

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 510.00

DATE: 30 September 2021

**SUBJECT: RELIGIOUS SERVICES &
ACTIVITIES**

POLICY DIRECTIVE

PURPOSE:

To ensure a variety of religious services and activities and the opportunity for members of the inmate/resident population to pursue individual religious beliefs and practices consistent with the maintenance of security and good order.

REFERENCE:

Religious Land Use and Institutionalized Persons Act (RLUIPA) U.S.C. §2000cc *et seq.*; and *Africa v. Comm. of Pa.*, 662 F.2d 1025 (3d Cir. 1981).

RESPONSIBILITY:

Superintendents shall be responsible for enacting Operational Procedures and Post Orders to ensure compliance with this Policy Directive.

CANCELLATION:

Any previous written instruction on the subject, including DOC Policy Directive 510.00, dated 01 June 2014; DOC Policy Directive 511.00, dated 01 May 2014; DOC Commissioner's Instruction #16-23, dated 05 June 2017; DJS Policy 508.00, dated 01 April 2012; and RJA Policy 22004, dated 20 December 2012.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate/resident review.

DEFINITIONS:

Halal: Halal is Arabic for permissible. Halal food is that which adheres to Islamic law, as defined in the Koran.

Kosher: Any food or beverage that Jewish dietary laws, rooted in history and religion, allow a person to eat. In order to render kitchen utensils and/or cooking surfaces koshered (proper and ritually pure), the items must be submerged completely in a vessel that contains boiling water.

Moral Rehabilitation Initiative: An initiative of the Division of Corrections and Rehabilitation (DCR) to affect positive culture change within DCR facilities through moral rehabilitation services and activities.

Peer Mentor: An inmate who meets the minimum qualifications to be a designated moral rehabilitation worker who has completed the required training and is approved for assignment.

RLUIPA: The Religious Land Use and Institutionalized Persons Act is a United States federal law that prohibits the imposition of burdens on the ability of prisoners to worship as they please and gives churches and other religious institutions a way to avoid zoning law restrictions on their property use. It also defines “religious exercise” to include “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”

POLICY:

- I. Allowing for differences in individual facilities, the Division of Corrections and Rehabilitation (DCR) strives for consistent religious services, activities, and practices agency-wide in compliance with the “institutionalized persons” provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA).
 - A. The DCR, while noting known traditional and established religions, does not possess an exhaustive list of all religions. However, for guidance as to what should be considered a religion, staff should consider the following three factors:
 1. A religion addresses fundamental and ultimate questions having to do with deep and imponderable matters;
 2. A religion is comprehensive in nature, it consists of a belief-system as opposed to an isolated teaching;
 3. A religion often can be recognized by the presence of certain formal and external signs.
 - B. The religious services, activities, and programs offered in facilities will be under the general direction of the DCR Director of Offender Services designee with direct

- supervision of the facility Chaplains by the designee. An organizational chart that includes supervising Senior Chaplains will be developed and maintained.
- C. Persons working in or for DCR facilities or work units may not persuade or attempt to persuade an inmate/resident to convert from one religious belief to another.
- II. Under the direction of the Director of Offender Services/designee, and in coordination with the facility Superintendent/designee, Chaplains shall plan, direct, and coordinate all aspects of the religious services, activities, and programs, including approval and training of both lay and clergy volunteers from faiths represented in the inmate/resident population.
- A. Chaplains will be assigned to provide religious services in facilities at the direction of Executive Leadership. A Chaplain may facilitate or oversee religious services, activities, and programs at more than one facility.
- B. Chaplains shall have physical access to all areas of the facility to minister to inmates/residents and staff in accordance with facility procedures and may also arrange to have approved religious volunteers escorted to visit inmates/residents in special housing.
- C. The Chaplain/designee may be required to maintain appropriate inmate/resident attendance records of religious services/activities/programs and other records and reports as required.
- D. Chaplains/designee shall develop and maintain close relationships with community religious resources. Chaplains/designee shall work with the staff member responsible for coordinating the volunteer program in accordance with DCR Policy Directive 153.00 Volunteer Program for the recruiting, selection, and orientation of any volunteers requesting to provide religious services to the inmate/resident population.
- E. Chaplains shall assure equal status and protection for all religions.
- III. Religious services and activities may include, but are not limited to, congregate religious services, ritual observances, observance of religious holidays, and religious education and may be made available using qualified Peer Mentors, appropriate religious volunteers, printed materials, and/or recorded materials.
- A. Superintendents shall make available space and equipment adequate to conduct and administer religious services, activities, and programs.
- B. A schedule of all services and activities will be made available to all inmates/residents.

