

 <p style="text-align: center;"> ADMINISTRATIVE POLICIES AND PROCEDURES State of Tennessee Department of Correction </p>	Index #: 118.01	Page 1 of 11
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Approved by: George M. Little		
Subject: RELIGIOUS PROGRAMS		

- I. AUTHORITY: TCA 4-3-603 and TCA 4-3-606.
- II. PURPOSE: To ensure access to religious resources for all inmates.
- III. APPLICATION: To all Tennessee Department of Correction (TDOC) staff, volunteers who are involved in the operation of religious programming, all inmates, and employees of privately managed institutions.
- IV. DEFINITIONS:
 - A. Chaplain: A staff member who is an ordained or endorsed minister in his/her faith group and who remains in good standing and meets the requirements established by the Department of Human Resources for employment as a chaplain. This individual is responsible for providing pastoral care and religious leadership within an institution.
 - B. Director of Religious Services: Designated staff person responsible for overseeing and evaluating all religious activities within the Department.
 - C. Faith Group: A group whose sole purpose is to conduct a religious activity or religious exercise.
 - D. Outside Clergy: Ordained clergypersons who come into TDOC institutions for the purpose of ministering to inmates.
 - E. Religious Activity: An activity or program conducted by or under the supervision of the chaplain or under the supervision of trained staff or approved volunteers. This activity is designed specifically for worship, religious education, spiritual guidance, counseling or other religious service.
 - F. Religious Activities Committee: A group established by the Director of Religious Services with approval of the Commissioner responsible for review and approval of religious accommodation requests.
 - G. Religious Exercise: Study, prayer, worship, and other liturgical activities, usually directed toward a god or gods, to achieve benefits in this life and/or eternity.
 - H. Religious Volunteer: A volunteer who participates in or leads religious services, religious activities, and/or religious exercises.

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- I. Security Threat Group (STG): Any group, organization, or association of individuals who possess common characteristics which serve to distinguish them from other individuals or groups who have been determined to be acting in concert, so as to pose a threat or potential threat to staff, other inmates, the institution, or the community.
- J. Volunteer Chaplain: Religious or faith-based volunteer appointed by the Warden or designee to assist the chaplain in performing his or her duties.
- V. POLICY: The Department shall provide opportunities for inmates to voluntarily practice their religion and receive appropriate pastoral care during incarceration.
- VI. PROCEDURES:
- A. Security Threat Groups (STG)
- Inmate possession of STG type materials or symbols is prohibited. First Amendment free exercise protection applies to religious ideas and symbols by faith groups whose only purpose is religious but it does not extend to STG's use of religious ideas and symbols.
- B. Religious Staff:
1. Institutional Chaplains
 - a. The institutional chaplain shall be responsible for planning, leading, administering, and coordinating religious activities and developing community resources to meet the religious needs of inmates within the guidelines set by policy with the approval of the Warden. The Warden may delegate approval authority for specific actions to the chaplain or other designee.
 - b. In institutions without a chaplain, the Warden shall appoint one or more staff members to perform the chaplain's duties.
 - c. Volunteers for religious assignments and religious program interns shall work under the supervision of the chaplain or other designated staff member.
 - d. The chaplain shall be responsible for initiating programs, drafting budget requests, and submitting reports. The chaplain shall attend appropriate staff meetings and work with other staff for the well-being of the inmates and the institution.
 - e. The chaplain shall have access to all areas of the institution, all staff, and all inmates.
 - f. Chaplains shall be available to provide counseling to inmates in areas of religious concerns, personal matters, crisis or high anxiety situations, and/or family problems upon request from inmates. An appropriate private area should be made available for the chaplain to counsel persons without interruption.

