

Baldwin's Ohio Administrative Code Annotated  
5120 Rehabilitation and Correction Department (Refs & Annos)  
Chapter 5120-9. Inmate Control and Discipline (Refs & Annos)

OAC 5120-9-06

5120-9-06 Inmate rules of conduct

Currentness

(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 and regulations.

(B) Dispositions for rule violations are defined in [rules 5120-9-07](#) and [5120-9-08 of the Administrative Code](#).

(C) Rule violations: Assault and related acts, rules 1 through 7; threats, rules 8 through 10; sexual misconduct, rules 11 through 14; riot, disturbances and unauthorized group activity, rules 15 through 19; resistance to authority, rules 20 through 23; unauthorized relationships and disrespect, rules 24 through 26; lying and falsification, 27 and 28; escape and related conduct, rules 29 through 35; weapons, rules 36 through 38; drugs and other related matters, rules 39 through 43; gambling, dealing and other related offenses, rules 44 through 47; property and contraband, rules 48 through 51; fire violations, rules 52 through 53; telephone, mail and visiting, rules 54 through 56; tattooing and self-mutilation, rules 57 through 58; general provisions, rules 59 through 61 as follows:

- (1) Causing, or attempting to cause, the death of another.
- (2) Hostage taking, including any physical restraint of another.
- (3) Causing, or attempting to cause, serious physical harm to another.
- (4) Causing, or attempting to cause, physical harm to another.
- (5) Causing, or attempting to cause, physical harm to another with a weapon.
- (6) Throwing, expelling, or otherwise causing a bodily substance to come into contact with another.
- (7) Throwing any other liquid or material on or at another.

- (8) Threatening bodily harm to another (with or without a weapon.)
- (9) Threatening harm to the property of another, including state property.
- (10) Extortion by threat of violence or other means
- (11) Non-consensual sexual conduct with another, whether compelled:
  - (a) By force,
  - (b) By threat of force,
  - (c) By intimidation other than threat of force, or,
  - (d) By any other circumstances evidencing a lack of consent by the victim.
- (12) Non-consensual sexual contact with another, whether compelled:
  - (a) By force.
  - (b) By threat of force,
  - (c) By intimidation other than threat of force, or,
  - (d) By any other circumstances evidencing a lack of consent by the victim.
- (13) Consensual physical contact for the purpose of sexually arousing or gratifying either person.
- (14) Seductive or obscene acts, including indecent exposure or masturbation; including, but not limited, to any word, action, gesture or other behavior that is sexual in nature and would be offensive to a reasonable person.
- (15) Rioting or encouraging others to riot.
- (16) Engaging in or encouraging a group demonstration or work stoppage.

- (17) Engaging in unauthorized group activities as set forth in [paragraph \(B\) of rule 5120-9-37 of the Administrative Code](#).
- (18) Encouraging or creating a disturbance.
- (19) Fighting--with or without weapons, including instigation of, or perpetuating fighting.
- (20) Physical resistance to a direct order.
- (21) Disobedience of a direct order.
- (22) Refusal to carry out work or other institutional assignments.
- (23) Refusal to accept an assignment or classification action.
- (24) Establishing or attempting to establish a personal relationship with an employee, without authorization from the managing officer, including but not limited to:
  - (a) Sending personal mail to an employee at his or her residence or another address not associated with the department of rehabilitation and correction,
  - (b) Making a telephone call to or receiving a telephone call from an employee at his or her residence or other location not associated with the department of rehabilitation and correction,
  - (c) Giving to, or receiving from an employee, any item, favor, or service,
  - (d) Engaging in any form of business with an employee; including buying, selling, or trading any item or service,
  - (e) Engaging in, or soliciting, sexual conduct, sexual contact or any act of a sexual nature with an employee.
  - (f) For purposes of this rule “employee” includes any employee of the department and any contractor, employee of a contractor, or volunteer.
- (25) Intentionally grabbing, or touching a staff member or other person without the consent of such person in a way likely to harass, annoy or impede the movement of such person.

