



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 841.3

#### *Inmate and CCAP Probationer/Parolee Religious Programs*

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<b>Content Owner:</b>	Rose Durbin Corrections Operations Manager	<i>Signature Copy on File</i>	11/4/22
		Signature	Date
<b>Reviewer:</b>	Jermiah Fitz Jr. Corrections Operations Administrator	<i>Signature Copy on File</i>	11/7/22
		Signature	Date
<b>Signatory:</b>	A. David Robinson Chief of Corrections Operations	<i>Signature Copy on File</i>	11/7/22
		Signature	Date

### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in January 2024 and determined that no changes are needed.*

*The content owner reviewed this operating procedure in January 2025 and determined that no changes are needed.*

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## 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, e.g., Minister, Priest, Rabbi, Imam, Medicine Man, etc.; this individual must not be a family member or relative of the inmate, probationer, or parolee.

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

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion.*

**Ex-inmate or probationer/parolee**- 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 chaired by the Deputy Director for Institutions, comprising representative Department of Corrections staff who serve in an advisory and decision making capacity regarding religious accommodations as it relates to, and impacts on, security and legitimate penological interests of the DOC.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Lay Chaplain** - A volunteer that has significant contact with inmates for the purposes of supervising and directing religious activities of their specific religion, in cooperation with or as a supplement to a Chaplain provided religious activities. 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 inmate movements issued daily by a designated official of the institution.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

**Religious Activity** - A regularly scheduled religious occurrence where inmates and CCAP probationers/parolees are provided the opportunity to gather together in order to practice their religion through a religious service, study session, ritual, ceremony, celebration, meeting, and/or any other religious practice, or any combination of such practices.

**Religious Organization** - An organization unaffiliated with the Department of Corrections whose primary mission is to promote or foster religious study, fellowship, worship, or practice. A Religious Organization should be an association of individuals with a verifiable physical location and point-of-contact. Indicators of an organization's primary mission may be evaluated based on the organization's status as a non-profit, registration or affiliation with known religious sects, the offering of regular religious services, the existence of formal religious doctrines, or other factors that indicate a desire to promote positive personal growth via religious practice.

**Religious Program** - The provision of religious activities, communal and individual religious items, special religious diets, holy day observances, special religious events, and other religious accommodations provided within a correctional facility.

**Religious Volunteer** - A member of the community who is recognized by a faith group and who has been approved by the Department of Corrections to conduct specific religious activities on a volunteer basis.

**Sealed Religious Diet** - A religious diet available to those inmates whose religious dietary needs cannot be met by the Master Menu or the Common Fare diet menu.



**Special Group Service** - A religious service, study session, ritual, ceremony, celebration, meeting, and/or any other religious practice that is provided during an authorized Holy Day Observance or special religious event approved by the Facility Unit Head.



## PURPOSE

This operating procedure establishes protocols for providing reasonable opportunities to inmates and CCAP probationers/parolees to pursue religious beliefs and practices voluntarily subject to facility security, safety, order, space, and resources. The Department of Corrections (DOC) gives no preference to the activities of one religious denomination, faith, or sect over another.

## PROCEDURE

- I. Religions Approved to Operate in DOC Facilities
  - A. The DOC allows specific religions, approved by the Faith Review Committee and the Deputy Director for Institutions or Deputy Director for Community Corrections, to meet in DOC facilities without further review and approval in accordance with this operating procedure.
    1. The Operations Support Manager or designee maintains and updates a list of currently approved religions; see Attachment 1, *Religions Approved to Operate in DOC Facilities*.
    2. DOC approval is not a judgment on the validity of any religion or of the sincerity of its followers and it confers no rights or privileges to inmates or CCAP probationers/parolees who practice an approved religion that is not available to all other inmates and CCAP probationers/parolees.
    3. DOC staff, facility Chaplains, and religious volunteers will not discriminate against or give preferential treatment to any inmate or CCAP probationer/parolee based on their religious beliefs or practices nor will they coerce inmates and CCAP probationers/parolees to join or participate in the activities of a particular religion. (2-CO-5E-02)
  - B. An inmate or CCAP probationer/parolee may request the approval of a religion not currently approved to operate in DOC facilities by submitting a *Request for Recognition of a Religion 841\_F2* to the Facility Unit Head.
    1. The inmate or CCAP probationer/parolee must complete the *Request for Recognition of a Religion* with as much information as possible and include any relevant supporting documentation.
    2. The inmate or CCAP probationer/parolee is not required to enlist an outside sponsor, clergy, or representative of a religious organization prior to submitting their request for the approval of a religion.
  - C. The Facility Unit Head will review the *Request for Recognition of a Religion* to ensure that the *Request* is complete and to confirm the requested religion is not listed on the current *Religions Approved to Operate in DOC Facilities*.
    1. The Facility Unit Head will document their recommendation on the *Request* and, when applicable, will provide additional information for Faith Review Committee consideration.
    2. The Facility Unit Head will forward the *Request* and all inmate or CCAP probationer/parolee provided supporting documentation to the Faith Review Committee for further review.
  - D. Faith Review Committee members will review the *Request for Recognition of a Religion*, all supporting documentation, and make recommendations to the Deputy Director for Institutions or Deputy Director for Community Corrections on approval or disapproval of the religion as well as any requested holydays, religious items, and other requested religious accommodations.
  - E. The Deputy Director for Institutions or Deputy Director for Community Corrections, based on the information provided, will make the final decision to approve or disapprove the religion and to approve or disapprove the Faith Review Committee's recommendations on holy days, religious items, and other requested religious accommodations.
  - F. The Operations Support Manager or designee will document all decisions made on the *Request for Recognition of a Religion* and will forward a copy of the completed *Request for Recognition of a Religion 841\_F2* to the Facility Unit Head and the inmate or CCAP probationer/parolee.



## II. Faith Review Committee

- A. The Faith Review Committee is comprised of DOC staff appointed by the Deputy Director for Institutions and Deputy Director for Community Corrections. Ad hoc committee members may be included, as needed, to provide expertise on specific religions.
- B. The Faith Review Committee reviews all Facility Unit Head or designee referrals for holy days, religious items, and other requested religious accommodations and makes a recommendation to the Deputy Director for Institutions on approval or disapproval to ensure statewide consistency based on legitimate security and operational concerns.
  1. The Faith Review Committee will meet no more than quarterly, but may review Facility Unit Head or designee referrals more frequently on an as-needed basis.
  2. The Operations Support Manager or designee will forward all Faith Review Committee recommendations to the Deputy Director for Institutions and the Corrections Operations Administrator for review and final approval prior to notifying facilities of changes.

## III. Facility Chaplain

- A. The Constitution of Virginia prohibits the use of General Fund revenues to support religion; therefore, GraceInside employs all facility Chaplains or the facility Chaplains are DOC approved volunteers.
- B. The facility or a volunteer Chaplain is available, to the greatest extent possible, to serve as an advocate for equitable accommodation of all religious faiths and to assure equal status and protection for all religions approved to operate in a DOC facility. (5-ACI-7F-01; 2-CO-5E-01)
  1. Facility and volunteer Chaplains should be qualified based on one unit of clinical pastoral education or equivalent specialized training and endorsement by the denominational endorsing agent/officer. (5-ACI-7F-01)
  2. Within the limited resources of GraceInside and available volunteers, each facility strives to provide the following Chaplain access: (5-ACI-7F-02)
    - a. In facilities with an average daily population of 500 or more inmates or CCAP probationers/parolees, there is a full-time Chaplain, or Chaplains, or the equivalent of full time coverage.
    - b. In facilities with less than 500 inmates or CCAP probationers/parolees, there is adequate religious staffing.
  3. Chaplains are subject to all work policies, laws, guidelines, rules, and regulations that apply to DOC staff, including confidentiality and security procedures, unless stated otherwise in this operating procedure.
  4. Chaplains, Muslim Imams, and all other religious representatives that accompany an Imam must sign in and out of the facility on the *Chaplain/Imam Sign -In Sheet\_841\_F20* stored in a binder located at the facility's perimeter access point
    - a. The *Chaplain/Imam Sign -In Sheet\_841\_F20* will be used to verify the total number of hours worked by each individual Chaplain, Imam and all other religious representatives.
    - b. The Institutional Program Manager (IPM) or an employee designated by the Facility Unit Head must review the *Chaplain/Imam Sign -In Sheet\_841\_F20*, verify the date, time in, time out, and total hours worked for each entry.
    - c. The IPM must sign the *Chaplain/Imam Sign -In Sheet\_841\_F20* to document their review and confirm the total hours worked are accurate.
  5. All other volunteers and religious representatives must sign in and out on the facility provided volunteer log located at the perimeter access point.
  6. When neither the Chaplain nor a facility volunteer can represent as a religious leader of an inmate's or