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- g. Inmates who are in segregation shall have the opportunity to see the chaplain or a volunteer chaplain for crisis situations and at least weekly for routine matters.
- h. Chaplains shall remain in good standing with their faith group and retain their endorsed or ordained status. Chaplains shall be permitted to attend events of their faith group when participation is expected of all persons in their position. The expense for attendance shall be paid by the chaplain, but he/she shall be granted administrative leave for up to five days per year for such required attendance.
- i. On occasion, the chaplain may be asked to visit and/or counsel with staff or meet with staff's families in hospitals or funeral homes.
- j. The Department shall not impose upon the chaplain or any volunteer chaplain, any duties that are in conflict with the chaplain's faith group, i.e., marriage, baptism, communion. When a conflict exists, the chaplain shall make a reasonable effort to assist inmates in locating another TDOC chaplain, outside clergy or volunteer chaplain, or a community religious leader to fulfill the request.
- k. The chaplain shall avoid proselytizing for his/her particular faith.
- l. The chaplain may, with the Warden's approval, develop training opportunities for clergy and theological students and/or supervise field training for theology students where such programs can provide a valuable supplement to the religious programming at the institution.
- m. All individual requests pertaining to religious matters not addressed in the religious handbook shall be sent in writing to the chaplain for consideration. Within ten days of receipt, the chaplain shall send a copy of the request together with the chaplain's recommendations to the Warden and the Director of Religious Services for their approval. Within 60 days of receipt of the initial request, the chaplain shall notify the inmate of the approval or disapproval of the request.
- n. The Warden may appoint volunteer chaplains as needed.
- o. The chaplain shall document inmates changing their religious preference on eTOMIS (LCLA). The chaplain will also document this on eTOMIS contact note screen (LCDG) indicating a reason for the change. Indication of religious preference by an inmate does not constitute approval by TDOC of the accommodations requested by the indicated group. To permit processing of records, inmates may change their religious preference no more frequently than quarterly.
- p. Chaplains shall execute their duties relating to inmate marriages as described within Policy #503.07.

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2. Outside Clergy, Volunteer Chaplains, and Religious Volunteers

- a. Inmates may receive visits from outside clergy, volunteer chaplains, and religious volunteers. Their names and the names of inmates they are allowed to visit shall be provided by the chaplain or designated religious leader and maintained at checkpoint.
- b. All volunteer chaplains and religious volunteers must comply with policies in the #115 series (Volunteer Services).
- c. Outside clergy, volunteer chaplains, and religious volunteers should be recruited to assist in meeting the religious needs of all represented faith groups in the institution.
- d. Individuals or groups aspiring to be volunteers have no First Amendment right to minister in prison.
- e. Religion may be a factor in selecting volunteers, either to maintain balance between faith groups or to recruit a leader for a specific faith group.
- f. Volunteer chaplains and religious volunteers may be required to inclusively lead groups and failure to do so may result in their dismissal.
- g. Outside clergy, volunteer chaplains, and religious volunteers may speak positively about their own faith but may not speak negatively about other faiths.
- h. Volunteers shall not provide any personal contact information such as phone numbers, e-mail address, or street address to inmates but volunteers may provide contact information of their sponsoring organizations.
- i. Volunteer chaplains are TDOC-certified volunteers who work either part-time or full-time assisting the chaplain. Duties are assigned according to differing skill levels, abilities, and time commitments to the institution. In the absence of the chaplain, a volunteer chaplain may fill in and assume the chaplain's responsibilities, subject to approval by the Warden. Volunteer chaplains are recommended by the chaplain, appointed by the Warden, and may be required to attend training specific to their required duties.
- j. Outside clergy need not be placed on the approved visitor's list and do not need to become certified volunteers in order to visit. However, outside clergy must have the approval of the chaplain in consultation with the Director of Religious Services. They must acquaint themselves with the rules of the institution and agree to abide by them. Outside clergy visits are scheduled by the chaplain. The chaplain shall also maintain a list of approved outside clergy. The list shall contain the clergyperson's name, address, telephone number, and e-mail address (if there is one); the name of the faith group; and the name of the inmate(s) the clergyperson is approved to visit. The chaplain shall maintain a file evidencing the qualifications of all approved outside clergy.

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- k. Religious volunteers work under the supervision of, and provide assistance to, the chaplain. Each religious volunteer must comply with Policy #115.01 and complete all required screening, training, orientation, and reference and background checks.

