



## **RELIGIOUS EXERCISE**

### **POLICY.**

The Deschutes County Adult Jail (DCAJ) and Work Center (WC) will provide reasonable access and accommodations for inmates to exercise their religious beliefs. Inmates must practice their religion in a way that that does not conflict with safety and security needs of the facilities, cause harm to any person, work toward a purpose that is in conflict with DCAJ and WC goals or mission, or burden the resources of the Corrections Division.

### **PURPOSE.**

The purpose of the policy is to protect the free exercise of religion guaranteed by the law. However, lawful incarceration and rehabilitation objectives make it necessary to place reasonable limitations on right and privileges.

### **OREGON JAIL STANDARDS:**

- I-501 Opportunity to Exercise of Religion
- I-502 Regulating Inmate Access
- I-503 Religious Diets
- I-504 Hair Length and Grooming

### **REFERENCES:**

- United States Constitution, First Amendment (religious freedom)
- Oregon Constitution Article I Section 2 & 3 (42 USC 2000)
- Religious Land Use and Institutionalized Persons Act of 2000
- ORS 169.076 (13), Standards for Local Correctional Facilities
- Department of Justice, Federal Bureau of Prisons, Technical References Manual T5360.01, *Inmate Religious Beliefs and Practices*
- Oregon Department of Corrections, *Handbook of Religious Beliefs and Practices*
- Oregon Department of Corrections, *Manual for Religious Diets*

### **DEFINITIONS.**

**Clergy.** A duly ordained and recognized representative of a legitimate religious practice, whom the Corrections Captain has verified following an examination of his credentials or other pertinent information. If any questions arise, the Corrections Captain will consult with Sheriff Legal Counsel or contact religious leaders.

**Indirect Supervision.** The visual monitoring of inmates by an indirect manner.

**Religious Activity.** Any rite, ceremony, event, or program that is commonly associated with the practices of a religion. It includes, but is not limited to, gatherings of adherents of a religion for purposes of worship, prayer, teaching, or sharing.

**Religious Volunteer Coordinator (RVC).** A person who volunteers their own time to provide approved religious inmate services and programs. The RVC provides assistance to the DCAJ or the WC with the management of religious volunteers and other religious functions. The RVC serves at the pleasure of the Sheriff.

**Religious Volunteers.** A person who volunteers their own time to provide approved religious services and programs to inmates. Religious volunteers are approved by corrections command and serve at the pleasure of the Sheriff's Office.

## PROCEDURES.

### *SECTION A: GENERAL GUIDELINES*

- A-1. Opportunity to Exercise Religion.** Inmates are provided the opportunity to exercise religion, subject to the limitations imposed by their incarceration. Any policy or regulation that restricts an inmate's exercise of religion must be based on a compelling governmental interest and be the least restrictive means of furthering that interest.
- A-2. Religious Impartiality.** Staff will remain impartial when making decisions related to access and accommodation for an inmate's ability to practice his religion. Staff will not discriminate against or give preference to any individual or group because of a particular religious belief or practice nor allow others to do so. Staff will not attempt to influence an inmate to change a religious preference or faith.
- A-3. Regulations and/or Denial of Religious Access.** In order to provide the safety and security of the facility, staff or inmates, classification or other legitimate penological interest inmates may be denied access to congregate services available to the general inmate population.
- a. Justifications for denying access to congregate services available to the general inmate population include, but are not limited to the following:
    - 1) Inmates in disciplinary isolation;
    - 2) Inmates in administrative segregation (high risk or Classification Level 8);
    - 3) Situations where jail security is threatened;
    - 4) Implementing classification requirements; and
    - 5) Inmates who have a history of disruptive activity.
  - b. Inmates classified as high-risk, per DCAJ Policy [CD-6-4, Inmate Classification](#), may only attend one-on-one religious activities, limited to the attorney visitation rooms or visiting area, and only upon approval of a lieutenant.

