

# WEBER COUNTY CORRECTIONAL FACILITY

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Volume

## INMATE PROGRAMS AND ACTIVITIES

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Chapter

### JJ 06 - ACCESS TO RELIGIOUS PROGRAMS

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JJ 06/01.00 **GENERAL**

JJ 06/01.01 **Purpose**

The purpose of this chapter is to provide the Weber County Correctional Facility policies and procedures concerning inmate access to, and participation in, religious worship, observances, programs, and counseling, within the requirements for security, safety, order, treatment, and management control.

JJ 06/01.02 **Cross Reference**

JD 02 - Inmate Classification  
JD 03 - Temporary Restrictions  
JD 05 - Inmate Grievances  
JJ 07 - Volunteer Services

JJ 06/01.03 **Definitions**

<b>authorized volunteer coordinator</b>	an individual approved to provide inmate services under direct or indirect supervision direct or indirect supervision of the Inmate Service Coordinator
<b>direct supervision</b>	supervision provided with the physical presence of the authorized staff at the activity
<b>Ecclesiastical visitor</b>	a priest, pastor, rabbi, minister, bishop, or similar official functionary of a church, denomination, sect, congregation or other religious organization of association
<b>group leader</b>	a volunteer designated by the ISC to provide supervision for other volunteers
<b>guest</b>	an individual (or a group) who may provide assistance to a religious group leader under direct supervision of the Volunteer Chaplain or group leader in the conduct of an authorized religious activity
<b>indirect supervision</b>	scheduled authorized activities with supervision of a group leader or WCCF staff at least once per hour in direct observation of the activity or in the general vicinity during the activity
<b>Inmate Services Coordinator</b>	staff member designated to organize, schedule, oversee, and supervise programs and activities for inmates housed at the WCCF

<b>ISC</b>	Inmate Services Coordinator
<b>non-denominational</b>	a religious service open to all inmates regardless of personal religious affiliation
<b>religion</b>	personal or institutionalized system of beliefs, causes, principles, or practices related to morality, mortality, and purpose of life
<b>religious belief</b>	intellectual or psychological acceptance and adherence to a credo or set of religious principles; devotion to or acceptance of a religion; may or may not be associated with observable manifestations such as special items of clothing or personal adornment, rituals, activities, etc.
<b>religious book</b>	bound, written, or printed material of a religious nature
<b>religious group</b>	an authorized volunteer representing non-denominational beliefs given the responsibility of conducting or presiding over inmate group activities
<b>religious literature</b>	an unbound, written or printed publication or flyer with no cover or with a paper cover
<b>volunteer chaplain</b>	a civilian allowed access within the secure perimeters of WCCF, sanctioned to provide religious counsel, instruction, and advice to inmates adhering to the tenets of a generally recognized religious faith or system of services of religious volunteers, Ecclesiastical visitors
<b>volunteer</b>	an individual who has agreed to provide inmate services or programs without monetary or material gain or compensation
<b>working day</b>	those regularly scheduled staff days (i.e., Monday through Friday, 8 am through 5 pm, excluding holidays)

JJ 06/02.00    **ACCESS TO RELIGIOUS PROGRAMS**

JJ 06/02.01    **Policy**

It is the policy of WCCF that:

- A. inmates be provided the opportunity for free exercise of their religious beliefs and access to religious worship, counseling and assistance within the limits dictated by considerations of security, safety, orderly operation of facilities or other legitimate government interests;
- B. no policy, procedure, operation, or activity of WCCF shall be allowed to, or be construed to, favor or support any religion or religious philosophy over any other or to provide any advantage or support to any individual or group over any other individual or group;
- C. inmates shall not be compelled to accept a visit from an ecclesiastical visitor, attend a religious meeting, participate in religious study nor accept religious counseling or services;
- D. ecclesiastical visitors or volunteers shall not be allowed to use religious or volunteer status:
  - 1. to circumvent, evade, or modify visiting regulations, procedures, times, or locations; or
  - 2. to gain special privilege or access to inmates, areas or processes not specifically required to carry out identified and authorized duties and responsibilities;
- E. all religious volunteers shall be supervised by the ISC;
- F. nothing in these policies and procedures shall operate to, or be construed to, contradict, relax, or otherwise be at variance with classification, housing, and/or other security requirements prescribed by applicable policies and procedures; and
- G. an advisory council of community leaders of any faith may be called by staff to advise with existing WCCF policy.

