



RELIGIOUS EXERCISE

POLICY.

The Deschutes County Sheriff's Office – Adult Jail (AJ) will provide reasonable access and accommodation for inmates to exercise their religious beliefs. Inmates must practice their religion in a way that that does not conflict with safety and security needs of the facilities, cause harm to any person, work toward a purpose that is in conflict with AJ goals or mission, or burden the AJ resources.

PURPOSE.

The purpose of the policy is to protect the free exercise of religion guaranteed by the law. However, lawful incarceration and rehabilitation objectives make it necessary to place reasonable limitations on right and privileges.

OREGON JAIL STANDARDS:

- I-501 Opportunity to Exercise of Religion
- I-502 Regulating Inmate Access
- I-503 Religious Diets
- I-504 Hair Length and Grooming

REFERENCES:

- United States Constitution, First Amendment (religious freedom)
- Oregon Constitution Article I Section 2 & 3 (42 USC 2000)
- Religious Land Use and Institutionalized Persons Act of 2000
- ORS 169.076 (13), Standards for Local Correctional Facilities
- Department of Justice, Federal Bureau of Prisons, Technical References Manual T5360.01, *Inmate Religious Beliefs and Practices*
- Oregon Department of Corrections, *Handbook of Religious Beliefs and Practices*
- Oregon Department of Corrections, *Manual for Religious Diets*

DEFINITIONS.

Clergy. A duly ordained and recognized representative of a legitimate religious practice, whom the Captain has verified following an examination of their credentials or other pertinent information. If any questions arise, the Captain will consult with Sheriff's Office Legal Counsel or contact religious leaders.

Indirect Supervision. The visual monitoring of inmates by an indirect manner.

Religious Activity. Any rite, ceremony, event, or program that is commonly associated with the practices of a religion. It includes, but is not limited to, gatherings of adherents of a religion for purposes of worship, prayer, teaching, or sharing.

Religious Volunteer Coordinator (RVC). A person who volunteers their own time to provide approved religious inmate services and programs. The RVC provides assistance to the AJ with the management of religious volunteers and other religious functions. The RVC serves at the pleasure of the Sheriff.

Religious Volunteers. A person who volunteers their own time to provide approved religious services and programs to inmates. Religious volunteers are approved by the Captain and serve at the pleasure of the Sheriff's Office.

PROCEDURES.

SECTION A: GENERAL GUIDELINES

- A-1. Opportunity to Exercise Religion.** Inmates are provided the opportunity to exercise religion, subject to the limitations imposed by their incarceration. Any policy or regulation that restricts an inmate's exercise of religion must be based on a compelling governmental interest and be the least restrictive means of furthering that interest.
- A-2. Religious Impartiality.** Members will remain impartial when making decisions related to access and accommodation for an inmate's ability to practice their religion. Members will not discriminate against or give preference to any individual or group because of a particular religious belief or practice nor allow others to do so. Members will not attempt to influence an inmate to change a religious preference or faith.
- A-3. Regulations and/or Denial of Religious Access.** Due to an inmate's classification level, other legitimate penological interest and in order to maintain the safety and security of the facility, inmates may be denied access to religious services available to the general inmate population.
- a. Justification for denying access to religious services available to the general inmate population include, but are not limited to the following:
 1. Inmates in disciplinary segregation;
 2. Inmates in administrative segregation (high risk or Classification Level 8);
 3. Situations where jail security is threatened;
 4. Implementing classification requirements; and
 5. Inmates who have a history of disruptive activity.
 - b. Inmates classified as high-risk, per AJ Policy *CD-6-4, Inmate Classification*, may only attend one on one religious activities, limited to the attorney visitation rooms or visiting area, and only with supervisor approval.

- c. Activities for inmates in segregation will be by request and with strict adherence to safety and security practices limited by such things as location, length and type of activity, and inmate classification. Inmates serving a disciplinary sanction may not attend group religious activities inside or outside the housing unit.
- d. A deputy who determines an inmate may meet the above restrictions will notify a supervisor. The supervisor will review the information and determine whether the inmate should have access to group religious services. The supervisor should allow the inmate to receive religious materials, unless, there is a compelling interest to prohibit those religious materials based on safety, security, or rehabilitative or other penological needs.

A-4. Religious Activities Approval. The Captain may confer with the Volunteer Religious Coordinator or Sheriff's Office Legal Counsel to determine whether certain religious activities are acceptable for presentation in the jail environment. Prohibited activities include those that cause inmates to become hysterical or ill, or are dangerously disruptive to the inmate population.

SECTION B. CLERGY and FAITH REPRESENTATIVE ACCESS

B-1. Access to Faith Representatives. Members will allow a recognized representative of any faith to be available to an inmate. Members will permit the inmate to have contact with a properly credentialed representative of their faith through visits, telephone or correspondence.

B-2. Clergy Visit. An inmate must make a written request to visit with clergy. Without a request, a clergy member may not visit an inmate. Clergy may visit with an inmate through Social Visiting or a special arranged visit through a supervisor. Clergy will visit inmates in a non-contact area.

