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SUMMARY OF REVISION/REVIEW


Policy Directive 024-08 incorporated. DEFINITIONS – All definitions language updated.
 PROCESS – I.A. – Language updated. II.B.7. – Language updated. II.D.2. – Language updated.
 III.J. – Language updated. III.L. – Language updated. IV. CLERGY VISITORS – New section.
 V. COMMUNITY PARTNERS FOR RELIGION SERVICES – Section completely rewritten.
 VI.A. – Language updated. VI.B. – Language updated. VII.A. – Language updated. VII.C. – Language updated.
 VII.L. – Language updated. VII.L.1. – Language updated. VII.L.3. – Section deleted.
 VII.L.4. – Section deleted. Minor grammar changes throughout.

APPROVED:

Diane Sabatka-Rine (for)

Diane Sabatka-Rine (for) (Nov 26, 2024 15:31 CST)

Rob Jeffreys, Director
 Nebraska Department of Correctional Services

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PURPOSE

The purpose of this policy is to establish rules and standards for accommodating incarcerated individuals' religious practices within a safe environment. (ACRS-5A-22, CO-5E-01)


Consistent with the safety, security and good order of the facilities, the Nebraska Department of Correctional Services (NDCS) provides incarcerated individuals a variety of opportunities to exercise their religious beliefs.

DEFINITIONS


- I. **ASSISTANT PARTNERSHIP PROGRAM MANAGER**– A central office team member who manages the community partner application process and provides vital support to the partnership program manager in the management of religious and community partner services.
- II. **CLERGY VISITORS** - An individual who has been requested by an incarcerated individual and authorized by NDCS as an approved visitor on the incarcerated individual's visitation list. Clergy visitors shall be ordained, licensed, a recognized spiritual leader/advisor, or a lay minister.
- III. **COMMUNITY PARTNERS** – Community partners is a collective term, which refers to any non-NDCS employees who provides programs, services and/or support within NDCS facilities and/or to the incarcerated population during or after release. A community partner who provides religion or faith-based services includes both 'religion volunteers' and a 'full-time clergy volunteer'.
- IV. **FULL-TIME CLERGY VOLUNTEERS** - Community partners that are ordained, licensed, or authorized by their religious governing body to provide religious services to incarcerated individuals. Full-time clergy volunteers must have demonstrated commitment to providing religious services, reliability, community involvement, and compliance with all NDCS policies and procedures. A minimum of one year of previous service as an NDCS community partner is preferred.
- V. **PARTNERSHIP PROGRAM MANAGER** – A central office team member who manages the NDCS community partner services and provides oversight to the facility religion coordinators. Serves as chair for Religious Studies Committee (RSC).
- VI. **RELIGION COORDINATOR** - Facility team member who oversees religion services and the community partner who participates in those services.
- VII. **RELIGION VOLUNTEERS** - A community partner who is approved to lead worship, facilitate study groups or provide religious programs to incarcerated individuals in NDCS facilities. Religion volunteers who lead or facilitate worship or study shall be ordained, licensed, a recognized spiritual leader/advisor, or a lay minister.

PROCESS

- I. RELIGION STUDY COMMITTEE
 - A. NDCS has established a Religion Study Committee (RSC) comprised of the facility religion coordinator/designee from each facility, the partnership program manager and an NDCS legal representative.

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- B. The RSC will receive and review requests related to incarcerated individual religious accommodations. Individuals wishing to request accommodation for a religion not presently accommodated by NDCS must send a written request to the facility religion coordinator. The request must include the following information:
1. An overview of the religion
 2. A description of the worship service or religious study
 3. A list of associated religious items and their purpose
 4. A thorough description of what an NDCS team member observing these events would expect to observe
 5. A list of all holiday and descriptions of how they are celebrated
- Optionally, the request may contain supporting statements from additional incarcerated individuals.
- C. Upon receipt of an accommodation request, the religion coordinator will conduct an initial review, which may include informal discussion with the peer religion coordinators and must include gathering input from the facility security administration. The religion coordinator will then present the request to the RSC for official review.
1. The RSC will review the request for accommodation to include adherence to policy. Which includes safety and security.
 2. The RSC will provide written feedback to the originator of the proposal if the proposal does not meet the criteria for an accommodated religion. If the incarcerated individual(s) disagrees with this decision, they may file a grievance under NDCS Rules and Regulations.
 3. If the proposal does meet the criteria of an accommodated religion, the partnership program manager will provide the written recommendation from the RSC to the assistant deputy director–programs for approval or denial of the request.
- D. Each accommodated religious group (two or more incarcerated individuals) shall receive comparable religious programming, time and space, including one weekly worship opportunity, and opportunities to observe religious holidays, as approved.
- E. For changes to existing religious accommodations (e.g. holidays, food, property, rituals/ceremonies) the request should include a thorough description of the proposed change, religious significance, purpose, and resources if known. All requests for additional resources must be specific and quantify the amount of the resource requested. All requests for new accommodations must be submitted 90 days in advance of the desired implementation date.
- F. The RSC may review previously approved accommodations and recommend adjustments of accommodations to the assistant deputy director–programs.

