1.5.F.2 Inmate Religious and Alternative Diets

I Policy Index:

Date Signed: 03/22/2017
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 03/22/2016
Affected Units: All Institutions
Effective Date: 03/23/2017
Scheduled Revision Date: December 2017
Revision Number: 14
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections (DOC) will provide inmates with reasonable and equitable opportunities to observe their essential religious dietary practices, within facility budgetary and security constraints. The DOC will adhere to standardized approved procedures for purchasing, preparing and serving religious and alternate diets/meals. Religious and alternative diets will be nutritionally adequate and consistent with maintaining the safety, security and orderly operation of each facility.

III Definitions:

Alternative Diet:
A special diet that is free of pork or pork products.

Main Line Meal:
The variety of menu items offered to inmates on the main serving line and/or through regularly prepared tray service as part of the facility’s menu, as approved by a licensed dietician.

Medical Diet:
A special diet ordered for temporary or permanent health conditions that restricts types, preparation, and/or amounts of food. Examples include restricted calorie, low sodium, low fat, soft, liquid, bland, lactose free and nutritional supplementation diets. Does not include special diets ordered for security reasons.

Medical Vegetarian Diet:
Contains all the food items approved and provided on a main line meal tray except meat. The main source of protein is rice and beans. The medical vegetarian diet is not comprised of kosher products.

Religious Diet:
Dietary restrictions imposed as a result of a mandatory religious tenet of a particular officially recognized faith group which cannot otherwise be routinely satisfied through self-selection from the menu items available on the main food line and served only to inmates whose names are on the religious diet approved participant list.
IV Procedures:

1. Request for a Religious or Alternative Diet:

A. Inmates will be afforded reasonable and equitable opportunity to observe the religious dietary requirements mandated by the religious tenets of officially recognized faith groups within the South Dakota DOC.

B. An inmate requesting a religious or alternative diet must complete a Request for Religious or Alternative Diet form and submit the form to the facility’s cultural activities coordinator or designee (See Attachment 1). The time to process/approve the request by the DOC shall not exceed thirty (30) calendar days.

C. The cultural coordinator or designee may interview the inmate to determine if the inmate’s request for a religious or alternative diet is motivated by a sincere belief.

D. The inmate’s request for a religious or alternative diet may be granted if providing the diet/meal is within the inherent limitations of resources of the facility and does not limit or detract from the need for facility security, safety, good order, does not threaten the health of the inmate and is consistent with the approved manner of operation of a uniform food service program. The approval of religious or alternative diets shall not conflict with any legitimate penological interests of the DOC.

E. Any inmate with a prescribed medical diet requesting a religious or alternative diet inconsistent with the inmate’s prescribed medical diet will have their request reviewed on a case-by-case basis by the facility’s cultural coordinator or designee and health service staff.

F. If an inmate refuses a prescribed medical diet/therapeutic diet, he/she will be monitored by Health Service staff and counseled regarding the risks of refusing the prescribed medical diet.

G. Health Service staff will review the dietary requirements of the refused medical diet/therapeutic diet to determine if a Release of Responsibility form is required (See Attachment 3 and DOH policy P-I-05 Informed Consent and Right to Refuse).

H. If an inmate prescribed a medical diet/therapeutic diet that conflicts with his/her current religious or alternative diet refuses the medical diet, the cultural coordinator or designee and health service staff will review the medical significance of the dietary requirements of the medical diet to determine if the inmate is required to sign a Release of Responsibility form (See Attachment 3 and DOH policy P-I-05 Informed Consent and Right to Refuse).

1. Any inmate who refuses a prescribed medical diet will be monitored and counseled regarding the medical and health risks of refusing the prescribed medical diet (See DOH policy P-F-02 Medical Diets).

I. The cultural coordinator will periodically review religious practices recognized by the DOC to determine whether a religious practice, i.e. religious diet, is within the scope of best correctional practice and religious accommodation.

J. Participation in a religious or alternative diet shall not be restricted on the basis of race, color, nationality, sex, sexual orientation or creed.

K. Inmates are not required to participate in a religious or alternative diet.
L. Prescriptions for medical/therapeutic diets will be reviewed and rewritten (if deemed necessary) by Health Service staff annually, or more often as clinically indicated. Prescriptions should be specific, complete, and furnished in writing to the institution’s food service manager (ACA 4-4318).

