Minnesota Department of Corrections

Policy:	**302.300**
Title:	**Spiritual Care**
Effective Date:	**11/16/21**

PURPOSE: Minnesota Department of Corrections (DOC) facilities provide incarcerated persons/juvenile residents with reasonable opportunities to pursue individual spiritual beliefs and practices, within facility budgetary and security constraints. The policy outlines the spiritual care programming available to incarcerated persons/juvenile residents confined in department facilities. Attendance at or participation in spiritual care activities is not restricted based on protected class status.

APPLICABILITY: All Minnesota Department of Corrections (DOC) facilities

DEFINITIONS:

Consumable item – something that is perishable, gets used up, or is otherwise non-durable.

Designee – a person assigned by another to fulfil a special role on behalf of the person who assigns them.

Immediate family – a legal spouse, child (birth, step, or adopted), parent, sibling (birth, step, half, or adopted), grandparent, or grandchild of an incarcerated individual or of a juvenile resident. For the purposes of this policy, if the facility confirms and documents that a special relationship existed between the incarcerated individual/juvenile resident and an extended family member, the facility may allow an accommodation.

Item of spiritual significance – any items designated by an incarcerated individual or a juvenile resident as having significance based upon their spiritual or religious practice (e.g., a religious pendant or medallion).

Medicine bag – a leather necklace pouch, approximately three inches long and two inches wide, containing sacred items that can be personal or symbolize wellbeing, such as native American medicines found in nature.

Professional clergyperson or spiritual care/religious leader – a person who is endorsed, licensed, or ordained and supervised by a faith or professional spiritual/religious community that holds the individual accountable to professional and ethical standards.

Spiritual care – care related to the sacred or religious needs of individuals entrusted to the custody and care of the Minnesota Department of Corrections.

PROCEDURES:

A. Incarcerated Individual/Juvenile Resident Items of Spiritual Significance

1. Incarcerated individuals/Juvenile residents are authorized to designate five personal items of spiritual significance that may be kept in their possession and are governed by facility property procedures found in Policy 302.250, “Offender Property.” Congregate items of spiritual significance may be stored in a safe and secure staff-designated location.

2. Incarcerated individuals/Juvenile residents may purchase personal items of spiritual significance pursuant to the purchasing procedures at each facility.

3. Approved spiritual or religious pendants must be smaller than the department's identification (ID) badge and must be worn under the clothing of the incarcerated individual or juvenile resident while the person is outside of their cell/room. All spiritual/religious pendants are subject to the safety and security provisions in Policy 301.010, "Searches," and Policy 302.250, "Offender Property." All approved spiritual/religious pendants must be on a breakaway chain, an approved religious medallion may only be worn in the offender's/resident's cell or at a religious service.

4. Items of spiritual significance that require searching under Policy 301.010, "Searches," may be searched by any staff (male or female), except for female hijabs, which must be searched by staff of the same gender as the incarcerated individual in a private area that cannot be seen by anyone of another gender. Each authorized item must be treated with respect and returned to the location and in the condition in which it was found.

5. Medicine bags must be:
   a) Listed on the COMS property list at initial intake or when purchased from a vendor; and

   b) Permanently sealed. If the bag is not permanently sealed, staff must confiscate it, consistent with Policy 301.030, "Contraband."

B. Use of Items of Spiritual Significance

1. Specific facility procedures regulate the control and use of items of spiritual significance (used at scheduled times and in reserved spaces) that may be considered contraband (e.g., sacramental wine, tobacco, or oils). The chaplain/spiritual care coordinator/designee must secure all items of religious significance that may be contraband. These items are authorized only for group use during a spiritual care activity and are not allowed as individual items of spiritual significance.

2. Incarcerated individuals/juvenile residents whose religion requires a particular head covering (currently the hijab, the yarmulke, and the Rastafarian tam for certain sects) to be worn throughout the day are accommodated, subject to the need to identify the incarcerated individual/juvenile resident. The wearing of any garb is subject to safety considerations and may be prohibited in certain case due to safety and security needs. Unless there are emergency circumstances, staff must not ask the incarcerated individual/juvenile resident to remove the religious head covering in the view of members of the opposite gender.

