

## 1.5. F.4 Inmate Religious and Cultural Activities

### I Policy Index:



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### II Policy:

To establish procedures for operating religious and cultural programs within adult South Dakota Department of Corrections facilities.

### III Definitions:

#### **Cultural Activity:**

An activity conducted under the auspices of the Cultural Activities Coordinator (CAC) and designed specifically for instruction or to further the purpose of the cultural group.

#### **Cultural Activities Coordinator (CAC):**

The designee appointed by the Warden to ensure coordination of all religious functions. This position supervises volunteers involved in the religious program. A CAC is designated for each DOC institution and is responsible for other duties as assigned by the Warden.

#### **Cultural Group:**

Any group that is not religious in nature which promotes educational, social, cultural, or recreational interests of participating inmates.

#### **Religion and Religious Activities:**

A religion, religious denomination or sect supported by literature stating religious principles and recognized by a group of persons who share common ethical, cultural, moral or intellectual view which are not defamatory, racial, political or derisive in nature. Permissible religious practices are practices of that religion for the purpose of worship, devotion, instruction and spiritual development which are not contrary to the safety or security requirements of the institution.

#### **Religious Activity:**

An activity conducted under the auspices of the institution's Cultural Activities Coordinator (CAC), and designed specifically for worship, religious instruction, spiritual guidance or counseling.

#### **Religious Activities Councils and Committees:**

Organizations may be established to provide advice, counseling and guidance for institutional religious activities. Organizations must conform to established policies and be coordinated by the Cultural Activities Coordinator but they may develop specific directions or bylaws as necessary for their respective functions.

### **Religious Program Committee (RPC):**

A committee at each institution comprised of members of DOC Senior Staff along with the Cultural Activities Coordinator and pink tag volunteer representatives. The committee generally meets quarterly to review project applications and requests that are religious or cultural in nature.

### **Pink Tag Religious Volunteer (Level 1 volunteer):**

A person who provides worship and instruction, pastoral care and administration of religious activities. This may or may not include persons who are ordained by the faith group they represent. All pink tag religious volunteers have completed the training program to obtain their pink tag. All Religious Volunteers must attend Annual In-service training to maintain their pink tag status.

### **Orange Tag Volunteer (Level 2 volunteer):**

A person who assists the Religious Volunteer. This may or may not include persons who are ordained by the faith group they represent. All orange tag volunteers have completed the DOC Volunteer Handbook to obtain their orange tag.

## **IV Procedures:**

### **1. General:**

- A. Upon admission to the DOC, inmates will have an opportunity to designate their religion. Inmates changing their religious preference during their incarceration must file a Change of Religious Preference Form (see [Attachment 1](#)) with the Cultural Activities Coordinator (CAC).

### **2. Spiritual Counseling:**

- A. An inmate may request to see a religious volunteer by sending a kite to the CAC.
- B. The CAC will promptly respond to the inmate's request and let the respective religious volunteer know of the request. The CAC will assist in making any special arrangements necessary for the religious volunteer to see the inmate.
- C. Pink tag religious volunteers may access restricted units for the purpose of conducting a religious visit/spiritual counseling. All other religious volunteers must have approval from the Deputy Warden or designee prior to entering restricted units to visit inmates and must be escorted by staff while in the unit (See DOC policy 1.1.D.3 [Facility Access & ID Requirements](#)).

### **3. Religious and Cultural Functions:**

- A. Religious and cultural functions will be performed in compliance with the following rules:
  - 1. Inmate attendance at any religious and cultural function shall be voluntary.
  - 2. The CAC will coordinate religious and cultural functions with scheduled institutional activities and in cooperation with other department's programs to minimize scheduling conflicts and to ensure adequate staff supervision is available.

3. Inmate religious and cultural functions will be conducted in designated locations in the institution or on the grounds of the institution, under the coordination of the CAC. Inmates attending such functions will be properly supervised by staff.
  4. Inmates attending religious and cultural functions will be sensitive to other groups meeting in the same area and will conduct themselves in a respectful manner.
  5. Outside guests or orange tag volunteers may not be left unsupervised during religious functions. A pink tag volunteer or DOC staff member must always be present with outside guests or orange tag volunteers during religious functions.
  6. DOC staff or a pink tag volunteer will oversee all scheduled and organized religious activities/functions.
- B. Religious activities, councils and committees may be established to provide advice, counseling and guidance for institutional religious activities. Such organizations must conform to established policies and be coordinated by the Cultural Activities Coordinator but they may develop specific directions or bylaws as necessary for their respective functions.

