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**SMOKE-FREE JAILS:  
COLLECTED RESOURCES**

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Boulder, Colorado**

# Contents

Briefing Paper: Smoke-Free Jails . . . . .	1
Legal Issues . . . . .	6
Legal Opinion . . . . .	18
Examples of Policies . . . . .	34
Hillsborough County, Florida . . . . .	35
Dane County, Wisconsin . . . . .	53
Mega-Jail Survey . . . . .	80

142255

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The American Correctional Association (ACA) has adopted the following resolution:

*The American Correctional Association supports those jurisdictions which establish no-smoking policies in their correctional facilities and work environments. (January 17, 1990)*

ACA director Tony Travisono, in an interview with Information Center staff, suggested that as early as 1995, at least 50 percent of jails nationwide may be smoke-free.

Although the **National Commission on Correctional Health Care** has not developed a formal statement, the spokesperson interviewed (Helen Danta, Professional Services Programs Assistant) indicated that commission standards emphasize the need for a smoke-free environment for inmates with health problems. She also said that agencies entering the accreditation process are choosing to treat the smoke-free environment as an important issue.

Only the **National Sheriffs' Association (NSA)** spokesperson, Dean Moser, disagreed. In an interview, he indicated that a resolution was introduced for a vote but did not pass. "Corrections is dealing with more serious problems, such as overcrowding and budget reductions. The smoke-free issue creates classification problems in an already overcrowded environment."

■ *Recent legal decisions.*

*Clemmons v. Bohannon*, 918 F.2d 858 (10th Cir. 1990) and *McKinney v. Anderson*, No. 89-1789, 91 Daily Journal D.A.R. 1476 (9th Cir., February 5, 1991). In these cases, two federal appeals courts ruled that inmates' involuntary exposure to secondary tobacco smoke may be cruel and unusual punishment. (*Jail & Prisoner Law Bulletin* No. 171, Volume 1991.)

Note: These are the most recent cases found; they essentially reverse decisions in the past two years that found that inmates do not have a right to be free from "environmental tobacco smoke." As an article in a recent issue of *Detention Reporter* noted, however, the courts also commented in those earlier decisions that their conclusion might change as research evolved. (See *Detention Reporter* No. 89, March 1991.)

*Doughty v. Board of County Commissioners for County of Weld*, 731 F.Supp. 432 (D. Colo. 1989). The court held there was no constitutional right to smoke in a jail or prison. "The restriction protects the rights and health of non-smoking guards and inmates, eliminates potential fire hazards, provides for a clean living environment, and is therefore reasonably related to the county's goals." (Cited in *Jail & Prisoner Law Bulletin* No. 164, Volume 1990.)

## **Reasons for the Non-Smoking Jail Movement**

- *Health.* The most important reason. Studies by the U.S. Surgeon General and the National Academy of Sciences concluded that involuntary exposure to tobacco smoke is a cause of disease, including lung cancer, in healthy non-smokers.
- *Safety and security.* Widespread use of matches increases the risk of fire caused either accidentally or intentionally.
- *Maintenance.* Smoking causes wear and tear on air conditioning and creates residue on walls, ceilings, floors, furniture, and mechanical devices, leading to more frequent maintenance.
- *Insurance rates.* Lower insurance rates prevail for non-smoking jails.
- *Liability.* (See recent court decisions, cited above.)

## **Experiences of Jails Implementing No-Smoking Policies**

Published case studies, informal interviews of jail administrators by Information Center staff, letters from administrators, and newspaper accounts all indicate that facilities have encountered few problems as a result of implementing no-smoking policies. Following are some notes on their experiences:

### **Strategies for successful Implementation**

- Phase-in the policy, establishing milestones and notifying staff and inmates of the policy shift in advance.
- Gradually reduce the amount of tobacco that inmates can purchase from the canteen.
- Publicize the health advantages of the no-smoking environment.
- Provide helpful tips for dealing with the smoking prohibition.
- Establish a smoking clinic and/or support group.
- Increase available liquids, including ice.
- Provide relish trays, apples, and crackers for about six weeks.
- Provide increased access to recreation and counseling for the transition period.

### **Advantages noted (In addition to more healthful environment)**

- Reduced building maintenance.
- Less damage to uniforms.
- Fewer false smoke alarms.
- Cleaner living units, without cigarette butts or ashes.
- Less gambling with cigarettes as tender.
- Fewer illegal drugs as contraband. (But see below re: more cigarette contraband.)

### **Problems experienced**

- Few. Rebellion on the part of staff and inmates was less than that expected in Kern County (California), Davis County (Utah), and King County (Washington). Weld County, Colorado, also noted few infractions. During the twelve-month period following implementation of the policy, only 15 percent of infractions were related to use of possession of tobacco.
- Cigarettes are no longer available as incentives for behavior modification (Weld County).
- Weld and King Counties have observed some destruction of electrical outlets and light fixtures by inmates creating carbon arc torches ("stingers") made from paper clips and pencil lead to light cigarettes.
- Tobacco products have become a major form of contraband. (But see above; this is taking the place of drugs.)

### **Penalties for infractions**

#### **Inmates**

- If inmates possession of tobacco is detected, it is usually treated as a contraband offense and the inmate is disciplined accordingly.

#### **Staff**

- Staff violation of no-smoking policies is addressed through employee disciplinary policy. In King County, an employee with a first offense is counselled by his/her supervisor. A second offense merits a letter of corrective counseling, and a third offense results in a letter of reprimand.

## **Information Center Activity Related to Non-Smoking Policies In Jails**

Forty-six requests for information on the topic of no-smoking facilities were received between February 1 and September 13, 1991. Of these, twenty-four contacts were specifically focused on jails.

A standard information packet is sent to persons requesting information on this topic. The packet includes specific policies and procedures, recent court decisions, recommendations for successful implementation, and case studies.

# **LEGAL ISSUES**

# Legal Issues

by Richard Crane

*The court noted that while medical opinions on the risk of environmental tobacco smoke are not uniform, exposure to environmental smoke is not merely discomforting.*

## Exposure To Smoking May Violate Inmates' Rights

It may be cruel and unusual punishment to constantly expose a prison inmate to environmental tobacco smoke, according to a federal court in New Hampshire.

Clifford Avery, an inmate incarcerated in the New Hampshire state prison and a non-smoker, filed suit alleging that continuous exposure to passive tobacco smoke violated his constitutional rights. Since there was no corrections department policy that separated non-smoking inmates from inmates who smoked, Avery and other non-smokers were subject to constant and involuntary inhalation of tobacco smoke, Avery said.

The court noted that while medical opinions on the risk of environmental tobacco smoke are not uniform, exposure to environmental smoke is not merely discomforting. Such conditions may constitute cruel and unusual punishment under the Eighth Amendment, said the court.

The court also noted that 45 states, including New Hampshire had enacted legislation regulating tobacco use as of 1987. It also found that wardens in the federal prison system have the authority to establish non-smoking areas within the institution.

Based on these findings, the court found that Avery might establish that his constant involuntary exposure to environmental tobacco smoke was harmful to his health. But, to win his case, he must still show that smoke from other cigarettes harmed his health, the court ruled.

*Avery v. Powell*, 44CrL 2011 (DC NH 1988)

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## **Nonsmoking areas in prison? — Not yet**

An inmate's hope for nonsmoking areas in prison has been reduced to ashes by a federal judge who ruled that such matters were best left to the executive and legislative branches of government.

James Gorman, a life-long nonsmoker incarcerated at the Westville Correctional Center in Indiana was unhappy that many of his dorm mates were smokers. He sued prison officials alleging that their failure to provide nonsmoking dormitories caused him to suffer physical, emotional and mental injury.

The court, however, could not match Gorman's claim with its definition of cruel and unusual punishment. According to the court, the Eighth Amendment to the Constitution draws its meaning from the evolving standards of decency in society as a whole, and "it is particularly relevant that this society can not yet completely agree on the propriety of nonsmoking areas for ..."

The court went to say, "as our society moves toward a so-called smoke free environment and new laws are enacted, there may come a time when the evolving standards of decency that mark the progress of society demand a smoke free environment in a prison setting." However, the court said that time had not yet arrived.

*Gorman v. Moody*, 45 CrI 2126 (NDInd. 1989)

8/21/91

# 2nd-hand prison smoke not 'cruel,' rules court

By William Grady  
Legal affairs writer

David M. Steading says second-hand cigarette smoke aggravates his asthma, but he can't just get up and leave when those around him light up.

Steading, 36, is an inmate in the Illinois prison system, serving a 30-month sentence for drug possession at the Illinois River Correctional Center in Canton.

While at Sheridan state prison on other charges in 1989, Steading filed a federal class-action lawsuit contending officials violated his constitutional rights by forcing him to live with other prisoners who smoked. He sought millions of dollars in damages and a court order requiring prison officials to set up separate smoking and non-smoking areas at Sheridan.

A U.S. District Court judge dismissed his lawsuit, and the federal appeals court in Chicago has agreed, ruling this week that second-hand tobacco smoke does not violate a prisoner's constitutional rights.

Although there is growing evidence that exposure to second-hand smoke can be harmful to non-smokers, Judge Frank Easterbrook said it wasn't cruel and unusual punishment, inflicted in violation of Steading's constitutional

rights.

"Secondary tobacco smoke is common in offices, restaurants and other public places throughout the United States and the rest of the world," Easterbrook wrote in a unanimous decision by a three-judge appeals court panel.

"No one supposes that restaurateurs who allow smoking are subjecting their other patrons to punishment or desire to harm them. The guards and administrators who breathe smoky air in the prison are not punishing themselves. No one would suppose, either, that the gentleman tobacco farmers who wrote and adopted the 8th Amendment could have conceived of smoke as punishment."

Some prison wardens in Illinois have considered putting non-smokers in separate living units, but they never could find enough inmates willing to move, according to a spokesman for the state Department of Corrections.

Illinois prisons are exempt from the state's clean indoor air law that requires businesses to designate smoking areas.

At the federal Metropolitan Correctional Center in Chicago, though, officials banned smoking last year except in designated

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VOLUME 1989

**HIGHLIGHTS**

NUMBER 154

- Prisoner could be denied mail from organization advocating sex between adult and juvenile males.....149
- Inmate was entitled to hearing on claim that inadequate ventilation and clean air was cruel and unusual punishment.....150
- Prison officials not liable for mere negligence in denying female prisoner access to abortion facilities.....150
- Correctional officers not liable for homosexual assault on new inmate by prisoner with whom they left him during intake.....154
- Pretrial detainee who tried to hang himself in jail cell receives \$100,000 settlement on lawsuit complaining that his belt wasn't removed.....156

## CONTENTS

Access to Legal Info/Courts.....147	Prisoner Discipline.....154
Handicap Discrimination.....148	Prisoner Suicide.....156
Mail.....149	Segregation: Administrative.....157
Medical Care.....150	Visitation.....157
Overcrowding.....152	INDEX OF CASES CITED.....158
Parole.....138	SUBSCRIPTION INFORMATION...159
Prisoner Assault.....153	ORDER COUPON.....159

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incarcerated in a federal correctional facility, she request and was deliberately or recklessly denied an abortion. She claimed that medical staff mistakenly informed her that it was too late for an abortion. Because of this, she contended that she was forced to carry the pregnancy to term and asked for \$750,000 in damages to cover alleged emotional and mental distress and the costs of raising the child.

The court granted summary judgment for the defendants. Claims against federal prison officials in their official capacities, the court found, were barred under the doctrine of sovereign immunity. The inmate had failed to assert or indicate that she was entitled for these claims to any limited waiver of immunity found in the Federal Tort Claims Act, 28 U.S.C. Sec. 1346, 2671.

The court held that the conduct alleged by the plaintiff amounts "at best to negligence." The court also found that the mere negligence of prison officials in denying the prisoner access to abortion facilities based on an incorrect estimation of her due date was not sufficiently egregious to constitute violation of her substantive due process rights or the Eighth Amendment, and therefore the prisoner could not recover money damages from the prison officials in their individual capacities.

Finally, the court rejected claims based upon alleged violation of federal regulations, 28 C.F.R. Secs. 551.22-.24, which govern pregnancy, child placement and abortion as it pertains to prisoners. The court found that the existence of these regulations did not create a private right to bring a lawsuit for their violation. *Gibson v. Matthews*, 715 F. Supp. 181 (E.D.Ky. 1989).

#### **FEDERAL APPEALS COURT HOLDS THAT INMATE HAD NO EIGHTH AMENDMENT RIGHT TO BE FREE OF TOBACCO SMOKE EXPOSURE.**

A Texas inmate filed a civil rights lawsuit claiming that his exposure to environmental tobacco smoke violated his Eighth Amendment right to be free from cruel and unusual punishment. The appeals court upheld the dismissal of the suit as frivolous.

The court first noted that the inmate had filed a prior suit, *Wilson v. Estelle*, No. H80-1029 (S.D. Tex. 1983), making the claim that exposure to tobacco smoke caused him to suffer from "pus filled sores" all over his body and difficulty breathing. The court in that earlier case found that exposure to environmental tobacco smoke did not constitute cruel and unusual punishment.

The appeals court noted that the Eighth Amendment gives protection against environmental conditions of confinement which constitute health threats but not against those which cause mere discomfort or inconvenience. The court found that there had been no intervening change in the law between the inmate's first and second lawsuit which was sufficient to allow the inmate to relitigate the issue. New scientific studies cited by the

inmate on the effects of secondhand tobacco smoke did not constitute a "new set of facts" concerning the inmate's situation, but rather merely "some new evidence" by which to attempt to establish that the Eighth Amendment was violated.

The court also found it relevant that society "cannot yet completely agree on the propriety of nonsmoking areas and a smoke-free environment." The court concluded that changing social standards can alter the constitutionality of conditions of confinement, "yet such changes tend to be slow especially when interests are as polarized as smokers and non-smokers. If--and the if is a very big one--during his incarceration there is an intervening significant change in law" the inmate may then relitigate his claim, but not now. *Wilson v. Lynaugh*, 878 F.2d 846 (5th Cir. 1989).