- c. Activities for inmates in segregation will be by request and with strict adherence to safety and security practices limited by such things as location, length and type of activity, and inmate classification. Inmates serving a disciplinary segregation sanction may not attend group religious activities inside or outside the housing unit.
- d. Any deputy who determines an inmate may meet the above guidelines will submit written documentation to the shift supervisor. The shift supervisor will review the information and make a determination if the inmate should be denied access to congregate services. The supervisor should allow the inmate to receive religious materials, unless, there is a compelling interest to prohibit those religious materials based on safety, security, or rehabilitative or other penological needs.

**A-4. Religious Activities Approval.** The Corrections Captain may confer with the Volunteer Religious Coordinator or Sheriff Legal Counsel to determine if religious activities acceptable for presentation in the jail environment and before they may be accessible to inmates. Prohibited activities include those that cause inmates to become hysterical or ill, or are dangerously disruptive to the inmate population.

***SECTION B. CLERGY and FAITH REPRESENTATIVE ACCESS***

- B-1. Access to Faith Representatives.** Staff will allow a recognized representative of any faith to be available to an inmate. The staff will permit the inmate to have a contact with a properly credentialed representative of the faith through visits, telephone or correspondence.
- B-2. Clergy Visit.** An inmate must make a request to visit with clergy. Without a request from the inmate, a clergy member may not visit an inmate. Clergy may visit with an inmate through Social Visiting; or a special arranged visit through a lieutenant. Clergy will visit inmates in a non-contact area either in an attorney room or the visitation area.
- B-3. Volunteer Modification or Restrictions.** The Volunteer Religious Coordinator and religious volunteers shall not have contact with inmates who are also friends and/or family members. In order to maintain the safety and security of all parties and the facilities, modified or restricted criteria will be developed by an assigned lieutenant and approved by the Corrections Captain. The volunteer must inform the Volunteer Coordinator and a corrections supervisor that a family member or friend is in the DCAJ or the WC. The volunteer coordinator must notify a corrections supervisor that a family member or friend of a volunteer is in the DCAJ or the WC. Clear expectations regarding access to the inmate will be determined and followed until the inmate is released. Any religious volunteer coordinator or religious volunteer charged or convicted of a felony may be denied access to the facilities.

**SECTION C. RELIGIOUS VOLUNTEERS PROCESS and ACCESS**

- C-1. Religious Volunteer Coordinator.** The Sheriff will approve a Religious Volunteer Coordinator (RVC) who will assist with the religious volunteer recruitment and the inmate religious program functions. The RVC will assist the training, compliance of rules and monitoring of the volunteers and review and oversee the program and service materials used by the volunteers. The coordinator will ensure religious volunteers are present in order to facilitate group services. If volunteers are not present, the services will be cancelled. The RVC will make contact with the jail with this information prior to the service. The RVC will remain impartial when making decisions related to access and accommodation for an inmate's ability to practice his religion. RVC will not discriminate against or give preference to any individual or group because of a particular religious belief or practice nor allow others to do so. The RVC will not attempt to influence an inmate to change a religious preference or faith.
- C-2. Religious Volunteers.** Religious volunteers may provide approved religious programs and services for inmates. Volunteers will receive initial and on-going training. Corrections deputies will supervise religious volunteers in the area where activities are occurring through indirect supervision.
- C-3. Application Process for Religious Volunteers.** All volunteer religious volunteers will apply to become a religious volunteer for the DCAJ or WC. The process includes completion of the application, interview process, criminal history check, orientation and training. After successful completion of the application process, a lieutenant will approve or deny the volunteer. If the volunteer is denied, a lieutenant or the administrative supervisor will inform the applicant of decision. Approved volunteers will be scheduled to attend required training programs i.e. Prison Fellowship and DCAJ training.
- C-4. Religious Volunteer Training and Agreements.** Volunteers must complete the required training and sign required Agreements, prior to access to the DCAJ or WC.
- a. Religious Volunteer Training should include, but not limited to:
- 1) Prison Fellowship Training Completion (Coordinator provides)
  - 2) DCAJ Policy [\*CD-2-11 Volunteers\*](#)
  - 3) DCAJ Policy [\*CD-11-7 Religious Exercise\*](#)
  - 4) DCAJ Rules and Regulations including Sexual Harassment and PREA
  - 5) County Rules and Regulations
- b. Religious Volunteer Agreements. After completion of required training, volunteers must sign the following agreements:
- 1) DCAJ Volunteer Packet Form No. 653.
  - 2) Prison Fellowship Forms
- C-6. Religious Volunteer Approval and Monitoring.** Once all above training is completed, the programs supervisor will oversee the religious volunteer program. The program will include approval or denial of volunteers' access to the facilities, monitoring of

volunteers; service and program contents. The program will also be monitored for the safety and security of the facility, staff and inmates and include:

