State of Vermont, Agency of Human Services Department of Corrections	тіtle: Religious Observa	nce	
Chapter: Programs – Volunteer Services	# 380.01	Supersedes #380, dated 9/27/1984	

Attachments, Forms & Companion Documents:

- 1. Inmate Religious Preference Registration Form
- 2. Request for Change of Faith Group Affiliation
- 3. Religious Personal Property Matrix
- 4. Inmate Religious Accommodation Request Form

Local Procedure(s) Required: Yes (See p. 3, Section 2. d.)
Applicability: All facility staff (including volunteers and contractors)
Security Level: "B" – Anyone may have access to this document.

Posted for Comment July 16 – August 6, 2007 Click <u>here</u> to submit feedback

PURPOSE

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The purpose of this directive is to establish the Department of Corrections' policy and procedures regarding inmate religious practices and programming.

POLICY

It is the policy of the Vermont Department of Corrections to make available to inmates an opportunity to participate in religious services and programs and to exercise their religious beliefs within the inherent need for facility safety and security. Faith-based programs and observances will be accommodated within available time and space, unless an overriding compelling governmental interest exists.

AUTHORITY

28 V.S.A 803, § 11 (a)(b); American Correctional Association Standards for Adult Correctional Institutions, 4th Edition 2003, Standards 4-4517, 4-4518, 4-4520, 4-4273, and 4-4319.

REFERENCE

Department Administrative Directives #354.05 Inmate Alternative Diets; #376.01 Volunteer Services Management; #409.01 Contraband & Searches; #327.01 Inmate Visits

DEFINITIONS

<u>Compelling Governmental Interest</u>: Overriding concerns of the Department of Corrections that must be maintained, using the least restrictive means, regardless of other issues or requests. These include, but are not limited to, safety, security, consistency, health, and discipline.

Donation: Approved contributions to inmate programs.

Donor: An approved group or individual authorized to donate approved program items or resources
 for inmate religious or recreational programs.

<u>Faith Representative:</u> Refers to a spiritual leader who is empowered by a particular faith group to administer ordinances and sacraments, perform rites, counsel, instruct, and provide worship and religious services.

<u>Faith Group:</u> A religious or spiritual denomination, sect, or organization that is recognized by the Department of Corrections.

<u>Proselytizing:</u> Approaching someone with the intent to persuade that person to convert to a particular faith group.

Registered Volunteer: Any person who performs a function within a correctional facility for no payment from the Agency of Human Services. They may receive a stipend from an outside source. They have completed a Department application, screening, and training, have a photo volunteer ID and are listed with the Volunteer Services Coordinator as an approved volunteer.

<u>Religious Activity:</u> Any rite, ceremony, event, or program that is customarily associated with the practices of a religion, including, but not limited to, formal group gatherings of adherents of a religion for purposes of worship, prayer, or teaching.

Religious Advisor: An individual from the outside community who has received endorsement from a faith group to provide individual religious counseling and guidance to an inmate.

<u>Religious Observance Program</u>: Includes any formal faith-based activities, services, and practices in a correctional facility which are managed by staff in order for inmates to practice their religious beliefs while incarcerated.

<u>Religious Volunteer:</u> A Department of Corrections' approved volunteer who assists and/or conducts individual or group religious activity in a correctional facility.

<u>Religious Volunteer Chaplain:</u> An approved member of the clergy, Imam, Rabbi, spiritual advisor or other religious authority of sufficient rank qualified to direct, lead or conduct others in the rites, ceremonies or other practices of a religion who is approved by the Department of Corrections as a volunteer.

<u>Security Threat Group (STG)</u>: A group of inmates specifically designated by the Commissioner or designee which poses a threat to the safety of staff, the facility, the public or other inmates.

 <u>Volunteer Services Coordinator (VSC)</u>: The correctional staff person who has responsibility for the volunteer services program in a correctional facility, including the religious observance program. This position is also responsible for overall program development for recreation and leisure programs.

PROCEDURAL GUIDELINES

The Department of Corrections will provide guidelines that offer inmates the opportunity to participate in religious programming and the practices of their faith, individually or in a group, limited only by resources, threats to safety, or order in the facility. The religious programs offered will reflect the diversity of faith and traditions in the larger outside community to the extent possible.

