

 <b>Davidson County Sheriff's Office</b>	<u>Chapter</u> Institutional Operations	<u>Page</u> 1 of 6
	<u>Subject</u> Religious Accommodation	<u>Effective Date</u> 8/19/11
<u>Index Number</u> 1-3.600	<u>Related Standards</u> ACA 4-ALDF-5A-03, 5C-17-24; 2-CO-4B-04, 4F-01, 5E-01	<u>Approved By</u> 
<u>Supersedes</u> Policy # 1-3.600	<u>Subject</u> Religious Accommodation	<u>Effective</u> 12/31/10

### PURPOSE

To provide guidelines that ensure access to religious resources for inmates of all religions, and to describe the nature and limitations of religious accommodations offered to inmates, individuals who pass through security checkpoints, and individuals booked for criminal citations.

### POLICY

Neither the Davidson County Sheriff's Office (DCSO) nor its employees will promote or condemn any religious faith or absence of religious beliefs. No bona fide faith will be singled out for unfavorable treatment or privileged status. Inmates shall be free to exercise their religions when religious practices do not impede DCSO's compelling interests in maintaining security, safety, discipline and orderly jail operation. If limits on religious exercise are warranted, they will be administered in the least restrictive means necessary under the circumstances. Persons who pass through security checkpoints wearing religious attire are searched only as needed to protect safety and security interests. Individuals photographed pursuant to booking procedures are not required to remove religious head coverings as long as facial features are clearly visible.

This policy is reviewed annually.

### DEFINITIONS

Bona fide Religious Faith - A system of genuine, spiritually oriented beliefs that are usually expressed by observing certain customs and practices such as gathering with like minded believers for worship, wearing special clothing or celebrating religious holidays.

Chaplain - A staff member with the two minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body.

Chaplain Services Coordinator - A staff member who coordinates religious activities through the facility chaplains or facility program managers and who oversees the volunteer applications, training, and orientation.

Clergy - For the purpose of this policy, "clergy" is an all-encompassing term that includes, for example, ministers, priests, imams, pastors, rabbis, lamas and others who are ordained to perform religious services.

Faith Group - Major faith groups include but are not limited to Buddhist, Catholic, Jewish, Muslim, Native American, and Protestant. Faith subgroups are commonly called denominations (e.g., Baptist, Lutheran, Methodist, etc.). Groups with any purpose other than religious exercise are not faith groups.

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 2 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 2 of 6

Religious Practice - Spiritually oriented study, worship, prayer, meditation, or observance of particular customs or practices related to a bona fide religious faith.

Religious Volunteer - Anyone who enters the facilities for the purpose of assisting or ministering spiritually to inmates and is not employed by the DCSO.

**PROCEDURAL GUIDELINES**

**Chaplain Staff and Inmate Religious Programs**

The chaplain possesses the minimum qualifications of clinical pastoral education or equivalent specialized training, and endorsement by the appropriate religious-certifying body. The chaplain will assure equal status and protection for all religions. The DCSO will allow inmates to identify religious preferences and will provide a process where preferences may be changed (juveniles will be required to obtain parental or legal guardian consent to change preference). The DCSO will ensure that inmates are not subjected to coercion, harassment, or ridicule due to religious affiliation.

Chaplains or the chaplain coordinator, in cooperation with the facility administrator and/or designee, coordinate and oversee religious programs and scheduled group activities such as worship services. Chaplains or the chaplain coordinator approve applications submitted by potential religious volunteers, provide orientation classes for clergy and religious volunteers and develop community resources to meet inmates' religious needs.

The religious staff will include the chaplain services coordinator and any facility chaplain. The chaplain staff shall be responsible for providing religious activities and developing community resources to meet the religious needs of all inmates. The chaplain services coordinator/designee will work in conjunction with the facility program manager, facility chaplain, and with the approval of the facility administrator.

Inmates who wish to participate in special religious observances coordinated by DCSO chaplains must notify their case manager or chaplain two weeks before the observance begins. In the event the facility chaplain is unavailable, the facility administrator will designate a staff member or volunteer to coordinate inmate religious programs.

