

DECEMBER ROLL CALL TRAINING

Jail High-Risk Critical Task/Prisoner Rights-Religion

Inmates in jails and prisons make a variety of complaints based upon freedom of religion. Many cases are based on a complaint that the jail failed to provide religious meals; failed to provide religious materials; or restricted a prisoner's right to worship. The policy of the jail is to respect prisoner rights to religious practices and counseling where these practices do not impact the safety and security of the jail. Prisoners shall be granted the right to practice their religion within the limits necessary to maintain institutional order and security. Each prisoner shall be afforded the opportunity to participate in religious services and receive religious counseling within the jail. Prisoners shall not be required to attend or participate in religious services or discussions.

Prisoners shall be allowed a diet that meets their religious practices where the diet does not impact security or order in the jail. Under this provision, the prisoner may submit a written request to the jail administrator for an alternative diet. The jail administrator may confer with religious leaders or faith representatives in determining whether to grant any such requests.

A prisoner who requests religious documents may receive them provided they have been purchased by or donated to the inmate, or the materials have been donated to the jail for use by inmates, and the materials do not constitute a threat to the security of the jail.

Question: An inmate requests certain religious materials from the jail. Is the jail required to provide such material?

Answer: The jail is not required to purchase the religious materials. If the materials are purchased by the inmate or donated to the jail, they should be provided to the inmate as long as the materials are not a threat to jail security. For example, hardcover books are not allowed because they may be used to conceal contraband or used as weapons.

Question: An inmate requests a special diet based upon his or her religion. Must the jail accommodate the inmate's request?

Answer: The policy of the jail is to respect prisoner rights with respect to religious practices and counseling where these practices do not impact the safety and security of the jail. Generally, meal requests based on religion should be met, keeping in line with the jail's nutritional guidelines. The jail administrator may confer with religious leaders of that faith to determine whether and how to grant such requests. If a request is denied, the denial should be in writing outlining how granting the request would be contradictory to the order, security, or safety of the jail.

If a jail rule would normally hinder or prevent an inmate from engaging in their desired religious practice, the law requires the county to prove that no less restrictive alternative or means exists to satisfy the purpose of the jail rule. This forces jail administration to consider ways to compromise before denying a request.