- a. Review the attendance of religious volunteers;
- b. Every six (6) months perform criminal history check;
- c. Corrections deputies will supervise religious volunteers in the area where activities are occurring through indirect supervision.
- d. Program deputies ensure religious volunteers comply with rules and regulations.
- e. Program deputies will recommend any dismissal of religious volunteers to the administrative supervisor.
- f. The programs supervisor will ensure training is updated annually.

#### **SECTION D: RELIGIOUS PROGRAMS**

**D-1. Services.** Religious services will be performed in a group service by approved religious volunteers. Clergy may conduct approved group services or meet with an inmate on an individual basis. Corrections staff will not arbitrarily limit or deny inmate access to religious activities. Deputies may delay religious activities because of operational requirements. All inmates may access religious activities through the following:

- a. Group Services
- b. Individual religious counseling.
- c. By request - inmates will use an *Inmate Request Form No. 103* to ask for religious activities not offered through other approved means.

**D-2. Group Services.** Group services will allow approved religious volunteers of various faiths to conduct group services in a specified area approved by corrections command personnel, subject to inmate interest and availability of volunteers. All religious volunteers will agree to teach a non-denominational program or service.

**D-3. Group Services Schedules.** Group services are generally limited to one hour. The services will be schedule one or two days per week during a two-hour block of time, depending on the number of interested inmates and availability of volunteers. DCAJ and WC will make a reasonable effort to accommodate the days of observance of different faiths.

**D-4. Group Services Process.** Group services are generally held in the programs room or recreation yards, dependent upon space availability, inmate classification, incompatibilities, and other needs. Inmates sign up for scheduled activities in their housing units on a first-come, first-served basis.

**D-5. Individual Religious Counseling.** This religious activity facilitates one-on-one communication between clergy and inmate, and applies to those inmates who must be separated from others due to investigative requirements, medical problems, or for the safety and security of others. Individual religious counseling can:

- a. Allow approved clergy to visit inmates during regular visiting hours, if clergy is an approved visitor. Twenty-five minutes to visit with clergy will be allowed without being counted as part of the inmate's usual visit allotment of time per week.
- b. Be scheduled weekly during a pre-arranged one hour period. Arrangement will be approved by the Administrative Lieutenant.

**D-6. Requests to Attend Services.** Those inmates interested in attending the services will be required to place their name on the *Religious Program Sign-Up Sheet Form No. 622*, provided to them by corrections staff on the day of the services. An inmate may join a religious activity if the deputy determines space and time permit and safety and security are not compromised. Religious volunteers may not add inmates to such a roster.

**D-7. Stopping a Service or Activity.** A deputy or shift supervisor may stop a religious activity anytime when they determine it presents a threat to jail operations or any individual. The shift supervisor will ensure an incident report, detailing the incident and reasons for stopping the service, is completed by the end of the shift.

#### ***SECTION E: RELIGIOUS REQUESTS, REVIEW AND PROCESS***

**E-1. Requests for Religious Activities, Counseling, and Materials.** The programs supervisor will objectively evaluate the validity of all requests for religious activities, counseling, or materials. The programs supervisor will consult with the appropriate religious representatives or other authorities or technical references, then determine if there is an acceptable or alternative way to grant valid requests, using the least restrictive means possible. Corrections staff will route all inmate requests (*DCAJ Inmate Message Form No. 103*) for religious-related matters to the programs supervisor. The supervisor will review the request and reply. He may require the requester to provide additional information before responding and will seek the advice of a lieutenant, the Corrections Captain, Sheriff, and/or Legal Counsel, as needed. The supervisor will document reasons for denials of requests. Inmates may grieve denied requests through the inmate grievance process.