**EDITOR'S NOTE:** See *Gorman v. Moody*, 710 F. Supp. 1256 (N.D. Ind. 1989) reported in *Jail & Prisoner Law Bulletin*, p. 136 (September 1989) (prisoner not entitled to be segregated from other prisoners who smoked); and *Avery v. Powell*, 695 F. Supp. 632 (D.N.H. 1988) reported in *Jail & Prisoner Law Bulletin*, p. 8 (January 1989) (inmate's suit for exposure to environmental tobacco smoke states claim for cruel and unusual punishment). Also see, "Los Angeles Inmates Assail Smoking Ban at New Prison," *New York Times*, p. 10 (January 5, 1989) for a description of inmate protests over a no-smoking policy at a new federal detention center. According to the article, one inmate who was a five pack a day smoker obtained a court order to return to the federal prison from which he had been transferred.

## OVERCROWDING

### GEORGIA FEDERAL COURT ORDERS RELEASE OF DETAINEES BECAUSE OF OVERCROWDING, SUBSTANDARD SANITATION AND MEDICAL CARE DELIVERY.

A county jail in Georgia had been under a consent decree for overcrowding for five years. The federal court found that the jail was in violation of that consent decree to major or minor extents within 90 days of the decree and "has been at all times since then." It found that potential fines which had been accruing for a period of years at between \$10,000 and \$40,000 a day had not solved the problem.

While a new jail "should be ready for occupation in the next four to nine months," the court held that current conditions in which 2300-2400 inmates occupied a facility with 1781 beds was a severe enough situation that a release order was the appropriate remedy. It found that substandard sanitation in the jail endangered the health of sentenced prisoners and pre-trial detainees, that food was being prepared in unsanitary surroundings, and that inmates were being required to live and sleep in and around seeping sewage and in warm dark places which were not regularly and adequately cleaned, lit or ventilated.

affidavit also discussed how reading material was passed on and traded among inmates. The prisoner had been unable to effectively raise an issue of fact about the security threat posed by the material.

Not allowing the inmate access to this material, the court found, was directly related to the goal of preventing violence caused by the material in the prison. Therefore, the regulation and goal were not "so remote as to render the policy arbitrary or irrational." *Harper v. Wallingford*, 877 F.2d 728 (9th Cir. 1989).

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## MEDICAL CARE

### INMATE ENTITLED TO HEARING ON CLAIM THAT INADEQUATE VENTILATION AND CIRCULATION OF CLEAN AIR WAS CRUEL AND UNUSUAL PUNISHMENT.

A female prison inmate sought a writ of habeas corpus, alleging that the prison's failure to provide adequate ventilation and circulation of clean air violated her constitutional rights against cruel and unusual punishment. The Oregon Supreme Court, reversing dismissals by the trial and intermediate appeals courts, held that the inmate was entitled to a hearing on these allegations.

The court said that the inmate's allegations that she was unnecessarily suffering clogged sinuses, severe headaches, dry and irritated skin, and a sore throat--and that those health problems would continue unless ventilation problems were remedied--presented unresolved issues of fact "requiring immediate judicial scrutiny." It was no basis for dismissal that she had failed to allege: 1) that she had not suffered her ailments before confinement, 2) that her physical ailments are linked medically to the alleged lack of ventilation, or 3) that she had unsuccessfully sought and undergone medical treatment to alleviate her ailments.

These three allegations were not required, since they were all defenses that the prison might have raised but did not. "Construed liberally," the court noted, the inmate had alleged that the "environment in which she is confined unnecessarily subjects her to serious health hazards. If prisoners are entitled to reasonable and necessary medical care, it reasonably follows that they also are entitled to an environment that does not unnecessarily subject them to serious health hazards." *Bedell v. Schiedler*, 770 P.2d 909 (Or. 1989).

### PRISON OFFICIALS NOT LIABLE FOR MERE NEGLIGENCE IN DENYING FEMALE PRISONER ACCESS TO ABORTION FACILITIES.

A female inmate alleged that, while incarcerated, she was not provided access to abortion facilities, as she had requested while being transported to and from correctional institutions located in Texas and West Virginia. She further complained that while

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## MEDICAL CARE

### PRISONER CAN FILE FEDERAL CIVIL RIGHTS LAWSUIT OVER FAILURE OF PRISON TO PROVIDE HIM A TOBACCO-SMOKE-FREE ENVIRONMENT.

An inmate in a North Carolina prison has been allowed to proceed with his federal civil rights lawsuit alleging that he has a serious medical condition requiring him to be in an environment free of tobacco smoke and that prison officials had been deliberately indifferent to his condition.

The court found that the inmate stated a potential violation of the constitutional prohibition against cruel and unusual punishment when he claimed that he had a history of respiratory ailments (childhood asthma and nasal fracture), that the prison ventilator system was inadequate and that guards had deliberately blown tobacco smoke in his face.

The report of the medical director of the prison, who examined the prisoner, noted that the inmate was a former three-pack-a-day smoker who recently suffered nasal irritation, sinus swelling, headaches, irritated eyes, and coughing, as well as abdominal gas and constipation. The prisoner related these ailments to passive exposure to tobacco smoke. The doctor recommended that he remain in a smoke-free environment.

While noting that the sensitivity to tobacco smoke was not a life-threatening problem, nor likely to lead to disabling lung disease, the doctor also said that further exposure to smoke could cause "persisting upper respiratory irritation and may increase the likelihood of developing chronic sinusitis."

The court, mentioning current scientific knowledge of probable hazards to health from tobacco smoke, allowed the inmate to proceed with his claim, while declining to hold that there is a separate constitutional right to be housed in a smoke-free environment. *Beeson v. Johnson*, 668 F. Supp. 498 (E.D.N.C. 1987).

### FEDERAL APPEALS COURT REVERSES ORDER PERMITTING FEDERAL GOVERNMENT TO FORCIBLY ADMINISTER ANTIPSYCHOTIC DRUGS TO DEFENDANT FOUND INCOMPETENT TO STAND TRIAL.

A pretrial detainee in a federal treatment facility had been there for more than three years after being found incompetent to stand trial on charges of making threats against the President. A federal trial court entered an order allowing the government to forcibly administer antipsychotic drugs to the prisoner. The U.S. Court of Appeals for the Fourth Circuit recently reversed that order.

The court noted that the prisoner's continued confinement was "almost certainly" illegal, since federal law provided for

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**Provision of  
Non-Smoking  
Housing:**

In Dixon v. Gunter, a Nebraska case in federal district court, a non-smoking inmate challenged the authority of the Department of Correctional Services to assign him to share a cell with a smoking inmate. The court found in favor of the Department, holding that a non-smoking inmate has no right to a non-smoking cellmate.

**LITIGATION, continued**

**Provision of  
Non-Smoking  
Housing:**

In Avery v. Powell, a New Hampshire case in U.S. District Court, the inmate plaintiff alleges that failure to place him in living quarters with other non-smoking inmates is harmful to his health and is cruel and unusual punishment. If the plaintiff prevails, prison administrators will have to take smoking into consideration as a factor in assigning inmates to housing.



## LITIGATION, continued

### Provision of Non-Smoking Housing:

In Avery v. Powell, a New Hampshire case in U.S. District Court, the inmate plaintiff alleges that failure to place him in living quarters with other non-smoking inmates is harmful to his health and is cruel and unusual punishment. If the plaintiff prevails, prison administrators will have to take smoking into consideration as a factor in assigning inmates to housing.

### Fees for Medical Services:

Kosage v. Romer, a Colorado case in federal court, challenges a recent statute requiring inmates to be charged a fee of \$3.00 for medical treatment.

### AIDS:

Harris v. Whitmore, a Wisconsin case in federal court, is brought by a group of 20 inmates of the Waupun Correctional Institution, who complain of being housed with AIDS patients.

Harris, et. al., v. Thigpen, et. al. is an Alabama class action suit in U.S. District Court on behalf of all inmates, male and female, who have tested positive for the AIDS virus and are confined in a ward at the Limestone Correctional Facility. If plaintiffs win, they will be housed in the general population and permitted to go on work release. Only medical personnel and the inmates themselves will know that they tested positive.

### Access to Courts:

In Hays v. Pierce, an Idaho case in U.S. District Court, an inmate was relieved of his duties as law clerk after he encouraged an HIV-positive inmate to call a local television station, which covered the story on the six o'clock news. Hays claims his being fired deprives other inmates of access to the courts. The case questions whether procedural due process was exercised and whether a law clerk has the right to represent inmates.

# DETENTION REPORTER

## A Monthly Resource for Detention & Corrections

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### IN THIS ISSUE.....

\* NEWS:

- o Article Examines Emerging Prisoner Rights to a Smoke-Free Environment
- o Alabama Study Finds Support for Alternative Sentences.....1

\* SPECIAL FOCUS ON:

Recent Court Decisions--Duty to Protect.....3

## News

### Article Examines Prisoners "Emerging Rights" to a Smoke-Free Environment.

A recent article by Gregory M. Miller in CorrectCare analyzes a recent court decision that considered whether exposure to environmental tobacco smoke ("ETS") constitutes punishment for the purposes of eighth amendment challenges.

A federal district court decision in Avery v. Powell, 695 F.Supp. 532 (D.N.H. 1988) concluded that exposure to ETS may be punishment.

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Miller concludes that the Avery decision "sets out the legal basis for requiring policies that minimally ensure a smoke-free environment in correctional facilities for those who so desire." He suggests that the decision raises the prospect of liability for correctional staff and public officials if ETS exposure is permitted.

The district court held that if the weight of scientific authority indicates there may be significant adverse health consequences from involuntary exposure to tobacco smoke, a prisoner may claim he is being punished and can seek protection under the eighth amendment.

"This case signals that jails and prisons should minimally provide non-smoking environments for non-smokers to avoid both court control and monetary damages," according to Miller. He suggests that consideration should be given to providing a completely smoke-free facility, assisting inmates who have withdrawal symptoms from tobacco.

# LEGAL OPINION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Action No. 88-F-1160

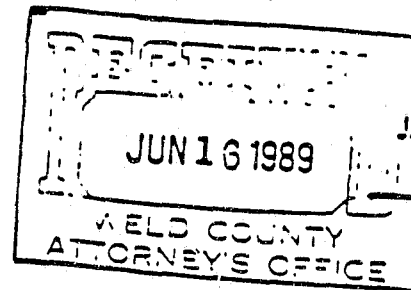
CARL DOUGHTY, and LARRY WILSON,

Plaintiffs,

vs.

THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WELD, STATE OF  
COLORADO, and ED JORDAN,

Defendants.



JUN 16 1989  
JAMES R. MANSPEAKER  
CLERK

MEMORANDUM OPINION AND ORDER

Sherman G. Finesilver, Chief Judge

This suit involves entitlement of inmates incarcerated at a county jail to have cigarette smoking privileges in spite of a county-wide ban on smoking in public buildings. There is little precedent on the exact point involved in this litigation.

Plaintiffs are inmates in the Weld County Jail who are awaiting trial on state felony charges. Defendants are the county's Board of County Commissioners and the County Sheriff. The jail is located in Greeley, Colorado, forty-eight miles north of Denver. Plaintiffs bring this action under 42 U.S.C. Section 1983 and seek to enjoin the policy of Weld County banning cigarette smoking in all of the county's public vehicles and buildings, including the jail. Plaintiffs' motion for preliminary injunction was denied by the court on September 14, 1988, and a petition for writ of mandamus was filed by plaintiffs with the Tenth Circuit Court of Appeals on September 28, 1988. Trial on the merits to the court commenced on May 31, 1989, and concluded on June 6, 1989.

For the reasons stated below, judgment is entered in favor of defendants and against plaintiffs.

Plaintiffs seek injunctive relief pursuant to 42 U.S.C. Section 1983. That statute provides a remedy for violations of citizens' constitutional or statutory rights. Here, plaintiffs contend that the county's no-smoking policy violates inmates' fourteenth amendment right to due process, and the eighth amendment's prohibition against cruel and unusual punishment, and therefore seek to prohibit enforcement of the no-smoking policy among inmates at the Weld County Jail. We find that the plaintiffs have failed to establish a basis for relief. This memorandum opinion and order constitutes the court's findings of fact and conclusions of law.

I.

The practice of cigarette smoking has been part of the American culture and trade since the formation of the Republic. European settlers learned of the process of cultivating and smoking tobacco from Native Americans, and tobacco has been an important export from the United States since the year 1613. Nowhere is the practice of smoking a more imbedded institution than in the nation's prisons and jails, where the proportion of smokers to non-smokers is many times higher than that of society in general. From the 1920's, however, scientific discoveries as to the deleterious effects of smoking on the health of the smoker and those in proximity him have slowly turned public opinion against smoking.

The 1989 report of the United States Surgeon General calls for the attainment of a smoke-free society as an essential and life-saving long term goal.<sup>1</sup>

Smoking accounts for over one sixth of the deaths in the United States, and is the single most important preventable cause of death.<sup>2</sup> Smoking is responsible for increases in lung cancer, cancer of the larynx, chronic bronchitis, coronary artery disease, and peptic ulcer.<sup>3</sup> Environmental tobacco smoke also presents a serious risk to the health of non-smokers. It is clear that passive smoke exposure to non-smokers presents a wide range of health problems. The National Research Council estimates that in a given year, from 2490 to 5160 non-smokers may have died of lung cancer because of environmental tobacco smoke.<sup>4</sup> Evidence presented in this case indicates restrictions on public smoking can reduce the threat to non-smokers. It is quite clear that exposure to tobacco smoke among non-smokers is ubiquitous.

---

<sup>1</sup>. U.S. Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p. vii.

<sup>2</sup>. United States Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p. i.

<sup>3</sup>. United States Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p. 161.

<sup>4</sup>. Committee on Passive Smoking, Board on Environmental Studies and Toxicology, Environmental Tobacco Smoke, Measuring Exposures and Assessing Health Risks, Report of the National Research Council, 1986, p. 296.

## II.

In 1988, defendant Weld County Board of County Commissioners considered a resolution which would prohibit smoking in any public building or vehicle. Defendant Ed Jordan, Weld County Sheriff, testified that the Board contacted him for his recommendation whether the county jail should be exempted from this policy. Sheriff Jordan testified that, after consulting with his jail staff, he recommended to the board that the jail be included in the no-smoking policy. The resolution was passed by the Board of County Commissioners on May 9, 1988, and did not exempt the jail. The no-smoking policy took effect in the jail on July 1, 1988. No other city or county jail in Colorado has completely prohibited smoking within the institution.

