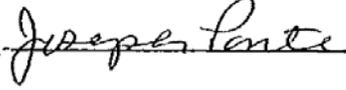


POLICY TITLE: PRISONER SMOKING		PAGE 1 OF 4
POLICY NUMBER: 30.1		
CHAPTER : 30: PRISONER SMOKING		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner:	ACA STANDARDS: See Section VII.
		
EFFECTIVE DATE: November 2, 2012	LATEST REVISION: February 7, 2013	CHECK ONLY IF APA [<input type="checkbox"/>]

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Minimum and Community Security Housing Facilities

III. POLICY

It is the policy of the Department of Corrections to allow cigarette smoking to prisoners housed in adult minimum and community security facilities under conditions set by the Commissioner.

IV. CONTENTS

- Procedure A: Tobacco and Related Items
- Procedure B: Designated Outdoor Smoking Areas
- Procedure C: Public Restitution Crews, Work or Education Release, or Furloughs
- Procedure D: Failure to Comply
- Procedure E: Smoking Cessation Assistance

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Tobacco and Related Items

1. A prisoner housed at a minimum or community security facility is authorized to smoke cigarettes provided the prisoner complies with all of the requirements of this policy.

2. The prisoner must purchase all cigarettes through facility canteen services. The prisoner may not possess or use tobacco other than in the form of cigarettes purchased by him or her through facility canteen services.
3. The prisoner may not sell, barter, give, or otherwise traffick in cigarettes.
4. The prisoner may not traffick in, possess or use loose tobacco or tobacco related devices, including, but not limited to, pipes, lighters, matches, cigarette papers, and cigarette rollers, except for use of lighting devices as specified below. Under no circumstances may a prisoner bring a match or other lighting device into the facility.
5. The prisoner may not otherwise commit a disciplinary offense related to tobacco.

Procedure B: Designated Outdoor Smoking Areas

1. The Chief Administrative Officer at each minimum or community security facility shall designate one or more outdoor smoking areas for prisoners and shall post an appropriate sign notifying prisoners of the designation.
2. The Chief Administrative Officer at each minimum or community security facility shall designate times when prisoners are allowed to use the outdoor smoking areas
3. A prisoner authorized to smoke may smoke only in a designated outdoor smoking area and only during designated times while on facility grounds, except while working on a public restitution work crew, on work or education release, or on furlough, as specified below.
4. The designated outdoor smoking areas shall be equipped with electric cigarette lighting devices, unless determined otherwise by the Chief Administrative Officer. Where available, prisoners shall use these devices to light cigarettes. Where not available, The Chief Administrative Officer shall establish practices relating to prisoners smoking while on grounds, to include practices for controlling lighting devices.
5. The designated outdoor smoking areas shall also be equipped with noncombustible smoking receptacles where prisoners can safely dispose of their cigarettes. Prisoners shall use the supplied smoking receptacles to dispose of extinguished cigarettes.
6. No prisoner is permitted to smoke inside any facility building.

Procedure C: Public Restitution Crews, Work or Education Release, or Furloughs

1. The Chief Administrative Officer of each minimum or community security facility shall establish practices relating to prisoners smoking while off grounds, to include practices for controlling lighting devices.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
30.1 Prisoner Smoking	30 Prisoner Smoking	Page 2 of 4 01/07/13 R

2. Prisoners housed at minimum or community security facilities and working on public restitution crews are authorized to smoke while on the crews provided they:
 - a. abide by all laws, rules, and/or smoking policies pertaining to the work site;
 - b. use only electric cigarette lighting devices contained in the work crew vehicles, or as otherwise approved by the facility Chief Administrative Officer;
 - c. do not smoke in the vehicles; and
 - d. comply with all other applicable requirements of this policy.

3. Prisoners housed at minimum or community security facilities and participating in work or education release are authorized to smoke while out on work or education release provided they:
 - a. abide by all laws, rules, and/or smoking policies pertaining to the work or education site;
 - b. use only cigarette lighting devices approved by the facility Chief Administrative Officer;
 - c. do not smoke in vehicles; and
 - d. comply with all other applicable requirements of this policy.

4. Prisoners housed at minimum or community security facilities and participating in furloughs are authorized to smoke while on furlough provided they abide by all laws, rules, and/or smoking policies pertaining to the building, area, etc. and comply with all other applicable requirements of this policy.

5. Under no circumstances may any prisoner bring a match or other lighting device back to the facility.

Procedure D: Failure to Comply

1. All facility staff shall ensure that prisoners comply with this policy and the procedures herein and that non-compliance by a prisoner is dealt with appropriately.

2. A prisoner who fails to comply with this policy is subject to appropriate administrative action, including, but not limited to, prohibiting the prisoner from smoking, requesting transfer of the prisoner to a higher security facility, and/or taking disciplinary action.

Procedure E: Smoking Cessation Assistance

1. The facility Chief Administrative Officer shall ensure that smoking cessation assistance is available to all prisoners in the form of educational materials and contact information for smoking cessation assistance.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
30.1 Prisoner Smoking	30 Prisoner Smoking	Page 3 of 4 01/07/13 R

VII. PROFESSIONAL STANDARDS

ACA:

4-ACRS-1C-16 (Mandatory) Handle and store all flammable materials safely.

- a) Where smoking is permitted, provide non-combustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout the living quarters.
- b) Provide special containers for flammable Liquids and for rags used with flammable liquids.
- c) Empty and clean all receptacles and containers daily.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
30.1 Prisoner Smoking	30 Prisoner Smoking	Page 4 of 4 01/07/13 R