M. Inmates approved for participation in a religious or alternative diet shall have that diet continued upon subsequent transfer to another DOC facility with written notification provided by the inmate to the facility cultural coordinator or designee.

N. Inmates approved for a religious or alternative diet shall not have their diets restricted based on their classification status or housing placement, unless extenuating circumstances exist which necessitate the inmate’s diet be temporarily changed due to concerns for the inmate’s safety, i.e. inmates placed on mental health watch. The staff member(s) or committee ordering the change in the inmate’s diet shall retain authority to determine when to restore the inmate to his/her approved religious or alternative diet.

2. Religious and Alternative Diet Guidelines:

A. Inmates provided religious alternative diets must follow the rules and procedures relating to religious and alternative diets. Additional rules specific to inmate meals and food are found in the Inmate Living Guide.

1. Inmates provided a religious meal tray cannot take a mainline tray.

2. Inmates may not give away, trade or sell food items contained on a religious or alternative meal tray.

B. The following religious or alternative diets shall normally be provided to approved inmates housed at a South Dakota DOC facility:

1. Kosher diet
2. Halal
3. Religious vegetarian diet
4. Medical vegetarian diet
5. Alternative diet
   a. Inmates provided an alternative diet tray will be provided with a main line tray unless pork or pork products are used in the meal. If pork or pork products are used in the meal, the inmates on the alternative diet will be provided with the medical vegetarian diet.

C. Inmates receiving a religious or alternative diet are responsible for controlling individual food consumption and following their respective diet, including dietary requirements deemed essential by the faith. Religious or alternative diet meals shall provide adequate nutrition and approved by the dietician. Inmates observed not picking up six or more consecutive religious meal trays without proper notice to the cultural coordinator or designee may be subject to disciplinary action and termination or suspension from the religious diet.

D. This policy does not apply to inmate requests for specific food, or preparation of meals, associated with a special religious or cultural ceremony/event. Such requests must be made through a Project Application (See Attachment 2).
E. Inmates may withdraw their request to receive a religious or alternative diet at any time by submitting a written request to the facility cultural coordinator or designee. The facility cultural coordinator or designee shall notify the facility food services supervisor of the inmate’s voluntary termination. Requests to receive a mainline tray/meal may take up to two (2) weeks from the date the request is received to be processed and adjustments made by the food service contractor.

F. An inmate who voluntarily terminates participation in a religious or alternate diet may request reinstatement of the terminated diet by submitting a written request to the facility cultural coordinator or designee no sooner than ninety (90) days following the date of the termination notice.

G. Inmates who voluntarily terminate their religious or alternative diet may choose to meet their dietary needs through self-selection of food offered through the main line/regular tray.

V Related Directives:
DOH policy P-F-02 -- Medical Diets
DOH policy P-I-05 -- Informed Consent and Right to Refuse
Inmate Living Guide

VI Revision Log:
August 2006: New policy.
February 2007: Deleted references to removing inmates from the religious diet as a disciplinary sanction.
January 2008: No changes made.
June 2009: Added reference to Attachment 3 within ss (D of Inmate Request for a Religious Diet). Deleted former ss (A3 of Religious Diet Guidelines) regarding an inmate prohibited from purchasing, possessing, ordering, or consuming any food inconsistent with the religious diet. Added hyperlinks throughout policy.
December 2010: No changes
July 2012: Added “The inmate will be monitored and counseled regarding the risks of refusing the medical diet or inadequate nutrition” to Section 1 C. and D.
December 2012: Deleted “If a requested religious diet conflicts with an existing medical diet order of the nourishment requirements of the inmate as prescribed by a medical professional, the inmate must sign a Release of Responsibility form prior to receiving the religious diet” and Replaced with “For any inmate with a medically-confirmed food allergy or medically-prescribed diet who is requesting a religious diet that is not consistent with the medical allergy or medical diet, the request for a religious diet will be forwarded and reviewed on a case by case basis by the facility’s cultural activities coordinator and medical staff”. in Section 1 C Added “food allergy or prescribed” and Deleted “and the inmate wishes to continue the religious diet, he/she must sign” and Replaced with “the cultural activities coordinator and medical staff will review the dietary requirements of the meals to determine if” and Deleted “or the religious diet will be discontinued” in Section 1 D. Moved language from D. and Added 1. to D. Deleted “The inmate” and Replaced with “Any inmate who signs a Release of Responsibility” in Section 1. D 1 Added “health and wellbeing” and “they will be” and “possible” to Section 1 C. Deleted “special medical and religious diets” and Replaced with “religious diets and food/meals in the institution” in Section 2 A. Deleted a. “Give away or trade food” and Deleted c. “Fail to pick up or refuse to pick up a religious diet meal” and Deleted d. “Otherwise intentionally waste or destroy food” in Section 2 A. 1. Deleted 2. “An inmate provided a religious diet must comply with all applicable DOC and DOH policies and operational memorandums” in Section 2 A.
December 2013: Added definition of “Medical Diet”. Added 1. and 2. to Section 1 C. Added E, F. and G. to Section 1. Added b. to section 2 A. 1. Deleted “This policy does not modify or change SD DOC policy” and Replaced with “Inmate’s may withdraw their request to receive a religious diet at any time. Requests to change a diet/meal tray may take up to 2 weeks from the date the request is received to be processed and adjustments made by the food service contractor” in Section 2 D.