At trial, several inmates or former inmates testified that not being able to smoke cigarettes makes them irritable and short tempered. Plaintiff Larry Wilson testified that not being able to smoke contributes to his migraine headaches, and makes it more difficult for him to sleep. Plaintiff Carl Doughty testified that not being able to smoke makes him restless, impatient and combative. He also testified that his relationship with his girl friend has been adversely affected by stress and tension brought about by not being able to smoke. Plaintiffs and several other past and present inmates testified that cigarettes are frequently smuggled in despite the ban. The fact that some inmates have cigarettes while others do not has caused arguments between inmates due to inflated prices for cigarettes. One inmate, Mr. Dirk

Milburn, testified that cigarettes smuggled into the jail cost twenty times the normal price. Another inmate, Ms. Sandra McClure testified that she has paid \$20 for a pack of cigarettes. Furthermore, because cigarette smoking is considered a rules violation, if the guards discover smoking or possession of tobacco by an inmate, the inmate can be disciplined and sent to the jail's solitary confinement section. One non-smoking inmate, Mr. Neil Lopez, testified that he has no objection to allowing smoking in the jail.

Raymond Leidig, M.D., as an expert on psychiatric problems of persons confined in jails, stated that nicotine is both physically and psychologically addicting. He stated that nicotine in tobacco is a drug, just as addictive as cocaine or heroin. Dr. Leidig further testified that withdrawal of smoking privileges has a greater effect on persons in jail, since they are already under a great deal of stress. Dr. Leidig stated that the physical and psychological effects of nicotine withdrawal include restlessness, irritability, depression and loss of appetite. However, Thomas Crowley, M.D., director of addiction research and treatment at the University of Colorado Health Sciences Center and a psychiatrist, testified that the effect of withdrawal of nicotine is rather mild, and lasts only a short period of time. For that reason, most smokers simply stop smoking without treatment. In his opinion, anxiety associated with cessation of smoking would cease within a matter of days or weeks. Dr. Crowley testified that nicotine interferes with receptors within the nervous system, and thereby



affects the behavior of the smoker, driving continued use. Dr. Crowley also testified that there are no medical benefits from cigarette smoking.

Both Dr. Leidig and Dr. Crowley expressed agreement with the Surgeon General's conclusions as to the danger of cigarette smoking to smokers and non-smokers.<sup>5</sup> Among the conclusions of the United States Surgeon General's 1986 report are that "[i]nvoluntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers" and that "[t]he simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke."<sup>6</sup> Dr. Crowley testified that 320,000 premature deaths per year are caused by tobacco. The figure was estimated to be 390,000 per year in the 1989 report of the United States Surgeon General.<sup>7</sup> Dr. Crowley testified that he agrees with the Surgeon General's 1988 report that the nation should aim for a smoke-free society by the year 2000. He emphasized that cigarette smoking greatly contributes to a national health problem.

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<sup>5</sup>. See U.S. Department of Health and Human Services, The Health Consequences of Involuntary Smoking, Report of the Surgeon General, 1986; U.S. Department of Health and Human Services, The Health Consequences of Smoking, Nicotine Addiction, Report of the Surgeon General, 1988.

<sup>6</sup>. United States Department of Health and Human Services, The Health Consequences of Involuntary Smoking, Report of the Surgeon General, 1986, p.7.

<sup>7</sup>. United States Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p. 161.

### III.

Plaintiffs argue that the county's no-smoking policy infringes on the inmates' constitutional right to smoke, in violation of the fourteenth amendment to the United States Constitution. We disagree.

In Bell v. Wolfish, 441 U.S. 520 (1979), the Court considered the claim of pretrial detainees that double-bunking, prohibition against receiving books not mailed directly from the publisher, body-cavity searches, prohibition against receipt of packages, and surprise inspections of rooms, violated the detainees' fourteenth amendment rights. The Court found that all of the above policies were constitutionally permissible. In doing so, the Court rejected the argument that jail officials must demonstrate a compelling necessity for the conditions or restrictions. Id. at 532. Rather, the Court held that the first step in inquiring whether a policy violates the Fourteenth Amendment is a determination as to whether the policy is punishment. Id. at 535. A policy is not punishment if there is no showing of intent to punish, and it is reasonably related to a legitimate government objective. Id. at 538-39.

Plaintiffs do not contend that the no-smoking policy itself is intended to punish, but argue that it is not reasonably related to a legitimate governmental objective. Plaintiffs contend that the policy infringes on the inmates' constitutional right to smoke. Plaintiffs also contend that the policy is unreasonable because any governmental purpose could be accomplished by setting aside certain areas for smoking, instead of banning smoking altogether.

There is no constitutional right to smoke in a jail or prison; deprivation of smoking privileges must be examined according to the Bell v. Wolfish rationale. Here, the county has instituted its no-smoking policy as part of a county-wide policy prohibiting smoking in any public building. The objectives of the county officials are both legitimate and commendable. The restriction protects the rights and health of non-smoking guards and inmates, eliminates potential fire hazards, provides for a clean living environment, and is therefore reasonably related to the county's goals.

Indeed, the defendants face potential liability to non-smoking inmates if the risk to health caused by cigarette smoking was not removed. Franklin v. Oregon, 662 F.2d 1337 (9th Cir. 1981); Beeson v. Johnson, 668 F. Supp. 498 (E.D.N.C. 1987); Murphy v. Wheaton, 381 F. Supp. 1252 (N.D. Ill. 1974). In Avery v Powell, 695 F.Supp. 632 (D. N.H. 1988), the court considered the claim of a non-smoking prisoner to the effect that he was being forced to breathe environmental tobacco smoke, and that this constituted cruel and unusual punishment. The court held that if the weight of scientific authority indicates that there are significant health consequences from exposure to tobacco smoke, then environmental tobacco smoke may be cruel and unusual punishment. Id., 695 F.Supp. at 637. Sheriff Ed Jordan testified that he recommended that the county's no-smoking policy should not specifically exempt the jail, because to do so would expose the county to liability to non-smoking prisoners. Lieutenant Peggy Johnson, assistant jail administrator for the Weld County Jail, and a Deputy Sheriff,

testified that two inmates informed her that they would bring suit if smoking were returned to the jail.

#### IV.

We have considered and reject plaintiffs' contention that designated smoking areas are a practical solution. Captain Michael Metzger, jail administrator of the Weld County Jail and a Deputy Sheriff, testified that the jail was expanded in January of 1986, and other renovations were completed in 1988 and 1989. The jail now has a capacity for 204 inmates. Captain Metzger testified that the jail is not overcrowded at present, but that he expects the jail will be overcrowded by late 1989, due to a backup in transfers to the state department of corrections. Captain Metzger related that while most of the inmates at the jail are smokers, the number of non-smoking inmates is increasing.

The evidence at trial contradicts plaintiffs' assertion that problems from cigarette smoke can be solved by setting aside smoking areas. Mr. George Sullivan, Deputy Director for the Colorado Department of Corrections was qualified as an expert in corrections. Mr. Sullivan testified that the jail's ventilation system moves only fifteen cubic feet of air per minute, and recirculates 65-75 percent of the air from within the building. While these specifications are adequate for normal use and under American Correctional Association standards, they are insufficient to evacuate cigarette smoke. Lieutenant Peggy Johnson also testified that the present ventilation system is inadequate to protect non-smokers.

The problem can not be solved by separating smoking inmates from non-smoking inmates. Neither can pretrial detainees be separated from convicted detainees in order to provide smoking privileges to the former. Lieutenant Johnson testified that the inmates at the Weld County Jail are divided into ten different holding areas or "pods," which are located among the jail's three floor levels. The holding areas include (1) holding area for new inmates, (2) area on the first floor for twenty inmates sentenced to work release programs by the court, (3) area on the first floor for eight juveniles, (4) "B" pod area on the second floor for thirty-four first-time offenders with little experience in jail procedures, (5) "C" pod area on the second floor for thirty-two inmates who have previous experience with the criminal system, (6) pod on the second floor between the "B" and "C" pods for eleven jail trustees, (7) "A" pod area on the second floor for females, (8) "F" pod area on the third floor for twenty-five inmates involved in minor crimes or older inmates, (9) "G intake" area on the third floor for eleven inmates with special medical or psychiatric problems, and (10) the "G max" disciplinary area on the third floor for inmates who have violated the jail's rules. See Plaintiffs' Exhibit 4. Mr. George Sullivan testified that the classifications used by Weld County are those normally used in jails, and are regarded as important in jail administration. These classifications could not be maintained if non-smoking prisoners were separated from smoking prisoners, or if pretrial detainees were separated from other inmates. For that reason, Mr Sullivan

testified that it would not make correctional sense to separate smokers from non smokers.

Even if non-smoking inmates could be separated, other goals in addition to protection of non-smoking inmates could not be realized. Sheriff Jordan testified that the jail's guards, most of whom do not smoke, are stationed within the inmates' living areas and are required to serve twelve hour shifts. Lieutenant Peggy Johnson testified that these non-smoking officers could not be protected from overall exposure to environmental tobacco smoke by designating smoking areas. Mr. George Sullivan testified that the no-smoking policy is also reasonably designed to prevent damage to bedding, mattresses, doors and windows from smoking. Eliminating cigarette smoke also enables guards to smell other types of contraband. The smoking ban protects the health of the smoking inmates, and eliminates significant costs related to smoking. All of these are legitimate governmental objectives to which the no-smoking policy is reasonably related.

Plaintiffs contend that the jail could allow prisoners short smoking breaks in two of the jail's areas which are exposed to outside air. However, Mr. George Sullivan testified that such a policy would cost the county a total of \$216,762 per year, because the jail would have to install fans to evacuate cigarette smoke, install new television monitoring equipment, and provide extra guards to escort the inmates to the smoking areas and to monitor them.

V.

Plaintiffs contend, on behalf of detainees who have been convicted and are awaiting transport or who have been sentenced to serve terms at the Weld County Jail, that the prohibition against smoking is cruel and unusual punishment in violation of the eighth amendment to the United States Constitution. However, plaintiffs have not demonstrated that prohibiting inmates from smoking violates "the evolving standards of decency that mark the progress of a maturing society," or that it "involve[s] the unnecessary and wanton infliction of pain." Estelle v. Gamble, 429 U.S. 97, 102-03. Accord Cruiss v. Matty, No. 87-3794, slip op. (E.D. Penn. July 1, 1987). Rather, the evidence suggests that the jail officials attempted to make imposition of the policy as easy as possible on the inmates. The jail provides some counseling and medical assistance to inmates who request it, and has video-taped movies on quitting smoking available.

As Weld County Sheriff, defendant Jordan is faced with the obligation to formulate rules to implement the county's no-smoking policy. Captain Michael Metzger testified that the jail staff is charged with impounding smoking materials and disciplining those who possess tobacco for a rules violation. The no-smoking policy itself is not a punishment, but the jail provides punishment for breaking the rule. Captain Metzger was disciplined for smoking in the jail, and was given a day's suspension and a fine for failing to report another guard who smoked in the jail. The evidence indicates that Sheriff Jordan is making an effort to fairly and

uniformly implement the county's no-smoking policy within the jail. This effort extends to inmates and the correctional and custodial staff.

As noted, Dr. Leidig and Dr. Crowley testified that nicotine is an addicting drug. The court recognizes that forced breaking of this addiction contributes to the stress suffered by inmates at the jail. However, the county has legitimate, non-punitive reasons for the no-smoking policy. Ideally, a policy which entirely prohibits inmates from smoking would include a strong institutional counseling program, similar to those available for drug or alcohol dependency. This may fairly and humanely assist those inmates who care to remedy and eliminate their addiction to smoking. Broader availability of institutional counseling to assist smokers in alleviating the smoking addiction no doubt will be a subject of continued study and implementation by Sheriff Jordan, and staff and counselors. However, at this time proper deference to the informed discretion of prison or jail authorities demands that they, and not the courts, make the difficult judgments which reconcile conflicting claims affecting the security of the institution, welfare of the jail or prison staff, and health and hygiene considerations of inmates. Block v. Rutherford, 468 U.S. 576, 591 (1984); Bell v. Wolfish, 441 U.S. 520, 557 n.38 (1979). Whether or not to allow smoking, where the policy is not arbitrary, purposeless, or intended to punish, is a matter to be left to prison or jail officials.

ACCORDINGLY, we find the issues joined in favor of The Board



of County Commissioners for the County of Weld, State of Colorado and Ed Jordan, defendants, and against Carl Doughty and Larry Wilson, plaintiffs. We therefore deny plaintiffs' complaint for injunctive and other relief. It is hereby ordered that the Clerk of the Court is directed to enter judgment in favor of defendants and against plaintiffs, each party to pay their own costs.

Done this 15 day of June, 1989 at Denver, Colorado.

By the Court:

*Sherman G. Finesilver*

Sherman G. Finesilver, Chief Judge

ENTERED  
ON THE DOCKET

JUN 15 1989

JAMES R. MANSPEAKER  
CLERK

BY \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 88-F-1160

CARL DOUGHTY and LARRY WILSON,

Plaintiffs,

vs.

THE BOARD OF COUNTY COMMISSIONERS FOR  
THE COUNTY OF WELD, STATE OF COLORADO,  
and ED JORDAN,

Defendants.

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 15 1989

JAMES R. MANSPEAKER  
CLERK

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JUDGMENT

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PURSUANT TO and in accordance with the Memorandum Opinion and Order entered by the Honorable Sherman G. Finesilver, Chief Judge, on June 15, 1989, it is hereby

ORDERED AND ADJUDGED that judgment is entered in favor of the defendants, The Board of County Commissioners for the County of Weld, State of Colorado, and Ed Jordan, and against the plaintiffs, Carl Doughty and Larry Wilson. Plaintiffs' complaint for injunctive and other relief is denied. It is

FURTHER ORDERED that each party shall pay his or its own costs.

DATED at Denver, Colorado, this 15th day of June, 1989.

