State of Iowa Department of Corrections

Policy and Procedures

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Chapter 5: OFFENDER PROGRAMS
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Authority:

1. PURPOSE

To describe the process for accommodating religious programs available to incarcerated individuals confined in Iowa Department of Corrections (IDOC) institutions.

2. POLICY

It is the policy of the IDOC to support incarcerated individual participation in religious worship and activities. IDOC affirms an incarcerated individual's right to maintain religious beliefs in the prison setting and shall accommodate religious expression consistent with the governmental interest in institutions and the security, health and safety of its staff and incarcerated individuals.

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3. DEFINITIONS - As used in this document

A. Appeal Response – The decision of the Statewide Religious Activities Review Committee relative to a grievant's appeal.

Types of responses are:

1. Sustain – The incarcerated individual's request is granted.

2. Partially sustain – A portion of the incarcerated individual's request is granted.

3. Deny – The incarcerated individual's request will not be granted.

4. Other – A grievance response that will accommodate the grievant's religious request that may be different than the specific response requested by the grievant.

B. Religious Food Event – A doctrinally required gathering of a particular group where food is utilized as a part of a rite, ceremony, or fulfilment of a religious obligation.

C. Grievance – A formal, written complaint filed by an incarcerated individual on the required forms and following the procedures set forth herein. Only one issue may be grieved per form. If an incarcerated individual withdraws a grievance or appeal, no further action shall be taken by the institution/IDOC. Issues that have been previously grieved and a decision has been rendered may not be grieved again unless new, substantial information requires additional review. This shall be the decision of the Statewide Religious Activities Coordinator/Designee.

D. Grievant – The incarcerated individual who is filing the complaint.

E. Informal Resolution – A genuine attempt by the incarcerated individual, with the assistance of the institution's Chaplain/Designee to correct the perceived problem.

F. Chaplain/Designee – Individual assigned at the local level to be responsible for oversight of religious activities.

G. Statewide Religious Activities Coordinator/Designee – The person responsible for responding to requests for recognition of a new religion or religious group and accommodation requests and for responding to grievance.

H. Statewide Spiritual Activities Review Committee – Comprised of the Deputy Director of Institution Operations/Designee, an Associate Warden of Treatment, an Associate Warden of Security, and a community religious leader. The Committee shall be responsible for responding to appeals of grievance decisions made by the Statewide Spiritual Activities Coordinator, review of religious policies and procedures, and to assist in the implementation of religious accommodations in the IDOC institutions. The Committee shall meet quarterly, if there are appeals or grievances to be heard. Associate Wardens of Treatment and Security shall serve 2-year terms.

4. PROCEDURES

A. Religious Requests

1. Religious beliefs are a deeply personal matter for each incarcerated individual. The IDOC shall make no attempt to define religions. Because of the very nature of a correctional institution and the IDOC mission to society, a set of beliefs, promotions, and practices contrary to the laws of the United States or the State of Iowa shall not be permitted. Religious practices that present a threat to the safe and orderly operation of the institution will not be allowed.

2. Each incarcerated individual is responsible for the practice of his/her faith. Institutions shall seek to accommodate in some reasonable manner requests by incarcerated individuals to practice their faith. When the request to participate in a new religion, religious group or accomodation is presented, the IDOC Statewide Religious Activities Coordinator/Designee shall determine whether or not to accommodate the request in a reasonable time.

Such requests from incarcerated individuals approved at one institution shall follow the incarcerated individual if/when moved to another instutiton within the IDOC.

3. Religious groups shall have 5 or more participants to have time and space reserved for weekly services. Exceptions can be made for existing religious groups that fall below 5 members for a short period of time.

