

**U.S. Department of Justice
National Institute of Corrections**



Correctional Religious Programs

A NIC Prisons Division Training Program

01-P3801

NATIONAL INSTITUTE OF CORRECTIONS

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NATIONAL INSTITUTE OF CORRECTIONS MISSION

We are a center of correctional learning and experience. We advance and shape effective correctional practice and public policy that respond to the needs of corrections through collaboration and leadership and by providing assistance, information, education, and training.

NIC is fully committed to equal employment opportunity and to ensuring full representation of minorities, women, and disabled persons in the workforce. NIC recognizes the responsibility of every employer to have a workforce that is representative of this nation's diverse population. To this end, NIC urges agencies to provide the maximum feasible opportunity to employees to enhance their skills through on-the-job training, work-study programs, and other training measures so they may perform at their highest potential and advance in accordance with their abilities.

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U. S. Department of Justice

National Institute of Corrections

April 22, 2001

1960 Industrial Circle
Longmont, Colorado 80501

Dear Participant:

Welcome to the National Institute of Corrections Prison Division's training program, **Correctional Religious Services Programs**. This program will deal with many of the issues concerning religious programming that correctional systems are facing and will examine issues such as: Religious Land Use and Institutionalized Persons Act and what the most recent legal implications are for corrections; Faith-based therapeutic communities - who is doing what and are the courts involved; Explore various religious groups; Religious volunteers; Religious programming; The relationship of the religious community and restorative justice; and more.

This will be an active training program. To assist you in this learning experience, we urge you to interact with the faculty and fellow participants and share your expertise and management techniques. As always, finding out what the other states are doing is a major benefit of any NIC program it is frequently our experience that participants learn as much from one another, both in and out of the classroom, as they do from the rest of the program.

We are pleased to have your participation and hope that this is a valuable learning experience for you.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. Hunter".

Susan M. Hunter, Chief
NIC Prisons Division

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National Institute of Corrections

*A Resource for State
and Local Corrections*



- Training
- Technical Assistance
- Information
- Policy and Program Development
- Cooperative Agreements

Overview

The National Institute of Corrections is a small agency within the U.S. Department of Justice, Federal Bureau of Prisons. The Institute is headed by a Director appointed by the U.S. Attorney General. A 16-member Advisory Board, also appointed by the Attorney General, was established by the enabling legislation (Public Law 93-415) to provide policy direction to the Institute.

History

In September 1971, a major riot at New York's Attica prison focused national attention on corrections and the practice of imprisonment in the United States. In response to public concern about the handling of the riot by corrections administrators and elected officials, and recognizing the problems in corrections facilities and programs at the state and local levels, Attorney General John A. Mitchell convened a National Conference on Corrections in Williamsburg, Virginia, in December of that year.

Chief Justice Warren E. Burger, in his keynote address at the conference, recommended the establishment of a national training academy for corrections that would:

- Encourage the development of a body of corrections knowledge, coordinate research, conduct executive training programs, and formulate policy recommendations;
- Provide professional training for corrections employees...;
- Provide a forum and exchange for the discussion and evaluation of advanced ideas in corrections;
- Bring about the long-delayed and long-neglected professionalism of the field.

The National Institute of Corrections (NIC) was started in 1974 in response to this recommendation, with training as a primary function. It received its first appropriation in 1977.

Mission and Strategic Outcomes

We are a center of correctional learning and experience. We advance and shape effective correctional practice and public policy that respond to the needs of corrections through collaboration and leadership and by providing assistance, information, education, and training.

The outcomes of NIC's activities contribute significantly to the achievement of state, local, and federal correctional goals and priorities:

- **Effectively managed prisons, jails, and community corrections programs and facilities.** *We will provide services in effective planning, management, and operations strategies that provide constitutional, ethical, humane, safe, and cost-effective prisons, jails, and community corrections programs and facilities.*
- **Enhanced organizational and professional performance in corrections.** *We will provide education and training opportunities in management, leadership, and specialized areas based on value-centered principles and best practices that will continually enhance organizational and professional performance.*
- **Community, staff, and offender safety.** *We will promote correctional practices and procedures that maximize the safety of the community, staff, and offenders; hold offenders accountable; and improve the likelihood of offenders choosing responsible, law-abiding behavior.*
- **Improved correctional practices through the exploration of trends and public policy issues.** *We will promote the exploration of critical issues and shaping public policies that improve the effectiveness, efficiency, and humane quality of practices that impact corrections.*
- **Enhanced NIC services through improved organizational and staff effectiveness.** *We will provide opportunities for organizational and professional growth that enhance the services provided by NIC. We will implement a strategic management process that leads to improved organizational structure, management practices, and program planning that support the mission and vision, consistent with available resources.*

Structure

The organizational structure of NIC is one where the primary constituent groups in adult corrections — jails, prisons, and community corrections — are represented and served by an NIC division. All adult corrections agencies are also served by the Academy Division and the NIC Information Center. The Office of International Assistance coordinates assistance requested by foreign corrections agencies. The Office of Correctional

Job Training and Placement works with agencies and organizations nationwide to advance employability and employment of offenders and ex-offenders. The Special Projects Office coordinates NIC's interagency and inter-divisional programs and special projects.

NIC's core staff of 51 is augmented by experienced corrections specialists on loan for two-year periods from state and local governments and others assigned from the Federal Bureau of Prisons.

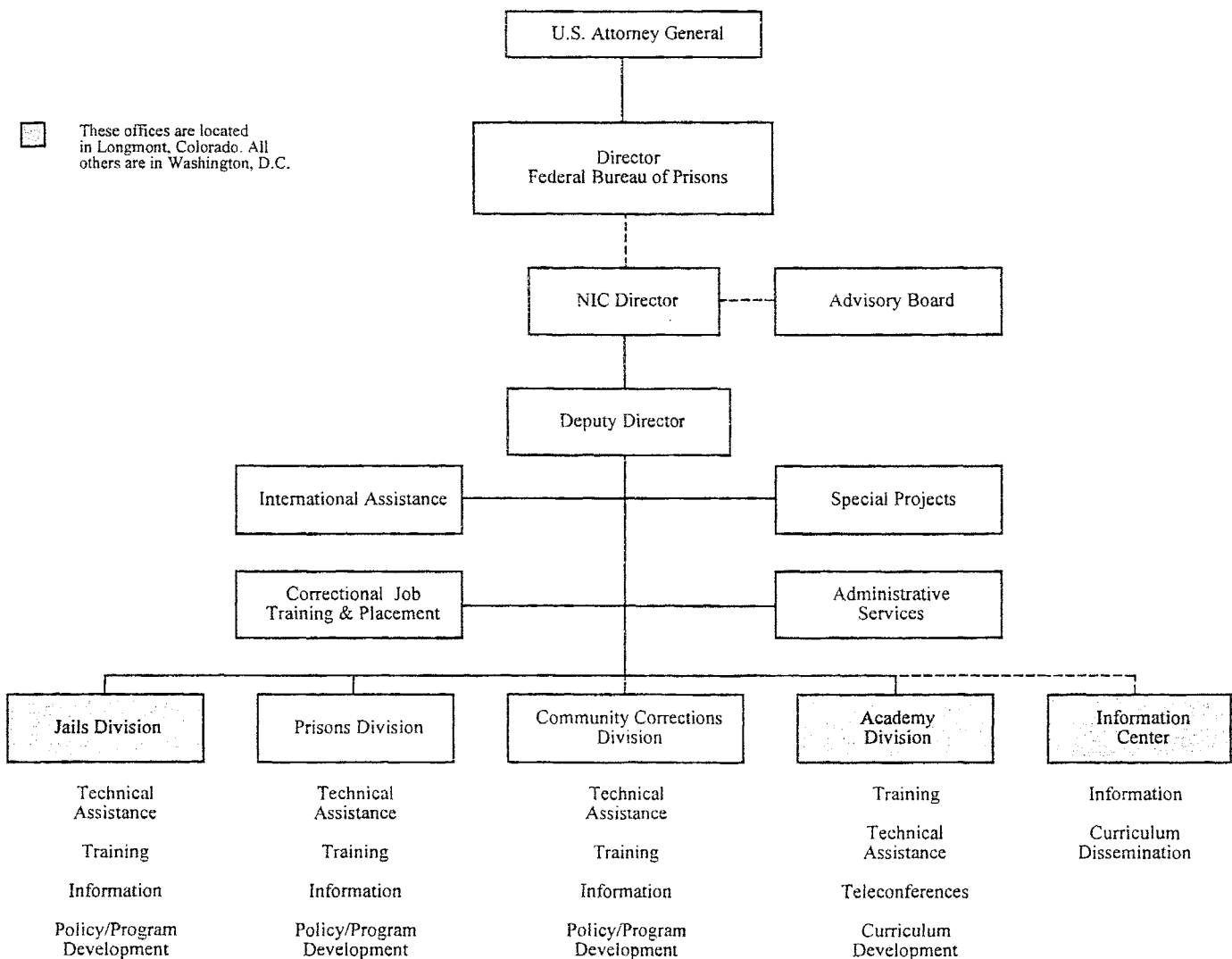
- The **Jails Division** coordinates services to jail systems throughout the country. Its primary constituency consists of more than 3,300 county or regional jails, as well as state-operated jail systems, tribal jails, and police lockups.