C. Individual Religious Practices

1. Religious Diets: Inmates may select regular, pork-free, or meat-free meals from the standard menus to meet their personal or religious preferences.
2. Religious Literature: Inmates may receive religious literature, materials, and books about religion or religious teaching in accordance with Policies #504.01 and #507.02. Chaplains will make donated religious literature available to inmates.
3. Religious Objects: Inmates may possess objects of religious significance in accordance with Policy #504.01 and approved personal property memo. Religious objects are not excluded from the volume limit. All objects are subject to respectful security search. For general guidance on religious objects pertaining to specific faith groups, reference may be made to the *TDOC Handbook of Religious Beliefs and Practices*. However, the handbook does not express the policy of the Department and is in all respects subordinate to the provisions of this policy and to all other policies and procedures of the Department. Certain objects may be prohibited if they are identified as security threat material under Policy #506.25.
4. Any material, having a concentration of 1% or more of any ingredient for which a CAS number is listed in section two of the Material Safety Data Sheet or specifically identified as hazardous by the ACA or by the fire safety officer shall be controlled (i.e., prayer oils).
5. Inmates may wear headgear which is in keeping with the security practices of the institution. All religious clothing or other accessories are subject to respectful search at any time for security purposes. (See Policies #506.25 and #504.01)
6. Inmate Organizations: Religious preference or affiliation shall not be the basis for an inmate organization, fund raising by sales or activities, or trust fund accounts. (See Policy #503.01)
7. Inmates may use non-flammable, non-alcoholic sacramental oil in modest amounts for religious purposes. Inmates may purchase up to two ounces of such oil per month from vendors approved by the TDOC. Inmates may keep such oil in their cells; however, any use of such oil for non-religious purposes shall result in a disciplinary action.
8. Inmates may engage in prayer as an individual religious exercise during periods of recreation (while in their cell or bed assignment and during non-work or programming times). Corporate or group prayer shall be reserved for scheduled religious activities.

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9. In Catholic worship services, the priest (but no inmates) may consume small amounts of consecrated wine, subject to the following restrictions: No more than one half ounce may be brought into the institution by the priest per service, provided the empty container and any unused wine shall be taken out by the priest after each visit. An accurate record of all wine which comes in and out shall be maintained at checkpoint. No staff member, chaplain, volunteer chaplain, or religious volunteer shall be permitted to bring wine into the institution.

D. Group Worship and Study:

1. The chaplain shall schedule appropriate group worship and study opportunities to meet the needs of inmates. The groups shall be inclusive and be led by the chaplain, outside clergy, or religious volunteers. The leaders must agree to teach the central and inclusive doctrines common to the major faith group without degrading or impacting upon the tradition of others in a negative way. Individual inmate needs or traditions specific to a particular faith group may be met by individual visits with outside clergy of each inmate's denomination.
2. Except as stated in this paragraph, inmates will not be placed in a position of religious leadership or authority over other inmates. Group religious activities shall be video taped and/or monitored by staff. If the chaplain or a volunteer is not available to lead a group, the following may occur:
 - a. TDOC approved CDs, video tapes, or tape recordings of sermons or religious lessons may be made available to the inmates.
 - b. An inmate may be authorized by the Warden to lead the service. Inmates may ONLY lead religious services in the presence of staff.
3. The chaplain shall develop and maintain an up to date religious activity schedule and shall ensure that information about various opportunities for religious activities shall be available to all inmates. Group worship and study shall be conducted only in the designated places and times.
4. The chaplain shall conduct an annual religious and pastoral care needs review or survey and adjusts religious programming accordingly. The survey may be included as part of the annual social services survey. The completed review or survey shall be submitted to the Warden and a copy sent to the Director of Religious Services by June 1st of each year.
5. Religious worship and study groups shall be open to all inmates unless such participation is limited to maintain the order and security of the institution. Inmate attendance shall be voluntary.

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6. The integrity of worship space shall be maintained at all times. The chapel has been designated as a place of worship and should not be used for searching or detaining inmates except in emergency situations. Inmates who attend religious services shall show proper respect to that particular faith group. Loud talking and disturbing others will result in a disciplinary action (See Policy #502.05). Any act, whether spoken, visual, or written, which would tend to degrade a particular person, group, or ideology will not be tolerated and will result in a disciplinary action.
7. Outside clergy and volunteer chaplains may wear their religious vestments and/or insignia, except in those cases where potential danger may be present to the safety and/or security of the participants or institution.
8. Inmates may carry their personal property rugs to religious services for use as prayer rugs.
9. Memorial services may be conducted for deceased inmates or staff and shall be coordinated by the chaplain.
10. Extra worship services may be scheduled to accent special observances, religious holidays, and fasts. These activities may be conducted by the chaplain or volunteers.
11. Inmates in administrative or punitive segregation may not participate in religious group worship and study group activities. Compatible inmates in protective custody may participate in religious worship and study groups with other protective custody inmates if approved by the Warden/designee. (See Policy #506.16) All segregated inmates may receive visits from the chaplain, outside clergy, and religious volunteers. Segregated inmates may possess religious literature and objects in accordance with Sections VI. (C)(2) And (3) of this policy.
12. Accommodations for group worship services and other group activities will only be made for faith groups which comply with the following procedure:
 - a. Inmates may request accommodation by submitting a written request to the Chaplain. The Chaplain will consult with the Warden and they will send the request to the Director of Religious Services with their recommendations.
 - b. The request must include:
 - (1) The official name of the group, including names and contact information of the group's leaders.
 - (2) Information on the group's teachings, beliefs, and practices including titles of the group's basic texts and other information helpful in researching the group.

