

NEVADA DEPARTMENT OF CORRECTIONS
RELIGIOUS PRACTICE MANUAL

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Date

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TABLE OF CONTENTS

	Page No.
1. POLICY	3
2. PURPOSE	3
3. EQUAL TREATMENT OF ALL RELIGIONS	3
4. DEFINITIONS	4
5. PROCEDURES	6
6. VOLUNTEERS	7
7. INMATE FACILITATORS	8
8. WORSHIP	9
9. HOLIDAYS	11
10. INMATE REQUESTS RELATED TO PRACTICE OF RELIGION	11
11. FACILITIES	16
12. RELIGIOUS PROPERTY	20
13. RELIGIOUS BOXES	22
14. HARDBOUND RELIGIOUS TEXTS	23
15. RELIGIOUS DECORATED PROPERTY	24
16. DONATIONS	25
18. CONSISTENT STATEWIDE IMPLEMENTATION OF RELIGIOUS PROGRAMS	26
ATTACHMENTS	26

1. POLICY

- A. The Department allows religious programs for inmates, including program coordination and supervision, opportunities to practice the requirements of one's faith, and use of community resources.
- B. This Manual implements the policy set forth in AR 810.

2. PURPOSE

- A. The Department acknowledges the inherent and constitutionally protected rights retained by inmates to believe, express, and exercise the religion of their individual choice. The Department, therefore, extends to inmates those opportunities necessary to practice religious freedom that are consistent with the security, safety, health, and orderly operation of each facility.
- B. Inmates are permitted to practice a recognized religion to which they ascribe within the limitations imposed by individual physical structures, staffing levels, other considerations of security, good order and discipline, consistent with consideration of costs and limited resources. Facilities must, to the extent possible, provide adequate space and equipment for the administration of religious programs, consistent with security and custody considerations, operational needs, rehabilitation goals, and the mission of the Department. All limitations or prohibitions must be consistent with considerations of whether the limitations or prohibitions are in furtherance of a compelling governmental interest and are the least restrictive means of furthering that compelling governmental interest, or as otherwise required by applicable law.

3. EQUAL TREATMENT OF ALL RELIGIONS

- A. Requests for accommodation of certain religious practices and observances shall be considered from inmates as set forth in Section (10) of this Manual. All requests for accommodation of religious practices shall be treated equally regardless of the religion involved. Equal, consistent treatment of all religious requests does not always result in the same accommodations in all facilities or for all inmates.
- B. Special privileges on a one time basis do not create a precedent. The grant of any special request is decided on a case-by-case basis taking into consideration factors unique to a specific situation. These factors include but are not limited to: security, custody levels of the requesting inmates, physical limitations of a particular institution, and available staff.

- C. The grant, limitation, and in some instances prohibition of religious privileges is subject to the custody and classification of the inmate, and the security level of the institution.
- D. Some religions limit participation in leadership and other roles based on gender and/or sexual orientation. Inmates are responsible for knowing and abiding by any such limitations or restrictions as these restrictions are imposed by outside religious parent organizations. Questions regarding a religion's stand on these matters will be directed to the Chaplain.

4. DEFINITIONS

- A. Approved Volunteers: Those persons who are authorized by the Department to conduct religious services inside facilities.
- B. Approved religious property: Religious item that inmates are allowed to possess as identified in the Faith Group Overview. ([Attachment A](#))
- C. Chapel: Any room that is designated by the Warden/designee for religious meetings/services.
- D. Chapel-based groups: Recognized Faith Groups that historically and traditionally use a building – such as a church, synagogue, mosque, or temple – for group worship.
- E. Chaplain: The person assigned by the Deputy Director/designee to oversee the administration and operations of all religious activities at one or more institutions, and to provide pastoral care to inmates and staff as needed.
- F. Donations: Approved contributions to the Department for Chapel or specific Faith Groups.
- G. Donor: An organization or individual approved by the Department to make a religious contribution.
- H. Earth-based groups: Recognized Faith Groups – such as Native Americans and Pagans – that historically and traditionally meet outdoors for worship.
- I. Earth-based grounds: Any outdoor area designated by the Warden to be used for religious worship by Native American and Pagan Faith Groups and solitary practitioners.
- J. Faith Declaration Form: Completed by every inmate that desires to be identified with a specific religious faith. ([Attachment B](#))

