



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Program Statement

OPI: DIR
Number: 6060.1C
Date: January 25, 2012
Supersedes: 6060.1B (02/21/08)
Subject: Smoke/Tobacco Free Environment

1. **PURPOSE AND SCOPE.** DC Department of Corrections (DOC) facilities are smoke-free.
2. **POLICY.** It is DOC policy to prohibit the use, sale, trading, or bartering of tobacco, tobacco related products or tobacco substitutes in buildings and vehicles owned, leased, operated or under the control of the DOC. It is the policy of the DOC to prohibit the sale of all tobacco products through its canteen services. It is DOC policy that violators shall be subject to disciplinary action.
3. **APPLICABILITY.** This policy is applicable to DOC employees, contract workers, volunteers, visitors, inmates and any other individuals who enter into DOC facilities. In addition:
 - a. DOC employees, contract workers, volunteers and visitors are prohibited from bringing in and otherwise using any of the referenced tobacco products while in the Central Detention Facility (CDF).
 - b. Smoking is prohibited within 50 feet of all DOC facility entrances and exits.
4. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. **PROGRAM OBJECTIVES.** The expected results of this directive are:
 - a. To eliminate exposure to chemicals in tobacco that pose a high health risk to employees, contract employees, volunteers and the inmates in the care and custody of the DOC.
 - b. To reduce the risk of fire hazards which pose a safety, security, and liability risk within DOC facilities.
 - c. To ensure that the DOC operates its facilities in compliance with the D.C. Smoke Free Workplace regulations.

6. **DIRECTIVES AFFECTED**
 - a. **Directives Rescinded**
 - 1) PS 6060.1B Smoke/Tobacco Free Environment

 - b. **Directives Referenced**
 - 1) PS 5009.2 Searches of Inmates, Inmate Housing Units, Work and Program Areas

 - 2) PS 5010.3 Contraband Control
 - 3) PS 5020.1 Entrance and Exit Procedures

 - 4) PS 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures

7. **AUTHORITY**
 - a. D.C. Code §7-1701, et seq, Restrictions on Tobacco Smoking.
 - b. District of Columbia Municipal Regulations Title 20, Environment (Part 1), Chapter 21, Smoking Regulations.
 - c. District of Columbia Personnel Manual, Chapter 16, General Discipline and Grievances.
 - d. Helling v. McKinney, 509 U.S. 25 (1993).
 - e. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police Department of Corrections Labor Committee, effective December 19, 2002 – September 30, 2005.
 - f. D.C. Code § 24-211.02, Powers; Promulgation Rules.

8. **STANDARDS REFERENCED**

- a. American Correctional Association 4th Edition Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-1A-21.

9. **DEFINITIONS.** For the purpose of this program statement, the following definitions apply:

- a. **Smoking/To Smoke.** The act of smoking or carrying a lighted or smoldering cigar, cigarette, or any tobacco related product, that includes but is not limited to, cigarettes, pipe tobacco, chewing tobacco, cigars, matches, cigarette lighters, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related-products.
- b. **Workplace.** The workplace includes, but is not limited to:
 - 1) DOC owned, operated, controlled and leased facilities and buildings. Smoking shall be strictly prohibited in all work areas and public spaces including, but not limited to work stations, private offices, training/conference rooms, reception areas, restrooms, stairwells, hallways of the Grimke building and within 50 feet of all entrances/exits.
 - 2) All other DOC controlled property and all DOC controlled, owned, leased and operated vehicles.

10. **NOTICE**

- a. The requirements of this directive and the penalties for violations will be discussed during pre-service training and orientation programs.
- b. Facilities Management shall ensure that all DOC buildings have signs posted that read, "No Smoking Under Penalty of Law". The signs shall be prominently displayed at the entrances and in the interior of the Grimke headquarters building, the Central Detention Facility, and at DOC contracted halfway house facilities.
- c. Facilities Management shall ensure that all DOC buildings shall have signs posted to designate "Smoke-Free Zones" around facility entrances and exits (i.e., within 50 feet of the egress).

11. **CONTRABAND CONTROL**

- a. The sale of tobacco products is prohibited.
- b. Staffs, contract employees, volunteers and visitors, whether professional or personal, are prohibited from bringing tobacco products inside of the CDF.

- c. Staff entrance personnel shall thoroughly search employees, contractors, volunteers and visitors and shall instruct all persons found to be in possession of any tobacco products to return such items to their vehicle or dispose of the items prior to admittance.
- d. Staff, contract employees, volunteers and visitors are prohibited from giving inmates tobacco products or the means to ignite them.
- e. Tobacco products are contraband. These items, if found in the possession of an inmate, shall be confiscated and destroyed.
- f. Upon intake, the R& D Officer shall screen all inmate property for tobacco products, cigarette lighters and matches.
- g. Cigarette lighters that are determined to be of substantial value shall be stored with the inmate's valuables.

12. **INSPECTIONS.** Housing unit officers, all managers, supervisors (i.e., uniform, non-uniform, facilities management and environmental safety and sanitation) and facility fire safety officers shall, during the course of their inspections, ensure that employees and inmates are not smoking in the facility. They shall document violations and confiscation of tobacco and smokeless tobacco products as well as any containers used to extinguish lighted products.

13. **REPORTING VIOLATIONS**

- a. Employees and inmates who observe violations of this policy shall report the violation to a supervisor or manager.
- b. Supervisors and managers who observe or receive a report of a violation of this directive shall investigate the allegation and/or take appropriate action.

14. **PENALTIES FOR INFRACTIONS**

- a. **Employees.** Staff who violate the DOC smoke free policy shall be disciplined pursuant to the District Personnel Manual DPM, Chapter 16.
- b. **Contract Employees.** Contract employees found to be in violation of this policy shall be reported to the contractor for disciplinary action. The contractor shall advise the affected DOC contract administrator of all actions that were taken.
- c. **Volunteers.** Volunteers found to be in violation of the DOC smoke free policy shall be escorted from the DOC facility premises. Prior to departure they shall surrender their DOC identification badge. The individual shall receive written notice of suspension of their volunteer privileges.

- d. **Visitors.** Visitors found to be in violation of the DOC smoke free policy shall be escorted from the premises and their visiting privileges may be suspended.
- e. **Inmates.** Inmates found in the possession of any tobacco product, cigarette lighter or matches shall be charged with possession of contraband in accordance PS 5300.1, *Inmate Disciplinary and Administrative Housing Hearing Procedures*. Inmates who attempt to light products via electrical outlets shall be disciplined.

A handwritten signature in black ink, appearing to read 'Thomas Faust', with a stylized, cursive script.

Thomas Faust
Acting Director