3. Religious Head Coverings
   a) Male incarcerated individual may possess a maximum of two religious head coverings of the same type from the list provided in the chart below (at B.3.g)).

   b) Female incarcerated individuals may possess a maximum of three religious head coverings of the same type from the list provided in the chart below (at B.3.g)).

   c) In both situations, these religious head coverings count as one religious item in the property records.

   d) Religious head coverings must be worn consistent with following the guidelines of the religious practice. Violation of the established use under the guidelines may result in suspension of use for that incarcerated individual/juvenile resident.

e) Use of a religious head covering to conceal or transport contraband will result in discipline through due process.

f) Religious head coverings are subject to search at any time and cannot cover the face, with a maximum length to the shoulder when worn.

g) Religious Head Covering Table

Crown with Tassel	Males only, black or white
Crown* (Rastafarian)	Males only, black or white
Fez (National /Religious Head Dress for Moorish American Moslems)	Males only, burgundy, use in housing units and religious activities only
Hijab* (3)	Females only, 48" x 48", white or black
Kufi*	Males only, black or white
Yarmulke*	Males only, black or white

* Note: In some situations, these items may be referred to by different names.

4. Incarcerated individuals/Juvenile residents are allowed to wear or use personal items of spiritual significance in their cells/rooms, and during services, related events, and related group meetings, unless the warden determines that the wearing or use of such items would threaten the institution's security or safety. Ceremonial clothing may be worn for spiritual care services or in the individual's/resident's cell/room, but not on the grounds, in the housing units, or in the visiting room.

5. Policy 302.310, "Use of Tobacco for American Indian Ceremonies," governs the definition and use of tobacco and "tobacco-related devices" as a part of all American Indian religious ceremonies.

C. Donations

1. Donations of money and/or spiritual care materials may be accepted from community sources, subject to facility procedures. Gifts must also be approved by the warden/designee and processed by the chaplain/designee. (See also Policy 104.190, "Acceptance of Gifts."

2. Incarcerated individuals/Juvenile residents may donate money or materials to facility spiritual care programming. All such individualr/resident donations must not exceed $75 per donation per quarter.

D. Introduction of New or Unfamiliar Spiritual Care Components

1. Incarcerated individuals/Juvenile residents may request the introduction of new or unfamiliar spiritual care components into the spiritual care programming at a facility. Such individual/resident requests are made by completing the Request for Review, New, or Unfamiliar Spiritual Component form (attached).

2. A volunteer, chaplain/designee, or the incarcerated individual/juvenile resident may complete the form.

3. The requesting individual is responsible to submit this form, along with sufficient documentation supporting the request to the chaplain/designee.

4. The chaplain/designee reviews the request with the spiritual care committee (SCC) and makes a recommendation to the warden and captain's group regarding the requests. The warden's decision is communicated, by the chaplain/designee, to the requestor after a complete review.

5. The chaplain/religious coordinator/SCC chair/designee must load all new, unfamiliar forms onto the DOC iShare site.

E. Staffing

1. Each facility has a trained and qualified chaplain/designee available to oversee the reasonable delivery of spiritual care services to all faith traditions. For facilities under a population of 500 incarcerated individuals/juvenile residents, a staff person may act as a designee and coordinate spiritual care services in consultation with a chaplain/designee.

2. The spiritual care committee (SCC):
   a) Includes an associate warden of administration, who either serves as or may designate the chairperson of the SCC, and a chaplain/designee;

   b) Coordinates the spiritual care programs offered to incarcerated individuals/juvenile residents throughout all facilities;

   c) Indirectly supervises spiritual care contractors and volunteers:

   d) Promotes department-wide consistency regarding spiritual care practices and activities; and

   e) Meets every other month in a committee with the SCC chair/designee, chaplains/spiritual care coordinators, and a captain to discuss department spiritual care issues and make recommendations to the associate wardens' committee or wardens.

3. The SCC chair:
   a) Specifies the lines of authority, responsibility, and accountability for the spiritual care programming;

   b) Ensures spiritual care staff with direct incarcerated individuals/juvenile residents contact are trained regarding spiritual care practices and volunteer requirement per Policy 300.400, "Volunteer Services Program;"

   c) Coordinates policy reviews;

   d) Acts as a chair for meetings of the SCC;

   e) Keeps agenda items and ensures meeting minutes are completed;

   f) Responds to issues regarding spiritual care practices in facilities; and

   g) Designates the chaplain to be available as needed to provide services for facilities with only a designee.

