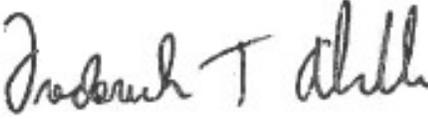




**MONTGOMERY COUNTY
DEPARTMENT OF CORRECTION AND REHABILITATION
DETENTION SERVICES DIVISION
POLICY AND PROCEDURE MANUAL**

POLICY NUMBER: 1200-9

Policy and Procedure: Religious Program and Activities		Pages: 6
Effective Date: May 1, 2023	Replaces: May 1, 2022	Distribution: B & L
<p>APPROVED BY: <u></u> DATE: May 1, 2023 Chief Administrator, Detention Services Division</p> <p>APPROVED BY: <u></u> DATE: May 1, 2023 Director, Department of Correction and Rehabilitation</p> <p>Annual Review 2023 Sgt. Brandon Ward</p>		

POLICY: The Constitutional right to pursue any lawful and legitimate religious practice shall be guaranteed to all inmates at the Montgomery County Department of Correction and Rehabilitation (**MCDOCR**) consistent with the secure and orderly operation of the facility. All recognized religions shall be accorded equal status and protection.

I. DEFINITIONS

- A. Recognized Religion: A system of faith and worship recognized by a particular church, sect, or denomination, supported by a body of literature stating specific principles, and whose members share certain theological, philosophical, or spiritual views. A recognized religion does not include a system of beliefs which are clearly inimical to the peace, good order, and morals of society.
- B. Approved Activity Sponsor: Chaplain Services are provided by a full-time staff Chaplain assigned to the **MCDOCR** from the Good News Mission.

II. GENERAL INFORMATION

- A. Religious programs and activities are for the entire inmate population at the **MCCF** and the inmate workers only, at the **MCDC** (the Intake Facility). The programs and activities at the **MCDC** and **MCCF** are planned, directed, and supervised by the **MCDOCR** Chaplain in consultation with and approval by facility

POLICY AND PROCEDURE: Religious Program and Activities
POLICY NUMBER: 1200-9

- administration. The Religious Services program is the direct responsibility of the Deputy Warden of Programs and Services, to whom the Chaplain reports.
- B. The Chaplain(s) has/have physical access to all housing areas and program areas of the facility, to conduct religious ministry/activities for inmates (4-ALDF-5F-05). Chaplains and the Program Manager/Volunteer Coordinator may also authorize volunteers to enter these areas to conduct religious ministry to the inmate population.
 - C. Under no circumstances shall an inmate be required to engage or participate in religious activities, nor shall the inmate's failure to do so influence decisions made concerning that inmate, subject to section IIF and IIIE.
 - D. Staff members, volunteers, inmates, or religious groups shall not restrict an inmate's participation in any religious activity on the basis of race, creed, color, nationality, gender, or handicap.
 - E. An inmate may change their religious affiliation at any time during their stay at the **MCDOCR**. However, there shall be a thirty (30) day waiting period before such a change is processed and acted upon. Attempts to disparage an inmate's religious beliefs or to harass an inmate to change religious affiliation are strictly prohibited. Requests to change religious affiliation shall be handled by the Chaplain or designee.
 - F. An inmate observing special religious dietary laws shall be provided a diet which meets the recommended daily allowance as stated by the National Academy of Science and which complies with the religious dietary laws. The provision of such a diet must be consistent with the secure and orderly operation of the institution. DOCR reserves the right to inquire into the sincerity of an inmate's professed religious belief.
 - G. The Program Manager/Volunteer Coordinator (PMVC) is responsible for having newly appointed Chaplains oriented to employment at **MCDOCR**. The orientation shall be as for any other new employee whose duties involve direct contact with inmates.
 - H. The PMVC coordinates with the Chaplain to ensure the proper screening and processing of all volunteers who are offering religious services at **MCDC** or **MCCF**.

III. PROCEDURES

- A. Assessment of religious preference: As part of the intake screening conducted on newly admitted inmates by Custody and Security staff, inmates are asked to specify their religious preference. This information is then incorporated into the inmate's file.
- B. Inmate participation in religious activities:
 - 1. Inmates desiring to participate in an approved religious activity are instructed at orientation to submit this request in writing on Religious Request Form.
 - 2. These request slips are forwarded to the Chaplain for review.
 - 3. The Chaplain compiles a list of inmates requesting to participate in any legitimate religious activity. The list shall include the inmate's name, housing area, and requested religious activity.
 - 4. Religious programs may be limited in size by the space available. If there are more inmates requesting to participate in a program than there are

POLICY AND PROCEDURE: Religious Program and Activities
POLICY NUMBER: 1200-9

available spaces, the Chaplain shall maintain a waiting list. Inmates are placed on the list on a first come-first serve basis. An inmate who fails to attend three consecutive sessions of a program may be removed from that program.

