

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE March 20, 2006	NUMBER 911
SUBJECT Tobacco Use		
REVISED		
REFERENCE SCLEA 9.1.3	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 4

A. Purpose

To establish a policy governing the use of *smoking* and *smokeless* tobacco by members of the City of Anderson Police Department.

B. Policy

The members of the City of Anderson Police Department are to project the highest standards of professionalism when dealing with the public in an official and/or unofficial capacity. The City of Anderson Police Department will follow all local, state and federal laws and guidelines with respect to the performance of all professional duties as well as the personal conduct of members.

Members of the department include all sworn police officers, reserve police officers, and all other part-time and full-time staff, both sworn and un-sworn, who are under the direction or supervision of the City of Anderson Police Chief or the Chief's designee.

For the purposes of this policy, all members are considered to be on-duty whenever they are performing any police function or otherwise representing themselves as a police officer, or acting as an employee of the City of Anderson. This includes members who are employed in secondary extra-duty work and those members who may be off work but on their way to or from work in uniform.

C. Rules & Regulations

I. Statutes:

- a. The following is copied from the city code:

Sec. 2-8. Smoking in city-owned buildings and vehicles.

The possession of lighted smoking materials is prohibited in all city-owned buildings and vehicles except in outside designated smoking areas.
(Ord. No. 94-14, 1-9-94)

Sec. 62-17. Spitting.

It shall be unlawful for any person to spit upon any sidewalk on any street, lane, alley, park, square or other public place or upon the floor, wall or seat of any room, hall, office or other part of any hotel, boardinghouse or lodging place which is used in common by the guests or inmates thereof or upon the floor, wall or any other part of any store, factory, theatre, church or other building or room which is used in common by the public or upon the floor, platform, walls or seats or any portion of any omnibus, public vehicle, railway car or other conveyance or upon a freight depot or passenger station or any platform or steps thereof. (Code 1970, § 15-10)

- b. The following is copied from the state code:

Section 16-11-700. Littering

Dumping litter on private or public property prohibited; exceptions; responsibility for removal; penalties...

(A) A person, from a vehicle or otherwise, may not dump, throw, drop, deposit, discard, or otherwise dispose of litter or other solid waste, as defined by Section 44-96-40(46), upon public or private property or waters in the State including, but not limited to, a highway, park, beach, campground, forest land, recreational area, trailer park, road, street, or alley except: (Note: Underline added.)

(1) on property designated by the State for the disposal of litter and other solid waste and the person is authorized to use the property for that purpose; or

(2) into a litter receptacle in a manner that the litter is prevented from being carried away or deposited by the elements upon a part of the private or public property or waters.

(G) For purposes of the offenses established by this section, litter includes cigarettes and cigarette filters.

(Note: The Parts of this statute that do not pertain to this general order were deleted.)

2. To comply with the city code, smoking tobacco shall not be used anywhere on city property except in designated smoking areas outside of the building(s). **Smoking is illegal in city buildings and city vehicles.**
 - a. There will be no smoking in public by on-duty members of the City of Anderson Police Department or members who may be off-duty but who are representing the City of Anderson Police Department, formally or informally. This includes traveling to and from work in uniform or while representing the City of Anderson Police Department to the public in plain clothes.
 - (1) Exception: Members who are traveling to and/or from work in their personal vehicle may smoke in uniform while inside their personally-owned-vehicle (POV).
 - b. The smoking area for on-duty members of the City of Anderson Police Department is the outside patio area adjacent to the vending area. Specifically, this area is the brick floor surrounded on three (3) sides by the walls of the City of Anderson Police Department and on the fourth side by a small brick wall approximately two feet tall. All smoking by members of the City of Anderson Police Department is restricted to this area.
 - (1) All members are considered to be on-duty whenever they are performing any police function or otherwise representing themselves as a police officer, or acting as an employee of the City of Anderson. This includes members who are employed in secondary extra-duty work and those members who may be off work but on their way to or from work in uniform.
 - (a) Exception: Members who are traveling to and/or from work in their personal vehicle may smoke in uniform while inside their personally-owned-vehicle (POV).
3. Members of the City of Anderson Police Department will not be allowed to smoke in public while on-duty and/or whenever they are performing any police function or otherwise representing themselves as a police officer, or acting as an employee of the City of Anderson. This includes members who are employed in secondary extra-duty work and those members who may be off work but on their way to or from work in

uniform, unless they are inside their personally-owned-vehicles (POVs) while enroute to and/or from work.

- a. Unlighted pipes, cigarettes, cigars or other implements of smoking are not to be used as “pacifiers” or otherwise placed into a member’s mouth to mimic the process of smoking without the use of smoke except in the designated smoking area.
4. Saliva is considered a hazardous body fluid, therefore spitting is a biohazard. **No chewing tobacco is to be used by any member of the City of Anderson Police Department while on duty anywhere or anytime** or while representing the City of Anderson Police Department. No chewing tobacco is to be used at any time in a city vehicle whether on or off duty or while traveling out of town.
5. In order to comply with the state littering law, all smoking materials and the refuse thereof must be disposed of properly by placing the refuse smoking materials into a refuse collection container that is specifically designed to contain cigarette butts and/or like materials. An example of such a container would be an ash tray. Members of the City of Anderson Police Department will be held responsible for any littering and/or fire resulting from the improper disposal of smoking materials. In addition, “flicking” cigarettes, cigarettes filters or cigarette refuse or any other smoking materials onto any grounds, including streets and sidewalks, constitutes littering.
6. In this general order “smoking” and “smoking materials” refers to all products used for smoking including but not limited to cigarettes, cigars, pipes, etc.

By order of:


Martin D. Brown, Chief of Police

4-6-2006
Date