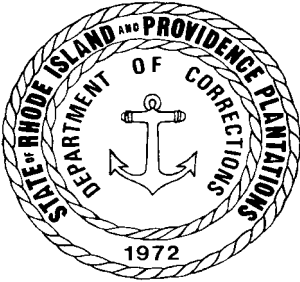


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 26.01-1 DOC	EFFECTIVE DATE: 11/08/99	PAGE 1 OF 9
	REPEALS: 26.01 DOC	DIRECTOR:	
SECTION: ADULT SERVICES PROGRAMS		SUBJECT: RELIGIOUS PROGRAMS AND SERVICES	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), Powers of the director; U.S. Supreme Court decision, <u>Boerne v. Flores</u> (June, 1997)			
REFERENCES: Standards of the ACA (Section F., Religious Programs) # 4454 through 4463; RIDOC Policy # 24.03-1 DOC (Visits)			
INMATE ACCESS THROUGH LAW LIBRARY?		X YES	

I. **PURPOSE:**

To establish Departmental guidelines regarding religious services and programs within the facilities of the Rhode Island Department of Corrections (RIDOC).

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. Inmates are not denied personal contact with accredited representatives of their respective faiths. No inmate will be required or expected to attend any religious programs or services, or to adhere to any religious belief.

III. **PROCEDURES:**

A. **Definitions**

1. **Accredited Religious Organization** - A religious organization that is recognized by the Internal Revenue Service as a nonprofit agency as designated for tax purposes.
2. **Accredited Representative** - Clergy (defined in 5, below) authorized by the central or local governing body of an accredited religious organization to represent that organization in performing religious programs and services.

3. Approved Visiting Area - Area so designated by the Warden or his/her designee where inmates and their visitors may conduct visits.
4. Assistant Director/Rehabilitative Services - Assistant Director for programs and treatment, RIDOC.
5. Clergy - An ordained or lay person officially authorized to perform pastoral or sacramental functions in an accredited religious organization.
6. Director - Director of Rhode Island Department of Corrections.
7. 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.
8. Department - Rhode Island Department of Corrections.
9. Institutional Chaplains - Clergy (defined in 5, above) who are contract employees of the Department of Corrections and who provide religious programs, services, and pastoral care to the institutions.
10. Ordain - To invest officially with ministerial or priestly authority which serves to provide religious services or education.
11. Religious Program - A program which is religious in nature and which serves to provide religious education, practice, or expression.
12. Religious Service - Meeting which is religious in nature and provides an opportunity for worship, fellowship, or congregational participation.
13. 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.
14. Special Visit - Any type of inmate visit which requires express authorization from the Warden or designee.
15. 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.
16. Warden - Chief administrative officer of a correctional institution.
17. Visiting Clergy - Clergy (defined in III.A.5.) of an accredited religious organization who is granted access to the institution, after consultation with

the Assistant Director, 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.

B. Inmate Access to Religious Programs and Services

1. Space

All accredited 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 legal office. All limitations of religious programs, practices, and services are documented via a letter to the Assistant Director of Rehabilitative Services.

4. Cancellation of Programs and Services

The Warden or designee will have 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. All cancellations, postponements, or restrictions are documented by the Shift Commander, and written notification and explanation are given to the Institutional Chaplains.

C. Supervision of Inmate Religious Programs and Services

1. Inmate services and religious programs are scheduled, supervised, and directed by Institutional Chaplains. No programs or services will be held without on-site supervision by a Chaplain or designee.

2. The services of an Institutional Chaplain are made available upon request at all institutions.
3. The Institutional Chaplains or designees are responsible for:
 - a. Scheduling, developing, coordinating, and implementing inmate religious programs and services;
 - 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;
 - 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) utilizing community religious volunteers;
 - d. 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;
 - e. 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;
 - f. consulting with and advising professional staff on religious/spiritual problems that occur with the inmate population;
 - g. 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 accredited 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. Accredited Religious Organizations

Accredited 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 an accredited religious organization not currently functioning at an institution should inform the Assistant Director of Rehabilitative Services. 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

Representatives of accredited religious organizations wishing to hold religious meetings complete an application to provide those services through the Assistant Director of Rehabilitative Services' office. These individuals will be subjected to a security clearance (i.e., BCI and when feasible, NCIC) and will require approval of the accredited religious organizations along with personal references and must complete the RIDOC Chaplaincy Volunteer Orientation Program. The Institutional Chaplain(s) are responsible for developing, maintaining (on a monthly basis) and issuing, through the Assistant Director of Rehabilitative Services, the schedule of religious services throughout the facilities and a roster of individuals authorized to conduct those services.

5. Religious Activities

Each accredited 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. Special Diets

a. The inmate menu is written to accommodate the diet restrictions of Jewish and Muslim inmates. Requests for additional accommodations based on religion should be initiated by interested

inmates and submitted to the Assistant Director of Rehabilitative Services' office.

- b. Where religious holidays specify particular dietary requirements (e.g., Passover, Month of Ramadan), special arrangements are made so that inmates are able to adhere to their religious beliefs, providing these special arrangements are not disruptive to the operation of the facility.

7. Facilities for Services

Accredited 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 working in Maximum and Medium (John J. Moran facility and MED II) securities will schedule religious programs and services in conjunction with the Warden or designee.

9. Special Services

Christmas, Easter, and other religious holidays, with approval of the Warden or designee.

10. Religious Publications

Inmates may have access to a reasonable number of religious publications subject to institutional rules for access to publications in general.

E. Access to Accredited Clergy

Clergy are allowed access to the correctional facility under the conditions set forth in the visitor policy pertaining to professional visits (policy # 24.03-1 DOC, Visits).

1. Normal and Special Visits

Clergy visits occur during normal business hours: weekdays 9:00 AM - 12:00 PM, and 1:00 PM - 3:00 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 person requesting a one-time clergy visit will meet with the institution Chaplain, and following verification of credentials, will be directed to the Office of the Assistant Director of Rehabilitative Services.

The Office of Rehabilitative Services or the Office of the Chief of Security will conduct a BCI and when feasible, an NCIC check. If no criminal record is found, s/he will be given a letter authorizing a one-time clergy visit which s/he hand delivers to the facility during normal business hours.

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 clergyperson deems appropriate for the purpose of the visit, the clergyperson 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

Each correctional facility actively encourages clergy and other members of accredited religious organizations to become involved in inmate religious activities.

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. 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 and request volunteer status within the Chaplaincy Program. They complete an application, and included in that application are a security check, letter of accredited religious organizational support, and personal references. Prospective community religious volunteers are interviewed by the institutional chaplaincy staff and, upon recommendation, are required to complete the RIDOC Chaplaincy Volunteer Orientation Program.

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 clergyperson 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's office conducts a security check (i.e., BCI and, when feasible, NCIC) and refers the name of the clergyperson to the Institutional Chaplain's Office for verification as a representative of his/her accredited religious organization.

At the point when the verification is completed, the individual is authorized to serve as the clergy-of-record and allowed to visit during normal business hours. 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 will be used.