JJ 06/02.02    **Rationale**

A. Inmate Interests

Inmates have interests, including:

1. not being unlawfully denied access to ecclesiastical visitors, religious writings, or items required for worship;
2. being able to enjoy the free exercise of religion without the unlawful interference of WCCF staff;
3. not being subject to unwelcome proselytizing from any ecclesiastical visitor or religious volunteer; and
4. not being coerced into accepting or participating in any religion or religious activity.

B. WCCF Interests

The WCCF has legitimate interests, including:

1. security;
2. safety of staff, inmates, and the public;
3. order and discipline; and
4. avoiding unnecessarily staff-intensive or resource-demanding accommodation for religious activities.

C. Balancing Interests

1. The inmates interests in the free exercise of religion and being free of establishment of religion by the state must be balanced against the WCCF's legitimate interests.
2. The WCCF has established policy, procedure, and regulations aimed at balancing those interests by:
  - a. ensuring that policies and procedures are reasonable; and
  - b. ensuring that other alternatives are provided whenever possible when religious practices are restricted or denied .
3. Religious services, practices, or other requests which create too high a demand on staff time or other finite resources or which place too great a burden on security, safety, order, or other legitimate interests of the

WCCF should be restricted.

4. The WCCF is not responsible for the reluctance or refusal of outside ecclesiastical visitors to participate in jail services or other activities.

JJ 06/02.03    **Procedure: Access to Ecclesiastical Visitors**

A.    **General**

1. Inmates shall be allowed access to ecclesiastical visitors within security and classification guideline.
2. Access may be in congregate or individual context based on the impact on the legitimate interests of the WCCF.
3. Inmates shall not be harassed for practicing and pursuing their religious beliefs.
4. Religious pursuits are subject to WCCF policies and procedures and shall be consistent with good correctional management.

B.    **Congregate Services**

1. While there is no required constitutional right to inmate congregate services, such service may be permitted for inmates who have been classified, unless otherwise restricted.
2. Congregate services shall be coordinated and scheduled by volunteer chaplains/designees and shall be supervised by volunteer chaplains/designees or religious group leaders with the approval of the WCCF facility.
3. The Commander/designee may suspend, on a temporary basis, congregate services for inmates who are otherwise eligible, consistent with the need to ensure safety, security, order, and other legitimate governmental interests.
4. Inmates who qualify for congregate services on the basis of classification may be restricted from attending congregate services:
  - a. when they are deemed to constitute an articulable threat to security;
  - b. if justifiably segregated;
  - c. if they have a history of violent disruptive activities;

- d. as a result of being held in disciplinary isolation; or
- e. when on a temporary restriction order.

C. Individual Services

Individual services or meetings with volunteer chaplains/designees, ecclesiastical visitors, or authorized religious volunteers may be held, but are not limited, to visits:

- 1. in open common areas;
- 2. through closed cell doors;
- 3. in visiting areas if prior approval has been granted by the Jail commander/designee or consistent with visiting procedure; or
- 4. in other designated locations including offices, meeting rooms, hallways, or out door areas, as approved by unit commander/designee.

JJ 06/02.04 **Procedure: Security, Clearance and Control**

A. Application and Clearance for Religious Volunteers

- 1. Ecclesiastical visitors or prospective Ecclesiastical visitors shall submit letters of request to visit WCCF and make their services available to the inmates through the staff Inmate Service Coordinator, who shall:
  - a. verify their status as representatives of their respective denomination, organization, etc. and their qualifications to provide the services they offer; and
  - b. arrange appropriate clearance or identification for them and coordinate their schedules of visits.
- 2. Prospective Ecclesiastical visitors and authorized volunteers shall be identified, screened and cleared in accordance with JJ 07, Volunteer Services.

