

	<b>ADMINISTRATIVE REGULATION</b>  Department of <b>Correctional Services</b> State of Nebraska	<b>NUMBER</b>  208.01	Page 1 of 13
		<b>RELIGIOUS SERVICES</b>	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

EFFECTIVE: March 1, 1980  
 REVISED: September 4, 2006  
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### SUMMARY of REVISION/REVIEW

Minor changes made throughout sections I, II and III with the exception of II.C.3. in which a fuller explanation for requesting holiday observances is given. Section IV: added paragraph 5 concerning functions which may be performed by Clergy Visitors, Religious Volunteers and Full Time Volunteer Clergy, clarified paragraph B.5 and C.4, other minor changes made throughout the rest of the section. Section IV: Changed Independent Religious Practitioners to Individual Religious Practitioners. Used IRP as an acronym for Individual Religious Practitioner. Minor changes made throughout the rest of the section. Attachment B: Minor changes made throughout. Attachment D: Took off Community of Christ and renumbered, placed accommodated religions in alphabetical order. Attachment E contains all updates that occurred through this AR cycle. Added Attachment F.

APPROVED:

  
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 Scott R. Frakes, Director  
 Nebraska Department of Correctional Services

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 2 of 13
		<b>RELIGIOUS SERVICES</b>	

PURPOSE

The purpose of this Administrative Regulation (AR) is to establish rules and standards for accommodating inmates' religious practices.

GENERAL

Consistent with the safety, security and good order of the facilities, the Nebraska Department of Correctional Services (NDCS) provides inmates a variety of opportunities to practice their religions.

PROCEDURE

I RELIGION STUDY COMMITTEE

- A. To coordinate inmate religious practices and activities, the NDCS has established a Religion Study Committee (RSC). The RSC is comprised of the Religious Coordinators or other designated staff from each facility, the Administrative Assistant to the Deputy Director-Institutions (RSC Chair) and a NDCS Attorney.
- B. The RSC will receive and review requests related to inmate religious accommodations. The RSC will submit recommendations regarding religious accommodations to the Deputy Director-Institutions for disposition.

II. RELIGIOUS PROGRAMMING

A. General

1. Upon admission to NDCS, inmates will have an opportunity to identify and practice their religion. Inmates changing their religious preference during their incarceration must file a Change of Religious Preference Form (see Attachment A) with the Religious Coordinator.
2. No inmate will be subject to coercion, harassment or ridicule due to his/her religious affiliation.
3. Inmates shall not be allowed to act in a position of supervision or authority over other inmates.
4. The RSC will consider input from religious representatives within the community.
5. As provided in AR 113.01 *Fiscal Management*, funds are available to support religious activities. The institutional Business Manager shall provide monthly statements for all religious spending accounts to the Religious Coordinator to ensure equitable expenditure relative to each religious group listed in Attachment E.

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 3 of 13
		<b>RELIGIOUS SERVICES</b>	

**B. Requests for Religious Accommodations**

When an inmate, or group of inmates, requests a religious accommodation the following procedure applies:

1. For requests to practice a religion not presently accommodated by NDCS, the inmate must send a written request to the Religious Coordinator. The request must include an overview of the religion, a description of the worship service, or religious study (including a list of associated religious items and their purpose), and a list of all holidays including a description of how they are celebrated.
2. For changes to existing religious accommodations (e.g. holidays, food, property, rituals/ceremonies) the request shall include a thorough description of the proposed change, religious significance, purpose, and resources if known. All requests for new accommodations (e.g. holidays, food, property, rituals/ceremonies), must be submitted 90 days in advance of the desired implementation date.
3. The Religious Coordinator will review the information and, if necessary request clarification or additional information from the inmate or community resource.
4. The Religious Coordinator will present the request and accompanying documentation to the RSC for review. The RSC Chair will forward the Committee's recommendation to the Deputy Director-Institutions for approval/disapproval. The RSC Chair will inform the Religious Coordinator(s) of the Deputy Directors' decision. The Religious Coordinator will inform the inmate in writing of the decision. If the inmate disagrees with this decision, he/she may file a grievance under Chapter 2, NDCS Rules and Regulations.