- The **Prisons Division** coordinates services to state departments of corrections and prisons. Its constituency includes over 1,400 state prisons, the 50 departments of corrections that oversee them, and the corrections departments and facilities of the District of Columbia and the U.S. commonwealths and territories.

- The **Community Corrections Division** coordinates services for probation and parole agencies, residential facilities, and other community-based programs. Its constituency includes more than 2,500 probation and parole offices, 1,200 community residential facilities, and departments of corrections' community corrections programs.

- The **Academy Division** coordinates most NIC training activities for executives, administrators, and staff

NATIONAL INSTITUTE OF CORRECTIONS ORGANIZATION AND SERVICES



trainers working in state and local prisons, jails, and community corrections. Through interagency agreements, it also provides training and related assistance to practitioners working in juvenile corrections and detention, the federal prison system, and military corrections.

- The **Information Center**, operated by a contractor, serves as the base for information and materials collection and dissemination for NIC and as a national clearinghouse on corrections topics for federal, state, and local practitioners.

Services and Activities

The National Institute of Corrections is a source of assistance for corrections agencies at the state and local levels. Limited assistance is also provided to federal corrections programs. NIC's legislative mandates are to provide training, technical assistance, and information services, and to undertake policy and program development. The Institute manages its programs with cost efficiency and maximized impact as primary goals.

NIC employs a dual strategy of responding to critical needs of corrections agencies and proactively promoting change in the field. Careful planning goes into its annual programming to realize positive long-term results. Programming is driven by actual needs facing state and local corrections administrators, as identified through focus groups, technical assistance requests, and "hearings" held by the Advisory Board to obtain practitioners' views.

The Institute's services focus on a wide range of topics and needs. During fiscal year 1999:

- Technical assistance was provided in response to 394 requests from state and local adult corrections agencies in all 50 states and the District of Columbia, Puerto Rico, American Samoa, Guan, and the Northern Mariana Islands.
- Thirty-nine cooperative agreements were awarded. These awards ranged from \$18,000 to \$534,823 and supported a variety of projects, including revising the interstate compact for probationer and parolee supervision, assisting the District of Columbia in assessing its pretrial system, and designing intermediate sanctions for female offenders in four jurisdictions.

- 9,281 requests for information from corrections practitioners policymakers, judges, legislators, and others from throughout the U.S. and abroad were filled by the NIC Information Center.
- 38,774 executives, managers, trainers, and specialists working in adult corrections were provided training. Of these, 1,386 participated in training on 33 different subjects at the NIC Academy; 2,365 attended regional or other offsite training; and 10,883 were trained through technical assistance events. In addition, 24,140 people attended informational videoconferences on five corrections topics.
- Through an inter-agency agreement with the Office of Juvenile Justice and Delinquency Prevention, 259 practitioners working in juvenile corrections and detention were provided training and five requests for technical assistance were filled. Also, in conjunction with the Office of Justice Programs' Corrections Program Office, 83 juvenile justice practitioners were trained via three programs on planning new institutions.
- The Office of Justice Programs and Center for Disease Control also transferred funds to NIC through interagency agreements to conduct specific projects.

NIC was authorized to provide technical assistance to foreign governments in October 1991. Since that time, 74 countries received assistance and/or information on corrections issues. NIC provided onsite assistance to the United Kingdom, Jamaica, Panama, Romania, and Poland.

Each summer NIC issues a service plan for the coming fiscal year that describes the services and programs to be provided. Descriptions of training programs and application forms are also included in that document.

For More Information

NIC's service plan and other publications can be downloaded from its website (www.nicic.org/inst). Visit NIC on the Internet, or contact NIC at:

320 First Street, NW
Washington, D.C. 20534
Toll Free 800-995-6423 Fax 202-307-3361
Internet e-mail: btinsley@bop.gov
or
1960 Industrial Circle
Longmont, Colorado 80501
Toll Free 800-995-6429 Fax 303-682-0469

Internet e-mail: rippetoe@bop.gov

The NIC Information Center can be reached at:

Toll Free 800-877-1461
Fax 303-682-0558

E-mail questions and requests for publications to:
asknicic@nicic.org.

More About the NIC Academy

The NIC Academy began operation on October 1, 1981, and provides training primarily for practitioners in state and local adult corrections. By developing and delivering training for prison, jail, and community corrections practitioners, the Academy encourages interaction among corrections agencies, other components of the criminal justice system, public policymakers, and concerned public and private organizations.

The mission of the Academy is to serve as a catalyst through training, technical assistance, and related services to enhance the leadership, professionalism, and effectiveness of corrections personnel in operating safe, efficient, humane, and constitutional systems. The Academy works closely with the other NIC divisions and with the NIC Information Center.

All Academy services are provided free of charge to eligible practitioners in state and local corrections agencies. The Academy also provides services, through interagency agreements, to other federal agencies and practitioners in juvenile justice. Practitioners working in corrections agencies in other countries may be accommodated in training but must pay travel and per diem expenses.

A variety of needs assessment strategies are used to determine the topics for NIC training. They include NIC Advisory Board hearings, focus groups, analyses of requests for technical assistance, and discussions with corrections practitioners.

The Academy provides training services in several ways: 1) training programs at the Academy in Longmont, Colorado, at central locations, or held in partnership with state or local agencies at their training academies or

other sites; 2) workshops at national, regional, and state conferences; 3) videoconferences and audioconferences; 4) provision of technical assistance related to training; 5) development of training curriculums; 6) development of DACUM profiles; 7) the Correctional Training Network; and 8) Regionalization. These services are described next.

Training Programs

The majority of Academy funds are dedicated to training programs for corrections administrators, trainers, and specialists. Programs are held in Longmont, at a central location, or onsite in partnership with state or local corrections agencies. Most training programs are 4½ days long. Some programs are followed by technical assistance to participants' agencies.