1. Management Responsibility

- a. Statewide responsibility for the management of the religious observance program will be under the direction of the Department of Corrections' Facility Executive in conjunction with the central manager assigned to oversee statewide volunteer services.
- b. Facility responsibility for the coordination and management of the facility-based religious observance program will be the Facility Volunteer Services Coordinator (VSC).

2. Inmate Access to Religious Programs and Services

a. Religious Preference

- i. At the time of their admission to the Department of Corrections an inmate may designate any or no religious preference on the *Inmate Religious Preference Registration Form, (Attachment 1)*.
- ii. By notifying the facility Volunteer Services Coordinator, an inmate may request to change their designation by completing a new *Inmate Religious Preference Registration Form*. Any change will be effective ten (10) days following submission of a request.

b. Access

- i. To maintain security and order, and to prevent abuse or disrespect of the religious beliefs of others, an inmate may participate in a religious program or service only if:
 - they have completed a Religious Preference Registration Form; or
 - they have the written permission of the Volunteer Services Coordinator to be an observer at a particular religious program or service.
- ii. No inmate will be required or expected to attend any religious program or service or to adhere to any religious belief.

c. Restriction of Religious Activities or Practices

- i. Inmates will not be discriminated against because of religious beliefs and practices.
- ii. There will be no unreasonable burden placed on an inmate's right to practice their religion.
- iii. If a restriction of a religious practice has been placed, staff will lift the restriction after consultation with the Facility Executive, if corrective action has been taken and there is no longer a perceived threat.
- iv. Whenever an inmate requests a religious practice that has not been previously approved at that facility, the facility Superintendent will consult with the Department's Facility Executive prior to making a decision.
- v. Whenever an inmate's exercise of a religious practice is denied, the facility will prepare, in writing, the specific reasons supporting the denial, with a copy to the Department's Facility Executive and the inmate.

- d. Religious Space all recognized inmate religious groups will have equal access to the physical space, equipment, and services which the institution normally provides for religious purposes.
- i. The Superintendent will ensure a designated area is made available for conducting worship services, religious education, and activities. Assignment and availability of the designated area will be at a reasonable time, place, and manner and in conjunction with other facility activities, events, and needs.

ii. Religious program space will be kept free of religious objects or symbols which cannot be removed or covered between services by the different faith groups using them. The Superintendent will ensure that local written procedures for the use and storage of religious objects and symbols are developed.

e. Coordination and Management

- i. The Volunteer Services Coordinator will schedule all religious programs and activities. Scheduling will be coordinated among the various religions, other facility operations or activities, and within the security needs and constraints of the facility.
- ii. Facility staff will have access to all religious services and programs to ensure the security requirements of the facility are being met.

3. Range of Religious Activities and Services – Each facility will make reasonable efforts to establish and maintain religious activities and services for all inmates.

- a. Clergy Services The Superintendents or designee will make reasonable efforts to ensure that an accredited representative of an inmate's religious faith is available to provide formal or informal services to inmates who request them.
- b. Religious Groups Recognized groups or denominations will include, but not necessarily be limited to, Catholic, Protestant, Jewish, and Muslim. An inmate who is affiliated with, and wishes to participate in, a recognized religious group not currently functioning at a facility should inform the facility Volunteer Services Coordinator. The Volunteer Services Coordinator, in consultation with the facility Superintendent and following the procedures of this directive, will make reasonable efforts to arrange for the requested services.
- c. Religious Activities Each religious group is encouraged to plan its own activities, using appropriate community and facility resources. Religious activities include, but are not necessarily limited to, worship services, religious instruction, reading and study, religious discussion groups, and pastoral counseling.
- d. Religious Diets Refer to Administrative Directive #354.05 Inmate Alternative Diets: Medical, Dental and Religious for information on requesting a religious diet. Do not use Attachment 4 in this directive to request a religious diet.

e. Religious Rights and Observances

- i. An inmate may request a religious accommodation by filling out an *Inmate Religious Accommodation Request Form (Attachment 4)* and submitting it to the Coordinator of Volunteer Services. The Superintendent will approve or deny the request.
- ii. An inmate's faith practice that requires accommodations by the Department must be supported and verified by the faith's recognized sacred text, historical established procedures, and outside religious authorities. The Department will make every effort to accommodate these religious observances unless there is a facility or Department interest that necessitates restricting the observances.
- iii. If an inmate has requested a specific religious accommodation (*Attachment 4*) that was *denied* by the Superintendent, that decision will be reviewed by the Department's Facility Executive in consultation with the Department's Legal Division.