Volunteers for religious assignments and religious program interns shall work under the supervision of the chaplain services coordinator/designee. Anyone involved in religious programming or conducting individual clergy visits shall complete a volunteer agreement, a release of liability, and a statement of understanding regarding contraband. The chaplain services coordinator on all religious volunteers requesting admittance to the facility will conduct a background check.

The chaplain services coordinator shall be responsible for initiating programs and submitting reports. The chaplain services coordinator/designee shall attend appropriate staff meetings and work with other staff for the well being of the inmates and the institution.

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 3 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 3 of 6

In the event an inmate's immediate family member becomes critically ill or dies, a referral is made to chaplain/case management services and the emergency escort form will be completed if a visit outside the facility falls within policy guidelines. (Refer to DCSO policy # 1-3.131, "Emergency Escorts.")

The chaplain services staff shall have physical access to all areas of each facility to minister to staff and inmates, and will be available to counsel inmates on request. Crisis intervention services are also available to inmates via mental health care providers, and to employees via Metro's employee assistance program.

Chaplains shall avoid attempting to convert inmates to any faith.

The chaplain services coordinator/designee shall develop and maintain an updated religious activities schedule and shall ensure that information regarding opportunities for religious activities is available to inmates.

When a clergy person or spiritual advisor of an inmate's faith is not accessible through the chaplaincy staff or volunteers, the chaplain coordinator or chaplain will assist the inmate in contacting a qualified person to minister to the inmate.

The DCSO shall not impose on a chaplain any duties that are in conflict with his/her faith group (e.g., marriage, baptism, communion, etc.). If a conflict arises, the chaplain shall try to locate another chaplain or volunteer clergy to fulfill the request.

The chaplain services coordinator/designee shall conduct an annual evaluation and adjust religious programming accordingly. Needs of inmates in small faith groups may be met by individual visits from their clergy.

#### **Volunteer/Visiting Clergy**

Inmates may receive visits from religious lay volunteers and clergy. Names of clergy and other religious volunteers who have been screened and approved will be entered into the Jail Management System (JMS). The list will be monitored and maintained by the chaplain services coordinator. Under special circumstances the facility chaplain, chaplain services coordinator, or facility program manager may approve visits with clergy who have not completed the screening and orientation process required for volunteers or clergy who request regular access to the facility.

All religious volunteers must comply with DCSO policy # 1-1.700, "Volunteers." Clergy and religious volunteers who provide ongoing religious programming or counseling shall complete a volunteer agreement, a release of liability, and a statement of understanding regarding contraband and sexual interaction with inmates. Clergy and religious volunteers permitted to enter secured areas are subject to a background check. Religion may be a factor in recruiting and selecting volunteers, either to maintain a balance between faith groups or to recruit a leader for a specific faith group.

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 4 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 4 of 6

Religious volunteers and clergy are not permitted into inmate housing areas for the purpose of making unsolicited contact with inmates. Volunteers may speak positively about their own faith but are not to condemn or speak negatively of other faiths.

Volunteers, clergy, and other visitors will not bring food or drinks into a secured area of any jail facility. Clergy members may wear religious vestments and/or insignia absent overriding safety or security concerns. Religious volunteers and clergy should notify the chaplain of any additional needs for ministering to inmates.

### **Group Worship and Study**

The chaplain services coordinator/designee will schedule appropriate group worship and study opportunities to meet the needs of inmates. The groups shall be inclusive and led by chaplains or volunteer leaders. Adequate space and equipment will be provided for conducting and administering religious programs, and for storing related materials.

Chaplain and volunteer worship leaders must agree to teach the central and inclusive doctrines common to the major faith group without degrading the traditions of others. Individual inmate needs or traditions specific to a particular faith group may be met by individual visits with clergy of the inmate's denomination.

Inmates will not be placed in a position of religious leadership or authority over other inmates. Group worship services shall be available to all inmates unless safety or security concerns such as limited seating or attendance of known enemies make it necessary to limit participation. Inmate attendance shall be voluntary. Corrections staff will monitor group worship or religious programming as needed to maintain safety and order.

Inmates are also free to participate in religious study or worship during free time in their housing areas as long as it neither interferes with the peace and privacy of other inmates nor poses security concerns.