- C. All religious services and activities shall be adequately supervised to ensure they are conducted within policy guidelines.
 - D. Any inmate/resident not living in restricted housing may attend ANY congregated religious/worship services or studies conducted at his/her facility.
 - E. Religious services and activities will not teach violence; promote racial hatred; promote crimes against children; encourage violation of any federal, state, or local laws; or encourage violation of any policy or procedure of the DCR.
 - F. Employee-supervised prayer and study services without a volunteer may be conducted as necessary when no religious volunteer of a specific faith is available. The Chaplain/designee may randomly select a qualified inmate/resident of that faith to lead prayer or religious education discussions. It is the Chaplain's/designee's choice on how many times and how often an individual inmate/resident may lead prayer and/or discussions. That inmate/resident does not assume leadership status for that faith group.
 - G. Religious services and activities in special housing units may be provided electronically, through printed materials and/or on a one-on-one basis with a Chaplain or volunteer.
- IV. Each Superintendent should appoint a Facility Religious Advisory Committee, consisting of the Chaplain/designee and representatives from programs/unit management, security, operations, and/or other designees as the Superintendent deems appropriate. The Superintendent may convene the committee to examine and make recommendations on special religious requests and grievances. The committee may consult with representatives from food service, property, or other areas regarding special requests. The committee may also consider other facilities practices or consult with the Director of Offender Services or designee.
- V. Inmates/residents may request a religious accommodation (e.g., special observance, religious holiday and/or celebration, etc.) by submitting a Religious Accommodation Request Form (Attachment #1) to the Chaplain/designee. The Chaplain/designee will consult with the Facility Religious Advisory Committee regarding the request.
- VI. All inmates/residents may declare their religious preference based on their own beliefs. Each inmate/resident may only change their official declared religious status once in any twelve (12) month period.
- VII. Inmates/residents may make monetary donations (tithes and offerings) to legitimate outside ministries according to established procedures at their facility. Inmates/residents may not make monetary donations to the religious program at any DCR facility.

- VIII. Approved religious personal property items, including but not limited to, religious medallions, prayer rugs, tarot cards, deity picture cards and religious headwear, must be purchased through the commissary vendor. No religious property may be altered or personally manufactured. No religious property may be used to ridicule the religious beliefs of others. All religious personal property must be stored in accordance with facility Operational Procedures.
- A. An inmate/resident shall be allowed to wear/use personal religious items during formal religious services, ceremonies, and meetings, and in their personal assigned housing. As an exception, inmates/residents may wear appropriate and approved religious headwear at any time.
 - B. Inmates/residents may possess and wear one (1) religious medallion or similar item with a chain and/or beads (e.g., Native American medicine bag, or a “Kunti” [Hare Krishna sacred bead necklace]) at any time.
 - C. Approved awarded items given in recognition of program completion or participation (e.g., KAIROS Cross) are considered additional allowable items.
 - D. Any inmate/resident may possess literature and/or sacred texts for any religious belief system subject to security concerns. The inmate/resident does not have to be a declared member of any specific belief system to possess the literature.
 - E. Bibles, religious texts, and other religious literature (pamphlets, study guides, etc.) may be obtained from the Chaplain or sent in through approved methods and shall adhere to personal property limits as defined in DCR Policy Directive 400.03 *Inmate’s Personal Property*.
 - F. Chaplains/designee will oversee the specific use and storage of any faith group items necessary for the practice of a particular faith for congregative worship or special services. The use or storage of these items will be consistent with facility procedures.
 - G. The Chaplain/designee will coordinate with the Superintendent/designee regarding approved donations of equipment or materials for use in religious programs. Generally, all donations should be for the purpose of benefiting the entire inmate/resident population and shall be made to the program and not individual inmates/residents.
- IX. Inmates/residents shall be afforded reasonable and equitable opportunity to observe the religious dietary practice of their faith, within considerations for security constraints and the cost effective and orderly running of the facility. The religious diet will be designed to observe the dietary restrictions prohibiting certain food items or groups of food items. No attempt will be made to provide and serve every food item any particular religion may allow.