B. Authorized Ecclesiastical Visits

- 1. Ecclesiastical visitors, after having been authorized to provide religious services, shall be required to obtain a religious clearance (see 04.04). Times and places to meet with inmates which shall be

convenient to the WCCF, the ecclesiastical visitor, and the inmate.

2. Ecclesiastical visitors are subject to the same search requirements as any general visitor, and neither they nor anything which they bring or attempt to bring into WCCF shall enjoy any special privilege or exception from WCCF's policies and procedures regarding contraband, search, or security.
3. Ecclesiastical visitors shall adhere to all applicable WCCF rules and procedures during their meetings.

C. Scheduling of Religious Activities and Meetings

For regularly scheduled religious services or meetings, inmates of various classifications/ levels may attend in accordance with facility guidelines.

D. Religious Clearance Procedures

1. Eligibility for ecclesiastical visits shall be evaluated and authorized by the ISC/designee.
2. Authorized ecclesiastical visits shall be coordinated and scheduled by the ISC/designee.
3. All ecclesiastical visits shall take place only after a written clearance is prepared.
  - a. Religious clearance information shall be gathered by the ISC/designee.
  - b. The religious clearance information shall include:
    - 1) religious visitor's full name, including initials (maiden name);
    - 2) approximate time of visit;
    - 3) housing unit;
    - 4) escort or supervision provided;
    - 5) purpose of visit; and
    - 6) a specific list of any religious items being brought, including but not limited to:
      - a) books;



- b) tapes;
  - c) records; and/or
  - d) religious symbols.
- 4. Clearance information should be gathered and submitted to the appropriate officers for preparation at least one working day prior to visit.

E. Special Considerations

- 1. Ecclesiastical service providers may be placed simultaneously on as many as four inmates visiting lists.
  - a. The ISC/designee shall verify the need.
  - b. Religious credentials shall be verified by the ISC.
- 2. The Jail Commander/Designee shall give final approval.

JJ 06/02.05 **Procedure: Access to Religious Materials**

A. General

- 1. Reasonable restrictions are permitted on access to religious materials and writings.
- 2. To be considered reasonable, the restriction should be rationally related to the furtherance of a legitimate governmental interest.
  - a. WCCF officials must be able to articulate:
    - 1) what legitimate interest is threatened; and
    - 2) how it is threatened.
  - b. The reasons should not amount to an exaggerated response.
  - c. Other reasonable alternatives available to inmates to exercise their religious rights may be a consideration.

B. Religious Writings

- 1. Religious publications may be restricted entirely or may be restricted to a single reading area depending on the degree of risk to the security and safety of the Jail, staff, inmates or the community.

2. The burden to completely restrict religious writings is a heavy one and such restrictions should not be made without the approval of the Operations Lieutenant WCCF.
3. The Operations Lieutenant/designee, in deciding to restrict religious writings shall:
  - a. notify the inmate and sender of the refusal to deliver the item and the reasons for that decision;
  - b. document the decision in writing; and
  - c. provide immediate notification to the Jail Commander/designee.

C. Personal Possession of Religious Books

1. Inmates are permitted to possess religious books as part of their property. This property as listed as those things currently approved or cleared through policy or procedure with WCCF.
2. The quantities of religious literature which may be possessed by inmates in their cell shall be regulated depending on classification and inmate housing practices and procedure.

D. Personal Possession of Religious Literature

1. Inmates are permitted to possess religious literature.
2. Inmates may obtain religious literature from the following sources:
  - a. WCCF library;
  - b. volunteer chaplains/designees;
  - c. authorized volunteers; and
  - d. ecclesiastical visitors.
3. Volunteer chaplains/designees shall inform the ISC when and receive clearance prior to distributing religious literature directly to inmates in their housing units.
4. Authorized volunteers and ecclesiastical visitors wishing to donate religious literature to inmates shall be required to:
  - a. have all literature approved by the ISC and the appropriate

volunteer chaplain/ designee;

b. inform unit staff of distribution to designated inmates.