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- G. Decisions regarding RSC recommendations will be issued by the assistant deputy director–programs in consultation with the deputy director–rehabilitative services and/or deputy director–prison operations.


II. RELIGIOUS PROGRAMMING

A. General

1. Upon admission to the NDCS, incarcerated individuals will have an opportunity to identify and practice their religion. Incarcerated individuals changing their religious preference during incarceration must file a *Change of Religious Preference Form* (Attachment A) with the religion coordinator. (ACRS-5A-22)
2. No incarcerated individual will be subject to coercion, harassment or ridicule due to their religious affiliation or religious practice.
3. Incarcerated individuals shall not be allowed to act in a position of supervision or authority over other incarcerated individuals.
4. The RSC will consider written input from religion representatives within the community.
5. As provided in Policy 113.01 *Fiscal Management*, funds are available to support religious activities. The institutional business manager shall provide statements for all faith group donation accounts to the religion coordinator.
6. Accommodated religions may not have their designated locations and times displaced without cause.

B. Religious Study Correspondence Courses

1. Religious study correspondence courses offer an incarcerated individual the opportunity to continue his/her religious education beyond that provided by NDCS or a NDCS community partner.
2. Incarcerated individuals shall initiate a request to take non-postsecondary/non-credit religious study correspondence courses by submitting the *Religious Study Correspondence Course Request Form* (Attachment E) the religion coordinator at their facility. The request shall include information as to who will be responsible for making the payment.
3. Incarcerated individuals who wish to enroll in college correspondence courses related to the subject of religion are recommended to refer to enrollment guidance in Policy 106.01 *Education Services*.
4. The *Religious Study Correspondence Course Request Form* (Attachment E) will include information regarding the provider of the religious study course and the person responsible for payment of the course, should there be an associated cost. The religion coordinator will review the request and ensure the provider is a legitimate source. To assist in this effort, the incarcerated individual may be asked to provide pamphlets, fliers, or other information as needed. The religion


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coordinator will then forward the request along with his/her recommendation to the warden/designee for a final decision. If the request is denied, the incarcerated individual will be informed of the reason(s) in writing. If the request is approved, it will be the incarcerated individual's responsibility to ensure he/she properly enrolls in the course. Any needed assistance from team members must be agreed upon prior to enrollment.

5. NDCS is not responsible for any costs associated with the course. If the incarcerated individual is paying for these expenses, he/she must have the appropriate funds in his/her account. An incarcerated individual will not be allowed to make installment payments. The incarcerated individual must submit an approved institutional check payable to the provider and a self-addressed stamped envelope with the application. If an immediate family member is paying the expenses, a receipt from the provider indicating the course and materials have been paid for and by whom must accompany the first set of material sent in for each course. No referral/finder fees or gifts are permitted. Any checks identified in such a manner will be returned to the provider by central office inmate accounting.
6. All materials related to the religious study correspondence course will be received through the facility mailroom. Mailroom team members will review the materials to ensure they comply with NDCS policies and facility procedures (i.e., no metal binders, etc.). An incarcerated individual may receive self-addressed stamped envelopes from the provider if they are included as part of an approved correspondence course. If mailroom team members determine the materials do not conform to policy, the warden/designee will review the materials and determine disposition (i.e., return them to sender, or allow them into the facility with or without modifications). Once the materials are approved to enter the facility, mailroom team members will forward them to the religion coordinator for review and issuance. The religion coordinator is responsible for providing the mailroom with the list of incarcerated individuals who have been approved to take religious study correspondence courses.
7. All incarcerated individuals participating in a religious study correspondence course will be entered into the Non-Clinical Program Screen in NiCaMS for tracking purposes. The religion coordinator of the facility in which the incarcerated individual is assigned is responsible for this data entry. Incarcerated individuals will be permitted to continue participating in approved correspondence courses if transferred to any NDCS facility.

