

RHODE ISLAND DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE

	POLICY NUMBER: 26.01-3 DOC	EFFECTIVE DATE: 05/26/08	PAGE 1 OF 12
	SUPERCEDES: 26.01-2 DOC	DIRECTOR: Please use BLUE ink. 	
SECTION: RELIGIOUS PROGRAMS		SUBJECT: RELIGIOUS PROGRAMS AND SERVICES	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director;			
REFERENCES: Standards of the ACA (Section F., Religious Programs) # 4454 through 4463; RIDOC Policy #'s 4.03-1 DOC, Orientation and Entrance Level Training for Non-Correctional Officer Employee; 7.05-1 DOC, Accountability and Procedures for the Utilization of Community Agencies, Volunteers, Interns, and/or Employees of Outside Public or Private Organizations; 24.01-5 DOC, Inmate Mail; 24.03-2 DOC, Visits; Religious Land Use and Institutionalized Persons Act, 42 U.S.C. s. 2000 cc; ; <u>Turner v. Safley</u> , 482 US 78 (1987)			
INMATE / PUBLIC ACCESS?		X YES	
AVAILABLE IN SPANISH?		X YES	

I. PURPOSE:

To establish Departmental guidelines regarding religious services and programs within the facilities of the Rhode Island Department of Corrections (RIDOC) and provide a procedure for the supervision, under the direction of an institutional chaplain, of an inmate who wishes to deliver a sermon during a religious service.

II. POLICY:

All inmates have the right to the free exercise of their religious beliefs and the liberty of worship according to the dictates of their consciences. However, the exercise of this right may be restricted for **legitimate** security reasons. Inmates are not denied personal contact with accredited representatives of their respective faiths nor are they denied the opportunity to deliver a sermon during a religious service after first obtaining permission from the institutional chaplain. An inmate may, at any reasonable time, make a request to have personal contact with a clergy representative of his/her faith. No inmate will be required or expected to attend any religious programs or services, or to adhere to any religious belief. An inmate may request a diet based on religious requirements.

III. PROCEDURES:

A. Definitions

1. Accredited Representative - Clergy (defined in III.A.5. below) authorized by the central or local governing body of a religious organization to represent that organization in performing religious programs and services.
2. Approved Visiting Area - Area so designated by the Warden or his/her designee where inmates and their visitors may conduct visits.
3. Assistant Director/Rehabilitative Services - Assistant Director for programs and treatment, RIDOC.
4. Clergy - An ordained or lay person officially authorized to perform pastoral or sacramental functions in a religious organization.
5. Director - Director of Rhode Island Department of Corrections.
6. Community Religious Volunteer - Any individual from the community, approved by the Assistant Director of Rehabilitative Services, who assists an institutional chaplain on a voluntary basis in the provision of religious programs or services in designated areas.
7. Department - Rhode Island Department of Corrections.
8. Institutional or Volunteer Chaplains - Clergy (defined in III.A.5., above) who are contract employees of the Department of Corrections and who provide,

facilitate and manage religious programs, services, and pastoral care to the inmates, staff, and families.

9. Ordain - To invest officially with ministerial or priestly authority which serves to provide religious services or education.
10. Religious Program - A program which is religious in nature and which serves to provide religious education, practice, or expression.
11. Religious Service - Meeting which is religious in nature and provides an opportunity for worship, fellowship, or congregational participation.
12. Shift Commander - The officer who has overall responsibility for the security of the institution and the care and supervision of all inmates and custodial staff during a given tour of duty.
13. Special Visit - Any type of inmate visit which requires express authorization from the Warden or designee.
14. Special Visiting Area - Any areas of the institution not usually used for visiting purposes which may be used for a particular inmate visit with the express authorization of the Warden or designee.
15. Warden - Chief administrative officer of a correctional institution.
16. Visiting Clergy - Clergy (defined in III.A.5.) of a religious organization who is granted access to the institution, after consultation with the Assistant Director of Rehabilitative Services, and with approval of the Warden or designee, for a specified period of time and for the purpose of providing a service which is religious in nature.
17. Clergy-of-Record - Clergy person designated by the inmate and approved by the Assistant Director of Rehabilitative Services. The Office of Rehabilitative Services verifies that said clergy person is an official representative of a religious organization as defined by the Federal Government's classification in the Internal Revenue Services' rules.