E. Religious Symbols

1. Inmates shall be allowed to have one approved religious symbol in their possession unless it is contrary to the interest of WCCF.
2. Religious symbols shall conform to the Inmate Property:
  - a. rosary beads;
  - b. prayer beads; or
  - c. other symbols approved by Jail Commander/designee.
3. Upon receipt of an approved religious symbol, the inmate shall assume full responsibility for that item.
4. WCCF assumes no liability for religious symbols which may be lost, stolen, or damaged while in the care of the inmate.
5. Inmates may receive an approved religious symbol in one of the following ways through the ISC:
  - a. request a religious symbol from a volunteer chaplain/designee;
  - b. receive a donated religious symbol from an ecclesiastical visitor.
6. If a requested religious symbol is denied or an inmate is no longer allowed to retain a religious symbol (e.g., due to classification level restrictions), the inmate may appeal the matter utilizing the Inmate Grievance procedure.

F. Search of Approved Religious Items

1. Volunteer chaplains and ecclesiastical visitors may bring into WCCF for use during religious services, meetings, and counseling sessions:
  - a. books;
  - b. pamphlets;
  - c. printed materials; and/or

- d. audio and audiovisual tapes.
2. Materials shall be listed on the religious clearance as outlined and are subject to inspection and search by facility staff.
3. Items to be retained and stored at WCCF facilities shall be cleared by the operations lieutenant/designee, identifying the specific item and the area in which it will be stored.
4. Books, pamphlets, printed material, etc. to be left with an inmate shall be consistent with requirements outlined above.

JJ 06/02.06 **Procedure: Personal and Individual Religious Expression**

**Freedom of Belief/ Freedom of Exercise**

- A. Freedom of belief is a fundamental right guaranteed by the U.S. Constitution. The right to freedom of belief is absolute. The right to freedom of expression by necessity may be limited (in or out of correctional facilities); however, such restriction must be:
  1. reasonable; and
  2. rationally related to a legitimate corrections interest.
- B. The WCCF reserves the right to evaluate religious exercise requests in light of its legitimate interests.
- C. The WCCF shall be consistent and even-handed with religions; whether or not the religion is mainstream.

JJ 06/02.07 **Procedure: Available Religious Programs**

A. **Established Programs**

Established religious programs available to inmates at WCCF include:

1. religious study classes offered by non-denominational volunteer chaplains; and/or
2. religious literature.

B. **New Religious Programs**

1. Additional programs may be added where needed or/as requested through verification by:
  - a. volunteer chaplains/designees;
  - b. the Operations Lieutenant/designee.
2. In unique and singular cases, volunteer chaplains/designees may serve as mediators of information where services are not available or advisable from the community.

C. Coordination of Religious Programs

1. All religious programs at WCCF shall be coordinated through volunteer chaplains/designees and/or the ISC.
2. Religious volunteers shall be engaged through the ISC and may work under the supervision of volunteer chaplains/designees.
3. Volunteers shall meet requirements, and work within the limits prescribed by the volunteer chaplains/designees and through the ISC .

JJ 06/02.08 **Procedure: Scheduled Religious Services**

A. Scheduling

Group worship services or congregational meetings in the meeting areas shall be held at times to be arranged by the volunteer chaplains/designees through the ISC and approved by the appropriate facility staff.

B. Attendance

Inmates may attend religious services in accordance with guidelines established by the WCCF and classification levels.

JJ 06/02.09 **Procedure: Religious Diets**

- A. Requests for religious diets shall be forwarded to the ISC.
- B. The ISC shall attempt to verify that the requested religious diet is a practice of the specified religion.
  1. If the religious diet request can be verified and is approved, the ISC shall provide the culinary staff with the diet information.

2. If the religious diet request cannot be verified or is not approved, the ISC shall notify the inmate in writing of the denial and the reason for the denial.
- C. The jail commander shall have final approval regarding special religious diets.