

ICE/DRO DETENTION STANDARD

RELIGIOUS PRACTICES

I. PURPOSE AND SCOPE. This Detention Standard ensures that detainees of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safety, security and the orderly operation of the facility.

It applies to the following types of facilities housing ICE/DRO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by DRO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs and CDFs. IGSAs must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Some terms used in this document may be defined in the separate **Definitions** Standard.

II. EXPECTED OUTCOMES. The expected outcomes of this Detention Standard are:

1. Detainees will have opportunities to participate in practices of their religious faith that are deemed essential by that faith, limited only by a documented showing of threat to the safety of persons involved in such activity itself, or disruption of order in the facility.
2. All religions represented in a detainee population will have equal status without discrimination based on any detainee's race, ethnicity, religion, national origin, gender, sexual orientation, or disability.
3. Each facility's religious program will be planned, administered, and coordinated in an organized and orderly manner.
4. Adequate space, equipment and staff (including security and clerical) will be provided for conducting and administering religious programs.
5. Detainees of faiths not directly represented by chaplaincy staff will be assisted in contacting external clergy or religious service providers.
6. Each facility's religious program will be augmented and enhanced by community clergy, contractors, volunteers and groups that provide individual and group assembly religious services and counseling.

7. Detainees in Special Management Units and hospital units will have access to religious programs and services.
8. Special diets will be provided for detainees whose religious beliefs require the adherence to religious dietary laws.
9. The applicable content and procedures in this Standard will be communicated to the detainee in a language or manner that the detainee can understand.

III. DIRECTIVES AFFECTED. This Detention Standard replaces **Religious Practices** dated 9/20/2000.

IV. REFERENCES

American Correctional Association 4th Edition, Standards for Adult Detention Facilities: 4-ALDF-5C-17, 5C-18, 5C-19, 5C-20, 5C-21, 5C-22, 5C-23, 5C-24, 2A-66, 4A-10, 6B-02, 6B-05, 7B-03, 7F-04.

ICE/DRO Detention Standard on **Visitation**.

V. EXPECTED PRACTICES

A. Religious Opportunities and Limitations

Detainees shall have opportunities to engage in practices of their religious faith that are deemed essential by that faith consistent with safety, security and the orderly operation of the facility. Attendance at all religious activities is voluntary.

Religious activities shall be open to the entire detainee population, without discrimination based on a detainee's race, ethnicity, religion, national origin, gender, sexual orientation, or disability.

- The facility chaplain shall endeavor to provide opportunities for religious practice in major languages spoken by the residents.
- Accommodations will be provided to residents who are deaf or hard of hearing to provide them access to the service should they wish to participate.

When necessary for the security or the orderly operation of the facility, however, the facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or to members of a particular religious group after consulting with the chaplain. Facility records shall reflect the limitation or discontinuance of a religious practice along with the reason for such limitation or discontinuance.

Ordinarily, when the nature of the activity or practice (fasts, ceremonial meals, headwear requirements, work proscriptions, etc.) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference will be included.

If a detainee submits a request concerning the reason for denial of access to religious activities, facilities, or meals, a copy of the request and response to the request shall be placed in the detention file.

B. Religious Preferences

Each detainee shall designate any or no religious preference during in-processing. Staff, contractors, and volunteers may not disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation.

A detainee may request to change his or her religious preference designation at any time by notifying the chaplain or other designated individual in writing, and the change shall be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, staff may refer to the initial religious preference information and any subsequent changes in the detainee's religious designation. Detainees showing "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

C. Chaplains or Other Religious Coordinators

The facility administrator shall designate a staff member, contractor, or volunteer to manage and coordinate religious activities for detainees. Ordinarily, that person is the facility chaplain, who shall, in cooperation with the facility administrator and staff, plan, direct, and supervise all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented in the detainee population. The facility administrator shall provide non-detainee clerical staff support for confidential materials.

The chaplain or other religious coordinator, regardless of his or her specific religious affiliation, shall have basic knowledge of different religions and shall ensure equal status and protection for all religions.