- CCAP probationer's/parolee's approved religion, the Chaplain should assist inmates and CCAP probationers/parolees in contacting a representative of their faith with the appropriate credentials from the faith judicatory. (5-ACI-7F-06)
- a. The individual contacted will minister to the inmate or CCAP probationer/parolee under the supervision of the Chaplain.
  - b. If the Chaplain is unable to locate or obtain the services of a qualified representative from an inmate's or CCAP probationer's/parolee's religion, the facility Chaplain or other designated staff will assist the inmate or CCAP probationer/parolee with obtaining religious texts, study materials, etc. for their religion.
7. All religious representatives of an approved religion should be available to all inmates and CCAP probationers/parolees within limitations of time, space, and supervision resources at the facility.
- C. Chaplains maintain primary oversight of the facility's religious program and the day-to-day operations of religious activities within the facility.
1. The Facility Unit Head or designee should ensure there is a secondary point of contact for religious activities; generally the Institutional Program Manager (IPM) or Volunteer Coordinator.
  2. The IPM, in consultation with the Facility Unit Head or designee, is responsible for allocating time and space for all religious activities.
  3. The Volunteer Coordinator is responsible for the administration and management of the volunteer program and in consultation with the Facility Unit Head is responsible for all volunteer selections and terminations.
  4. Inmate and CCAP probationer/parolee concerns and complaints regarding the facility religious program, religious activities, or any other religious accommodation should be resolved within the following limits:
    - a. Chaplains, five business days
    - b. IPM/Volunteer Coordinator, seven business days
    - c. Facility Unit Head, ten business days
  5. Chaplains may utilize inmate and CCAP probationer/parolee clerical staff with the following conditions. (5-ACI-7F-07)
    - a. Inmates and CCAP probationers/parolees must not have access to confidential material. The Chaplain or a Lay Chaplain providing clerical assistance must handle all confidential material.
    - b. Inmate and CCAP probationer/parolee clerical staff must be under the supervision of the Chaplain, other staff, or an experienced volunteer at all times while in the Chaplain's office.
    - c. Inmates and CCAP probationer/parolee clerical staff must not have access to telephones or to computers with internet connections.
- D. Chaplains will review all digital video discs (DVD's) for use in religious programs and will forward the DVD to the IPM or other staff member designated by the Facility Unit Head for approval or disapproval; see Operating Procedure 841.1, *Inmate Programs*.
- E. Chaplains must have physical access to all areas of the facility and are encouraged to make regular rounds in all housing areas in order to minister to staff and inmates or CCAP probationers/parolees. (5-ACI-7F-02; 2-CO-5E-01)
- F. The Chaplain or designated staff should develop and maintain close relationships with community religious resources. (5-ACI-7F-04)
1. The Chaplain, in cooperation with the Facility Unit Head or designee, should develop and maintain communications with faith communities.
  2. The Chaplain, in cooperation with the Facility Unit Head or designee, should coordinate the donations

of equipment or materials for use in the facility's religious program based on guidance from the Operations Support Manager. (5-ACI-7F-08; 2-CO-5E-01)

#### IV. Chaplain Interaction with Inmates, Ex-Inmates, and CCAP Probationers/Parolees

- A. Chaplains, due to the nature of their work, may interact with inmates and CCAP probationers/parolees in ways that are unique and different from staff.
1. Chaplains can conduct routine and emergency visits to inmates and CCAP probationers/parolees in non-DOC hospitals. Any Chaplain visiting an inmate or CCAP probationer/parolee in a hospital must:
    - a. Carry their DOC identification card and 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 comply with their instructions.
    - d. Document their hospital visits in writing and notify their facility point-of-contact when a visit has taken place.
  2. Chaplains can interact with probationers/parolees and ex-inmates not on supervision to facilitate their re-entry into the community.
    - a. All interactions should be professional and transitional in nature.
    - b. Such interactions can include but are not limited to the following:
      - i. Inviting probationers/parolees and ex-inmates to their place of worship for worship services, study groups, pastoral counseling, potential membership, etc.
      - ii. Providing transportation, clothing, food, and other such assistance.
      - iii. Assisting probationers/parolees and ex-inmates to obtain housing, education, vocational training, or job placement.
- B. Prior to interacting with a probationer/parolee or ex-inmate, the Chaplain must submit a *Request to Interact with a Probationer/Parolee or Ex-Inmate* 841\_F4 to the Facility Unit Head at the facility where they serve for approval.
1. A Chaplain should normally only assist probationers/parolees and ex-inmates who were incarcerated at the same institution or housed in the same CCAP facility they serve.
  2. Chaplains, with approval of the Facility Unit Head, can assist probationers/parolees and ex-inmates previously incarcerated at other institutions or housed in other CCAP facilities such as a Chaplain who works at a halfway house or step-down facility and wishes to provide services for a probationer/parolee or ex-inmate released from a different facility.
    - a. The Chaplain will submit the *Request to Interact with a Probationer/Parolee or Ex-Inmate* to their Facility Unit Head, but must note on the *Request* that the probationer/parolee or ex-inmate was released from a different facility.
    - b. The Chaplain should include their justification for providing services to this probationer/parolee or ex-inmate on the *Request to Interact with a Probationer/Parolee or Ex-Inmate*.
    - c. Chaplains who wish to assist a probationer/parolee on active supervision must also receive approval from the Chief P&P Officer of the probationer's/parolee's P&P District so the supervising P&P Officer can be notified.
  3. The Facility Unit Head or designee will maintain the original *Request to Interact with a Probationer/Parolee or Ex-Inmate* at the facility when the Chaplain submits the request prior to the inmate's or CCAP probationer's/parolee's release.
    - a. If the probationer/parolee is on supervision, the original *Request to Interact with a Probationer/Parolee or Ex-Inmate* will be maintained in the supervising P&P Office.
    - b. If the ex-inmate is not on supervision and is already living in the community, the Chaplain will



maintain the original *Request to Interact with a Probationer/Parolee or Ex-Inmate*.

- c. Chaplains should keep a copy of all *Requests to Interact with a Probationer/Parolee or Ex-Inmate* in their personal files for documentation.
4. Any Chaplain approved to interact with probationers/parolees or ex-inmates must be aware of fraternization and their obligation to avoid even the appearance of impropriety, and must review Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*.
    - a. Fraternization includes but is not limited to the following prohibited activities:
      - i. Providing money or financial assistance to probationers/parolees or ex-inmates out of their personal funds.
      - ii. Providing legal assistance (hiring or paying lawyers, contacting victims, etc.) to or for probationers/parolees or ex-inmates.
      - iii. Allowing probationers/parolees or ex-inmates to live in their personal home or residence.
      - iv. Hiring probationers/parolees or ex-inmates as personal employees, i.e. housekeeper, grounds keeper, maintenance or repair duties, etc.
      - v. Serving as a conduit for information or contraband (letters, pictures, property, etc.) between probationers/parolees or ex-inmates and current CCAP probationers/parolees or inmates.
      - vi. Crossing the line from professional to personal (overly friendly/familiar, romantic, or sexual) relationships with probationers/parolees and ex-inmates.
      - vii. Associating with probationers/parolees or ex-inmates in a manner that may compromise their ability to maintain professional boundaries.
    - b. Any violation for fraternization will be managed in accordance with the law and applicable DOC operating procedures to include termination of services and restriction from entering into any DOC facility.