4. To request recognition of a new religion, religious group, or new religious accommodation, the incarcerated individual shall utilize the following procedure:

   a. The incarcerated individual shall complete **OP-RP-01 F-1**, *Request for New Religious Group or Accommodation*. The form shall be available in living units, libraries, or through the Chaplain//Designee. The incarcerated individual shall submit the completed **OP-RP-01 F-1** to the Chaplain/Designee. Incomplete requests will automatically be denied.

   b. The Chaplain/Designee shall conduct an in-person interview with the incarcerated individual concerning the content of **OP-RP-01 F-1**.

   c. The Chaplain/Designee shall research the incarcerated individual's request and complete **OP-RP-01 F-2**, *Religious Practice Assessment Form*. In the completion of **OP-RP-01 F-2**, sections that are applicable to the institution shall be completed with assistance from the institution. The completed **OP-RP-01 F-2** shall be signed by the Chaplain/Designee and the Associate Warden of Treatment.

   d. The original completed **OP-RP-01 F-2** and the incarcerated individual's original **OP-RP-01 F-1** shall be submitted to the Statewide Religious Activities Coordinator/Designee, Institution Operations Office, 2700 Coral Ridge Ave., Coralville, IA 52241, within 7 working days, who shall then review and research the content of both forms.

   e. The Statewide Religious Activities Coordinator/Designee shall make the decisions relative to the incarcerated individual's request within 21 working days of the submitted request. The Statewide Religious Activities Coordinator/Designee may deny a request if there is an institutional interest including, but not limited to, security, safety and good order of the

institution. If a response cannot be given within 21 working days of receiving the appeal, the incarcerated individual shall be notified in writing that the review process is continuing and of the time extension.

f. The Statewide Religious Activities Coordinator/Designee's decision and response **OP-RP-01 F-5** shall be mailed to the incarcerated individual within 21 working days of their decision. A copy of the decision shall be e-mailed to the local Chaplain/Designee, and the decision shall be scanned into Offender Attachments in ICON.

g. If the incarcerated individual is not satisfied with the Statewide Religious Activities Coordinator/Designee's decision, the incarcerated individual may appeal the decision to the Statewide Religious Activities Review Committee by using **OP-RP-01 F-4**, *Religious Appeal Form*. Copies of **OP-RP-01 F-1** and **OP-RP-01 F-2**, and all documentation submitted with the original **OP-RP-01 F-1** shall be submitted to the Committee. The appeal must be received by committee within 21 days of the date of the Statewide Religious Activities Coordinator/Designee's decision. Appeals must be mailed to IDOC Institution Operations Office, 2700 Coral Ridge Ave., Coralville, IA 52241.

h. The Statewide Religious Activities Review Committee shall meet quarterly; therefore, if an appeal is received less than 30 days prior to the next quarterly meeting of the Committee, the appeal shall be continued into the next quarter and considered by the Committee at that quarter's meeting.

i. The *Statewide Religious Activities Review Committee's Response* **(OP-RP-01 F-7)** shall be mailed to the incarcerated individual within 21 working days of the Committee meeting. The decision of the Committee constitutes final agency action. A copy of the decision shall be mailed to the incarcerated individual and emailed to the Associate Warden of Treatment/Chaplain/ Designee at the institution. All forms shall be scanned into Offender Attachments in ICON.

5. Requests for religious publications shall follow the IDOC Policy **OP-MTV-02**, *Incoming Publications*. If an incarcerated individual has a religious publication that is denied for content, the incarcerated individual can file a publication appeal. However, if the incarcerated individual states the publication is needed for religious activities not recognized by the Iowa Department of Corrections, he/she must first file a *Request for a New Religious Group or Accommodation*

(OP-RP-01 F-1) as outlined herein. If the religious group is approved, publications may then be reviewed/approved through the Publication Review Committee.

B. Religious Grievance Procedure

1. Required forms are available in living units, libraries, or through the Chaplain/Designee.

2. The incarcerated individual must complete informal resolution prior to filing a formal grievance form. The grievant must initiate informal resolution within 14 days of an alleged incident.

3. If the incarcerated individual is not satisfied with the results of informal resolution the incarcerated individual may file a formal grievance by completing **OP-RP-01 F-3**, *Religious Grievance*. The completed **OP-RP-01 F-3** shall be submitted to the Chaplain/Designee within 30 days of the alleged incident.