December 2014: Added H. to Section 1.

December 2015: Added “The DOC will adhere to standardized approved procedures for purchasing, preparing and serving religious and alternate diets/meals” in the policy statement. Deleted “A special diet essential to the practice of an inmate’s sincerely held religious beliefs” and Replaced with “Dietary restrictions imposed as a result of a mandatory religious tenet of a particular officially recognized faith group which cannot otherwise be routinely satisfied through self-selection from the menu items available on the main food line and served only to inmates whose names are on the religious or alternate diet approved participant list” in the definition of “Religious Diet”. Added definition of “Main Line Meal” and “Medical Vegetarian diet” Added term “alternative” throughout the policy. Added new A. and D. in Section 1. Deleted “consistent with DOC interests, including but not limited to” and Replaced with “within the inherent limitations of resources and does not limit or detract from the need for facility security, safety, health and good order. The approval of religious of alternative diets shall not conflict with any legitimate penological interests, including” in Section 1 E. Added I. and J. to Section 1. Deleted b. “Are responsible for controlling individual food consumption and following the religious diet. Inmates observed eating food inconsistent with a religious diet or not picking up the majority of their religious diet meals may have their request for religious diet denied” in Section 2. A. 1. Added 2. “Will be provided with a mainline tray unless pork or pork products are used in the meal. If pork or pork products are used in the meal, the inmates on the alternative diet will be provided with the religious diet meal” in Section 2 A. Added a. “Inmates receiving a religious or alternative diet are responsible for controlling individual food consumption and following their respective diet. Inmates observed not picking up a majority of their meals may be removed from their respective diet” in Section 2 A. Added “by submitting a written request to the facility cultural coordinator or designee. The facility cultural coordinator or designee shall notify the facility food services supervisor of the voluntary termination. Requests to receive a mainline tray/meal and Deleted “change a religious or alternative diet” and Deleted “a majority of their meals may be removed from their respective diet” and Replaced with “six or more consecutive religious meal trays without proper notice to the cultural coordinator or designee may be subject to disciplinary action and termination or suspension from the religious diet” in Section 2 C. Added E. F. and G. to Section 2.

December 2016: Reviewed with no changes.

<table>
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<th>03/22/2017</th>
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<td>Denny Kaemingk, Secretary of Corrections</td>
<td>Date</td>
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Revised: 12/27/2016
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Attachment 1: Request for Religious and Alternative Diet

The Request for Religious Diet form is located on the WAN.

A copy may be printed using Microsoft Word 97 as follows:

1. Click here to access the Request for Religious or Alternative Diet by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Request for Religious or Alternative Diet.

The gray areas indicate the information that is to be entered.
Attachment 2: Project Application

The *Project Application* sample form is located on the state’s WAN and the actual copy for use in carbon format.

A copy may be printed using *Microsoft Word 97* as follows:

1. Click [here](#) to access the *Project Application* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Project Application*.

The gray areas indicate the information that is to be entered.
Attachment 3: Release of Responsibility

The *Release of Responsibility* form is not a DOC form, therefore is provided by DOH staff.

![Release of Responsibility Form](image)

**Sample Text:**

I acknowledge that I have been fully informed of and understand the above treatment(s)/recommendations and the risks involved in refusing them. Thereby release and agree to hold harmless the City/County/State, Statutory Authority, All Correctional Personnel, and all Department of Health Correctional Health Care Personnel from all responsibility and any ill effects which may result from this action/refusal, and I personally assume all responsibility for my welfare.

(Note: Form content is a sample and the actual form may differ.)