#### V. Facility Religious Program

- A. The Chaplain, in consultation with and approval of the Facility Unit Head, will plan, direct, and coordinate all aspects of the facility's religious program to include approval and training of both Lay Chaplains and volunteers from religions represented in the inmate or CCAP probationer/parolee population at that facility. (5-ACI-7F-03; 2-CO-5E-01, 2-CO-5E-02)
- B. The Facility Unit Head will designate appropriate and adequate office space, storage space, and an area for a religious library and appropriate equipment for the provision and administration of the facility's religious program. (5-ACI-7F-07; 2-CO-5E-01)
  1. The Facility Unit Head or designee should provide Chaplains with a computer, telephone line, printer/copier access, and all standard office supplies in order to carry out their duties.
  2. Staff should make available the space and equipment needed to conduct scheduled religious activities such as a computer and LED projector as authorized by the Operations Support Manager.
- C. Staff must allow inmates and CCAP probationers/parolees to practice their religion either individually or as a group by participating in scheduled religious activities.
  1. Staff will not allow inmates and CCAP probationers/parolees to hold formal religious meetings and group prayers without Facility Unit Head or designee approval and the required supervision.
  2. Inmates and CCAP probationers/parolees may participate in informal religious discussions in leisure areas such as dayrooms or recreation yards as long as the participants do not disrupt other inmates and CCAP probationers/parolees authorized to use the same area.
  3. Inmate and CCAP probationer/parolee can perform their prayers individually but personal prayers should not interfere with facility count, movement times, and other security operations.
    - a. Staff and work supervisors must make accommodations to allow inmates and CCAP



probationers/parolee to perform their personal prayers individually during scheduled breaks.

b. Group prayers are not authorized during work, school, or program breaks.

D. Staff must make reasonable accommodations to allow inmates and CCAP probationers/parolees participating in work, school, and mandatory program assignments to attend religious activities.

1. Work supervisors should employ the least restrictive means available to permit an inmate's or CCAP probationer's/parolee's absence from their assigned work site when 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.
2. When staff cannot make an accommodation because there are no alternatives that permit inmate or CCAP probationer/parolee participation in mandatory school and/or program assignment and their religious activity, the staff member will not excuse the inmate or CCAP probationer/parolee from their assignment to attend the religious activity.
3. Facility staff must document the alternatives considered and the reasons they could not grant an accommodation.

## VI. Inmate and CCAP Probationer/Parolee Participation in Religious Activities

A. Inmates and CCAP probationers/parolees have a constitutional right to practice their religion unless the religious practice or activity presents a threat to the safety of others involved or disrupts facility order. (5-ACI-7F-05; 4-ACRS-5A-22; 2-CO-5E-01)

1. Each Facility Unit Head must balance these rights with available space and time, security needs, and staff supervision to ensure that all inmates and CCAP probationers/parolees have equal access to facility resources in order to practice their religion.
2. The Facility Unit Head may suspend religious activities based upon legitimate concerns regarding security, safety, or facility order.
  - a. The Facility Unit Head or designee must document the suspension of a religious activity on an *Internal Incident Report*; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
  - b. The Facility Unit Head must report the suspension of a religious activity to the Operations Support Manager, Regional Administrator, and the Deputy Director for Institutions or Deputy Director for Community Corrections.
  - c. The Facility Unit Head should provide the reason for the suspension and the date that the religious activity will resume.

### B. Inmate Selection of Religious Activity

1. The Chaplain or designee will maintain a current list of religious activities scheduled at the facility; see Attachment 2, *Request to Attend Religious Activity - Sample*. The Facility Unit Head will approve the days and times scheduled for religious activities.
  - a. The scheduled religious activity can include a service, group prayer, ritual, ceremony, celebration, study group, meeting, or any combination of these religious practices.
  - b. Staff must not use the *Request to Attend Religious Activity* to approve or deny religious items, including religious publications.
2. The Chaplain or designee will schedule all religious activities equally for all religions represented at the facility.
  - a. The Chaplain or designee will provide one religious activity of one and one-half hours in length for each religion approved to operate in DOC facilities that has two inmates or CCAP probationers/parolees that wish to participate in the religious activity. The minimum number of inmates or CCAP probationers/parolees required to establish, maintain, and hold a religious activity at a facility is two.



- b. The Chaplain or designee will determine the frequency i.e., weekly, bi-weekly, monthly of each religious activity based on the total number of religious activities at the facility, available space and time, security needs, and staff supervision. If facility space, time, security needs, and staff supervision allow:
  - i. The Muslim religious activity should be on Friday between the hours of 1:00 and 3:00 p.m.
  - ii. The Jewish and Messianic Jewish religious activities should be on Friday and occur close to sunset consistent with security requirements. The Facility Unit Head can approve staff to use commissary funds or donations to procure matzo and kosher grape juice.
3. The Chaplain or designee should discontinue a religious activity and remove it from the facility's *Request to Attend Religious Activity*, at the next quarterly enrollment period, when there is no longer the minimum of two inmates and CCAP probationers/parolees who wish to participate.
4. Inmates and CCAP probationers/parolees may request a religious activity for any religion approved to operate in DOC facilities but not offered on the facility's *Request to Attend Religious Activity*. (2-CO-5E-01)
  - a. The inmate or CCAP probationers/parolees must submit a *Facility Request* 801\_F3 to the Chaplain or designated staff member who will monitor and track all *Facility Requests* for a religious activity.
  - b. Once the Chaplain or designated staff receive the minimum number of two *Facility Requests* for the same religious activity, the Chaplain or designee will provide time and space for the religious activity, at the same frequency as all other religious activities, to meet.
  - c. An outside sponsor, clergy, or representative of a religious organization is not required to establish a new religious activity at a facility.
  - d. The Chaplain or designee will not schedule a religious activity for a religion not approved to operate in DOC facilities. The inmate or CCAP probationer/parolee must apply for approval to allow the religion to operate in DOC facilities in accordance with this operating procedure.
- C. The Chaplain or designee must notify the inmate or CCAP probationer/parolee when they add, change, or discontinue a religious activity.
- D. The Chaplain or other designated staff will ensure that memos and notices relevant to volunteers and religious activities are readily available to Front Entry staff to facilitate volunteer entry to the facility.

## VII. Religious Activity Access and Attendance

- A. Inmates and CCAP probationers/parolees, during facility orientation, will complete the facility's *Request to Attend Religious Activity* to designate the religious activity they wish to attend at the facility. (2-CO-5E-01, 2-CO-5E-02)
- B. Inmates and CCAP probationers/parolees can only choose one religious activity from the *Request to Attend Religious Activity*, and staff will allow the inmate or CCAP probationer/parolee to attend that religious activity only until:
  1. The inmate chooses a new religious activity at the next quarterly open enrollment period.
  2. The inmate or CCAP probationer/parolee transfers to a new facility.
- C. Each calendar quarter, the Chaplain or designee will schedule an open enrollment period of two weeks to allow inmates and CCAP probationers/parolees the opportunity to choose a religious activity or change their religious activity by submitting a new *Request to Attend Religious Activity*.
  1. Staff must allow inmates and CCAP probationer/parolees to submit a *Request* to change their religious activity at the next open enrollment period regardless of their reception date at the facility.
  2. Inmates and CCAP probationers/parolees do not need to submit a *Request to Attend Religious Activity* when they are not making a change to their religious activity.
- D. Staff must not penalize inmates and CCAP probationers/parolees who choose not to complete a *Request*



to Attend Religious Activity.