- K. Faith Group: A religious or spiritual denomination, sect or organization that is recognized by the Department.
- L. Faith Group Overview: The Department's compilation that summarizes the diets, holy days, worship practices, and allowable property (personal and group) of the Faith Groups recognized by the Department. ([Attachment A](#))
- M. Faith Group Storage: Department approved container designated for the storage of approved religious group property as identified in the Faith Group Overview.
- N. Faith Group Property: Religious property as defined in the Faith Group Overview approved for group worship.
- O. Inipi: Traditional Native American structure usually made with willow branches temporarily covered in order to be used for Native American sweat ceremonies.
- P. Inspect/Inspections: Any Department staff person has the right to respectfully inspect any Faith Group area, Faith Group box, and all personal religious property at any time. The Chaplain may also be asked to perform an inspection of any such place or item. It is not necessary for any Faith Group member to be present for any inspection.
- Q. Personal Allowable Property: Religious property as defined in the Faith Group Overview approved for personal faith practices.
- R. Religious Boxes: The Department approved container designated for the storage of approved personal religious property as identified in the Faith Group Overview.
- S. RRT: Religious Review Team consisting of a Warden, Chaplain, and Deputy Attorney General.
- T. Religious Service: Any meeting authorized and scheduled by the Chaplain/designee for Chapel-based or Earth-based groups.
- U. Religious Sponsor: A qualified person, knowledgeable in the beliefs and practices of a Faith Group, who is approved by the Chaplain/designee to conduct services or meetings of a specific Faith Group.
- V. Staff: Any Department employee.
- W. Sweat: A Native American ritual (similar to a sauna) that uses hot coals within an inipi. Practitioners must be clothed.

- X. Sweat lodge: The area inside a Native American inipi that is used for conducting a sweat.
- Y. Worship Service: A weekly meeting time for each Faith Group consisting of at least one (1) hour.

5. PROCEDURES

A. Personnel

Chaplaincy Services (4-4514)

- a. The Warden may designate the Associate Warden of the facility to supervise the Chaplain in day-to-day religious services.
- b. The Chaplain will assist all inmates in the practice of their beliefs by conducting services, providing pastoral care, and counseling inmates.
- c. Chaplains have the responsibility for initiating Faith Group programs, submitting reports, and supervising religious workers and Volunteers.
- d. Chaplains will maintain communications with community faith resources in order to promote inmates' interaction with members of the local faith community. Chaplains shall assure equal status and protection for all religions and Faith Groups. (4-4516)
- e. As situations arise, and with the approval of the Warden/designee, Chaplains may augment the basic Volunteer Training required of all non-staff clergy or Volunteers when it is determined that such training is necessary to address a particular issue or problem identified. Individual Chaplains may not, mandate more Volunteer training than that required in this regulation.
- f. Chaplains may employ inmates as religious workers to provide assistance to the Chaplain.
 - 1) No favoritism may be shown in selecting inmates to serve as religious workers.
 - 2) Selection of religious workers will be reviewed and made pursuant to the institutional classification process.
- g. In coordination with the Associate Warden, the Chaplain is authorized to solicit, approve, and accept donations of equipment,

materials, supplies for special approved events or other donations for use in religious programs or services, according to the Department's policy regarding donations. No outside religious donations may be given directly to an inmate.

- B. A schedule for the use of the chapel will be prepared by the Chaplain and approved by the Warden/designee.
 - a. If a Chapel is not available, the Warden/designee will designate an area available for religious activities that meets the security needs of the facility.
 - b. In scheduling religious activities, the Chaplain will seek to accommodate Faith Groups, including those that call for particular times, and calendar or lunar dates for specific services or ceremonies. Safety and security is a priority in scheduling religious activities.
 - c. While no Faith Group is to be favored over another, those serving the largest number of inmates in a facility shall be assured access and accommodated with space and scheduling adequate to serve the needs of the large groups of inmates practicing that religion.
- C. When an outside religious representative of an inmate's faith is not available the Chaplain or designated staff will assist the inmate in contacting a person who has the appropriate qualifications.
- D. The Chaplain will attend regular staff meetings held by the Warden or the facility manager.

6. VOLUNTEERS

RECRUITMENT AND APPROVAL OF FAITH GROUP VOLUNTEERS AND CLERGY (4-4516)

- A. The Warden's designee and the Chaplain will review the institution's Faith Group activities on a regular basis to assure that services or activities are available to meet the needs of the inmate population, and will determine the need to recruit representatives of Faith Groups not previously involved in the facility.
- B. Volunteers must submit an application (Form DOC-3504) and authorize a criminal history background check by the Department Form DOC-1021, in accordance with the Department's Administrative Regulation 802.

- C. Approved Volunteers must complete the Volunteer Orientation Training Program offered by the Department's Volunteer Coordinator before entering an institution/facility. Volunteers must repeat the training once every three years thereafter. Special training sessions may be required by the Department if a particular situation, policy change, or court ruling requires it.
- D. Volunteers must sign all required documents.
- E. All Volunteers are subject to search of their person and property before entering and/or leaving any Department facility.
- F. Religious Volunteers may not simultaneously be approved on any inmate's Visitor's List. The Warden may exempt immediate family members. However, in no event, may a family member be allowed to visit and Volunteer at the same institution.
- G. Approved Volunteers must meet with the institution's Chaplain/designee, prior to being allowed to minister at the Institution, to present a plan for ministering to a Faith Group.
- H. Volunteers shall never meet behind locked doors with an inmate. Volunteers must avoid all appearances of impropriety and all situations in which they might be compromised. Physical contact of any kind is prohibited.