- iv. Individual demonstrative prayer by inmates will only be allowed in the privacy of their living cell/room and in designated religious areas as determined by the schedule of religious activities. However, an inmate, while in the outside recreation yard, may choose to engage in non-group demonstrative prayer that does not interfere with recreational activities.
- v. Group prayer may only occur in a designated religious area during a religious service at times authorized by the Facility Superintendent.
- vi. Inmate possession of security threat group materials or symbols is prohibited. First Amendment free exercise of religion protection applies to religious ideas and symbols by faith groups whose only purpose is religious; it does not extend to security threat group use of religious ideas and symbols as a means of organizing and meeting.
- vii. Inmates will not be allowed to act in a position of spiritual leadership, supervision, or authority over other inmates.
- viii. Inmates possessing faith-based credentials or titles obtained prior to or during incarceration in the Department of Corrections will have such credential/titles deemed inactive during their term of incarceration.
- ix. When a faith group representative or religious volunteer is not present to facilitate a religious program, service, or observance, that faith group will not be allowed to meet as a group until appropriate faith group supervision is available.
- x. The Superintendent retains the right to limit participation in religious programs. This would occur upon documentation that an individual has shown a threat to the safety of staff, inmates, or other persons involved in the religious activity, or if that individual's conduct disrupts the security or order in the facility based upon facility needs, or documentation of a compelling governmental interest.

f. Work and Program Restrictions Due to Religious Beliefs

Each inmate will have certain days of the week in which work is not required. Religious activities will normally be scheduled during what is regarded as "non-working" hours for inmates, usually weekends, and after 4:00 p.m., Monday through Friday. Inmates will not be excused from normal work or program responsibilities to attend religious services or activities except under the following conditions:

- i. When it is mandated by their faith that they abstain from work on a certain day or must participate in a religious service at a specific time which conflicts with their normal work or program schedule; (The facility Volunteer Services Coordinator will maintain a list of religious observances which require such accommodations. That list will be made available to all staff and volunteers.]
- ii. When it is in the best interest of the facility to hold a religious service or activity during normal work or program hours.

Inmates excused from a work or program assignment for reasons of attending a religious service may be required to make up the missed time.

g. Religious Holy Days

The Department's Facility Executive will notify Department Executives and Facility Superintendents of the dates observed by the various religious faiths as religious holy days or religious days of celebration. Guidance will be provided to facilities regarding the sacramental or ritual needs of individual religions for each holy day or religious day of celebration, including special preparations needed, food, and times of day, or any restrictions on work, program, or other considerations.

- ii. Three (3) business days prior to an approved holy day, the Volunteer Services Coordinator will post copies of a Religious Program sign up sheet in each general population housing unit. Only inmates affiliated with that specific faith group will be allowed to participate in the respective holy day observance or program activities.
- iii. The Volunteer Services Coordinator will approve all program participants.
- iv. Inmates newly arrived at a facility who are currently affiliated with the faith group will be eligible to sign up, subject to review by the Volunteer Services Coordinator.
- v. Food items purchased or provided from outside sources for holy day observances will be allowed if one (1) of the following applies:
 - a) An approved volunteer provides food items and is present to conduct the observance;
 - b) Where security permits, inmates may be allowed to purchase and bring commissary food items to holy day observances when requested in advance of the observance.
 - Donated food items may not be designated for a particular inmate, but will be available for the entire faith group.
- h. Ceremonial, Holy Day Meals Refer to Administrative Directive #354.05, Inmate Alternative Diets: Medical, Dental and Religious, Section #3, Religious Diets.
- **4. Supervision of Inmate Religious Programs and Services** All formal group religious activities and programs will be conducted and supervised by Department-approved religious volunteer chaplains or religious volunteers.
 - a. Religious Volunteer Chaplain Upon clearance and approval as a Department of Corrections' volunteer, an individual possessing the necessary religions qualifications and ranking of a particular religion may be designated as a volunteer chaplain.
 - i. A qualified individual may be designated as a volunteer chaplain with the recommendation of the Facility Volunteer Services Coordinator and approval of the Superintendent.
 - ii. The primary criterion in selecting a chaplain will be the ability to meet the spiritual needs of inmates who adhere to a religion's cultural beliefs. Indicators of that ability include formal training, pastoral experience, and the ability to converse with, encourage, and guide people who have spiritual and counseling needs.
 - b. Religious Volunteers As an approved Department of Corrections' volunteer, a religious volunteer may:
 - i. Assist a volunteer chaplain;
 - ii. Deliver religious services and programs for which they are qualified or have authorization to do, including:
 - leading study groups,