1. The inmate or CCAP probationer/parolee cannot submit a *Request* or attend a scheduled religious activity until they submit a *Request to Attend Religious Activity* during the next open enrollment period.
  2. Until they submit a *Request to Attend Religious Activity*, the inmate or CCAP probationer/parolee may practice their faith privately/individually through prayer, meditation, reading, reflection, etc.
- E. Staff will not place an inmate or CCAP probationer/parolee on a waiting list to attend a religious activity.
1. When the number of inmates and CCAP probationers/parolees choosing the same religious activity exceeds room capacity, the Chaplain or designated staff will schedule an additional religious activity on the facility's *Request to Attend Religious Activity*.
    - a. The Chaplain or designee will schedule each additional religious activity at the same frequency as all other religious activities.
    - b. When the Chaplain or designee schedules additional religious activities for the same religion to accommodate the number of participating inmates or CCAP probationers/parolees, staff will assign the inmate or CCAP probationer/parolee to the religious activity with available space.
    - c. An outside sponsor, clergy, or representative of a religious organization is not required to establish an additional religious activity.
  2. The Chaplain or designee will determine how to manage pass lists to authorize inmate and CCAP probationer/parolee attendance at any religious activity that is new or not on the *Request to Attend Religious Activity* until they can update the *Request to Attend Religious Activity*.
- F. Master Pass List
1. The Facility Unit Head or designee at Security Level 2 and above institutions will use the master pass list provided in VACORIS to control inmate access to scheduled religious activities; see Operating Procedure 410.3, *Offender Movement Control*.
    - a. Field Units, Work Centers, and CCAPs are required to use the master pass list when the inmate or CCAP probationer/parolee must exit the building.
    - b. When a master pass list is not used, Field Unit, Work Center, and CCAP staff must provide all inmates and CCAP probationers/parolees with equal access to religious activities in accordance with this operating procedure.
  2. Once an inmate designates a religious activity, staff will add the inmate to the master pass list in VACORIS, when required for inmate or CCAP probationer/parolee movement.
  3. Staff will only remove an inmate or CCAP probationer/parolee from the master pass list or other movement list when use of the master pass list is not required and when the inmate or CCAP probationer/parolee voluntarily requests removal:
    - a. Through submission of a *Facility Request 801\_F3*.
    - b. Through submission of a new *Request to Attend Religious Activity* during the next quarterly, open enrollment.
    - c. Upon transfer to a new facility.
- G. An inmate's and CCAP probationer's/parolee's attendance and/or participation in a religious activity must be voluntary at all times.
1. Staff must not remove an inmate or CCAP probationer/parolee from the master pass list or any other list controlling access to a religious activity or otherwise penalize the inmate or CCAP probationer/parolee to include disciplinary action for not attending a religious activity.
  2. Inmates and CCAP probationers/parolees who choose to attend are required to stay until the religious activity has concluded.
  3. Staff will remove any inmate or CCAP probationer/parolee who engages in inappropriate or disruptive



behavior from the religious activity and the inmate or CCAP probationer/parolee will be subject to disciplinary action.

#### H. Documenting Inmate and CCAP Probationer/Parolee Attendance

1. Religious activity sign-in sheets are essential to record inmate and CCAP probationer/parolee attendance at a religious activity in order for staff to properly manage facility space and provide supporting documentation for the cancellation and discontinuation of religious activities.
  2. The facility Chaplain or other designated staff should ensure religious activity sign-in sheets are present at all religious activities.
  3. The Chaplain or other designated facility staff will maintain the religious activity sign-in sheets on file for accountability.
- I. Staff with approval of the Facility Unit Head may suspend an inmate or CCAP probationer/parolee from a religious activity for inappropriate or disruptive behavior.
1. The staff member must document the suspension of an inmate or CCAP probationer/parolee on an *Internal Incident Report*; see Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*.
  2. The suspension must be temporary and should expire at the next quarterly enrollment period.
- J. Staff may cancel a religious activity when only one inmate or CCAP probationer/parolee attends the activity or there is no clergy or volunteer present. If two inmates or CCAP probationers/parolees attend the religious activity or there is clergy or a volunteer present, staff will not cancel the religious activity.

### VIII. Supervision of Religious Activities

#### A. Clergy and approved volunteers normally conduct and monitor religious activities in a facility.

1. If clergy or an approved volunteer for a religious activity is not available, inmates and CCAP probationers/parolees may meet under the general supervision of a trained staff member approved by the Facility Unit Head.
  2. The Chaplain or designee may allow an inmate or CCAP probationer/parolee to lead religious activities but such inmates and CCAP probationers/parolees have no authority over any other inmates and CCAP probationers/parolees. (5-ACI-3A-08)
    - a. The DOC does not recognize any inmate or CCAP probationer/parolee as a spiritual leader, pastor, rabbi, imam, or any other type of clergy.
    - b. The Chaplain or designee should rotate inmate and CCAP probationer/parolee religious leaders on a regular basis (if possible) to prevent abuses.
    - c. Staff must not allow inmates and CCAP probationers/parolees to handle or have access to confidential material concerning another inmate or CCAP probationer/parolee.
- B. The Chaplain, staff, or a religious volunteer must visually observe all religious activities as indicated below to ensure the safety of the inmate or CCAP probationer/parolee population and orderly operations of the facility.
1. DOC staff (Security Staff or Counselor) or a contracted facility Chaplain (when available) must provide in-room supervision at all times in Security Level 4 and Security Level 5 institutions.
  2. DOC staff (Security Staff or Counselor), contracted or volunteer Chaplain, or an experienced volunteer such as a Lay Chaplain must provide in-room supervision at all time in Security Level 3 institutions.
  3. The Facility Unit Head will determine the level of supervision required to maintain safety of the inmate or CCAP population and orderly operations of the facility in Security Level W, Security Level 1, Security Level 2, and CCAPs.
- C. The Facility Unit Head or designee may cancel a religious activity for facility emergencies, lockdowns, and times when appropriate staff are not available to provide required supervision.



1. Staff are not required to reschedule a religious activity cancelled due to a facility emergency, lockdown, or shortage of staff.
2. Staff must not habitually cancel religious activities due to a shortage of staff.

IX. Restrictions on Religious Activities

A. The Facility Unit Head may limit, restrict, or deny some aspects of an accepted religious practice based upon legitimate concerns regarding security, safety, facility order, space, or resources. (5-ACI-7F-05; 4-ACRS-5A-22; 2-CO-5E-01)

B. Wine

1. As part of a scheduled religious activity, authorized clergy may bring into the facility a maximum of one fluid ounce of wine per participant in a transparent/translucent plastic container to administer communion.
  - a. The wine, at the clergy's discretion, may be served through the intinction method (i.e., dipping a wafer in wine) or direct consumption.
  - b. For direct consumption, clergy may serve a maximum of one fluid ounce of wine only and should serve the wine to individual inmates and CCAP probationers/parolees in individual disposable paper or plastic cups for hygiene and sanitation reasons.
  - c. Inmates and CCAP probationers/parolees must consume the wine during the religious activity, and the cups must be properly disposed of at the end of the activity.
  - d. The Clergy must remove the container and any remaining wine from facility grounds at the conclusion of the religious activity.
2. Clergy who administer communion by wine in a facility must have a limited background investigation completed, provide a copy of their commission, license, ordination, or endorsement from a religious authority or leader of their religious organization, and must have Facility Unit Head approval.
3. Clergy must submit a written request to the Facility Unit Head or Chief of Security for approval to administer wine for communion during a religious activity at least one week in advance of the planned religious activity.
4. A security staff member must escort Clergy, who bring wine into the facility, while the wine remains in the facility.
5. Groups that allow substitutes for wine may allow inmates and CCAP probationers/parolees to consume grape juice or fruit flavored mixes in the communion service.
6. As needed for participation in the communion service, staff using commissary funds may purchase necessary items such as bread, wafers, grape juice, and fruit flavored mixes.
  - a. With approval of the Facility Unit Head, individuals may donate these items in accordance with this operating procedure.
  - b. Staff must not purchase wine and staff must not allow the use of facility funds to purchase wine.

