



# Operating Procedure

<b>Effective Date</b> March 1, 2018	<b>Number</b> 841.3
<b>Amended</b> 3/6/18, 6/1/18, 8/1/18, 10/1/18, 6/1/19	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 841.3 (7/1/15)	
<b>Authority</b> COV §53.1-10, §53.1-25, §53.1-32	
<b>Subject</b> <b>OFFENDER RELIGIOUS PROGRAMS</b>	
<b>ACA/PREA Standards</b> 4-4182, 4-4512, 4-4513, 4-4514, 4-4516, 4-4517, 4-4519, 4-4520 4-4521; 4-ACRS-5A-22; 2-CO-5E-01, 2-CO-5E-02	
<b>Incarcerated Offender Access</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Public Access</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Attachments</b> Yes <input checked="" type="checkbox"/> #5 No <input type="checkbox"/>
<b>Office of Primary Responsibility</b> Operations Support Manager	

## I. PURPOSE

This operating procedure establishes protocols to provide reasonable opportunities for offenders incarcerated in Department of Corrections facilities to voluntarily pursue religious beliefs and practices subject to concerns regarding facility security, safety, order, space, and resources. The Department of Corrections shall give no preference to the activities of one religious denomination, faith, or sect over another.

## II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

## III. DEFINITIONS

**Clergy** - A member of the community who is commissioned, licensed, ordained, endorsed, or otherwise accepted as a religious authority by the individual's religious organization, (i.e. Minister, Priest, Rabbi, Imam, Medicine Man, etc.)

**Common Fare** - An appropriate religious diet for offenders whose religious dietary needs cannot be met by the Master Menu; the Common Fare menu meets or exceeds minimum daily nutritional requirements.

**Community Corrections Facility** - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

**Ex-offender** - An individual previously under the control and supervision of the Virginia Department of Corrections, or a corrections agency in another state

**Facility Chaplain** - An individual who has been approved by the Facility Unit Head to coordinate religious activities within a correctional facility; facility Chaplains are not employees of the Department of Corrections and in most cases are employees of GraceInside as provided for in the Contract with the DOC.

**Faith Review Committee** - A panel of representative Department of Corrections staff who serve in an advisory and decision making capacity regarding religious accommodation as it relates to, and impacts on, security and legitimate penological interests of the DOC

**Lay Chaplain** - A volunteer that has significant contact with offenders for the purposes of supervising and directing faith based programs of their specific faith, in cooperation with or to supplement the DOC Facility Chaplain provided programs. Additional volunteer functions might include clerical, librarian and other duties as mutually agreed to with the Chaplain.

**Master Pass List** - A list of authorized individual offender movements issued daily by a designated official of the institution

**Offender** - An inmate, probationer, parolee or post release supervisee, or other person placed under the supervision (conditional release) or investigation of the Department of Corrections

**Recognition of Religious Group** - For the purposes of this operating procedure, recognition of a religious group means that the group can be allowed to meet in DOC facilities based on security and management

considerations. This recognition is not a judgment on the validity of the religion or of the sincerity of its followers.

**Religious Activity** - A program of a religious nature that operates within a correctional facility, including religious services, prayers, rituals, ceremonies, celebrations, study groups, and meetings

**Religious Volunteer** - A member of the community who is recognized by a faith group and who has been approved, in accordance with Operating Procedure 027.1, *Volunteer Program*, to conduct specific religious activities on a volunteer basis

#### IV. OFFENDER RELIGIOUS ACTIVITIES

- A. All facilities will designate adequate space and equipment appropriate for the conduct and administration of religious activities to include adequate office space, storage space, and an area for a Religious Library. (4-4520, 2-CO-5E-01)
1. Facilities should make available the equipment needed to conduct religious programs such as a computer and LED projector as authorized by the Operations Support Manager.
  2. Chaplains should be provided with a computer, telephone line, printer/copier access, and all standard office supplies in order to carry out their duties.
- B. Facilities shall make available, to the greatest extent possible, a facility Chaplain or volunteer Chaplain who shall serve as an advocate for equitable accommodation of all religious faiths. (2-CO-5E-01)
1. The Constitution of Virginia prohibits the use of General Fund revenues to support religion; therefore Chaplains are employed by GraceInside or are volunteers.
  2. Chaplains should be qualified based on clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body. The Chaplain assures equal status and protection for all religions. (4-4512)
  3. Chaplains are subject to all work policies, laws, guidelines, rules, and regulations that apply to DOC employees, including confidentiality and security procedures, unless otherwise stated in this operating procedure.
    - a. Chaplains, Muslim Imams and all other religious representatives that accompany the Imam shall sign in and out on the [Chaplain/ Imam Sign -In Sheet](#) 841\_F20.
    - b. The [Chaplain/ Imam Sign -In Sheet](#) 841\_F20 shall be stored in a binder located at the facility's perimeter access point for volunteers.
    - c. All other volunteers and religious workers (other than those who accompany the Imams) shall sign in and out on the facility provided volunteer log located at the perimeter access point.
  4. Within the limited resources of GraceInside and available volunteers, each facility strives to provide the following Chaplain access:
    - a. In facilities with an average daily population of 500 or more offenders, there is a full-time Chaplain (or Chaplains). (4-4513)
    - b. In facilities with less than 500 offenders, there is adequate religious staffing. (4-4513)
- C. When a religious leader of an offender's recognized faith is not represented through chaplaincy staff or volunteers, the Chaplain should assist the offender in contacting a person who has the appropriate credentials from the faith judicatory. (4-4519)
1. The individual contacted will minister to the offender under the supervision of the Chaplain.
  2. If the Chaplain is unable to locate or obtain the services of a qualified representative from an offender's religion, the Chaplain or other designated DOC staff shall assist the offender with obtaining religious texts, study materials, etc. for their religion.
  3. All recognized religious representatives should be available to all offenders within limitations of space and supervision resources at the facility.