5. The Chaplain, subject to the review and approval of the Deputy Warden of Programs and Services or designee at **MCCF** or the Deputy Warden or designee at **MCDC**, is responsible for developing a schedule of religious activities. An effort is made to provide religious activities for all faiths of which there are representatives in **MCDOCR** to support such activities. Religious activities which encourage violence or disruption of institutional security or operations are not permitted.
6. Program lists, and schedules must be submitted by the Chaplain to the Shift Administrator or designee for final approval. The Shift Administrator or designee will review the program list for disciplinary and keep separate issues and to ensure the list does not exceed the allowable number of inmates (depending upon where the program is being held).
7. The Shift Administrator or designee ensures that these program lists, and schedules are scanned/copied, distributed, and posted in the appropriate places within the institution.
8. The Chaplain is responsible for notifying (per memorandum) the Deputy Warden of Custody and Security or Shift Administrator, Central/Main Control Officers, Deputy Warden of Inmate Programs and Services and the Visiting Desk Officer, of religious services. If activities involve the presence of volunteers, their name, name of the activity which they are attending, date, time, and location, etc., must also be conveyed.
9. The Chaplain is responsible for supervising and monitoring religious activities occurring at **MCDOCR**. They also can provide individual counseling when appropriate. This can be arranged by having the inmate complete a Religious Inmate Request Form.
10. Inmates may be restricted from participation in group religious activities only with the approval of the Warden or designee. The reason(s) for this restriction should be provided to the inmate and noted in the inmate's file.
11. Any inmate who is placed on full restriction in general population shall be permitted to attend the worship service of their religious group once a week unless the inmate's behavior poses a threat to the security of the facility. An inmate located in disciplinary segregation shall not be permitted to attend worship services but may be visited by the Chaplain or a representative of their religious group, unless the inmate's behavior poses a security threat. Inmates on restriction shall not be allowed to attend religious education programs (i.e. Bible Study, etc.) until thirty (30) days from the date their restriction ends.
12. Different religions observe several significant occasions each year. Each religious group is authorized to have a special ceremony for two (2) such religious occasions annually (other than normal religious ceremonies). The Warden may make exceptions to this policy, for good cause.

C. Wearing and use of personal religious items:

POLICY AND PROCEDURE: Religious Program and Activities

POLICY NUMBER: 1200-9

1. Inmates desiring to wear or use personal religious items, obtained at their own expense, during devotional services are instructed to submit this request in writing on a Religious Inmate Request Form to the Chaplain.
2. Upon receipt of such a request the Chaplain, in conjunction with the Deputy Warden of Custody and Security or Deputy Warden of Programs and Services at **MCCF** or the Deputy Warden or designee at **MCDC**, determines whether the request is legitimate and, if legitimate, whether possession and use of the item by the inmate would compromise the security and/or orderly operation of **MCDOCR**.
3. The inmate shall be notified as to the approval or disapproval of the request.

NOTE: All approvals are conditional on the determination as to whether the article compromises the security and/or orderly operation of **MCDOCR**. Approval may be withdrawn at any time with justifications determined by the Deputy Warden, Custody and Security, the Deputy Warden, Programs and Services at **MCCF** or the Deputy Warden or designee at **MCDC**, with the concurrence of the Warden.

4. Religious property worn, and/or on-person must be white or gray in color. One (1) religious medallion on a chain is allowed. Any religious items that are worn will be evaluated for make, size, design, and color to ensure they do not pose a security or safety hazard. Institutional regulations restrict the wearing of certain religious items such as head coverings (e.g., kufi,) to inmate housing (cells and dayrooms) and during religious services only. These items may not be worn outside of any housing unit unless attending a religious service this restriction includes visits, medical appointments and outside transports. The head coverings will be considered contraband if they are any other color than white or gray and will be confiscated. **MCDOCR** will provide the inmate with a replacement head covering at no charge if the inmate has no other head covering that is the authorized colors. Violation of this policy will result in an institutional charge to the inmate. It will be removed and not returned.
5. **MCDOCR** will make all reasonable accommodations to respect religious freedoms and faith, while keeping custody and security in the forefront of what we do. If a female enters CPU or R&D wearing, a Hajib (Religious Head Garment) staff must have a female officer search her outside of the presence of any males. In CPU, the Hajib can be removed, searched by the female officer, a CRIMS photo taken of the defendant and the Hajib must be returned so that the female arrestee can put it back on. The male officer may then return to the search area to complete the admissions process. The same steps will be followed during the fingerprint process.
6. Any time there is a Female inmate who requires concealment from the male gender as a religious requirement, a private search will be conducted on the garment by a female officer. The female inmate will be escorted to a private setting and garment is searched. Once the female is searched, she will be allowed to wear the garment to and from the unit. Female inmates requiring such concealment are subject to search at any time, keeping in

POLICY AND PROCEDURE: Religious Program and Activities
POLICY NUMBER: 1200-9

mind religious protection and privacy. Communication regarding completed searches shall be made to Cluster support and Pod officers will document such searches in the Daily Logbook.