C. Tefillin (phylacteries)

1. Staff must store the Tefillin, a Jewish prayer item, in the Shift Commander's office to be available to inmates and CCAP probationers/parolees upon request.
2. Only inmates and CCAP probationers/parolees who attended Jewish services at least twice per month for at least six months or who possess Jewish literature if services are not available are eligible to use the Tefillin.
3. Inmates and CCAP probationers/parolees may use the Tefillin Sunday through Friday for a maximum of 30 minutes and the inmate or CCAP probationer/parolee return the Tefillin immediately after use.
  - a. The inmate or CCAP probationer/parolee must use the Tefillin under staff observation in a



designated area near the Shift Commander's office. Inmates and CCAP probationers/parolees must not take the Tefillin to a housing unit.

- b. Inmates who cannot physically access the Shift Commander's office due to a housing assignment that restricts inmate movement for safety and security concerns cannot access and use the Tefillin.
- c. Staff will not permit an inmate or CCAP probationer/parolee to access the Tefillin during lockdown.

#### D. Candles

Inmates and CCAP probationers/parolees can access and use candles in religious activities designated by the Deputy Director for Institutions or approved by the Facility Unit Head or Chief of Security; see Attachment 3, *DOC Religious Guidance - Open Flame Candles*.

#### E. Native American Ceremonial Pipe

Inmates and CCAP probationers/parolees can access and use the Native American Ceremonial Pipe no more than once per month; see Attachment 4, *DOC Religious Guidance - Native American Ceremonial Pipe Ritual*.

#### F. Donations

Inmates and CCAP probationers/parolees cannot donate funds to the following entities, because the donation is considered a conflict of interest:

1. GraceInside (the contracted organization that hires, supervises, and compensates the facility Chaplains).
2. Churches or ministries in the community for which the Chaplain serves as a minister, pastor, priest, director, etc.

### X. Special Visits for Clergy and Special Religious Events

A. The Facility Unit Head can authorize and approve a special visit between an inmate or CCAP probationer/parolee and clergy; see Operating Procedure 851.1, *Visiting Privileges*. (2-CO-5E-01)

B. Inmate and CCAP probationer/parolee counseling by the facility Chaplain or other clergy is confidential.

1. Staff may provide reasonable and respectful observation as necessary and in accordance with the security level and nature of the facility.
2. Each facility should provide an appropriate location for confidential religious counseling as needed. (2-CO-5E-02)

C. The Facility Unit Head or designee will provide the following inmates and CCAP probationers/parolees access to approved clergy on an individual basis or via closed circuit televisions in their cells where applicable, unless otherwise prohibited based on legitimate safety and security concerns, consistent with the mission of the facility.

1. Inmates and CCAP probationers/parolees under full or partial facility lockdown.
2. Inmates assigned to a housing status that restricts inmate movement for safety and security concerns.

### XI. Special Scheduled Religious Events

A. Any outside religious group or organization representing a religion approved to operate in DOC facilities can request approval to hold a special religious event i.e., classes, revivals, interfaith spiritual retreats, concerts, and other special programs in a facility.

1. The individual requesting the event (one day or multiple day events) must submit their request to the Chaplain or designated staff.
2. The Chaplain or designated staff member will review the request and confirm that the religion



represented is listed on Attachment 1, *Religions Approved to Operate in DOC Facilities*.

3. The Chaplain or designated staff member will consult with the Facility Unit Head or designee to schedule the event based on available space and time, security needs, and staff supervision. The Facility Unit Head or designee will approve the scheduling of days and times for special religious events.
- B. At the Facility Unit Head's and Chaplain's discretion, special religious events should be open to the entire inmate or CCAP probationer/parolee population.
- C. The Chaplain or designee will provide sign up lists and other methods that provide equal access to limit the number of inmates and CCAP probationers/parolees allowed to attend the event based on limited space and supervision resources at the facility.
- D. Each Facility Unit Head that hosts Kairos events must develop an implementation memorandum that outlines each Kairos event offered at that facility consistent with the Memorandum of Understanding between the Virginia Department of Corrections (VADOC) and Kairos Virginia; see Attachment 5, *DOC Religious Guidance-Kairos Prison Ministry Program*.

## XII. Communal and Individual Religious Items

- A. Inmates and CCAP probationers/parolees are limited to the communal and individual religious items approved by the Faith Review Committee; see Attachment 6, *Approved Religious Items*. (2-CO-5E-01)
1. Inmates and CCAP probationers/parolees must comply with all DOC operating procedures governing contraband, alteration, and approval when possessing communal and individual religious items. Violations may result in disciplinary action and/or confiscation of the religious item.
  2. Inmates and CCAP probationers/parolees must purchase all individual religious items, other than publications, from the facility commissary. Commissary staff will provide any approved individual religious item not regularly stocked by the commissary through the special order process; see Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*.
- B. Inmates and CCAP probationers/parolees may request additional religious items be approved by submitting a *Religious Item/Holy Day Observance Request* 841\_F1 to the Facility Unit Head or designee.
1. The Facility Unit Head or designee will confirm the religious item is not on the *Approved Religious Items*, research the item, recommend approval, approval with restrictions, or disapproval and will forward the *Religious Item/Holy Day Observance Request* to the Faith Review Committee for review.
  2. If the Faith Review Committee reviewed the religious item within the last 12 months, a new review is not required. The Operations Support Manager may document the committee's previous decision on the *Religious Item/Holy Day Observance Request* 841\_F1 without further committee review.
  3. The Faith Review Committee will review the *Religious Item/Holy Day Observance Request* 841\_F1 and make a decision to approve, disapprove, or approve as amended and will return a copy of the request to the Facility Unit Head or designee and the requesting inmate or CCAP probationer/parolee.
  4. When the Faith Review Committee approves an item, the Operations Support Manager or designee will update Attachment 6, *Approved Religious Items*.
- C. Staff must remain aware that they should treat consecrated or blessed items and items considered sacred with respect and appropriate care, when they search or examine an inmate's or CCAP probationer's/parolee's religious items. All religious items are subject to a respectful search.
1. Any inmate or CCAP probationer/parolee who does not wish to have a religious item searched and/or x-rayed can mail the item home or properly disposed of the item; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
  2. Newly received inmates, including inmates from out-of-state, and CCAP probationers/parolees must agree to have their religious item(s) searched and/or x-rayed.