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- supervising collective prayer,
- administering the spiritual rites of a religion,
- providing pastoral counseling.
- c. Religious Advisors A religious advisor as defined by this directive need not be an approved Department of Corrections' volunteer. They must, however
 - i. be cleared to enter a correctional facility;
 - ii. have an endorsement or approval from a faith group;
 - iii. be approved by the Department.

5. Religious Materials

- a. Faith Group Property
 - i. The Department will permit faith group property, ritual supplies, and other articles as necessary to conduct group religious services. All articles are subject to being searched. During the conduct of religious services, chaplains, faith representatives, and outside clergy may wear their religious vestments and/or insignia.
 - ii. Facilities with appropriate space may designate a secure location for the storage of faith group-related program materials. Where storage exists, there will be an inventory list of all stored items approved by the Superintendent/designee located in the storage area/cabinet.
 - iii. Items not on the approved inventory list will be considered contraband.
 - iv. Faith-specific reading materials, videos, and books may be stored with faith group items. No personal inmate items may be stored with faith group property.

b. Inmate Religious Property Items

- i. Only items listed on the *Religious Personal Property Matrix* (*Attachment 3*) may be possessed by an inmate. All such items are subject to considerations of safety and security. Once approved, all religious property authorized for an inmate becomes part of an inmate's personal property with any limitations set by Department administrative directive.
 - a) Inmates may receive and retain possession of personal religious items/symbols essential to their designated religious preference.
 - b) All personal religious items, except those items approved at the time of an inmate's admission, will be purchased either from Canteen stock or through an approved catalog source.
- ii. Items not listed on the *Religious Personal Property Matrix* may be requested by inmates by completing an *Inmate Religious Accommodation Request Form* (*Attachment 4*). The request will be reviewed by the Superintendent, who will forward the request to the Facilities Executive for approval or denial

c. Religious Medallions and Symbols

- i. Approved religious medallions and symbols pertaining to an inmate's designated faith may be worn about the neck on a jewelry-type chain. Each inmate will be permitted only one (1) religious medallion. Chain lengths, medallions, and symbols may not exceed the sizes specified in the *Religious Personal Property Matrix* or as noted below.
- ii. All medallions must be listed on the inmate's personal property inventory.
- iii. Medallions that are designed with a pin to be worn on clothing are not permitted.
- iv. Medallions may be made of metal, wood, or plastic and may be round in shape or in the shape of the appropriate religious symbol such as a cross, star, or crescent.

QUALITY ASSURANCE

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The Director of Security Operations and Audits in conjunction with the Director of Quality Management will, through the use of established auditing procedures and the offender/inmate grievance system, monitor compliance with this directive.

ATTACHMENT 1 - SAMPLE

INMATE RELIGIOUS PREFERENCE REGISTRATION FORM

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Check one (1) faith group or, where offered, the one sect or denomination that you intend to practice while incarcerated. If you do not intend to practice a religion, check *None*. If you would like assistance in completing the form, submit a request to a staff person.

You may participate in only one (1) formal group religious program – the one that you select on this form.

You may change a selection of *None* to a specific group at any time. It will take effect ten (10) days after submitting the request. You may change from one group to another once (1 x) during a calendar year.