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- (26) Disrespect to an officer, staff member, visitor or other inmate.
- (27) Giving false information or lying to departmental employees.
- (28) Forging, possessing, or presenting forged or counterfeit documents.
- (29) 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 inmate 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.
- (30) Removing or escaping from physical restraints (handcuffs, leg irons, etc.) or any confined area within an institution (cell, recreation area, strip cell, vehicle, etc.)
- (31) Attempting or planning an escape.
- (32) Tampering with locks, or locking devices, window bars; tampering with walls floors or ceilings in an effort to penetrate them.
- (33) Possession of escape materials; including keys or lock picking devices (may include maps, tools, ropes, material for concealing identity or making dummies, etc.)
- (34) Forging, possessing, or obtaining forged, or falsified documents which purport to effect release or reduction in sentence.
- (35) Being out of place.
- (36) Possession or manufacture of a weapon, ammunition, explosive or incendiary device.
- (37) Procuring, or attempting to procure, a weapon, ammunition, explosive or incendiary device; aiding, soliciting or collaborating with another person to procure a weapon, ammunition, explosive or incendiary device or to introduce or convey a weapon, ammunition, explosive or incendiary device into a correctional facility.
- (38) Possession of plans, instructions, or formula for making weapons or any explosive or incendiary device.
- (39) Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance.

- (40) Procuring or attempting to procure, unauthorized drugs; aiding, soliciting, or collaborating with another to procure unauthorized drugs or to introduce unauthorized drugs into a correctional facility.
- (41) Unauthorized possession of drug paraphernalia.
- (42) Misuse of authorized medication.
- (43) Refusal to submit urine sample, or otherwise to cooperate with drug testing, or mandatory substance abuse sanctions.
- (44) Gambling or possession of gambling paraphernalia.
- (45) Dealing, conducting, facilitating, or participating in any transaction, occurring in whole or in part, within an institution, or involving an inmate, staff member or another for which payment of any kind is made, promised, or expected.
- (46) Conducting business operations with any person or entity outside the institution, whether or not for profit, without specific permission in writing from the warden.
- (47) Possession or use of money in the institution.
- (48) Stealing or embezzlement of property, obtaining property by fraud or receiving stolen, embezzled, or fraudulently obtained property.
- (49) Destruction, alteration, or misuse of property.
- (50) Possession of property of another.
- (51) Possession of contraband, including any article knowingly possessed which has been altered or for which permission has not been given.
- (52) Setting a fire; any unauthorized burning.
- (53) Tampering with fire alarms, sprinklers, or other fire suppression equipment.
- (54) Unauthorized use of telephone or violation of mail and visiting rules.

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(55) Use of telephone or mail to threaten, harass, intimidate, or annoy another.

(56) Use of telephone or mail in furtherance of any criminal activity.

(57) Self-mutilation, including tattooing.

(58) Possession of devices or material used for tattooing.

(59) Any act not otherwise set forth herein, knowingly done which constitutes a threat to the security of the institution, its staff, other inmates, or to the acting inmate.

(60) Attempting to commit; aiding another in the commission of; soliciting another to commit; or entering into an agreement with another to commit any of the above acts.

(61) Any violation of any published institutional rules, regulations or procedures.

(D) No inmate shall 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 be used in the application of these rules.

(1) "Physical harm to persons" means any injury, illness or other physiological 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, of 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 purposes 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.

#### Credits

HISTORY: 2008-09 OMR pam. #7 (RRD); 2003-04 OMR 2205 (R-E), eff. 7-19-04; 1998-99 OMR 1856 (RRD); 1997-98 OMR 323 (A), eff. 7-18-97; 1996-97 OMR 1855 (A), eff. 3-21-97; 1992-93 OMR 887 (A), eff. 1-14-93; 1984-85 OMR 1289 (A), eff. 6-3-85; 1983-84 OMR 207 (A), eff. 8-29-83; 1979-80 OMR 4-128 (A), eff. 8-18-79; 1978-79 OMR 4-282 (A), eff. 10-30-78; prior rule 804(a)

[RC 119.032](#) rule review date(s): 1-12-14; 1-12-09; 1-12-04; 5-12-99

#### [Notes of Decisions \(11\)](#)

Rules are complete and appendices are current through March 3, 2014

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