3. If the inmate or CCAP probationer/parolee does not wish to have the item(s) searched, staff will allow them to mail the item home or have the item disposed of; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
4. The search and examination of religious publications will be consistent with Operating Procedure 803.2, *Incoming Publications*, and specific guidance from the Deputy Director for Institutions. (2-CO-5E-01)

#### D. Donated Communal and Individual Religious Items

1. Designated staff must approve, accept, and document all donations of religious items, equipment, and materials in accordance with Operating Procedure 220.1, *Gifts and Donations*.
2. GraceInside and their subcontractors, Religious Organizations, and other Community groups may donate communal religious items for use in religious activities and individual religious items for distribution to inmates and CCAP probationers/parolees provided the donated item(s) are on Attachment 6, *Approved Religious Items*.
  - a. Donated religious items must comply with the restrictions imposed by the Faith Review Committee as indicated on the *Approved Religious Items* to include size, color, material, etc.
  - b. Organizations that wish to donate communal or individual religious items not listed on the *Approved Religious Items* must submit a written request on organization letterhead to the Operations Support Manager for review by the Faith Review Committee and approval by the Deputy Director for Institutions, when required.
    - i. 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.
    - ii. Items of negligible monetary value such as pamphlets, newsletters, etc. are not subject to prior approval but are subject to operating procedures governing searches, inmate and CCAP probationer/parolee property, and contraband.
3. GraceInside and their sub-contractors i.e., Muslim Chaplin Services are authorized to donate individual religious item(s) to specific inmates and CCAP probationers/parolees provided the donated item(s) is on the list of *Approved Religious Items*, and comply with established restrictions on size, color, material, etc.
  - a. The inmate or CCAP probationer/parolee must request the religious item(s) directly from GraceInside or their subcontractors.
  - b. The inmate or CCAP probationer/parolee must complete and submit a *Personal Property Request Add/Drop 802\_F1* to serve as notification that the religious item(s) was requested and to ensure the item is added to the inmate's or CCAP probationer's/parolee's personal property inventory.
  - c. An inmate's or CCAP probationer's/parolee's failure to complete and submit the *Personal Property Request Add/Drop 802\_F1* may result in staff returning the religious item to the sender.
  - d. The Property Officer should consult with the Chaplain for any additional information regarding the donation, prior to returning donated religious items to the sender.
4. Religious organizations and other community groups will donate individual religious items to the DOC and the Chaplain will distribute to inmates or CCAP probationers/parolees.
  - a. Staff will not accept donations to a specific inmate or CCAP probationer/parolee.
  - b. Inmates and CCAP probationers/parolees may request a donated religious item(s) by contacting the Chaplain who, based on item availability, will provide the inmate or CCAP probationer/parolee with the item(s) on a first come, first served basis.
  - c. The Chaplain must route all donated individual religious items through the Property Officer for issuance to an inmate or CCAP probationer/parolee; the Property Officer will add the item to inmate's or CCAP probationer's/parolee's personal property inventory in VACORIS; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.



5. Donated communal religious items are the property of DOC.
  - a. Communal religious items must be strictly controlled and stored in a secure area of the facility. Communal religious items are only available for use during an approved religious activity when applicable.
  - b. The facility Chaplain must receive prior written authorization from the Facility Unit Head for any publications, books, texts, magazines, CD's, etc., donated to the facility for religious activities; see Operating Procedure 803.2, *Incoming Publications*, for additional guidance on publications.
  - c. Operating Procedure 841.1, *Inmate Programs*, provides specific guidance on digital video discs (DVD's) donated for religious activities.
- E. Individuals requesting an exception to the donation requirements of this operating procedure must submit their request in writing to the Operations Support Manager.

### XIII. Holy Day Observances (2-CO-5E-01)

- A. Although each inmate and CCAP probationer/parolee has a right to observe the holy days for their religion, facility resources such as space, time, security needs, and staff supervision do not allow for a group observance for every possible holy day at every facility.
  1. The Operations Support Manager, to ensure consistency within the DOC, maintains and updates a master calendar of holy day observances approved for DOC facilities without further review or approval; see Attachment 7, *Master Religious Calendar*.
    - a. Staff will use the *Master Religious Calendar* as a guide for planning approved holy day observances that allows the greatest access and inmate or CCAP probationer/parolee participation possible. The *Master Religious Calendar* provides:
      - i. Observance Date
      - ii. Religions Eligible to Participate
      - iii. Work Prohibitions
      - iv. Special Menu Requirements
      - v. Dietary Considerations,
      - vi. Provisions for Special Group Services and Group Meals
    - b. Participation in a holy day observance is limited to inmates and CCAP probationers/parolees who selected to attend religious activities for a religion eligible to participate in the observance; see Attachment 2, *Request to Attend Religious Activity - Sample*.
  2. The Deputy Director for Institutions may issue a memorandum announcing the dates of the observance, the religions eligible to participate, and any additional guidance for the observance prior to the holy day observance.
    - a. Deputy Director for Institutions memorandums override the *Master Religious Calendar*.
    - b. Staff will provide inmates and CCAP probationers/parolees with information on holy day observance to include any facility-specific information and any deviation from routine facility operations.
  3. Staff must not establish a sincerity requirement such as possession of religious items, religious activity attendance, etc. for inmate and CCAP probationer/parolee participation in a holy day observances.
- B. The IPM or other executive level staff member designated by the Facility Unit Head is responsible for the management of all holy day observances at the facility.
  1. Eligible inmates and CCAP probationers/parolees who wish to participate in a holy day observance must sign-up for participation by submitting a *Facility Request 801\_F3* at least 30 days prior to the start of the observance.
  2. Eligible inmates and CCAP probationers/parolees are required to sign-up during the fourth quarter of the current year to participate in Passover the following year to ensure there is adequate time to order



- the amount of Kosher for Passover food items required for the number of inmates and CCAP probationers/parolees who sign-up to participate.
3. Ramadan/NOI Month of Fasting participants will need to sign-up at least 90 days before the start of Ramadan/NOI Month of Fasting to ensure there is adequate time to order the amount of food required for the number of inmates and CCAP probationers/parolees who sign-up to participate.
  4. The IPM or designated staff member will review the inmate's or CCAP probationer's/parolee's *Facility Request* 801\_F3, determine if the inmate or CCAP probationer/parolee is eligible, and provide a written decision on the *Request* within seven days of receipt.
    - a. Staff must return a copy of the *Facility Request* 801\_F3 to the to the inmate or CCAP probationer/parolee as a receipt of their request and notification of their decision.
    - b. The IPM or designated staff member will not approve an inmate or CCAP probationer/parolee who did not select to attend religious activities for a religion eligible to participate on their *Request to Attend Religious Activity*.
    - c. A holy day observance is not required at facilities that do not have at least two eligible inmates or CCAP probationers/parolees who submitted a *Facility Request* 801\_F3 to participate.
  5. The IPM or designated staff member will prepare and as necessary, update a single list of all inmates and CCAP probationers/parolees approved to participate in the holy day observance at the facility.
    - a. The IPM or designated staff member must distribute a copy of the list and each updated version to appropriate staff as this list will serve as the only official list used to verify an inmate's or CCAP probationer's/parolee's approval to participate.
    - b. The IPM or designated staff member and will ensure a copy of the list is posted in the inmate or CCAP probationer/parolee housing units 21 days prior to the start of the observance.
  6. Inmates who transfer from one institution to another while participating in a holy day observance can request to participate at the receiving institution, if the holy day observance is available.
    - a. Staff at the receiving institution may confirm the inmate's participation with the sending institution but access to religious fasting and group meals will not be withheld pending confirmation; staff at the receiving institution must allow immediate participation.
    - b. Staff will add the inmate to the master pass list and any other list used to control inmate movement to attend and participate in all aspects of the holy day observance.
  7. Staff must ensure that all inmates and CCAP probationers/parolees, regardless of housing status, are aware of upcoming holy day observances.
    - a. When necessary, staff must directly contact any inmate assigned to a housing status with restricted movement, i.e., restorative housing, medical, etc. and provide the inmate an opportunity to submit a *Facility Request* 801\_F3 to participate in the fast and receive the fasting meals.
    - b. Staff should directly contact any inmate assigned to an off-site hospital and provide the inmate with an opportunity to submit a *Facility Request* 801\_F3 to participate in the fast and receive the fasting meals upon their return to their assigned institution.
  8. If the number of inmates or CCAP probationers/parolees exceeds the space available for the holy day observance, staff will provide multiple services so that each inmate or CCAP probationer/parolee has equal access.
- C. Holy day observances should not interfere with regular work, school, or program assignments.
1. Inmates and CCAP probationers/parolees should observe their prescribed times of prayer and spiritual reading individually before or after their scheduled work, school, and program assignments.
  2. Staff and work supervisors must allow inmates and CCAP probationers/parolees to perform their personal prayers individually during scheduled work breaks; group prayers are not authorized during work, school, or program breaks.

