 105.14 An inmate shall not engage in or encourage others to engage in unauthorized organizational activities or meetings, or possess printed or handwritten material relating to an unauthorized organization where such material advocates either expressly or by clear implication, violence based upon race, religion, sex, sexual orientation, creed, law enforcement status or violence or acts of disobedience against department employees or that could facilitate organizational activity within the institution by an unauthorized organization. III
- Note: For purposes of this rule an unauthorized organization is any organization which has not been approved by the deputy commissioner for program services. Printed or handwritten material that could facilitate organizational activity includes, but is not limited to, a membership roster, organizational chart, constitution or by-laws. This rule excludes possession of published material that the inmate has obtained through the facility library or that has been approved for the inmate to possess through the media review process. During the pendency of an application to obtain authorization for a proposed inmate organization, the rule also excludes specific printed or handwritten material that the Deputy Superintendent for Programs or higher ranking employee has requested in writing that the inmate submit as part of the application process.
7. Rule Series 106 Refusal to Obey a Direct Order. Tier
- i. 106.10 AN INMATE SHALL OBEY ALL ORDERS OF DEPARTMENT PERSONNEL PROMPTLY AND WITHOUT ARGUMENT. III
- ii. 106.11 An inmate shall promptly obey an order by department personnel to provide a DNA sample. II, III
8. Rule Series 107 Interference with an Employee or Other Person. Tier
- i. 107.10 An inmate shall not physically or verbally obstruct or interfere with an employee at any time. III

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- ii. 107.11 An inmate shall not harass an employee or any other person verbally or in writing. Prohibited conduct includes, but is not limited to, using insolent, abusive, or obscene language or gestures, or writing or otherwise communicating messages of a personal nature to an employee or any other person including a person subject of an order of protection with the inmate or who is on the inmate's negative correspondence list. I, II, III
- iii. 107.20 An inmate shall not lie or provide an incomplete, misleading and/or false statement or information. I, II, III
- iv. 107.21 An inmate shall not file or record any document or instrument of any description which purports to create a lien or record a security interest of any kind against the person or property of any officer or employee of the Department, the State of New York or the United States absent prior written authorization from the superintendent or a court order authorizing such filing. II, III
9. Rule Series 108 Escape and Abscondence. Tier
- i. 108.10 An inmate shall not escape, attempt to escape, conspire to, or be an accessory to an escape from any correctional facility or correctional custody. III
- ii. 108.11 An inmate shall not exceed the authorized limits of travel on any work release or furlough-type program. II, III
- iii. 108.12 An inmate shall not exceed any time limit imposed on any work release or furlough-type program. II, III
- iv. 108.13 An inmate shall not be in possession of any article or paraphernalia which gives reasonable grounds to believe escape is planned. II, III
- v. 108.14 An inmate shall comply with temporary release programming rules and regulations. I, II, III
- vi. 108.15 An inmate shall not abscond, attempt to abscond, conspire to abscond, or be an accessory to an abscondence from temporary release from a correctional facility or correctional custody. An inmate is guilty of absconding when, as a temporary release participant, he or she intentionally fails to return at or before the time prescribed for return. II, III
10. Rule Series 109 Inmate Movement. Tier
- i. 109.10 An inmate shall not be out of place in any area of the facility. I, II, III
- ii. 109.11 An inmate shall not leave an assigned area without authorization. I, II, III
- iii. 109.12 An inmate shall follow all facility regulations and staff directions relating to movement within the facility. I, II, III
This includes, but is not limited to, seating, lock-in, lock-out, call slip procedures, and all activities of a similar nature.
- iv. 109.13 An inmate who is on an outside work assignment, such as a community service project or outside ground detail, shall not leave his or her assigned area or communicate with members of the public without authorization. I, II, III
- v. 109.14 An inmate shall wear religious robes and garments at scheduled and approved religious ceremonies or I, II

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services only.