**C. Group Worship/Education**

1. To the extent possible, except in Community Corrections facilities, each accommodated religious group (two or more inmates) shall receive comparable religious programming, time and space, including one weekly worship opportunity, and opportunities to observe religious holidays, as approved.
2. In addition, each religious group may be afforded time for religious study in order to advance the knowledge of their religion by the study of beliefs, doctrine, faith, culture, and rituals. Special religious events may be approved by the facility Warden. No religious group will displace the time and space allotted for another religious group for special religious activities.
3. Requests to observe a holiday outside of regularly scheduled time and space must be approved by the Religious Coordinator. No religious group will displace the time and space allotted for another religious group. Consideration will be given to numerous factors such as, but not limited to, other events occurring, security concerns, staffing patterns, availability of volunteers, the need for special food and other related factors.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">208.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">4 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

4. With staff supervision and approval, religious groups may conduct worship or study without a volunteer present.
5. No general population inmate will be denied an opportunity to attend group religious programming unless his/her attendance creates a disruption or threatens the safety or good order of the institution.
6. Inmates on room restriction may attend one worship service a week while on this status. Inmates on room restriction will not be permitted to attend any other religious activity.
7. Inmates on restrictive housing status are not allowed to attend group religious programming, but may request written or audio recorded worship services/religious study material.
8. Inmates in a facility's skilled nursing facility who are not able to attend group worship services may request written or audio recorded worship services/religious study material.
9. Work area supervisors are not required to release inmates from work for worship services or other religious observances but are encouraged to do so when the inmate's presence is not essential to the work being done (e.g., replaceable on a line, not working at or near a deadline). Since attendance at religious programming is voluntary, inmates will not be paid or earn time toward bonuses while attending religious programming.
10. Inmates living in community corrections facilities have access to religious services in the community. These facilities are under no obligation to provide worship activities. Community corrections facilities will not be required to store communal religious items. In the event that there are no places of worship in the community for an inmate's chosen religion, the community corrections Religious Coordinator will assist the inmate in contacting resources in an attempt to meet their religious needs.
11. Video/Audio Recordings
 

Video and audio recordings may be donated or purchased with funds from religious spending accounts. The Religious Coordinator must screen and approve the recording for placement in the religious library. The screening process may include consultation with the Warden, RSC Chair, Religion Study Committee members, Legal Division, and the Security Administrator.

  - a. Video and/or audio recordings must comply with all other NDSC rules and regulations.
  - b. Copyrighted audio/video recordings may not be played without written authorization from the copyright holder.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">208.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">5 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

D. Religious Ceremonies

1. Native American Sweat and Pipe Ceremony

Chinshasha (Willow Bark) is permitted for use in Native American ceremonies, such as the Chanupa (Pipe Ceremony), and the making of Prayer Ties. Tobacco and herbal blends are prohibited.

2. Baptism

Fulltime Volunteer Clergy, authorized religious volunteers, Dual Status volunteers and Clergy Visitors may perform baptisms with prior approval. Arrangements for baptism should be made through the Office of the Religious Coordinator.

a. Only baptism by sprinkling or affusion (pouring) may be performed in the visiting area.

b. Baptism by immersion is allowed in facilities equipped with immersion tanks. Inmates housed in facilities without immersion tanks may be transported to an equipped facility with the Wardens/designee approval. Factors such as history of violence, negative institutional behavior, and other safety and security concerns will be considered prior to approving or disapproving the travel. All baptisms by immersion must be directly supervised by institution staff. Baptism by immersion is not allowed for inmates on any restrictive housing status that requires the use of restraints for internal movement.

3. Sacramental Elements

a. Full-time Volunteer Clergy, authorized religious volunteers, and Clergy Visitors may bring sacramental food into the facility for ritual purposes, in factory sealed non-glass containers. Food items may be consumed by inmates, Full-time Volunteer Clergy, authorized religious volunteers, and Clergy Visitors. Food items are restricted to single serving size amounts necessary to perform rituals.

b. Full-time Volunteer Clergy, authorized religious volunteers, and Clergy Visitors may bring sacramental wine into the facility for their own consumption. No more than one fluid ounce of wine may be brought into the institution per ritual. The wine must be in a plastic container. Inmates are not permitted to consume any alcoholic beverage. Inmates may consume juice for sacramental purposes, which may be brought into the facility in small factory sealed non-glass containers. All unused wine and juice must be removed following the service.

c. Inmates may use personal funds to purchase food items from the canteen for approved sacramental observations. The quantity of food that may be brought is limited to an amount that would provide practitioners a single serving size of one food and one drink item for

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER 208.01</p>	<p style="text-align: center;">Page 6 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

ritual symbolic purposes. Inmates are not allowed to share their food and/or drink items with each other.