#### **4. Attending Religious or Cultural Activities:**

- A. Inmates must sign themselves up for each activity, if the institution requires attendance lists.
- B. If an institution requires an inmate to sign up for each activity and the inmate misses an activity 2 times in a row, their name may be put on the Removal List for 30 days. After 30 days, the inmate may request to be put back on the activity list.
- C. Inmates must be properly dressed for the activity, in accordance with the institution's inmate dress code.
- D. When an activity has concluded, all inmates must return to their housing unit. If an inmate is found loitering, they may be subject to disciplinary action.
- E. Lights must remain on in the room where the religious or cultural activity is taking place.
- F. Inmates on cell restriction are only permitted to attend one religious activity per week.
- G. Inmates on cell restriction are not permitted to attend any cultural activities.

#### **5. Baptism, Communion and Other Sacramental Rituals:**

- A. Baptism services may be conducted in the institution, if approved in advance by the Warden or designee.
- B. Communion services may be conducted on a regular basis.
- C. Other sacramental rituals will be conducted as authorized by the Warden.
- D. Catholic Priests are authorized to bring in 3oz of wine in to the institution the day of mass to be consumed by the priest during mass.

## 6. Group Religious and Cultural Activities:

- A. Worship services or activities and meetings of a religious nature, will be scheduled with reasonable frequency based on the availability of space, time and staff supervision.
- B. Cultural activities and meetings will be scheduled with reasonable frequency based on the availability of space, time and staff supervision.
- C. To the extent possible, each approved religious group will receive comparable time and space for programming, including one weekly worship opportunity and opportunities to observe religious holidays, as approved. In addition, each religious group may be afforded time for group religious study. Special religious events may be approved by the RPC.
- D. A religious or cultural group must consist of at least two (2) inmates.
- E. An approved religious or cultural group may conduct worship or study without a volunteer present. However, DOC staff must be available to supervise the activity.
- F. General population inmates will be provided opportunity to attend religious or cultural programming unless his/her presence creates a disruption or threatens the safety or good order of the institution, or the inmate is currently serving a punitive sanction which restricts access, such as room restriction or temporary placement on disciplinary status.
- G. Inmates approved for work release may be permitted to attend approved religious and/or cultural activities in the community (See DOC policy 1.5.F.3 [Inmate Community Religious Activity Guidelines](#)).
- H. Inmates on disciplinary or restrictive housing status are not permitted to attend group religious or cultural programming but may request written religious educational material from the Cultural Coordinator.
- I. Inmates in the infirmary may request written religious materials from the Cultural Activities Coordinator.
- J. Work supervisors are not required to release inmates from work for worship services, religious observances, or cultural activities. Supervisors are encouraged to accommodate inmate requests to attend such activities whenever the inmate's presence is not essential (e.g. replaceable on a line, not working at or near a deadline). Since attendance at religious and cultural programming is voluntary, inmates will not be compensated in any way while attending such activities.
- K. Outside persons or groups wishing to attend religious or cultural activities within the institution must seek approval from the Warden or his/her designee prior to the activity, as required by the institution's guidelines and procedures.

## 7. Project Applications for Special Religious Activities:

- A. In general, special religious events will be governed by institutional guidelines and procedures for conducting such special activities, with proposals submitted by an inmate through a project application to the CAC.

1. Any special religious activities must be approved by the Warden or his/her designee prior to the activity.
2. Only outside persons/groups approved by the Warden or his/her designee prior to the event may attend.
  - a. Only those persons who are at least eighteen (18) years of age may attend special religious events held within the institution.
  - b. The approval list must be finalized at least forty-eight (48) hours prior to the event.
  - c. The list is limited to fifty unless approved by the Warden.
  - d. Cultural groups are not permitted any special events.