B-3. Volunteer Modification or Restrictions. The Volunteer Religious Coordinator and religious volunteers shall not have contact with inmates who are also friends and/or family members. In order to maintain the safety and security of all parties and the AJ, modification/restriction criteria will be developed by an assigned supervisor and approved by the Captain. The volunteer must inform the Volunteer Coordinator and an AJ supervisor that a family member or friend is in the AJ. The volunteer coordinator must notify a supervisor that a family member or friend of a volunteer is in the AJ. Clear expectation regarding access to the inmate will be determined and followed until the inmate is released. Any religious volunteer coordinator or religious volunteer charged or convicted of a felony may be denied access to the facilities.

SECTION C. RELIGIOUS VOLUNTEERS PROCESS and ACCESS

C-1. Religious Volunteer Coordinator. The Sheriff will approve a Religious Volunteer Coordinator (RVC) who will assist with the religious volunteer recruitment and the

inmate religious program functions. The RVC will assist with training, compliance with rules and monitoring of the volunteers. The RVC will review and oversee the program and service materials used by the volunteers.

The coordinator will ensure religious volunteers are present in order to facilitate group services. If volunteers are not present, the services will be cancelled. The RVC will contact the jail with this information prior to the service.

The RVC will remain impartial when making decisions related to access and accommodation for an inmate's ability to practice their religion. The RVC will not discriminate against or give preference to any individual or group because of a particular religious belief or practice nor allow others to do so. The RVC will not attempt to influence an inmate to change a religious preference or faith.

- C-2. Religious Volunteers.** Religious volunteers may provide approved religious programs and services for inmates. Volunteers will receive initial and ongoing training. Deputies will supervise religious volunteers in the area where activities are occurring through indirect supervision.
- C-3. Application Process for Religious Volunteers.** All religion volunteers will completed the standard volunteer application process. The process includes completion of the application, interview, criminal history check, orientation and training. After successful completion of the application process, a lieutenant (in coordination with the Captain) will approve or deny the volunteer. If the volunteer is denied, a supervisor will inform the applicant of the decision. Approved volunteers will be scheduled to attend required training programs (i.e. Prison Fellowship and AJ training).
- C-4. Religious Volunteer Training and Agreements.** Volunteers must complete the required training and sign required Agreements, prior to access to the AJ.
- a. Religious Volunteer Training should include, but is not limited to:
 - 1) Prison Fellowship Training Completion (Coordinator provides)
 - 2) AJ Policy [CD-2-11 Volunteers](#)
 - 3) AJ Policy [CD-11-7 Religious Exercise](#)
 - 4) AJ Rules and Regulations including Sexual Harassment and Prison Rape Elimination Act (PREA)
 - 5) County Rules and Regulations
 - b. Religious Volunteer Agreements. After completion of required training, volunteers must sign the following agreements:
 - 1) *AJ Volunteer Packet Form No. 653.*
 - 2) Prison Fellowship Forms
- C-6. Religious Volunteer Approval and Monitoring.** Once training is complete, the programs supervisor will oversee the religious volunteer program. The program will include approval or denial of volunteer access to the AJ, monitoring of volunteers and

service and program content. The program will be monitored for the safety and security of the facility, members and inmates and include:

- a. Review of the attendance of religious volunteers
- b. Perform criminal history check every six months.
- c. Deputies will supervise religious volunteers in the area where activities are occurring through indirect supervision.
- d. Program deputies ensure religious volunteers comply with rules and regulations.
- e. Program deputies will recommend any dismissal of religious volunteers to the programs supervisor.
- f. The programs supervisor will ensure training is updated annually.

SECTION D: RELIGIOUS PROGRAMS

D-1. Services. Religious services will be performed in a group service by approved religious volunteers. Clergy may conduct approved group services or meet with an inmate on an individual basis. Members will not arbitrarily limit or deny inmate access to religious activities. Deputies may delay religious activities because of operational requirements. All inmates may access religious activities through the following:

- a. Group Services
- b. Individual religious counseling.
- c. By request - inmates will use an *Inmate Request Form No. 103* to ask for religious activities not offered through other approved means.

D-2. Group Services. Group services allow approved religious volunteers of various faiths to conduct group services in a specified area approved by the Captain, subject to inmate interest and availability of volunteers. All religious volunteers will agree to teach a non-denominational program or service.

D-3. Group Services Schedules. Group services are generally limited to one hour. Services will be scheduled one or two days per week during a two-hour block of time, depending on the number of interested inmates and availability of volunteers. The AJ will make a reasonable effort to accommodate the days of observance of different faiths.

D-4. Group Services Process. Group services are generally held in the programs room or recreation area, depending on space availability, inmate classification, incompatibilities, and other needs. Inmates sign up for scheduled activities in their housing units on a first-come, first-serve basis.

D-5. Individual Religious Counseling. This religious activity facilitates one on one communication between clergy and an inmate. These visits provide religious counseling for those inmates who must be separated from others due to investigative requirements, medical problems, or for the safety and security of others. Individual religious counseling can:

- a. Allow approved clergy to visit inmates during regular visiting hours.

b. Be scheduled as time and space allows.