The Academy contracts with national experts and practitioners to develop and deliver the training programs. Applicants must meet eligibility requirements and have the signed endorsement of their agencies' top administrator to participate in training programs. In most programs, participants develop action plans, which they are expected to implement in their agencies following the training.

Workshops

Half-day to full-day workshops are conducted in conjunction with conferences of national, regional, and state professional associations. These conference workshops provide condensed versions of some of the most requested training programs and opportunities to review new curriculum packages. They take place before, during, or after the conference, and participants are responsible for their own travel and per diem expenses.

Videoconferences, Audioconferences, and Distance Learning Training

As the costs of travel and other expenses associated with face-to-face training escalate, the Academy increasingly uses electronic technologies to provide training. Videoconferences, with one-way video and two-way audio, provide training on current topics to thousands of practitioners throughout the United States. The Academy provides an agenda and handout materials to agencies that register for these 3-hour live interactive videoconferences.

The Academy uses audioconferences for 1- to 2-hour meetings with technical resource providers to plan

training programs or curriculum packages, meetings with Regional Field Coordinators, and follow-up sessions with training program participants.

More extensive training is conducted during distance learning training programs. Trainers are first trained in techniques to using this technology. This is followed by the actual training program consisting of up to 4 days of training which involves using satellite or the Internet four hours each day coupled with four hours each day of onsite activities.

Technical Assistance

The Academy provides direct technical assistance to support the training efforts of state and local corrections agencies, including state departments of corrections, jails, and community corrections agencies. Technical assistance services available from the Academy and from the other NIC divisions are described on page 12.

Development of Training Curriculums

The Academy develops curriculum packages on high-interest topics that include lesson plans, participant materials, and training aids. Some of the packages include slides and videotapes. All of the curriculum packages, as well as the training materials developed for NIC training programs, are available on loan from the NIC Information Center. Many state and local corrections trainers use these materials to train their staff or to augment locally developed training materials.

Development of DACUM Profiles

DACUM is a word derived from Developing A Curriculum that has come to mean a "profile of job duties and tasks" for a specific occupation or position. Among other purposes, DACUM profiles are used as a starting point for developing training curriculums.

The Academy has developed DACUM profiles for key corrections positions, including wardens, community corrections administrators, and corrections education administrators. These and others are available through the NIC Information Center.

Correctional Training Network

The Correctional Training Network (CTN) makes it possible for federal, state, and local corrections agencies to share training materials. The CTN collects and disseminates staff training curriculums and materials developed by the Academy and by state and local

agencies. Materials are solicited from all segments of the corrections field and are included in the CTN collection.

Through the CTN collection at the NIC Information Center, corrections trainers have access to instructor guides, lesson plans, student manuals, and training aids (e.g., discussion guides, tests, additional readings, and audiovisuals). The materials can be adapted by state and local agencies for internal training purposes. In some cases, contact information is provided for curriculum developers who have agreed to provide informal telephone assistance to other agencies.

Continued support and contributions of state and local corrections agencies will keep this service viable and valuable. **State and local corrections agencies are strongly encouraged to submit two complete copies of curriculum packages (including overheads, videotapes, etc.) for possible inclusion in the CTN collection.**

To ensure the highest possible quality of materials in the collection, the following should be observed:

- All significant components needed to conduct training (e.g., lesson plans, videotapes, transparencies, exercises, etc.) are included.
- Multiple-part materials include a table of contents or other description of organization.
- Print and audiovisual quality is legible and presentable.
- Content is comprehensive, valid, current, and complete.
- If material is copyrighted, an unlimited copyright release is included.

Technical Assistance Available to State and Local Agencies

A large part of NIC's program consists of providing technical assistance to state and local corrections agencies. The technical assistance program is administered by each of the NIC program

divisions—Jails, Prisons, Community Corrections, and the Academy. NIC offers technical assistance to all adult corrections agencies in the United States and its commonwealths and territories. In some cases, it is also available to professional associations and oversight or advisory groups that are working to improve corrections.

Direct technical assistance will be available to respond to critical needs, problems, and individual requirements of state and local corrections agencies. It responds to the specific needs identified by the requesting agency and is usually provided through onsite assistance. This involves NIC sending an experienced individual(s) to serve in an advisory capacity and/or work with staff of the state or local agency in assessing programs and operations; implementing advanced practices; and improving overall agency management, operations, and programming.

NIC recommends at least three experienced technical assistance providers who are qualified to render the type of assistance needed. Agencies may select one of these persons or may request that assistance be provided by another person who is deemed qualified by NIC to provide the assistance. Occasionally, NIC sponsors visits by an individual or team from a corrections agency to another jurisdiction to observe advanced practices.

Direct technical assistance is usually provided for a period of 3 to 5 days, but for no longer than can be provided for a maximum of \$10,000. This amount must cover all expenses related to the technical assistance provider's time, preparation, and travel. For projects that are more complex and require more effort, agencies should contact the appropriate NIC division to discuss possible strategies prior to submitting a request. All onsite technical assistance efforts result in a written report to the recipient agency and NIC, with detailed recommendations for addressing the problem(s) for which assistance was provided.

Procedures for requesting technical assistance follow.

Technical Assistance for Jails

Technical assistance will be provided to local jails and jail-related agencies to improve management, operations, services, and programs. Private agencies providing correctional services under contract to government agencies are eligible for assistance from NIC only if their request is endorsed by the chief executive officer of the government agency to which they provide those services.

Technical assistance available from the Jails Division includes, but is not limited to:

- Policy and procedure development,
- Jail security,
- Legal issues,
- Facility review,
- Standards and accreditation,
- Suicide prevention,
- Medical services,
- Objective jail classification,
- Data management,
- Jail industries,
- Inmate job training and placement.

Technical Assistance for Prisons

Technical assistance will be provided to state departments of corrections and prisons to improve management, operations, personnel practices, and programs. Because of the high demand for technical assistance services, the Prisons Division has established the following priority areas. These priorities do not preclude providing assistance in other areas, however.

Prison Management and Operations

- Classification,
- Supermaximum security facilities,
- Emergency preparedness,
- Privatization,
- Death row management,
- Prison security,
- Health care,
- Prison system master planning,
- Americans with Disabilities Act,
- Women offenders,
- Program and operations audit/evaluation,
- Management information systems,
- Security audits,
- Staffing analysis,
- Victims' services.

Human Resources

- Executive leadership development for women,
- Sexual harassment and sexual misconduct,
- Affirmative action.

Prison Programs

- Substance abuse;
- Parenting;
- Long-term inmates;
- Violent offenders;
- Prison industries;
- Education, literacy, and vocational training;
- Job skills training;
- Sex offenders;
- Mental health;
- Geriatric offenders;
- Pre-release/life skills.

Technical Assistance for Community Corrections

Technical assistance will be provided to state and local probation and parole agencies, residential programs, public and private community corrections agencies, and other community-based corrections programs. In special cases, requests from organizations or associations whose mission is to support and/or assist community corrections agencies will be considered.

Private agencies providing community corrections services (e.g., facility operations, pre-sentence report writing) under contract to government agencies are eligible for assistance from NIC. However, their requests must be endorsed by the administrator of the public corrections agency to which they provide those services (e.g., the chief probation officer, chairperson of the parole board, executive director of the agency, or director of the department of corrections) or the elected official accountable for that public agency (e.g., administrative judge or chairperson of the county board).

