5-13/100.05 Handling of Religious Headwear and Articles

In conjunction with the Office of Religious and Volunteer Services (RVS), custody facilities, inmate reception areas, court lock ups, and station jails, will make every effort to provide reasonable accommodations for inmates of all faith groups to wear religious headwear, in accordance with their religious beliefs and practices.

The Department's decision to issue or allow an inmate to retain issued religious headwear may be influenced by factors such as security level, special handling status, and disciplinary history. In all instances, the facility watch commander will retain the authority to remove, or restrict the use of approved religious headwear based on any possible threat to the safety and security of staff, inmates, or the facility.

Correctional Health Services (CHS) mental health personnel shall make the final determination to remove any religious articles from a mental health inmate, as described in Custody Division Manual (CDM) section 5-01/050.15, "Property Restrictions for Mentally Ill Inmates." Permitted religious articles for High Observation Housing (HOH) inmates shall be noted on their corresponding "Inmate Property Door Sign."

Requests and Provision of Religious Headwear

In order to accommodate religious practices, as prescribed by distinct faith groups, RVS will provide a supply of Department approved religious headwear, such as, but not limited to, Hijabs (Muslim faith), Turbans (Sikh faith), Yamakas/Kippahs (Jewish faith), and Taqiyahs (kufi cap) at reception areas, court lock ups, and station jails, for inmates who may be requesting to wear these religious articles during their intake process and incarceration.

Inmates arriving at reception areas wearing religious headwear will have the item removed, searched, and placed in their property. A Department approved replacement article will be offered to the inmate by custody personnel, to be worn at the inmate's discretion. If the item is not immediately available, custody personnel shall make best efforts to provide or find an alternative item. Any inmate not wearing religious headwear at the time of their arrest may also request, and will be provided, a Department approved article during intake.

If approved religious articles are provided to an inmate during the intake process, a notification via email to [REDACTED TEXT] shall be made to RVS within two (2) business days. The notification should include the inmate's name, booking number, and the religious article provided to the inmate.

After the inmate has been assigned to their housing location, RVS will ensure an interview is conducted by a chaplain to determine if the inmate is permitted to retain their religious article, in accordance with CDM section 5-13/100.00, "Religious Programs."

Inmates assigned to housing locations may request Department-approved religious headwear at any time during their incarceration. Such requests shall be documented on an Inmate Request Form (SH-J-437), and will be forwarded to RVS, pursuant to the procedures outlined in CDM section 8-02/010.00, "General Requests." RVS will ensure an interview is conducted by a chaplain of the corresponding faith as soon as practical but no later than 10 business days after the request. The chaplain will provide the Department approved religious headwear to the requesting inmate if able to confirm the requested items conform to the inmate's religious beliefs. If a chaplain is unable to interview the inmate to confirm if the requested religious headwear conforms with the inmate's religious beliefs within 10 business days, the requested Department approved religious headwear will be provided. However, when the interview with a chaplain is later conducted,

the chaplain will determine whether the inmate is permitted to retain the religious headwear provided.

Religious Headwear Worn by Women

Absent exigent circumstances, only female personnel are to be present when handling the search of a female inmate who has removed her religious headwear, as well as the search of the religious headwear. If feasible, any searches of a female inmate not wearing her religious headwear should be conducted in a private screening area, away from the view of male personnel.

In circumstances where female personnel are available to conduct the routine booking process, and where possible, a booking photo shall be taken of the female inmate with and without the religious headwear. In circumstances where only male personnel are available to conduct the booking photo and fingerprint process, a singular booking photo with the religious headwear will be taken. The religious headwear will be pulled back behind the female inmate's ears, but shall not reveal the top of the female inmate's head or back portion of her hair. Upon the female inmate's arrival at the Century Regional Detention Facility (CRDF), a secondary booking photo without the religious headwear will be taken, in accordance with the procedures outlined above for same-gender searches and booking photos.

Any booking photos that may be subsequently used for posting within a respective custody facility (e.g. mental health or discipline related "door signs") must be the version of the female inmate wearing her religious headwear.

Permitted Use and Possession of Other Religious Items

Sikh inmates issued Turbans, who are requesting additional religious items prescribed by their faith (i.e., Kangha, Kara, and Kirpan) may be provided with alternative items which do not compromise the safety or security of personnel and inmates such as a standard photocopied image of the items. The standardized images or other alternative items will be provided by RVS and made available to intake facilities.

As outlined in CDM section 3-05/030.00 "Chaplain Services," each facility is responsible for inspecting religious materials prior to distribution. Any materials which present unreasonable health, safety, or security risks may be prohibited.

Searches and Confiscation of Religious Articles

All religious articles are subject to search at any time by custody personnel, for the purpose of maintaining safety and security. As outlined in CDM section 5-08/010.00, "Searches," all searches shall be performed in a respectful manner that preserves the dignity of the inmate's personal property and shall take all reasonable measures to ensure the property is handled with care, while still conducting a thorough search.

If during a search, contraband is discovered concealed within a religious article, the incident must be documented in electronic Uniform Daily Activity Log (e-UDAL), the item(s) of contraband photographed, and copies of the report and photograph of the contraband forwarded to RVS.

If a religious article has been found to be altered, defaced, modified in any way, used to secrete contraband or used for anything other than its intended purpose, it shall be confiscated and handled as contraband, as outlined in CDM section 5-07/010.00, Contraband Defined." With respect to religious headwear, some

individuals may style the headwear differently. Styling the headwear differently is permitted as long as the headwear itself is not physically altered, defaced, modified, used to secrete contraband or used for anything other than its intended purpose. The modified item shall be disposed of in accordance with CDM section 5-07/020.00, "Contraband Disposal."

If it is determined a religious article may compromise the safety of staff, inmates, or the facility, the item shall be confiscated and held for safekeeping by custody personnel, until further direction is provided by the watch sergeant.

In any instance where a religious article has been confiscated, the watch sergeant shall be notified as soon as practical, and make the determination as to whether or not the inmate may retain the item. If the watch sergeant concurs the religious article should be removed from the inmate, the watch commander shall be informed of the removal, and the reason for removal. If the watch commander approves the removal of the item, they or their designee shall make a telephonic and email notification to RVS within twenty-four (24) hours of the removal, and consult with the chaplain serving the inmate whose religious article has been confiscated. The watch commander will also note the incident and reason for removal in the facility's Watch Commander's Log, and ensure a similar notation has occurred in the respective intake or housing location's electronic Uniform Daily Activity Log (e-UDAL).