- D. Offenders have a constitutional right to religious expression and should have the opportunity to participate in practices of their religious faith, limited only by documentation showing a threat to the safety of persons involved in such activity or that the activity itself disrupts order in the facility. (4-4517, 4-ACRS-5A-22)
1. The facility must balance these rights with offender movement, room capacity, staffing challenges and in-room supervision at certain security levels.
  2. Some religious activities may be limited, restricted, discontinued, or denied by the Facility Unit Head based upon legitimate concerns regarding security, safety, facility order, space, or resources.
  3. Facilities will make accommodations to allow offenders to perform their personal prayers individually during scheduled breaks.
    - a. Personal prayers must be performed individually and should not interfere with institutional count, movement times and other security operations.
    - b. Facilities and work supervisors must employ the least restrictive means available in order to permit an offender's absence from their assigned work site to attend their religious activity while ensuring that the essential duties and responsibilities of the job will continue to be satisfied and the safety, security, and operational needs of the facility will continue to be met.
  4. The Facility Unit Head shall authorize and approve reasonable special visits between offenders and spiritual leaders, and shall approve the scheduling of days and times for religious programs and activities. (2-CO-5E-01)
  5. Counseling by spiritual leaders is confidential, but may be subject to reasonable and respectful observation as necessary, and in accordance with the security level and nature of the facility. Each facility should provide an appropriate location for confidential religious counseling as needed. (2-CO-5E-02)

E. Faith Review Committee

1. The *Faith Review Committee* shall be comprised of DOC employees appointed by the Chief of Corrections Operations. Ad hoc committee members may be included, as needed, to provide expertise on specific religions.
2. The *Faith Review Committee* shall ensure DOC-wide consistency for offender accommodation of religious property and practices based on legitimate facility security and operational concerns.
3. The *Faith Review Committee* shall receive referrals from Facility Unit Heads on disputed faith property and practices, and shall determine whether a requested property item, practice, or accommodation should or should not be approved in accordance with DOC procedures.
4. The *Faith Review Committee* shall meet at most quarterly, but may review referrals from facilities more often on an as-needed basis.
5. *Faith Review Committee* recommendations shall be referred to the Chief of Corrections Operations and Corrections Operations Administrator for review and approval prior to notifying facilities of changes.

V. AVAILABLE RELIGIOUS ACTIVITIES

- A. The DOC has recognized specific religions that may operate, where offender participation, facility resources, and religious leadership are available, without further approval in DOC facilities.
1. The current religions that are recognized to operate in DOC facilities are listed on Attachment 3, *Religions Approved to Operate in DOC Facilities*.
  2. This recognition confers no rights or privileges to offenders who practice these religions that are not available to all other offenders.
- B. Offenders may request that a new religious group, not currently recognized by the DOC, be approved by submitting a [Request for Recognition of Religious Group](#) 841\_F2 to the Facility Unit Head or other DOC staff designated by the Facility Unit Head.

1. Each [Request for Recognition of Religious Group](#) 841\_F2 must be as complete and well documented as possible. An outside sponsor, clergy person, or organization is not required to establish a new religious group or to maintain a religious group at a facility.
  2. The Facility Unit Head or designated DOC staff shall review the *Request for Recognition of Religious Group* and ensure that the *Request* is complete and the requirements are documented.
  3. If the religion is not listed on the *Religions Approved to Operate in DOC Facilities*, the Facility Unit Head shall attach a [Routing Slip for Recognition of Religious Group](#) 841\_F3 indicating recommendation to approve or disapprove the *Request for Recognition of Religious Group*.
  4. The Facility Unit Head will refer the request and supporting documentation to the *Faith Review Committee* for their review and recommendation to the Chief of Corrections Operations.
  5. The Chief of Corrections Operations shall make the final decision to add a proposed religious group to *Religions Approved to Operate in DOC Facilities* based on information presented.
- C. Offender requests for a new religious activity for any religious group listed on *Religions Approved to Operate in DOC Facilities* that is not currently offered at a facility must be submitted on a facility offender request form.
1. The Facility Unit Head, in consultation with the facility Chaplain, should consider the request, and provide time and space for the group to meet within the restrictions of the facility security level, mission, space, time, available supervision, etc. (changed 6/1/19)
  2. The standard minimum number of offenders required to establish, maintain, and hold group services, programs, or meetings for a religious group is two. (2-CO-5E-01)
    - a. The frequency (i.e. weekly, bi-weekly, monthly) of group services, programs, or meetings must be scheduled equally for all recognized religious groups.
    - b. Each recognized religious group will be allowed at least one service and one study session per week, taking into consideration the total number of recognized religious groups and provided space, time, security needs, and available supervision permits.
      - i. If facility space, time, security needs, and staff supervision allow, Talim (Muslim Study Group) will be scheduled to take place on a separate day of the week from Jumah.
      - ii. If facility space, time, security needs, and staff supervision allow, Kiddush (Jewish Service) should be held on Friday at facilities. Kiddush should be scheduled to occur close to sunset consistent with security requirements. Commissary funds or donations, approved by the Facility Unit Head, may be utilized to procure matzo and kosher grape juice.
  3. Religious Activities (services, meetings, or programs) for religions not recognized by the DOC will not be allowed. Adherents may apply for recognition in accordance with this operating procedure.
- D. Facility security and safety considerations may restrict certain aspects of an accepted religious practice including but not limited to:
1. Restricting use of alcohol and other drugs in religious services:
    - a. If required for the religious service, clergy may bring into the facility a maximum of 1 fluid ounce of wine in a transparent/translucent plastic container for consumption by the clergy only. The clergy shall remove the container and any remaining wine from facility grounds at the conclusion of the service.
    - b. Catholic offenders and other groups that do not allow wine substitutes will receive communion by use of bread or wafer only.
    - c. Groups that allow substitutes for wine may allow offenders to consume grape juice or fruit flavored mixes in the communion service.
    - d. As needed for participation in the communion service, necessary items such as bread, wafers, grape juice, and fruit flavored mixes will be purchased by the facility using commissary funds or these items may be donated with approval of the Facility Unit Head and in accordance with this operating

procedure.