## **8. Inipi Ceremonies (Sweatlodge Ceremonies):**

- A. The Inipi is a sacred ritual among Native Americans conducted inside and adjacent to a lodge constructed with willow trees. Each DOC institution has a dedicated area for inmate's to erect and maintain an Inipi lodge for inmate use.
- B. Inipi ceremonies shall be conducted on a regular basis at times listed in the facilities' weekly program bulletin.
  1. Special Inipi ceremonies may be authorized under the following circumstances:
    - a. Recent death or an acute, serious injury/illness within the inmate's immediate family.
    - b. Personal, acute and serious physical ailments of an inmate.
    - c. Other special occasion/event/commemoration.
  2. DOC staff reserves the right to confirm deaths, injuries and illnesses within an inmate's immediate family with appropriate resources.
  3. Requests for special Inipi ceremonies will be forwarded to the Cultural Coordinator.
  4. Outside guests may be permitted to attend the Inipi ceremony, as approved by the Warden of each institution.
  5. Each institution will establish a maximum number of inmates who may participate in an inipi ceremony. This number shall be established given time and space limitations. In order to accommodate the needs of all inmates, inmates may only attend one Inipi per week, unless granted an exception by the CAC. If inmates are required to sign up prior to the Inipi, and if an inmate attends without signing their name on the list, they may be subject to disciplinary action.
  6. The Officer in Charge may use his/her discretion in terminating Inipi ceremonies at any time. Determining factors include but are not limited imminent threat to the safety and/or security of the institution and weather factors, i.e. excessive cold or heat, dry and/or windy conditions, lightening (See DOC policy 1.2.A.1 [Fire Prevention](#) and DOC policy 1.5.C.1 [Weather Index Alert](#)).

7. If the Inipi ceremony is cancelled due to weather conditions, the Officer in Charge (OIC) may, at the request of an inmate, make arrangements for a pipe ceremony to be held in place of the Inipi.
8. The CAC shall be responsible for ordering supplies for the Inipi utilizing the Inmate Sweat Lodge Account (See DOC policy 1.1.A.10 [Inmate Sweat Lodge Accounts](#)).

## 9. Requests for Religious or Cultural Group Accommodations:

- A. When an inmate, or group of inmates, requests a religious or cultural group accommodation, the following procedure applies.
  1. For requests to practice a religion not presently accommodated at the institution, the inmate must send a project application to the Cultural Activities Coordinator. The request must include an overview of the religion, a description of the worship service, including a list of associated religious items requested and the purpose of the item, the names of those inmates who are seeking to practice the religion, and a list of all holidays, if any, including a description of how they are celebrated. If available, the request shall include a list of community organizations and/or resources. The request must also detail why the services currently offered at the inmate's facility are insufficient to meet the inmate's needs. The inmate must provide the name of a pink-tag volunteer who will lead the group. If a pink-tag volunteer is unable to be found, the inmate must detail what step he or she took to find a pink-tag volunteer.
  2. For requests to form any group that is non-religious in nature, the inmate must send a project application to the Cultural Activities Coordinator. The request must include an overview of the group, a description of the meetings, including a list of associated group property items and their purpose, the names of those inmates who are seeking to form the group, and any outside affiliations or resources. The request must also detail why the services currently offered at the inmate's facility are insufficient to meet the inmate's needs. The inmate must provide the name of a pink-tag volunteer who will lead the group. If a pink-tag volunteer is unable to be found, the inmate must detail what step he or she took to find a pink-tag volunteer.
  3. For changes to existing religious or cultural group accommodations (e.g. property, ceremonies, events, frequency, time/day), the request shall include a thorough description of the proposed change and justification for the change. All requests for new accommodations (e.g. holidays, food, property), must be submitted at least 90 days in advance of the desired implementation date. Exceptions may only be made with a recommendation from the CAC and the approval of the Warden.
  4. The CAC will review the information and if necessary request clarification or additional information from the inmate(s) or community resource.
  5. The CAC will present the request and accompanying documentation to the Religious Programming Committee (RPC) for review. The RPC shall recommend the request be approved or denied. The CAC will inform the inmate in writing of the decision. If the inmate disagrees with the decision, he/she may seek an administrative remedy (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).

## 10. Food for Religious Activities:

- A. For religious diets please refer to DOC policy 1.5.F.2 [Inmate Religious and Alternative Diets](#).