- A. Inmates/residents may request a religious diet by submitting a Religious Special Diet Request and Authorization Form (**Attachment #2**) to the Chaplain or designated staff for approval. Copies of approved forms shall be provided to the food service department.
- B. No inmate/resident will be compelled to participate in any religious special diet.
- C. Recognizing that some food groups that different belief systems are permitted to eat will not be served in the religious special diet, an inmate/resident may supplement his/her diet by purchasing allowable items for himself/herself from the commissary vendor. This does not require the commissary vendor to carry items for specific faith groups.
- D. The Chaplain or designated staff member may withdraw approval for a religious diet from an inmate/resident if the inmate/resident is documented as violating the terms of the religious diet program to which the inmate/resident has agreed in writing.
1. **An inmate/resident shall not be disciplined for failure to follow a religious tenet.** However, when an inmate/resident requests this special accommodation, the DCR has the right to expect compliance with the religious diet program. The least restrictive means available of ensuring the integrity of the religious special diet program is to have sanctions for non-compliance.
 2. Progressive sanctions for non-compliance may include a written warning, a one (1) month suspension, and a one (1) year suspension.
 3. In order to preserve the integrity and orderly operation of the religious special diet program and to prevent fraud, inmates/residents who withdraw may not be immediately re-established into the program. A minimum of thirty (30) days shall elapse after an inmate/resident withdraws from a religious special diet before being permitted to begin again. Repeated withdrawals are subject to the same progressive sanctions used for non-compliance.
- E. Only **one** religious special diet will be created or served with only one soy-allergy religious special diet alternative. The religious special diet is not to be used simply as a meal choice. It is also not intended to provide everything an inmate/resident of any faith may eat. It is intended to provide a nutritionally adequate meal that meets dietary restrictions imposed by various beliefs.
1. The meal plan may include a cold (cereal) breakfast but must include a hot prepared lunch and dinner. Care should be taken to provide sufficient variety in the meals.
 2. Meat is never an item in the religious special diet.

3. The entrée may be purchased from a recognized vendor with appropriate Kosher and/or Halal certifications. All flavors of the Kosher/Halal entree that are available shall be purchased for each facility. The product label for the entrée shall display the appropriate certification symbol(s). Copies of all current certifications shall be maintained in the food service area and administration offices.
4. Cereal used in the program may be purchased in bulk and the packaging shall display the appropriate certification symbol(s).
5. The breads used at each meal shall display the appropriate certification symbol(s). The required number of slices (portion) is to be taken from the original packaging and placed on the appropriate tray during serving as needed.
6. Fresh whole fruits and vegetables are to be broken when necessary to accomplish the proper serving size. Knives are not used in order to avoid contamination or violation of proper kosher food preparation.
7. Peanut butter, cream cheese, jelly, juice, and other items used daily shall display the appropriate certification symbol(s). It is recommended, where economically feasible, to purchase products individually packaged which display the appropriate certification symbol(s).
8. The food handling instructions for the religious special diet will be prominently displayed in the religious special diet preparation area(s). The food service vendor will train appropriate staff and food service workers in proper kosher food handling procedures and maintain copies of training documentation.
 - a. Foods will be appropriately stored, only used for religious special diets, and handled only by designated staff or workers.
 - b. Preparation and serving utensils/equipment shall be stored separately from other utensils/equipment in specifically designated areas. Each item will be distinctively and permanently marked “for use with religious special diets only,” and only designated staff or workers are authorized to retrieve from or place items in these secure areas.
 - c. The purpose of providing and using separate cooking, serving, and eating utensils is to avoid cross contamination of foods. These items are to be used only for the religious special diet without exception.
 - d. When necessary, the DCR will replace “contaminated” utensils with new and unused utensils. The new utensils will be properly cleaned prior to use.