2. Limiting Access to and Staff Monitoring of the Tefillin (phylacteries)
  - a. This Jewish prayer item shall be stored in the Shift Commander's office to be available to offenders on request.
  - b. The Tefillin may be used 6 days a week (not on the Sabbath (Saturday)) for a maximum of 30 minutes and returned immediately after use. It must be used under staff observation in a designated area near the Shift Commander's office and shall not be taken to an offender's housing area.
  - c. Only those offenders who have attended Jewish services at least twice per month (or possess Jewish literature if services not available) for at least 6 months are eligible to use Tefillin.
  - d. Access to Tefillin will not be permitted in special housing units or during institutional lockdown.
3. Restricting access to and use of candles to those events designated by the Chief of Corrections Operations in accordance with Addendum 2, *DOC Religious Guidance - Open Flame Candles*
4. Restricting access to and use of the Native American Ceremonial Pipe in accordance with Addendum 3, *DOC Religious Guidance - Native American Ceremonial Pipe Ritual*
5. Limiting to Religious items as listed on Attachment 5, *Approved Religious Items*
6. Prohibiting offenders from making monetary donations to GraceInside (the contracted organization that hires, supervises and compensates the institutional Chaplains) and to churches or ministries in the community for which the facility Chaplain serves as a minister, pastor, priest, director, etc., as this is a conflict of interest.
7. Requiring adherence to DOC dress and grooming requirements (see Operating Procedure 864.1, *Offender Grooming and Hygiene*)

## VI. SUPERVISION OF RELIGIOUS ACTIVITIES

- A. The Chaplain (in consultation with and approval of the Facility Unit Head) should plan, direct, and coordinate all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the offender population. (4-4514; 2-CO-5E-01; 2-CO-5E-02)
  1. Chaplains maintain oversight and scheduling ability for day to day operations of religious groups within their facilities.
  2. Facilities should ensure there is a secondary point of contact for religious programming (generally the Institutional Program Manager (IPM) or Volunteer Coordinator).
  3. The IPM or designee should have oversight authority over time and space allocation for various religious groups.
  4. The Volunteer Coordinator in consultation with the Facility Unit Head has responsibility for all terminations of volunteers.
  5. Resolution for an issue or problem should occur within the following limits:
    - a. For Chaplains, five business days
    - b. For IPM/Volunteer Coordinator, seven business days
    - c. For Facility Unit Head, ten business days
  6. Offender clerical staff may be provided to Chaplains. Non-offender staff, such as Lay Chaplains must handle all confidential material. (4-4520, 2-CO-5E-01)
    - a. Offender clerical staff shall not be left unattended in Chaplains' office areas (i.e. without the supervision of the Chaplain, other DOC staff person, or experienced volunteer).
    - b. Offender clerical staff shall NOT have access to telephones or to computers with internet connections.
  7. The Chaplain will review all DVD's for use in religious programs and submit them to the Institutional Program Manager or equivalent designated by the Facility Unit Head for approval in accordance with

Operating Procedure 841.1, *Offender Programs and Services*.

8. Chaplains shall have physical access to all areas of the facility and are encouraged to make regular rounds in General Population, Special Housing or Restrictive Housing, Structured Living Units (SLU), and other non-General Population housing areas in order to minister to offenders. (4-4513; 2-CO-5E-01)
9. DOC staff, facility Chaplains, and religious volunteers shall not discriminate against or give preferential treatment to any offender, based on the offender's religious beliefs or practices. An offender's attendance and/or participation in religious services or activities shall at all times be voluntary. (2-CO-5E-02)
10. DOC staff, Chaplains, or religious volunteers shall not proselytize or coerce offenders to join or participate in the activities of a particular religion. (2-CO-5E-02)
11. The Chaplain or designated staff should develop and maintain close relationships with community religious resources. The Chaplain, in cooperation with the Facility Unit Head or designee, should develop and maintain communications with faith communities and should coordinate donations of equipment or materials for use in religious programs based on guidance from the Operations Support Manager. (4-4516, 4-4521; 2-CO-5E-01)
12. DOC facility Chaplains are approved to conduct routine and emergency visits to offenders in non-DOC hospitals. Chaplains visiting offenders in hospitals must:
  - a. Always carry their DOC photo identification as well as other proof of clergy status as required by the hospital
  - b. Comply with all hospital rules and regulations such as visiting hours, emergency room and intensive care unit access, etc.
  - c. Be aware of the duties and responsibilities of security and medical staff and should comply with their instructions
  - d. Document their hospital visits and notify their facility point-of-contact that such visits have taken place
13. Chaplains, due to the nature of their work, may have to interact with offenders in ways that are unique and different from regular employees.
  - a. Chaplains may be authorized to interact with offenders on supervision (probation/parole) or ex-offenders in non-supervised (direct release) correctional status to facilitate their re-entry into the community. Interactions should be professional and transitional in nature. Such activities include, but are not limited to, the following:
    - i. Inviting offenders or ex-offenders to their place of worship for services, study groups, pastoral counseling, potential membership, etc.
    - ii. Providing transportation, clothing, food, and other such assistance
    - iii. Assisting with obtaining housing, education, vocational training, or job placement
  - b. Chaplains must apply using a [Request for Chaplain Interaction with an Offender or Ex-Offender 841\\_F4](#) and be approved by the Facility Unit Head of the facility at which they are serving.
  - c. Normally a Chaplain should only assist offenders and ex-offenders that were incarcerated at the facility where they serve.
    - i. Chaplains may be approved to assist offenders that were incarcerated at other facilities. Example: The Chaplain directs or works for a halfway house or step-down facility and wishes to provide services for an ex-offender that was released from a different facility.
    - ii. In such cases, the Chaplain will still submit the *Request for Chaplain Interaction with an Offender or Ex-Offender* to their Facility Unit Head, but shall note on the *Request* that the ex-offender was released from a different facility. The Chaplain should state the justification for providing services to this ex-offender.
  - d. A Chaplain who wishes to assist a released offender who is on active supervision (probation, parole,

etc.) must also receive the approval of the Chief P&P Officer of the offender's P&P District so that the supervising P&P Officer can be notified.