_____ This is an original request. _____ This is a change of religious preference.

Buddhism	Rastafari
Roman Catholic	Orthodox
Islam	Eastern
Nation of Islam, Lost-Found	Greek
Nation of Islam, Farrakhan	Russian
Sunni	Other
Shi's	Protestant
Other	African Methodist Episcopal/Zion
Hinduism	Apostolic
Jehovah Witness	Assembly of God
Judaism	Baptist
Native American	Episcopalian
Church of Jesus Christ Christian	Evangelical
Church of Jesus Christ of Latter Day Saints (Mormons)	Lutheran
Sacred Name Groups	Methodist
Assemblies of Yahweh	Pentecostal
House of Yahweh	Presbyterian
Non-pagan or Earth-based Traditions	Quaker
Odinism, Asatru & Other Norse	Seventh-day Adventist
Germanic Pagan Traditions	United Church of Christ
Wicca	Other
Other	NONE

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455	Inmate Name:	_DOB:
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457	Inmate Signature:	_Date:
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459	Staff Witness:	_Date:
460		
461	Facility:	_
462	Cc: Volunteer Services Coordinator, Inmate, Inmate Core File	

ATTACHMENT 2 - SAMPLE

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VERMONT DEPARTMENT OF CORRECTIONS REQUEST FOR CHANGE OF FAITH GROUP AFFILIATION

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DATE		EACH ITY		
DATE:		FACILITY:		
NMATE NAME:			DOB:	
CASEWORKER:				
CHANGE FAITH GROUP A				
ote: You may not make anoth	ner faith grou	up affiliation change	for 12 month	s from the approved
Inmate Signature:				
Volunteer Services Coordinator	r/designee	Date Received	Date Forv	varded
Faith Group Representative Coo	ordinator/	Date		Approved or Denied (Circle one)
REASON FOR DENIAL:				
ELIGIBLE FOR FAITH GRO ON:		LIATION CHANG	· E	
(Date)				
Cc: Facility Volunteer Services Inmate, Inmate Core File	Coordinato	or, Property Officer,	Caseworker, I	Religious Advisor,

ATTACHMENT 3 - SAMPLE

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RELIGIOUS	PERSONAL PROPERTY MATRIX
Personal faith group property is no	at faith-specific
	n jaun-specific. n designated containment space for personal property.
n is iimiiea io inai which jiis wiinii	i designated containment space for personal property.
General	Medallion Chain (may possess only one
General.	which must be in conjunction with a
	medallion)
Calendar (1)	18"
Deity pictures (up to 6)	20"
Deity statue (up to 6") (1)	24"
Prayer Rug (1)*	
Prayer Wheel [or picture] (1)	Medallion (may possess only one)
	Allah (metal)
Head Coverings (may possess onl	y one)*Ankh (metal)
Head band [male]	Cross (metal)
Head covering [female]	Crucifix (metal)
Hijab [female]	Pentagram (metal)
Kufi [male]	Star of David (metal)
Prayer scarf [female]	Thor's Hammer (metal)
Skull cap (yarmulke) [male]	Medicine Bag w/strap (leather)
Turban [male]	
	Beads (one (1) strand only)
Cards *	Japamala
Oracle (1)	Kunti Mala
Rune (1)	Prayer beads
Sacred Path w/book (1)	Standard Rosary
Tarot (1)	Prayer bead color: black, white or natural
Thoth Tarot (1)	wood tone
Herbs (Native American only)	Feathers (Native American only)
Sage	Hawk
Sweetgrass	Bald Eagle
Cedar	Golden Eagle

Inmate Name: _____DOB: ____Date: ____ Property Officer Signature:

Facility: Date:

INMATE RELIGIOUS ACCOMMODATION REQUEST FORM

If more than one inmate is filing a request, each inmate must submit a form. If this is a group request, information must be submitted to the facility Volunteer Services Coordinator who will compile information about the group request and forward the information to the Department of Corrections Facility Executive and the facility Superintendent. **NOTE:** Do not use this form to request a religious diet. See administrative directive #354.05, Inmate Alternate Diets, for the correct form.

Inmate Name:	DOB:		Date:
Name of Religion:			
Describe, in detail, your religion's lead of the provided with the requested accommodate the provided with the requested accommodate.		efs which yo	ou feel require that you be
2. Give a detailed description of the re	equested accommo	dation:	
3. List any publications which explain Provide a copy of the publication(s)			
4. Is there a recognized governing boo information.	ly for this Faith G	oup? If so,	please provide contact
Inmate Signature:			
VSC Signature:			Date:
Superintendent Signature:			Date:
Comments and/or Recommendation:	: Approved	☐ Denied	(& Reason – Use back if
Facility Executive Signature:			Date:
Comments and/or Recommendation:	: Use back if need	ed.	