C. Group Worship/Education


1. Each religious group may be allowed 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.
2. Requests to observe a holiday outside of regularly scheduled time and space must be approved by the religion coordinator. Consideration for these religious events will include other events occurring, security concerns, staffing patterns, availability of volunteers, the need for special food, and other related factors.

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3. With NDCS team member supervision and approval, religious groups may conduct worship or study without a volunteer present.
4. No general population incarcerated individual will be denied an opportunity to attend group worship unless his/her attendance threatens the safety or good order of the facility. Incarcerated individuals may be removed from worship and/or religious study events for non-participation and/or causing disruptions. (ACI-7F-05)
5. Incarcerated individuals on room restriction may attend one worship service a week and will not be permitted to attend any other religious activity.
6. Incarcerated individuals assigned to restrictive housing are not allowed to attend group religious programming but may request religious study material.
7. Incarcerated individuals residing in a mental health or medical unit who have a current level of care or physical needs that prevent them from physically attending worship may request religious study material.
8. Work area supervisors are not required to release incarcerated individuals from work for worship services or other religious observances but are encouraged to do so when the incarcerated individual's presence is not essential to the work being done (e.g., replaceable on a line, not working at or near a deadline). Attendance at religious programming is voluntary; incarcerated individuals will not be paid or earn time toward bonuses while attending religious programming.
9. Incarcerated individuals assigned to a community corrections facility may attend religious activities or event in the community in accordance with applicable procedures. Community correction facilities are under no obligation to provide worship activities. In the event that there are no places of worship in the community for an incarcerated individual's chosen religion, the community corrections designee will assist the incarcerated individual(s) in contacting resources in an attempt to meet their religious needs.
10. Video/Audio Recordings

Video and audio recordings may be donated from outside sources or purchased with funds from religious spending accounts. The religion coordinator must screen and approve the recording for placement in the religious resource center. The screening process may include consultation with other team members.

 - a. Video and/or audio recordings must comply with all other NDCS rules and regulations.
 - b. Copyrighted audio/video recordings may not be played without written authorization from the copyright holder.
11. Members of performing groups may be approved to perform in NDCS facilities. Minor aged performers will not be authorized unless essential to the program and approved by the assistant deputy director-programs. Prior to the performance, a parent or legal guardian must provide the religion coordinator written consent for the minor to perform in the facility.

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D. Religious Ceremonies

1. Native American Sweat and Pipe Ceremony

Chinshasha (willow bark) is permitted for use in Native American ceremonies, such as the Chanunpa (pipe) Ceremony, and the making of Prayer Ties. Tobacco, herbal blends and vaping materials are prohibited.

2. Baptism

Full-time clergy volunteers, religion volunteers, and clergy visitors may perform baptisms with prior approval. Arrangements for baptism should be made through the religion coordinator.

a. Baptism by immersion is allowed in facilities equipped with immersion tanks. Incarcerated individuals 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 denying the travel. All baptisms by immersion must be directly supervised by facility team members. Baptism by immersion is not allowed for incarcerated individuals on any status that requires the use of restraints for internal movement.


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

3. Sacramental Elements

a. Full-time clergy volunteers, religion volunteers, and clergy visitors may bring sacramental food into the facility for ritual purposes, in factory sealed non-glass containers. Approved food items may be consumed by incarcerated individuals. Food items are restricted to single serving size amounts necessary to perform rituals.

b. Full-time clergy volunteers, religion 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. Incarcerated individuals are not permitted to consume any alcoholic beverage. Incarcerated individuals 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. Incarcerated individuals 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 ritual symbolic purposes. Participants can bring food and drink purchased from the canteen in their original sealed containers. Incarcerated individuals are not allowed to share their food and/or drink items with each other.