- d. If food used for sacramental purposes is not available from the canteen, an inmate or religious group may submit a request to the facility Religious Coordinator to order the food from a commercial source. Food that requires special handling (e.g. refrigeration, cooking or other food preparation) will not be allowed. The quantity of food that may be ordered is limited to an amount that would provide practitioners a single serving size for ritual purposes.
- e. The Religious Services Department does not allow banquets.

4. Funeral Service

When an inmate is notified that a DVD exists for a funeral service of an immediate family member and wishes to view it the following steps will be taken.

- a. The DVD recording of the funeral service will be sent to the Religious Coordinator for review.
- b. The Religious Coordinator must screen and approve the DVD for viewing by the inmate(s). The screening process may include consultation with the Warden, RSC Chair, Religious Study Committee members, Legal Division or the Security Administrator.
- c. When the Religious Coordinator approves the DVD for viewing, the inmate will be issued a pass to the Religious Center to view it.
- d. Only the immediate family related to the deceased is permitted to view the funeral.
- e. The funeral DVD must be returned to family. If mailed, postage will be at the inmate's expense.

III. Religious Coordinator

- A. Each institution shall have, or have access to, a Religious Coordinator who has clinical pastoral education or equivalent specialized training and endorsement by an appropriate religious certifying body. The Religious Coordinator will periodically assess the religious needs of the inmate population. The Religious Coordinator shall have access to all areas of the institution in the performance of his/her duties.
- B. In facilities with an average daily population of 500 or more inmates there shall be, at a minimum, a full-time Religious Coordinator. In facilities with fewer than 500 inmates, adequate staff shall be provided to coordinate religious programming. When staff in facilities with fewer than 500 inmates, do not meet the qualifications of a Religious Coordinator, that facility shall have access to one of the Religious Coordinators in another facility.

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 7 of 13
		<b>RELIGIOUS SERVICES</b>	

- C. Religious Coordinators will assure equal status and protection for all religions represented by the inmate population.
- D. Religious Coordinators, in consultation with and approval from facility administration, plan, direct and coordinate all aspects of the religious program including the approval of clergy visitors and training of religious volunteers from faiths represented by the inmate population.
- E. Religious Coordinators will answer religious questions, provide spiritual advice, assist inmates with the purchase of religious items, make religious materials available to inmates, assist with inmate family medical/death notifications, and other duties as requested by staff.
- F. Religious Coordinators may, upon an inmate's request and the approval of the Warden visit inmates in community facilities.
- G. Religious Coordinators or designees will provide an orientation to all inmates within a week of their arrival at the facility. During the orientation, the Religious Coordinator or designee will provide the inmates information about religious programming available at the facility, a schedule of religious activities and the process for inmates to attend those activities. The Religious Coordinator or designee will also inform the inmates of support services available through the Religious Services Department and the procedure for contacting the Religious Coordinator.
- H. The Religious Coordinator is responsible for coordinating the approval process for religious representatives. When a religious leader of an inmate's religion is not represented through volunteers, the Religious Coordinator shall assist the inmate in contacting a person who has the appropriate credentials to assist with the religious practice.
- I. The Religious Coordinator will maintain the NDCS Clergy Visitor and Volunteer databases. The names of inmates authorized to receive clergy visits shall be entered into the relationship section of the Clergy Visitor database.
- J. The RSC Chair may authorize staff to have access to the Clergy Visitor and Volunteer databases as warranted.
- K. The Religious Coordinator must develop and maintain relationships with community religious resources. These resources may be helpful in assisting inmates while incarcerated and/or after release.
  - 1. Religious Coordinators are encouraged to accept invitations to speak before service clubs, and religious and civic organizations.
  - 2. Religious Coordinators are encouraged to enlist capable members from those organizations to assist in the delivery of religious services to the inmate population.
  - 3. Religious Coordinators are encouraged to attend training appropriate to their position.