7. INMATE FACILITATORS

- A. Inmates do not have a right to facilitate religious services, classes, or activities. In the event there is no Chaplain or Volunteer to facilitate a religious meeting the Chaplain and Associate Warden may appoint up to two inmates to facilitate the service. The following criteria will be used to select inmate facilitators:
 - a. The inmate's maturity, temperament, and knowledge of the relevant Faith Group.
 - b. The quality of the inmate's relationship with the relevant Faith Group.
 - c. The inmate's history with staff and relevant Faith Group's members.
 - d. Candidates must be disciplinary free for at least one (1) year.
 - e. The Associate Warden has final approval of any recommendations.

- B. The Chaplain/designee must maintain a record of all inmate facilitators.
- C. Inmate facilitators do not direct, manage, or regulate how staff runs religious meetings, nor do they have power or authority over other inmates.
- D. When a Chaplain or Volunteer leads a religious service they have complete control of the service.
- E. The Chaplain retains complete management, control and authority over all services, their organization and all elements associated with it.
- F. Inmates who currently serve as inmate religious facilitators must complete this application process. Their service will be considered in the evaluation of their application.
- G. Inmate facilitators may be removed from their position if they are found guilty of a disciplinary infraction, violate Chapel rules, treat inmates unfairly, or demonstrate inappropriate behavior as determined at the discretion of the Warden, Associate Wardens, or Chaplain.
- H. After one year, a removed inmate may reapply for the position.
- I. Being an inmate facilitator is a privilege granted at the sole discretion of the Warden/designee.

8. WORSHIP

- A. The Associate Warden/Chaplain shall prepare a schedule of all Faith Group services and programs in the facility where they are assigned for the Warden/designee approval.
- B. During the intake process, inmates will complete the Faith Group Affiliation Declaration Form DOC-3503 ([Attachment B](#)). The form will only be used by the Department to determine the religious service needs of the inmates and the proportionate representation in a given Faith Group. The form will not be used in any way to discriminate against, categorize or identify an inmate for anything other than religious or Faith Group practice. The Department shall:
 - a. Allow an inmate the opportunity to declare a Faith Group affiliation.
 - b. Permit inmates to change Faith Group affiliation once every twelve (12) months.

- c. Ensure that inmates will have the opportunity to participate in practices of their Faith Group, individually or in a group as authorized, that are deemed essential by the governing body of that faith, limited only by compelling governmental interests.
- C. Worship services are open to the general population, unless otherwise specified in the Faith Group Overview.
- D. Consistent with Operational Procedures and Classification, Bureau of Indian Affairs and Code of Federal Regulations inmates eligible to participate in Sweat Lodge Ceremony includes:
 - a. Inmates who are enrolled in a federally recognized tribe; or
 - b. Inmates who can demonstrate credible association with tribal living via written documentation from a recognized tribe.
- E. Pipe Ceremonies
 - a. Native Americans eligible to participate in Sweat Lodge Ceremonies are also eligible to participate in Pipe Ceremonies.
 - b. Pipe Ceremonies may only be held in the Sweat Lodge area.
 - c. Native Americans may participate in the Pipe Ceremony at the Sweat Lodge area contingent upon Operational Procedures and Classification.
- F. Pipe Ceremony in Segregated Housing
 - a. Inmates in segregated housing (i.e., protective custody, administrative segregation, disciplinary segregation, Condemned Men's Unit), may be allowed to participate in an individual Pipe Ceremony with the Institution's approved Pipe Holder in an approved location and schedule as determined by the Warden, generally once per month.
- G. Eagle Feathers
 - a. Bald and Golden Eagle feathers are permitted consistent with federal law.
 - b. Only Native Americans enrolled in federally recognized tribes may possess eagle feathers.

- c. To obtain eagle feathers, an inmate must use the Department's Religious Property Request Form, ([Attachment C](#)), and attach all documentation as required by federal law.
- d. The Department recognizes eagle talons, beaks and bones are valuable to the Native American religious practices; however, possession of those items is inconsistent with safety and security and is, therefore, prohibited.

9. HOLIDAYS

- A. Holy days are permitted as documented by faith tenet, within available time, space and security resources. (For currently approved holy days refer to Faith Group Overview).
- B. Permit Work Proscription Days: Inmates who are affiliated with Faith Groups that require work proscription days shall be allowed to miss work without pay, for those days. Recognized holidays will be the same as those identified as Legal Holidays by NRS 236.015.