D. Availability of religious literature:

1. An inmate desiring to receive religious literature is instructed to submit the request in writing to the Chaplain on a Religious Inmate Request Form.
2. Upon receiving the request, the Chaplain surveys the literature available in the Chaplain's library at **MCCF** or **MCDC** and provides to the inmate any of the available literature requested. In instances where the material is to be returned, the Chaplain records to whom the materials were loaned and then indicates to the inmate in writing the date on which the materials are to be returned.
3. Any materials that the Chaplain or their designee gives out for reading or studying, are normally not required back from the inmates. The inmates are permitted to take the materials home or, if allowed, to their next location of transfer.
4. If the Chaplain is unable to provide the requested literature, he checks with the **MCCF** Librarian to determine the availability of the literature through the public library.
5. If the literature is not available through the public library, the Chaplain instructs the inmate that they may order the materials at the inmate's own expense. The inmate is advised to fill out an Inmate Property Request Form (DCA #14A) and submit it to the Captain/Shift Administrator for approval.
6. The Captain/Shift Administrator reviews and approves or disapproves the request. Denied requests are returned to the inmate with justification of the denial noted. The Captain/Shift Administrator ensures that approved requests are mailed to the materials provider along with a check from the inmate's account to cover the cost of the materials and shipping.
7. If the materials requested are not readily available from a publishing house, or if the inmate is indigent and cannot afford to purchase the materials, the Captain/Shift Administrator and Chaplain may approve, on a case-by-case basis, receipt of these materials by the inmate from a third-party source (e.g., relative, religious leader, donation).

NOTE: Grounds for denial of any literature exists, when such literature upon review is adjudged to advocate racial or ethnic dissension or hatred, is inflammatory by its nature and holds the potential to create tension within the corrections environment or is adjudged to represent or advocate challenges to lawful authority. The request shall be denied on the basis that such literature represents a threat to the good order and discipline of the facility.

E. Provision of religious diets:

1. No pork items are included on the inmate menu. Thus, no special diets are required for inmates whose religions prohibit the consumption of pork.
2. At the time of initial orientation to the facility, inmates are instructed to submit on the designated Religious Inmate Request Form or Inmate

POLICY AND PROCEDURE: Religious Program and Activities
POLICY NUMBER: 1200-9

- Request Form (DCA #6) requests for special religious diets (other than non-pork diets), to the Chaplain or designee.
3. Upon receiving such a request, the Chaplain or designee validates it with community members of that religion. If the request is valid, the Food Services Manager ensures that this information is recorded on the diet list and updated on the computer (T: drive).
 4. As each meal is served, the Correctional Officer supervising the meal delivery checks each inmate locator card for dietary restrictions and ensures that the designated tray is issued to the proper inmate.

F. Ceremonial religious meals:

1. As part of an accepted practice of a religious group the Chaplain or designee may make arrangements for a ceremonial meal (e.g., at the completion of a fasting period or Ramadan observance).
2. The requesting group shall be instructed by the Chaplain to submit the request in memorandum form at least three weeks in advance to the Chaplain. The memorandum should include the date of the meal, the name of the requesting group, the names of the participants, and a description of the special food items or preparation methods that are being requested. The Chaplain further informs the requesting group that food for the ceremonial meal may be provided and prepared by the facility. Food for the meal can also be donated. All food donated must come from a licensed food establishment. Donations for purchase of the food are acceptable. Special foods may be provided by the facility, if available.
3. The request is thoroughly reviewed by the Chaplain, Deputy Warden, Programs and Services, and the Deputy Warden, Custody and Security with regard to security, scheduling, and logistical needs. The Deputy Warden, Programs and Services forwards the request to the Warden along with written recommendations for approval or disapproval.
4. The Warden is the final authority. The approval or disapproval is sent to the requesting group through the Chaplain, who is responsible to advise the inmate group of the decision. If favorable, they are also responsible for working out any resulting issues or problems.

G. One-on One Counseling by Religious Volunteers:

1. Religious volunteers will be allowed to conduct one-on-one counseling with an inmate, if they are on an approved list, located at the Visiting Desk.
2. Counseling will only be conducted in the Pods "Multi-Purpose Room" or the Pods "Interview Room" at **MCCF** or the day room at **MCDC**. This provides constant visibility and increases the safety of all involved.
3. One-on-one counseling by volunteers will not be conducted in the following housing areas: N1-1, N2-1(Disciplinary), and W2-2 or W2-5, MCDC: E2-E5. These housing areas may receive counseling by our official Chaplains.

POLICY AND PROCEDURE: Religious Program and Activities
POLICY NUMBER: 1200-9

4. One-on-one counseling conducted in N1-2 and N2-1D housing areas, by any volunteer will require a memorandum initiated by the Chaplain and placed at the Visiting Desk.
5. Any volunteer wishing to conduct one-on-one counseling that is not on the Approval List will require a memorandum, which will be placed at the Visiting Desk identifying the specifics of the counseling.
6. Any inappropriate behavior by any volunteer witnessed by an officer or other staff member must be documented via an Incident Report (DCA #36).