



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure # 1.016

Tobacco-Free WDOC

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4361	Effective Date: April 1, 2006 Revision/Review History:
	Summary of Revision/Review: Establishes a new uniform WDOC policy and procedure prohibiting the sale, use or possession of tobacco or tobacco products within any WDOC office or institution.
Cross Reference of Policy: P&P #5.600, <i>Inmate Religious Activities</i>	Supersedes Existing Policy :
Approved:	
_____ /s/ R.O. Lampert Robert O. Lampert, Director	_____ 3/10/2006 Date

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form #119: *Affirmation of Tobacco Policy Form*
2. OTHER – None Noted



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I. PURPOSE

- A. **Tobacco-Free Work and Living Environment.** The purpose of this policy is to establish a tobacco-free work and living environment for all Wyoming Department of Corrections (WDOC) staff, inmates and offenders at all WDOC offices, institutions, grounds, and vehicles.
- B. **Safe and Healthy Working and Living Environment.** WDOC is committed to providing a safe and healthy working and living environment – an environment that is clean and sanitary, an environment that promotes good health, and an environment in which resources are efficiently utilized. As a result of growing evidence of the negative health effects of exposure to tobacco, the WDOC hereby establishes this policy, making WDOC tobacco-free. In doing so, Wyoming joins the Federal Bureau of Prisons and the majority of other states that already have bans or partial tobacco bans in place, according to the American Correctional Association.
- C. **Scope of Policy.** This policy furthers WDOC’s goal of insuring a safe, healthy, and productive work and detention environment for staff, inmates and WDOC offender populations and shall apply to all WDOC institutions, community corrections facilities, field service offices, WDOC grounds, WDOC vehicles and all other WDOC staff and inmate work locations.

II. POLICY

- A. **General Policy.** Due to the acknowledged hazards arising from the use and exposure to tobacco products, it is the policy of the WDOC to provide a tobacco-free environment for all staff, inmates, offenders, and visitors. All WDOC facilities shall be tobacco-free environments and will prohibit smoking, the use of smokeless tobacco and tobacco substitutes, and the taking, carrying, possessing or introducing of smoking materials, smokeless tobacco, or tobacco substitutes on or into WDOC facilities, and grounds.

III. DEFINITIONS

- A. **Adult Community Correctional Facility or Program (ACC):** A community based or community-oriented facility or program which is operated pursuant to the Adult Community Corrections Act. (Wyo. Stat. § 7-18-101 through 7-18-115)
- B. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators,



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deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.

- C. **Contraband:** *(For this policy only.)* Contraband means any article or thing belonging to or possessed by an inmate/offender which the inmate/offender is prohibited by statute, rule or order from obtaining, possessing, or which the inmate/offender is not specifically authorized to obtain or possess or which the inmate/offender alters without authorization.
- D. **Staff:** *(For this policy only.)* Any person employed full-time, part-time, or under temporary appointment by the Wyoming Department of Corrections; any person under contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department-sanctioned special assignment to provide services or support to department programs.
- E. **Disciplinary Action:** *(For this policy only.)* An action administered for cause under the authority of the State of Wyoming Personnel Rules, Chapter 11, Section 1(b), the Wyoming Department of Corrections' Inmate Code of Discipline, or the Wyoming Department of Corrections' Adult Community Corrections Code of Discipline.
- F. **Inmate:** A person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody or supervision of the Wyoming Department of Corrections.
- G. **Inmate Work Location:** *(For this policy only.)* Any facility not owned or operated by the Wyoming Department of Corrections where inmates are employed under contract or agreement, excluding those such locations for inmates housed in an Adult Community Corrections Center.
- H. **Nicotine Replacement Therapy (NRT):** Those items recognized by the Food and Drug Administration for use in reducing nicotine cravings and to relieve withdrawal symptoms for individuals who are trying to discontinue use of tobacco products. Therapy may include over the counter items such as nicotine patches, gum or lozenges as well as other types of therapy as may be prescribed by a physician.
- I. **Offender:** *(For this policy only.)* Any person, who is not an inmate, but who is under the supervision of field services staff or an adult community corrections facility.



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- J. **Smoking Materials:** Any kind of cigarette, cigar, pipe, tobacco, rolling paper, lighter, matches or other similar materials.
- K. **Smokeless Tobacco:** Any tobacco product such as chewing tobacco, “chew”, “snuff” or similar products.
- L. **Tobacco Substitutes:** Any product that can be construed as tobacco (i.e., mint chew, herbal chew, leaf-based substances, etc.) whether used for chewing or smoking.
- M. **WDOC Facilities:** (*For this policy only.*) Any building, structure and/or grounds areas operated by the Wyoming Department of Corrections which physically houses inmates or provides office space or a work location for staff. This includes all the Wyoming Department of Corrections’ Central Office, Field Services Offices, other offices and institutions, as well as associated property, parking lots, perimeter roads, county jails, adult community corrections facilities, treatment centers, and out-of-state facilities housing Wyoming Department of Corrections’ inmates.