10. INMATE REQUESTS RELATED TO PRACTICE OF RELIGION

Inmate requests fall into five (5) general categories: (A) recognition of a new religion (Faith Group); (B) request for new religious property; (C) request for new or additional services; (D) request a special holiday service; or (E) request food at Chapel and/or Earth-based religious celebrations. This process must be completed before a grievance is filed.

A. Recognition of a new Faith Group:

- a. When any group/individual wishes to have the Department recognize a new Faith Group, they must use the following process:
 - 1) The request must be made in writing via Inmate Correspondence to the Chaplain.
 - 2) The Chaplain will meet with the inmate(s) and provide the requester with a Request for Accommodation of Religious Practices Form. ([Attachment D](#)). The request must be completed and returned to the Chaplain with all relevant documentation attached (i.e. practices, holidays, and reasons why religious items are needed to practice the religion).
 - 3) The Chaplain immediately provides the request to both of the Regional Deputy Directors (DD) and the RRT.

- b. The RRT has ninety (90) days to research the request and submit a recommendation to the DD's.
 - 1) If the RRT recommends approval, the DD's immediately submits the recommendation to all Wardens for comment.
 - 2) The Wardens have two (2) weeks to provide input to the RRT. The RRT has two (2) weeks to consider the comments before submitting a final proposal to the DD's.
- c. If the DD's approve the request the Faith Group Overview is immediately amended.
- d. If the DD's deny the Faith Group recognition request, they must use the following process:
 - 1) The requesting inmate will be notified in writing of the decision and the reason for the denial.
 - 2) A copy of the decision will be maintained in the inmate's I-file.
 - 3) The entire file will be maintained in the DD's office/Religious Items New Faith Group Requests.

B. Permission for new Religious Property

- a. When any group/individual wishes to have the Department add new allowable religious property to the Faith Group Overview, they must use the following process:
 - 1) The request must be made in writing via Inmate Correspondence to the Chaplain.
 - 2) The Chaplain will meet with the inmate(s) and, when deemed necessary by the Chaplain/designee, will provide the requester with a Request for Accommodation of Religious Practice Form. ([Attachment D.](#)) The request must be completed and returned to the Chaplain with all relevant documentation attached.
 - 3) The Chaplain immediately submits the request to the (RRT).
 - 4) The Team has ninety (90) days to research the proposal and submit a recommendation to the DD.

- 5) If the RRT recommends approval, both DD's will immediately submit the recommendation to all Wardens in their region for comment.
 - 6) The Wardens have two (2) weeks to provide input to the RRT. The RRT has two (2) weeks to consider the comments before submitting a final proposal to the DD of the institution in question.
 - 7) If the DD of the region in question approves the request, the Faith Group Overview is immediately amended.
- b. If the DD denies the request, they must use the following process:
- 1) The requesting inmate will be notified in writing of the decision and the reason for the denial.
 - 2) A copy of the decision will be maintained in the inmate's I-file.
 - 3) The entire file will be maintained in the DD's office/Religious Items New Faith Group Requests.
- C. New or additional religious service/meeting
- a. When any group/individual wishes to have the institution where they are currently housed add a new or additional religious service they must use the following process:
- 1) The request must be made in writing via Inmate Correspondence to the Chaplain. In responding to the request, the Chaplain/designee will consider:
 - If there are already services/classes that meet the need;
 - If adequate similar meetings for that Faith Group already exist;
 - The availability of Chapel time slots in consideration of other Faith Group needs; and
 - The number of inmates who would participate in the service.

- b. If the Chaplain determines that additional services are warranted, the recommendation must be forwarded to the Warden/designee for final approval.
- c. The Warden/designee shall make the final determination to grant or deny any request. Any denial will be done in writing setting forward the basis for the denial.

D. Special Holiday Service

- a. Each institution will attempt to accommodate all Faith Groups in celebrating their AR 810 recognized holidays (as set forth in the Faith Group Overview) on the actual day that they occur rather than having them celebrate the holiday on their normally assigned weekly day of worship.
- b. The Faith Group must submit an Inmate Request for Holiday Service Form, ([Attachment E](#)), at least thirty (30) but no more than forty five (45) days in advance.
 - 1) The Chaplain verifies the validity of the request then forwards it to the Associate Warden for consideration and response.
 - 2) If there is minimal inconvenience to the overall operation and security of the institution, the Associate Warden approves the request.
 - 3) If significant intrusion and disruption to the security and operations of the institution will result, then, the Associate Warden advises the Chaplain of such and the Associate Warden denies the request.
- c. Every holiday must be requested and considered separately.
- d. If a group is granted permission to celebrate their holiday on a day other than on their regularly scheduled worship day, they may also meet on their regularly scheduled day.
- e. Religious observances and/or services will not be held or scheduled at the times or with the frequency chosen by the inmates or mandated by their religion if those times conflict with the facility security, operational and management needs or would otherwise disrupt the orderly operation of the facility.