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- d. If food used for sacramental purposes is not available from the canteen, an incarcerated individual or religious group may submit a request to the facility religion 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. The religious services department does not allow banquets.

4. Funeral Service


- a. An incarcerated individual may be allowed to view the funeral recording of an immediate family member.
 - 1) At the discretion of the warden/designee, one additional individual may sit with the incarcerated individual to offer support during the funeral service viewing. This additional individual may be an approved community partner, intentional peer support specialist or, with the approval of the warden/designee, incarcerated peer within the facility of the same status.
- b. Funeral service recordings will be sent to the religion coordinator through ShareFile. To receive the ShareFile URL location, the sender will contact the religion coordinator at the facility where the incarcerated individual is assigned.
- c. The recording of the funeral service will be reviewed by the religion coordinator prior to viewing by the incarcerated individual. Additional screening may include consultation with other team members. If the religion coordinator approves the funeral service for viewing, the incarcerated individual will be issued a pass to the Religious Center to view it.

III. RELIGION COORDINATOR

- A. Each facility shall have, or have access to, a religion coordinator who has post high school coursework and/or experience in theology, sociology, psychology, counseling, or other behavioral sciences areas. To assist with the administration of religious programming, space will be made available for the religion coordinator's office. Incarcerated individual's support shall be available for confidential work. The religion coordinator will periodically review incarcerated individual correspondence regarding the religious needs of the facility population. The religion coordinator shall have access to all areas of the facility in the performance of their duties. (ACI-7F-01)
- B. In facilities with an average daily population of 500 or more incarcerated individuals there shall be, at a minimum, one full-time religion coordinator. In facilities with fewer than 500 incarcerated individuals, adequate team members shall be provided to coordinate religious services. When team members in facilities with fewer than 500 incarcerated individuals do not meet the qualifications of a religion coordinator, that facility shall have access to one of the religion coordinators in another facility. (ACI-7F-02)

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- C. Religion coordinators will assure equal status and protection for all religions represented by the facility population.
- D. Religion coordinators will plan, direct, and coordinate all aspects of the religious programming with approval from the facility warden/designee. Religious programming may include the involvement of community partners. (ACI-7F-03)
- E. Religion coordinators will answer religious questions, provide spiritual guidance, assist incarcerated individuals with the purchase of religious items, and make religious materials available to incarcerated individuals. Religion coordinators may also assist with incarcerated individual's family medical/death notifications and other duties as requested by facility warden/designee.
- F. Religion coordinators or designees will provide an orientation to all incarcerated individuals within a week of their arrival at the facility. They will provide the incarcerated individuals information about religious programming available at the facility, a schedule of religious activities and the process for incarcerated individuals to attend those activities. They will also inform the incarcerated individuals of support services available through the religious services department and the procedure for contacting the religion coordinator.
- G. The religion coordinator, in consultation with the partnership program manager, is responsible for coordinating the approval process for religious services representatives for facility activities. When a religious leader of an incarcerated individual's religion is not represented through volunteers, the religion coordinator shall assist the incarcerated individual in contacting a person who has the appropriate credentials to assist with their religious practices; however, the incarcerated individual is not guaranteed a specific religious representative. (ACI-7F-06)
- H. The assistant partnership program manager will maintain the NDCS volunteer database and may authorize NDCS team members to have access to the database as determined necessary.
- I. Religion coordinators are encouraged to develop and maintain relationships with community partners. These resources may be helpful in assisting incarcerated individuals while incarcerated and/or after release. (ACI-7F-04)
 - 1. Religion coordinators are encouraged to accept invitations to speak before service clubs, religious and civic organizations and to enlist capable members from those organizations to assist in the delivery of religious services to the facility population.
 - 2. Religion coordinators are encouraged to attend training appropriate to their position.
- J. Religion coordinators will facilitate the religious services portion of pre-service and in-service training as requested.
- K. Religion coordinators will conduct facility tours as approved by the facility warden/designee
- L. Religion coordinators will conduct escorted – search status community partner training as requested by the partnership program manager.

