

	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 1 of 6	
	POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016		
			OPI:	HEALTH SERVICES		
			REVIEW DATE:	August 17, 2019		
			Approving Authority	Quincy L. Booth Director		
	SUBJECT:	SMOKE/TOBACCO PRODUCT FREE ENVIRONMENT				
NUMBER:	6060.2 (NEW ISSUANCE)					
Attachments:	None					

SUMMARY OF CHANGES:

Section	Change
	<i>Minor changes made throughout.</i>
	<i>Electronic Cigarettes added to Section 9, Definitions.</i>

APPROVED:



Quincy L. Booth, Director

8/17/2018

Date Signed

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 2 of 6
POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016	
		REVIEW DATE:	August 17, 2019	
SUBJECT:	Smoke/Tobacco Product Free Environment			
NUMBER:	6060.2 (NEW ISSUANCE)			
Attachments:	None			

1. **PURPOSE AND SCOPE.** To protect the public health, comfort, and environment by prohibiting smoking and tobacco use in all D.C. Department of Corrections (DOC) facilities.

2. **POLICY**
 - a. It is DOC policy to prohibit the use, sale, trading, or bartering of Tobacco Products in DOC facilities and vehicles. The sale of all Tobacco Products through its commissary services is prohibited. It is DOC policy that violators shall be subject to disciplinary action.

 - b. Smoking is prohibited within twenty five (25) feet of all DOC facility entrances and exits.

3. **APPLICABILITY.** This directive applies to all DOC facilities including the Central Detention Facility (CDF), Correctional Treatment Facility (CTF), Central Cellblock (CCB), contract facilities and DOC vehicles. It applies to a all individual who are on DOC premises.

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 Tobacco Products wherein the Council of the District of Columbia finds that the inhalation of concentrated smoke resulting from the use of Tobacco Products in facilities in which the public congregates is a clear danger to health and a cause of inconvenience and discomfort to persons present in such facilities.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 3 of 6
POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016	
		REVIEW DATE:	August 17, 2019	
SUBJECT:	Smoke/Tobacco Product Free Environment			
NUMBER:	6060.2 (NEW ISSUANCE)			
Attachments:	None			

- b. To protect the public health, comfort, and environment by prohibiting the use of Tobacco Products in DOC facilities and vehicles .
- c. To reduce the risk of fire hazards which pose a safety, security, order, and liability risk within DOC facilities.
- d. To ensure that the DOC operates its facilities in compliance with D.C. law restrictions on the use of Tobacco Products. laws
- e. To preclude the entry, presence, and use of contraband Tobacco Products in DOC facilities in order to maintain the safety, security and order of the facility and comply with introduction of contraband law.

6. DIRECTIVES AFFECTED

a. Directives Rescinded

PP 6060.1E Smoke/Tobacco Free Environment (12/19/2016)

b. Directives Referenced

- 1) PP 5009.2 Searches of Inmates, Inmate Housing Units, Work and Program Areas
- 2) PP 5010.3 Contraband Control
- 3) PP 5020.1 Entrance and Exit Procedures
- 4) PM 5300.1 Inmate Disciplinary and Administrative Housing Hearing Procedures

7. AUTHORITY

- a. D.C. Code § 24-211.02, Powers; promulgation of rules.
- b. D.C. Code § 7-1701, et seq, Restrictions on Tobacco Smoking.
- c. DC Code § 22-2603.01 et seq., Introduction of Contraband into Penal Institution
- d. District of Columbia Municipal Regulations Title 20-,2101.1 et seq., 202103, Smoking Regulations.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 4 of 6
POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016	
		REVIEW DATE:	August 17, 2019	
SUBJECT:	Smoke/Tobacco Product Free Environment			
NUMBER:	6060.2 (NEW ISSUANCE)			
Attachments:	None			

- e. District of Columbia Personnel Manual, Chapter 16, Corrective and Adverse Actions; Enforced Leave; and Grievances .
- f. Helling v. McKinney, 509 U.S. 25 (1993).U.S. Const.Amend. 8;
- g. U.S. Const.Amend. 14.
- h. Crowder v. District of Columbia, 959 F. Supp. 6, 1997 U.S. Dist. LEXIS 3230 (D.D.C. 1997), rev'd sub. nom.,
- i. Scott v. District of Columbia, 139 F.3d 940, 329 U.S. App. D.C. 247, 1998 U.S. App. LEXIS 6697 (D.C. Cir. 1998).

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.** “Smoking” or “to smoke” means the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form..
- b. **Tobacco Product.** means any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including through a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, smokeless tobacco, or an electronic smoking device. The term “tobacco product” also includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices.
- c. **Electronic smoking device”** means any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term “electronic smoking device” includes any such product, regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 5 of 6
POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016	
		REVIEW DATE:	August 17, 2019	
SUBJECT:	Smoke/Tobacco Product Free Environment			
NUMBER:	6060.2 (NEW ISSUANCE)			
Attachments:	None			

10. NOTICE

- a. The requirements of this directive and the penalties for violations will be discussed during pre-service training and orientation programs.
- b. DOC shall post the written smoking policy in the same place as the Worker's Compensation notice or any similar employee notice.
- c. Facilities Management shall ensure that all DOC buildings have signs posted within 25 feet of the entrance and exits of the facilities that read, "No Smoking Under Penalty of Law", and shall include the internationally recognized no smoking symbol
- d. It is unlawful for any person to obscure, remove, deface, mutilate, or destroy any sign posted in accordance with this provision.

11. CONTRABAND CONTROL

- a. The sale of Tobacco Products as defined in this policy is prohibited on Commissary.
- b. Any individual is prohibited from bringing or using Tobacco Products onto DOC premises and vehicles.
- 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 IRC 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, confirm that employees and inmates are not using Tobacco Products in the facility. They shall

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE:	August 17, 2018	Page 6 of 6
POLICY AND PROCEDURE		SUPERSEDES:	6060.1E December 19, 2016	
		REVIEW DATE:	August 17, 2019	
SUBJECT:	Smoke/Tobacco Product Free Environment			
NUMBER:	6060.2 (NEW ISSUANCE)			
Attachments:	None			

document violations and confiscation of Tobacco Products, 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 this 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 this 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 this policy shall be escorted from the premises and their visiting privileges may be suspended.
- e. **Inmates.** Inmates found in the possession of Tobacco Products lighter or matches shall be charged with possession of contraband in accordance PM 5300.1, *Inmate Disciplinary and Administrative Housing Hearing Procedures*. Inmates who attempt to light products via electrical outlets shall also be disciplined.