- vi. 109.15 An inmate shall accept double-cell assignments when such an assignment is directed by facility staff. II, III
11. Rule Series 110 Inmate Identification and Grooming. Tier
- i. 110.10 Unless otherwise directed, an inmate shall at all times carry his or her departmental ID card and promptly produce the ID at the direction of any departmental employee. I, II
- ii. 110.20 An inmate shall not alter, deface, or in any other way tamper with the issued ID card. Whenever replacement is required, as a result of this action, the replacement cost will be borne by the inmate. Refusal to voluntarily pay for replacement cost may result in restitution being imposed through the disciplinary process. I, II
- iii. 110.21 An inmate shall not be in possession of any type of an identification card or identification paper other than those authorized. I, II
- iv. 110.30 An inmate shall report the loss of his or her ID card promptly to an employee. Reimbursement costs may be imposed. I, II
- v. 110.31 An inmate shall pay the cost of a replacement ID card whenever the inmate's appearance is changed as a result of a beard, mustache, or change in hair length or color. Refusal to voluntarily pay for replacement cost may result in restitution being imposed through the disciplinary process. I, II
- vi. 110.32 An inmate shall not grow a bear or mustache over one inch in length unless: a. the inmate has a court order restraining the Department from enforcement; or b. the inmate has requested and received an exemption based upon his or her membership in a religion which has an established tenet against the trimming of beards, including, but not limited to, Rastafarian, Orthodox Judaism or Islam (Muslim). I, II
- vii. 110.33 An inmate wearing hair below shoulder length shall keep his or her hair tied back in a ponytail with a barrette, rubber band, or other fastening device approved by the superintendent. Note: This rule does not apply to a Native American involved in a scheduled and approved Native American cultural ceremony. I, II
12. Rule Series 111 Impersonation. Tier
- i. 111.10 An inmate shall not impersonate any employee or any other person in any manner. II, III
- ii. 111.11 An inmate shall not be in possession of any security key, badge, employee identification or employee clothing. II, III
13. Rule Series 112 Count Procedures. Tier
- i. 112.10 An inmate shall not cause a miscount. I, II, III
- ii. 112.20 An inmate shall not delay the count. I, II
- iii. 112.21 An inmate shall comply with all facility count procedures. I, II
- iv. 112.22 An inmate shall not obstruct visibility into his or her cell, room or cube. I, II
14. Rule Series 113 Contraband. Tier
- i. 113.10 An inmate shall not make, possess, sell or exchange II,

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- any item that may be classified as a weapon or dangerous instrument by description, use or appearance. A dangerous instrument is any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing bodily harm. III
- ii. 113.11 An inmate shall not possess any authorized item that has been altered in any manner so as to change its original intent and/or purpose. I, II
- iii. 113.13 An inmate shall not make, use, possess, sell, exchange, provide or be under the influence of any alcoholic beverage or intoxicant. Possession, sale or exchange of yeast or any other fermenting agent is prohibited. II, III
- iv. 113.14 An inmate shall not possess outdated or unauthorized types or quantities of medication, nor shall an inmate sell, exchange or provide any medication to anyone. II, III
- v. 113.15 An inmate shall not purchase, sell, loan, give or exchange a personally owned article without authorization. I, II, III
- vi. 113.16 An inmate shall not be in possession of stamps in excess of \$22.50 in value, money, credit card, credit card numbers, check or unauthorized valuable or property. I, II, III
- vii. 113.17 An inmate shall not be in possession of jewelry other than that which is authorized by the facility. I, II
- viii. 113.18 An inmate shall not be in possession of a tool without authorization. I, II, III
- ix. 113.19 An inmate shall not possess tobacco products in excess of an amount authorized by the facility. An inmate may not have more than two packages of cigarettes on his or her person other than for transporting tobacco products from the commissary or package room to the housing unit for storage. I, II
- x. 113.20 An inmate shall not possess State clothing or bedding in excess of authorized issue. The altering of State-issued clothing or bedding is prohibited. An inmate shall be required to pay for State clothing or bedding that has been altered without authorization. I, II
- xi. 113.21 An inmate shall not possess literature or any other material which has been disapproved by the Media Review Committee. I, II
- xii. 113.22 An inmate shall not use or possess an article in an area where its use or possession is prohibited. I, II, III
- xiii. 113.23 In addition to those items of contraband specifically identified by this rule series, an inmate shall not possess any item unless it has been specifically authorized by the superintendent or designee, the rules of the department or the local rules of the facility. I, II, III
- xiv. 113.24 An inmate shall not use or be under the influence of any narcotics or controlled substances unless prescribed by a health service provider and then only in the amount prescribed. II, III

