

1.5. F.4 Inmate Religious and Cultural Activities

I Policy Index:



Date Signed: 05/30/2019
Distribution: Public
Replaces Policy: N/A
Supersedes Policy Dated: 06/18/2018
Affected Units: All Institutions
Effective Date: 05/30/2019
Scheduled Revision Date: March 2020
Revision Number: 3
Office of Primary Responsibility: DOC Administration

II Policy:

The Department of Corrections shall establish procedures for operating religious and cultural programs within adult South Dakota Department of Corrections institutions.

III Definitions:

Cultural 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 and cultural functions (activities and programming) offered to inmates. This position supervises volunteers involved in the various religious or cultural activities or programs. Each institution shall have one staff member who is responsible to perform the duties of a CAC.

Cultural Group:

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

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 requirements specified within the DOC Volunteer Handbook.

Pink Tag Religious Volunteer (Level 1 volunteer):

A person who provides worship and instruction, pastoral care and administration of religious activities. Volunteers are not compensated by the DOC. This may or may not include persons who are ordained by the faith group they represent. All pink tag religious volunteers have completed specified training required to access the institution and inmates outside of the direct supervision of DOC staff. All Religious Volunteers must attend annual in-service training to maintain their pink tag status.

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 legitimate penological interests of the DOC.

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 DOC policies and directives and shall be coordinated by the Cultural Activities Coordinator. Organizations 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.

IV Procedures:

1. General:

- A. Upon admission to the DOC, inmates will have an opportunity to designate their religion. Inmates wishing to change their religious preference during their incarceration must complete a *Change of Religious Preference* form (see [Attachment 1](#)) and send this to the Cultural Activities Coordinator (CAC).

2. Spiritual Counseling:

- A. Inmates may request to visit with a religious volunteer for the purpose of receiving spiritual counseling 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 may assist in arranging the meeting between the inmate and volunteer.
- C. Pink tag religious volunteers may access restricted units for the purpose of providing spiritual counseling, as authorized by the Warden or designee.
 1. Other volunteers are generally not permitted access to restricted units, unless an exception is granted by the Warden or designee, and the volunteer is escorted by staff while in the restricted unit (See DOC policy 1.1.D.3 [Facility Access & ID Requirements](#)).

3. Religious and Cultural Activities:

- A. Religious and cultural activities provided within a DOC institution will be performed in compliance with the following rules:
 1. Inmate attendance at any religious and cultural activity shall be voluntary.

2. The CAC will coordinate religious and cultural activities with the institutions programming and activity schedule, in cooperation with other department's programs, to minimize scheduling conflicts and to ensure adequate staff supervision.
 3. Inmate religious and cultural activities will be conducted in designated locations within the institution or on the grounds of the institution under the coordination and direction of the CAC. Inmates attending activities must be supervised by pink tag volunteers and/or staff.
 4. Inmates attending religious and cultural functions will be sensitive to other groups who may be meeting in the same area and will conduct themselves in a respectful manner.
 5. Outside guests/visitors or orange tag volunteers may not be left unsupervised during religious or cultural functions and may not independently supervise inmate activities. A pink tag volunteer or DOC staff member must always be present to provide direct supervision of the activity, including attending inmates and visitors.
- B. Religious and cultural activities, councils and committees may be organized to provide advice, counseling and guidance. Such organizations must conform to established DOC policies, institutional OMs and directives. All organizations shall be supervised by the Cultural Activities Coordinator. Organizations may develop specific directions or bylaws as necessary for their respective functions. These are subject to approval the CAC.

4. Inmate Access to Religious or Cultural Activities:

- A. Inmates must sign themselves up for each activity, if the institution requires attendance lists. Inmates may not sign up other inmates.
- B. If the institution requires inmates to sign up for activities, and an inmate misses two consecutive activities which they signed up for, their name may be removed from the respective activity sign-up list for up to 30 days. After 30 days, the inmate will be eligible to sign-up for the activity.
- 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 directly 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, unless an exception is granted by the CAC.

5. Baptism, Communion and Other Sacramental Rituals:

- A. Baptism services may be offered by appropriately credentialed individuals at the institution, if approved in advance by the Warden or designee. Normally this is limited to pink tag volunteers. Requests shall be routed first to the CAC, who shall consult with the Warden or designee.

- B. Communion services may be conducted on a regular basis.
- C. Requests for other sacramental rituals will be forwarded to the CAC, who will consult with the Warden or designee.
- D. Catholic Priests are authorized to bring 3oz of wine into the institution the day of Catholic Mass to be consumed by the priest during mass.