- e. The *Request for Chaplain Interaction with an Offender or Ex-Offender* will be maintained at the facility if the request is being made prior to the offender's release.
    - i. If the offender has been released, the *Request for Chaplain Interaction with an Offender or Ex-Offender* will be maintained in the P&P Office if the offender is in community release status.
    - ii. If there is no probation or parole supervision involved (and the ex-offender is already living in the community), the *Request for Chaplain Interaction with an Offender or Ex-Offender* will be placed in the Chaplain's personal files at the facility.
    - iii. Chaplains should keep copies of all *Request for Chaplain Interaction with an Offender or Ex-Offender* in their personal files for documentation.
  - f. Prohibited actions:
    - i. Chaplains may not provide money or financial assistance to offenders or ex-offenders out of their personal funds.
    - ii. Chaplains may not provide legal assistance (hiring or paying lawyers, contacting victims, etc.) to or for offenders or ex-offenders.
    - iii. Chaplains shall not have offenders or ex-offenders live in their personal home or residence.
    - iv. Chaplains shall not hire offenders or ex-offenders as personal employees, i.e. housekeeper, grounds keeper, maintenance or repair duties, etc.
  - g. Chaplains who request interaction with offenders or ex-offenders outside the facility shall review Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*, to be aware of fraternization restrictions and to help avoid even the appearance of impropriety. Crossing the line from professional to personal (overly friendly/familiar, romantic or sexual) relationships with offenders and ex-offenders or serving as a conduit for information and/or contraband between offenders and ex-offenders and currently incarcerated offenders will be dealt with to the full extent of DOC procedures and the law.
- B. Religious activities shall be visually observed as indicated below, and accommodations for religious activities shall be in accordance with requirements concerning a facility's security level, safety of the offender population, and orderly operations.
- 1. Religious activities may be canceled when no staff is available to provide required supervision. Facilities shall not habitually cancel religious activities due to shortage of staff.
  - 2. Security Level 4 and Security Level 5 facilities shall have in-room DOC staff supervision (Security Staff or Counselor) or a contracted facility Chaplain, when available, at all times, whether or not volunteers are present.
  - 3. Security Level 3 facilities shall have in-room DOC staff (including Chaplain) or experienced volunteer supervision such as a Lay Chaplain.
  - 4. Security Level W, Security Level 1, Security Level 2, and Community Facilities - Facility Unit Heads shall determine the method of monitoring religious activities and group activities in accordance with the requirements concerning the facility's orderly operations and safety of the offender population.
  - 5. Religious services and group worship shall normally be conducted by an approved spiritual leader or volunteer. If a religious group has no available spiritual leader or volunteer, offenders may meet under the general supervision of trained and authorized staff as approved by the Facility Unit Head.
- C. Religious groups shall not be allowed to hold formal meetings without staff authorization, approval, and required supervision. This does not prohibit informal religious discussions in leisure areas such as dayrooms or recreation yards as long as the group does not disrupt other offenders authorized to use the same area.
- D. No offender will be recognized by the DOC as a spiritual leader, pastor, rabbi, imam, or any other type of clergy.

1. Offenders may be authorized by the Chaplain or other facility staff to lead religious programs, services or study groups. Such offenders have no authority over any other offenders. (4-4182)
2. Offender religious leaders should be rotated on a regular basis (if possible) to prevent abuses.
3. No offender will be allowed to handle or have access to confidential material concerning another offender.

## VII. ACCESS TO RELIGIOUS ACTIVITIES

- A. Memos and notices relevant to volunteers and religious activities should be readily available to Front Entry staff to facilitate volunteer entry to the facility.
- B. Facilities will use the master pass list provided in VACORIS to control access to religious activities. Work Centers, Field Units, and Community Corrections Facilities are not required to use the master pass list when the offender is not exiting the building.
- C. All facilities shall develop a listing of all regularly occurring religious activities in the facility separated by religion similar to Attachment 1, *Request to Attend Religious Activities*. Services that serve multiple religions should be listed under each applicable religion. (2-CO-5E-01)
  1. Offenders at reception centers, work center, field units, and Community Corrections Facilities may be allowed to sign up for religious activities on a first-come, first-served basis (i.e. based on space and supervision at the facility).
  2. Once offenders arrive at their initial facility assignment, they will participate in facility orientation. Offender orientation will include a listing of all regularly scheduled religious activities operating at the facility.
    - a. During facility orientation, offenders will be allowed to complete Attachment 1, *Request to Attend Religious Activities* to designate activities available at that facility they wish to attend within the religion of their choice.
    - b. For purposes of offender movement control, facilities shall limit an offender's religious group participation to one religion at any given time (i.e. Christian, Muslim, etc.).
    - c. Offenders will be added to the master pass list when required for the regular, ongoing activities (weekly worship services, study groups, etc.) that they have specified on the *Request*.
    - d. Offenders may only attend the regular, ongoing religious activities that they have designated on the *Request* until the next quarterly open enrollment period or a facility transfer; offenders may not select activities in more than one religion except for interfaith religious classes. (2-CO-5E-02).
    - e. An open enrollment period of two weeks shall be provided at least once each calendar quarter to allow offenders to change their selection of religious activities to attend (including change of religion) by submitting a new *Request to Attend Religious Activities*. Offenders making no changes to their religious activities do not need to submit a *Request*.
    - f. Offenders who choose not to complete a *Request to Attend Religious Activities* will not be penalized. (2-CO-5E-01)
      - i. The offender will not be allowed to submit a *Request* or to attend the regular, ongoing facility activities of any religion until after submitting a *Request* during the next open enrollment period.
      - ii. Until such time, they may practice their faith privately/individually through prayer, meditation, reading, reflection, etc.
    - g. An offender transferring to another facility shall go through facility orientation at the new facility and shall be allowed to submit a *Request to Attend Religious Activities* to designate services they wish to attend within the religion of their choice.
      - i. The offender will be placed on the master pass list when required for the services designated.
      - ii. The offender will be allowed to submit a *Request* to change religious activities at the next open enrollment period at the new facility (regardless of their reception date at the facility).
    - h. The *Request to Attend Religious Activities* shall not be used to approve or deny religious property



items, including religious literature.

