

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 03/14/11	NUMBER 01.03.140
	SUBJECT SMOKING; POSSESSION/USE OF TOBACCO PRODUCTS	
SUPERSEDES 01.03.140 (02/01/09)		AUTHORITY MCL 333.12601-333.12617; 791.203; Executive Order 1992-3 as amended by Executive Order 1992-23; Annual Appropriations Bill
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POLICY STATEMENT:

Smoking, and the use and possession of tobacco products, is controlled by this policy directive. Smoking in Department buildings also is controlled by the Governor's Executive Order No. 1992-3 as amended by Executive Order 1992-23 and applicable provisions of the Michigan Clean Indoor Air Act.

POLICY:

DEFINITIONS

- A. Offenders - Prisoners housed in a Correctional Facilities Administration (CFA) institution, parolees housed in the Tuscola Residential Reentry Program (TRRP) Facility, and probationers in the Special Alternative Incarceration Program.
- B. Tobacco Products - Any product that contains tobacco, including but not limited to cigarettes, cigars, chewing tobacco, and snuff.

GENERAL INFORMATION

- C. A prisoner who violates this policy shall be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline".
- D. Employees found in violation of this policy shall be subject to disciplinary action in accordance with PD 02.03.100 "Employee Discipline".
- E. Matches and lighters are prohibited within the security perimeter of an institution or the TRRP facility except for a reasonable quantity as authorized by the Warden or TRRP facility Supervisor as needed by staff in the performance of their duties. At a minimum, this shall include matches for use during group religious ceremonies conducted in accordance with PD 05.03.150 "Religious Beliefs and Practices of Prisoners". This restriction on lighters does not apply to striker lighters issued by the Department for use within the institution.
- F. Members of the public, including visitors, who violate this policy shall be informed of policy requirements and asked to comply. If they do not comply, they shall be asked to leave the premises.
- G. Due to the similarity in appearance of electronic or vaporizer cigarettes and other non-tobacco cigarettes (for example, herbal cigarettes) to tobacco cigarettes, as well as the appearance of impropriety when used, the use and possession of these items by employees are restricted in the same manner as set forth in this policy for tobacco products.

SMOKING

- H. Smoking is prohibited by offenders. Smoking also is prohibited by employees and members of the public wherever the possession of tobacco products is prohibited, as identified in Paragraphs K through M of this policy. Smoking and the use of any tobacco product is prohibited by employees and

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members of the public inside all other Department-occupied buildings and within 100 feet of any entrance to those buildings. The senior ranking official at each of these buildings shall ensure that appropriate containers are provided for discarded tobacco products so that the grounds and entrance areas remain clean and orderly.

- I. Smoking is prohibited in all motor vehicles leased or owned by the State of Michigan.

POSSESSION OF TOBACCO PRODUCTS

OFFENDERS

- J. Offenders are prohibited from possessing tobacco products except in areas designated by the Warden or TRRP facility Supervisor for group religious ceremonies or activities conducted pursuant to PD 05.03.150 "Religious Beliefs and Practices of Prisoners".

EMPLOYEES AND MEMBERS OF THE PUBLIC

- K. Employees and members of the public are prohibited from possessing tobacco products inside and on the grounds of all CFA facilities, and inside or on the grounds of the TRRP facility; however, prohibited tobacco products may be stored, but not used, in a locked motor vehicle in designated parking areas and in secure areas designated by the Warden or TRRP facility Supervisor for this purpose (for example, locked locker). Wardens and the TRRP facility Supervisor shall ensure there is at least one secure area designated within their respective facilities. Personal tobacco products of the occupants of a commercial vehicle required to be driven within the security perimeter of the facility shall be secured in the sallyport. In addition, a reasonable quantity of tobacco may be brought into a facility by a clergy member for use only during religious ceremonies conducted in accordance with PD 05.03.150 "Religious Beliefs and Practices of Prisoners".
- L. Tobacco products are prohibited inside and on the grounds of all other Department-occupied buildings at which work is performed by prisoners on a gate-pass assignment; however, at a work site shared with another State or other agency, non-Department of Corrections employees and members of the public may possess tobacco products except within the portion of the building occupied exclusively by Department of Corrections staff. Prohibited tobacco products may be stored, but not used, in a locked motor vehicle in designated parking areas and in secured areas designated by the highest ranking supervisor.
- M. Employees also are prohibited from possessing tobacco products while supervising or accompanying an offender off facility grounds, including on public works and Michigan State Industries assignments. This also includes transportation runs even if assigned to a vehicle in which prisoners are not being transported (for example, a "chase" or "trail" vehicle); however, if a transportation run requires overnight lodging, staff may have tobacco products in their personal luggage for personal use while the offender is lodged in a jail or other correctional facility or, if on a hospital transport, admitted to the hospital, consistent with any other restrictions set forth in this policy.

SIGNAGE

- N. The senior ranking official at each work site at which smoking and the possession of tobacco products is prohibited shall ensure that a sign is posted both at the entrance to the building and at the entrance to the building's grounds to provide notice of these restrictions. The senior ranking official at work sites where only smoking is prohibited shall ensure that a sign is posted at all building entrances indicating that smoking is prohibited within the building and within 100 feet of its entrance.

DISPOSAL

- O. Wardens, the TRRP facility Supervisor, and the senior ranking official of other work sites at which the possession of tobacco products is prohibited shall ensure that any tobacco products discarded on

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facility or building grounds are disposed of in a manner that makes them inaccessible to offenders.

SMOKING CESSATION PROGRAM

- P. The CFA Deputy Director shall ensure that a smoking cessation program is available to prisoners at each reception facility and at other institutions, as needed. Prisoners shall be advised of the availability of the program as part of the orientation program offered at reception facilities.

PROCEDURES

- Q. Operating procedures are not required for this policy directive.

AUDIT ELEMENTS

- R. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: RMcK 02/25/11