- E. Food at Chapel and Earth-based Religious Celebrations
- a. Faith Groups desiring to have food at their AR 810 recognized holidays should submit their request via Inmate Correspondence to the Chaplain at least forty-five (45) days prior to the event.
 - b. The Chaplain reviews the request to ensure the holiday is AR 810 recognized.
 - 1) If it is AR 810 recognized the request is approved with any specified limitations.
 - 2) Only foods purchased from Canteen Services are allowed in the Chapel or on worship grounds for the celebration. An exception may be made for Jewish inmates because of the special circumstances associated with kosher food as required by certain prescribed holidays set forth in the Faith Group Overview.
 - 3) Food brought to the celebration must be consumed or discarded by the end of the service. It cannot leave the Chapel or worship grounds.
 - 4) If the request is not approved, the Inmate Correspondence is returned with an explanation.
 - c. Religious holiday celebrations involving food are limited to the number of AR 810 recognized holidays for each Faith Group.
 - d. Only the Native American fire keeper will be allowed a sack lunch. Native American participants will be allowed early feeding turnout so they can eat lunch and still participate in their sweat ceremony.
 - 1) Participants will be on out count for a weekly worship only when a sweat is held.
 - 2) When a weekly worship does not involve a sweat, participants will go to the Culinary for lunch and return to their grounds for worship until the conclusion of their allotted time.
 - e. Pagan earth-based groups must go to the Culinary for lunch on their worship days. Outcounts and sack lunches will only be available on AR 810 recognized holidays, with prior approval.

- f. Culinary provides religious food and diets only to Faith Group practitioners as dictated by law.
 - 1) Faith Groups requiring food (including ice) for approved religious celebrations are responsible for purchasing it from Canteen Services. As set forth above, inmates must have prior approval from the Chaplain/Warden's designee before taking food to their religious grounds or Chapel.

11. FACILITIES

The Department shall require that each facility provide space adequate for Faith Group programs. Each Warden/designee shall designate areas within the facility for Faith Group programs.

A. Lot Sizes and Configuration of Earth-based Grounds

- a. If possible, earth-based Faith Groups including Native Americans are allotted 1000 square feet (i.e. 50'x20') of land as worship grounds, per institution. This easily allows fifty (50) people to simultaneously use (each with a 4'x5' area); even if the plots are divided for use by multiple groups (i.e. Wiccans, Druids). All earth-based grounds are subject to inspection.
 - 1) The Warden/designee has the option to split the groups to meet on separate days to eliminate over-crowding.
 - 2) The 4'x5' (20 square feet) formula may be used by institutions in yards or phases of yards that have a very small population of earth-based practitioners while beginning with a minimum size lot of one hundred (100) square feet.
 - 3) Grounds can be configured and decorated with approved items such as wands, bells, crystals, and one altar, constructed from mud, per group. The maximum altar size is 18" (a standard-size plastic bucket).
 - 4) Mud figures are allowed to be constructed, limited to 4"x4", at one per practitioner and must remain on site.
 - 5) No unauthorized or offensive signs, symbols or depictions are allowed.

- 6) Pagan earth-based grounds may have one reflecting pool per Faith Group. The maximum depth cannot exceed 6" with a diameter of 2'. The pool will not exceed a depth of 6" and a diameter of 2'.
- 7) The institution will provide a minimum of 100 square feet for SCs demarked by at least a 5' boundary from other Pagan grounds.
- b. Earth-based practitioners may only plant Department-approved vegetation obtainable via Canteen Services at the groups' expense. No edibles of any kind. If any such items are found they will be immediately uprooted and discarded.
- c. Native American (NA) practitioners may plant sagebrush acquired by donation from NA tribes after using the Donation Request Form, ([Attachment F](#)), or purchase it from an approved vendor.
 - 1) A total of two (2) sagebrush plants may be donated.
 - 2) Sagebrush plants will be limited to a height of 36" and a diameter of 24".
 - 3) Institutions surpassing the above limits as of January 1, 2008, may retain them but they must conform to security needs and proper aesthetics.
- d. Staff has the right to respectfully walk all earth-based grounds and handle any authorized religious property, as well as to respectfully inspect all areas of a Chapel, sweat lodges, and earth-based grounds along with any inmate's religious property.
- e. Pagan groups may burn a small fire at their worship. Groups must purchase firewood from an approved vendor or have it donated via the Donation Request Form process.
 - 1) Each group is allowed a fire pit not to exceed 36" diameter by 12" deep.
 - 2) Fires may consist of up to but no more than four pieces of wood, with each piece not to exceed 6" diameter by 20" long.
- f. Native Americans are allowed a sweat lodge (inipi) no larger than 10 feet in diameter.

