COPP 6.7 Smoke-Free Prisons

Prison

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| PrinciplesAs referenced in the [Guiding Principles for Corrections in Australia, 2018](https://justus/intranet/prison-operations):4.2.5 Prisoners are provided with health promotion and illness prevention education and services that are based on the best available evidence.4.2.6 Prisoners, staff and visitors have access to smoke-free environments.4.2.7 Correctional services develop practices, programs and interventions that support resilience in prisoners/offenders, help them adapt to stresses in a timely and effective manner, and cope with any changes in their circumstances. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to the following:

* all prisons administered by or on behalf of the Department of Justice (the Department)
* all prisoner transport vehicles administered by or on behalf of the Department
* all other buildings located on gazetted prison grounds.

# Policy

The Department is committed to providing a healthy and safe correctional environment for all employees, prisoners, visitors, and contractors. Provision of a smoke-free environment reduces the health risks associated with smoking and exposure to second-hand smoke.

Staff and prisoners shall be provided with support to assist them to stop smoking.

The COPP covers two phases, a ‘smoking reduction phase’ where the prison initiates plans and processes to become a smoke-free prison and ‘smoke-free phase’ where prisons become a smoke-free facility.

# Purpose

## Overview

### Smoking has been identified as a major public health concern in the general community; however, it presents as an even more compelling health issue within prison populations.

### The Smoke-Free Prisons COPP aims to improve the health of prisoners and staff by assisting in quitting, reducing the uptake in smoking and eliminating exposure to second-hand smoke. It is envisaged this will have a positive flow on effect to the community by reducing the associated social, health and economic costs of smoking, in addition to providing a healthier environment for those visiting prisons.

### The Department recognises that while it is an individual’s choice to use tobacco products, the Department has a responsibility to take steps to reduce the harm caused by tobacco use for smokers and non-smokers, including exposure to second-hand smoke.

### The Smoke-Free Prisons COPP will see the Department join other Australian jurisdictions as a proactive Department that promotes and protects the health of its staff and those placed in its custody.

# Smoking Reduction Phase

## Period prior to total smoking cessation

### Superintendents shall ensure that all staff, prisoners, visitors, contractors and service providers are aware of the Department’s policy to establish smoke-free prisons and implement local procedures to ensure compliance.

### Superintendents shall develop a Smoking Cessation Support Strategy for their prison in line with this COPP.

### Superintendents shall develop an appropriate smoking reduction and smoke-free prison communication strategy, including signage and notices informing all stakeholders of the staged process in place to reduce smoking and establish a smoke-free prison.

### Smoking during the reduction phase shall be in accordance with the Prison’s Smoking Cessation Support Strategy.

### Designated smoking areas for staff and prisoners shall be at the direction of the Superintendent.

### Smoking by staff and prisoners during the reduction phase will not be permitted in communal areas such as industries, education or visits.

## Access to supports

### Prison management shall reduce supply of and access to tobacco products available to prisoners during the smoking reduction phase.

### Staff who wish to stop smoking should be directed to educational resources available online. Staff wishing to access additional support shall refer to their prison’s Smoking Cessation Support Strategy.

### The prison Superintendent, in consultation with Health Services, shall develop an appropriate support strategy to suit their prisoner cohort.

### Prisoners shall be provided access to information and educational material to reduce or quit smoking, including products that support nicotine withdrawal.

### The Smoking Cessation Support Strategy shall be communicated to all appropriate parties within the prison.

## Reception procedure

### When a prisoner is received into custody as a new intake during the smoking reduction phase, the management of all tobacco products will be in accordance with [COPP - 2.1 Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 3.1 - Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners are to be informed of the Department’s smoke-free prisons plan and the support services available to assist them to quit smoking as part of their orientation process.

## Non-compliance

### Disciplinary measures for prisoners shall be in accordance with the *Prisons Act 1981*, *Prisons Regulations 1982*, COPPs and Standing Orders.

### Superintendents shall implement a system of reward in the Smoking Cessation Support Strategy designed to encourage and enforce smoking reduction.

### Staff shall be managed in accordance with their prison’s Smoking Cessation Support Strategy, *Prisons Act 1981* and *Prisons Regulations 1982* and the conditions of their employment.

### Visitors, contractors and service providers who refuse to comply with the COPP or Smoking Cessation Support Strategy are to be directed to leave the site and measures taken in line with persons bringing prohibited items into a prison and [COPP 7.4 - Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# Smoke-Free Phase

### Superintendents shall ensure that all staff, prisoners, visitors, contractors and service providers are aware of the date their prison will become smoke-free and the prison Smoking Cessation Support Strategy detailing procedures to ensure compliance.

### Superintendents shall have in place a Smoking Cessation Support Strategy for their prison in line with section 4.1.2 and section 7.

### Superintendents shall have in place a smoke-free prison communication strategy including signage and notices informing staff, visitors and any contracted services of the date their prison becomes smoke-free, inclusive of any penalties for non-compliance.

### Staff shall be made aware that they and any other persons are not permitted to smoke in the prison or anywhere on gazetted prison grounds.