Requests for assistance should reflect a significant agency problem. Typical areas that could be addressed by technical assistance include, but are not limited to:

Service Delivery Activities

- Supervision strategies;
- Intermediate sanctions;
- Victims' services and programs;
- Caseload management systems;
- Pre-sentence investigations;
- Post-conviction community-based programming;
- Probation and parole decisionmaking;
- Community-based residential programming;
- Supervision and services for women offenders;

- Services for specific offender groups (e.g., sex offenders, substance abusers, high-risk violent offenders);
- Violation and revocation processes and programs;
- Job readiness training, job placement, and job retention services for offenders;
- Community and restorative justice programs;
- Community corrections/community policing partnerships.

Organizational/Environmental Issues

- Organizational development,
- Influencing criminal justice system decisionmaking,
- Officer safety awareness,
- Accountability measures,
- Privatization/contracting for services,
- Improving management practices,
- Community Corrections Act legislation,
- Automation and management information systems,
- Policy development and implementation,
- Marketing effective programming.

Technical Assistance Related to Training

Technical assistance will be provided to state and local jails, prisons, and community corrections agencies to improve the design, delivery, operation, management, and evaluation of their staff training programs. Priority consideration will be given to training that has regional impact or builds intra-/interagency capacity to deliver training.

Typical areas that could be addressed by technical assistance include, but are not limited to:

Identification of Training Needs

- Designing and/or conducting a needs assessment,
- Responding to training mandates,
- Developing the agency's ability to analyze a job.

Strategies for Training Development and Delivery

- Developing a new curriculum,
- Modifying an existing curriculum,
- Developing competency-based training programs,
- Acquiring or maximizing the use of training technologies,
- Designing alternatives to traditional classroom training.

Evaluation of Training Programs

- Evaluating a training program or series,
- Evaluating individual curriculum modules,

- Assessing the impact of training on the target population,
- Evaluating instructional strategies.

Management of Training Systems

- Evaluating the role of training in the organization;
- Assessing the use of training staff, resources, and materials;
- Developing methods to manage the training budget;
- Designing a management information system for training;
- Evaluating the current capacity to train.

Training for Trainers: Capacity Building

- Building system capacity through training for trainers.
- Delivering Academy programs through NIC trainers collaborating with agency trainers. Among the programs available is a 36-hour *Training for Trainers: Foundation Skills* training program, which develops basic training skills of new trainers.

Procedures For Requesting Technical Assistance

There are no deadlines for submitting requests for technical assistance. Since funds are limited, however, it is advisable to apply for assistance soon after a need is identified. Technical assistance requests are considered throughout the year or until funding for the program is depleted. The procedures for requesting technical assistance follow.

1. The chief executive officer of the agency must sign a letter of request prepared on official stationery that:
 - Identifies the specific problem(s) for which assistance is sought,
 - Suggests a plan or specific action(s) to address the problem(s),
 - Explains why assistance must be obtained at the federal level,
 - States the anticipated number of days the assistance would be needed,
 - Identifies an agency contact person for the request.
2. For technical assistance related to **prisons** or **community corrections**, send the written request to

the Technical Assistance Manager of the Prisons Division or the Community Corrections Division at:

National Institute of Corrections
320 First Street, N.W.
Washington, D.C. 20534

For technical assistance related to **jails** or **training activities**, send the written request to the Technical Assistance Manager of the Jails Division or the Academy Division at:

National Institute of Corrections
1960 Industrial Circle
Longmont, Colorado 80501

Review of Technical Assistance Requests

When NIC receives the written request, a staff member will be assigned to review it and will telephone the requesting agency's contact person to discuss the need. If the NIC staff member determines that technical assistance would be appropriate, its delivery will be arranged. In emergency situations, technical assistance can be arranged immediately.

Because NIC resources are limited, each request for technical assistance will be carefully evaluated to determine the best method of meeting the needs of the corrections agency. In reviewing each request, NIC staff will consider:

- Whether the request can be adequately handled by NIC staff or by sending written material from the NIC Information Center,
- Whether state or other resources are available to adequately provide the requested service,
- Whether NIC should retain an experienced individual to work onsite with corrections officials to resolve the specific issue(s) or problem(s).

The criteria that will be used to determine NIC's method of responding to the request for assistance include:

- The costs and time necessary to complete the project;
- The requesting agency's history of prior requests for technical assistance services (e.g., type, number, progress made on implementing recommendations);
- The clarity of the request, including how receiving technical assistance will benefit the corrections agency, staff, and offenders;

- The consistency of the request with the appropriate role of the federal government.

Regionalization

The Academy's Regionalization program supports a network of corrections trainers who provide training opportunities to other trainers and practitioners in their regions. Started in 1990 in response to the field's need to train agency trainers but operate within constrained budgets, the Regionalization effort has steadily grown. Over 4,000 corrections professionals have received training at events sponsored by the Regionalization program, and many thousands of additional staff are estimated to have benefitted.

For the Regionalization program, the Academy has established four regions of the United States: northeast, south, central, west. Each region has 10 volunteer Regional Field Coordinators (RFCs)—two each from prisons, jails, community corrections, juvenile justice agencies, and the Federal Bureau of Prisons—who plan regional meetings and coordinate training networks to share resources and participate in joint training efforts. (See lists of RFCs that follow.)

The Academy provides financial and staff support for activities initiated by the RFCs. Program specialists at the Academy work closely with the RFCs to facilitate the planning and organization of regional training and communication activities. In addition, NIC provides:

- Support for the eight state and local volunteer RFCs from each region to attend an annual planning meeting.
- Financial support and assistance for training programs and other activities to build training capacity within the regions. Activities include curriculum fairs, train-the-trainer workshops, video- and audioconferences, and development of curriculums and videotapes.

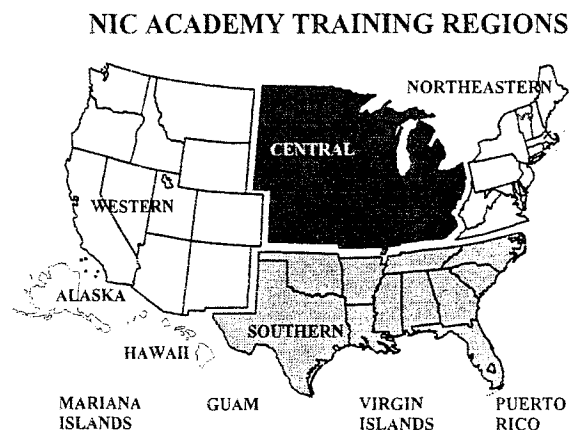
There are no registration fees for any Regionalization activity. Agencies are responsible for participants' travel and per diem costs associated with attending the regional training events. The NIC Academy supplies materials, trainers, and, if necessary, meeting facilities.

Regional Field Coordinators

RFCs are selected through an application process. Candidates must be employed in a training or training management position in their agencies and must have the endorsement of their agency's chief executive officer to ensure agency support in carrying out their collateral duties as an RFC.

The Academy generally selects only one RFC from a state to serve on its active roster, but will occasionally make an exception if the candidates represent different constituent groups and agencies. RFCs usually serve for 2 years, after which they become part of the RFC alumni network.

Applications are accepted throughout the year, with a closing date each August 1st. To obtain an RFC application or more information on the Regionalization program, contact the Regionalization Manager at the Academy by telephone (800-995-6429) or fax (303-682-0469).