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- xv. 113.25 An inmate shall not make, possess, sell or exchange any narcotic, narcotic paraphernalia, controlled substance or marijuana. An inmate shall not conspire with any person to introduce such items into the facility. II, III
- xvi. 113.26 An inmate shall not, without written authorization of the superintendent, solicit, possess or exchange personal identifying information (e.g. social security number, home address, private e-mail address or home telephone number) belonging to a person who is a present or former employee of the department or presently or formerly employed in a department facility, or to any member of the person's household, unless the inmate is an immediate family member of such person. II, III
- xvii. 113.27 An inmate shall not solicit, possess or exchange any disciplinary or grievance document pertaining to another inmate, or any document which contains crime and sentence information pertaining to another inmate who is not a codefendant, without authorization from the superintendent. II, III
- xviii. 113.28 An inmate shall not possess any description or depiction of any correctional facility; any facility post a description, staffing chart or related document; any Directive with a distribution code of "D" 56 or any corresponding topical manual or facility policy and procedure. II, III
- xix. 113.29 An inmate shall not possess poppy seeds or any product containing poppy seeds. I, II, III
- xx. 113.30 An inmate shall not possess any Uniform Commercial Code (UCC) Article 9 form, including but not limited to any financing statement (UCC1, UCC1AG, UCC1AP, UCC3, UCC3Ad, UCC3AP, UCC1Cad), correction statement (UCC5) or information request (UCC11), whether printed, copied, typed or hand written, or any document concerning a scheme involving an inmate's "strawman," 56 "House Joint Resolution 192 of 1933," 56 the "Redemptive Process," "Acceptance for Value" 56 presentments or document indicating copyright or attempted copyright of an inmate's name absent prior written authorization from the superintendent. II, III
15. Rule Series 114 Smuggling. Tier
- i. 114.10 An inmate shall not smuggle or attempt to smuggle or solicit others to smuggle any item in or out of the facility or from one area to another. I, II, III
16. Rule Series 115 Searches and Frisks. Tier
- i. 115.10 An inmate shall comply with all frisk and search procedures. I, II, III
17. Rule Series 116 Destruction of, Tampering with, and Theft of Property. Tier
- i. 116.10 An inmate shall not lose, destroy, steal, misuse, damage or waste any type of State property. I, II, III
- ii. 116.11 An inmate shall not alter, tamper with or attempt to I, II,

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- repair any type of State or personal property without authorization. III
- iii. 116.12 An inmate shall not alter, forge or counterfeit any document. An inmate shall not distribute or be in possession of any departmental document without authorization. III II,
- iv. 116.13 An inmate shall not steal, destroy or intentionally damage any property belonging to others or possess any stolen property. III I, II,
18. Rule Series 117 Explosion or Explosive Devices. Tier
- i. 117.10 An inmate shall not cause or attempt to cause an explosion. The possession of an explosive device, material that can be used to make an explosive device, or material which depicts or describes the construction or use of an explosive device, is prohibited. III II,
19. Rule Series 118 Creating a Fire, Health or Safety Hazard. Tier
- i. 118.10 An inmate shall not start or attempt to start a fire unless directed to do so by facility staff. III II,
- ii. 118.20 An inmate shall not tattoo or otherwise permanently mark his or her or another's body, or allow his or her body to be tattooed or permanently marked by another. An inmate shall not be in possession of an instrument or device used for the purpose of making tattoos. III I, II,
- iii. 118.21 An inmate shall not create a fire, health or safety hazard in any area of the facility by improperly storing or using flammable materials or other property, in his or her living quarters or any other area of the facility. III I, II,
- iv. 118.22 An inmate shall not commit an unhygienic act such as spitting, urinating or defecating on the floor or any other area; propelling urine, feces, bodily fluids, water, or food; or storing urine, feces or bodily fluids. III I, II,
- v. 118.23 An inmate shall promptly report illness or injury to a facility employee. I, II
- vi. 118.24 An inmate shall follow posted safety regulations. I, II
- vii. 118.25 An inmate shall not litter in any area of the facility. I, II
- viii. 118.30 An inmate shall maintain the cleanliness and orderliness of his her living quarters, clothing and person. I, II
- ix. 118.31 An inmate shall not alter, rewire, tamper or attempt to repair electrical outlets or any electrical device. III I, II,
- x. 118.32 An inmate shall participate in a fire drill or fire alarm in a prompt and orderly fashion. I, II
- xi. 118.33 An inmate shall not intentionally cause flooding in his or her housing area or other part of the facility. III I, II,
20. Rule Series 119 False Alarms. Tier
- i. 119.10 An inmate shall not make a false report of a fire, emergency, disturbance or other threat to the safety of a facility. III II,
- ii. 119.11 An inmate shall not tamper with any fire or extinguishing device unless authorized by a facility staff member. III I, II,
21. Rule Series 120 Gambling. Tier
- i. 120.20 An inmate shall not engage in any form of gambling, betting or wagering, or be in possession of gambling paraphernalia. III I, II,