The chaplain or other religious coordinator shall have physical access to all areas of the facility to minister to detainees and staff.

A chaplain shall have the minimum qualifications of clinical pastoral education or equivalent specialized training, and endorsement by the appropriate religious-certifying body.

He or she shall be available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees who belong to a religious faith different from that of the chaplain may, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The chaplain may, for the purpose of informed decision-making, ask a detainee to explain special or unfamiliar requests.

The term "individual services" includes counseling services provided to individual detainees or members of their families in personal crisis and family emergency situations.

D. Schedules and Facilities

All facilities shall designate space for religious activities.

In SPCs and CDFs, this designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably and the general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups.

The chaplain shall schedule and direct the facility's religious activities, and current program schedules shall be posted on all unit and detainee bulletin boards in languages understood by the majority of the detainees.

In scheduling approved religious activities, chaplains must consider both the availability of staff supervision and the need to allot time and space equitably among different groups.

E. Detainees in Special Management and Hospital Units

Detainees in a Special Management Unit (administrative, disciplinary, or protective custody) shall be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.

In SPCs and CDFs, detainees in an SMU shall have regular access to the chaplain or other religious service providers. The chaplain shall provide pastoral care in SMUs and hospital units at least weekly.

Detainees of any faith tradition may ordinarily have access to official representatives of their faith group while housed in SMUs or hospital units, by requesting such visits through the chaplain. Requests shall be accommodated consistent with the terms of the representative's contract and the security and the orderly operation of the facility.

If the representative of the faith group is a volunteer, he or she shall always be escorted in an SMU.

F. Contractors and Volunteers

All facilities shall have procedures so that clergy, contractors, volunteers and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. When recruiting citizen volunteers, the chaplain and other staff shall be cognizant of the need for representation from all cultural and socioeconomic parts of the community. Each facility shall provide security, including staff escorts, to allow such individuals and groups facility access for sanctioned religious activities.

The Detention Standard on **Visitation** details requirements that must be met for a volunteer to be approved to visit with and/or provide religious activities for detainees, including advance notice, identification, a background check, an orientation to the facility, and a written agreement to comply with applicable rules and procedures. Visits from religious personnel should not count against a detainee's visitor quota.

The chaplain may contract with representatives of faith groups in the community to

provide specific religious services that he or she cannot personally deliver and may secure the assistance and services of volunteers.

"Representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and orderly operation of the facility warrants otherwise.

The facility administrator or designee (ordinarily the chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers prior to approving their entry into the facility.

Detainees who are members of faiths not represented by clergy may conduct their own services, provided they do not interfere with facility operations.

G. Pastoral Visits

If requested by a detainee, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergy person or representative of the detainee's faith.

The chaplain may request documentation of the person's religious credentials, as well as a criminal background check.

Pastoral visits ordinarily take place in the visiting room during regular visiting hours; however, if either party requests more privacy, accommodation may be made in the Legal Visitation area.

H. Introduction of New and Unfamiliar Religious Components

If a detainee requests the introduction of a new or unfamiliar religious practice, the chaplain may ask the detainee to provide additional information to use in deciding whether to include the practice.

Detainees may make a request for the introduction of a new component to the Religious Services program (schedule, meeting time and space, religious items and attire) to the chaplain. The chaplain shall ask the detainee to provide additional information to use in deciding whether to include the practice. Ordinarily, the process will require up to 30 business days for completion.

The chaplain shall research the request and make recommendations to the facility administrator, who shall add his or her own recommendations and forward them to the respective Field Office Director for approval. Such decisions are subject to the facility's requirement to maintain a safe, secure and orderly facility, and the availability of staff for supervision. The Field Office Director shall forward the final decision to the facility administrator, and the chaplain shall communicate the decision to the detainee.

I. Religious Holy Days

Each facility shall have written policy and procedures to facilitate detainee observance of important holy days, consistent with maintaining safety, security and orderly operations, and the chaplain shall work with detainees to accommodate proper observances.

