

DATE:	MAY 11, 2022
NUMBER:	W.9
SUBJECT:	APPROVED RELIGIOUS ITEMS
RELATED SECTIONS:	W.1 , W.3 , W.5 , W.7 , 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 right to exercise their religion while in custody.

POLICY

The Department recognizes an incarcerated person's right to exercise their religious beliefs while in custody. Certain items for religious use may be provided or allowed for an incarcerated person to possess, or for limited use, upon facility commander approval and distribution via the Reentry Services Division (RSD) staff.

PROCEDURE

I. DISTRIBUTION OF RELIGIOUS ITEMS

- A. Facility chaplains will distribute requested items to incarcerated persons at the direction of the RSD staff. Items approved for distribution include prayer rugs, head coverings and religious texts. Requests for additional religious items will be reviewed on a case-by-case basis and will require the approval of the facility commander.
- B. The facility commander shall approve the request unless the facility commander can articulate that an incarcerated persons possession of the item presents a legitimate threat to facility safety or security. All denials shall be recorded in the Jail Information Management System (JIMS), along with the reason for denial as articulated by the facility commander.

II. RSD will manufacture or purchase certain items for incarcerated persons use. RSD will provide each facility with a stock of the items, to be made available to incarcerated persons who arrive at the facility, with said items for exchange. A supply will also be maintained and given to RSD staff for distribution upon arequest from an incarcerated person. Items provided by RSD:

A. Prayer Rugs:

The prayer rug is made of a rectangular cloth material, with striped edges.

B. Head Coverings:

Three types of head coverings are made: Refer to Detention Services Bureau Policies and Procedures section W.7 for more details.

1. "Yarmulke" or "Kippah": A round, flat skullcap, approximately seven inches in diameter
2. "Kufi": A fitted hat style, top approximately seven inches in diameter
3. "Hijab": A veil, in most cases the primary reason is to cover the head and the chest.

III. DEPARTMENT APPROVED RELIGIOUS ITEMS

When a religious item is approved for use by the facility commander, the facility commander shall notify the Detention Support Division Captain, who chairs the Detention Policy and Procedures Committee, and advise of the approved religious item. When this policy section is updated, the update shall include those items which have been approved. Currently, the approved items are as follows:

Tefillin - a set of small black leather boxes and leather straps containing scrolls of parchment inscribed with verses from the Torah, which are worn by observant Jews during weekday morning prayers. incarcerated persons shall be allowed access to the use of the tefillin during dayroom hours but not necessarily in the dayroom itself. Incarcerated persons will be kept separate from other incarcerated persons while using the tefillin. When not in use, the tefillin will be stored in the deputy station or other secure area.

IV. TRANSFERS AND FINAL RELEASE OF INCARCERATED PERSONS

Absent misuse, once an incarcerated person has received a specified item for religious use, they will be allowed to keep it if transferred to another facility. Department approved religious items will be packaged and labeled separately from the incarcerated person's personal property and stored by the receiving facility's security staff accordingly. Upon final release, head coverings and prayer rugs will be taken and sent to laundry for reuse and distribution. If the incarcerated person does not have a suitable personal head covering, they will be allowed to keep the jail issued head covering. All other items will be returned to RSD staff.

V. JAIL INFORMATION MANAGEMENT SYSTEM (JIMS) ENTRY

- A. An incarcerated person may request religious items via a request to RSD staff. An entry shall be generated documenting the request in the incarcerated person's history in JIMS. Deputies will use the 'Religious' event type and note the item issued in the comments.
- B. RSD staff will notify classification when an incarcerated person has been issued a religious item. Classification staff will in turn make an entry into the incarcerated person's special conditions in JIMS (See Detention Services Bureau Policies and Procedures section R.3). This will allow for better tracking for the purposes of laundering and re-ordering of supply.

VI. DISCIPLINARY PROCESS FOR REMOVAL OF APPROVED RELIGIOUS ITEMS

- A. Incarcerated persons) shall not lose their right to exercise religious beliefs for violations of rules and regulations for incarcerated persons not associated with their approved religious items.

- B. Incarcerated persons found utilizing their approved religious items to secrete contraband, harm themselves/others, or any other unintended use, may be subject to discipline and/or criminal action including, but not limited to, loss of use of the religious item(s). Rules and regulations for incarcerated persons and law violations should be documented appropriately in a Rule Violation Report (RVR), a Status Report for incarcerated persons (ISR), Crime Report, and/or Arrest Report.
- C. The watch commander or their designee shall be notified prior to confiscating an incarcerated person's religious items. An entry must be made into the incarcerated person's JIMS history documenting the loss of use of the religious item(s). JPMU will be notified in order to update the incarcerated person's special conditions in their classification code.