- B. All religious or ceremonial meals must be pre-approved via a project application. Project applications must be submitted in advance of the RPC quarterly meeting before the holiday.
  - 1. Meals for religious holidays or ceremonies may include the following but must be approved in advance via project application.
  - 2. One entrée.
  - 3. Two side dishes.
  - 4. One drink.
  - 5. One dessert.
- C. A single serving per inmate signed up to attend the ceremony may be ordered for the meals.
- D. Each religious group is permitted the following religious ceremonial meals during the course of the year:
  - 1. Wiccan – Yule (12/21) and Samhein (10/31)
  - 2. Asatru - Yule (12/21) and Midsummer (6/21)
  - 3. Buddhist –Vesak and Asalha
  - 4. Islam – Eid ul Adha and Eid ul Fitr (Dates change each year)
  - 5. Judaism – Passover Seders (Springtime) and Kosher for Passover meals
  - 6. Native American – Pow Wows (up to 4 per year)
  - 7. Christian Church Dinners as determined by the Pastor
- E. All religious/ceremonial meals must be purchased by the inmates or religious groups through the designated food service vender at least one week in advance of the activity (See DOC policy 1.5.F.2 [Inmate Religious and Alternative Diets](#)).
- F. All ceremonial food items for weekly activities and major events must be purchased by the inmates or religious group through the approved food service vender at least one week in advance of the activity.
- G. All commissary food for religious activities must be pre-approved via a project application See Attachment 1). Project applications must be submitted in advance of the RPC quarterly meeting before the holiday.
- H. All Religious Fasts must be approved in advance by the CAC.
- I. Any inmate wishing to participate in a religious ceremonial meal event must meet one of three criteria:

1. The inmate must have declared themselves to be a member of the religious group that is hosting the feast. This can be accomplished by either declaring the religion upon admission to the DOC, or through submitting a Change of Religion form (see [Attachment 2](#)) during any point in time of incarceration; or
  2. The inmate must have attended at least three (3) religious services in the ninety (90) days preceding the sign-up deadline for the event. The religious services attended must correspond with the religion hosting the event; or
  3. The inmate must be on the religious diet that corresponds to the religion hosting the feast, if applicable.
- J. Cultural groups are not permitted any special meals.

### **11. Ordering Religious Or Cultural Group Property:**

- A. Inmates must submit all orders for approved religious or cultural group property to their Unit Coordinator. Once the Unit Coordinator has verified money is in the inmate group account, the order is submitted to the CAC (DOC policy 1.1.A.11 [Inmate Group Accounts](#)).
- B. The CAC will review the order to ensure all items have been approved and the vendor is approved before it is sent out.
- C. Once the items for individual inmates have arrived, they will be searched by security and added to the inmate's property list in COMS.
- D. Once the items for the group have arrived, they will be searched by security and given to the CAC to be placed in the locker boxes.
- E. See attached listings of Religious Property Approved for Cells and Group Locker boxes.

### **12. Outside Individuals or Groups:**

- A. The Deputy Warden or designee will approve requests for outside individuals or groups prior to participate in any religious function provided in a DOC institution or on DOC grounds.
- B. All outside individuals must submit to a background check (See DOC policy 1.1.D.3 [Facility Access & ID Requirements](#)).
  1. All background checks must be submitted to the CAC no later than 2 weeks before the event.
  2. The CAC will notify any persons denied access by security.
- C. Any outside individual entering the institution must present an accepted form of photo identification before entry.
- D. Outside individuals or groups who attend or participate in religious functions shall be escorted by a Religious Volunteer or a staff member while within the institution.



- E. No property may be brought into the institution by an outside individual or group without the approval of the Warden or designee.

## V Related Directives:

DOC policy 1.1.A.10 -- [Inmate Sweat Lodge Accounts](#)  
DOC policy 1.1.A.11 -- [Inmate Group Accounts](#)  
DOC policy 1.1.D.3 -- [Facility Access & ID Requirements](#)  
DOC policy 1.2.A.1 -- [Fire Prevention](#)  
DOC policy 1.3.E.2 -- [Administrative Remedy for Inmates](#)  
DOC policy 1.5.C.1 -- [Weather Index Alert](#)  
DOC policy 1.5.F.2 -- [Inmate Religious and Alternative Diets](#)  
DOC policy 1.5.F.3 -- [Inmate Community Religious Activity Guidelines](#)  
DOC Volunteer Handbook

## VI Revision Log:

**April 2016:** New Policy

**July 2017:** Deleted "Buddha's Birthday and Day of Enlightenment" and Replaced with "Vesak and Asalha"

*Denny Kaemingk (original signature on file)*

Denny Kaemingk, Secretary of Corrections

*08/12/2017*

Date



## Attachment 2: Change of Religious Affiliation

# Change of Religious Affiliation

Name: \_\_\_\_\_ Number: \_\_\_\_\_ Cell: \_\_\_\_\_

Current Religious Affiliation: \_\_\_\_\_

Length of time practicing current religion: \_\_\_\_\_

Religious affiliation you are requesting to be changed to: \_\_\_\_\_

How did you come to this decision?

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_