B. Inmate Access to Religious Programs and Services

1. Space

All religious organizations have equal access to the physical space, equipment and services which the institution normally provides for religious purposes.

2. Security

No portion of this document will be interpreted or implemented in such a way so as to threaten the security, safety, or well-being of the institution, its visitors, inmates, or staff.

3. Limitation of Access

The Warden or designee may limit religious programs, practices, or services if such would threaten the security, safety, or well-being of the institution, its visitors, inmates, or staff, and where there are specific facts to substantiate the threat. Wardens with legal questions regarding the limitations of religious programs, practices, or services should contact the Department's Office of Legal Counsel. Documentation of all limitations of religious programs, practices, and services is forwarded by the Warden or designee, via Departmental memo, to the Assistant Director of Rehabilitative Services.

4. Cancellation of Programs and Services

The Warden or designee has the right, without notice, to cancel, postpone, restrict, or limit an inmate's participation in any religious program, practice, or service. This authority is exercised only if the religious activity, or the inmate's participation in the activity, might threaten the security, safety, or well-being of the institution, its visitors, inmates, or staff. Documentation of all cancellations, postponements, and/or restrictions is forwarded by the Shift Commander to the Warden or designee. The Warden or designee notifies the institutional chaplain of cancellations, postponements, restrictions and/or schedule changes in writing, including an explanation for each cancellation or change and forwards a copy to the Professional Services Coordinator.

C. Supervision of Inmate Religious Programs and Services

1. It is the responsibility of the Assistant Director of Rehabilitative Services to coordinate and supervise all religious programs.

All institutional chaplains responsible for any of the religious services and/or programs report to the Assistant Director of Rehabilitative Services or designee.

2. Inmate services and religious programs are scheduled, supervised, and directed by institutional chaplains in coordination with facility staff.
3. The services of an institutional chaplain are made available upon request at all institutions in accordance with this policy.
4. —The institutional chaplains or designees are responsible for:
 - a. Scheduling, developing, coordinating, and implementing inmate religious programs and services provided by themselves or volunteers representing various religious faiths.
 - b. Establishing schedules, calendars, postings, or other methods of informing inmates and staff of existing and planned religious programs and services. Programs are planned in conjunction with the Assistant Director of Rehabilitative Services or designee.
 - c. Providing supervision of all religious programs, including but not limited to:
 - (1) Recruiting, screening, and orienting prospective volunteers for religious programs and services;
 - (2) Submitting the names of approved volunteers to the Internship/Volunteer Coordinator (Correctional Systems) to attend New Employee Orientation (NEO) at the Training Academy (see 1.05-1 DOC, Accountability and Procedures for the Utilization of Community Agencies; Employees of Outside Organizations; and/or Volunteers and 4.03-1 DOC, Orientation and Entrance Level Training for Non-Correctional Officer Employees, or successive policies);
 - (3) Utilizing community religious volunteers.
 - d. Providing supervision to an inmate to whom the institutional chaplain has granted permission to deliver a sermon during a religious service. The institutional chaplain insures that:

- (1) The chaplain personally conducts the religious service;
- (2) The inmate delivering the sermon is allowed to attend religious services;
- (3) The inmate's religious affiliation is the same as that of the service during which he/she delivers the sermon and this affiliation is documented in INFACIS;
- (4) The inmate is knowledgeable about the subject of his/her sermon;
- (5) The inmate's sermon does not encourage racism, hatred, divisiveness, violence or threats to security;
- (6) A correctional officer is present when a Security Risk Group (SRG) Level I or II inmate delivers a sermon;
- (7) Inmates who wish to participate in the delivery of a sermon or other oration during a religious service have an equal opportunity to do so;
- (8) No one inmate is allowed to monopolize the sermon on a weekly basis; and
- (9) The name of the inmate who will be delivering the sermon is not posted on bulletin boards or advertised/broadcast in any way prior to the religious service.

Inmates who are allowed to deliver sermons are NOT considered or recognized as institutional chaplains or clergy. Staff may observe inmate sermons.

