

Custody Smoking Policy - with effect from (2nd April 2007)

7.21 Smoking

Dyfed Powys Police operates a no smoking policy in all its premises and vehicles in order to provide a smoke free environment for all staff and visitors.

- 7.21.1 In order to protect employees from the effects of inhaling noxious substances, smoking is not permitted, by legislation in any enclosed work spaces which includes anywhere in the custody suite. This legislation is enforceable by fines and covers all cells and interview rooms.
- 7.21.2 In order to fully protect the rights of employees not to inhale noxious substances there will be a total ban on smoking in the whole of the custody suite including the exercise yard.
- 7.21.3 All detainees will be asked as part of the custody risk assessment if they are dependant upon any substance such as nicotine.
- 7.21.4 Where a detainee is reducing nicotine addiction through the use of nicotine replacement patches, subject to a risk assessment, they will be permitted to continue to wear such a patch without referral to a healthcare practitioner.
- 7.21.5 A detainee who is reducing nicotine addition through the use of an inhaler will not be permitted to retain or use that inhaler while in custody as such items can be broken and/or used as weapons.
- 7.21.6 A detainee who is reducing nicotine addiction through the use of nicotine replacement gum will have the gum placed in their personal property and only allowed access to it in accordance with 7.21.10 and 7.21.11 below.
- 7.21.7 Medical research shows that the vast majority of smokers can refrain from smoking for long periods without any adverse effect. Heavy smokers (daily

consumption of 25 or more cigarettes) can abstain for 4 hours without any adverse effect. Accordingly the time that a detainee last had a cigarette should be recorded on the risk assessment.

- 7.21.8 A detainee who is dependent upon nicotine must be monitored to ensure that evidence obtained through interview cannot be challenged by allegations that admissions were made due to the effects of enforced and prolonged nicotine withdrawal.
- 7.21.9 Detainees will not be offered cigarettes or other tobacco products **at any time** whilst in custody. Such offers may be viewed as an inducement.
- 7.21.10 If a detainee exhibits symptoms of nicotine withdrawal, (change in demeanour, increased anxiety, decreased cognitive performance, mood swings, disorientation or depressive symptoms), then a healthcare practitioner must be consulted. (Telephone advice will usually be sufficient).
- 7.21.11 The healthcare practitioner may authorise the provision of nicotine chewing gum to persons suspected of suffering from nicotine withdrawal. The Healthcare practitioner may authorise repeat provision of the nicotine gum in the same way as any other drug administered in the custody suite.
- 7.21.12 Detainees in possession of nicotine replacement gum at the time detention was authorised may be allowed access to that gum. Nicotine replacement chewing gum will be available in the medical cabinet at each custody suite.
- 7.21.13 Nicotine patches will only be appropriate where a detainee is already on a course of treatment and it is anticipated that they will be in police custody for several days.
- 7.21.14 Subject to a risk assessment detainees given nicotine replacement gum may be allowed to self-administer and chew it in their cell, or under supervision.

- 7.21.15 Detainees who are identified as 'high risk' will be supervised while chewing nicotine gum.
- 7.21.16 Where an healthcare practitioner declines to authorise the provision of nicotine replacement to a detainee the full circumstances must be recorded on the detainee's custody record or medical record. Custody staff must seek detailed advice from the Healthcare practitioner and ensure that this is fully recorded and followed.
- 7.21.17 A detainee who has been given nicotine replacement gum should not be interviewed for at least fifteen minutes after the provision of the nicotine replacement gum. This will allow the nicotine to be absorbed and take effect.
- 7.21.18 Nicotine replacement methods can cause stomach upsets. If a detainee complains of any such symptoms a Healthcare practitioner should be consulted.
- 7.21.19 Where defacement of a cell is caused by misuse of gum or by any other means, the detainee should be arrested on suspicion of criminal damage and the gum removed from their possession.
- 7.21.20 Any deviation from this policy, by the healthcare practitioners or custody staff must be legal, reasonable, proportionate and necessary. The Custody Officer must report **all** such instances to the Chief Inspector Head of Custody Services, Administration of Justice Department who will keep the policy under active review.