FOR THE COURT:

ENTERED  
ON THE DOCKET

JUN 15 1989

JAMES R. MANSPEAKER  
CLERK

BY \_\_\_\_\_

  
JAMES R. MANSPEAKER, CLERK

# **EXAMPLE POLICIES**



P O BOX 3371  
PHONE (813) 247-8000

**Walter C. Heinrich, Sheriff**

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HILLSBOROUGH COUNTY  
TAMPA, FLORIDA 33601

DOCUMENTATION  
ON  
NO SMOKING POLICY

## NONSMOKING POLICY

### Recommendation on How to Proceed

#### 1. Preliminary Actions

- a. Obtain legal opinion
- b. Solicit Sheriff's support
  - (1) Presentation on benefits
  - (2) Cite existing nonsmoking Sheriff's departments and jails.
  - (3) Obtain decision - Sheriff's Office wide (preferred) or Detention Department only.
- c. Discuss with general staff
- d. Consider formation of a committee (smokers/nonsmokers). (We did not do this in Hillsborough County. Did not feel it was necessary in our particular case.)

#### 2. Formulate Plan of Action (Committee function)

- a. Gradual implementation - decide on time frame.
- b. Establish milestones
- c. Prepare separate letters/memos advising staff, inmates, judges, State Attorney's Office (SAO), Public Defender (PD), press, all law enforcement agencies in county
- d. Push health and cost saving benefits - policy never to be construed as a form of punishment
- e. Seek assistance of Health Department and Cancer Society - roll call classes/film clips, referred to free no smoking clinics
- f. Nonsmoking policy as a condition of hire

#### 3. Implementation

- a. Push health benefits
- b. Release letters to staff, inmates, judges, SAO, PD, and press, etc. Followup with discussions as necessary
- c. Reduce amount of tobacco in canteen by half then half again, etc., until zeroed. Inform inmates immediately prior to each cut.
- d. Stop selling cigarettes in Booking area
- e. Increase number of canteen items based on inmate wants (candy, cookies, juices, etc.)
- f. Let inmates smoke all they want during each phase but at reduced availability
- g. Provide "stop smoking" lozenges in canteen
- h. Once jails are smoke free:
  - (1) Staff will not smoke in front of inmates
  - (2) Staff will smoke only in designated areas (preferably outside facilities)
  - (3) No extra break time for smokers
  - (4) Neutralize electrical outlets in inmate areas wherever possible
  - (5) Declare tobacco and matches contraband

WALTER C. HEINRICH, SHERIFF  
Hillsborough County  
Tampa, Florida

INTER-OFFICE  
MEMORANDUM

DATE: September 4, 1990

TO: All Detention Department Personnel

FROM: Colonel David M. Parrish  
Detention Department

RE: Tobacco Use in Jail Facilities

MESSAGE:

Effective January 1, 1991, the use of tobacco products and their accessories such as pipes, cigarette papers, matches, lighters, etc. will no longer be authorized in Detention Department facilities except in designated breakrooms for staff members only. This policy will be applicable to all staff personnel, inmates and visitors.

The reasons for this decision are varied. Of paramount importance are health and safety considerations. Also, there is concern for maintenance costs and sanitation. Moreover, marginally acceptable efforts to keep smoking materials separate from combustibles have made it difficult to comply with mandatory and essential accreditation standards.

The United States Surgeon General and scientists of the National Academy of Sciences have stated that environmental tobacco smoke, caused by sidestream smoke coming off the burning end of cigarettes and exhaled smoke, are as dangerous to nonsmoking persons as they are to smokers because of the substances emitted. Considering the United States Environmental Protection Agency's position that the only way to totally remove tobacco smoke from indoor air is by removing the source (cigarette smoking), nonsmokers can be protected solely by implementation of a no smoking policy. Accordingly, management has the responsibility to protect the right of nonsmoking employees and inmates to work and live in a smoke free setting.

Smoking contributes significantly to the deterioration of jail facilities by turning the walls yellow from nicotine, clogging vents, creating cigarette burns on furnishings and requiring more costly repairs than would otherwise be necessary. In these times of great budgetary constraints every measure possible must be taken to reduce operating costs.

To: All Detention Department Personnel  
Re: Tobacco Use in Jail Facilities  
September 4, 1990  
Page Two

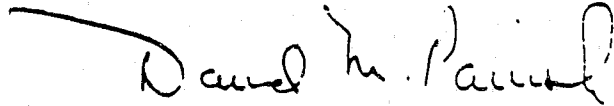
Within the next year we will begin seeking accreditation of County Jail Central, followed by recertification of County Jail West and then initial accreditation of the Work Release Center. Good life safety and sanitation practices are critical to success in this regard. Cigarette and cigar butts and other smoking accessories have proven to be counterproductive in meeting accreditation standards.

The tobacco free policy for inmates will be phased into effect over a period of three months. During phase out inmates will be permitted to smoke as much as they want in currently authorized smoking areas. The schedule for gradual reduction in the sale of tobacco products is as follows:

October 1, 1990	Advise inmates of the pending policy.
October 14, 1990	Limit of five tobacco products per canteen order. Cigarette machines will be removed from all areas of Hillsborough County Detention Facilities.
November 14, 1990	Limit of three tobacco products per canteen order.
December 16, 1990	Limit of one tobacco product per canteen order.
December 25, 1990	Last day to purchase tobacco products and accessories.
December 31, 1990	Last day to possess. All tobacco products and accessories considered contraband after this date.

To: All Detention Department Personnel  
Re: Tobacco Use in Jail Facilities  
September 4, 1990  
Page Three

I solicit your cooperation in making the transition to a tobacco free jail a smooth and positive process. I ask all nonsmokers, particularly former smokers, to support and encourage your colleagues who desire to "kick" the habit.



David M. Parrish, Colonel  
Detention Department

DMP/tlp

c: Sheriff Heinrich  
Colonel Fisher  
Colonel Henderson  
David Farash  
Division Commanders  
Facility Commanders  
Captain Barletta  
Lieutenant Mitchell  
Leo Keefe  
Staff Bulletin Boards



WALTER C. HEINRICH, SHERIFF  
Hillsborough County  
Tampa, Florida

INTER-OFFICE  
MEMORANDUM

DATE: October 1, 1990

TO: All Hillsborough County Jail Inmates

FROM: Colonel David M. Parrish  
Detention Department

RE: Smoking in Jail Facilities

MESSAGE:

Smoking accounts for over one sixth of the deaths in the United States and is the single most important preventable cause of death<sup>1</sup>. Smoking is responsible for increases in lung cancer, cancer of the larynx, chronic bronchitis, coronary artery disease and peptic ulcers.<sup>2</sup>

The United States Environmental Protection Agency has reported that environmental tobacco smoke (ETS) is one of the most widespread and harmful indoor air pollutants. ETS comes from second hand smoke exhaled by smokers and sidestream smoke emitted from the burning end of cigarettes, cigars and pipes. ETS is a mixture of irritating gases and carcinogenic tar particles. It is a known cause of lung cancer and respiratory symptoms, and has been linked to heart disease. Breathing in ETS is also known as involuntary smoking. In the words of the United States Surgeon General, "a substantial number of the lung cancer deaths that occur among nonsmokers can be attributed to involuntary smoking".

The National Research Council estimates that in a given year, from 2490 to 5160 nonsmokers may have died of lung cancer because of environmental tobacco smoke. The only way that ETS can be totally eliminated from the indoor air is by removing the source (cigarette and cigar smoking). Consequently, the single means of protecting nonsmokers from

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1. U.S. Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p. vii.

2. U. S. Department of Health and Human Services, Reducing the Health Consequences of Smoking, 25 Years of Progress, Report of the Surgeon General, 1989, p.1

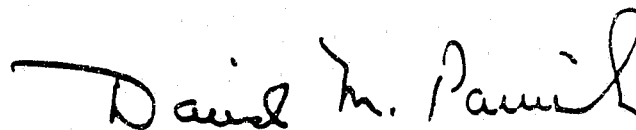
To: All Hillsborough County Jail Inmates  
Re: Smoking in Jail Facilities  
October 1, 1990  
Page Two

the same dangerous toxic gases and compounds directly affecting smokers, is to institute a ban on the use of tobacco products.

While you are in our custody, we have an obligation to provide you, to the best of our ability, a healthy, safe and sanitary environment. In pursuit of that goal, the Detention Department is instituting a program over the next three months that will gradually reduce smoking in all jail facilities. We have established January 1, 1991 as the date for complete elimination of tobacco products and accessories such as cigarette papers, matches and lighters from all inmate housing and holding areas. Considering the turnover rate of incarcerated individuals, most of you will experience little or no effects from this decision unless you are arrested later on Hillsborough County charges. During the phase out period, you will be able to smoke as much as you want in the authorized smoking areas in the jail as long as you have smoking materials.

In an effort to assist those that may have some difficulty in giving up smoking, we will offer additional items from the canteen. Soon you will be receiving survey forms asking that you indicate products you would like added to the canteen inventory.

A phase out schedule is attached to this memorandum. Also attached is a copy of "How to Cope with No Smoking in the Jail".



David M. Parrish, Colonel  
Detention Department

DMP/tlp

c: Sheriff Heinrich  
State Attorney  
Public Defender  
Clerk of the Court  
Legal Counsel  
Chief Judge, 13th Judicial Circuit  
Department Commanders  
Division Commanders  
Facility Commanders  
Staff Bulletin Boards  
Each Inmate Cell or Housing Pod Bulletin Board

TOBACCO PRODUCTS PHASE OUT SCHEDULE

October 14, 1990	Limit of five tobacco products per canteen order. Cigarette machines will be removed from all areas of Hillsborough County detention facilities.
November 14, 1990	Limit of three tobacco products per canteen order.
December 16, 1990	Limit of one tobacco product per canteen order.
December 25, 1990	Last day to purchase tobacco products and accessories.
December 31, 1990	Last day to possess. All tobacco products and accessories considered contraband after this date.

9/4/90

## How to Cope with No Smoking in the Jail

Smoking will be prohibited in the Hillsborough County Jail beginning January 1, 1991. If you are a non-smoker, this will be good news to you. You will not have to breathe "second hand" smoke in the building.

If you smoke, your stay in the Hillsborough County Jail will be a good time for you to quit smoking. This may not be as hard as you may think. If you have tried to quit smoking before, you know that you can do it. Maybe you've just been thinking about quitting. We hope you'll continue to be an ex-smoker when you leave the jail - it's one of the best things you can do for yourself!

This information will help you deal with not being able to smoke.

### Helpful tips during withdrawal from cigarettes:

1. **Drink lots more liquids - water is a good choice.** Extra liquids thin your spit, making coughing easier, and help flush the remains of tobacco out of your body. At mealtime, choose juice or tea to drink.

2. **Get some exercise, increase your activity level -** this helps deal with tension, helps even out your metabolism, and helps prevent weight gain. And exercise is good for you! Sit ups, push ups, and jogging in place are exercise options while in your residence area.

3. **Try to deal with your stress -** exercise, deep breathing, meditation, prayer, talking with people you trust; all these are good ideas.

Positive thinking is also great. **Tell yourself, "I can do it!"** Just think to yourself, "I can make it without cigarettes!" Millions of people have quit smoking; it's not easy but it can be done!

4. **Try substitutes - things to do instead of smoking a cigarette.** Examples include eating cookies, crackers, candy, and chips, or chewing on a straw. Go easy on sugary snacks to prevent tooth decay.

5. **Keep yourself busy - keep your mind occupied.** When you're bored or need something to do, you may crave a cigarette.

6. **These feelings can make you crave cigarettes: *H-A-L-T*:**

Hunger

Anger

Loneliness or boredom

Tiredness

These are common feelings that can make you crave cigarettes. Why? Because lots of people smoke to feel better, when these feelings occur. Deal with these feelings, not by smoking, but by keeping busy, exercising, reading, or doing whatever you can do to occupy your time.

## **It's Not Easy, But You Can Do It!**

*Nicotine is a strong addictive drug, so your body goes through withdrawal when you stop smoking. Nicotine withdrawal is different for each person, but it can last from several days to a week or two.*

*Withdrawal will usually be over within 5-10 days. Some symptoms may last longer - tiredness, craving, and tension, for example. But they'll gradually go away.*

*Here are some of the common withdrawal symptoms you may experience.*

### **1. Cough**

Don't worry if you find yourself coughing more just after you stop smoking. This is a good sign that your lungs are healing and are coughing up all the tar and other residue that smoking put in your lungs. This may last a week or two.

Drinking lots of water will help. Increased fluids make your coughing easier by thinning the spit.

### **2. Sleep Problems - Tiredness, Trouble Sleeping**

Being tired after stopping smoking is normal because smoking is a stimulant, "revving your engine." Some ex-smokers find that naps or sleeping longer by an hour or so helps during the first week or two. Getting some exercise during the day will help you sleep better.

On the other hand, some ex-smokers have trouble sleeping in the first week or so. Exercise will help. Sleeplessness can also be caused by tension, so managing stress can also help (see #3).

### **3. Tension or Nervousness, Headache**

It's normal to feel tense after stopping smoking. You may feel angry at people, but this will gradually go away. Recognize that this is what may be making you angry, so don't take it out on others.

We know that being in jail is stressful, and not being able to smoke may be hard. But you will have to adjust. Make it easier by trying to have a positive attitude and focusing on all the benefits of stopping smoking. Take it one day at a time.

Stress is normal, but when it gets out of hand, it can cause feelings such as headache, stomachache, fast heartbeats, and nervousness. Not everyone will have these feelings when stopping smoking, but if you do have them, try exercise, deep breathing, meditation, and talking with people you like and trust.

### **4. Sore Throat**

Smoking has numbed your throat. Now that you've stopped smoking, you can really feel the damage that smoking has done. The body starts healing itself soon after you stop smoking, so the sore throat will not last very long. Drinking lots of liquids and gargling with hot salt water may help.

### 5. Constipation

Smoking acts like a laxative. Stopping smoking may slow down your bowel movements for awhile. Drink lots of water. Try eating more whole grain foods, fruit, vegetables, and getting exercise.

### 6. Weight Gain

Smoking increases your body's metabolism. It's like revving your motor. After stopping smoking, you'll have to eat a little less, or exercise a little more (or both!) to keep your present weight.

One common reason for weight gain after stopping smoking is substituting eating for smoking. Food is something else to put in your mouth instead of a cigarette. Get into the habit of drinking water, snacking on fruit or vegetables, or sucking on a cinnamon stick if you need to do something with your mouth.

## Be good to yourself - 10 Benefits From Stopping Smoking

1. Your risk of heart attack, lung cancer, emphysema, and many other diseases drops dramatically when you stop smoking. Within a couple of days, your lungs begin to heal. Several years after you quit smoking, your risk of many diseases will be as low as if you had never smoked at all. No matter how long you've smoked, it's good to stop!