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 8 of 13
		<b>RELIGIOUS SERVICES</b>	

- L. Religious Coordinators will provide pre-service and in-service training on the agency's Religious Program.
- IV. CLERGY VISITORS AND RELIGIOUS VOLUNTEERS
- A. General
1. Depending upon their status, religious representatives provide a variety of religious services for inmates.
  2. Subject to NDCS rules and regulations, inmates shall have access to representatives of their faith group. If requested, the Religious Coordinator shall assist the inmate in contacting religious representatives. However, the inmate is not guaranteed a specific religious representative.
  3. Religious representatives are not permitted to proselytize. Religious representative's activities are restricted to the times and places authorized by the Warden/designee.
  4. An individual with a criminal history will not be eligible to serve as a religious representative until 18 months after the date of conviction or 18 months after the completion of a sentence on a criminal conviction whichever is later.
  5. Clergy Visitors may write to inmate(s), receive inmate(s) telephone calls, pick up inmate(s) property, and place funds on inmate(s) account only if the inmate is on his/her clergy visiting list. Religious Volunteers are not authorized to perform any of these functions. Dual Status and Full Time Volunteer Clergy (FTVC) are authorized to perform all functions with the exception of placing funds on an inmate account. Dual Status volunteers and FTVC's must receive written permission from the facility Warden to place funds on an inmate's account.
- B. Clergy Visitor
1. Clergy Visitors shall be defined as an ordained, licensed, or lay minister or as a recognized spiritual leader/advisor. A lay minister is an individual who has been authorized by their religious governing body to provide religious services and to visit inmates. Expired credentials are invalid.
  2. All clergy visitors must update their credentials and demonstrate good standing in their faith group annually.
  3. The inmate must submit a written request to his/her Religious Coordinator for a Clergy Visitor. The Religious Coordinator will mail a Clergy Visitor Application (see Attachment C) to the requested Clergy Visitor. The Religious Coordinator will include information about the various Clergy Visitor categories, the approval and renewal process, providing sacraments, and visiting rules.
  4. Clergy Visitors may visit inmates in the facility's visiting area.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">208.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">9 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

5. Clergy Visitors may take a total of two written resources such as religious texts, study sheets, or workbooks to a clergy visit. These books are subject to search at any time. The Clergy Visitor and inmate are prohibited from exchanging any item(s) without the approval of the Warden/designee.
6. A Native American Clergy Visitor may bring a medicine bag, a sacred pipe and sacred bundles into the facility. Staff should not touch a medicine bag, a sacred pipe and sacred bundles. Medicine bags, sacred pipes, and sacred bundles will be visually searched and x-rayed. A visual search will be conducted when warranted by safety and security concerns, but not touched.
8. Space will be made available in facility visiting areas to accommodate privileged communication between inmates and clergy.
9. Clergy Visitors may visit inmates during hours established by each institution. A facility shift supervisor may approve a Clergy Visitor visit outside of established hours in a verified emergency situation.

**C. Religious Volunteers**

1. The approval process, rules and responsibilities for volunteers are outlined in AR 105.01 *Volunteer Services*. Religious Coordinators will process religious volunteer applications and conduct orientation for individuals approved to be religious volunteers. In order to qualify as a religious volunteer, an individual must be affiliated with a specific faith group or religious organization, and possess the knowledge necessary to provide religious instruction or services to inmates.
2. Religious volunteers may be approved to lead worship, facilitate study groups, or provide religious special programs to inmates in NDCS facilities.
3. A Native American religious volunteer may bring a medicine bag, a sacred pipe and sacred bundles into the facility. These items will be x-rayed and when appropriate, visually searched, but not touched.
4. Members of performing groups may be approved to perform in NDCS facilities. Minor aged performers will not be approved unless essential to the program but may not displace the time and space of other accommodated religions. Prior to the performance, a parent or legal guardian must provide the Religious Coordinator written consent for the minor to perform in the facility.

**D. Dual Status Volunteers**

An individual with both volunteer and Clergy Visitor status is identified as a Dual Status volunteer.