- e. Providing pastoral counseling and guidance to the inmate population and their families while they are in the institution and as they transition into the community.
- f. Providing religious services, programs, and activities in designated chapels to inmates who have access to those areas, and individualized services, programs and activities to inmates in segregated areas.

- g. Informing correctional staff of information regarding religious activities or practices that poses a risk or potential risk to the security and good order of the institution and/or risk of self injury or injury to others as said chaplains or designees become aware of this information.
- h. Working with the staff of the Assistant Director of Rehabilitative Services' office to develop resources and to provide advice on the expansion of religious programs.

D. Range of Religious Programs and Services

1. Each facility makes reasonable efforts to establish and maintain religious activities and services for all inmates who are affiliated or wish to become affiliated with religious organizations. (See definitions section, III.A.1.)
2. Clergy Services
The Warden or designee and the institutional chaplains make reasonable efforts to ensure that an accredited representative (see definitions section III.A.2.) of an inmate's religious faith is available to provide formal or informal services to inmates who so request wherever they are confined within the institution.
3. Religious Organizations
Religious organizations include, but are not necessarily limited to: Catholic, Protestant, Jewish, and Muslim faiths. An inmate who is affiliated with and wishes to participate in a religious organization not currently functioning at an institution should inform the Assistant Director of Rehabilitative Services or designee. The Assistant Director, in consultation with the institutional chaplains and other appropriate staff, makes reasonable efforts to arrange for the requested services.
4. Faith-Specific Religious Meetings
 - a. Representatives of religious organizations may request to conduct religious meetings by submitting a written proposal to the Professional Services Coordinator.
 - (1) The proposal must consist of a detailed description of the proposed meeting specifying the proposed date, time, facility, participants, including inmates, etc.

- (2) If the Professional Services Coordinator approves the proposal, all individuals participating in the meeting are subject to a security clearance (i.e., Bureau of Criminal Investigation [BCI] and National Criminal Information Center [NCIC]) and must complete the RIDOC Chaplaincy Volunteer Orientation Programs (see policy #1.05 DOC, Accountability and Procedures for Utilization of Community Agencies; Employees of Outside Organizations; and/or Volunteers, or successive policy).
 - b. The institutional chaplains are responsible for developing, maintaining (on a monthly basis) and issuing, through the Professional Services Coordinator, the schedule of religious services throughout the facilities and a roster of individuals authorized to conduct those services.
5. Religious Activities
Each religious organization is encouraged to plan its own activities using the appropriate community and institutional resources. Religious activities include, but are not necessarily limited to: worship services, religious instruction, reading and study, religious discussion groups, and pastoral counseling.
6. Dietary Requirements
Requests for dietary accommodations based on religion should be initiated by interested inmates and submitted to the Assistant Director of Rehabilitative Services' office.

Where accommodations based on religion or religious holidays specify particular dietary requirements (e.g., Lent, Passover, Month of Ramadan), the Associate Director -- Food Services, in consultation with the appropriate institutional chaplain, makes special arrangements so that inmates are able to adhere to their religious beliefs, providing these special arrangements are not disruptive to the safety and security of the facility.
7. Space for Services
Religious organizations are provided a place for services. Based on security needs, the size of groups at services may be restricted if a determination is made of such a need by the Warden or designee.

8. Scheduling

To keep inmates and staff informed of religious program opportunities, institutional chaplains post religious program and service schedules in appropriate housing units. Institutional chaplains schedule religious programs and services in conjunction with the Wardens or designees.

9. Special Services

Special services such as Christmas, Easter, Ramadan and other religious holidays are scheduled with the approval of the Warden or designee. Schedules must be available to the Assistant Director of Rehabilitative Services and Assistant Director of Institutions and Operations at least two (2) weeks prior to the service.

10. Religious Publications

Inmates may have access to religious publications subject to institutional rules for access to publications in general. See, Inmate Mail policy #24.01-5 DOC, or successive policy.

E. Access to Accredited Clergy

Clergy are allowed access to the correctional facilities under the conditions set forth in the visitor policy pertaining to professional visits (policy # 24.03-2 DOC, Visits, or successive policy).

1. Normal and Special Visits

Clergy-of-Record visits may occur daily between 8:30 AM and 8:30 PM. However, under extenuating circumstances, special visits with clergy may be permitted for any reasonable purpose with the authorization of the Warden or designee.