The chaplain or volunteers may conduct extra worship services for special observances, religious holidays, and fasts. Any service, visit or scheduled religious program is subject to cancellation in case of emergency. The reason for cancellation shall be documented.

Inmates in special management units and in-cell lockdown may not participate in religious group worship or study activities that take place outside the housing unit. All segregated inmates may receive visits from the chaplain and approved clergy. Segregated inmates may possess religious literature and accessories within security guidelines. Other religious requests may be referred to chaplain services for evaluation.

### **Inmate Religious Diets**

An inmate who wants a special religious diet may submit a request to the case manager, who will forward it to the chaplain for approval. If the chaplain approves the request it will then be forwarded to food services staff. The requesting inmate will be given notice that a religious diet

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 5 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 5 of 6

may be discontinued if he or she violates the dietary guidelines, e.g., by consuming vending items containing pork after requesting a pork-free religious diet.

#### **Inmate Religious Materials, Attire, and Devotional Accessories**

Inmates may possess religiously significant articles such as rosary beads and prayer rugs. However, such items must meet security guidelines and are subject to search.

Inmates may wear recognized religious head coverings that do not obstruct a clear view of any part of the face in front of the hairline or above the neck. However, if the wearer uses the head covering to conceal or transport contraband, that individual will no longer be allowed to wear the head covering outside his or her housing unit.

Approved religious head coverings worn by female inmates will be searched by female staff members outside the view of male employees, visitors or inmates. As in the case of cross gender strip searches, searches of religious head coverings worn by females may be conducted by male staff only where no female officer is available and there is an urgent, legitimate need for the search to take place.

#### **Inmate Access to Religious Materials, Accessories, and Attire**

The DCSO provides and facilitates access to religious materials and accessories but does not purchase such items with government funds. All religious reading materials not sent directly from a publisher are accepted and distributed by the facility chaplain or the chaplain coordinator. Such materials and accessories may include, but are not limited to, reading materials, e.g., Bibles, Korans or other spiritually oriented publications, and items used to practice an individual's faith, e.g., rosary beads or prayer rugs.

DCSO will provide food and drink for religious observances through the contracted food services provider. Supplies for religious observances will be stored in a secured accessible location at each facility.

Chaplain are to develop and maintain communications with faith communities and, in cooperation with the facility administrator or facility program manager, approves donations of equipment or materials for use in religious programs. Religious materials and items intended for use by the general inmate population may be donated by religious or other organizations.

Only clergy members may deliver religious materials and devotional accessories intended for a specific individual. Arrangements to do so are facilitated by DCSO chaplains.

Family or friends may order religious reading materials from publishers using the "publisher only" procedure for other reading materials. For security reasons, prayer rugs and religious attire such as kufis and yarmulkes cannot be sent to inmates directly from manufacturers, family, or friends. If such items are received by mail they will be placed in the inmate's property until screened and approved by a facility chaplain.

<u>Index Number</u> 1-3.600	<u>Effective Date</u> 8/19/11	<u>Subject</u> Religious Accommodation	<u>Page</u> 6 of 6
<u>Supersedes</u> Policy # 1-3.600	<u>Effective</u> 12/31/10	<u>Subject</u> Religious Accommodation	<u>Page</u> 6 of 6

### **Security Checkpoints**

Visitors and members of the public wearing religious attire who are screened at security checkpoints will be searched to the extent necessary to maintain security standards. Persons wearing religious head coverings that are not traditionally removed in the presence of the opposite sex will be searched by an officer of the same gender in a private setting. Once searched, members of the public will be permitted to wear their religious head coverings.

### **Booking Photos**

Individuals surrendered to DCSO custody by criminal law enforcement authorities, or who appear at the citations office to be booked on a criminal citation, are photographed as part of the booking process. Arrestees and citation recipients are not required to remove religious head coverings for booking photos as long as the view of the face and profile are not obstructed by religious attire. If an arrestee or citation recipient is also wearing a veil that covers or partially covers the face, two booking photos will be taken, one with the veil in place and another without. The unveiled photo will be taken in by a DCSO employee outside the presence of members of the opposite sex.

The MNPD's ARMS system, which stores booking images, will store the unveiled photo as a confidential record that is not released or shared unless directed by judicial order.