#### XIV. Holy Day Observance Participant Eligibility, Special Group Services, and Group Meals

##### A. Christian Holy Day Observances

1. Roman Catholic, Greek Orthodox, Protestant Denominations, Church of Jesus Christ of Latter Day Saints (Mormons), and Messianic Jews are eligible to participate; separate special services are not required.
2. Facility Unit Heads must allow a special group service on Easter and Christmas even when there are staffing shortages and heavy visitation.
  - a. The Facility Unit Head or designee, within available resources such as space, time, security needs, and staff supervision, should provide separate special group services for each of these religions.
  - b. On Easter, an interdenominational special group 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.
  - c. On either Christmas Day or Christmas Eve, staff will provide an interdenominational group service. The Facility Unit Head, within available resources such as space, time, security needs, staff supervision and Chaplain or religious volunteer availability, at their discretion, may allow both Christmas Eve and Christmas Day services.

##### B. Jewish Holy Day Observances

1. Jews, Messianic Jews, House of Yahweh, Yahwists, Philadelphia Church of God, and African Hebrew-Israelites) are eligible to participate in the following holy day observances:
  - a. Jews and Messianic Jews
    - i. Fast of Esther
    - ii. Purim
    - iii. Rosh Hashanah
    - iv. Fast of Gedaliah
    - v. Yom Kippur
    - vi. Passover
    - vii. Sukkoth
    - viii. Shavuot
    - ix. Chanukah
  - b. House of Yahweh, Yahwists, Philadelphia Church of God, and African Hebrew-Israelite
    - i. Feast of Trumpets (Rosh Hashanah)
    - ii. Day of Atonement (Yom Kippur)
    - iii. Passover
    - iv. Feast of Tabernacles (Sukkoth)
    - v. Pentecost (Shavuot)
2. The Facility Unit Head or designee, within available resources such as facility space, time, security needs, and staff supervision should allow Jews to observe holy days separately from Messianic Jews, Yahwists, Philadelphia Church of God, and African Hebrew-Israelite to the extent possible.
  - a. Food Service Staff will serve group meals at a separate time and/or area from the general inmate and CCAP probationer/parolee population.
  - b. Due to the separate and distinct belief systems of Jews, Messianic Jews, Yahwists, Philadelphia Church of God, and African Hebrew-Israelite, the Facility Unit Head or designee should provide separate group meals and special group services such as worship services, study sessions, etc.
    - i. When available resources, to include space, time, security needs, and staff supervision require, Messianic Jews, Yahwists, and Philadelphia Church of God may conduct joint special group services, group meals, etc.
    - ii. Due to differences in belief systems, a shared group meal is preferable to joint services and/or



study sessions.

3. The Facility Unit Head or designee will allow inmates and CCAP probationers/parolees participating in Fast of Esther, Fast of Gedaliah, and Yom Kippur/Day of Atonement to fast.

#### C. Muslim Holy Day Observances

1. Islam (Sunni Muslim, Shiite Muslim, and World Community of Islam), Nation of Islam (NOI), and Moorish Science Temple of America (MSTA) are eligible to participate in the following holy day observances:
  - a. Ramadan/Month of Fasting
  - b. Eid-ul-Fitr Feast
  - c. Eid-ul-Adha Feast
2. The Facility Unit Head or designee, within available resources such as facility space, time, security needs, and staff supervision, should allow Islam (Sunni Muslim, Shiite Muslim, and World Community of Islam) to observe holy days separately from the NOI and MSTA to the extent possible.
  - a. Food Service Staff will serve group meals at a separate time and/or area from general inmate and CCAP probationer/parolee population.
  - b. Due to the separate and distinct belief systems of Islam, NOI and MSTA, the Facility Unit Head or designee should provide separate group meals and special group services such as worship services and study sessions.
    - i. When available resources to include space, time, security needs, and staff supervision require, NOI and MSTA inmates may participate in joint special group services, group meals, etc.
    - ii. Due to differences in belief systems, a shared group meal is preferable to joint services and/or study sessions.
3. The Facility Unit Head or designee will allow inmates and CCAP probationers/parolees participating in Ramadan/NOI Month of Fasting, the Eid-ul-Fitr Feast, and the Eid-ul-Adha Feast to fast.

#### D. Nations of Gods and Earths Holy Day Observances:

1. Nations of Gods and Earths are eligible to participate in the following holy day observances:
  - a. Allah's Physical Birthday (Father's Day)
  - b. Show and Prove
  - c. Allah Tribute Day
  - d. Year One/Day One
2. The Facility Unit Head or designee will allow inmates and CCAP probationers/parolees participating in Allah's Physical Birthday (Father's Day), and Year One/Day One to fast.

#### E. Inmates and CCAP probationers/parolees may request a new holy day observance for any religion approved to operate in DOC facilities by submitting a *Religious Item/Holy Day Observance Request* 841\_F1 to the Facility Unit Head or designee.

1. The Facility Unit Head or designee will review the request, and recommend approval, approval with restrictions, or disapproval and forward the *Religious Item/Holy Day Observance Request* to the Faith Review Committee.
2. If the Faith Review Committee reviewed the holy day observance within the last 12 months, a new review is not required. The Operations Support Manager may document the committee's previous decision on the *Religious Item/Holy Day Observance Request* 841\_F1 without further committee review.
3. If the Faith Review Committee approves the requested holy day observance, the Operations Support Manager or designee will update the *Master Religious Calendar* to allow for observance in all facilities.



- F. The Deputy Director for Institutions will issue a memorandum announcing the dates of the observance, the religions eligible to participate, and any additional guidance prior to the observance of Passover, Ramadan/Month of Fasting, the Eid-ul-Fitr feast, and the Eid-ul-Adha feast.

XV. Holy Day Observance Fasting

- A. The Facility Unit Head or designee will provide inmates and CCAP probationers/parolees participating in a holy day observance that includes fasting with the opportunity to fast.
  - 1. Inmates participating in Fast of Esther, Fast of Gedaliah will fast from astronomical twilight to sunset on the day of the observance.
  - 2. Inmates participating in Yom Kippur/Day of Atonement will fast for 26 hours from sunset the day before the observance to sunset on the day of the observance.
  - 3. Inmates participating in Ramadan/NOI Month of Fasting will fast during daylight hours, from dawn to sunset on the day of the observance.
  - 4. Inmates participating in Allah's Physical Birthday (Father's Day) and Year One/Day will fast from astronomical twilight to sunset on the day of the observance.
- B. The Chaplain or IPM will provide food service and health care staff with a list of those inmates or CCAP probationers/parolees who will fast during a holy day observance.
  - 1. Inmates and CCAP probationers/parolees are not required to fast in order to remain on the list to participate in a holy day observance.
  - 2. Staff must not remove an inmate or CCAP probationer/parolee who eats commissary food items, or seeks a meal tray during the fasting period from participation or otherwise penalized the inmate or CCAP probationer/parolee.
  - 3. Inmates and CCAP probationers/parolees who will fast must complete, sign, and submit a *4-Hour Rule Agreement* FSM\_F9 to food service prior to the beginning of the fast.
- C. The Facility Unit Head or designee will provide inmates and CCAP probationers/parolees participating in a holy day observance that includes fasting with the opportunity to take their medications through special pill calls or self-medication before the start of the fasting period, astronomical twilight, and after the end of the fasting period, sunset.
- D. Inmates and CCAP probationers/parolees should consult with the medical staff and must take all responsibility for the possible consequences of taking medications at intervals not recommended by the medical staff.
- E. Inmates and CCAP probationers/parolees are not exempt from random drug testing during a holy day observance that includes fasting.
  - 1. Randomly selected inmates or CCAP probationers/parolees who are fasting should be tested during those times when they are allowed to eat and drink i.e., before dawn and after sunset.
  - 2. All other drug-testing regulations apply.

