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Your Responsibility When Using the Information Provided Below:

When putting this material together, we did our best to give you useful and accurate information because we know that prisoners often have trouble getting legal information and we cannot give specific advice to all prisoners who ask for it. The laws sometimes change quickly, and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in your institution's law library.

Re: Religious Diet Program (9/10)

Dear Sir/Madam:

We have received your request for information or assistance related to the CDCR Religious Diet Program, including the Religious Vegetarian Diet Program, the Kosher Diet Program and the Religious Meat Alternate Program. The Religious Diet Program was created to provide meal options for prisoners with food-based religious requirements, subject to the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). To find out if you qualify for any of the three religious diet options, you must first complete a CDCR Form 3030, Religious Diet Request. We hope the following information helps to answer most of your questions.

PART I: GENERAL INFORMATION

The Religious Diet Program was enacted on April 24, 2006, after a California state prisoner reached a settlement agreement with the California Department of Corrections and Rehabilitation (CDCR) requiring it to provide religious meals at his institution.¹ The purpose of the program is to offer prisoners meals that will meet their food-based religious requirements.

¹ Under the terms of the settlement agreement, the court would only hear motions to enforce the agreement until the introduction of the statewide Kosher Diet Program at CSP-Solano. The court is no longer accepting motions to enforce the *Cooper* settlement agreement that assert legal challenges to the kosher diet program. If you have any problems with the Religious Diet Program, you must exhaust your administrative remedies before filing a new legal complaint in court. *Cooper v. California* (N.D. Cal 2007) 2007 WL 81901.

CDCR Department Operations Manual Section 54080.14 and California Code of Regulations, Title 15, Sections 3054 - 3054.4 describe the Religious Diet Program. They require each CDCR institution to make reasonable efforts to provide religious diet options for prisoners. If you are eligible to receive a religious meal, you should receive it no matter how you are classified or where you are housed. Also, if you transfer to another prison and are in the Religious Diet Program, you should continue to receive your religious meals. Lastly, the regulations state that “medical diets will take precedence over religious diets.”²

Below is a description of the Religious Diet Program, how to apply to receive a Vegetarian, Kosher, or Religious Meat Alternate diet, and what to do if you have any problems receiving your meals. For additional information about the rights of California prisoners and parolees, you may order a copy of the California State Prisoners Handbook, Fourth Edition, using the enclosed order form. The Handbook is also available in most prison law libraries.

PART II: AVAILABILITY OF AND REQUESTING A RELIGIOUS DIET

Halal Meals

The CDCR amended the California Code of Regulations Title 15 § 3054 Religious Diet Program on February 2, 2010 and the Department Operations Manual (DOM) on July 13, 2010 to include the Religious Meat Alternate Program. This program began to be implemented in all CDCR adult institutions beginning in late June 2010, with the **exception** of the California Institution for Men. The program consists of two vegetarian meals (breakfast and lunch) and dinner with halal meat.³

There are currently no CDCR policies concerning special meals or diet specifications for Muslim holidays. However, according to Title 15 § 3053 and DOM § 54080.13, faith groups may be permitted up to two events each year where foods with recognized religious significance are provided by the institution in place of the regularly planned meal.

Kosher Meals

As of July 2010, Kosher meals are provided at every meal time at all adult institutions **except** the California Correctional Center, High Desert State Prison, and Wasco State Prison.⁴ The meals follow kosher laws. Dairy products are only served at breakfast.

Observance of Jewish Holidays⁵

Prisoners participating in the Jewish kosher diet program have the option to fast on a recognized Jewish fasting day, for the period required by that day. The Jewish Chaplain will provide Food Services with a list of those participating at least three days ahead of the fast. A prisoner who chooses to fast will be provided with an approved sack meal, to be eaten at the end of the fasting period. The sack meal will

² 15 CCR § 3054 (d); DOM § 54080.14

³ Halal meat is meat from an animal that was cared for and slaughtered according to Islamic dietary laws.

⁴ This information was provided to us by Bryan Snyder, Senior Staff Counsel, CDCR Office of Legal Affairs, CDCR; on July 22, 2010

⁵ DOM § 54080.14

be equal to two (2) kosher sack lunches. Please note that under no circumstances may a prisoner give away, trade, or sell a sack meal.⁶

The following are Jewish Fasting Days recognized by the CDCR⁷:

Yom Kippur (Day of Atonement)
Fast of Tisha B'Av
Fast of Esther
Fast of the 17th of Tammuz
Fast of Gedaliah
Fast of 10th of Tevet

The observance of Passover constitutes a single religious event requiring kosher Passover foods to be provided during the eight days of observance.⁸

Vegetarian Meals

Vegetarian Meals are available at all CDCR adult institutions. Vegetarian Meals are lacto-ovo vegetarian, meaning they may include dairy products and eggs. Vegetarian meals may also include fish, as specified on the printed menu.

Amendments made to the California Code of Regulations, Title 15 § 3054 Religious Diet Program on February 2, 2010 modified the requirements for receiving vegetarian meals. While these meals are still available to prisoners with religious needs, this diet is now also available to those with personal or ethical need that is not necessarily religious in nature. Prisoners who fall into this new category must still follow the standard procedure for obtaining meals through the Religious Diet Program.

