

DATE:	MAY 11, 2022
NUMBER:	W.7
SUBJECT:	RELIGIOUS HEAD COVERINGS
RELATED SECTIONS:	I.52 , W.1 , W.3 , W.5 , W.9 , Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

PURPOSE

To balance the need for institutional safety and security with an incarcerated person's religious practice of keeping their head covered.

POLICY

The Department recognizes an incarcerated person's right to exercise religious beliefs while in custody. Incarcerated persons may profess a religious belief that requires that their head be covered as a key component of their religious practices. Therefore, when an incarcerated person professes such a religious belief, staff shall make all reasonable efforts to allow the incarcerated person to keep their head covered, except where institutional safety and security concerns dictate otherwise.

PROCEDURE

I. SEARCHES OF RELIGIOUS HEAD COVERINGS

Staff shall follow Detention Services Bureau Policies and Procedures (DSB P&P) section I.52 for pat-down searches and strip searches. Removal of religious head coverings will be handled in the same manner as a strip search. Specifically, staff shall ensure the incarcerated person is out of view from other incarcerated persons or uninvolved staff. Only staff of the same gender identity as the incarcerated person shall be utilized to conduct the search, except when an immediate and articulable threat to staff or facility safety exists.

II. EXCHANGES OF PERSONAL RELIGIOUS HEAD COVERINGS FOR JAIL ISSUED HEAD COVERINGS

- A. Incarcerated persons are generally not permitted to retain their personal religious head coverings while in custody. However, an incarcerated person may retain their personal religious head covering if approved by the watch commander (e.g., a jail-issued religious head covering is not available).
- B. To ensure modesty is maintained when an incarcerated person's religious head covering is removed, staff requesting removal of the religious head covering shall be of the same gender identity as the incarcerated person. Only the necessary number of staff needed to ensure security shall be present while the incarcerated person's head is uncovered.
- C. After ensuring the incarcerated person's hair and religious head covering are free of contraband, weapons, and drugs, with the exception of items submitted into evidence, the personal religious head covering will be placed in the incarcerated person's property bag.

- D. The deputy will provide the incarcerated person with a jail-issued religious head covering. The incarcerated person shall be allowed to don the jail issued religious head covering before leaving the search area. The deputy will notify the Jail Population Management Unit (JPMU) to have them add the special condition in the Jail Information Management System (JIMS).
- E. Incarcerated persons may keep any jail-issued religious head covering upon their release from custody.

III. RELIGIOUS HEAD COVERINGS WITHIN THE FACILITY

- A. Staff shall permit incarcerated persons to wear religious head coverings within the facility. This includes, but is not limited to, inside housing units/modules, while en route to religious services, court, medical, visits, educational programs, etc. Religious head coverings are explicitly subject to search by same gender identity staff for security reasons in the manner aforementioned.
- B. Prior to leaving the module or housing unit, incarcerated persons wearing religious head coverings will have their identity verified by staff of the same gender identity as the incarcerated person and the religious head covering will be searched in the manner aforementioned.

IV. INMATES REQUESTING A RELIGIOUS HEAD COVERING

- A. incarcerated persons requesting a head covering for religious purposes that did not have one at the time of booking, shall submit a Request (J-21) form to Reentry Services Division (RSD) staff.
- B. The facility chaplain shall issue the head covering to the incarcerated person. RSD staff shall document it in JIMS under the 'Religious' event type, noting the item issued. RSD staff will also notify the JPMU of the issuance. JPMU will add a special condition to JIMS.

V. BOOKING PHOTOGRAPHS

- A. The incarcerated person shall be allowed to wear their religious head covering for the booking photograph.
- B. If an incarcerated person did not have a religious head covering at the time of the initial booking photograph, staff shall take an additional booking photograph of the incarcerated person wearing the jail-issued religious head covering. A new wristband shall be made utilizing the photograph of the incarcerated person wearing the jail-issued religious head covering. DSB P&P I.47 should be adhered to when constructing the new wristband.