### This COPP extends beyond the gazetted grounds and includes when staff and prisoners are participating in external activities as per [COPP 8.7 - External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and Authorised Absences as per [COPP 14.5 - Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Reception Procedure

### When a prisoner is received into custody as a new intake at a smoke-free prison, all tobacco products in their possession will be confiscated and disposed of in accordance with [COPP 2.1 - Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 3.1 - Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Prisoners are to be informed of the Departments smoke-free prisons plan and support services available to assist them to quit smoking as part of their orientation process.

## Non-compliance

### Disciplinary measures for prisoners shall be in accordance with the *Prisons Act 1981*, *Prisons Regulations 1982* and related COPPs and Standing Orders.

### Superintendents shall implement a system of reward in the Smoking Cessation Support Strategy designed to encourage and enforce smoking cessation.

# Tobacco Products in Vehicles

## Tobacco products in private vehicles

### Tobacco products legally purchased by staff and visitors for personal use are to be secured in the person’s private vehicle in the first instance or in personal lockers or a gate house locker when on gazetted grounds of a prison. This includes contractors providing a service (i.e. maintenance) and where possible should leave their vehicles outside of the prison.

### Any tobacco product found on any portion of gazetted prison grounds, with the exception of section 6.1.1, not in the possession of a person, will be disposed of by prison staff.

### Any tobacco products being used outside of the prison but on gazetted prison grounds, shall be confiscated and disposed of by prison staff and where appropriate the person may be subject to the relevant disciplinary process.

## Tobacco products in business vehicles

### Contractors and service providers must be advised that tobacco products must not enter the prison and must be secured in sallyport or gatehouse lockers. Where possible, this should be communicated by the prison prior to the contractor attending the site.

### Departmental staff shall not carry or smoke tobacco products in a government vehicle.

### Vehicles used for the transport of Persons in Custody as part of the Court Security & Custodial Services contract will be required to declare any tobacco products which will be secured into sallyport lockers and collected upon departing the prison.

# Smoking Cessation Support Strategy

### Superintendents shall develop a Smoking Cessation Support Strategy compliant with this COPP as operationally required.

### The Smoking Cessation Support Strategy at a minimum shall include procedures for:

Prisoner access to tobacco products

Staff management and access to support

Tobacco product storage and disposal

Reward and disciplinary procedures

Health Education and Support Strategy

Management and use of records created in the prison relating to this COPP, Nicotine Replacement Therapy, including prisoner-specific records related to smoking.

# Annexures

## Related COPPs and documents

## COPPs

[COPP 2.1 - Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 2.2 - Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 3.1 - Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 6.1 - Prisoner Access to Health Care](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 7.1 - Prisoner Communication](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 7.4 - Visitor Restrictions and Bans](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 8.7 - External Activities](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 10.5 - Prison Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 13.1 - Incident Notifications, Reporting and Communications](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

[COPP 14.5 - Authorised Absences and Absence Permits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

## Documents

Office of the Inspector of Custodial Services – [‘Smoking in Western Australian Prisons’](https://www.oics.wa.gov.au/reports/smoking-in-western-australian-prisons/?doing_wp_cron=1665643342.7435119152069091796875)

## Definitions and acronyms

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| Term | Definition  |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff on how the relevant legislative requirements are implemented. |
| Contraband | Any unauthorised item. |
| Gazetted Grounds | The land including the prison and its surrounding boundaries, as published in the Western Australian Government Gazette. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Illegal or Prohibited Item | Any item which is contrary to law or forbidden by an authority. |
| Property | Includes real and personal property and everything, animate or inanimate, capable of being the subject of ownership per s 1 *Criminal Code Act Compilation Act 1913.* |
| Superintendent | The Superintendent as defined in s 36 *Prisons Act 1981* includes any reference to the position responsible for the management of a private prison under Part IIIA *Prisons Act 1981.* |
| Valuable Property (VP) | Personal items of value (not including electrical items), including jewellery, watches, financial transaction cards and small items considered to be of value to the prisoner as listed under the TOMS Valuable Property heading. |
| Tobacco Products  | The definition of Tobacco Products is broad, and includes:* tobacco in a form prepared for human consumption or use
* a cigarette or cigar or any other product which is designed for human consumption or use and the main or a substantial ingredient is tobacco
* a product prepared for smoking that contains a herb or other plant matter, whether or not the product also contains tobacco, such as shisha and molasses tobacco products.

Reference:<https://www.scgh.health.wa.gov.au/~/media/Corp/Documents/Health-for/Tobacco/Guide-for-Selling-Tobacco-Products.pdf> |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Justice to record and manage comprehensive information relating to prisoners. |

## Related legislation

* *Criminal Code Act Compilation Act 1913*
* *Prisons Act 1981*
* *Prisons Regulations 1982*

# Assurance

It is expected that:

1. Prisons will undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
2. The relevant Deputy Commissioner within Head Office will undertake management oversight as required.
3. Operational Compliance will undertake checks in accordance with the [Operational Compliance Framework.](https://justus/intranet/department/standards/Pages/monitoring.aspx)

Independent oversight will be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Commissioner | 3 November 2022 | 4 November 2022 |
| 2.0 | Operational Policy  | Approved by the Deputy Commissioner Operational Support | 16 February 2024 | 22 February 2024 |