3. The offender population shall be notified on a continuing basis, as necessary, when religious activities are added or changed. The facility will determine how pass lists will be established for additional or changed services.
- D. Special housing offenders may have access to approved spiritual leaders on an individual basis, and/or via closed circuit TV's in cells where applicable, unless otherwise prohibited based on legitimate safety and security concerns, consistent with the mission of the facility.
- E. Offenders under full or partial facility lockdown may have access to approved spiritual leaders on an individual basis, and/or via closed circuit TV's in cells where applicable, unless otherwise prohibited based on legitimate safety and security concerns, consistent with the mission of the facility.
- F. Special religious classes and special religious events (such as revivals, interfaith spiritual retreats, concerts and other special programs) may be opened up to the entire offender population at the Facility Unit Head's and Chaplain's discretion. Sign up lists and other methods that allow equal access may be used to limit numbers of offenders allowed to attend services based on limited space and supervision resources at the facility.

#### VIII. RELIGIOUS ITEMS

- A. Communal and individual religious property items shall comply with all Department and facility procedures relating to contraband, alteration, and approval. Violations may result in disciplinary action and/or confiscation of property. (2-CO-5E-01)
- B. Offenders may possess individual items as authorized on Attachment 5, *Approved Religious Items*. (2-CO-5E-01)
  1. Offenders may request that a religious item not already listed on the *Approved Religious Items* be approved by submitting a [Request for Approval of Religious Item](#) 841\_F1 to the Facility Unit Head or designee
  2. The Facility Unit Head or designee will research the item and recommend approval, approval with restrictions, or disapproval and forward the *Request for Approval of Religious Item* to the *Faith Review Committee* for review.
  3. If the religious item was previously reviewed by the *Faith Review Committee* and a decision was made within the previous 12 months, a new review is not required. The Operations Support Manager may document the committee's decision on the [Request for Approval of Religious Item](#) 841\_F1 without further committee review.
  4. If the requested item is approved, Attachment 5, *Approved Religious Items* will be amended to allow the approved religious item for offenders throughout the DOC.
- C. In the course of searching or examining offender religious items, employees shall remain cognizant that consecrated or blessed items, or items that are considered sacred, should be treated with respect and appropriate care. All religious items are subject to respectful search.
  1. Any offender who does not wish to have a religious item(s) searched shall be allowed to mail the item home or have the item disposed of in accordance with Operating Procedure 802.1, *Offender Property*.
  2. Newly received offenders entering the DOC, including out-of-state intakes must agree to have their items searched and/or x-rayed. If the offender does not wish to have the item(s) searched, the offender shall be allowed to mail the item home or have the item disposed of in accordance with Operating Procedure 802.1, *Offender Property*.
- D. All religious items other than publications approved by the *Faith Review Committee* for individual offender possession must be purchased from the facility commissary. Any DOC approved religious item that is not regularly stocked by the commissary Contract Vendor will be provided through the Special Order process in Operating Procedure 801.6, *Offender Services*.

- E. Handling of religious literature shall be consistent with Operating Procedure 803.2, *Incoming Publications*, and specific guidance from the Chief of Corrections Operations. (2-CO-5E-01)
- F. Donated Individual Religious Items and Communal Property for Religious Activities
1. Facilities may receive donated individual and communal religious items for use in religious activities from GraceInside and their subcontractors, Faith Based Organizations, and other Community groups provided the donated item has been reviewed and approved by the *Faith Review Committee* and is listed on Attachment 5, *Approved Religious Items*.
    - a. Donated individual religious items must comply with the restrictions imposed by the *Faith Review Committee* as indicated on Attachment 5, *Approved Religious Items* to include size, color, material, etc.
    - b. Organizations that wish to donate a religious item or any other item for use in religious activities that is not on the Attachment 5, *Approved Religious Items* must submit a written request on organization letterhead to the Operations Support Manager for review and approval by the *Faith Review Committee*. The written request must include the type and quantity of items for donation as well as a physical description such as the size, color, material, etc.
    - c. Items of negligible monetary value such as pamphlets, newsletters, etc. are not subject to prior approval but are subject to DOC operating procedures governing searches, offender property, and contraband.
    - d. All individual religious items donated by Faith Based Organizations or other Community groups for distribution to offenders shall be donated to the DOC and issued by the Chaplain. Donations to a specific offender are prohibited
      - i. Offenders may request a donated individual religious item by contacting the facility chaplain who, based on item availability, will provide the offender with the item.
      - ii. Any donated individual religious item that the Chaplain issues to an offender must be routed through the facility property officer so the items can be added to the offender's personal property inventory list in VACORIS in accordance with Operating Procedure 802.1, *Offender Property*.
      - iii. An offender's failure to complete and submit the [Property Request - Add/Drop](#) 802\_F1 may result in the religious item being returned to the sender.
      - iv. Prior to returning donated religious items, the facility property officer should consult with the facility Chaplain for any additional information regarding the donation.
    - e. GraceInside and their subcontractors i.e. Muslim Chaplin Services can donate individual religious items to specific offenders provided the item complies with the list of *Approved Religious Items*.
      - i. The offender will request religious items directly from GraceInside or their subcontractors.
      - ii. The offender must complete the [Property Request - Add/Drop](#) 802\_F1 and submit it to the facility property officer as notification that the religious item was requested and to ensure the item is added to the offender's personal property inventory.
      - iii. An offender's failure to complete and submit the [Property Request - Add/Drop](#) 802\_F1 may result in the religious item being returned to the sender.
      - iv. Prior to returning donated religious items, the facility property officer should consult with the facility Chaplain for any additional information regarding the donation.
  2. Donations of Communal Property (as approved on the *Approved Religious Items*, Attachment 5) shall become the property of DOC
    - a. Communal religious items not specifically authorized on Attachment 5, *Approved Religious Items* may be approved by the Chief of Corrections Operations, and shall be strictly controlled.
    - b. Communal religious items shall be stored in a secure area of the facility and made available for use during the applicable religious activity as approved.
    - c. The Chaplain shall receive prior written authorization from the Facility Unit Head for any publications (books, texts, magazines, CD's, etc.) donated to the facility for religious use. See Operating Procedure 803.2, *Incoming Publications*, for additional guidance on publications.
    - d. Operating Procedure 841.1, *Offender Programs and Services*, provides specific guidance on digital video discs (DVD's) donated for religious programs.
- G. Any request for an exception to the donation requirements of this procedure must be submitted for approval in writing to the Operations Support Manager.