4. The chaplain/designee:
   a) Enables incarcerated individuals/juvenile residents to identify spiritual preferences upon entering the system and facilitates changes in the records of spiritual preferences;

   b) Assures protection of incarcerated individuals/juvenile residents from coercion, harassment, or ridicule due to spiritual affiliation; and

   c) Describes the conditions and circumstances under which clergy-privileged communications exist, including circumstances in which privileged communication in the correctional setting does not apply.

5. Each facility may have additional staffing resources, including trained spiritual care contract staff, interns, chaplains/designees, and volunteers who have the endorsement of their spiritual care organization. Chaplains/designees have access to office and administrative specialist (OAS) office support for the facility's spiritual care programming as well as clerical support in some facilities from incarcerated individuals.

F. Spiritual Care Services

1. Chaplains/designees have access to visit all areas of the facility. Each facility has spaces designated for spiritual care activities. In juvenile facilities the designated spaces are at locations where those who do not wish to participate are not exposed. Theses designated spaces are sufficient to accommodate the needs of all scheduled spiritual care groups in the populations of the incarcerated individuals/juvenile residents fairly and equitably.

2. Outdoor worship areas are made available to all scheduled spiritual care groups requiring outdoor worship spaces in suitable and secure locations, except in facilities where building design or security considerations would prohibit such availability. Requests for the use of outdoor worship spaces must be made in writing and submitted to the chaplain/designee 60 days prior to the event.

3. Under the supervision and direction of the chaplain/designee, properly department-screened and trained volunteers and/or contract staff may be used to provide spiritual services to incarcerated individuals/juvenile residents of various faith groups. All volunteers and/or contract staff are subject to all facility procedures.

4. Volunteers are not permitted to participate in any type of hugging with incarcerated individuals/juvenile residents. Volunteers may shake hands with incarcerated individuals/juvenile residents, hold hands as part of a spiritual activity, and appropriately touch incarcerated individuals/juvenile residents as part of a commonly-accepted spiritual religious ritual or ceremony.

5. Chaplains/Designees supervise all spiritual/religious events. Level four and five facilities provide direct supervision of all spiritual activities. Spiritual care/Religious resource volunteers must be present to provide supervision and/or leadership for all scheduled spiritual activities in level four and five facilities. The watch commander at level three and lower facilities, as well as at juvenile facilities, assigns a correctional officer for supervision, who may provide indirect supervision. Chaplains/designees are allowed to

conduct services at facilities of all classification levels in the traditions in which they have authority to perform services (i.e., ordained, endorsed, credentialed, certified, or affirmed).

6. Any security staff (male or female) may search areas where spiritual care activities are held that require searching under Policy 301.010, "Searches."

7. All spiritual care activities must follow Policy 105.160, "Fire Prevention and Laundry Safety."

8. No individual supervised by the DOC/juvenile resident may be placed in a position of supervisory authority over other incarcerated individuals/juvenile residents. Within the parameters of the facility's custody level, the chaplain/designee may empower leadership development of incarcerated individuals/juvenile residents in leading at a service, ritual, or activity.

9. Groups may be limited due to space, time and security restrictions. A maximum of ten resource volunteers are allowed for any regularly-scheduled spiritual care group event. Special events needing more volunteers be requested 60 days in advance and approved by the Executive Team. Facility-specific operating guideline may offer further direction.

10. A scheduled spiritual/religious group in a reserved space may be initiated on the request of at least eight incarcerated individuals/juvenile residents and the availability of a certified resource volunteer. New spiritual care/religious groups are considered on a case-by-case basis. The group may be canceled if its attendance reaches four or less. Juvenile facilities may initiate a scheduled spiritual care group upon the request of one resident or a resident's family.

11. A posted schedule of all spiritual care activities is available to all incarcerated individuals/juvenile residents. Participation in spiritual care services is voluntary and incarcerated individuals/juvenile residents are not required to attend. Facility rights and privileges are not based on attendance or lack of attendance at spiritual care/religious services or activities. Operating guidelines for controlled movement may be established on a facility basis

12. Incarcerated individuals/Juvenile residents are banned from all facility-scheduled spiritual care activities for 60 days or more for inappropriate conduct during a ceremony or meeting. This ban may be progressive if inappropriate conduct is repeated. Any ban may be coupled with formal discipline. Those who are so banned must be provided a Notice of Suspension from Spiritual Care/Religious Programming (attached).