Central Region

Lillie Hopkins - NIC Coordinator

800-995-6429 extension 124

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Employee Development Manager
FCI, P.O. Box 1731
1000 University Drive SW
Waseca, MN, 56093-0741
507-835-8972; e-mail: sbradshaw@bop.gov
C-Year(s) Served: 1999, 2000, 2001, 3rd Year; BOP

Mr. Robert L. Conrad, Training Officer
Ohio Department of Rehabilitation and Correction
Ross Correctional Institution, 16149 State Route 104
Chillicothe, OH, 54601
740-774-7050 x2313, Fax: 740-774-7068;
C-Year(s) Served: 2001, 1st Year; Prisons

Sgt. Brian Fink, Training Supervisor
Will County Sheriff's Department
95 South Chicago Street
Joliet, IL, 60431
815-740-5575, Fax: 815-740-5565;
e-mail: bfink@willcosheriff.org
C-Year(s) Served: 2001, 1st Year; Jail

Ms. Michele C. Foley
Director of Staff Development and Training
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502-573-2738 x292; e-mail: mcfoley@mail.state.ky.us
C-Year(s) Served: 1999, 2000, 2001, 3rd Year; Juvenile

Mr. Dwight L. Graves
Supervisor of Program Development
Indiana Department of Corrections
320 West Washington Street, IGC-South E334
Indianapolis, IN, 46204
317-233-5235; Fax: 317-233-5728;
e-mail: Dgraves@COA.DOC.STATE.IN.US
C-Year(s) Served: 1999, 2000, 2001, 3rd Year; Community Corrections

Ms. Marlene S. Koopman
Training Coordinator
Iowa State Prison
PO Box 316
Ft. Madison, IA 52627
319-372-5432 x285; Fax: 319-372-9087;
e-mail: marlene.koopman@doc1.State.IA.US
C-Year(s) Served: 2000, 2001 2nd Year; Prison

Mr. Larry D. Mitchell
Employee Development Manager
Federal Medical Center
3301 Leestown Road
Lexington, KY, 40511
859-255-6812 x235; Fax: 859-253-8822;
e-mail: lmittell@bop.gov
C-Year(s) Served: 1999, 2000, 2001, 3rd Year; BOP

Mr. Jay Nelson (Alumni Coordinator)
Correctional Treatment Manager
Mt. Pleasant Correctional Facility
1200 East Washington
Mt. Pleasant, IA 52659
319-385-9511 x2332; Fax: 319-385-8511;
e-mail: jay.nelson@DOC1.state.ia.us

Mr. Tim Tausend, Senior Personnel Officer
North Dakota Youth Correctional Center
701 16th Avenue SW
Mandan, ND, 58554
701-667-1465; Fax: 701-667-1414;
e-mail: tausend@state.nd.us
C-Year(s) Served: 1999, 2000, 2001, 3rd Year; Juvenile

Mr. Keith Williams
Corrections Training Officer
Missouri Department of Corrections, Eastern Region Traini
Academy
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NIC Corrections Exchange: A Listserv for People Serious About Corrections

The NIC Corrections Exchange is a communication opportunity for corrections professionals, launched by NIC in 1998. It provides a public, online forum for discussing corrections issues and practices and for exchanging views and information. The Exchange also facilitates communication between the National Institute of Corrections and field practitioners, policy makers, researchers, and others concerned with corrections.

To Join--

- Send email to correx-request@www.nicic.org with the word "subscribe" in your message.
- Or, visit the NIC web site at <http://www.nicic.org/lists.htm> and click on "NIC open lists" and "NIC Corrections Exchange." Scroll down the entry page to the "join" boxes.

The system will ask you to confirm your email address and will send you user guidelines.

NIC Information Center Web Site--<http://www.nicic.org>

- Full-text, downloadable NIC publications
- Searchable database of NIC reports and publications
- NIC "What's New" updates
- NetConnections to web links relevant to corrections . . . and more!

NIC Information Center

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New Communication Technologies at NIC Information Center

Corrections practitioners, policy makers, and researchers now have two new ways to access NIC information and materials.

NIC Information Center Web Site--<http://www.nicic.org>

- Immediate access to downloadable, full-text NIC publications
- A searchable database of more than 1,200 publications developed by NIC or with NIC funding
- A What's New section, with NIC program and publication announcements
- NetConnections, with Internet links relevant to corrections
- Email links for ordering materials or requesting personal research assistance
- NIC's public listserv, the NIC Corrections Exchange

Fax on Demand:

Call into a menu system at **(303) 678-9049** and select items to be faxed directly to you. Selections are identified by an 8-digit number.

The system provides prominent, shorter publications and the NIC Service Plan. Users can request a list of titles currently on the system, or can view the current list from the Information Center web site at <http://www.nicic.org/faxtitles.htm>.

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Acknowledgments

The National Institute of Corrections would like to acknowledge the following individuals for their contributions to this seminar.

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NATIONAL INSTITUTE OF CORRECTIONS

Correctional Religious Programs

01-P3801

NIC Training Center
Longmont, Colorado

Trail Ridge
April 22 - 25, 2001

TRAINING STAFF

Sister Susan M. Van Baalen, O.P. . . .

Chaplain, Federal Bureau of Prisons, 320 First Street Room 516 (202)514-9740

became the Chaplain Administrator for the Federal Bureau of Prisons in September, 1996. She is the first woman to hold this position of religious/government leadership. In her capacity of Chief Chaplain she has responsibility for the hiring, training and development of 220 chaplains in 100 institutions, as well as development of religious policies to protect the religious rights of 150,000 inmates representing 31 different faith traditions.

Prison ministry is a second career for Susan. She began prison work as a volunteer at the Cook County Jail in Chicago, Illinois in 1972. At the time she was a school administrator in a Chicago inner city high school. Between 1972-1979, she volunteered 4 nights per week at the jail, and broadened her experience by volunteering at the Terrell House at Tallahassee, a social service agency for the families of prisoners. Also, in 1979, she did a seminary supervised internship at the Federal Correctional Institution in Lexington, KY. Susan served as chaplain at a women's maximum security prison, Huron Valley Women's facility in Ypsilanti, MI from 1980-1987. During most of that period she represented the Michigan DOC chaplains on the DOC chaplains advisory committee.

After one year teaching sociology at the University of Michigan and coordinating student volunteer programs in Michigan correctional institutions, she became a Bureau of Prisons chaplain in 1988, at the Federal Medical Center in Rochester, MN. Staff Chaplain 2 years, supervisory chaplain 1 year. While at Rochester, she served on a work group that developed the present policy and procedures for volunteers, and worked closely with 200 religious volunteers. She also developed a prison hospice program that addressed the palliative needs of terminally ill inmates and contributed significantly to the spiritual and emotional growth of inmate caregivers. The hospice program is now an integral part of patient care at each of the federal medical referral centers.

Susan earned her B.A. from Siena Heights College, S.T.B. Loyola University, Chicago (pontifical theology degree), M.A. De Paul University, Chicago, M.Divinity Jesuit School of Theology at Chicago, C.S.W. Michigan, and Honorary Doctor of Humane Letters, 1999, Siena Heights University, Adrian, Michigan.

Donald M. Keil . . .

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has been the Assistant Director for Religious Programs since January, 2000, when the position was created by the Programs and Services Division, Texas Department of Criminal Justice (TDCJ). In this position, Mr. Keil develops, implements, evaluates and directs program activities regarding the agency's Chaplaincy department, the "InnerChange Freedom Initiative Program" and chapel donation projects. These program areas relate to serving an offender population of 153,000 in over 100 facilities across the State of Texas. The Chaplaincy department of TDCJ includes 155 full-time chaplains and 30 part-time contract chaplains, and a headquarters staff of 18. The "InnerChange" program, initiated in 1977, is the first faith-based rep-release program operated in a penal institution in the United States.

During his 25 year career with the Texas Department of Criminal Justice, Mr. Keil has served as a special programs and projects administrator, classification documents/creation administrator, and has held various positions related to special needs offenders. Mr. Keil started his career as a correctional officer while completing his Masters of Education degree from Sam Houston State University in 1977. He received his Bachelor of Arts Degree in Biology from Sam Houston State University in 1971.