**E. Fulltime Volunteer Clergy**

1. A Fulltime Volunteer Clergy is an individual who provides religious services to inmates, and successfully completes pre-service and annual in-service training as directed.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">208.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">10 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

2. In order to become a Fulltime Volunteer Clergy an individual must be ordained, licensed, or authorized by their religious governing body to provide religious services to inmates. A minimum of one-year volunteer experience with NDCS is preferred. Prior to approving an individual for Fulltime Volunteer Clergy status, consideration will be given to the individual's demonstrated commitment to providing religious services, reliability, community involvement, and adherence to NDCS rules.
3. The Religious Coordinator will initiate the process for establishing a Fulltime Volunteer Clergy position by making a request to the Warden. Upon the Warden's approval, the Religious Coordinator will gather the following information from the candidate:
  - a. A letter of application from the candidate;
  - b. A concise resume´ that includes a record of volunteer services;
  - c. Copies of any professional credentials;
  - d. Schedule of availability.
4. The Religion Study Committee will review the candidate's application along with any other relevant information. The Religion Study Committee will submit its recommendation to the Warden for approval or disapproval of the candidate.
5. Fulltime Volunteer Clergy may include:
  - a. Provide individual spiritual/pastoral counseling and services (e.g. communion) to inmates including those in Restrictive Housing;
  - b. Lead religious studies, worship or other group activities;
  - c. Distribute religious books, tapes, CDs and literature from the religious center to inmates throughout the institution;
  - d. May be granted unescorted access to specified areas of the facility and/or access to radios and keys as approved by the Warden/designee.
  - e. Provide other services as approved.

**V. SPACE AND EQUIPMENT FOR RELIGIOUS PROGRAMMING**

- A. Shared land and indoor space will be available for congregate worship/religious services and religious studies. To assist with the administration of religious programming, space will be made available for the Religious Coordinator's office. Non-inmate support shall be available for confidential work.
- B. With the Warden's approval, a religious group authorized to have sage, bitterroot, and sweet grass as communal property, may grow those plants on a small area of

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 11 of 13
		<b>RELIGIOUS SERVICES</b>	

designated land. These plants are not for personal use and are not to be shared between religious groups.

- C. Areas designated for religious activities and storage of religious property shall be subject to searches and video surveillance as is necessary to maintain the safety, security and good order of the institution.

## VI INMATE RELIGIOUS PROPERTY

- A. Consistent with the safety, security and good order of the facility, living location and classification status, inmates are permitted to purchase/possess property approved for their religion (See Attachment F). Inmates, who have changed their religious preference by submitting a Change of Religious Preference Form, must remove the previous religion's property from their property list before ordering property for their current religion.
- B. Individuals who do not wish to list an NDCS accommodated religion as their religious preference may list their religious preference as "Individual Religious Practitioners (IRP)". IRP's may submit a proposal to the Religion Study Committee requesting approval to possess personal religious property items. The proposal will include a thorough description of each item requested and an explanation of how each item is to be related to the practice of his or her religion. Each request will be considered on a case by case basis.

The proposal must also list each item of religious property which the individual currently possesses and wishes to retain as an IRP, providing a thorough description of each item and an explanation of how each item is to be related to the practice of his or her religion. Items may be retained by the individual pending approval/denial of the proposal. Items that are not approved by the Religion Study Committee will need to be released per the property release procedures.

When an IRP purchases approved personal religious property, he or she will receive a card listing his or her personal religious property from the Religious Coordinator. This card is to be in the possession of the IRP anytime he or she is wearing or using personal religious property. Previously possessed items of religious property approved for the Individual Religious Practitioner to retain will be listed on the card as well.

- C. Inmates are not permitted to possess custom-made, handmade, or hobby-produced religious articles.
- D. Religious head coverings that have blue, red or black as a predominant color are not permitted. Approved religious head coverings may be worn any place or at any time within the institution except where such compromises the safety, security, and good order of the facility.
- E. Inmates may order religious property in accordance with processes detailed in AR 113.23, *Inmate Orders*.
  - 1. Inmates must order through printed, published, or internet catalogs which have been reviewed and approved by the Religious Coordinators.