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- ii. 120.21 An inmate shall not possess lottery tickets or participate in a lottery. I, II
22. Rule Series 121 Abuse of Telephone Privileges. Tier
- i. 121.10 An inmate shall not communicate by telephone with any department employee without the authorization of the superintendent or designee. I, II
- ii. 121.11 An inmate shall not engage in a telephone call to a telephone number which has been connected through call-forwarding or a call-forwarding service. Telephone calls and telephone conversations shall be restricted to the telephone number dialed or otherwise placed by or for the inmate. Telephone call-forwarding, the use of a call forwarding service or other third-party phone call function, and the use of a credit card to place a call are prohibited. I, II, III
- iii. 121.12 An inmate shall comply with and follow the guidelines and instructions given by the staff regarding facility telephone programs pursuant to the requirements of departmental Directive No. 4423 (7 NYCRR Part 723). I, II, III
- iv. 121.13 An inmate shall not use facility telephones without the authorization of facility staff. An inmate in an outside work gang or other type of supervised community project shall not use and outside telephone without the authorization of facility staff. I, II, III
- v. 121.14 An inmate shall not exchange a personal identification number (PIN), or use the PIN of another inmate. I, II, III
23. Rule Series 122 Smoking. Tier
- i. 122.10 An inmate may only smoke outdoors in designated areas. I, II, III
24. Rule Series 123 Self-Mutilation. Tier
- i. 123.10 An inmate shall not inflict or attempt to inflict bodily harm upon his or her person. II, III
25. Rule Series 124 Mess Hall or Dining Areas. Tier
- i. 124.10 An inmate shall not bring a container into the mess hall without the authorization of facility staff. I, II
- ii. 124.11 An inmate shall not bring food items into the mess hall. I, II
- iii. 124.12 An inmate shall take all silverware or plasticware offered on the mess hall line and dispose of such items in accordance with facility policy. I, II
- iv. 124.13 An inmate shall attend all mandatory meals as designated by facility policy. I, II
- v. 124.14 An inmate shall not wear a hat, cap or hairnet into the mess hall. This rule does not apply to approved religious headwear. I, II
- vi. 124.15 An inmate shall not waste food items. I, II
- vii. 124.16 An inmate shall comply with mess hall serving and seating policies. I, II
26. Rule Series 180 Miscellaneous Rules and Regulations. Tier
- i. 180.10 An inmate shall comply with and follow the guidelines and instructions given by staff regarding facility visiting procedures pursuant to the requirements of departmental Directive No. 4403 (7 NYCRR Part 200). I, II, III
- ii. 180.11 An inmate shall comply with and follow the guidelines and instructions given by staff regarding facility correspondence procedures pursuant to requirements of departmental Directive Nos. 4422 and 4421 (7 NYCRR

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Parts 720 and 721).

- iii. 180.12 An inmate shall comply with and follow the guidelines and instructions given by staff regarding facility package procedures pursuant to the requirements of departmental Directive No. 4911 (7 NYCRR Part 724).
- iv. 180.13 An inmate shall comply with and follow the guidelines and instructions given by staff regarding Family Reunion Program pursuant to the requirements of departmental Directive No. 4500 (7 NYCRR Part 220). I, II, III
- v. 180.14 An inmate shall comply with and follow the guidelines and instructions given by staff regarding urinalysis testing pursuant to the requirements of departmental Directive No. 4937 (7 NYCRR Part 1020). This includes providing a urine sample when ordered to do so. I, II, III
- vi. 180.16 An inmate may only wear sunglasses when out-of-doors. Sunglasses shall be removed when entering buildings. Sunglasses with reflector or mirrored lenses are prohibited. Medically prescribed photo-ray sunglasses may be worn indoors. I, II
- vii. 180.17 An inmate may not provide legal assistance to another inmate without prior approval of the superintendent or designee. An inmate shall not receive any form of compensation for providing legal assistance. I, II, III
- viii. 180.18 An inmate shall accept a program assignment in accordance with established facility program committee procedures. II, III
- ix. 180.19 An inmate shall comply with and follow the guidelines and instructions given by staff regarding alcohol screening tests. This includes providing a urine sample or taking a field test when ordered to do so. I, II, III
27. Rule Series 181 Disciplinary Hearings. Tier
- i. 181.10 An inmate shall comply with the dispositions imposed by a hearing officer in a Tier I, Tier II and Tier III hearings. I, II, III

Credits

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