Mr. Keil resides in Huntsville, Texas, with his wife, two daughters and one son.

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In his role as Director, Mr. Shorba serves as legal counsel to the department and advises the commissioner, wardens and senior management on all aspects of agency operations. He is responsible for overseeing all department litigation, working closely with the Minnesota Attorney General's Office and outside legal counsel. As agency legal counsel, he reviews legislation affecting the department and drafts agency legislative proposals. He is responsible for development and implementation of all department policies and procedures, contracts and interagency agreements, and management of the accreditation process for all facilities and central office. His office also oversees sentence computations, inmate records, processing of extraditions and detainers and data privacy issues for the department. In addition, discipline, release revocation and parole hearings are conducted by staff under the supervision of the Director of Policy and Legal Services. Mr. Shorba also serves as legal advisor to the Minnesota Sentencing Guidelines Commission and as secretary to the Minnesota Pardons Board.

Prior to joining the Minnesota Department of Corrections in 1999, Mr. Shorba served for eight years as Associate General Counsel with the U.S. Department of Justice, Federal Bureau of Prisons in Washington, D.C. In that position he was in charge of the Legislative and Correctional Issues Branch in the Office of General Counsel. He provided legal advice on policy development,

legislative affairs and institution operational issues. He developed special expertise on the law related to religious services, sentence computation, emergency preparedness, use of force, treatment programs, medical services, privatization and death penalty procedures. As counsel for both the Bureau of Prisons and now at the Minnesota Department of Corrections, Mr. Shorba provides training on a wide variety of issues to staff at all levels of the organization.

From 1989 to 1991, Mr. Shorba was in private practice in Washington, D.C. at the law firm of Bell, Boyd & Lloyd where his practice focused on litigation and appellate work, primarily in the areas of employment discrimination, labor law and employee benefits. From 1988 to 1989, he served as law clerk to the Chief Justice of the Minnesota Supreme Court. Mr. Shorba is a 1988 cum laude graduate of Harvard Law School. He received his B.A. degree in Political Science, magna cum laude, from Carleton College.

Mr. Shorba is a member of the American Correctional Association Legal Issues Committee and the American Bar Association Corrections and Sentencing Committee. He has conducted training at numerous national conferences and seminars including those sponsored by the American Corrections Association, National Institute of Corrections, American Bar Association, the Federal Bar Association and the Federal Judicial Center. He has also served as an adjunct professor at the School of Public Affairs at the American University in Washington, D.C.

National Institute of Corrections Staff

Madeline M. Ortiz . . .

Madeline Ortiz is a Correctional Program Specialist in the National Institute of Corrections, Prisons Division in Washington, DC. She is on intergovernmental loan to NIC from the Texas Department of Criminal Justice Institutional Division. In her current capacity, she manages the health care initiative, cooperative agreements, training programs, and short-term technical assistance projects that provide assistance to a number of correctional agencies throughout the country that are evaluating, validating, and their systems. In her recent article in Corrections Today, "Managing the Special Needs Population," she summarized a number of major initiatives related to offenders with special needs and provided an overview of different management techniques.

She has over 21 years of experience in criminal justice beginning her career with the Legal Aid Society Criminal Defense Division, as a Prison Legal Assistant in Rikers Island, New York City Department of Corrections. She was the Administrator of the Substance Abuse Treatment Initiative for the Texas Department of Criminal Justice, and Director of the state's first In-prison Therapeutic Community for Women, a specialized unit that also dealt with with co-occurring disorders, and pregnancy, and Warden of a 500 bed male treatment facility. She has co-authored several publications to include, "The effectiveness of Screening Instruments in Detecting Substance Use Disorders among Prison Inmates," 1996, and "Texas Department of Criminal Justice Substance Abuse Treatment Standards," 1998. Her professional presentations and training include "Criminal Justice Treatment Initiative," 39th Annual Institute of Alcohol and Drug Studies, Austin, Texas, July 1996 "Treatment Resistance," Texas Council on Offenders with Mental Impairments, Austin, Texas, August 1996, "Women in the Criminal Justice System," Central Texas College Second Annual Women's Treatment Issues, Killeen, Texas, August 1996, "Counseling in the Criminal Justice

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She received her undergraduate degree from the University of Maryland, masters degree from John Jay College of Criminal Justice in Criminal Justice, and Jurist Doctorate from Seton Hall University Law School.

NATIONAL INSTITUTE OF CORRECTIONS

Correctional Religious Programs

01-P3801

NIC Training Center
Longmont, Colorado

Trail Ridge
April 22 - 25, 2001

GOAL

This training will examine issues around religious services and provide current information and resources regarding Correctional Religious programs for offenders incarcerated in adult institutions.

TRAINING PROGRAM OBJECTIVES

At the conclusion of this training participants will be able to:

- *Discuss RLUIPA and the recent legal implications are for corrections; Define religious groups under RLUIPA*
- *Discuss faith-based therapeutic communities*
- *Discuss programming; the relationship of the religious community and restorative justice.*
- *Outline the roles and functions of religious volunteers, security, and other correctional staff assigned to work in the correctional religious programs.*
- *Analyze methods your department can employ to ensure you have effective correctional religious program policies and procedures.*

NATIONAL INSTITUTE OF CORRECTIONS

Correctional Religious Programs

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NIC Training Center
Longmont, Colorado

Trail Ridge
April 22 - 25, 2001

AGENDA

Sunday

- 6:00 P.M. Banquet
- 7:30-9:00 P.M. Introductions - Participants and Faculty

Monday

- 8:00 A.M. History Tom O'Connor
- 9:00 A.M. What is the Practice of Religion in Corrections Today
State Systems Tom O'Connor & Don Keil
Federal Bureau Susan VanBaalén
Jail System Jeff Shorba
- 10:30 A.M. Break
- 10:45 A.M. Conversion is it Real?
What Does the Research Say Tom O'Connor
- NOON Lunch
- 1:00 P.M. The Role of the Chaplain and Religious Program
and How it Relates to Your Agency's Mission Don Keil
- 2:45 P.M. Break
- 3:00 P.M. Recruitment, Training, Supervision of
Correctional Chaplains Susan VanBaalén
Don Keil
Tom O'Connor
(Clinical Pastoral Education) Jeff Ennis
- 5:00 P.M. Evaluations Break for Day

Tuesday

8:00 A.M.	Review	
8:10 A.M.	Legal Issues and Religious Programming A. Constitutional issues B. Statutory Changes	Jeff Shorba
9:30 A.M.	Break	
9:45 A.M.	Programming Issues A. Religious Diets B. Religious Publications/Property C. New Religious Groups	Susan VanBaalén Jeff Shorba
11:00 A.M.	Break	
11:15 A.M.	Practical Exercises	Jeff Shorba Susan VanBaalén
NOON	Lunch	
1:00 P.M.	The Interplay of Religious Programming and Other Correctional Functions Programs Security Education Health Care Substance Abuse Workforce Mental Health Re-Entry Philosophy Treatment Principles	Don Keil Tom O'Connor Susan VanBaalén
2:30 P.M.	Break	
3:10 P.M.	Working with Religious Volunteers Recruiting Training Strategic Plan (Vision) Supervision Use of Volunteers Use of Ex-offenders	Faculty Susan VanBaalén (invite volunteer to come)
5:00 P.M.	Evaluation/ Break for the day	

Wednesday

8:00 A.M.