XVI. Religious Diets (2-CO-5E-01)

- A. Common Fare and the Sealed Religious Diet are special religious diets offered at institutions designated by the Deputy Director for Institutions. Common Fare and the Sealed Religious Diet meets or exceeds the minimum daily nutritional requirements and serves to accommodate inmate religious dietary needs; see Food Service Manual, Chapter 4, *Religious Diets and Special Menus*.
  - 1. Participation in the Common Fare or Sealed Religious Diet is voluntary; inmates and CCAP probationers/parolees must submit a *Religious Diet Request* 841\_F25 to their Counselor to initiate the process for approval to participate.
    - a. The Counselor will review Attachment 8, *Sample Common Fare Menu* or the *Sealed Religious Diet*



*Menu and the Common Fare Agreement 841\_F8 or Sealed Religious Diet Agreement 841\_F24, as applicable, with the inmate.*

- b. The inmate must sign the *Common Fare Agreement 841\_F8 or Sealed Religious Diet Agreement 841\_F24* in order to participate.
  - c. Staff will not provide the Common Fare or Sealed Religious Diet to an inmate refusing to sign the *Common Fare Agreement 841\_F8 or Sealed Religious Diet Agreement 841\_F24, as applicable.*
2. The Counselor will prepare the *Institutional Classification Authority Hearing Notification* in VACORIS and upload the signed *Religious Diet Request 841\_F25* and *Common Fare Agreement 841\_F8 or Religious Diet Agreement 841\_F24, as applicable, into VACORIS with a copy provided to the inmate.*
  3. The Institutional Classification Authority (ICA) will conduct an ICA hearing and must thoroughly document the ICA hearing in VACORIS; see Operating Procedure 830.1, *Institution Classification Management.*
    - a. The ICA and the Facility Unit Head or designee must approve an inmate for Common Fare or Sealed Religious Diet prior to the inmate receiving the diet.
    - b. The Counselor or other designated staff will monitor VACORIS for approval of the inmate's *Religious Diet Request 841\_F25.*
    - c. Staff must provide the inmate with a copy of the *Institutional Classification Authority Hearing* report as notification of approval or disapproval of their *Religious Diet Request 841\_F25.*
- B. Upon receipt of approval for an inmate to participate in Common Fare or the Sealed Religious Diet:
1. In an institution that offers the approved religious diet, the Counselor or designee will notify the Food Operations Director/Manager; and the inmate will begin receiving Common Fare meals no later than 15 working days or Sealed Religious Diet meals 45 working days after approval.
  2. In an institution that does not offer the approved religious diet, the inmate must wait for a transfer to an institution that does offer the religious diet.
  3. Inmate transferred to an institution offering their approved religious diet should begin receiving their religious diet meals as soon as practical no later than seven days after arrival at the institution.
- C. The Food Operations Director/Manager will notify the Regional Food Operations Director weekly of the number of new approvals for Common Fare and the Sealed Religious Diet.
- D. Religious Diet Meals
1. Inmates on Common Fare and the Sealed Religious Diet are authorized one tray per meal service; any inmate who picks up more than one meal tray will be subject to payment for cost of the meal and to a disciplinary offense; see Operating Procedure 861.1, *Offender Discipline, Institutions.*
  2. Staff will assess inmates the cost of their approved religious diet meal; currently \$.70 per Common Fare meal and \$3.25 per Sealed Religious Diet meal for the following:
    - a. Inmate observed or detected picking up or eating from a non-religious diet tray for their approved diet.
    - b. Inmate observed or detected eating, trading or possessing unauthorized food items from the main line.
    - c. Inmates will not be assessed the cost if they fail to pick up or eat their approved religious diet meal.
  3. Staff will notify the Food Operations Director/Manager or designee of their observations, so the Food Operations Director/Manager can assess the inmate the cost of their approved religious diet meal.
- E. Religious Diet Removals
1. Common Fare
    - a. Staff will not remove an inmate from Common Fare unless the inmate transfers, temporarily, to a



non-Common Fare institution to receive necessary medical or mental health treatment not provided at their current institution.

- b. Participation in Common Fare is voluntary; the inmate may voluntarily withdraw by submitting a written request to their Counselor.
  - i. The ICA will document the inmate's voluntary withdrawal by ICA action for Facility Unit Head or designee review and approval.
  - ii. Staff will upload a copy of the inmate's written request into VACORIS with the ICA action for removal.
  - iii. Any inmate who voluntarily withdraws from Common Fare can reapply by submitting a new *Religious Diet Request 841\_F25* to their Counselor.
- 2. Sealed Religious Diet
  - a. Inmates may voluntarily withdraw from the Sealed Religious Diet by submitting a written request to their Counselor.
  - b. Staff can remove any inmate from the Sealed Religious Diet for choosing to take Common Fare or regular trays every day for 14 consecutive days.
    - i. Staff must be provide the inmate with written notification of the removal.
    - ii. The inmate may appeal the removal through the grievance process; see Operating Procedure 866.1, *Offender Grievance Procedure*.
    - iii. Staff must allow inmates removed from the diet to choose the Common Fare or the regular menu.
  - c. Staff must document the inmate's withdrawal or removal by ICA action for Facility Unit Head or designee review and approval and will upload a copy of the of the inmate's written request into VACORIS with the ICA action for removal.
  - d. Any inmate who withdraws voluntarily or staff removes from participation in the Sealed Religious diet can reapply by submitting a new *Religious Diet Request 841\_F25* to their Counselor.

## REFERENCES

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

Food Service Manual, Chapter 4, *Religious Diets and Special Menus*

Operating Procedure 027.1, *Volunteer and Internship Programs*

Operating Procedure 038.1, *Reporting Serious or Unusual Incidents*

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Inmates and Probationers/Parolees*

Operating Procedure 220.1, *Gifts and Donations*

Operating Procedure 410.3, *Offender Movement Control*

Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*

Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*

Operating Procedure 803.2, *Incoming Publications*

Operating Procedure 830.1, *Institution Classification Management*

Operating Procedure 841.1, *Inmate Programs*

Operating Procedure 851.1, *Visiting Privileges*

Operating Procedure 861.1, *Offender Discipline, Institutions*

Operating Procedure 866.1, *Offender Grievance Procedure*

Memorandum of Understanding between the Virginia Department of Corrections (VADOC) and Kairos Virginia



## **ATTACHMENTS**

Attachment 1, *Religions Approved to Operate in DOC Facilities*

Attachment 2, *Request to Attend Religious Activity - Sample*

Attachment 3, *DOC Religious Guidance - Open Flame Candles*

Attachment 4, *DOC Religious Guidance - Native American Ceremonial Pipe Ritual*

Attachment 5, *DOC Religious Guidance - Kairos Prison Ministry*

Attachment 6, *Approved Religious Items*

Attachment 7, *Master Religious Calendar*

Attachment 8, *Sample Common Fare Menu*

## **FORM CITATIONS**

*4-Hour Rule Agreement* FSM\_F9

*Facility Request* 801\_F3

*Personal Property Request Add/Drop* 802\_F1

*Religious Item/Holy Day Observance Request* 841\_F1

*Request for Recognition of a Religion* 841\_F2

*Request to Interact with a Probationer/Parolee or Ex-Inmate* 841\_F4

*Common Fare Agreement* 841\_F8

*Chaplain/ Imam Sign -In Sheet* 841\_F20

*Sealed Religious Diet Agreement* 841\_F24

*Religious Diet Request* 841\_F25