2. You'll smell better. Not only will your own sense of smell improve, but you, your hair, clothes, and home will no longer smell of cigarettes.

3. You'll look better. Your teeth and fingers will lose their cigarette stains. Your improved circulation will make your skin healthier and less likely to wrinkle.

4. You'll breathe easier. Morning cough and shortness of breath will ease up. You'll be able to do more without getting out of breath.

5. If you are a woman planning to have children, your babies will have a more normal birth weight and will be healthier during their first year of life.

6. You'll have fewer accidents and fires. Lightning and handling cigarettes during driving or while working with machinery or equipment causes many accidents. And smoking in bed causes lots of fatal fires.

7. The people around you, family, and friends will not have to breathe your smoke. This "second hand smoke" is dangerous and can cause diseases, cancers, eye irritation, and allergies.

8. If you have children, they will be less likely to smoke if you quit smoking. Children of smokers are 8 times more likely to smoke. Quitting smoking is giving a gift to your children of better health.

9. You'll save money. A pack-a-day habit costs over \$500 a year. And that doesn't include increased medical bills, replacing clothes with cigarette burns, etc.

10. You'll feel more in control. You will have beaten the cigarette addiction. You - not your cigarettes - are in charge of your life.

## **Do You Know Why You Smoked?**

People smoke for different reasons, but the 6 reasons below are the most common. Understanding why you smoked may make it easier to get through the withdrawal period.

### **1. Stimulation**

Many people smoke for a quick "pick me up." Like the caffeine in coffee and cola, nicotine increases the heart rate and gives a short energy boost. Exercise can also be a "pick me up."

### **2. Relaxation**

A cigarette is sometimes a reason to sit back, take a deep breath, and relax. Ironically, the physical effects of nicotine are just the opposite! It may feel relaxing because the carbon monoxide in smoke dulls your senses. What are other ways you can relax?

### **3. Handling**

Some people like to handle the cigarette; it's something to do with your hands. Can you find a hobby to use your hands instead?

### **4. Crutch**

When you feel tense, angry, or lonely, lighting up a cigarette helps delay these feelings for awhile. But those feelings don't really go away, they're just temporarily pushed away. It's better to openly express your feelings and to deal with your concerns in a positive manner.

### **5. Craving**

Some smokers are physically or psychologically addicted to nicotine, and crave it. The physical craving feeling will go away after you get through the withdrawal period, but the desire for a cigarette - the psychological craving - may last for awhile. Take a few deep breaths, get up and stretch, try some exercise, or anything to distract your craving. The craving feeling will go away in a few minutes.

### **6. Habit**

Some smokers reach for a cigarette out of habit, instead of when feeling the conscious desire to smoke. Did you ever find a lit cigarette in your hand or in the ashtray without remembering lighting it? Many habit smokers quit easily, because so many of their cigarettes were smoked out of habit, not desire.

---

*Developed by the*  
**Seattle-King County**  
**Department of Public Health**

---

**HILLSBOROUGH COUNTY SHERIFF'S OFFICE**

During the coming months the canteen will gradually phase out the sale of tobacco products within the jail. We would like your suggestions for replacement items. Please list them below in the spaces provided.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**HILLSBOROUGH COUNTY SHERIFF'S OFFICE**

During the coming months the canteen will gradually phase out the sale of tobacco products within the jail. We would like your suggestions for replacement items. Please list them below in the spaces provided.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_



CHANGES YOUR BODY GOES THROUGH WHEN YOU QUIT SMOKING

**Within 20 minutes of last cigarette:**

- \*Blood pressure drops to normal
- \*Pulse rate drops to normal
- \*Body temperature of hands, feet increases to normal

**8 hours:**

- \*Carbon Monoxide level in blood drops to normal
- \*Oxygen level in blood increases to normal

**24 hours:**

- \*Chance of heart attack decreases

**48 hours:**

- \*Nerve endings start regrowing

**72 hours:**

- \*Bronchial tubes relax, making breathing easier
- \*Lung capacity increases

**2 weeks to 3 months:**

- \*Circulation improves
- \*Walking becomes easier
- \*Lung function increases up to 30 percent

**1 to 9 months:**

- \*Coughing, sinus congestion, fatigue, shortness of breath decrease
- \*Cilia regrow in lungs, increasing ability to handle mucous, clean the lungs, reduce infection
- \*Body's overall energy level increases

**5 years:**

- \*Lung cancer death rate for average smoker (one pack a day) decreases from 137 per 100,000 people to 72 per 100,000

**10 years:**

- \*Lung cancer death rate for average smoker drops to 12 deaths per 100,000 - almost the rate of non-smokers
- \*Precancerous cells are replaced
- \*Other cancers - such as those of the mouth, larynx, esophagus, bladder, kidney and pancreas - decrease.  
(There are 30 chemicals in tobacco smoke that cause cancer).

**AMERICAN CANCER SOCIETY SMOKING CLINIC AND SUPPORT GROUP**

**REFERRAL LIST**

The American Cancer Society strongly recommends that smokers quit smoking. The following resources may be of help to smokers seeking support.

1. **Smoker's Anonymous**

Location: University of South Florida  
University Center, Room #108  
Note: Non-USF students must get a  
pass at the USF information booth

Contact: 974-2331

2. **Smokers Anonymous**

Location: Unity Church  
3302 W. Horatio

Meeting Times: Tuesdays at 6:00 p.m.

Contact: 870-0731

3. **Gulfcoast Lung Association**

Contact: 877-5864

Dates of smoking cessation classes vary

7/12/90

Amends or  
Supercedes:

HILLSBOROUGH COUNTY SHERIFF'S OFFICE  
WALTER C. HEINRICH, SHERIFF  
STANDARD OPERATING PROCEDURE

SCP#DET-212.11  
Page 1 of 1  
Date 1/1/91

**DRAFT**

SUBJECT:

Smoking within Detention Department Facilities.

INDEX AS:

Smoking, Tobacco Use

- I. POLICY: The use of tobacco products within the confines of Detention Department facilities is prohibited at all times except in designated staff smoking areas.
- II. REFERENCES: United States District Court for the District of Colorado, Case No. 88-F-1160 Memorandum Opinion and Order. American Jail Association Resolution on Non Smoking jails. National Sheriff's Association Resolution on Non Smoking Correctional Facilities.
- Sheriff's Order Number:
- III. SCOPE: This procedure is applicable to all staff personnel, inmates and visitors within Hillsborough County Jail facilities.
- IV. DISCUSSION: The hazards of smoking have long been recognized as important public health issues in the United States. An estimated 300,000 or more premature deaths occur each year in the form of such illnesses as coronary heart disease, chronic bronchitis, emphysema and various cancers that are caused by smoking. In recent times, the United States Surgeon General and scientists of the National Academy of Sciences, have stated that second hand smoke exhaled by smokers and sidestream smoke emitted from the burning end of cigarettes, cigars and pipes contain toxic gases and compounds that are as dangerous to nonsmoking persons as they are to those that smoke, placing not only smokers at risk, but those around them as well. Moreover, the United States Environmental Protection Agency has declared that the only way to totally eliminate passive smoke from the indoor air is by removing the source (tobacco smoke).

A study by the National Fire Protection Association points out that 85 percent of fires in correctional institutions were started by use of smoking materials. Banning the use of these materials will greatly reduce the potential for such fires.

As underscored by the American Jail Association, "smoking contributes to the deterioration of correctional facilities housing inmates by turning walls yellow from nicotine, clogging vents, creating cigarette burns on furnishing and requiring high costs for maintenance and repair".

**DRAFT**

# DRAFT

SCP#DET-912.11  
Page 2 of 3  
Date 1.1.91

Employees and inmates who are non-smokers have a right to work and live in a smoke free environment.

V. DEFINITION: For the purposes of this procedure, the word "confines" includes all areas, rooms, offices, corridors, hallways, exercise yards, courtyards and sally ports.

VI. PROCEDURE:

A. Staff

1. All persons seeking employment within the Detention Department will be advised of the smoking procedure.

2. Persons choosing to use tobacco products must do so in designated staff smoking areas or remove themselves from the confines of the facility. Designated staff smoking areas are as follows:

- a. County Jail Central. The patio area immediately outside of the staff dining room.
- b. County Jail West. Room 207 (the former laundry room) adjacent to the staff dining room.
- c. Work Release Center. Outside the west entrance to the facility.

3. Smoking will be accomplished during scheduled break periods. No extra time will be allotted during normal working hours for this purpose.

4. Staff will not smoke in the presence of inmates while in the confines of the facility.

5. Staff personnel shall at no time provide inmates with tobacco products or the means to ignite them.

B. Inmates

1. During the booking process, tobacco and tobacco accessories (papers, pipes, matches, lighters, etc) will be placed in the inmates personal property bag. These items will be returned to the inmate upon his release.

2. Tobacco products and accessories are contraband. If found in the possession of inmates, such items will be confiscated and destroyed. They will not be placed in the inmates property.

3. Inmates guilty of violating the no smoking rule will be appropriately disciplined.

# DRAFT

**DRAFT**

SOP#DET 212.11

Page 3 of 3

Date 1/1/91

C. Visitors. Those persons found in violation of the no smoking rule while visiting jail facilities will be regulated in accordance with established procedures.

D. Sale of Tobacco Products. Smoking materials and tobacco will not be sold or maintained for disbursement within the Detention Department facilities. Vending machines that dispense smoking materials and tobacco will not be allowed.

David M. Parrish  
Detention Department

**DRAFT**



# Walter C. Heinrich, Sheriff

HILLSBOROUGH COUNTY  
TAMPA, FLORIDA 33601

## S H E R I F F ' S   O R D E R

**NUMBER:** 9012.54  
**DATE:** 20 DEC 90  
**TO:** All Personnel  
**SUBJECT:** Smoking Areas  
**EFFECTIVE:** 01 JAN 91

No smoking is allowed in any Sheriff's Office facility except in locations in the break-rooms or dining areas as designated by "Smoking Permitted" signs.

Smoking in Detention facilities, including inmate housing areas and staff dining areas, is prohibited. Designated smoking areas for staff at Detention facilities are as follows:

1. County Jail Central - the patio area immediately outside of the staff dining room.
2. County Jail West - Room 207 adjacent to the staff dining room.
3. Work Release Center - Outside the West entrance to the facility.

This Sheriff's Order supersedes Sheriff's Order 9006.16, dated 01 JULY 90.

*Walter C. Heinrich*

**RECEIVED**  
 WALTER C. HEINRICH, SHERIFF  
 Hillsborough County, Florida  
 DEC 26 90  
 SPECIAL PROJECTS

c: Read File



# Walter C. Heinrich, Sheriff

HILLSBOROUGH COUNTY  
TAMPA, FLORIDA 33601

September 10, 1990

The Honorable Dennis Alvarez  
Chief Judge  
Thirteenth Judicial Circuit  
Hillsborough County Courthouse  
Room 314  
Tampa, Florida 33602

Dear Judge Alvarez:

I wish to advise you that on October 1, 1990, the Detention Department will begin phasing out the use of tobacco products in all Hillsborough County Jail facilities. The process will take place over a three month period. Beginning January 1, 1991 tobacco products will be prohibited in all buildings administered by the department except designated breakrooms for staff members only. This measure is being taken in recognition of the proven and considerable detrimental effects of tobacco products on health, safety, maintenance and sanitation and is in line with steps already taken and currently underway in other correctional institutions and public structures throughout the country.

Attached are additional details which you may find of interest. If you have any questions concerning this matter, please call Mr. Leo Keefe, Special Projects Manager, (813) 247-8317.

Sincerely,

Walter C. Heinrich  
Sheriff

WCH/tlp

c: David Parash, Legal Counsel

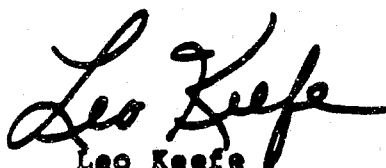
WALTER C. HEINRICH, SHERIFF  
Hillsborough County  
Tampa, Florida

INTER-OFFICE  
MEMORANDUM

DATE: September 7, 1990  
TO: Mr. Jack Espinosa  
Public Relations  
FROM: Leo Keefe  
Special Projects Manager

MESSAGE:

Attached is a suggested text for letters to the news media advising them of the no smoking policy to be implemented within the jails. Included are packets of information on our program for elimination of tobacco products from detention facilities.



Leo Keefe  
Special Projects Manager

LK/tlp



**PROPOSED TEXT**

Dear \_\_\_\_\_:

I wish to advise you that on October 1, 1990, the Detention Department will begin phasing out the use of tobacco products in all Hillsborough County Jail facilities. The process will take place over a three month period. Beginning January 1, 1991 tobacco products will be prohibited in all buildings administered by the department except designated breakrooms for staff members only. This measure is being taken in recognition of the proven and considerable detrimental effects of tobacco products on health, safety, maintenance and sanitation and is in line with steps already taken and currently underway in other correctional institutions and public structures throughout the country.

Attached are additional details which you may find of interest. If you have any questions concerning this matter, please call Mr. Leo Keefe, Special Projects Manager, (813) 247-8317.



# WHAT SMOKING COSTS YOUR COMPANY



At any times you will hear smokers claim that their habit isn't hurting anyone but themselves. The following list of facts proves otherwise. Smoking costs employers a great deal of money each and every year. This translates into a higher cost of good and higher health care costs for all of us. The next time you hear a smoker say that it's his life and that he is not hurting you, let him know that it is hurting you...right in the wallet!