	<p style="text-align: center;"><b>ADMINISTRATIVE REGULATION</b></p> <p style="text-align: center;"><b>Department of Correctional Services State of Nebraska</b></p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">208.01</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">12 of 13</p>
		<p><b>RELIGIOUS SERVICES</b></p>	

2. All completed special orders for religious items must be approved by the Religious Coordinator prior to being processed by the Canteen. If the order is approved, the Religious Coordinator shall sign the special order in the "approved by" section.
  3. Inmates may not order free or promotional items.
- F. A church or other religious organization may send audio recorded religious material that they have produced and/or religious publications to an inmate. Religious publications or church produced audio-recorded religious material sent from a church or religious organization need not be accompanied by a receipt. After the mail room determines that the package does not contain contraband as defined in Chapter 3, 003 of NDCS Rules and Regulations, the item will be reviewed by the Religious Coordinator to determine that the item was sent from a church or other religious organization.
  - G. In accordance with AR 113.01 Fiscal Management, the Director or Warden shall approve or disapprove donations of equipment and/or materials for use in religious programs. For Native American practitioners, Chinshasha sent in from a commercial source, cloth for making prayer ties, or funds to purchase these items may be donated to the facility's faith group community or individuals. Inmates are not allowed to donate property to the Religious Center and/or accommodated religions. The Religious Coordinator shall facilitate the receipt of donations. All herbs must be sent in from a commercial source.
  - H. Inmates may receive books or other religious publications shipped directly from a publisher, bookstore, or other approved commercial vendor. Books or publications must conform to NDCS rules and regulations, must be mailed in an envelope or box with a commercially printed return address and be pre-paid.
  - I. No multiple copies of religious materials are allowed through the mail. If multiple copies are received, the inmate will receive one copy of each item and the remainder will be handled as contraband.
  - J. All audio-recorded religious materials are to be engraved with the inmate's identification number before forwarding to the inmate.
  - K. If a publication or an audio recorded item is not approved, the inmate will be given written notice that the item is being held. The notice shall state why the publication or audio-recorded religious item is not being delivered. The religious publication or audio-recorded religious material will be held until the grievance procedure is exhausted or the time for filing has expired before the religious publication or audio-recorded religious material is destroyed or returned to the sender at the inmate's expense.
  - L. Inmate personal religious property is subject to search at any time. All personal religious property should be treated respectfully. Medicine bags and Sacred Pipes will be visually inspected unless physical inspection is warranted for security reasons.
  - M. Inmates may purchase one clear 18" x 8" x 11" plastic storage container from the same vendor(s) that the NDCS approved hobby box is purchased to store their personal religious property. Property control will engrave on the container "Religious

	<b>ADMINISTRATIVE REGULATION</b>  <b>Department of Correctional Services State of Nebraska</b>	<b>NUMBER</b>  208.01	Page 13 of 13
		<b>RELIGIOUS SERVICES</b>	

Property” along with the inmate’s name and number. Only approved personal religious property listed on Attachment E, with the exception of oversized items (e.g., prayer rug), will be stored in this container when not in the possession of the inmate.

Although the container itself is not sacred, property kept in it should be treated respectfully. This container is subject to search at any time. Medicine bags and Sacred Pipes contained in this container will be visually inspected unless physical inspection is warranted for security reasons.

Misuse of this container will result in a misconduct report and the confiscation of the container. This storage container may be included in the inmate’s allowed storage area of four cubic feet.

## VII. RELIGIOUS DIET

A religious diet is available to inmates as detailed in AR 108.01 *Food Service*.

## REFERENCE

### I. ATTACHMENTS

- A. Change of Religious Preference Form - DCS-A-rel-003
- B. Policy for Clergy and Lay Religious Visitors
- C. Clergy Visitor Application DCS-A-rel-002-pc
- D. Nebraska Department of Correctional Service Accommodated Religions
- E. Nebraska Department of Correctional Services Approved Religious Property. ▲

### II. ACA STANDARDS

- A. Adult Correctional Institutions (fourth edition): 4-4512, 4-4513, 4-4514, 4-4515, 4-4516, 4-4517, 4-4518, 4-4519, 4-4520 and 4-4521.
- B. Adult Community Residential Services (fourth edition): 4-ACRS-5A-22
- C. Administration of Correctional Agencies (second edition) 2-CO-5E-02