Review
Innovative Approaches to Religious Programming

Susan VanBaalen
Tom O'Connor
Don Keil

Texas DOC
New York DOC
Federal Bureau
Restorative Justice

Susan VanBaalen

10:00 A.M.

Break

10:30 A.M.

Action Steps - Where to From Here
Evaluation
Ceremony

“The Role of the Chaplain and Religious Programs and How It Relates to Your Agency’s Mission”

Worksheet

List Roles of Chaplain	Chaplaincy Mission	Agency’s Mission
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

The Roles of Chaplains Change

Past Issues/Problem Areas

1. _____
2. _____
3. _____
4. _____

Current Issues/Problem Areas

1. _____
2. _____
3. _____
4. _____

Future Issues/Problem Areas

1. _____
2. _____
3. _____
4. _____

Miscellaneous

1. _____
2. _____
3. _____
4. _____

“The Role of the Chaplain and Religious Programs and How It Relates to Your Agency’s Mission”

Don Keil

I. Introduction

- Illustration of Texas, Programs and Services Division

II. Form Break Out groups by Jurisdiction

III. Explanation of the Worksheet

IV. Break Out Groups

- Select Spokesperson
- Complete Worksheet

V. Discussion

- Each Break Out Group gives Presentation

VI. Conclusions

- Conclusions are drawn from the prior Break Out Group presentations

“What is the Practice of Religion in Corrections Today?”

Don Keil

State System: Texas Department of Criminal Justice

- **Description of our State Criminal Justice System**
 - 153,000 offenders
 - 110 facilities

- **Chaplaincy Staffing**
 - 155 full-time chaplains
 - 30 part-time contract chaplains


- **Volunteers**
 - 20,000 approved volunteers

- **Programming**
 - Chaplaincy programming – tracks
 - Volunteer programming

- **Chaplaincy Functions**
 - Pastoring, quality program management, team members


- **Religious Practices Committee**

- **“Faith-Based” Era is now**




RELIGIOUS ISSUES

Jeff Shorba
Policy and Legal Services Director
Minnesota Department of Corrections



Session Objectives

- ◆ Constitutional Issues
- ◆ Statutory Requirements
 - Religious Freedom Restoration Act
 - Religious Land Use and Institutionalized Persons Act
- ◆ Programming Issues
 - Religious Diets
 - Religious Publications
 - New Religious Groups
- ◆ Practical Exercise on Management Decision



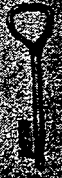
Constitutional Overview

- ◆ “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .” First Amendment
- ◆ Applies to Congress, but the Supreme Court uses the Fourteenth Amendment to apply phrase to the states
- ◆ Two restrictions: (1) No establishment of religion; (2) No prohibition of free exercise



Establishment Clause

- ◆ Few cases in corrections under this clause
- ◆ Theriault v. Carlson, 495 F.2d 390 (5th Cir. 1974)
- ◆ Inmates in federal penitentiary created a new religion called Church of the New Song
- ◆ Inmate wanted to be paid like other prison chaplains, if not government chaplains shouldn't be paid



Establishment Clause

- ◆ Court held that it was permissible to have chaplaincy programs in prisons
- ◆ State must be neutral, but those cut off from civilian opportunities may be provided with religious services using public funds
- ◆ Similar to cases upholding this practice in the military



Participation in Programs

- ◆ Be careful about mandatory participation in programs with religious overtone
- ◆ Using publications that refer to God even if no religion endorsed can be problematic
 - Ross v. Keelings, 2 F. Supp. 2d 810 (EDVA 1998)
 - Kerr v. Farrey, 95 F.3d 472 (7th Cir. 1996)



Free Exercise of Religion Compelling Gov. Interest Test

- ◆ Sherbert v. Verner, 374 U.S. 398 (1963). Seventh Day Adventist discharged for refusal to work on Saturday. Denied unemployment benefits
- ◆ Wisconsin v. Yoder, 406 U.S. 205 (1972). Amish members refused to send children to public school after grade eight. Wisconsin compulsory education laws violated.
- ◆ Court held regulations burdening religion must be justified by compelling government interest and must be least restrictive means available




Free Exercise of Religion

- ◆ One of the earliest prison cases on religion was Cruz v. Beto, 405 U.S. 319 (1972)
- ◆ Texas inmate claimed to be a Buddhist
- ◆ Not allowed to use prison chapel, correspond with advisor, etc.
- ◆ Lower court dismissed claims
- ◆ Supreme Court (in per curiam opinion) overturned and ordered reexamination




Free Exercise of Religion

- ◆ Clear guidance came later in O’lone v. Shabazz, 482 U.S. 342 (1987)
- ◆ New Jersey muslim inmates claimed unable to participate in Jumu’ah prayer
- ◆ Security measures precluded outside work details from coming back into prison
- ◆ Lower court of appeals found violation since state did not show compelling gov’t interest and no reasonable alternative




Free Exercise of Religion

- ◆ Supreme Court set new standard
- ◆ Courts should defer to prison authorities
- ◆ Supreme Court found no easy alternatives for prison authorities
- ◆ Set new standard: Prison regulations alleged to infringe constitutional rights are judged under a “reasonableness” test less restrictive than that ordinarily applied



Free Exercise of Religion

- ◆ Constitutional test established in O’Lone
- ◆ When a prison regulation impinges on inmates’ constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests.
- ◆ New Jersey had legitimate interest in security
- ◆ That interest outweighed inmate’s First Amendment claims



Free Exercise of Religion Removal of Strict Standard

- ◆ Oregon Employment Division v. Smith, 494 U.S. 872 (1990). Drug rehabilitation counselors fired for ingesting peyote during Native American ceremony. Also denied unemployment benefits.
- ◆ Supreme Court changed standard. Did not require compelling government interest.
- ◆ Neutral laws which burden free exercise need not be justified by compelling government interest.



Free Exercise of Religion

- ◆ Employment Division v. Smith did not consider, nor affect, prior case law regarding free exercise rights of those incarcerated
- ◆ It did create a great deal of support from religious groups for a reinstatement of the prior compelling government interest standard
- ◆ Support resulted in the introduction and passage of Religious Freedom Restoration Act



Religious Freedom Restoration Act (RFRA)

- ◆ Proposed as a direct legislative response to Employment Division v. Smith
- ◆ Restore compelling government interest/least restrictive means test
- ◆ Brought together coalition from right and the left to push religious freedom
- ◆ Efforts to exempt corrections failed (58-41)
- ◆ Enacted into law 1993 (97-2 vote)



RFRA - Constitutionality

- ◆ Supreme Court ruled unconstitutional in City of Boerne v. Flores, 117 S.Ct. 2157 (1997)
- ◆ Congress can enact legislation to enforce a constitutional power
- ◆ However, its enforcement power under the Fourteenth Amendment is solely preventive or remedial in nature



RFRA – Constitutionality

- ◆ Contrast RFRA with the Voting Rights Act of 1965
- ◆ Widespread discrimination led to passage of Voting Rights Act
- ◆ No widespread pattern of religious discrimination shown for RFRA
- ◆ RFRA is too broad – all government actions, all laws, no termination clause
- ◆ Still applicable to federal government



Religious Land Use and Institutionalized Persons Act (RLUIPA)

- ◆ Coalition sought to undo Boerne decision
- ◆ Introduced legislation aimed solely at land use and institutionalized persons
- ◆ Passed overwhelmingly by both houses of congress with no public hearings
- ◆ No corrections exemption introduced
- ◆ Enacted into law September 22, 2000



RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT (RLUIPA)

- ◆ Passed overwhelmingly by both houses of Congress
- ◆ Awaiting signature by the President
- ◆ Similar bi-partisan coalition which supported the Religious Freedom Restoration Act
- ◆ Strongly supported by the Clinton administration



RLUIPA -- Land Use

- ◆ No imposition of land use regulation that substantially burdens religion where:
- ◆ Burden is imposed in program or activity receiving financial assistance;
- ◆ Affects commerce with foreign nations, among states or with Indian tribes;
- ◆ Involve government assessment of the proposed uses for property.