13. Food items used as part of spiritual care services must be requested using the Food Items Needed for Religious Services (attached) at least 60 days in advance, with appropriate documentation for approval by the chaplain/designee/executive team before it is allowed to be brought into the facility. All food items must be commercially prepared, free of contraband substances, and in sealed clear containers.

G. <u>Program Review</u>

The warden/designee may periodically review spiritual care practices to determine whether the practice remains within the scope of best correctional practice and spiritual care accommodation.

1. The review includes consultation with the SCC.

2. If, upon review, the warden/designee determines that a spiritual care practice jeopardizes institution safety, security, and good order, the practice may be temporarily restricted (e.g., limiting attendance at or discontinuing a spiritual care activity).

3. If a practice is restricted for more than four weeks, or permanently discontinued, the warden/designee must notify the deputy commissioner of facility safety and security and the commissioner.

4. The spiritual care practice may resume only upon completion of a thorough evaluation of the practice with respect to compelling government interests and least restrictive alternatives.

H. Personal Services

1. Spiritual counseling services are available to incarcerated individuals/juvenile residents through the chaplain/designee, contract staff, and volunteers.

2. Professional visits by clergy or spiritual leaders are available to all incarcerated individuals/juvenile residents. Arrangements for professional visits by clergy or spiritual leaders are coordinated through the chaplain/designee.

3. Incarcerated individuals/Juvenile residents in restricted/special housing units must be allowed access to a chaplain/designee. Their possession of items of spiritual significance must follow Policy 301.083, "Restrictive Housing Management," Policy 301.085, "Administrative Segregation," Policy 301.086, "Secured Units – Juvenile Facilities," and Policy 301.088, "Restrictive Housing Step-Down Management Program."

4. The chaplain/designee offers incarcerated individuals/juvenile residents the opportunity to view the funeral of an immediate family member.
   a) The incarcerated individual/juvenile resident is provided a Video Viewing Request form (attached) which is to be completed and returned to the chaplain/designee for processing.

   b) The chaplain/designee returns the original copy of the executed form to the incarcerated individual/juvenile resident, who then notifies their family member of approval.

   c) The DVD from the family is first submitted to the chaplain/designee to review for inappropriate content.

   d) The incarcerated individual/juvenile resident is allowed one hour to view the DVD.

   e) After viewing, the DVD must be returned to the property unit for disposition or to be sent back out at the expense of the incarcerated individual or juvenile resident. Juvenile facilities may pay to mail the DVD to the resident's parent/guardian or it may be stored in a secure staff area until the resident is released from the facility.

5. Every effort is made to accommodate the request of the individual supervised by the DOC/juvenile resident or their family's request to meet the spiritual needs of the incarcerated individual/juvenile resident, within reasonable facility rules needed to protect

the facility's security and the safety of other incarcerated individuals/juvenile residents and staff. The spiritual care coordinator/designee must document on an incident report the reason the incarcerated individual's/juvenile resident's or their family's request for spiritual counseling may not be accommodated.

I. Religious Diet Accommodations

1. Incarcerated Individuals/Juvenile Residents Religious Diet Accommodations

a) Incarcerated individuals/Juvenile residents requesting a religious diet are provided a reasonable and equitable opportunity to observe their essential religious dietary practices.

b) An incarcerated individual/A juvenile resident requesting a religious diet accommodation must complete a Religious Diet Request (attached) and sent it to the chaplain/designee.

c) The requesting incarcerated individual/juvenile resident must understand that this diet accommodation affects all meals until formally discontinued by written request or suspension.

d) If more than two religious-diet accommodation meals are missed in three consecutive days, the diet accommodation is suspended for 30 days. A second suspension within one year results in a six-month suspension. The incarcerated individual/juvenile resident must initiate discussion with the chaplain/designee before the diet accommodation can resume.

e) The religious diet accommodation is formally discontinued when the incarcerated individual/juvenile resident has presented a discontinuation request to the chaplain/designee in writing, or, in the case of suspension, has received a Notice of Suspension from Religious Diet Accommodation (attached).