**E-2. Religious Reading Materials Access.** All inmates in the jail and work center will have access to religious materials. An inmate may keep at least one religious guidebook in his cell or bunk area no matter his classification or disciplinary status, except in cases where temporary safety and security needs take priority, such as a person on suicide watch. Inmates may check out religious guidebooks that are available in the library. An inmate may have someone mail in religious reading materials (books, newspapers, magazines, and pamphlets) subject to the limitations of DCAJ Policy [CD-12-1, Inmate Mail](#). If religious reading material is determined to be a safety and security hazard to possible suicidal inmates, a shift supervisor and a mental health professional will make a determination to approve or deny. If denied, this restriction will be noted in the inmate's JMS file in "Attachments," and reviewed on a daily basis.

- E-3. Guidelines and Review of Religious Materials.** The programs supervisor will determine which specific religious materials inmates can access. Access may not be denied solely because of its religious-belief content or purpose, unless it suggests or encourages behavior or activity that constitutes a violation of a facility rule. Inmate access to religious materials is subject to reasonable restrictions and limitations, such as those for dangerous and nuisance contraband described in DCAJ Policy [CD-6-3, Rules and Discipline](#), and personal property in housing units in DCAJ Policy [CD-6-8, Housing Operations](#). If a deputy feels religious material may hinder an inmate's rehabilitation, the programs supervisor will review and make a determination.
- E-4. Inspection of Religious Materials.** Programs deputies will inspect all religious materials and supplies disseminated through the programs supervisor for contraband and appropriateness before use. The religious volunteers may hand out approved items to eligible inmates. However, such approved items may not be kept in the inmate's cell if they are restricted or limited by DCAJ Policies [CD-6-3, Rules and Discipline](#), or [CD-6-8, Housing Operations](#), or other directive.

#### ***SECTION F: OTHER RELIGIOUS PRACTICES***

- F-1. Religious Clothing, Grooming Standards, and Jewelry.** The styling of hair and beards, and other religious-related grooming practices, must adhere to DCAJ Policy [CD-9-3, Inmate Clothing, Bedding and Hygiene](#). However, DCAJ and WC will provide for reasonable accommodation for an inmate to meet the basic tenants for hair length and grooming required by the inmate's religion, unless there is a compelling governmental interest to require otherwise.
- F-2. Religious Jewelry.** Corrections staff will not allow inmates to keep any religious jewelry on their person at any time. Deputies will take all jewelry, including religious jewelry, from inmates at intake per DCAJ Policy [CD-5-4, Inmate Property](#).
- F-3. Religious Diets.** If an inmate requires a religious diet, he must fill out an Inmate Request Form No. 103. The inmate must include what the diet is and what religious group the inmate belongs to. The shift supervisor will verify the information is correct and refer to the Manual for Religious Diets or similar guide, for diet requirements. If approved, the shift supervisor will notify the jail food services contractor of the need to provide the inmate a special diet according to DCAJ Policy [CD-9-1, Food Services](#). If staff witness an inmate eating an item restricted by the approved religious diet (such as pork for a kosher or Halal diet), they will notify a shift supervisor. The shift supervisor will then determine whether the approved religious diet should be cancelled.

**FORMS USED**

- DCAJ Volunteer Application Packet Form 653
  - Deschutes County Volunteer Application
  - Deschutes County Volunteer Information and Emergency Contact
  - Deschutes County Consent Form for Criminal Background
  - Deschutes County Confidentiality Agreement
  - DCAJ Volunteer Tracking Form 652
  - DCAJ Volunteer Training Form 627
  - DCAJ Rules and Guidelines Form 619
  - DCAJ Contact Visiting Agreement Form 329
- Inmate Request Form 103
- Non-Harassment and Safety Acknowledgement Form No. 641
- Professional Visiting Sign-In Log Form No. 330
- Professional Visit Agreement Form No. 334
- Religious Program Sign Up Form No. 622
- Volunteer Termination Notification Form No. 615
- Appraiser's Instructions to Corrections Staff Form No. 517