**\*An employer can save at least \$345 per employee every year during the first three years after they quit smoking.**

**\*Employees who quit smoking continue to save a company money in years four through ten at the rate of \$224 per year.**

**\*Assuming 30% of employees smoke, a company which has 5000 employees will save \$1,552,500 over the first three years if all its employees stop smoking.**

**It is unrealistic for any company to plan on total success in smoking cessation efforts, but savings are evident at every level of success. Where do the savings come from?**

**\*Smokers use 50% more sick leave and have fifty percent more use of the health care system.**

**\*Smokers have twice the mortality rate during working years.**

**\*Smoking wastes 6 percent of an employees work time.**

**\*Smoking increases the health care costs for employees affected by "second hand" smoke.**

**\*Working in the presence of smokers reduces morale and productivity among non-smoking personnel.**

**\*Smoking increases maintenance and cleaning costs and requires a much larger investment in air conditioning and circulation.**

**\*Nationally, middle range estimates put health care costs attributable to smoking at \$22 billion and lost productivity at \$43 billion for a total of \$65 billion or \$2.17 cost for each pack of cigarettes sold.**

WALTER C. HEINRICH SHERIFF  
Hillsborough County  
Tampa, Florida

INTER-OFFICE  
MEMORANDUM

DATE: March 27, 1991  
TO: Mr. Leo Keefe  
FROM: Sergeant F. E. Knowles  
RE: No Smoking Policy

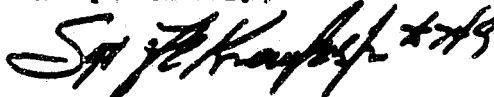
MESSAGE:

As per our previous conversation, any agency that considers going smoke free should plan for contingencies and should provide, prior to the change, training for both staff and inmates. The following steps should be considered:

1. Enlist the assistance of such organizations as The American Cancer Society and American Lung Association. They will provide, free of charge, pamphlets for distribution to staff and inmates.
2. If your agency has a substance abuse unit, utilize their capabilities in devising a contingency plan. You should also involve medical/psychological personnel. This joint plan of action should establish parameters for increased counseling and treatment.
3. A contingency plan concerning security standards should also be considered.

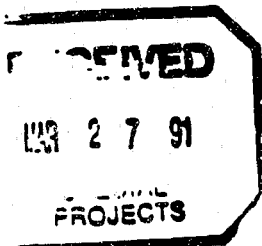
Although we experienced no major problems in this transition, many agencies have. It would not be recommendable to implement such a policy in anything other than a gradual, well planned manner.

Respectfully,



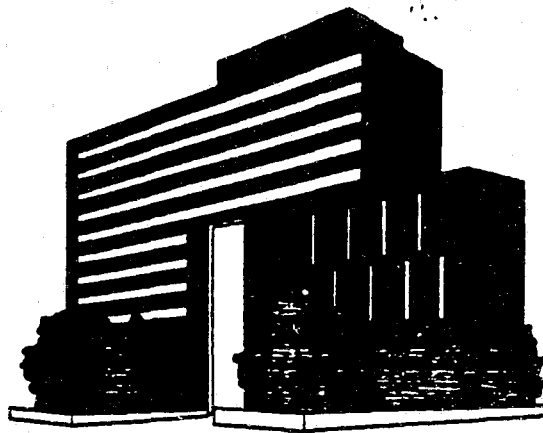
F. E. Knowles, Jr. #749  
Sergeant  
Jail Division I

FEK/bh



# DANE COUNTY JAIL SYSTEM

—A TOBACCO FREE ENVIRONMENT—



**Richard F. Raemisch**  
Sheriff of Dane County

**Prepared and Implemented by:**

**Captain David Listug**

**Lt. Joseph M. Norwick**

**Jail Administrator, Dane County**

**Deputy Jail Administrator, Dane County**

## DANE COUNTY JAIL SYSTEM

### -A TOBACCO FREE ENVIRONMENT-

The Dane County Jail has an average daily population of approximately 574 inmates. The main jail is located in downtown Madison, WI, and occupies the top two floors of the City-County Building. A separate work release facility is located approximately 3 miles from the downtown jail.

On August 1, 1991, the Dane County Jail ended the use and sale of tobacco products in all jail facilities. The reasons for this change involve the well documented health hazards associated with first and second hand smoke. Other considerations include fire safety and the cleanliness of jail buildings.

The implementation of this change occurred after careful research and planning. The research materials that were reviewed were gathered from files kept by the National Institute of Corrections. Also, numerous individuals and agencies were contacted to determine the most productive manner in which to undertake this change. Medical personnel, food service personnel, canteen vendors, and other non smoking jails were consulted with during the research and planning stages.

### PREPARATIONS

Dane County Jail Administration developed a timetable and procedures in order to prepare inmates and staff prior to the implementation of the tobacco ban. The timetable

established guidelines for the gathering and dissemination of information concerning the upcoming ban of tobacco products. Posters were developed, printed and posted in all involved areas 5 weeks prior to implementation. The posters informed staff and inmates of the upcoming ban on tobacco products. The poster also included information on the steps that would be taken prior to and during the initial weeks of the ban. During the initial weeks steps were included to assist with the acceptance of the new policy.

The steps included the development and printing of an informational pamphlet that was distributed to staff and inmates detailing possible withdrawal symptoms and accepted medical practice to deal with withdrawal symptoms. The pamphlet also explained the hazards of smoking and the benefits gained by not smoking.

Medical personnel were consulted with several months prior to the ban and plans were developed to deal with persons who may have chronic difficulties associated with withdrawal symptoms. However, it was decided that for the majority of persons facing withdrawal a phasing out of tobacco products would be more beneficial than replacing tobacco products with nicotine substitutes.

Meetings were held with canteen vendors in order to assist in phasing out the sale of tobacco products and the development of alternative items that could be sold to an inmate population. Tobacco product sales were phased out during the month of July by reducing the amount available

for purchase each week. The last sale date for tobacco products was Friday, July 26. A new list of items was offered beginning with sales Monday, July 29. Additional items included in the new order form are sugar-free drinks and hard candies, cups of soup, and numerous cake and cookie items, including sugar-free cakes and cookies. In addition to the expanded order list, sugar-free hard candy was also purchased from the vendor to be handed out during the initial 2 week period following the tobacco ban.

Food Service personnel were also contacted and a 2 week program was developed in order to provide snack items to inmates outside of regular meal times. This program provided carrot sticks, celery sticks, crackers and fresh fruits during the initial 2 week period following the last sale of tobacco items. The snack items were provided late afternoon and early evening, outside of normal meal serving times.

The policy for staff and inmates in regards to possession of tobacco products was also developed prior to the implementation of the tobacco ban. As of August 1, 1991 tobacco products are considered contraband if found in secure areas of jail facilities. Staff members entering are required to leave tobacco products outside the secure areas of jail facilities. Tobacco products will only be stored as property for those persons who are booked into the jail with tobacco products. These will be inventoried and stored in locked areas pending release.

Surrounding agencies were informed of the tobacco product ban. These included agencies within Dane County, the Wisconsin State Prison System and surrounding counties. This was done in order to limit the amount of potential tobacco products brought into the Dane County Jail through prisoner transports.

#### IMPLEMENTATION

Implementation of the tobacco ban was met initially with some resistance and dire predictions by both inmates and staff. It was felt by smokers and non-smokers alike that this policy would create an atmosphere of overbearing stress thus, creating tense confrontations between inmates and between staff and inmates. In reality, the policy was implemented during a period in which the population of jail facilities was at an all time high. Confrontations during this period were minimal and not considered unusual due to circumstances unrelated to the tobacco ban.

The greatest problem area stems from work release inmates both at the jail and work release facility. These inmates are allowed out each day and instances of smuggling of tobacco products and lighting materials among this population is high. The smuggling is being dealt with as jail rule violations.

#### CONCLUSION

Due to careful research, preparation and planning the implementation of this change was accomplished smoothly. The predictions of cell block riots and an uncontrollable



atmosphere did not materialize. Dissemination of information to all involved parties, well in advance of the anticipated change, greatly aided in the acceptance of the new policy.

By banning the use of tobacco products in all jail facilities, the overall environment is cleaner. This benefits all those who are housed or have business in the jail system.

JMN



SHERIFF RICHARD F. RAEMISCH

# DANE COUNTY SHERIFF DEPARTMENT

Room GR-17, City-County Building, Madison, Wisconsin 53709-0001  
(608) 266-4970 • FAX (608) 267-4134

STEPHEN S. NOLAN, Chief Deputy  
266-4929



TO: All Sheriff's Department Personnel  
DATE: June 26, 1991  
FROM: Captain David Listug *DL*  
RE: Smoke Cessation Program / Jail Facilities

As of August 1, 1991 use of tobacco products in the jail and at the Ferris Center will not be permitted. To facilitate a smooth transition to this healthier environment, Sheriff's Department personnel entering the jail or Ferris Center are required to leave tobacco products outside of the secure areas of these locations.

DL:jn

Effective August 1, 1991, tobacco products and lighting materials will no longer be made available or used in facilities housing inmates under the control of the Dane County Sheriff's Department.

---

The schedule for implementation of this policy is as follows:

- July 1      Commissary sale of tobacco products limited to 5 packs per order, total of 15 packs per week.
- July 8      Limit of 3 packs per order, total of 9 packs per week.
- July 15     Limit of 2 packs per order, total of 6 packs per week.
- July 22     Limit of 1 pack per order, total of 3 packs per week.
- July 29     Begin 2 weeks of snacks 2 x day, 2:00 P.M. and 7:00 P.M. Begin delivery of sugarfree candy, 2 pieces per inmate at meal times.
- Addition of hard candies, juices, and cake items to commissary list.
- Aug. 1      Tobacco products and lighting materials declared contraband in secure areas of all jail facilities. These items will be disposed of if discovered.
- No more sale of tobacco products.

DL:jn

SUBJECT: USE OF TOBACCO PRODUCTS

POLICY:

To promote the health, safety and well being of all persons housed, working and entering jail facilities of the Dane County Sheriff's Department, tobacco products and lighting materials will not be available or used in these facilities.

PROCEDURE:

1. Tobacco products will be inventoried as property when entering the secure areas of the jail.
2. If tobacco products or lighting materials are found in the secure areas of jail facilities they will be disposed of. Tobacco products found in secure areas of jail facilities will not be itemized as property, they will be considered contraband.
3. It is the responsibility of the arresting/transporting officers to remove these items from arrested persons to be itemized and stored as property.
4. Huber/Work Release inmates are not to bring lighting materials or tobacco products into jail facilities.
5. Visitation areas are NO SMOKING areas.



AS OF AUGUST 1, 1991 TOBACCO PRODUCTS

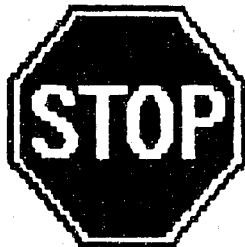
AND LIGHTING MATERIALS WILL BE

CONSIDERED CONTRABAND IN THE JAIL.

SMOKING AND/OR THE POSSESSION OF

TOBACCO PRODUCTS AND LIGHTING

MATERIALS WILL BE PROHIBITED.



**ATTENTION !**

**AS OF AUG. 1, 1991 TOBACCO PRODUCTS WILL  
NO LONGER BE ALLOWED IN THE JAIL OR  
HUBER CENTER. CANTEEN SALES OF TOBACCO  
PRODUCTS WILL BE PHASED OUT BEGINNING  
JULY 1, 1991.**

**WEEK OF JULY 1 - LIMIT OF 5 PACKS  
PER PURCHASE**

**WEEK OF JULY 8 - LIMIT OF 3 PACKS  
PER PURCHASE**

**WEEK OF JULY 15 - LIMIT OF 2 PACKS  
PER PURCHASE**

**WEEK OF JULY 22 - LIMIT OF 1 PACK  
PER PURCHASE**

**A 2 WEEK PROGRAM OF SMOKE CESSATION  
ASSISTANCE WILL COINCIDE WITH THE BAN  
ON TOBACCO PRODUCTS.**



PRICE LIST OF PRODUCTS AVAILABLE EFFECTIVE JULY 29, 1991

GANDY - LIMIT OF 10

ALL ITEMS 55¢

Peanut Butter Cups  
Hershey Almond  
Fudge Brownies  
M&M Peanuts  
Milky Way  
Nestle Crunch  
Snickers  
N.V. Cinnamon Granola Bar  
N.V. Honey & Oats  
Nut Roll  
Chocolate Chip Dipp  
Jolly Rancher  
Sour Fruit Burst  
Sugar Free Wafer Cookie

CHIPS, SNACKS & MINTS LIMIT OF 10

ALL ITEMS 40¢

Cheetos  
Fritos  
Doritos  
Cheese Popcorn  
Regular Potato Chips  
Peanut Butter Cheese Cracker  
Planters Peanuts  
Oreos  
Slim Jim  
Trail Mix  
5 Flavor Candy  
Sugar Free Breath savers

COOKIES, CAKES & DELUXE SNACKS

ALL ITEMS 60¢ LIMIT OF 10

Big cookie - Chocolate Chip  
Big cookie - Oatmeal  
Little Debbie - Swiss Roll  
Little Debbie - Nutty Bar  
Gardetto's

MISCELLANEOUS ITEMS

Playing Cards \$1.30  
Pencils 15¢  
Legal Pads 85¢  
Stamps (Limit of 10) 35¢  
Pens 30¢  
12 Pack Colored Pencils \$3.00

LIQUIDS LIMIT OF 20

ALL 25¢

Coffee Regular  
Coffee Decafe  
Cocoa  
Tea  
Fruit Punch  
Lemonade  
Cherry Drink  
Orange Drink  
Boullion Beef  
Boullion Chicken

SUGAR FREE LIQUIDS LIMIT OF 10

2 PACK 35¢

Hot Chocolate  
Fruit Punch  
Lemonade  
Orange Drink

INSTANT LUNCHES LIMIT OF 5 80¢

Oriental noodle Soup

TOILET ARTICLES

Pocket Combs 30¢  
Generic Stick \$2.00  
Lady Speed Stick \$2.75  
Mennen Stick \$2.75  
Breck Shampoo \$1.60  
Generic Shampoo \$1.60  
Generic Creme Rinse \$1.35  
Dandruff Shampoo \$2.15  
CFC Activator \$4.30  
CFC Moisturizer \$3.30  
Afta \$2.75  
K-7 Long Aid \$2.35  
Colgate \$1.00  
Toothpaste \$1.00  
Toothbrush 70¢  
Bath Soap \$1.00  
Chapstick 90¢  
Foot Powder \$2.00  
Shave Brushless \$1.75  
Jergens Lotion \$1.90  
Vaseline Lotion \$2.30  
Tampax Reg.&Super (10 pack) \$1  
Baby Powder \$1.50  
Afro Combs \$1.50  
Foam Rollers \$1.75

SNACK MENU FOR SMOKING CESSATION--2 WEEKS

DAY 1	2:00 PM	2 PKG SALTINES ALMOND BUTTER
	7:00 PM	FRESH FRUIT
DAY 2	2:00 PM	CELERY STICKS PEANUT BUTTER
	7:00 PM	GRAHAM CRACKERS
DAY 3	2:00 PM	FRESH FRUIT
	7:00 PM	2 PKG SALTINES 1 OZ CHEESE SLICE
DAY 4	2:00 PM	CELERY STICKS
	7:00 PM	2 PKG SALTINES ALMOND BUTTER
DAY 5	2:00 PM	FRESH FRUIT
	7:00 PM	GRAHAM CRACKERS
DAY 6	2:00 PM	FRESH FRUIT
	7:00 PM	CELERY STICKS PEANUT BUTTER
DAY 7	2:00 PM	2 PKG SALTINES ALMOND BUTTER
	7:00 PM	FRESH FRUIT



JAIL DRIVER--THE FOLLOWING SUPPLIES WILL NEED TO BE DELIVERED TO THE JAIL ON THE DATES INDICATED. PLEASE TAKE AT THE LUNCH MEAL UNLESS OTHERWISE SPECIFIED.