- g. Native Americans are allowed fires. Their grounds may have two pits: one in the sweat lodge (inipi) to hold coals and one outside the inipi to heat the coals.
 - 1) The inipi pit shall not exceed 48” diameter and 18” depth.
 - 2) The fire pit shall not exceed 60” diameter and 18” depth.
 - 3) To the extent that they exist as of January 1, 2008 a plunge pool is permitted. However, existing plunge pools shall not be replaced or repaired as they deteriorate as it is recognized that plunge pools are medicinal and therapeutic; not religious. For those grounds without a plunge pool the inmates may have access to a hose and a bucket.
 - 4) Lava rocks are permitted. Stacks cannot be piled higher than eighteen inches and cannot be placed in such a fashion that they create a wall.
- h. All initial construction and subsequent modifications require prior approval of the Associate Wardens/designee. Approval is always subject to the unique concerns of the particular institution.

B. Procedure for Use of Chapel by All Groups

- a. All inmates will be given the opportunity to meet in the Chapel for services. Frequency of access and number of services is dependent on the population, needs of other Faith Groups, and institutional limitations.
- b. Faith Group services in the Chapel are for group worship only. There is diversity of sects within all religions; no prison can accommodate them all. Inmates gather to exercise traditional group worship practices generally accepted by their religion. These practices include songs and prayers, encouraging sermons from clergy, and participating in clergy led rituals/ceremonies.
 - 1) Private practices such as fasting, praying, reading and studying are conducted in the inmate’s cell, unit or on the yard, in accordance with all institutional procedures and other applicable ARs.
 - 2) Religious texts and applicable correspondence courses are allowed, as provided by AR 711 and AR 750.

- c. Proper Behavior for all Faith Group services. Chapel services are for exercising group worship practices directly related to an inmate's Faith Group. Institutional safety and security are always central. Rules governing proper behavior must be followed at all times. Violating any of the following can lead to loss of use privileges and the issuance of a notice of charges:
 - 1) Inmates will dress properly, in blues, with shirts tucked in and pants raised.
 - 2) Headgear is not allowed except black or white kufis for Muslims and yarmulkes for Jews.
 - 3) Only prison-issued or approved clothing is allowed to be worn.
 - 4) Profanity, sexual vulgarity, racist or religious attacks are strictly prohibited.
 - 5) Physical contact of any kind is prohibited.
 - 6) Political promotions, discussions and debates are prohibited in Chapel services.
 - 7) Proper hygiene is expected of all attendees in consideration of other attendees.
 - 8) Compliance with all Administrative Regulations and other policies.
- d. Faith Group Service Facilitators and Leaders. As stipulated in this Manual, inmates have no right to facilitate, lead services or teach classes. Likewise, the Department does not recognize religious titles for inmates. It is solely up to each institution whether or not to allow inmates to facilitate religious services.

C. Procedure for Use of Solitary Circle by Pagan Practitioners

Earth-based Paganism occasionally has solitary practitioners – persons that do not worship as part of a group. They require a plot of ground to worship, commonly known as a Solitary Circle (SC).

- a. Only Pagan Solitary Practitioners are allowed to use the SC.

- b. SC time is limited to two hours per person per approval, as available. A Solitary Practitioner must request a time slot for worship via Inmate Correspondence to the Chaplain. All security regulations and concerns apply.
- c. The SC must be respected. It is sacred space and must be treated as such. Anyone disrespecting it is subject to loss of use privileges and may face charges.
- d. Leave the area as it was found. The SC is purposely devoid of religious symbols. This allows for use by any solitaire earth based practitioner such as Asatru, Wiccan or Druid. All items taken into the SC by a user are to be removed by the user upon leaving.
- e. Caring for the SC is the responsibility of Solitary Practitioners. Initial and basic development (boundaries, land clearing) of the SC is the responsibility of the entire Pagan community. Subsequent Solitaires are responsible for subsequent improvement and care, (such as building one altar, maintaining grass, fire pit). Solitaires that use the SC do all development through consensus. In the event of a disagreement nothing shall be done to the land until the matter is communicated via Inmate Request form to the Chaplain/Associate Warden and a response received. The SC must comply with all of the requirements of Section 11.A. of this Manual.
- f. Groundskeepers. The Chaplain will recommend, through the Classification process, up to two solitary practitioners as groundskeepers of the SC. Groundskeepers are responsible for basic upkeep such as watering/cutting grass, and may access the SC three times a week.
- g. Native Americans do not have a SC.