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IV. CLERGY VISITORS

- A. A clergy visitor is defined as an individual who has been requested by incarcerated individuals and authorized by the NDCS to participate in visits as a religious representative. Clergy visitors may be ordained, licensed, a recognized spiritual leader/advisor, or a lay minister, which is defined as an individual who has been authorized by their religious governing body to provide religious services and to visit incarcerated individuals.
 1. Individuals wishing to become a clergy visitor may request visitation through the process detailed in Policy 205.02 *Visiting*. All clergy visitors must provide a copy of their credentials and/or letter of good standing upon submission of a Visitation Request Form. Expired credentials are invalid.
 2. A clergy visitor may:
 - a. Write to the incarcerated individual(s)
 - b. Receive incarcerated individual(s) telephone calls
 - c. Pick up incarcerated individual(s) property
 - d. Send money to the incarcerated individual(s)
 3. Space will be made available in the facility visiting areas to accommodate sensitive communication between incarcerated individuals and clergy visitors.
 4. Clergy visitors may visit incarcerated individuals in the facility's visiting area. Clergy visitors may visit up to four incarcerated individuals at one time; if two or more clergy visitors share visit times, the maximum number of incarcerated individuals is still four. All other visiting procedures in Policy 205.02 *Visiting* are applicable.
 5. Clergy visitors may bring two faith-based religious texts, or two faith-based study sheets, or a combination of the two. Incarcerated individuals may take one religious book or one study sheet to a clergy visit. These resources are subject to search at any time. The clergy visitor and incarcerated individual are prohibited from exchanging any item(s) without the approval of the warden/designee.

Clergy visitors may visit incarcerated individuals during hours established by each facility. A facility shift supervisor may approve a clergy visit outside of established hours in a verified emergency situation.
- B. Once an individual has been approved to serve as a clergy visitor, an incarcerated individual may request visitation with the clergy visitor through the following process:
 1. The incarcerated individual will submit an interview request to the facility religious coordinator requesting a specific clergy visitor be added to their visitation list.
 2. The facility religious coordinator will verify that the requested individual is an approved clergy visitor. If the individual is not an approved clergy visitor, the religious coordinator will assist interested parties in applying to NDCS as a clergy visitor.

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3. The facility religious coordinator will ensure the clergy visitor is recorded on the requesting individual's visitation list in NICaMS, and will notify the clergy visitor when they are able to schedule a visit utilizing the online visit scheduling process outlined in Policy 205.02 Visiting.


V. COMMUNITY PARTNERS FOR RELIGION SERVICES

A. General

1. Community partners provide a variety of religious services for incarcerated individuals. Individuals wishing to provide a religion or faith-based service within a NDCS facility must complete the NDCS community partner application process as defined in Policy 105.01 *Community Partnerships*.
2. Community partners are not permitted to proselytize. Religious activities are restricted to the times and places authorized by the warden/designee. All community partners providing a religious or faith-based service must stay within the parameters of their religion and should not offer religious guidance or advice in a belief system they are not familiar with.
3. Community partners providing services relating to a Native American religion or faith may bring a medicine bag, a sacred pipe, and sacred bundles into the facility. Team members should not touch a medicine bag, sacred pipe, or sacred bundles. Medicine bags, sacred pipes, and sacred bundles will be visually search and x-rayed. Sacred bundles should not be opened during routine searches.
4. A community partner wishing to provide a religious or faith-based service must be affiliated with a NDCS accommodated religion.
5. The approval process, rules and responsibilities for volunteers are outlined in Policy 105.01 *Community Partnerships*. Religion coordinators will refer individuals to the NDCS community partner application and the assistant partnership program manager.
6. Community partners may be approved to lead worship, facilitate study groups, or provide religious special programs to incarcerated individuals in NDCS facilities. Community partners who wish to lead a worship or religious study group shall be ordained, licensed, a recognized spiritual leader/advisor, or a lay minister (as defined previously), and shall produce their credentials and/or demonstrate good standing in their faith at the time of initial application and renewal. A religious event outline for all worship or religious study events (whether community partner or incarcerated individual lead) should be given to the facility religion coordinator 10 days prior to the event.


B. Full-Time Clergy Volunteer

1. A full-time clergy volunteer must be ordained, licensed, or authorized by their religious governing body to provide religious services to incarcerated individuals. A minimum of one-year of previous volunteering experience in NDCS is preferred but not required. These individuals must demonstrate commitment to providing

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religious services, reliability, community involvement, and compliance with all NDCS policies and procedures.