In SPCs, the facility administrator shall facilitate the observance of important religious

holy days that involve special fasts, dietary regulations, worship, or work proscription. To verify the religious significance of the requested observance, the facility administrator may direct the chaplain to consult with community representatives of the detainee's faith group and other appropriate sources.

J. Religious Property

Each facility administrator shall allow detainees access to personal religious property, as is consistent with safety, security and orderly operation of the facility. To comply with the Religious Freedom Restoration Act, IGSA's should also adhere to these guidelines.

If necessary, the religious significance of such items shall be verified by the chaplain prior to facility administrator approval.

Detainee religious property includes but is not limited to rosaries and prayer beads, oils, prayer rugs, prayer rocks, phylacteries, medicine pouches, and religious medallions. Such items are part of a detainee's personal property and are subject to normal considerations of safety, security and orderly operation of the facility.

As is consistent with safety, security, and orderly operation of the facility, the facility administrator:

- *Shall ordinarily allow a detainee to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, and*
- *May, upon request of a detainee, allow a detainee to wear or use certain religious items throughout the facility.*

The facility administrator may direct the chaplain to obtain information and advice from representatives of the detainee's faith group or other appropriate sources about the religious significance of the items.

Items of religious wearing apparel include, but are not limited to:

- *Prayer shawls and robes,*
- *Kurda or ribbon shirts,*
- *Medals and pendants,*
- *Beads, and*
- *Various types of headwear.*

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for orthodox Muslim and Jewish women, are permitted in all areas of the facility, subject to the normal considerations of safety, security and orderly operation of the facility, including inspection by staff.

A detainee who wishes to have religious books, magazines, or periodicals must comply with the facility's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to the ICE/DRO is contingent on approval from the chaplain.

K. Dietary Requirements

When a detainee's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements (for example, modifying menus to exclude certain foods or food combinations, or providing meals at unusual hours).

A detainee who wants to participate in the Religious Diet ("Common Fare") program may initiate the **Authorization for Common Fare Participation** form that is attached to the Detention Standard on **Food Service**. That Detention Standard also details how, a detainee may be removed from a special religious diet because he or she has failed to observe those dietary restrictions.

"Common fare" refers to a no-flesh protein option provided whenever an entrée containing flesh is offered as part of a meal. Likewise, a "common fare" meal offers vegetables, starches, and other foods that are not seasoned with flesh. The diet is designed to accommodate the religious diets of various faiths.

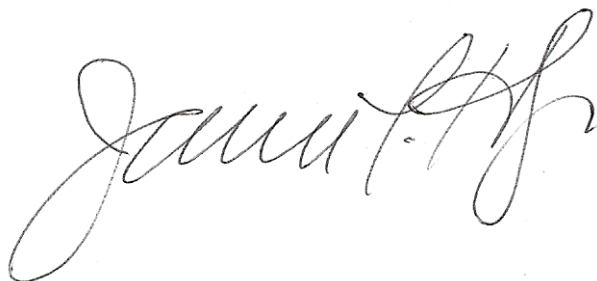
When there is any question about whether a requested diet is nutritious or may pose a threat to health, the chaplain shall consult with the medical department.

L. Religious Fasts

The chaplain shall develop the religious fast schedule for the calendar year and provide it to the facility administrator or designee. There are generally two different types of fasts, a public and a private or personal fast. When detainees observe a public fast that is mandated by law or custom for all the faith adherents (e.g. Ramadan, Lent, Yom Kippur), the facility will provide a meal nutritionally equivalent to the meal(s) missed. Public fasts usually begin and end at specific times.

When a detainee fasts for personal, religious reasons, no special accommodations need to be made for the meal(s) missed. Requests for meals after a personal fast should be determined on a case-by case basis, applying sound correctional judgment.

Standard Approved:



James T. Hayes, Jr
Acting Director

September 12, 2008

Date

Office of Detention and Removal Operations