9. Sufficient quantities of food stuffs, while considering spoilage, and other supplies (e.g., paper/Styrofoam products, individually wrapped spoons/forks) shall be maintained on hand in order to ensure there is no disruption in serving the religious special diet in the event of a lockdown, natural disaster, or other planned or unplanned event.
- F. A specific faith group may request one special meal observance per year that is accepted as a common practice of that faith (e.g., the feast following Ramadan fast).
1. Only declared members of that faith may participate. Participating inmates/residents must have previously declared as a member of that faith at the time sign – ups for the fast/feast begin.
 2. In some cases, such as the feast after Ramadan, the members must have participated in required activity, such as fasting during Ramadan, to be eligible for participation in the special meal observance.
 3. The meal is celebratory and will include one special entrée and one special dessert. The rest of the meal will come from the religious special diet items for that day.
- X. Services and activities of the Moral Rehabilitation Initiative may take place at DCR adult facilities in partnership with Catalyst Ministries and/or volunteer organizations from the community. See DCR Policy Directive 514.00 Moral Rehabilitation Initiative.
- XI. KAIROS Prison Ministry may take place at DCR adult facilities. The mission of KAIROS is to develop a Christian community inside prisons. All facilities currently facilitating KAIROS Prison Ministries will continue offering this activity.
- XII. The following attachments are supplemental to this policy and provide information and specific guidelines to follow regarding Ramadan and the Brahman Diet.
- A. Ramadan is the ninth month of the Islamic calendar, observed by Muslims as a month of fasting, prayer, reflection, and community, and lasts twenty-nine (29) to thirty (30) days, from one sighting of the crescent moon to the next. Each facility will ensure practices regarding Ramadan at their facility follow the Ramadan Fast Guidelines (**Attachment #3**).
 - B. The Brahman Diet is familiar to many Americans as that promoted by the Hare Krishna community and is the diet that members of the Brahman caste are expected to adhere to in India and elsewhere. This diet differs somewhat from other diet requirements but can be managed by ensuring prohibited food items are not served. See The Brahman Diet (**Attachment #4**).

ATTACHMENT(S):

- #1 Religious Accommodation Request Form
- #2 Religious Special Diet Request and Authorization Form
- #3 Ramadan Fast Guidelines (3 pages)
- #4 The Brahman Diet

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

8-31-21
Date

West Virginia Division of Corrections & Rehabilitation Religious Accommodation Request Form

Note: If the request is for more than one inmate or resident, each inmate/resident must submit a form. If this is a group request, information must be submitted to the Chaplain/designee, who will compile information about the group request and forward the information to the Facility Religious Advisory Committee.

Inmate/Resident Name: _____ **OID#:** _____

Official Name of Your Religion: _____

Give a detailed description of the requested accommodation:

Describe, in detail, your religion's basic tenets or beliefs, which you feel require that you be provided with the requested accommodation:

List any publications, which explain the religious significance of the requested accommodation: (You may be requested to provide a copy of listed publications to the Chaplain/designee.)