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- (3) Names of outside clergy or volunteers available to visit the institution.
 - (4) A detailed description of the accommodation requested.
 - c. Within 60 days after receipt of the request by the Director of Religious Services, the Religious Activities Committee will approve the request if it is determined that all of the following have been met:
 - (1) The group is not an STG.
 - (2) The group is a bona fide faith group with beliefs and practices not adequately represented by an existing faith group for which similar accommodations have been made, and.
 - (3) The accommodation will not jeopardize the security and safety of the institution.
 - d. Inmates who disagree with the determination of the Religious Activities Committee will have the right to appeal in accordance with Section VI.(G) below.
 - e. Groups which are currently being accommodated as of the effective date of this policy will be exempt from the procedure outlined above. However, failure to comply with the any provision of this policy may result in revocation of their accommodation in the manner set out above.
- E. Religious Activities Committee:
 - 1. The Religious Activities Committee shall be composed of:
 - a. The Director of Religious Services (Chair)
 - b. The Deputy Commissioner or Designee
 - c. One representative from the General Counsel's office
 - d. One representative from the Assistant Commissioner of Operations
 - e. One representative from the Assistant Commissioner of Administrative Services
 - f. One Warden selected by the Director of Religious Services
 - g. Two Institutional Chaplains selected by the Director of Religious Services

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2. The Religious Activities Committee shall be responsible for the following:
 - a. Review and approval of all requests for accommodations for religious practices filed under Section VI.(D)(12) above.
 - b. To perform such other duties as the Assistant Commissioner of Rehabilitative Services may require.

F. The Director of Religious Services shall:

1. Be responsible for policy and handbook development regarding religious activities on a department-wide basis.
2. Develop and deliver training for line staff regarding religious policy and procedure.
3. Monitor religious services within various institutions to ensure policy compliance.
4. Develop knowledge of STG issues as it relates to religious functions within the TDOC.
5. Develop a working relationship with Internal Affairs and TDOC STG coordinator regarding religious activities within TDOC.
6. Serve as the central point of contact for all religious activity and practice within the TDOC.
7. Work closely with internal TDOC security regarding religious activities.
8. Stay informed through research about religious issues (both legally and operationally) and advise senior management accordingly. Subject to the supervision of the Assistant Commissioner of Rehabilitative Services, the Director of Religious Services may serve as a resource to the Department's General Counsel and to the Attorney General as needed.
9. Have a working knowledge of comparative religions and utilize such in the administration of religious policy and procedure.
10. Perform a variety of administrative duties such as report writing, maintenance of records, contact and correspondence with members of the public, and serve as religious liaison for TDOC.

G. Inmate Grievance Procedures and Review

1. Inmates shall utilize the inmate grievance procedures set forth in Policy #501.01 for review of issues affecting the inmate regarding religious activity or religious exercise.

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2. Grievances must be filed utilizing Inmate Grievance, CR-1394, and must provide sufficient information regarding and describing the inmate's specific religious activity or religious exercise which the inmate is grieving. The grievance must also set forth and describe how the inmate's religious exercise has been substantially burdened by the action(s) of the institution.
3. The review of the grievance (per Policy #501.01) shall examine and document whether the burden on the inmate's specific religious exercise furthers a compelling governmental interest.
4. If it is determined, upon review, that the burden on the inmate's specific religious exercise furthers a compelling governmental interest, the review must determine and document if the burden on the inmate's religious exercise is the least restrictive means of achieving the compelling government interest.

VII. ACA STANDARDS: 4-4319 and 4-4512 through 4-4521.

VIII. EXPIRATION DATE: March 15, 2011.



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State of Tennessee
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POLICY CHANGE NOTICE 08-17

INSTRUCTIONS:

Please change Section VI.(C)(7) to read as follows:

- “7. Inmates may use non-flammable, non-alcoholic sacramental oil in modest amounts for religious purposes. Inmates may purchase three ounces of such oil from vendors approved by the TDOC and in accordance with Policy #507.02; provided, however, sacramental oil for religious use shall not count against the maximum number of packages that an inmate may receive and the existence of a disciplinary package restriction shall not prohibit the receipt of sacramental oil for religious use. Inmates may keep such oil in their cells in an amount not to exceed three ounces. Any use of such oil for non-religious purposes shall result in a disciplinary action.”