2. One-Time Clergy Visits

- a. Clergy interested in a one-time visit must contact the Office of Rehabilitative Services. This Office gathers all necessary information to conduct BCI and NCIC background checks (i.e., name, date of birth). The Office of Rehabilitative Services keeps a record of all one-time visit requests in order to monitor and verify visits by outside clergy. The appropriate institutional chaplain reviews the names and denominations of all clergy asking for a one-time visit.

- b. The information necessary to conduct BCI and NCIC background checks is sent directly to the facility manager at the facility the clergy wishes to visit.
- c. The facility manager or designee at the location where the visit will take place conducts BCI and NCIC background checks.
- d. If no criminal record is found, the facility manager or designee notifies the Office of Rehabilitative Services who contacts the clergy with permission to visit. Visits may occur during normal business hours, not during an inmate's regular visiting hours. If a criminal record is found, the Office of Rehabilitative Services is notified for appropriate action.
- e. One-time visits are restricted to one visit per inmate. If a clergy person wants to make multiple visits, he/she must have the inmate request clergy-of-record status or be placed on the inmate's visiting list if the inmate already has a designated clergy-of-record.

3. Special Visiting Areas

Clergy visits are normally held in approved visiting areas. However, if these areas do not provide the degree of privacy which the clergy person deems appropriate for the purpose of the visit, the clergy person may request a special visiting area be provided. The Warden of the facility or designee may identify any area of the institution as a special visiting area for clergy visits.

4. Total Institution Access

Clergy members are expected to remain within approved visiting areas whenever they are visiting inmates. However, institutional clergy members with blue badges are permitted access to all other areas of the institution used by the inmates (including living quarters and work areas), for any reasonable purpose.

F. Community Participation in Inmate Religious Activities

1. General

The Department of Corrections actively encourages clergy and other members of religious organizations to become involved in inmate religious activities, subject to reasonable security precautions.

2. Special Events

Any special events involving one-time visits for the purposes of choir or observance of religious holidays are coordinated through the Assistant Director of Rehabilitative Services or designee in conjunction with the Warden or designee. All requests are to be made at least four (4) weeks prior to the event through the Assistant Director's office.

G. Access of Religious Volunteers

1. Volunteers

Individuals who wish to become community religious volunteers contact the Assistant Director of Rehabilitative Services or designee and request volunteer status within the Chaplaincy Program. Prospective community religious volunteers must submit a letter requesting volunteer status, a letter of religious organizational support, and personal references. Prospective volunteers are interviewed by the institutional chaplaincy staff and, upon recommendation, are required to complete the RIDOC Chaplaincy Volunteer Orientation Program. All religious volunteers are subjected to background checks conducted by the Assistant Director of Institutions and Operations or designee. If a volunteer is on an inmate's visiting list, s/he is not permitted to volunteer in the facility in which the inmate resides. (See policy 7.01-1 DOC, Accountability and Procedures for the Utilization of Community Agencies, Volunteers, Interns and/or Employees of Outside Public or Private Organizations, or a successive policy.)

2. Limited Access

When a community religious volunteer provides services in conjunction with a religious program (e.g., Bible study, Islamic study), or other activity, his/her access is limited to the needs of the religious program or activity.

H. Access of Clergy-of-Record

1. Clergy-of-Record

If an inmate wishes to have a particular clergy person designated as his/her clergy-of-record, the inmate must request such designation through the Assistant Director of Rehabilitative Services via a letter. Upon receipt, the Assistant Director of Rehabilitative Services' office forwards the information to the Assistant Director of Institutions and Operations office which conducts BCI and NCIC background checks and refers the name of the clergy person to the Institutional Chaplain's Office for verification as a representative of his/her religious organization.

At the point when the verification is completed, the individual is authorized to serve as the clergy-of-record and is allowed to visit daily between 8:30 AM and 8:30 PM. The clergy-of-record is added to the visiting list as a separate visit and does not displace family or other professional visits indicated on the inmate's visiting list. The clergy-of-record is permitted to be on more than one inmate's visiting list, but must visit inmates individually.

2. In cases where clergy are meeting in the approved visiting area on a pastoral visit, the regular visiting procedures are followed.