



STATE OF ALABAMA

DEPARTMENT OF CORRECTIONS

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ADMINISTRATIVE REGULATION
NUMBER 313

OPR: PROGRAM SERVICES

CHAPLAIN SERVICES AND RELIGIOUS ACTIVITIES

I. GENERAL

Authority for organization: Alabama Department of Corrections' Chaplain Services and Religious Activities was established by Title 14, Code of Alabama 1975, as amended.

II. PURPOSE

To develop policy and procedure which serve to define the conditions and guidelines for inmate religious activities within the Department of Corrections' institutions. Generally, the Department of Corrections shall:

- A. Offer inmates under custody and/or supervision of the Department of Corrections the opportunity to practice the religion of their choice within the limitations dictated by correctional concerns of institutional security, safety, health and good order.
- B. Provide for the orderly management of religious opportunities for inmates housed in Department of Corrections facilities.

III. POLICY

The Department of Corrections acknowledges the inherent and constitutionally protected rights retained by inmates to believe, express, and exercise the religion of their individual choice. The Department of Corrections therefore extends to inmates those opportunities required by the constitution to practice religious freedoms that are consistent with the prudent requirements of facility security, safety, health and orderliness.

A. Inmate Religious Affiliation

1. An inmate has the freedom to make a religious commitment, change a religious commitment, or reject religion altogether.
2. Inmates shall be given the opportunity to declare their religious preference upon reception. That information will become part of the inmate's official record.
3. Religious practices, literature or group information that creates a threat to security or disruption to the orderly operation of prison will not be permitted.
4. An inmate may request, in writing, to register an officially recognized change in religious affiliation. A change of religious affiliation will be recorded in the inmate's official records. The change will be reviewed by the facility Chaplain based on the criteria contained in Section C/1 herein.

B. Procedure of Considering an Inmate's Request for Religious Assistance

1. An inmate whose religious denomination is not on the approved list or whose religious needs cannot be met within the framework of non-denominational, non-sectarian religious service may submit a written request to the Chaplain or Warden (where no Chaplain is available) for assistance. It should be the Chaplain's responsibility to investigate the inmate's request for religious assistance and determine an appropriate course of action, in conjunction with the Warden or Director if it impacts or has the capacity to impact upon security. The Religious Activities Review Committee has final approval on such matters.
2. It is the inmate's responsibility to provide an authoritative source of information by which the Chaplain may verify the existence of the religion and determine beliefs and practices.
3. The Coordinator of Chaplaincy Services/Associate Commissioner Program Services should be consulted for any pertinent information that he/she might have. It shall be the Coordinator's responsibility to establish and maintain files on all religious groups that have particular relevance to the Department of Corrections. The Coordinator should maintain a list of all approved religious practices within the Department of Corrections. The recommendation from the Coordinator of Chaplaincy Services for approval of a new denomination to be included

on the approved list will be forwarded to the Religious Activities review Committee for action. (The committee will consist of the Regional Coordinator as chairman and three (3) chaplains). The Religious Activities Review Committee may approve or disapprove the recommendation or refer it to the Associate Commissioner of Program Services for further investigation.

(Note: It should be noted that any review of a new denomination or religious activity may originate at any level from local correctional facility to the Associate Commissioner's office; however, approval/disapproval authority is the responsibility of the Religious Activities Review Committee.)

C. Evaluation of Religious Practices

1. Criteria to be used when making an evaluation of religious practices should include the following:
 - a. Whether the requested practice/paraphernalia has a recognized role in the particular faith.
 - b. Conformity or conflict with valid penological considerations such as order, operation, and safety of the facility.
 - c. Custody status of an inmate or group of inmates.
2. After the review of a new denomination or religious activity, the Religious Activities Review Committee will approve or disapprove the request and render its decision in writing. When a new denomination or religious activity is approved by the Religious Activities Review Committee, the Department of Corrections will limit practices only in the furtherance of a compelling governmental interest and in the least restrictive manner furthering that interest.

D. Chaplaincy

1. The Chaplain shall assume the duties of religious activity coordination and supervision at their facility.
2. Chaplains are expected to perform the following functions:
 - a. Conduct religious services
 - b. Give religious and moral instruction to inmates
 - c. Interview and provide counselling assistance to inmates and staff concerning their spiritual, social, and family problems.

- d. Advise institution administration about spiritual, moral welfare and ethical/social concerns
 - e. Be responsible for notifying inmates in cases of serious family illness, accident or death, when verified, and notification will be accomplished in a timely manner.
 - f. The Chaplain is responsible for notifying next-of-kin in case of serious injury or death of an inmate (reference AR 311).
3. Chaplains will be provided with office space, religious service space, and support services necessary for carrying out their assigned responsibilities. Space will be provided as available based on institutional security needs.
 4. Chaplains shall routinely have access to all areas of the facility as security permits.
 5. Chaplains shall minister to every inmate when requested.
 6. Chaplains shall coordinate the activities of religious leaders and groups from the community to provide for inmates' religious needs.
 7. Chaplains shall coordinate the activities of volunteer religious groups from the community.
 8. Chaplains shall coordinate access to space and equipment, religious publications, religious objects/symbols, and other requirements of an inmate's religious faith.
 9. Speaking Engagements: Refer to Administrative Regulation 005.

E. Religious Activities

1. As security permits, offenders shall have the opportunity for reasonable access to approved religious activities which include, but are not limited to, the following:
 - a. Regular religious services and ceremonies
 - b. Marriage and pastoral counselling pursuant to state law
 - c. Offender religious/spiritual group meetings
 - d. Religious instruction, including access to printed and audio-visual materials of a religious nature

2. A current schedule of all available religious programs and service shall be posted in the religious service area(s) and other appropriate area(s) readily accessible to inmates.
3. Inmates may not proselytize (attempt to persuade another individual to convert to one's belief) within the grounds of any DOC facility. Nothing in this provision shall prohibit the sharing of information regarding religious belief.