JULY 26, FRIDAY

1 CASE ALADDIN DISPOSABLE SOUP BOWLS AND 1 CASE OF LIDS

2 CASES ALMOND BUTTER

2 CASES PEANUT BUTTER

2 CASES ALADDIN DESSERT DISHES

45 EMPTY COTTAGE CHEESE CONTAINERS

4-#8 SCOOPS

CHECK ON THESE ITEMS EACH DAY AND RESTOCK AS NEEDED DURING THE TWO WEEK SNACK DISTRIBUTION PERIOD.

JULY 27 AND AUGUST 3, SATURDAY

5 CASES FRESH FRUIT, ORANGES

4 LARGE WHITE TUBS

2 CASES SALTINES

JULY 28 AND AUGUST 4, SUNDAY

500 PKG GRAHAM CRACKERS, INDIVIDUALLY WRAPPED

2000 CELERY STICKS

JULY 29 AND AUGUST 5, MONDAY

5 CASES FRESH FRUIT, APPLES

JULY 30 AND AUGUST 6, TUESDAY

2 CASES SALTINES

500 CHEESE SLICES (TAKE AT THE DINNER MEAL)

2000 CELERY STICKS

JULY 31 AND AUGUST 7, WEDNESDAY

2 CASES SALTINES

5 CASES FRESH FRUIT, ORANGES

AUGUST 1 AND AUGUST 8, THURSDAY

500 PKG GRAHAM CRACKERS, INDIVIDUALLY WRAPPED

5 CASES FRESH FRUIT, APPLES

AUGUST 2 AND AUGUST 9, FRIDAY

2000 CELERY STICKS

5 CASES FRESH FRUIT, ORANGES

• JULY 26 (FRIDAY) TAKE TO HUBER

2 CASES SALTINES

2 CANS PEANUT BUTTER

2 CANS ALMOND BUTTER  
RESTOCK THESE ITEMS AS NEEDED.

• JULY 30 (TUESDAY) AND AUGUST 6

10 WATERMELON

## SNACK DISTRIBUTION PROCEDURES

IN ALL CASES RECEIVING BLOCKS WILL NOT RECEIVE SNACKS UNLESS AMPLE SUPPLIES ARE AVAILABLE. THIS SHALL BE LEFT TO THE DISCRETION OF THE DEPUTY IN CHARGE OF DISTRIBUTION.

JULY 27, SATURDAY

USING PLASTIC DISPOSABLE SOUP BOWLS, PORTION ALMOND BUTTER TO BE DISTRIBUTED ON 7/29. EACH BOWL SHOULD GET 1 LEVEL #6 SCOOP OF ALMOND BUTTER. COVER CONTAINER TIGHTLY WITH LIDS PROVIDED. YOU WILL NEED ABOUT 60 CONTAINERS.

JULY 28 AND AUGUST 4, SUNDAY

WASH FRUIT (ORANGES OR BANANAS DO NOT NEED TO BE WASHED). TRANSFER TO WHITE TUBS FOR DISTRIBUTION LATER IN THE DAY.

2:00 PM DISTRIBUTE SALTINES AND ALMOND BUTTER TO CELL BLOCKS. EACH INMATE TO RECEIVE 2 PACKAGES OF SALTINES. EACH CELLBLOCK TO RECEIVE ONE OR MORE CONTAINERS OF ALMOND BUTTER, DEPENDING ON NUMBER IN CELLBLOCK. ONE CONTAINER FOR 6 INMATES SHOULD BE SUFFICIENT. Distribute the small plastic disposable dessert dishes, 1 for each inmate. (INMATES ARE TO USE THEIR CRACKER TO PORTION A SMALL AMOUNT OF BUTTER INTO THEIR DISPOSABLE DISH) PORTION PEANUT BUTTER FOR USE TOMORROW, AS WAS DONE WITH ALMOND BUTTER ON 7/27

7:00 PM DISTRIBUTE FRESH FRUIT, ONE PER INMATE. IF YOU USED WHITE TUBS FOR FRUIT (FOR APPLES), YOU MUST WASH WHITE TUBS BY HAND, AND SANITIZE WITH A SOLUTION OF 2 TBSP BLEACH PER GALLON OF WARM WATER. ALLOW TO DRAIN DRY AND SET ASIDE FOR FUTURE USE.

JULY 29 AND AUGUST 5, MONDAY

2:00 PM CELERY STICKS WILL BE SENT IN BULK. DISTRIBUTE BY TRANSFERRING TO COTTAGE CHEESE CONTAINERS PROVIDED. ALLOW APPROXIMATELY 4 CELERY STICKS PER INMATE, AND PLACE ENOUGH CELERY INTO EACH CONTAINER FOR THE CELLBLOCK. EACH CELL BLOCK TO ALSO RECEIVE THE PEANUT BUTTER THAT WAS PORTIONED THE DAY BEFORE. ONE CONTAINER OR MORE PER BLOCK, DEPENDING ON NUMBER IN BLOCK, a disp. dish FOR EACH INMATE. PICK UP CONTAINERS at next meal, AND WASH. (SEE 7/29)

7:00 PM DISTRIBUTE PACKAGES OF GRAHAM CRACKERS, ONE PACKAGE PER INMATE.

IF NECESSARY WASH FRESH FRUIT FOR DISTRIBUTION THE NEXT DAY.  
(SEE JULY 26)

JULY 30 AND AUGUST 6, TUESDAY

2:00 PM DISTRIBUTE FRESH FRUIT, ONE PER INMATE.

7:00 PM DISTRIBUTE SALTINES AND CHEESE SLICES. EACH INMATE TO RECEIVE 1 SLICE OF CHEESE AND 2 PKG OF SALTINES.

PORTION ALMOND BUTTER FOR NEXT DAY DISTRIBUTION (SEE JULY 26)

JULY 31 AND AUGUST 7, WEDNESDAY

2:00 PM DISTRIBUTE CELERY STICKS. CELERY STICKS WILL BE SENT IN BULK. TRUSTEES WILL PLACE CELERY STICKS IN COTTAGE CHEESE CONTAINERS PROVIDED, ONE CONTAINER FOR EACH CELLBLOCK. EACH INMATE TO RECEIVE APPROXIMATELY 4 CELERY STICKS

7:00 PM DISTRIBUTE SALTINES AND ALMOND BUTTER. EACH INMATE TO RECEIVE 2 PKG SALTINES, EACH CELLBLOCK TO RECEIVE 1 OR MORE CONTAINERS OF ALMOND BUTTER (DEPENDING ON NUMBER OF INMATES IN EACH BLOCK), AND 1 small disposable dessert dish for each inmate. (SEE JULY 26)

IF NECESSARY, WASH FRUIT FOR TOMORROW (SEE JULY 26)

AUGUST 1 AND 8, THURSDAY

2:00 PM DISTRIBUTE FRESH FRUIT, 1 PER INMATE

7:00 PM DISTRIBUTE GRAHAM CRACKERS, 1 PKG PER INMATE

PORTION PEANUT BUTTER AS BEFORE, FOR TOMORROW. (SEE 7/27)  
WASH FRESH FRUIT, IF NECESSARY, FOR TOMORROW. (SEE 7/26)

AUGUST 2 AND 9, FRIDAY

2:00 PM DISTRIBUTE FRESH FRUIT, ONE PER INMATE

7:00 PM DISTRIBUTE CELERY STICKS AND PEANUT BUTTER. CELERY STICKS WILL BE SENT IN BULK. TRUSTEES WILL PLACE IN COTTAGE CHEESE CONTAINERS, APPROXIMATELY 4 PER INMATE FOR THE WHOLE CELLBLOCK. EACH BLOCK TO RECEIVE ONE CONTAINER OF CELERY, ONE OR MORE CONTAINERS PEANUT BUTTER (DEPENDING ON NUMBER IN BLOCK) AND small disp. dish . Pick up containers at next meal and wash. (SEE 7/28)

PORTION ALMOND BUTTER FOR TOMORROW. (SEE JULY 27)  
WASH FRESH FRUIT IF NECESSARY. (SEE JULY 28)

AUGUST 3 AND 10, SATURDAY

2:00 PM DISTRIBUTE SALTINES AND ALMOND BUTTER. EACH INMATE TO RECEIVE 2 PKG SALTINES, and a small disp. dish. BLOCK TO RECEIVE ONE OR MORE CONTAINERS OF ALMOND BUTTER DEPENDING ON NUMBER IN BLOCK. SEE JULY 28. PICK UP containers at next meal and wash.

## It's good to yourself – You benefit from quitting smoking

Your risk of heart attack, lung cancer, emphysema, and many other diseases drops dramatically when you stop smoking. Within a couple of days, your lungs begin to heal. Several years after you quit smoking, your risk of many diseases will be as low as if you had never smoked at all. No matter how long you've smoked, it's good to stop!

You'll smell better. Not only will your own sense of smell improve, but you, your hair, clothes, and home will no longer smell of cigarettes.

You'll look better. Your teeth and fingers will lose their cigarette stains. Your improved circulation will make your skin healthier and less likely to wrinkle.

You'll breathe easier. Morning cough and shortness of breath will ease up. You'll be able to do more without getting out of breath.

If you are a woman planning to have children, your babies will have a more normal birth weight and will be healthier during their first year of life.

You'll have fewer accidents and fires. Lighting and handling cigarettes during driving or while working with machinery or equipment causes many accidents. Smoking in bed causes lots of fatal fires.

The people around you, family, and friends will have to breathe your smoke. This "second hand smoke" is dangerous and can cause diseases, cancers, eye irritation, and allergies.

If you have children, they will be less likely to smoke if you quit smoking. Children of smokers are 8 times more likely to smoke. Quitting smoking is giving a gift to your children of better health.

You'll save money. A pack-a-day habit costs over \$100 a year. And that doesn't include increased medical bills, replacing clothes with cigarette burns, etc.

You'll feel more in control. You will have beaten cigarette addiction. You – not your cigarettes – are in charge of your life.

## Do you know why you smoked?

People smoke for different reasons, but the 6 reasons below are the most common. Understanding why you smoked may make it easier to get through the withdrawal period.

### 1. Stimulation

Many people smoke for a quick "pick-me-up." Like the caffeine in coffee and cola, nicotine increases the heart rate and gives a short energy boost. Exercise can also be a "pick-me-up."

### 2. Relaxation

A cigarette is sometimes a reason to sit back, take a deep breath, and relax. Ironically, the physical effects of nicotine are just the opposite! It may feel relaxing because the carbon monoxide in smoke dulls your senses. What are other ways you can relax?

### 3. Handling

Some people like to handle the cigarette; it's something to do with your hands. Can you find a hobby to use your hands instead?

### 4. Crutch

When you feel tense, angry, or lonely, lighting up a cigarette helps delay these feelings for awhile. But those feelings don't really go away, they're just temporarily pushed away. It's better to openly express your feelings and to deal with your concerns in a positive manner.

### 5. Craving

Some smokers are physically or psychologically addicted to nicotine, and crave it. The physical craving feeling will go away after you get through the withdrawal period, but the desire for a cigarette – the psychological craving – may last for awhile. Take a few deep breaths, get up and stretch, try some exercise, or anything to distract your craving. The craving feeling will go away in a few minutes.

### 6. Habit

Some smokers reach for a cigarette out of habit, instead of when feeling the conscious desire to smoke. Did you ever find a lit cigarette in your hand or in the ashtray without remembering lighting it? Many habit smokers quit easily, because so many of their cigarettes were smoked out of habit, not desire.

# How to cope with NO SMOKING in the Jail

Smoking is prohibited in the Dane County Jail. If you are a non-smoker, this will be good news to you. You will not have to breathe "second hand smoke" in the building.

If you smoke, your stay in the Dane County Jail will be a good time for you to quit smoking. This may not be as hard as you may think. If you have tried to quit smoking before, you know that you can do it. Maybe you've just been thinking about quitting. We hope you'll continue to be an ex-smoker when you leave the jail – it's one of the best things you can do for yourself!

This information will help you deal with not being able to smoke.

Dane County Sheriff Department  
SECURITY SERVICES DIVISION



# It's Not Easy, But You Can Do It!

Nicotine is a strong addictive drug, so your body goes through withdrawal when you stop smoking. Nicotine withdrawal is different for each person, but it can last from several days to a week or two.

Withdrawal will usually be over within 5-10 days. Some symptoms may last longer – tiredness, craving, and tension, for example. But they'll gradually go away.

Here are some of the common withdrawal symptoms you may experience.

## 1. Cough

Don't worry if you find yourself coughing more just after you stop smoking. This is a good sign that your lungs are healing and are coughing up all the tar and other residue that smoking put in your lungs. This may last a week or two.

## 2. Sleep Problems – Tiredness, Trouble Sleeping

Being tired after stopping smoking is normal because smoking is a stimulant, "revving your engine." Some ex-smokers find that naps or sleeping longer by an hour or so helps during the first week or two. Getting some exercise during the day will help you sleep better.

On the other hand, some ex-smokers have trouble sleeping in the first week or so. Exercise will help. Sleeplessness can also be caused by tension, so managing stress can also help (see #3).

## 3. Tension or Nervousness, Headache

It's normal to feel tense after stopping smoking. You may feel angry at people, but this will gradually go away. Recognize that this is what may be making you angry, so don't take it out on others.

