



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			*TERMINATION DATE		
08/29/15			/ /		
CLASSIFICATION #	SUPERSEDES	DATED	APPROVED FOR WEB POSTING	DISTRIBUTION	PAGE 1
3914R-B	3914R-A	04/10/07	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	A	OF 4 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER		
 MARTIN J. MURPHY, CHIEF OF DEPARTMENT SIGNATURE			 JOSEPH PONTE SIGNATURE		

I. INTRODUCTION

The New York City Department of Correction (Department) is required to comply with Chapter 5 of the New York City Administrative Code, "Smoke Free Air Act" of 2002 and all its enacted amendments, including, but not limited to, Local Law No. 52 of 2013, which prohibits smoking in public places and workplaces.

II. PURPOSE

The purpose of this directive is to establish the Department's policy concerning the use of tobacco related products and electronic cigarettes on Department property.



III. DEFINITIONS

Electronic cigarettes (E-cigarettes) - any electronically and/or battery operated device, used as an alternative for tobacco, that delivers doses of vaporized nicotine (or non-nicotine) solutions, or nicotine (or non-nicotine) chemical(s) housed in a replaceable chemical cartridge delivery system with an element that vaporizes the non-tobacco chemical releasing smoke into the environment or any other component or variation of vaporized cigarettes, not including any Food and Drug Administration (FDA) approved product for sale as a drug or medical device.

Employee- any person employed by the Department or by another agency or firm performing work related to the business of the Department.



Inmate housing area- any dormitory, cell block, or other area of a facility in which inmates' beds are located, including any related corridors and stations.

Tobacco related products- including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, and lighting materials such as matches or lighters or any variation thereof.

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IV. POLICY

- A. The City of New York prohibits the use of tobacco-related products and electronic cigarettes within any Department facility, office, or vehicle.
- B. This prohibition applies to all persons, including staff, inmates, and visitors.
- C. Inmates and visitors are prohibited from possessing tobacco-related products and electronic cigarettes.
- D. The following restrictions apply to employees:
 1. Employees may not possess any tobacco related products, lighting agents, or electronic cigarettes, as defined by the Department, in any area of an inmate housing facility or command except as delineated below in Section IV.D.2.a.
 2. An employee may only possess a maximum of either one (1) pack of manufacturer's brand tobacco cigarettes and one (1) lighting agent or one (1) electronic cigarette (including one battery and one cartridge) for their personal use while on any Department premises as follows:
 - a. Tobacco related products, lighting agents and electronic cigarettes must be kept in the employee's secured locker or personal vehicle. Carrying or storing these items anywhere else on Department property other than in the prescribed locations is strictly prohibited and a violation of this policy.
 - b. One "pack" shall contain no more than twenty (20) tobacco cigarettes.
 - c. A lighting agent may be either a single book of paper matches or one (1) cigarette lighter.
 - d. An electronic cigarette shall be comprised of one (1) single user kit, one (1) nicotine or non-nicotine cartridge, and one (1) commercially manufactured electronic cigarette.
 - e. Employees may engage in the use of authorized tobacco products and electronic cigarettes while on Department property only in authorized, designated smoking areas outside of each facility and only when on meal period or off duty. Any remaining or unused tobacco product, lighting agent, or electronic cigarette must be secured in their assigned locker or personal vehicle.
 3. The Department strictly prohibits the possession of cigars, pipes, loose tobacco, rolling paper, and boxed matches.



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IV. POLICY (Cont.)

- E. The Department deems any person providing tobacco related products or electronic cigarettes to an inmate as promoting prison contraband and subject to arrest. Unauthorized employees providing said products or electronic cigarettes to an inmate are also subject to disciplinary action, including, but not limited to, termination.
- F. The Department may take disciplinary action against any person under its jurisdiction, including, but not limited to, employees found to be in violation of the Smoke Free Department policy. The Department will refer any and all persons, agents, and/or employees of any agency (agencies) or firm(s) doing business with, for, or of the Department who violate this policy to that person's Supervisor, Employer, and to the Deputy Warden for corrective action.

VI. PROCEDURE

- A. The Department shall charge inmates in possession of tobacco-related products with a Grade I violation of new rule # 103.05: "Inmates shall not possess any tobacco related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, rolling papers, matches and lighters."
- B. The Department shall charge any inmate exchanging tobacco related products for money or other items with a Grade I violation of new rule # 103.07: "Inmates shall not sell, exchange, or distribute tobacco related products including, but not limited to, cigarettes, cigars, loose tobacco, chewing tobacco, matches or lighters."
- C. The Department shall charge inmates in possession of an electronic cigarette, electronic cigarette kit or any items related to an electronic cigarette with a Grade III violation of inmate rule #103.19 which states: "Inmates shall not possess any other unauthorized items not specifically listed within this section."
- D. The Department shall terminate the business of and remove any person visiting an inmate who smokes a tobacco related product or electronic cigarette in violation of this directive.
- E. The Department will revoke the visiting privileges of and/or prosecute any person visiting an inmate who provides tobacco related products or electronic cigarettes to an inmate, in violation of said Smoking Policy

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VII. REFERENCE

- A. General Order 01/15 Smoking, revising Rule & Regulation # 3.20.090
- B. New York City Administrative Code, Local Law 152

VIII. SUPERSEDES

Directive #3914R-A, "Smoke Free Department," dated 04/10/07