2. The religion coordinator will initiate the process for full-time clergy volunteer approval. Upon the warden's approval, the religion coordinator will gather the following information for presentation to the RSC:
 - a. Expressed interest to the specified religion coordinator/designee
 - b. A letter of application from the candidate
 - c. A concise résumé that includes a record of volunteer services
 - d. Copies of any professional credentials
 - e. Schedule of availability
3. The RSC will review the candidate's application, all related documents, and will interview the candidate. The RSC will submit its recommendation to the warden for approval or disapproval of the candidate.
4. Full-time clergy volunteers may receive approval for unescorted – search community partner status and as such must complete all security and background checks, and training required in Policy 105.01 *Community Partnerships*. Failure to do so will result in denial to serve as a full-time clergy volunteer.
5. Full-time clergy volunteers wishing to maintain unescorted – search community partner status must meet annual training and biennial security and background check requirements in accordance with Policy 105.01 *Community Partnerships*. Failure to do so may result in facility access suspension.
6. Full-time clergy volunteer duties may include the following:
 - a. Providing individual spiritual/pastoral counseling and services (e.g. communion) to incarcerated individuals including those assigned to restrictive housing.
 - b. Leading religious studies, worship or other group activities.
 - c. Distributing religious books, tapes, CDs and literature from the religious center to incarcerated individuals throughout the facility. (CO-5E-02)
 - d. Unescorted access to specified areas of the facility and/or access to radios and keys as approved by the warden/designee.
 - e. Full-time clergy volunteers cannot escort other volunteers, unless authorized to do so by the facility warden.
 - f. Providing other services as approved.


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VI. SPACE AND EQUIPMENT FOR RELIGIOUS PROGRAMMING (ACI-7F-07)


- A. Outdoor and indoor space will be available for congregate religious worship services. Accommodated religions approved for outdoor religious worship services may move between outdoor and indoor space around April 15 and October 15 of each calendar year. To request movement from one space to another, an accommodated religion representative must submit the request to the facility's religion coordinator. The request must include the day and time desired for religious services/studies. Available religious worship service times will be provided based on the order the request was received by the facility religion coordinator. Religious studies may be altered based on facility considerations and other inclement weather. See *Service Accommodated Religions* (Attachment B)
- B. Accommodated religions which are authorized to have sage, bitterroot, and sweet grass as communal property, may also be approved by the facility warden to grow these plants on a small designated area. These plants are not for personal use and are not to be shared between religious groups. See *Approved Communal Religious Property* (Attachment D)
- C. Designated areas for religious activities and storage of religious property are subject to searches and video surveillance as necessary to maintain the safety, security, and good order of the facility.
- D. Outdoor congregate worship is subject to facility yard procedures, municipal ordinances, inclement weather, and other safety and security precautions.

VII. INCARCERATED INDIVIDUAL'S RELIGIOUS PROPERTY

- A. Consistent with the safety, security, and good order of the facility, living location and classification status, incarcerated individuals who declare a religious preference (to include an Individual Religious Practitioner) are permitted to purchase and possess personal religious property. See *Approved Personal Religious Property* (Attachment C)
- B. Incarcerated individuals are not permitted to possess custom-made, handmade, or hobby-produced religious articles.
- C. Religious head coverings must be in compliance with Policy 204.01 *Incarcerated Individual Property Control*. Religious head coverings that have blue, red, green, black, or other non-approved color, as a predominant color, are not permitted. Approved religious head coverings may be worn any place or at any time within the facility except where such use would compromise the safety, security, and good order of the facility.
- D. Incarcerated individuals may order religious property in accordance with processes detailed in Policy 113.23 *Incarcerated Individual Orders*.
 - 1. Incarcerated individuals must order through printed, published, or internet catalogs which have been reviewed and approved by the religion coordinators.
 - 2. All special/direct orders for religious items must be approved by the religion coordinator prior to being processed by the canteen. When the order is approved, the religion coordinator shall sign the special/direct order in the "approved by" section for the order to be fulfilled.