## Helpful tips during withdrawal from cigarettes:

1. Drink lots more liquids – water is a good choice. Extra liquids thin your spit, making coughing easier, and helps flush out of your body the remains of tobacco.

2. Get some exercise, increase your activity level – this helps deal with tension, helps even out your metabolism, and helps prevent weight gain. And exercise is good for you! Sit ups, push ups, and jogging in place are exercise options while in your residence area.

3. Try to deal with your stress – exercise, deep breathing, meditation, prayer, talking with people you trust, all these are good ideas.

Deep breathing is easy and helps you relax. Slowly take a deep, deep breath. Hold it in for a second. Slowly let all the air out. Do it again. Then do it again. You'll feel better by doing this.

Positive thinking is also great. Tell yourself, "I can do it!" Just think to yourself, "I can make it without cigarettes!" Millions of people have quit smoking; it's not easy but it can be done!

4. Try "oral substitutes" – things to put in your mouth instead of a cigarette. One example might include sugarless candy. Go easy on sugary snacks to prevent tooth decay.

5. Keep your hands busy – keep your mind occupied. When you're bored or need something to do you may crave a cigarette.

6. These feelings can make you crave cigarettes:  
H-A-L-T: Hunger  
Anger  
Loneliness or boredom  
Tiredness

These are common feelings that can make you crave cigarettes. Why? Because lots of people smoke to feel better, when these feelings occur. Deal with these feelings, not by smoking, but by keeping busy, exercising, reading, or doing whatever you can do to occupy your time.

We know that being in jail is stressful, and not being able to smoke may be hard. But you will have to adjust. Make it easier by trying to have a positive attitude and focusing on all the benefits of stopping smoking. Take it one day at a time.

Stress is normal, but when it gets out of hand, it can cause feelings such as headache, stomach-ache, fast heartbeats, and nervousness. Not everyone will have these feelings when stopping smoking, but if you do have them, try exercise, deep breathing, meditation, and talking with people you like and trust.

## 4. Sore Throat

Smoking has numbed your throat. Now that you've stopped smoking, you can really feel the damage that smoking has done. The body starts healing itself soon after you stop smoking, so the sore throat will not last very long. Drinking lots of liquids may help.

## 5. Constipation

Smoking acts like a laxative. Stopping smoking may slow down your bowel movements for awhile. Drink lots of water. Try eating more whole grain foods, fruit, vegetables, and getting exercise.

## 6. Weight Gain

Smoking increases your body's metabolism. It's like revving your motor. After stopping smoking, you'll have to eat a little less, or exercise a little more (or both!) to keep your present weight.

One common reason for weight gain after stopping smoking is substituting eating for smoking. Food is something else to put in your mouth instead of a cigarette. Get into the habit of drinking water, snacking on fruit or vegetables, or sucking on sugarfree candy if you need to do something with your mouth.

# MEGAJAIL SURVEY



May 17, 1991

MEGAJAIL 1990

STATE\*: ARIZONA  
 COUNTY: MARICOPA  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NO SMOKING IN INFIRMARY AND IN CORRIDORS DURING TRANSPORT  
 RESTRICTIONS STAFF: ALLOWED IN DESIGNATED AREAS ONLY  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: ALAMEDA  
 SMOKE FREE: NO SMOKING IN BUILDINGS  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: CONTRA COSTA  
 SMOKE FREE: ALL FACILITIES ARE SMOKE FREE  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: FRESNO  
 SMOKE FREE: INMATES, STAFF & VISITORS: NO SMOKING IN ALL AREAS  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: LOS ANGELES  
 SMOKE FREE: ENTIRELY BY 9/1/91 FOR STAFF AND INMATES  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: CALIFORNIA  
 COUNTY: ORANGE  
 SMOKE FREE:  
 RESTRICTIONS INMATES: LIMITED TO HOUSING AREAS, DAYROOMS & OUTDOOR RECREATIONAL AREAS  
 RESTRICTIONS STAFF: SMOKING AREAS DEFINED BY COUNTY ORDINANCE  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: RIVERSIDE  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NO SMOKING IN MEETING OR DINING AREAS  
 RESTRICTIONS STAFF: NO SMOKING IN MEETING OR DINING AREAS  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: SACRAMENTO  
 SMOKE FREE: MAEN JAIL SMOKE FREE. CORRECTIONAL CENTER - OUTSIDE ONLY  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: SAN BERNARDINO  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: NO POLICY  
 COMMENTS: AT THIS TIME

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STATE\*: CALIFORNIA  
 COUNTY: SAN DIEGO  
 SMOKE FREE: ALL FACILITIES DESIGNATED "NON-SMOKING"  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: CALIFORNIA  
 COUNTY: SAN FRANCISCO  
 SMOKE FREE: SYSTEM TO GO SMOKE FREE MAY OF 1991  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: SAN JOAQUIN  
 SMOKE FREE: SMOKING NOT PERMITTED IN ALL BUILDINGS EXCEPT (SEE NEXT)  
 RESTRICTIONS INMATES: ALLOWED IN MAXIMUM SECURITY SECTION OF MAIN JAIL ONLY  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS: STAFF & INMATES SMOKE OUTSIDE

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STATE\*: CALIFORNIA  
 COUNTY: SAN MATEO  
 SMOKE FREE: ALL STRUCTURES OWNED OR LEASED BY COUNTY ARE SMOKE FREE  
 RESTRICTIONS INMATES: ALL TOBACCO PRODUCTS INCLUDED IN RESTRICTION  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: CALIFORNIA  
 COUNTY: VENTURA  
 SMOKE FREE:  
 RESTRICTIONS INMATES: SMOKING ALLOWED AT ALL FACILITIES  
 RESTRICTIONS STAFF: COUNTY PROHIBITS SMOKING IN BUILDINGS AND COUNTY OWNED VEHICLES  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: COLORADO  
 COUNTY: DENVER  
 SMOKE FREE: DETENTION CENTER - NO SMOKING  
 RESTRICTIONS INMATES: COUNTY JAIL - SMOKING ALLOWED IN INMATE LIVING AREA  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: FLORIDA  
 COUNTY: BROWARD  
 SMOKE FREE: ALL FACILITIES SMOKE FREE AS OF FEBRUARY 1, 1991  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: FLORIDA  
 COUNTY: DADE (METRO)  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: POLICY BEING DRAFTED  
 COMMENTS:

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STATE\*: FLORIDA  
 COUNTY: ESCAMBIA  
 SMOKE FREE: ALL THREE FACILITIES TO BE SMOKE FREE APRIL 1, 1991  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS: IMPLEMENTED BY STEPS. COUNSELING AVAILABLE

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STATE\*: FLORIDA  
 COUNTY: HILLSBOROUGH  
 SMOKE FREE: NO SMOKING WITHIN FACILITIES  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS: MINIMAL PROBLEMS

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STATE\*: FLORIDA  
 COUNTY: ORANGE  
 SMOKE FREE:  
 RESTRICTIONS INMATES: EACH FACILITY DESIGNATES AREAS IN ACCORD W/ STATE CLEAN INDOOR AIR ACT  
 RESTRICTIONS STAFF: STAFF COMMITTEES OF SMOKERS & NON SMOKERS DETERMINE DESIGNATED AREAS  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: FLORIDA  
 COUNTY: PINELLAS  
 SMOKE FREE:  
 RESTRICTIONS INMATES: SMOKING PERMITTED IN HOUSING UNITS AND AT RECREATION  
 RESTRICTIONS STAFF: DESIGNATED SMOKING AND NON SMOKING AREAS  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: GEORGIA  
 COUNTY: DE KALB  
 SMOKE FREE:  
 RESTRICTIONS INMATES: DESIGNATED AREAS: NON SMOKING HOUSING UNIT IN ALL CLASSIF/CUSTODY LEVELS  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: GEORGIA  
 COUNTY: FULTON  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: NO NON SMOKING AREAS  
 COMMENTS:

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STATE\*: ILLINOIS  
 COUNTY: COOK  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NONE IN LIVING UNITS  
 RESTRICTIONS STAFF: SMOKING ALLOWED IN POSTED AREAS ONLY  
 UNRESTRICTED:  
 COMMENTS: COUNTY OFFERS SMOKE CESSATION CLASSES

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STATE\*: INDIANA  
 COUNTY: MARION  
 SMOKE FREE:  
 RESTRICTIONS INMATES: RESTRICTIONS: JUV BLOCKS, CLASSTIME, ELEVATORS, SUICIDE TANK, OUTSIDE CELLS  
 RESTRICTIONS STAFF: ALLOWED ON GROUNDS & IN BUILDING WITH EXCEPTION OF ELEVATORS  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: LOUISIANA  
 COUNTY: ORLEANS  
 SMOKE FREE:  
 RESTRICTIONS INMATES: CERTAIN MEDICAL AREAS RESTRICTED - NO MENTION OF INMATE/STAFF DISTINCTION  
 RESTRICTIONS STAFF: CERTAIN MEDICAL AREAS RESTRICTED - NO MENTION OF INMATE/STAFF DISTINCTION  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: MICHIGAN  
 COUNTY: OAKLAND  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ALLOWED IN AREAS DESIGNATED BY SIGNS & SPECIFIC HOUSING UNITS  
 RESTRICTIONS STAFF: ALLOWED IN AREAS DESIGNATED BY SIGNS & PRIVATE DEPARTMENTAL OFFICES  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: MICHIGAN  
 COUNTY: WAYNE  
 SMOKE FREE: NEW FACILITY WILL BE SMOKE FREE FOR STAFF & INMATES  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: NO RESTRICTIONS NOW  
 COMMENTS:

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STATE\*: NEVADA  
 COUNTY: CLARK  
 SMOKE FREE: (INVESTIGATING POSSIBILITIES)  
 RESTRICTIONS INMATES: ALLOWED IN HOUSING UNITS & RECREATION YARD  
 RESTRICTIONS STAFF: ALLOWED IN BREAK AREAS & SPECIFIC HOUSING UNITS  
 UNRESTRICTED:  
 COMMENTS: BOOKING, CORRIDORS & ELEVATORS ARE NON SMOKING

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STATE\*: NEW YORK  
 COUNTY: NEW YORK CITY  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: POLICY BEING DRAFTED  
 COMMENTS: WIDESPREAD NON-COMPLIANCE W/INDOOR CLEAN AIR ACT

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May 17, 1991

MEGAJAIL 1990

STATE\*: NEW YORK  
 COUNTY: SUFFOLK  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ALLOWED IN HOUSING AREAS ONLY  
 RESTRICTIONS STAFF: ALLOWED IN DESIGNATED AREAS ONLY  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: OHIO  
 COUNTY: HAMILTON  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NOT ALLOWED IN CELLS  
 RESTRICTIONS STAFF: NOT MENTIONED  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: OREGON  
 COUNTY: MULTNOMAH  
 SMOKE FREE: ALL FACILITIES ARE NON SMOKING FOR STAFF AND INMATES  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: PENNSYLVANIA  
 COUNTY: ALLEGHENY  
 SMOKE FREE:  
 RESTRICTIONS INMATES: RESTRICTED IN DINING HALL, GYM, VISITING, & MED./MENTAL HEALTH UNITS ONLY  
 RESTRICTIONS STAFF: NO SPECIAL STAFF RESTRICTIONS REPORTED  
 UNRESTRICTED:  
 COMMENTS: SMOKING PERMITTED IN ALL NON-RESTRICTED AREAS

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STATE\*: PENNSYLVANIA  
 COUNTY: PHILADELPHIA  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NOT MENTIONED  
 RESTRICTIONS STAFF: ALLOWED IN DESIGNATED AREAS INCLUDING OFFICES WHERE ALL STAFF ARE SMOKERS  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGAJAIL 1990

STATE\*: TENNESSEE  
 COUNTY: DAVIDSON  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ALLOWED IN CELLS DAY ROOMS, GYM AND PERMITTED OFFICES  
 RESTRICTIONS STAFF: ALLOWED IN CONTROL ROOMS, ASSIGNED AREA FOR FLOOR OFFICERS & SOME OFFICES  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: TENNESSEE  
 COUNTY: SHELBY  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: N/A  
 COMMENTS:

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STATE\*: TEXAS  
 COUNTY: BEXAR  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ALLOWED IN LIVING UNITS & DAYROOMS, BUT NOT IN TRANSIT  
 RESTRICTIONS STAFF: NO SMOKING IN OFFICES  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: TEXAS  
 COUNTY: DALLAS  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ONLY RESTRICTIONS ARE IN KITCHENS, HOLDOVER AREA & IN TRANSPORT VEHICLES  
 RESTRICTIONS STAFF: NO RESTRICTIONS  
 UNRESTRICTED:  
 COMMENTS:

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STATE\*: TEXAS  
 COUNTY: EL PASO  
 SMOKE FREE:  
 RESTRICTIONS INMATES: ALLOWED EXCEPT WHERE POSTED - NO MENTION OF INMATE OR STAFF DISTINCTION  
 RESTRICTIONS STAFF: ALLOWED EXCEPT WHERE POSTED - NO MENTION OF INMATE OR STAFF DISTINCTION  
 UNRESTRICTED:  
 COMMENTS:

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May 17, 1991

MEGJAIL 1990

STATE: TEXAS  
 COUNTY: HARRIS  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: NO RESTRICTIONS  
 COMMENTS:

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STATE: TEXAS  
 COUNTY: TARRANT  
 SMOKE FREE:  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED: NO RESTRICTIONS NOW  
 COMMENTS: POLICY DUE IN 1991 WITH NEW 1400 BED FACILITY

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STATE: VIRGINIA  
 COUNTY: RICHMOND CITY  
 SMOKE FREE:  
 RESTRICTIONS INMATES: NO RESTRICTIONS  
 RESTRICTIONS STAFF: DESIGNATED SMOKING AREAS ONLY  
 UNRESTRICTED:  
 COMMENTS: STAFF COMPLIES BUT IS NOT HAPPY

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STATE: WASHINGTON  
 COUNTY: KING  
 SMOKE FREE: BY 1988 COUNTY ORDINANCE  
 RESTRICTIONS INMATES:  
 RESTRICTIONS STAFF:  
 UNRESTRICTED:  
 COMMENTS: STAFF SMOKES IN VEHICULAR SALLYPORT OR GARAGE

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