D-6. Requests to Attend Services. Inmates interested in attending religious services will be required to place their name on the *Religious Program Sign-Up Sheet Form No. 622*, provided to them by deputies on the day of services. An inmate may join a religious activity if the deputy determines space and time permit and safety and security are not compromised. Religious volunteers may not add inmates to the roster.

D-7. Stopping a Service or Activity. A member may stop a religious activity anytime they determine it presents a threat to jail operations or any individual. The supervisor will ensure an incident report, detailing the incident and reasons for stopping the service, is completed by the end of the shift.

SECTION E: RELIGIOUS REQUESTS, REVIEW AND PROCESS

E-1. Requests for Religious Activities, Counseling, and Materials. The programs supervisor will objectively evaluate the validity of all requests for religious activities, counseling, or materials. The programs supervisor will consult with the appropriate religious representative or other authority or technical references, then determine if there is an acceptable or alternative way to grant valid requests, using the least restrictive means possible.

Members will route all inmate requests (*AJ Inmate Message Form No. 103*) for religious-related matters to the programs supervisor. The supervisor will review the request and reply. They may require the requester to provide additional information before responding and will seek the advice of another supervisor, the Captain, Sheriff, and/or Sheriff's Office Legal Counsel, as needed. The supervisor will document reasons for request denial. Inmates may grieve denied requests through the inmate grievance process.

E-2. Religious Reading Materials Access. All inmates in the AJ will have access to religious materials. An inmate may keep at least one religious guidebook in their cell or bunk area no matter their classification or disciplinary status, except in cases where temporary safety and security needs take priority, such as an inmate on suicide watch.

Inmates may check out religious guidebooks that are available in the library. An inmate may have someone mail in religious reading materials (books, newspapers, magazines, and pamphlets) subject to the limitations of AJ Policy [CD-12-1, Inmate Mail](#). If religious reading material is determined to be a safety and security hazard to possible suicidal inmates, a supervisor and a Behavioral Health Specialist (BHS) will make a determination to approve or deny. If denied, this restriction will be noted in the inmate's JMS file in "Attachments," and reviewed on a daily basis.

E-3. Guidelines and Review of Religious Materials. The programs supervisor will determine which specific religious material inmates can access. Access may not be denied solely because of its religious belief content or purpose, unless it suggests or encourages behavior or activity that constitutes a violation of a facility rule. Inmate access to religious materials is subject to reasonable restrictions and limitations, such as

those for dangerous and nuisance contraband described in AJ Policy [CD-6-3, Rules and Discipline](#), and personal property in housing units in AJ Policy [CD-6-8, Housing Operations](#). If a deputy feels religious material may hinder an inmate's rehabilitation, the programs supervisor will review and make a determination.

- E-4. Inspection of Religious Materials.** Programs deputies will inspect all religious materials and supplies disseminated through the programs supervisor for contraband and appropriateness before use. The religious volunteers may hand out approved items to eligible inmates. However, such approved items may not be kept in the inmate's cell if they are restricted or limited by AJ Policies [CD-6-3, Rules and Discipline](#), or [CD-6-8, Housing Operations](#), or other directive.

SECTION F: OTHER RELIGIOUS PRACTICES

- F-1. Religious Clothing, Grooming Standards, and Jewelry.** The styling of hair and beards, and other religious-related grooming practices, must adhere to AJ Policy [CD-9-3, Inmate Clothing, Bedding and Hygiene](#). However, the AJ will provide for reasonable accommodation for an inmate to meet the basic tenants for hair length and grooming required by the inmate's religion, unless there is a compelling governmental interest to require otherwise.
- F-2. Religious Jewelry.** Members will not allow inmates to keep any religious jewelry on their person at any time. Deputies will take all jewelry, including religious jewelry, from inmates at intake per AJ Policy [CD-5-4, Inmate Property](#).
- F-3. Religious Diets.** If an inmate requests a religious diet, they must fill out an *Inmate Request Form No. 103*. The inmate must include what the diet is and what religious group the inmate belongs to. A supervisor will review the information, referring to the *Manual for Religious Diets* or similar guide, for diet requirements. If approved, the supervisor will notify the AJ contracted food services provider according to AJ Policy [CD-9-1, Food Services](#). If members witness an inmate eating an item restricted by the approved religious diet (such as pork for a kosher or Halal diet), they will notify a supervisor. The supervisor will determine whether the approved religious diet should be cancelled.

FORMS USED:

- DCAJ Volunteer Application Packet Form 653
 - Deschutes County Volunteer Application
 - Deschutes County Volunteer Information and Emergency Contact
 - Deschutes County Consent Form for Criminal Background
 - Deschutes County Confidentiality Agreement
 - AJ Volunteer Tracking Form 652
 - AJ Volunteer Training Form 627

- AJ Rules and Guidelines Form 619
- AJ Contact Visiting Agreement Form 329
- Inmate Request Form 103
- Non-Harassment and Safety Acknowledgement Form No. 641
- Professional Visiting Sign-In Log Form No. 330
- Professional Visit Agreement Form No. 334
- Religious Program Sign Up Form No. 622
- Volunteer Termination Notification Form No. 615
- Appraiser's Instructions to Corrections Staff Form No. 517