4. Upon receipt of grievance, the Chaplain/Designee shall complete **OP-RP-01 F6** and forward to the Statewide Religious Activities Coordinator/Designee along with grievance. The grievance must be received by Statewide Religious Activities Coordinator/Designee, Institution Operations Office, 2700 Coral Ridge Ave., Coralville, IA 52241 within seven (7) working days of the Chaplain/Designee's receipt of **OP-RP-01 F-3.**

5. The Statewide Religious Activities Coordinator/Designee shall provide a written response and recommendation based upon the grievance investigation. The response **OP-RP-01 F5** shall be mailed to the grievant within 21 working days of the Coordinator's receipt of **OP-RP-01 F-3**. Copies of the grievance response shall be sent via e-mail to the local Chaplain/Designee, and Treatment Director. A copy of the decision shall be scanned into Offender Attachments in ICON.

6. Grievances which have been denied by the Statewide Religious Activities Coordinator/Designee may be appealed using **OP-RP-01 F-4**, *Religious Appeal Form* to the Statewide Religious Activities Review Committee. The appeal must be received by Committee within 21 days of the date of the Statewide Religious Activities Coordinator/Designee's grievance response. Appeals must be mailed to the IDOC Institution Operations Office, 2700 Coral

Ridge Ave., Coralville, IA 52241 at incarcerated individual's expense, unless indigent.

7. The Statewide Religious Activities Review Committee shall meet quarterly; therefore, if an appeal is received less than 30 days prior to the next quarterly meeting, the appeal shall be continued into the next quarter and considered by the Committee at that quarter's meeting.

8. The Statewide Religious Activities Review Committee's decision **(OP-RP-01 F-7)** shall be mailed to the incarcerated individual within 21 working days of the Committee meeting. A copy of the decision shall be e-mailed to the local Chaplain/Designee, and Treatment Director. A copy shall be scanned into Offender Attachments in ICON. The decision of the Committee constitutes final agency action.

C. Nature of Religious Groups

1. The institution shall provide supervision for all meetings.

2. Violation of law or rules and regulations of the institution shall not be allowed during any religious service or meeting. Each group and each individual, regardless of religious beliefs, shall be held accountable to the general standard of acceptable behavior applicable to other members of the incarcerated individual population.

3. Neither the Chaplain/Designee nor any religious group will be authorized to actively influence groups or persons to affiliate with their religion. Any use of force, coercion, or other means of exerting pressure to proselytize incarcerated individuals for/against their particular religion is forbidden.

4. Institution Wardens/Designee shall schedule religious meetings at a time and place based upon the availability of supervision and space and the convenience of scheduling of the institution. The group may be required to submit an estimate of anticipated attendance for space determination and supervision allocation.

D. Time Allotted for Worship

1. An area shall be designated for religious activities determined and based on the availability of institution space.

2. Incarcerated individuals may be allowed to attend a maximum of one service per week, unless their absence from the assigned work detail would interfere with the basic operations or security of the institution.

3. Incarcerated individual involvement in study groups or other religious activities is permitted and may be tied to the insitution's Transiton Incentive Program (TIP). Institutions are encouraged to accommodate this involvement and when possible may revise work schedules or programming to accommodate participation. In no way should any accommodation or changes interfere with the basic operation or security of the institution.

4. Segregated incarcerated individuals shall not be released for services or other religious activities. Segregated incarcerated individuals may request access to the Chaplain/Designee as well as access to religious material.

5. Unless authorized by the Warden or designee, the Chaplain/Designee shall not deliver or give religious items to incarcerated individuals.

E. Use of Religious Items

Specific institution policy shall regulate the control and use of religious items (used at a scheduled time and in a reserved space) that may be otherwise considered contraband (e.g., sacramental wine, candles, or tobacco) based on the security, health and safety of the institution.

1. Incarcerated individuals may be authorized to designate three personal religious items and one religious medallion not to exceed one and one-half inches on a light gauge chain (which shall not exceed 24 inches in length) that may be kept in their possession and governed by institution property procedures. (Note: Medallion does not count as one of the three personal religious items.) Group religious items may be stored in a safe and secure staff designated location.

2. Incarcerated individuals may be allowed to wear or use personal religious items in their rooms/cells and/or during scheduled religious services, ceremonies and meetings in accordance with IDOC Policy, **IS-RO-03**, *Incarcerated Individual Personal Property*. Personal religious items may be purchased under the purchasing procedures established at each institution

consistent with institution health, safety, security and sanitation interests of the institution.

