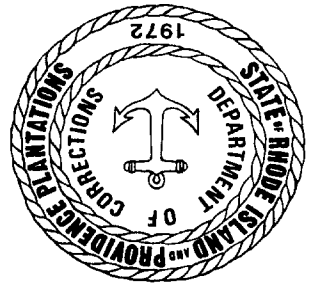


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

POLICY NUMBER: 26.01-2 DOC

EFFECTIVE DATE: 01/22/03

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REFEALS:
26.01-1 DOC
5.06.02-1
5.06.03-1

DIRECTOR: RALPH T. DAVIS II

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SECTION: RELIGIOUS PROGRAMS
SUBJECT: RELIGIOUS PROGRAMS AND SERVICES

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; Boerne v. Flores, 521 U.S. 507 (1997)

REFERENCES: Standards of the ACA (Section F., Religious Programs) # 4454 through 4463; RIDOC Policy #'s 1.05-1 DOC, Accountability and Procedures for the Utilization of Community Agencies; 4.03-1 DOC, Orientation and Entrance Level Training for Non-Correctional Officer Employee; 24.03-2 DOC, Visits

INMATE/PUBLIC ACCESS? X YES

AVAILABLE IN SPANISH? 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. An inmate may, at any reasonable time, make a request to have personal contact with a clergy representative of his/her faith. 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 III.A.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 III.A.5., above) who are contract employees of the Department of Corrections and who provide religious programs, services, and pastoral care to the inmates, staff, and families.
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 of Rehabilitative Services, 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.
 18. Clergy-of-Record - Clergy person designated by the inmate and approved by the Assistant Director of Rehabilitative Services. The Office of Rehabilitative Services verifies that said clergy person is an official representative of a religious organization as defined by the Federal Government's classification in the Internal Revenue Services' rules.
- 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.

Limitation of Access

3.

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 Office of Legal Counsel. Documentation of all limitations of religious programs, practices, and services is forwarded by the Warden or designee, via Departmental memo, to the Assistant Director of Rehabilitative Services.

4.

Cancellation of Programs and Services

The Warden or designee has 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. Documentation of all cancellations, postponements, and/or restrictions is forwarded by the Shift Commander to the Warden or designee. The Warden, or designee, notifies in writing the institutional Chaplain of schedule changes, including an explanation for each cancellation or change and forwards a copy to the Assistant Director of Rehabilitative Services.

C.

Supervision of Inmate Religious Programs and Services

1.

It is the responsibility of the Assistant Director of Rehabilitative Services to coordinate and supervise all religious programs.

a.

All institutional Chaplains responsible for any of the religious services and/or programs report to the Assistant Director of Rehabilitative Services.

2.

Inmate services and religious programs are scheduled, supervised, and directed by institutional Chaplains.

3.

The services of an institutional Chaplain are made available upon request at all institutions.

4.

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) submitting the names of approved volunteers to the Internship/Volunteer Coordinator (Correctional Systems) to attend New Employee Orientation (NEO) at the Training Academy (see 1.05-1 DOC, Accountability and Procedures for the Utilization of Community Agencies; Employees of Outside Organizations; and/or Volunteers and 4.03-1 DOC, Orientation and Entrance Level Training for Non-Correctional Officer Employees, or successive policies.);
 - (3) 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. informing correctional staff of information that poses a risk or potential risk to the security and good order of the institution and/or risk of self injury or injury to others as said Chaplains or designees become aware of this information.

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 may request to conduct religious meetings by submitting a written proposal to the Assistant Director of Rehabilitative Services. The proposal must consist of a detailed description of the proposed meeting specifying the proposed date, time, facility, participants, including inmates, etc. If the Assistant Director of Rehabilitative Services or designee approves the proposal, all individuals participating in the meeting are subject to a security clearance (i.e., BCI and NCIC) and must complete the RIDOC Chaplaincy Volunteer Orientation Programs (see policy # 1.05 DOC, Accountability and Procedures for Utilization of Community Agencies; Employees of Outside

Organizations; and/or Volunteers, or its successor). The institutional Chaplains 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), the Associate Director of Food Services, in consultation with the appropriate institutional Chaplain, makes special arrangements 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. Space 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 schedule religious programs and services in conjunction with the Wardens or designees.

9. Special Services
Special services such as Christmas, Easter, Ramadan and other religious holidays are scheduled with the approval of the Warden, and/or designee. Copies of the schedule must be submitted to the Assistant Director of Rehabilitative Services and Assistant Director of Institutions and Operations at least two weeks prior to the service.
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 facilities under the conditions set forth in the visitor policy pertaining to professional visits (policy # 24.03-2 DOC, Visits, or a successive policy).
1. Normal and Special Visits
Clergy-of-Record visits may occur daily between 8:30 AM and 8:30 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. Clergy interested in a one-time visit must contact the Office of Rehabilitative Services. The Office forwards a Single Person Visit Form to the clergy requesting a visit. The Office of Rehabilitative Services keeps a record of all requests in order to monitor and verify visits by outside clergy. The appropriate Institutional Chaplain reviews the names and denominations of all clergy asking for a one-time visit.
b. The request for a Single Person Visit form, including all information necessary to conduct BCI and NCIC background checks, is sent directly to the Office of Institutions and Operations by the clergy requesting the visit.

- c. The Assistant Director of Institutions and Operations or designee conducts BCI and NCIC background checks.
- d. If no criminal record is found, the one-time visit form is faxed directly to the facility where the visit will take place, copy to the Office of Rehabilitative Services who contacts the clergy with permission to visit. Visits may occur during normal business hours not during inmate's regular visiting hours. If a record is found, the request form will be returned to the Office of Rehabilitative Services for appropriate action.
- e. One-time visits are restricted to one visit per inmate. If a clergy person wants to make multiple visits s/he must have the inmate request clergy-of-record status or be placed on the inmate's visiting list if there is already a designated clergy-of-record.

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 clergy person deems appropriate for the purpose of the visit, the clergy person 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

The Department of Corrections actively encourages clergy and other members of accredited religious organizations to become involved in inmate religious activities, subject to reasonable security precautions.

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 in conjunction with the Warden and/or designee. All requests are to be made at least four (4) weeks prior to the event through the Assistant Director's office.

2. Special Events

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. Prospective community religious volunteers must submit a letter requesting volunteer status, a letter of accredited religious organizational support, and personal references. Prospective volunteers are interviewed by the institutional chaplaincy staff and, upon recommendation, are required to complete the RIDOC Chaplaincy Volunteer Orientation Program. All religious volunteers are subjected to background checks conducted by the Assistant Director of Institutions and Operations, or designee. If a volunteer is on an inmate's visiting list, s/he is not permitted to volunteer in the facility in which the inmate resides.

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 clergy person 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 of Rehabilitative Services' office forwards the information to the Assistant Director of Institutions and Operations office which conducts BCI and NCIC background checks and refers the name of the

clergy person 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 is allowed to visit daily between 8:30 AM and 8:30 PM. 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 are followed.