12. RELIGIOUS PROPERTY

Inmates are allowed to possess individual and group religious property as provided in the Faith Group Overview. Department staff shall conduct inspections and searches of the program areas and property with respect. Searches of faith property shall be conducted as defined. Where possible, searches of personal faith property may be conducted in the presence of the inmate. Upon request, all faith property will be opened and presented for inspection. Refusal shall result in a notice of charges.

A. Faith Group Property

a. As set forth in the Faith Group Overview, the Department permits Faith Group Property. Some Faith Group Property will be restricted if the inmate is removed from general population status. Faith Group Property shall:

- 1) Be approved by the Warden/designee on the canteen order or donation request form;
- 2) Be stored in a secure, approved, designated location for use during Faith Group related programs only;
- 3) Have an inventory list, issued by the warden/designee, on or in the storage area/box. Any items not on the inventory list shall be considered contraband and will be confiscated,
- 4) Be reviewed for appropriateness at each custody/classification level, subject to approval by the Warden/designee, in consultation with the Chaplain and, as necessary, the RRT. If a grievance is filed regarding Faith Group Property, the staff will respond after consultation with the RRT; and
- 5) No personal items may be stored with Faith Group Property.

b. Control of Firewood

- 1) Native American and other earth-based practitioners are authorized to purchase up to a cord of split wood for use on their grounds once a month. The inmate will make the request through the Chaplain or Associate Warden. The inmate will fill out a brass slip and it will be processed through Inmate Banking Services.
- 2) The approved vendor must coordinate with the Chaplain or Associate Warden's office the delivery time.
- 3) All deliveries will be made to a designated site outside the facility.
- 4) Custody officers will inspect the wood for any false openings or cavities. A thorough inspection will be done prior to the wood being introduced into the institution or facility.

- 5) Custody officers/ Maintenance staff will transport the wood to the designated site.
- 6) The prevention of contraband into an institution or facility takes priority since it is a major security concern.

B. Personal Faith Property

- a. As set forth in the Faith Group Overview, the Department permits inmates to possess personal faith property. Some personal faith property will be restricted if the inmate is removed from general population, pursuant to Operational Procedures at the corresponding Institution or Facility. Personal faith property items shall:
 - 1) Conform to AR 711.
 - 2) Be purchased from the Department Canteen, donated by an approved source, or if unavailable through the Canteen purchased from a Department recognized vendor through the Canteen.
 - 3) Be allowed if purchased prior to adoption of this Manual. The inmate shall be brought into property compliance upon regression. The inmate must be brought into property compliance in the next inventory of property.
 - 4) Be stored in the inmate's cell as set forth in Section 13 of this Manual. Personal faith property must be stored in a "religious box" available for purchase from the canteen. The religious box must be clearly marked "faith property items," and contain a Religious Property Inventory form, ([Attachment G](#)), prepared by the property officer.
 - 5) Be reviewed for appropriateness at each custody/classification level, subject to approval by the Warden/designee, in consultation with the Chaplain and, as necessary, the RRT. If a grievance is filed regarding these restrictions, the Institutional staff will respond after consultation with the RRT.
 - 6) If an inmate elects to change his Faith Group affiliation, then his approved religious property from his previous affiliation becomes unauthorized.

- 7) CDs of a religious nature are treated as normal property governed by AR 711 and may be ordered through the Canteen. Purchase of CDs does not require the use of the Department's Religious Property Request form.

13. RELIGIOUS BOXES

Inmates registered as a practitioner of an approved Faith Group and having a Faith Declaration on file with their current institution may purchase from Canteen Services a clear, sturdy plastic box to be used for religious/sacred items. The container must be clearly marked "faith property items," and contain a Religious Property Inventory Form prepared by the property officer.

The religious box must be maintained so that Staff can easily look into the religious box. Staff always has the right to open and search the contents of the religious box, as they deem necessary.

- A. Inmates must request approval to purchase a box via Religious Property Request form, ([Attachment C](#)), to the Chaplain.
 - a. An inmate must have a Faith Declaration on file to qualify.
- B. Religious boxes are purchased at the inmate's expense.
- C. The religious box can only be marked with the inmate's name and number, and religious property, limited to any upper, side corner of the religious box, in a space not to exceed 3"x3".
- D. No other writing, marking or stickers are allowed on the religious box – inside or out.
- E. Staff has the right to inspect the contents of the religious box at any time.
- F. The religious box must be placed on the inmate's Property Card.
- G. Non-religious property and unauthorized religious property are prohibited. If the religious box is used for unauthorized property storage, the non-religious property and the religious box will be included on an unauthorized property notice. A notice of charges may also be written. If the religious box is altered or damaged it will be unauthorized.
- H. The religious box must be able to fit in a State-issue duffle bag and footlocker, pursuant to AR 711.
- I. If an inmate does not own a religious box, religious property must be stored in compliance with AR 711.