2. Annual Religious Meals/Special Meals for Groups Meeting Under SCC Oversight

a) An annual religious meal may be provided to religious/spiritual care groups requesting one, when it has been established that a meal connected with a day of religious/spiritual significance is regularly practiced within the outside community of that respective tradition.

b) The request must be made a minimum of 60 days in advance of the meal date. (See Policy 302.030, "Food Service," for details on requesting an annual religious meal.)

c) This substitute meal must be prepared by food services.

d) Donations of food or money from community organizers for the purchase of additional food may be accepted within reason and upon agreed terms with the facility. Food items are strictly restricted to USDA-certified, prepackaged, and unexpired items. The facility administration reserves the right to deny food items.

e) Eligibility/Attendance

(1) Attendance by incarcerated individuals/juvenile residents is limited to one annual religious meal per calendar year.

(2) Eligibility to attend the annual religious meal is limited to those who regularly attend religious services. Regular attendance is 50% attendance of the last three months of scheduled meetings.

(3) The group may not have had a suspension of services during the calendar year. Individuals having been suspended during the prior six months must request a meeting with the chaplain/designee, meet with the chaplain/designee, and have chaplain/designee approval to attend prior to the annual meal.

(4) Approval of the annual religious meal is subject to review by the SCC if it is reported that group misconduct or coercion might exist.

3. Consistent with maintaining security, safety, and the orderly operation of the facility, an attempt is made to facilitate the observance of important religious holy days, which may involve special fasts, dietary regulations, worship, or work proscription.

a) Public Fasts

If a spiritual tradition has a particular public fast, it is the responsibility of the incarcerated individual/juvenile resident to notify the chaplain/designee of the dates, times, and duration as well as any specific accommodations that may be required during the fast.

(1) The request to fast must be made in writing, a minimum of 60 days in advance.

(2) The request must provide details of dates, times, duration, and specific accommodations.

(3) The accommodation is considered within the confines of safety, security, and fiscal responsibility.

b) Private Fasts

The incarcerated individual/juvenile resident may choose to observe an individual fast.

(1) In order to foster compassion, respect, and honor, all incarcerated individuals/juvenile residents seeking any accommodation for a personal fast must notify the chaplain/designee in writing at least 30 days in advance of the fast.

(2) A person's "hunger strike" is not covered under this policy. (See Policy 301.190, "Hunger Strikes.")

INTERNAL CONTROLS:

A. Meeting minutes are taken at all spiritual care committee (SCC) meetings and retained by the committee chair according to the retention schedule.

B. All new/unfamiliar forms are entered on the DOC iShare site and retained by the committee chair.

ACA STANDARDS: 4-4512 through 4-4521, 2-CO-5E-01, 2-CO-5E-02, 1-ABC-5F-01 through 1-ABC-5F-10, 4-JCF-5F-01 through 4-JCF-5F-08

REFERENCES: Policy 302.310, "Use of Tobacco for American Indian Ceremonies"
Policy 301.010, "Searches"
Policy 105.160, "Fire Prevention and Laundry Safety"

Policy 301.030, “Contraband”
Policy 301.083, “Restrictive Housing Management”
Policy 301.085, “Administrative Segregation”
Policy 301.088, “Restrictive Housing Step-Down Management Program”
Policy 301.190, “Hunger Strikes”
Policy 300.100, “Offender/Resident Accounts”
Policy 104.190, “Acceptance of Gifts”
Policy 302.030, “Food Service"
Policy 302.250, “Offender Property”
Minn. Stat. § 241.05
Minn. Stat. § 363.A02
Minn. Rule 2960.0080, Subp. 8

REPLACES: Policy 302.300, “Religious Programming,” 7/21/20.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Request for Review, New, or Unfamiliar Religious Component (302.300A)
Herbs for Religious Services (302.300B)
Oils for Religious Services (302.300C)
Food Items Needed for Religious Services (302.300E)
Religious Diet Request Process Chart (302.300F)
Religious Diet Request (302.300G)
Video Viewing Request Form (302.300H)
Notice of Suspension from Spiritual Care/Religious Programming (302.300I)
Notice of Suspension from Religious Diet Accommodation (302.300J)
SCC Approved Spiritual Care/ Religious Items (302.300K)
DOC Allowable Property List (302.250C)

APPROVED BY:
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