Inmate's/Resident's Signature

Date

Chaplain/ designee Signature:

Date received:

Date Reviewed by Facility Religious Advisory Committee:

West Virginia Division of Corrections & Rehabilitation Religious Special Diet Request and Authorization Form

Inmate/Resident Name: _____ **OID#:** _____

Official Name of Your Religion: _____

Reason for Request:

Statement of Understanding: I understand that I am requesting a religious special diet based upon my declared religious beliefs. If approved, I agree to remain in compliance with this diet. I understand that this request is subject to be reviewed for compliance by the Chaplain/designated staff person. If it is determined I have not complied with my religious special diet, I understand I will be subject to counseling and possible progressive sanctions. The progressive sanctions for non-compliance may include a written warning, a one (1) month suspension, and/or a one (1) year suspension.

Inmate/Resident Signature

Date

Approved (effective date of approval: _____)

Disapproved

Comments:

Chaplain/Designee Signature

Date

Copies: Uploaded to appropriate file in OIS
Religious Services Department File
Food Service Director
Inmate/Resident

West Virginia Division of Corrections & Rehabilitation

Ramadan Fast Guidelines

- The DCR will follow the schedule for Ramadan established by the Islamic Society of North America and/or the Fiqh Council of North America. The Eid al-Fitr feast will be celebrated on the day after the Fast of Ramadan is concluded.
- Only those inmates/residents who have listed Muslim/Islam as their religious preference prior to sign-up notices being posted are eligible to participate.
- Feeding times will likely disrupt, to an extent, normal operations.
- Those receiving the religious special diet will continue to receive the special diet during Ramadan and those who receive regular diet will continue to receive the regular diet not the religious special diet during Ramadan.
- Inmates/residents will be provided a hot breakfast (prepared hot) in time to finish eating at least fifteen (15) minutes before the Fajr prayer time in the morning. This may require food service staff to adjust schedules. This meal should be served in the normal routine and location for food service. Participants are to be permitted an appropriate time to pray, after the meal and before the fast begins that day.
- Inmates/residents participating in Ramadan who reside in special/restricted housing are also to be fed at the appropriate times.
- The participants will not be eating lunch.
- Inmates/residents will be provided a hot dinner (prepared hot) after the conclusion of the daily fast. They are not to begin eating until at least fifteen minutes after the Maghrib prayer time in the evening. It may be necessary to provide this meal in a disposable container to be consumed in inmate/resident housing at the appropriate time, which may be later than the normal dinner mealtime.
- A bag lunch consistent with appropriate normal food stuffs will also be provided at this time as a supplement to make up for the caloric count missed by fasting during lunch time. Note: sandwiches and other items provided in the lunch bag will not include items with pork, pork by-products, or pork related products.
- If an outside group provides figs to the facility so the inmates/residents can eat a fig to break the fast each day, that is permitted. However, the DCR does not buy figs for this purpose. It is acceptable to break the fast with water.
- The DCR will accommodate any Ramadan participant who requests to do the additional six (6) day Shawwal Fast beginning the day after the Eid-al-Fitr feast day. The same guidelines will apply.
- The DCR will not provide special accommodations for any inmate/resident who violates a fast day during Ramadan and who believes they must personally make up those days.