F. Religious Activity Area(s)

Each prison shall designate an area or areas appropriate for conducting requested religious services/activities. Religious activity areas shall be subject to reasonable and respectfully administered observations and inspections, as is necessary to maintain safety, security, and orderliness. The use of these areas will be scheduled by the facility Chaplain or designated employee. Scheduled access to religious activity areas shall not be restricted on the basis of race, religious affiliation, national origin, disability, or political belief. Scheduled access may be restricted on the basis of legitimate religious beliefs (i.e., privacy of confessional, etc.). Scheduling of religious activity areas, as much as possible, shall be accomplished to:

1. Accord all approved religious practices equal status and protection (keeping in mind the size of the congregation).
2. Ensure that religious activities are conducted between regularly established hours.

G. Provision of Religious Items

Items approved for the practice of religious traditions by the Religious Activities Review Committee may be provided by the inmate, purchased from an authorized vendor, or provided by a religious organization. All items must be coordinated by and received through the Chaplain or Warden's office.

H. Storage of Religious Objects

As space allows, storage space for group religious objects/symbols shall be maintained or provided upon request.

I. Offender Possession of Religious Objects

Inmates may receive and retain possession of approved personal religious objects/symbols essential to their religious belief, provided the object/symbol is not viewed as a threat to the

security and good order of the institution. Inmates must make their requests for religious objects/symbols through the Chaplain or Warden's office.

J. Overt Expression

Subject to restrictions based on institutional concerns of security and good order, individuals under the custody and/or supervision of the Department of Corrections shall be allowed to overtly express their religious customs and beliefs in appropriate ways, including:

1. Participation in individual and group religious activities.
2. Wearing or possession of religiously relevant apparel and paraphernalia such as religious caps, small prayer rugs, (no compasses), medicine bags, and medallions are subject to reasonable inspection procedures.

(Note: The Religious Activities Review Committee will review recommendations for religiously relevant apparel and paraphernalia regarding minimum requirements for inmates and will approve or disapprove same by administrative memoranda.)

K. Restrictions of Religious Activity/Item

1. Religious objects/symbols and/or practices may be restricted or prohibited when they are considered to be a compromise to the security, safety, health or good order of the institution, or when they are otherwise considered to be illegitimate or pretextual as determined by previously mentioned criteria.
2. All denials or restrictions of approved items or practices should be documented in writing with an explicit statement of reason for such denial or restriction, and forwarded to the Coordinator of Chaplaincy Services/Associate Commissioner of Program Services.

L. Religious Dispute Resolution

Matters of a religious nature, such as legitimacy of a purported religious activity or object/symbol and eligibility under religious law or custom for an inmate to participate in a particular religious activity, shall be resolved by the Chaplain and/or a designated employee whenever possible. When the Chaplain is unable to resolve a religious dispute, inmates shall use the inmate grievance procedure for resolution of disputes regarding approval or restriction on religious practices or articles. Use of the inmate grievance procedure is the complete and exclusive right created or intended to be created by this administrative regulation, and no constitutional protected

property, privacy, freedom of religion, freedom of speech or other interests are intended to be created, either expressed or implied, by this administrative regulation.

M. Religious Volunteers

1. The Chaplain will be responsible for interviewing and selecting interested volunteers who desire to provide religious programs for inmates.
2. The Chaplain will coordinate all volunteer programs.
3. The Chaplain will maintain accurate records of all volunteers. The record will include at least the volunteer application and correspondence between the Chaplain and the volunteer.
4. The Chaplain will ensure the religious volunteers be provided the following indoctrination:
 - a. Explanation of the facility rules and regulations
 - b. Explanation of the facility routine and schedules
 - c. Explanation of the procedures and processes which regulate an inmate's movement to and from a place of religious activity
 - d. Provide information that pertains to hostage situations
 - e. Special Visitor: Refer to Administrative Regulation 308.

N. Emergencies/Deaths

Refer to Administrative Regulation 311.

O. Inmate Marriage

Refer to Administrative Regulation 407.

P. Reports Required

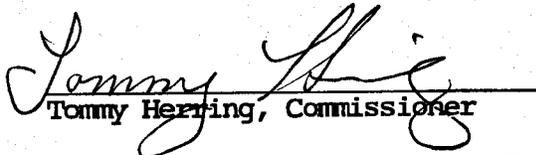
1. Monthly Reports: Each Chaplain shall make a monthly report, in writing, to his/her supervisor with a copy to the Associate Commissioner of Program Services or to his/her designee by the tenth (10th) day of each month.
2. Annual Reports: Each Chaplain shall make an annual report, in writing, to his/her supervisor and to the Associate

Commissioner of Program Services or his/her designee by the tenth (10th) day of October of the succeeding year.

- Q. Each Department of Corrections institution, consistent with its function and the nature of its inmate population and programs, shall develop policies and procedures to govern religious activity within the guidelines set forth in this administrative regulation.

IV. SUPERSESSION

This regulation supersedes Administrative Regulation 313, dated July 29, 1987.


Tommy Herring, Commissioner

SUMMARY OF CHANGES

Updates policy/general information. Also establishes the Coordinator of Chaplaincy Services in the Associate Commissioner Program Services office and the Religious Activities Review Committee which consists of the Regional Coordinator and three (3) Chaplains.