H. Donations of religious items, equipment, and materials must be approved, accepted, and documented in accordance with the requirements of Operating Procedure 220.1, *Gifts and Donations*.

## IX. HOLY DAY OBSERVANCES

### A. Guidelines for Religious Group and Religious Holy Day/Season Participation (2-CO-5E-01)

1. It is recognized that although each offender has the right to worship in their chosen manner, levels of offender participation and availability of facility resources and religious leaders do not permit separate services for every possible form of worship at every facility. This section is provided as general guidance for organization of religious activities and the observation of certain religious holy days and/or seasons to provide the greatest access and participation possible.
2. To ensure consistent observances within the DOC, a memorandum should be issued from the Chief of Corrections Operations as each holy day/season approaches announcing the eligible religions and dates for observance.
  - a. Information on holy days/seasons shall be provided to the offender population including any facility-specific information and any deviation from routine facility operations.
  - b. The *Master Religious Calendar*, Attachment 2, is provided as a guide for planning holy day and religious observances; memos providing specific dates and guidance for observances will override the *Calendar*.
  - c. There will be no sincerity requirement established for offenders wishing to participate in holy day/season observances i.e., possession of religious items, religious activity attendance, etc.
3. The IPM or other executive level staff member as designated by the Facility Unit Head will be responsible for the management of all holy day/ season observances at the facility.
  - a. Participation in holy day/ season observances i.e. evening study groups will be limited to those offenders within the designated religions that observe the holy day/season as documented on the offender's Attachment 1, *Request to Attend Religious Activities*.
    - i. Offenders who are eligible and wish to participate in the observance must submit a facility offender request form to sign-up for participation in the observance at least 30 days prior to the start of the observance.
    - ii. The IPM or other designated staff member shall review the offender's request, determine if the offender is eligible and document their decision on the request form within 7 days; a copy of the request form shall be returned to the offender as a receipt of their request and notification of the decision.
    - iii. The IPM or other designated staff member will prepare and as necessary update a single list of all offenders approved to participate in the holy day/ season observance and ensure that a copy is posted in the offender housing units 21 days prior to the start of the observance.
    - iv. A copy of the list and each updated version shall be distributed to appropriate staff and will serve as the only official list used to verify an offender's approval to participate.
    - v. Offenders who transfer from one institution to another while participating in any holy day/ season observance may request to participate at the receiving institution if the observance is available there.
      - (a) The receiving institution may confirm the offender's participation with the sending institution but access to religious fasting and group meals will not be withheld pending confirmation; the receiving institution shall allow immediate participation.
      - (b) When a Master Pass List is used to control offender movement to the holy day/season observance, the offender will be added to the Master Pass List and allowed to participate in all aspects of the religious observance.
  - b. Offenders in Special/ Restrictive Housing should be contacted directly by staff and afforded the opportunity to submit an offender request form to participate in the fast and receive the fasting meals. This would include offenders who have a family history in the designated religions, past involvement in those religions at previous assignments, or past participation in the Holy Day/

Observances.

- c. Offenders who did not indicate on their *Request to Attend Religious Activities* that they wish to access activities for the designated religions are ineligible to participate.
  - d. The *Request to Attend Religious Activities* for each religion's ongoing services should be updated at least quarterly and offenders allowed to change their religious participation.
  - e. If the number of offenders exceeds the space available for the activity, then access to the activity shall be rotated by building so that each building will have equal access to religious activities.
4. Master pass lists, if required, and Program Sign-In Sheets are essential to maintain offender accountability and shall be used to control and document participation in all religious activities.
- a. Sign-In Sheets should be utilized to record offender participation for all religious programs, services, and meetings.
  - b. The facility Chaplain and/or other designated DOC staff shall work with security staff to see that Sign-In Sheets are present at all religious activities.
  - c. Sign-In Sheets will be kept on file by the Chaplain or other designated facility staff for accountability purposes.
5. Muslim holy days and seasons may be observed by Islam (Sunni Muslim, Shiite Muslim), Nation of Islam (NOI), and Moorish Science Temple of America (MSTA).
- a. Observances and practices include Ramadan (Muslim)/Month of Fasting (NOI/MSTA), the Eid-ul-Fitr feast, and the Eid-ul-Adha feast.
  - b. Any group meal will be served at a separate time and/or area from the general offender population.
  - c. Islam (Sunni Muslim, Shiite Muslim) should observe these holy days, seasons, meals and services separately from the NOI and MSTA groups to the extent possible within space, time, and staff resources.
  - d. Due to the separate and distinct belief systems of the NOI and MSTA groups, where offender participation, time, space, and staff supervision allow, these two groups should each have their own separate observances, meals, etc. on the holy days and seasons.
    - i. Where limited participation or resources require, NOI and MSTA may dine together and/or conduct joint worship services, study sessions, or observances. Due to differences in belief systems, a shared meal is preferable to shared services or observances.
    - ii. NOI and MSTA have certain holy days that are unique to their own faiths, and these will be announced.
  - e. Offenders participating in Ramadan/Month of Fasting shall be provided the opportunity to take their medications before dawn or after sunset either through special pill calls or self-medication. Offenders should consult with the medical staff and shall take all responsibility for the possible consequences of taking medications at intervals not recommended by the medical staff.
  - f. The Observance of Ramadan or the NOI Month of Fasting should not interfere with regular work or program assignments.
  - g. Offenders participating in the Observance of Ramadan or the NOI Month of Fasting are not exempt from random drug testing during this period. Randomly selected offenders who are fasting during daylight hours should be tested during those periods of time when they are allowed to eat and drink (i.e. before dawn and after sunset). All other drug-testing regulations apply.
  - h. Participating offenders should be permitted to fast during the daylight hours and to observe prescribed times of prayer and spiritual reading individually after work assignments and activities have been accomplished.
    - i. Any offender who eats commissary food items or seeks a meal tray between dawn and sunset during the religious fast of Ramadan, after having chosen to participate in Ramadan or NOI Month of Fasting, shall not be removed from Ramadan participation or otherwise penalized.
6. Jews, Messianic Jews, and Yahwists (House of Yahweh, Philadelphia Church of God, etc.) holy day