Violations of the Fast

- The DCR will not discipline any inmate/resident for any violation of their religious beliefs/tenets. However, if an inmate/resident requests a special accommodation, such as special feeding arrangements during Ramadan, it is entirely appropriate for the DCR to expect compliance with any accommodation made.
- Eating or drinking anything during the fast times is considered non-compliance with the special accommodation request. The DCR has a compelling governmental interest to expect this compliance since staff resources, variation from normal operations, and extra costs are associated with food delivery to participants during Ramadan.
- The first documented instance of non-compliance with the special accommodation will result in verbal counseling with the violator by the Chaplain and/or Unit Manager/designee. A written record of the verbal counseling will be maintained noting that the inmate/resident was advised: 1) He/she is not being disciplined for violation of their religious beliefs; 2) The DCR has a reasonable expectation for any inmate/resident making a request for a special accommodation to comply with the provision made to accommodate the request; and 3) Any further violations may result in any future special meal accommodations being discontinued/denied during Ramadan, and they may not be permitted to participate in the Eid-al-Fitr feast, and special requests for the additional six (6) day Shawwal Fast may not be accommodated.
- The second documented instance of non-compliance with the special accommodation will result in a written warning (letter or memorandum) to the violator by the Chaplain and/or Unit Manager/designee. The written warning will include: 1) He/she is not being disciplined for violation of their religious beliefs; 2) The DCR has a reasonable expectation for any inmate/resident making a request for a special accommodation to comply with the provision made to accommodate the request; and 3) Any further violations will result in any future special meal accommodations being discontinued/denied during Ramadan, and they will not be permitted to participate in the Eid-al-Fitr Feast, and no special accommodations will be made for the additional six (6) day Shawwal Fast after the Eid-al-Fitr Feast.
- The third documented instance of non-compliance with the special accommodation will result in termination of any special accommodations for that inmate/resident during Ramadan. A verbal and a written (letter or memorandum) of this termination will be made directly to the violator by the Chaplain and/or Unit Manager/designee. The written (letter or memorandum) of termination of any special accommodations will include: 1) He/she is not being disciplined for violation of their religious beliefs; 2) The DCR has a reasonable expectation for any inmate/resident making a request for a special accommodation to comply with the provision made to accommodate the request; 3) He/she has been counseled verbally, and then given a written warning on the second occurrence that any further violations will result in any future special meal accommodations being discontinued/denied during Ramadan, and they will not be permitted to participate in the Eid-al-Fitr Feast, and no special accommodations will be made for the additional six (6) day Shawwal Fast after the Eid-al-Fitr Feast; and 4) Therefore, they will not be provided any further special meal accommodations during Ramadan, he/she may not participate in the Eid-al-Fitr Feast, and no special accommodations for the additional six (6) day Shawwal Fast will be considered.

Eid-al-Fitr Feast

- The Eid-al-Fitr Feast will be celebrated on the day designated by the Islamic Society of North America.
- The meal is celebratory and will include one special entrée and one special dessert. The rest of the meal will come from the religious special diet items for that day.

West Virginia Division of Corrections & Rehabilitation

The Brahman Diet

This diet is familiar to many Americans as that promoted by the Hare Krishna community and it is the diet members of the Brahman caste are expected to adhere to in India and elsewhere. The objective is to emphasize sattvic foods, minimize rajasic foods, and eliminate tamasic foods.

- **Meat** is forbidden along with all meat products.
- **Eggs** are forbidden.
- **Milk** and milk products are permitted, butter, yogurt, cream, etc.
- **Cheese** must not be coagulated with rennet (an animal product). In India, the acid coagulated cheese *panir* predominates. It is roughly the same as hoop cheese, a form of farmer's cheese, with more of the liquid squeezed out.
- **Onions** are forbidden along with all other members of the *Allium* genus, including garlic, scallions, chives, shallots, etc.
- **Mushrooms** are forbidden along with all other fungi.
- **Stimulants** - coffee, tea, etc. are rajastic and to be avoided as they interfere with meditation.
- **Alcohol** - no.

There are, of course, exceptions. In Kashmir, Brahmans eat meat (though not beef) and to a lesser extent in Orissa, Bengal, and Maharashtra where eggs, fish, chicken, and even lamb and goat may also be included.

Tamas, Rajas and Sattva - these Ayurvedic "vibrations" are characteristics of various foods and affect both the physical and astral bodies. This is the root theory behind various Hindu food customs.

- **Tamasic** (heavy) foods such as meat and fermented foods (including alcohol) promote dullness and inertia.
- **Rajasic** (expanding) foods including onions, garlic, hot spices, stimulants, fish, eggs, and salt are thought to excite intellect and passion which interfere with meditation.
- **Sattvic** (ascending) foods including fruits, vegetables, and grains are thought to promote transcendence, sublimity, and orderliness.