14. HARDBOUND RELIGIOUS TEXTS

- A. Inmates may possess hardbound religious texts using the following procedure:
- a. The inmate must complete the NDOC Religious Property Request form. ([Attachment C](#))
 - b. Staff must confirm that the religious text is only available in hard bound.
 - c. The Chaplain must confirm that the religious text is an important part of the inmates' religious practice and other alternatives do not exist. (A meeting with the inmate may take place if necessary.)
 - d. Chaplain and Warden/designee approval are necessary before the religious text can be ordered.
 - e. Inmate must sign the Waiver for Removal of Hardback Book Covers ([Attachment H](#)).
 - f. Upon receipt of the hardbound text, the cover will be removed by the Mailroom Officer, or other staff, taking care to avoid damaging the text.
 - g. The religious text will then be stamped front and back:
 - 1) Approved by: (Printed name of Warden/Designee) with signature and date.
 - 2) The religious text in this form will not be unauthorized upon transfer to another institution.
 - 3) The religious text must be added to the inmate's Religious Property Inventory. ([Attachment G](#)).
 - h. Inmates may elect to choose, at possible extra expense and with awareness of inherited liabilities, to request that the vendor remove the front and back covers before shipping the book to the inmate.

15. RELIGIOUS DECORATED PROPERTY

Some earth-based groups have a need to decorate personal religious property with religious symbolism. In a good-faith effort to provide earth-based inmates access

and opportunity to achieve that end, the Department allows decoration of some religious property.

A. Allowable Decorated Religious Property:

a. All Pagan groups:

- 1) Chip board (8½” x 11”) to use as covers for Book of Shadows;
- 2) 8½” x 11” loose-leaf paper to use in making Book of Shadows;
- 3) One glue stick;
- 4) Common feathers; and
- 5) All other designs or drawings desired on Books of Shadow can be done with pencils and pens.

b. Native Americans:

1. One roll twine or sinew only to repair inipi covers;
2. Leather strips only for tying inipi poles;
3. Pre-treated animal hides or canvas only to use as inipi covers; and
4. Beads and feathers.

B. Inmates are responsible for insuring that their decorated religious property is entered onto their Religious Property Inventory, ([Attachment G](#)), and when not used or worn is stored in their religious box or footlocker.

16. DONATIONS

A. The Chaplain and the warden/designee are responsible for developing and maintaining communication with faith communities and approving donations of equipment or materials for use in faith based programs. Donated secular property may also be accepted for facility use.

B. The Department shall not be responsible for the financial procurement of faith/non-faith based property.

- C. Individuals are not allowed to donate personal Faith Group items. Approved organizations may donate items only after filing out and submitting Form DOC 4514 (Donation Request Form). ([Attachment F](#)).
- D. Any monetary donations must be sent directly to the Department's Chief of Fiscal Services.
- E. Inmates may not donate religious property to other individual inmates. Inmates may donate religious property to Faith Groups with prior approval.
- F. General Donation Process:
 - a. Approval/request form will be used for all donations. (Donation Request Form. ([Attachment F](#).)
 - b. Pre-approval by Warden/designee is required before a facility takes custody of the item(s).
 - c. Donations of firewood must comply with Section 12, A, b of this Manual.

17. CONSISTENT STATEWIDE IMPLEMENTATION OF RELIGIOUS PROGRAMS

The RRT is responsible for ensuring that religious Administrative Regulations are uniformly interpreted, applied and enforced. The RRT consists of a Warden, Chaplain and Deputy Attorney General. Each serves a maximum term of three years. New members are appointed by the Director.

- A. Chaplains must conference with each other bi-monthly to ensure uniform compliance.
- B. The RRT must implement best practices to ensure uniform compliance on no less than a quarterly basis. This may include regular unannounced informal audits.
- C. When Wardens are confronted with religious issues, the first attempt will be to reach a resolution through the Institution's Chaplain and Associate Wardens. When necessary RRT will be consulted for a resolution with a view toward uniform compliance.
- D. If the resolution of any issue requires a policy change the RRT will make a recommendation to the Director.

ATTACHMENTS

Faith Group Overview

[DOC 3531](#) – Religious Property Inventory

[DOC 4514](#) – Donation Request Form

[DOC 3528](#) - NDOC Religious Property Request Form

[DOC 3503](#) – Faith Group Affiliation Declaration Form

[DOC 3529](#) - Inmate Request for Recognized Holiday Service

[DOC 3505](#) - Request for Accommodation of Religious Practices

[DOC 3530](#) - Waiver for Removal of Hardback Religious Covers

Howard Skolnik, Director

Date