How to Receive a Diet under the Religious Diet Program

1. In order to receive a religious meal, you must first request the CDCR Form 3030 Religious Diet Request from the Chaplain at your institution, fill it out, and turn it in. If you are not able to speak with a Chaplain, you may submit a Request for Interview Form asking for the CDCR Form 3030 Religious Diet Request. If you have difficulty receiving the form, you should submit a 602 stating you have been unable to receive the form.
2. After the Chaplain receives the completed Religious Diet Request, he or she will interview you to explain your options and tell you about the meals. The Chaplain, or the designee, will also determine your religious diet program eligibility.
3. The Chaplain will notify you of his or her decision in writing.
4. If you are determined to be eligible, your Chaplain will explain the CDCR Form 3030-A, Religious Diet Program Agreement, and have you sign it. If approved, you should begin receiving religious diet meals within 15 calendar days from the day the chaplain receives the

⁶ 15 CCR § 3054.2 (c)

⁷ DOM § 54080.14

⁸ *Id.*

completed Religious Diet Request.⁹ You will also receive a Religious Diet Card.¹⁰ You should show your diet card when receiving a Vegetarian, Kosher or Meat Alternate meal.

5. If you are determined to be ineligible, and you want to challenge this decision, you should submit a 602 stating that you feel you have been wrongly denied participation in the Religious Diet Program. If you wish to pursue an action in court regarding this decision, you must pursue your 602 through all levels of the appeal process.

Religious Diet Program Agreement

You must follow the rules stated in the Religious Diet Program Agreement. If you do not, you could be removed from the Religious Diet Program. If a CDCR staff member accuses you of a violation of the Religious Diet Program, he or she will fill out a CDCR Form 128-B, General Chrono. The General Chrono will be sent to your Chaplain. Your Chaplain will meet with you and give you an opportunity to respond before he or she decides if you have violated a rule. If your Chaplain decides that you violated a rule, you will receive one written warning, but you will be allowed to continue to receive your religious meals.¹¹ If you violate any rule within six months of your first violation, you may be removed from the Religious Diet Program for a period of 6 months. The six-month period starts from the date of the second violation. You have the right to discuss the alleged violation with the Chaplain before he or she can remove you from the Religious Diet Program.¹²

PART III: HOW TO HANDLE PROBLEMS RELATED TO YOUR RELIGIOUS DIET

1. What if I have a problem with my Religious Diet?

When you are approved for the Religious Diet Program, your Chaplain will put your name on the Religious Diet participant list within 24 hours.¹³ You should begin receiving your meals within two days of your name being placed on this list. The Chaplain, along with Food Services staff, is required to monitor the program to make sure members of the Religious Diet Program are receiving their meals.

If you are experiencing any problems with your diet, you should contact your Chaplain through a Request for Interview form. If you are unable to contact the Chaplain, or you are unsatisfied with the Chaplain's response, you should submit a 602 stating you are having problems receiving your diet.

2. What if I am Mistreated by CDCR Employees Due to my Participation in the Religious Diet Program?

Your Chaplain is responsible for overseeing the Religious Diet Program at your institution.¹⁴ If you feel that a CDCR staff member has discriminated against you because of your religious views, or

⁹ 15 CCR § 3054.4; DOM § 54080.14

¹⁰ DOM § 54080.14

¹¹ CDCR Form 3030-A, Religious Diet Agreement (REV. 08/09)

¹² *Id.*

¹³ DOM § 54080.14

¹⁴ DOM § 54080.14

tried to talk you out of participating in the Religious Diet Program, one option is to discuss your concerns with your Chaplain.

You may also submit a 602 to complain about the actions of a CDCR employee. For complaints against CDCR employees, a prisoner does not have to seek informal review before filing the appeal to the first formal level. Also, the first formal level of review may be bypassed if the person reviewing the complaint feels there should be a formal investigation. If you choose to file a complaint against a CDCR departmental peace officer, you must also sign a Rights and Responsibilities Statement, CDCR Form 1858, which tells you about your right to make the complaint and to get a written description of the CDCR's investigation procedures. Please note that it is important to exhaust your administrative remedies if you wish to preserve your right to file an action in court.

After you have exhausted the 602 process, you may request an investigation by the CDCR Office of Internal Affairs. You can have a friend or family member call the Internal Affairs Office, but they prefer contact by mail at the following address:

Office of Internal Affairs
P.O. Box 3009
Sacramento, CA 95812
(916)323-5769

You can also request help from the CDCR Ombudsmen or Ombudswomen. This person is a CDCR employee who has been appointed to investigate prisoner complaints. The most effective way to receive help from them is to briefly describe the problem, what you have already done to try to resolve it on your own, and what you want to be done. You can write to your Ombudsman or Ombudswoman by sending a Request for Interview form in a U Save 'Em envelope or writing to them at the following address: P.O. Box 348780 Sacramento, CA 95814. (You can write "Confidential Legal" Mail on the envelope). They typically will not help if you have not tried to resolve the problem through the 602 process.

If you have exhausted all available CDCR appeals processes, you may choose to file an action in court.

Legal Challenges to the Religious Diet Program

We are unable to represent you in court regarding a challenge to or a failure to include you in the Religious Diet Program. If you would like additional self-help material regarding how to file a claim in court, please write to us and request "Lawsuits Against Prison Officials for Money Damages" or the "Habeas Corpus Manual".