F. Religious Representatives

1. Wardens or their designees shall ensure that Chaplain/Designees are qualified to perform their duties and shall approve all religious volunteers. Credentials shall be required in the form of a license or other document denoting their status, plus evidence of the existence of their affiliation with a religion under the terms of this policy.

2. Religious representatives visiting individual incarcerated individuals must be on the approved visitors list through normal visiting procedures and IDOC Policy **OP-MTV-04**, *Incarcerated Individual Visiting*. Personal contact with a religious representative of any religion shall occur according to normal visiting procedures of the institution.

3. Under the supervision and direction of the Chaplain/Designee volunteers and contract employees may be used to minister to the various faith groups. All volunteers and contract employees shall be properly screened and trained in accordance with IDOC Policy **AD-CI-01**, *Volunteer Program*.

4. The Chaplain/Designee coordinates religious programming and assists in training religious volunteers.

5. The Chaplain/Designee shall maintain associations with community religious resources.

6. When a representative of the faith to which an incarcerated individual subscribes is not represented through the Chaplain/Designee staff or volunteers, the Chaplain/Designee shall assist the incarcerated individual to contact a properly credentialed representative of that faith.

7. Consistent with IDOC *Gifts Policy*, **AD-GA-17**, the Chaplain/Designee, subject to the approval of the institutional Associate Warden/Security, may accept donations of supplies, vestments, and other religious materials from community sources, including non-English language reading materials.

G. Donations

1. Individual incarcerated individual donations for the support of one's religion may be permitted consistent with IDOC Policies, **AD-FM-11,** *Incarcerated Individual Funds* and **AD-GA-17,** *Acceptance of Gifts by Executive Branch Departments*. Any donation shall be processed through the Associate Warden of Treatment/Designee, and Business Office.

2. Public donations shall follow IDOC Policy **AD-GA-17**, *Acceptance of Gifts by Executive Branch Departments* and documented appropriately per Code of Iowa Section **904.113** and IDOC Policy **AD-FM-05**, *Inventory Control*. Donations from public may not be to a specific incarcerated individual or group, rather the institution. The institution will determine appropriate use of donation.

H. Approved Vendors

1. Incarcerated individuals shall purchase religious items from the approved list of vendors if the item or like appropriate item is not available through IPI canteen. (See IDOC Policy **OP-RP-01 Attachment A**, *Religious Vendors*).

2. Any request to purchase specific religion's resources available only through a sole source vendor, must be reviewed/approved by the Chaplain/Designee prior to ordering.

I. Religious Food Events

1. Only persons who have demonstrated consistent attendance at group services/meetings shall be allowed to participate in food events, unless the incarcerated individual is a new admit. All participants shall be expected to contribute to the cost of the food event. No incarcerated individual guests shall be permitted to attend food events.

2. Religious groups shall submit a proposal to the Chaplain/Designee no later than thirty (30) days prior to the scheduled food event. The proposal shall include:

   a. The name of the group making the request.

   b. The names and state numbers of all participants.

   c. Documentation that this event is a requirement of the specific religion.

   d. Proposed start and end time of the event.

e. Name of the requested vendor. (Ex. Hy-Vee)

f. Proposed menu (portions will be determined by the approved vendor and will be appropriate for the number of participants).

g. Projected cost (limited to $25.00 per participant)

h. Store orders/Debitek will be approved prior to food being ordered.

i. All food shall be consumed at the event. No food will be removed from the approved event site.

j. Incarcerated individuals serving a disciplinary sanction, or who are in a TIP level that makes them ineligible to participate on the date of the event shall not be reimbursed any funds they have contributed.

k. Religious volunteers shall not contribute funds to participate in food events. The cost shall be covered by the incarcerated individuals.

3. Incarcerated individuals shall be in the appropriate TIP level as determined by institutional procedure to participate in food events.

4. Final approval for all food events and their date, time and location will be made by the Associate Warden of Treatment or their designee.

5. The Native American Consultant with the approval of Institutional Administration may provide food for approved Native American food events.

6. Religious groups may be allowed up to two feasts per year for required religious observances to observe with food that is paid at the participants expense. Other required religious observances may be observed without food during their weekly religious service time.