observances

- a. Jewish and Messianic Jewish observances include Fast of Esther, Purim, Rosh Hashanah, Fast of Gedaliah, Yom Kippur, Passover, Sukkoth, Shavuot, and Chanukah.
  - b. House of Yahweh, Yahwists, and Philadelphia Church of God observances include Feast of Trumpets (Rosh Hashanah), Day of Atonement (Yom Kippur), Passover, Feast of Tabernacles (Sukkoth), and Pentecost (Shavuot).
  - c. Any special meals will be served at a separate time and/or area from the general offender population.
  - d. Jews should observe these holy days, seasons, meals, and services separately from Messianic Jews, Yahwists, and Philadelphia Church of God to the extent possible within space, time, and staff resources.
  - e. Due to the separate and distinct belief systems of Messianic Jews, Yahwists, and Philadelphia Church of God, where offender participation, time, space, and staff supervision allow, these three groups should each have their own separate observances, meals, etc. on the holy days and seasons.
    - i. Where limited participation or resources require, Messianic Jews, Yahwists, and Philadelphia Church of God may dine together. Due to differences in belief systems, a shared meal is preferable to shared services or observances.
    - ii. Messianic Jews are also generally approved to observe and participate in Christian holy days and seasons as these groups have both Jewish and Christian elements. Messianic Jews may observe the Christian holy days in conjunction with the Christians. Separate observances are not required.
  - f. Any offender who eats commissary food items or a regular meal tray, after having chosen to participate in the Passover Meal or Common Fare Passover Meal shall not be removed from Passover participation or otherwise penalized.
7. Christian holy days/seasons may be observed by Roman Catholic, Greek Orthodox, Protestant denominations, Jehovah's Witnesses, Church of Jesus Christ of Latter Day Saints (Mormons), and Messianic Jews.
- a. Observances recognized by the DOC are Easter and Christmas.
  - b. It is recognized that there will be staffing shortages and heavy visitation but all Facility Unit Heads must allow a worship service or services on these holy days.
    - i. An interdenominational Easter service may be held as either a sunrise service, afternoon service, or evening service as determined by the Facility Unit Head and the Chaplain in consideration of visitation and staffing issues.
    - ii. An interdenominational Christmas service may be held either Christmas Eve or Christmas Day. Both Christmas Eve and Christmas Day services may be held at the Facility Unit Head's discretion depending on time, space, supervision, and Chaplain or religious volunteer availability.
  - c. Most facilities have very few Roman Catholic and/or Greek/Eastern Orthodox offenders. It can also be difficult for Chaplains to find and recruit religious volunteers (clergy or laity) for these groups.
    - i. At facilities that do not have at least weekly Catholic services, offenders who choose to attend services for these faith groups should be allowed to participate in Protestant Christian worship services, studies, meetings, and observances.
    - ii. Participation in Protestant Christian services should be allowed even at facilities where there are occasional studies or services (Eucharist services, etc.) for these smaller faith groups so that these offenders will have the opportunity to regularly participate in Christian worship services.
  - d. Jehovah's Witnesses, Church of Jesus Christ of Latter Day Saints (Mormons), and other smaller faith groups should be provided with services, studies, and observances separate from other Christian groups where offender participation, time, space, and supervision permit.

X. RELIGIOUS DIETS (2-CO-5E-01)

- A. Common Fare is a religious diet offered at selected institutions as designated by the Chief of Corrections Operations and is intended to accommodate offenders whose religious dietary needs cannot be met by the Master Menu.
1. Any offender who ascribes to a religious group listed on Attachment 3, *Religions Approved to Operate in DOC Facilities* is eligible to be considered for Common Fare.
  2. Offenders who ascribe to a religion not listed on Attachment 3, *Religions Approved to Operate in DOC Facilities* must submit a [Request for Recognition of Religious Group](#) 841\_F2 in accordance with this operating procedure to have their group approved to operate in DOC facilities.
  3. All offenders requesting the Common Fare diet will be required to sign a [Common Fare Agreement](#) 841\_F8; the Common Fare diet will not be provided to an offender that refuses to sign the *Common Fare Agreement*.
    - a. The signed *Agreement* should be scanned into VACORIS with a copy provided to the offender.
    - b. Offenders on Common Fare are authorized one tray per meal service; any offender who picks up more than one meal tray will be subject to a disciplinary offense in accordance with the Operating Procedure 861.1, *Offender Discipline, Institutions*.
    - c. In accordance Food Service Manual, Chapter 4, *Religious Diets/Common Fare Meals* and the signed *Agreement*, any offender on Common Fare, who is observed or detected picking up or eating from a non-common fare meal tray, or trading or possessing unauthorized food items from the main line shall be assessed the cost of the Common Fare meal (currently \$.70 per meal).
    - d. Institutional staff should notify the Food Operations Director/Manager or designee, so that the cost of the Common Fare meal can be assessed, when:
      - i. An offender is observed or detected picking up or eating more than one tray per institutional meal service
      - ii. An offender is observed or detected picking up or eating from a non-Common Fare meal tray
      - iii. An offender is detected or observed eating, trading, or possessing unauthorized food items from the main line.
  4. Additional information may be found in the Food Service Manual, Chapter 4, *Religious Diets/Common Fare Meals*.
- B. Participation in Common Fare is voluntary; offenders who wish to participate must notify their Counselor who will prepare the *Institutional Classification Authority Hearing Notification* in VACORIS and review Attachment 4, *Sample Common Fare Menu*, and the [Common Fare Agreement](#) 841\_F8 with the prospective offender.
- C. The Institutional Classification Authority (ICA) and the Facility Unit Head or designee must approve each offender for Common Fare prior to the offender receiving Common Fare as provided in Operating Procedure 830.1, *Institution Classification Management*. The ICA will ensure that the ICA hearing is thoroughly documented in VACORIS
- D. The Counselor or other designated institutional staff shall monitor VACORIS for approval of the Common Fare request.
1. In Common Fare institutions, upon receipt of approval for an offender's participation in Common Fare the Food Operations Director/Manager shall be notified and the offender will begin receiving Common Fare meals no later than 10 working days.
  2. In other institutions, the offender must wait for transfer to an institution that offers the Common Fare diet.
  3. An offender who is approved for Common Fare and transfers into an institution that offers the Common Fare diet should begin receiving Common Fare meals as soon as practical, no later than 7 days after arrival at the institution.