6. Group Religious and Cultural Activities:

- A. Worship services or activities that are religious in nature, will be scheduled with reasonable frequency, based on the availability of space, time and staff supervision.
- B. Cultural activities will be scheduled with reasonable frequency, based on the availability of space, time/programming schedules, and staff supervision.
- C. To the extent possible, each approved group will receive comparable time and space for programming, including one weekly worship opportunity and opportunities to observe religious/cultural holidays/days of significance, as approved by the CAC. In addition, each group may be afforded time for organized group study as approved by the CAC.
- D. A group must consist of at least two (2) inmates.
- E. An approved group may conduct worship or study in a designated area, at a designated time, without a volunteer present. However, DOC staff must be available to supervise the group.
- F. General population inmates will be provided the opportunity to attend religious or cultural activities or programming, unless the inmate's 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 to attend such activities or programming, such as room restriction or placement on disciplinary or other restricted status. Inmates on Admission and Orientation status may be excluded until they are assigned to general population.
- G. Inmates approved for work release and CTP phase 2 offenders 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 other restrictive housing status may request written religious educational material from the Cultural Activities 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 religious or cultural activities or programming. Supervisors are encouraged to accommodate individual inmate religious requests when possible. Supervisors may provide specified religious accommodations to individual inmates who are working on a case-by-case basis.

7. Project Applications for Special Religious Activities:

- A. Special activities will be considered and approved by each institution on a case-by-case request. Inmate requests for special activities must be submitted on a project application to the CAC.
 - 1. Special activities must be approved by the Warden or his/her designee.
 - 2. Only visitors who have completed the proper access forms (waiver of liability and background check) will be considered for entry into the institution. All visitors must be approved in advance by the Warden or designee. The following criteria apply to all visitors:
 - a. Must be at least eighteen (18) years of age.
 - b. Must be on the approved visit list, which shall be finalized at least forty-eight (48) hours prior to the event.
 - c. A limit of no more than 50 visitors per special activity, unless an exception is granted by the Warden or designee.

8. Inipi Ceremonies (Sweat lodge Ceremonies):

- A. The Inipi is a sacred ritual among Native Americans conducted inside and adjacent to a lodge constructed with willow branches. 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 institutions' weekly program/activity schedule.
 - 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.
 - 3. Requests for special Inipi ceremonies will be forwarded to the CAC.
 - 4. Outside guests may be permitted to attend the Inipi ceremony, as approved (See Section 7 visitor criteria).
 - 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 and approving 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 steps 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 steps he or she took to find a pink-tag volunteer.
- B. 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.
- C. The CAC will review the information and if necessary request clarification or additional information from the inmate(s) or community resource.
- D. 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 CAC 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 implemented.
- 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 group account. Arrangements must be made with the designated food service vender to provide the meal and must be completed at least two weeks in advance of the meal (See DOC policy 1.5.F.2 [Inmate Religious and Alternative Diets](#)).
- F. 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.
- G. All Religious Fasts must be approved in advance by the CAC.

- H. 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.
- I. Cultural groups are not permitted any special meals.

11. Ordering Religious Or Cultural Group Property:

- A. Inmates must submit all orders for approved inmate religious or cultural property, including property purchased for a group through the group account, which must be approved by the inmate's Unit Manager, or the by the CAC for group property. Once the order has been approved, this shall be forwarded to inmate banking staff for processing from the inmate's spend account or from the inmate group account (See DOC policy 1.1.A.11 [Inmate Group Accounts](#) and DOC policy 1.1.B.2 [Inmate Accounts and Financial Responsibility](#)).
- B. The CAC will review the order to ensure all items requested are approved and the order is with an approved vendor before forwarding the request to Inmate Banking for processing. A stamped envelope is required.
- C. All property sent to the facility will be inspected by property staff prior to approval for admittance into the institution. Approved items are delivered to the CAC for secure storage in the group's designated property location. Questions regarding religious or cultural property shall be directed to the CAC.
- D. A listing of Religious Property Approved for Cells and Group Locker boxes is located in DOC policy 1.3.C.4 [Inmate Personal Property](#).

12. Visitor Access:

- A. The Deputy Warden or designee will approve requests for outside individuals or groups/visitors prior to participation in any religious or cultural activity.
- B. Outside persons or groups (visitors) wishing to attend religious or cultural activities within the institution must seek approval from the CAC prior to the activity, as required by the institution's guidelines and procedures.
- C. All outside individuals must submit the required access forms (See DOC policy 1.1.D.3 [Facility Access & ID Requirements](#)).

1. The completed forms must be submitted to the CAC no later than 2 weeks before the event.
 2. The CAC will promptly notify any visitor or group that is denied access.
- D. All visitors and approved volunteers must present a valid and accepted photo ID to the control room prior to entry into the secure perimeter.
- E. All visitors and orange tag volunteers must be escorted while in the institution by DOC staff or a pink tag volunteer.
- F. No property may be brought into the institution by a visitor. Property brought into the institution by a pink tag volunteer for religious or cultural activities or programming must be approved by the CAC or security staff and should be approved in advance.

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.B.2 -- [Inmate Accounts and Financial Responsibility](#)
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"

March 2018: Deleted one week and Replaced with "two weeks" in Section 10 E.

May 2019: Revisions to structure, language.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

05/30/2019

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?

Signature: _____

Date: _____