



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 04/10/07			*TERMINATION DATE / /		
CLASSIFICATION # 3914R-A			SUPERSEDES 3914		DATED 03/30/03
APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			DISTRIBUTION A		PAGE 1 OF 3 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER <i>Carolyn Thomas</i> CAROLYN THOMAS, CHIEF OF DEPARTMENT SIGNATURE			AUTHORIZED BY THE COMMISSIONER <i>Martin F. Horn</i> MARTIN F. HORN SIGNATURE		

I. INTRODUCTION

The New York City Department of Correction (DOC) is required to comply with Local Law 47 of 2002, the Smoke Free Air Act, which prohibits smoking in public places and workplaces.

II. PURPOSE

To establish the Department's policy concerning the use of tobacco related products on DOC property.

III. DEFINITION

Tobacco related products include cigarettes, cigars, loose tobacco, chewing tobacco, and lighting materials such as matches or lighters.

IV. POLICY

The Department of Correction is a smoke-free Department and the following applies:

- A. The use of tobacco related products within any Department facility, office, and vehicle is prohibited;
- B. This prohibition applies to all person, including staff, inmates and visitors;
- C. Inmates and visitors are prohibited from possessing tobacco related products;
- D. The following restrictions shall apply to employees:
 1. Under no circumstances may an employee possess any tobacco related product or lighting agent in any inmate housing area.

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IV. POLICY (cont.)

2. Apart from inmate housing areas, an employee may possess no more than one (1) pack of manufacturer's brand cigarettes, and one (1) lighting agent on any Department premises that houses or detains inmates, or utilizes inmate work details, including the entire area of Rikers Island. Further:
 - a. Such cigarettes and lighting agent must be kept on the employee's person, in his or her secured locker, or in a vehicle.
 - b. Placing or storing cigarettes and lighting agents in a desk or other furniture or container is prohibited.
 - c. One "pack" shall contain no more than twenty (20) cigarettes.
 - d. A lighting agent may be either a single book of paper matches or one (1) cigarette lighter.
3. Possession of cigars, pipes, loose tobacco, rolling paper, or boxed matches is prohibited.
4. "Employee" as used herein means a person employed by the Department or by another agency or firm performing work related to the business of the Department.
5. "Inmate housing area," as used herein means a dormitory, cell block, and other area of a facility in which inmates' beds are located, including any related corridors and stations.
- E. Any person providing tobacco related products to an inmate shall be deemed as promoting prison contraband and may be subject to arrest.
- F. Employees of the Department found to be in violation of the Smoke Free Department policy shall be subject to disciplinary action. Employees of an agency or firm performing work related to the business of the Department who violate this policy, will be referred for corrective action to their supervisor or employer and to the Deputy Warden to whom their area reports.

V. PROCEDURE

- A. Inmates in possession of tobacco related products shall be charged with a Grade I violation of new rule # 103.05 which prohibits: "Possession of matches/lighter, and/or tobacco products including, but not limited to cigarettes, cigars, loose tobacco, or chewing tobacco."

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V. PROCEDURE (cont.)

- B. Any inmate exchanging tobacco related products for money or other items shall be charged with a Grade I violation of new rule # 103.07 which prohibits: "Sale, exchange, or distribution of tobacco products including, but not limited to cigarettes, cigars, loose tobacco, or chewing tobacco."
- C. 1. Staff who smoke in a Department facility, office, or vehicle will be subject to discipline.
2. Persons, who are not employees of the Department, who smoke in violation of this directive, will be referred for corrective action to their supervisor or employer and to the Deputy Warden to whom their area reports.
3. Any person, visiting an inmate, who smokes in violation of this directive, will be immediately removed from Department premises, and their visit or other business will be terminated.
- D. 1. Any person providing tobacco related products to an inmate may be subject to arrest.
2. Staff providing tobacco related products to an inmate will also be subject to disciplinary action and may be subject to termination.
3. Any person, visiting an inmate, who provides tobacco related products to an inmate, will also have their visiting privileges revoked.

VI. REFERENCE

Rule & Regulation # 3.20.090

VI. SUPERSEDES

Directive #3914, SMOKE FREE DEPARTMENT, dated 03/30/03