IV. PROCEDURE

A. Notification

1. All current staff, inmates and offenders shall receive notification of the requirements outlined within this policy prior to the effective date.
2. All potential new hires shall be advised that all WDOC work environments are tobacco-free through vacancy announcements. Staff hired after implementation of this policy shall receive notification of the requirements outlined within this policy at the time a job offer is provided.
3. Inmates and offenders processed into the WDOC system after implementation of this policy shall be informed that all WDOC facilities are tobacco-free at the time of their initial in-take processing. Further notification of all the requirements outlined within this policy shall be accomplished during the in-take training on WDOC policy and inmate/offender conduct.
4. At the time of notification, all current staff, inmates, offenders, and volunteers will be required to sign WDOC Form #119, *Affirmation of Tobacco Policy Form*. Affirmation forms will be signed by all future staff, inmates, offenders and volunteers during the intake/hiring process.



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5. Notification to staff, inmates, offenders, and visitors may be made through the following formats:
 - i. Electronic mail (e-mail);
 - ii. Letters or memorandums;
 - iii. Posters;
 - iv. Road signs at entrances to WDOC facilities or grounds;
 - v. Policy training classes;
 - vi. Signs on building grounds, doors, and windows;
 - vii. Signs in vehicles; and/or
 - viii. Intake documents.

- B. Tobacco Free Locations.** The following locations shall be free of tobacco use or possession:
 1. All WDOC facilities (except as provided through contracts with out-of-state facilities);
 2. WDOC vehicles; and
 3. All WDOC property, leased or owned, to include parking lots, associated property and perimeter roads.

- C. Implementation Time Lines – Action Plan**
 1. All staff, inmates and offenders shall be provided with the implementation time lines as developed.
 2. Staff, inmates and offenders shall be offered free assistance in quitting tobacco use during the voluntary cessation portion of implementation.
 - i. Assistance may include counseling, nicotine replacement therapy, cessation medications, or other interventions as outlined in the action plan.
 - ii. Assistance will be offered through WDOC and through the use of outside agencies and community resources.



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D. Enforcement

1. Once the time line requires the removal of all tobacco products, any tobacco products, smoking materials, smokeless tobacco and tobacco substitutes will be considered contraband.
 - i. No staff, inmates or offenders will be allowed to use or possess any tobacco products, smoking materials, smokeless tobacco or tobacco substitutes while at WDOC facilities or inmate work locations.
 - ii. Any tobacco, tobacco related materials, or tobacco substitutes must be left in and secured in personal vehicles and may not be used while on WDOC property.
 - iii. All visitors will be instructed to leave all tobacco, tobacco-related products or tobacco substitutes in their personal vehicles when visiting a WDOC facility or office location.
2. For religious activities involving the use of tobacco, tobacco related materials, or tobacco substitutes, shall be governed by WDOC Policy & Procedure #5.600, *Inmate Religious Activities*. The use of kinnikinnick, but not tobacco, may be approved for religious expression as allowed by WDOC Policy & Procedure #5.600.
3. Staff, inmates, ACC offenders, visitors or volunteers who fail to comply with this policy shall be subject to discipline.
 - i. Staff supplying inmates or offenders with tobacco, tobacco related materials, smokeless tobacco, or tobacco substitutes, or who otherwise fail to comply with this policy, shall be dealt with according to the State of Wyoming Personnel Rules, or as outlined in the applicable contract.
 - ii. Inmates and offenders in ACC programs failing to comply with this policy shall be dealt with according to the applicable code of discipline.
 - iii. Visitors and volunteers failing to comply with this policy will be directed to leave any WDOC facility or office where such violation occurred. Visitation or volunteer services may be restricted in the future based on non-compliance with this policy.
 - iv. Offenders under community supervision will be made aware of the WDOC's tobacco-free policy, including the expectation to leave



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tobacco products in vehicles. For offenders who violate this policy and those who voluntarily wish to cease tobacco use, resources will be identified and opportunities to stop tobacco use will be made available.

V. Training Points

- A.** What WDOC operated or controlled areas are to be tobacco-free?
- B.** How are staff, inmates, and offenders to be made aware of this policy?
- C.** Will staff, inmates or offenders be provided assistance in quitting the use of tobacco?
- D.** Can tobacco be used for religious activities?
- E.** What happens if staff, inmates, offenders, visitors, or volunteers violate this policy?