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3. Incarcerated individuals may not order free or promotional items.
- E. Incarcerated individuals are not allowed to donate property or books to the Religious Center and/or accommodated religions. The religion coordinator shall facilitate the receipt of approved donations. A church or other religious organization may send audio recorded religious material that they have produced and/or religious publications to an incarcerated individual. Religious publications or church produced audio-recorded religious material sent from a church or religious organization need not be accompanied by a receipt. The facility mail room will determine if the package contains contraband as defined in Chapter 3, 003 of NDCS Rules and Regulations, then the item will be reviewed by the religion coordinator to determine its content and origin. (CO-5E-02)
 - F. In accordance with Policy 113.01 *Fiscal Management*, the director or facility warden shall approve or disapprove donations of equipment and/or materials for 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. (ACI-7F-08)
 - G. Incarcerated individuals may receive religious books or other religious publications shipped directly from a vendor with the approval of the facility religion coordinator. Such books or publications must comply with NDCS rules and regulations, must be mailed in an envelope or box with a commercially printed return address, and must be pre-paid. Incarcerated individuals may also order religious books and receive religious books from an approved book vendor under Policy 113.23 *Incarcerated Individual Orders*.
 - H. Multiple copies of religious materials are not allowed through the mail. If multiple copies are received, the incarcerated individual will receive one copy of each item and the remainder will be reviewed for religious resources. If not suitable within the 20 accommodated religions, it will be considered contraband.
 - I. All audio-recorded religious material will be engraved with the incarcerated individual's identification number before being released to the Incarcerated individual.
 - J. If a publication or an audio recorded item is not approved, the incarcerated individual will receive written notice. The notice will state why the publication or audio-recorded religious item is not being released. The religious publication or religious audio-recorded item will be held until the grievance procedure is exhausted, or the time for filing a grievance has expired. After the grievance expiration, the religious publication or audio-recorded religious material is destroyed or returned to the sender at the incarcerated individual's expense.
 - K. Incarcerated individual's personal religious property is subject to search at any time. All personal religious property will be treated respectfully. Medicine bags and Sacred Pipes will only be visually inspected unless physical inspection is warranted for security reasons only.
 - L. Incarcerated individuals may purchase one 14 1/8" (L) x 7 5/8" (W) x 4 7/8" (H) plastic storage container to store personal religious property. This storage container will be included in the incarcerated individuals allowed storage area of four cubic feet. Only personal religious property listed on *Approved Personal Religious Property* (Attachment C) may be stored in the container. Property control will engrave the container "Religious Property" along with the incarcerated individual's name and number. Oversized items (e.g., prayer rug), will not be stored in the container.

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1. One container as listed in the personal religious property section of *Approved Personal Religious Property* (Attachment C) may be purchased through the canteen by direct order with prior approval from the facility religion coordinator. The religion coordinator will confer with the individual's property list to ensure the limit of one religious property container per individual is maintained.
2. Incarcerated individual's misuse of this approved religious property (i.e. using the container for anything other than storing approved religious property) will result in a misconduct report. After the disciplinary hearing and applicable appeals, the disposition of all evidence will be determined in accordance with the facility's procedures.

VIII. RELIGIOUS DIET

A religious diet is available to incarcerated individuals as detailed in Policy 108.01 *Food Service*.

REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY


- A. Title 68, NDCS Rules and Regulations

II. NDCS POLICIES

- A. Policy 105.01 *Community Partners*
- B. Policy 108.01 *Food Service*
- C. Policy 113.01 *Fiscal Management*
- D. Policy 113.23 *Incarcerated Individual Orders*
- E. Policy 204.01 *Incarcerated Individual Property Control*
- F. Policy 205.02 *Visiting*

III. ATTACHMENTS

- A. Change of Religious Preference Form (DCS-A-rel-003)
- B. Nebraska Department of Correctional Service Accommodated Religions
- C. Nebraska Department of Correctional Services Approved Personal Religious Property
- D. Nebraska Department of Correctional Services Approved Communal Religious Property
- E. Religious Study Correspondence Course Request Form

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IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-7F-01, 5-ACI-7F-02, 5-ACI-7F-03, 5-ACI-7F-04, 5-ACI-7F-05, 5-ACI-7F-06, 5-ACI-7F-07, 5-ACI-7F-08
- B. Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-5A-22
- C. Administration of Correctional Agencies (ACA) (2nd edition): 2-CO-5E-01, 2-CO-5E-02