4. All offenders will be provided a copy of the *Institutional Classification Authority Hearing* report as notification that their request was approved or disapproved.

#### E. Withdrawal from Common Fare

1. An offender may voluntarily withdraw from Common Fare.
  - a. An offender that requests to be voluntarily removed from Common Fare must submit the request for removal in writing to their counselor to be scanned into VACORIS with the ICA action for removal.
  - b. The withdrawal should be documented by ICA action with review and approval by the Facility Unit Head or designee.
  - c. An offender who voluntarily withdraws from Common Fare cannot reapply for six months.
2. An offender that voluntarily withdraws from Common Fare and wishes to again receive the diet after the waiting period has expired must formally apply subject to ICA review and Facility Unit Head or designee approval.

#### F. Orthodox Jewish Diet

1. The Orthodox Jewish diet provides offenders with an appropriate religious diet that meets or exceeds the minimum daily nutritional requirements.
2. The Orthodox Jewish diet is voluntary; offenders who wish to request the Orthodox Jewish diet must submit their request in writing directly to the Director of Food Services, Post Office Box 26963, Richmond Virginia 23261.
3. The Director of Food Services will review the offender's request and approve or disapprove the offender for the Orthodox Jewish diet; the Facility Unit Head and the offender must be notified of the decision in writing.
  - a. If the offender is not approved for the Orthodox Jewish diet, the offender may appeal the decision through the *Offender Grievance Procedure*.
  - b. If the offender is approved, the offender's Counselor will prepare the *Institutional Classification Authority Hearing Notification* in VACORIS and review the [Orthodox Jewish Diet Agreement 841\\_F24](#), with the offender.
4. Offenders approved for the Orthodox Jewish diet will be required to sign an [Orthodox Jewish Diet Agreement 841\\_F24](#); the Orthodox Jewish diet will not be provided to any offender that refuses to sign the *Agreement*.
  - a. The signed *Agreement* should be scanned into VACORIS with a copy provided to the offender.
  - b. Offenders on the Orthodox Jewish diet are authorized one tray per meal service; any offender who picks up more than one meal tray will be subject to a disciplinary offense in accordance with the Operating Procedure 861.1, *Offender Discipline, Institutions*.
  - c. In accordance with Food Service Manual, Chapter 4, *Religious Diets/Common Fare Meals*, and the signed *Agreement*, offenders will be assessed the cost of an Orthodox Jewish kosher meal (currently \$3.25 per meal) for the following:
    - i. The offender is observed or detected picking up or eating from a non-Orthodox Jewish kosher meal.
    - ii. The offender is observed or detected eating, trading, or possessing, unauthorized food items from the main line.
    - iii. Offenders will not be assessed the cost of the Orthodox Jewish kosher meal if they fail to pick up or eat the meal.
  - d. Institutional staff should notify the Food Operations Director/Manager or designee, so that the cost of the Orthodox Jewish kosher meal can be assessed.
5. Upon receipt of approval for an offender's participation in the Orthodox Jewish diet and notification to the Food Operations Director/Manager, the offender should begin receiving Orthodox Jewish kosher

meals no later than 10 working days.

- a. If a transfer to another institution is necessary, the offender should begin receiving such meals immediately upon arrival.
  - b. Orthodox Jewish kosher meals may not be immediately available for offenders who transfer for a medical emergency or for an unforeseen penological reason; but will be provided as soon as practical, no later than seven days after arrival at the institution.
6. Any offender who voluntarily withdraws, or is removed from the Orthodox Jewish diet cannot reapply for six months.
- a. An offender that requests to be voluntarily removed from Orthodox Jewish diet must submit the request for removal in writing to their counselor to be scanned into VACORIS with the ICA action for removal. The withdrawal should be documented by ICA action with review and approval by the Facility Unit Head or designee.
  - b. Any offender, who chooses to take Common Fare or regular trays every day for 14 consecutive days, may be terminated from the Orthodox Jewish diet.
    - i. The offender must be provided with written notification of the termination; and the offender may appeal the termination through the *Offender Grievance Procedure*.
    - ii. Terminated offenders must be allowed to choose between Common Fare and the regular meal plan.

#### XI. REFERENCES

Food Service Manual, Chapter 4, *Religious Diets/Common Fare Meals*  
Operating Procedure 027.1, *Volunteer Program*  
Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*  
Operating Procedure 220.1, *Gifts and Donations*  
Operating Procedure 801.6, *Offender Services*  
Operating Procedure 802.1, *Offender Property*  
Operating Procedure 803.2, *Incoming Publications*  
Operating Procedure 830.1, *Institution Classification Management*  
Operating Procedure 841.1, *Offender Programs and Services*  
Operating Procedure 861.1, *Offender Discipline, Institutions*  
Operating Procedure 864.1, *Offender Grooming and Hygiene*

#### XII. FORM CITATIONS

[Property Request - Add/Drop](#) 802\_F1  
[Request for Approval of Religious Item](#) 841\_F1  
[Request for Recognition of Religious Group](#) 841\_F2  
[Routing Slip for Recognition of Religious Group](#) 841\_F3  
[Request for Chaplain Interaction with an Offender or Ex-Offender](#) 841\_F4  
[Common Fare Agreement](#) 841\_F8  
[Chaplain/ Imam Sign -In Sheet](#) 841\_F20  
[Orthodox Jewish Diet Agreement](#) 841\_F24

#### XIII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

*The office of primary responsibility reviewed this operating procedure in March 2019 and revisions have*



*been made.*

*Signature Copy on File*

*1/18/18*

A. David Robinson, Chief of Corrections Operations

Date