RLUIPA -- Land Use

- ◆ No treatment of religious institutions in a different manner than non-religious
- ◆ No discrimination against institutions on the basis of religion.
- ◆ No exclusion of religious assemblies from a jurisdiction or unreasonably limiting assemblies, institutions or structures.



RLUIPA -- Inst. Persons

- ◆ No substantial burden on institutionalized person as defined in section 2 of CRIPA, 42 U.S.C. 1997
- ◆ Applies if:
- ◆ Burden is imposed in program or activity receiving financial assistance; or
- ◆ Affects commerce with foreign nations, among states or with Indian tribes.



RLUIPA -- Standard

- ◆ Government shall not impose substantial burden on the religious exercise of a person unless the government demonstrates imposition of the burden:
 - Furthers a compelling government interest; and
 - Is the least restrictive means of furthering that interest.




Four Questions under RLUIPA

- ◆ Is this an exercise of religion?
- ◆ Is there a substantial burden on the inmate's free exercise of religion?
- ◆ If both are met, is there a compelling government interest furthered by the burden?
- ◆ Is the compelling government interest met in the least restrictive way?




What is a religion?

- ◆ Only truly religious conduct is protected
Secular beliefs or philosophies not protected
- ◆ Courts have been reluctant to make judgments in this area
- ◆ United States v. Seeger, 380 U.S. 163 (1965)
 - Need not involve a Supreme Being
 - Need not be tied to a religious organization
 - Need not follow all aspects of a faith




What is a religion?

- ◆ *Kalka v. Hawk*, 215 F.3d 90 (DC Cir. 2000)
 - Court found exclusion of humanist from religion program was reasonable
 - Allowed to form group under Education Dept.
- ◆ Court did not want to address the religion issue
- ◆ *Therault v. Silber*, 453 F. Supp. 254 (D. Tex. 1978)
 - Court found Church of New Song not a religion
 - Steak and wine claimed to be a sacrament
 - Case of religion invented by inmates



What is a religion?

- ◆ *US v. Meyers*, 96 F.3d 1475 (10th Cir. 1996)
- ◆ Church of Marijuana defense for possession conviction
- ◆ Political, ideological or secular beliefs not enough to constitute religion
- ◆ Also tried to practice this religion in prison



What is a religion?

- ◆ Meyers factors:
 - Ultimate ideas – fundamental questions about life
 - Metaphysical beliefs – transcend physical world
 - Moral or Ethical Systems
 - Comprehensiveness of Beliefs – provide answers to many of life’s problems
 - Accoutrements of Religion – Teachers, writings, gatherings, holidays, diet, clothing, etc



When is a religious belief sincerely held?

- ◆ Difficult to test sincerity
- ◆ Courts have been reluctant since it works against unknown religions
- ◆ Courts have looked to factual evidence to demonstrate or deny sincerity
- ◆ Jolly v. Coughlin, 76 F.3d 468 (2nd 1996)
 - Inmate’s willingness to remain in medical isolation rather than take TB test showed sincerity.



When is a religious belief sincerely held?

- ◆ Jones v. Bradley, 590 F.2d 294 (9th Cir. 1979)
- ◆ Inmate failed to request religious services for twelve years
- ◆ Failed to provide information on religion upon request
- ◆ Was unclear about religious beliefs



Testing Sincerity

- ◆ Discussed later in Religious Diet area
- ◆ Ask for information from the inmate
- ◆ Even if no outside sources of information, make the inmate answer basic questions
- ◆ Conduct inmate interview by staff member knowledgeable about religion
- ◆ Any secular interest mentioned can substantiate insincerity



What is a substantial burden?

- ◆ Similar to the requirement set forth in RFRA
- ◆ Two standards developed under RFRA:
 - ◆ (1) Restricted practice must be mandated by or central to an individual's religion;
 - ◆ (2) Any religiously motivated practice is protected whether mandated by a faith or not.



Motivated Standard is the Law

- ◆ RLUIPA defines "religious exercise" as any exercise of religion, whether or not compelled by, or central to, a system of religious belief.
- ◆ Religion is a personal, individualized system and government should not be interpreting scripture. *Thomas v. Review Board*, 450 U.S. 707 (1981)



What is a substantial burden?

- ◆ Religious Definition, Sincerity Test and DOC policy may require openness
- ◆ *Thomas v. Lord*, 664 NYS 2d 973 (1997)
 - Inmate registered as Baptist wanted to participate in Jewish services
 - Services open to all inmates
 - Allowed subject to any religious or penological restriction that may be appropriate
 - Court teaching could restrict some activities



What is a substantial burden?

- ◆ Combs v. Corrections Corp. of America, 977 F. Supp 799 (WD La. 1997); Morrison
 - Officials tried to limit Native American religious group to those with BIA number
 - Court said no penological interest in such restriction; racial discrimination
 - Gang issue could be dealt with in other ways – restricting numbers, etc.



Compelling Government Interest

- ◆ Moves back to the Sherbert v. Verner and Wisconsin v. Yoder test
- ◆ Essential need – such as protection of life, health or safety
 - TB Testing. Hasenmeier-McCarthy v. Rose, 986 F. Supp. 464 (SD Ohio 1998)
- ◆ Does the practice endanger the inmate or others? What has been requested?
 - Multicolored Rosary Beads. Kane v. Muir, 725 NE 2d 232 (Mass 2000)



Compelling Government Interest

- ◆ Mere speculation is not enough. Need specificity.
 - Hair cases. Cofer v. Schiro, 176 F.3 1082 (8th 1999); Williams v. Norris, 176 F.3 1089 (8th 1999).
- ◆ Financial resources may be a compelling government interest.
 - Congregational meetings. Muhammed v. Klotz, 36 F.Supp. 2d 240 (E.D. Pa 1999)



Compelling Government Interest

- ◆ Number of Participant's Requirement
 - Spies v. Voinovich, 173 F.3d 398 (6th 1999). Requirement of five members and outside religious leader upheld
- ◆ Inmates should not lead religious services
 - Anderson v. Angelone, 123 F.3d 1197 (9th 1997)




Least Restrictive Alternative

- ◆ Corrections had never been subject to this type of test pre-RFRA
- ◆ Solicit ideas from the inmate
- ◆ Explore ways to solve the problem that go beyond the inmate's request
- ◆ Campos v. Coughlin, 854 F. Supp. 194 (SDNY 1994)
 - Beads prohibited as gang symbols. Allow to wear inside clothing




Least Restrictive Alternative

- ◆ Provide reasonable alternatives
 - Restrictions on demonstrative prayer in public by Muslims. Withrow v. Bartlett, 15 F. Supp. 2d 292 (WDNY 1998)
 - Head coverings must be carried between services. Sledge v. Cummings, 995 F. Supp. 2d 1276 (D. Kan 1998)




RLUIPA -- Constitutionality

- ◆ Fourteenth Amendment – No widespread problem
- ◆ Commerce Clause – Must substantially affect interstate commerce not “effect”
- ◆ Spending Clause – Burden is too high for the small amount of federal money spent
- ◆ Establishment Clause – Greater rights given to inmates than other citizens



RELIGIOUS DIETS – JEWISH
Johnson v. Horn
150 F.3d 276 (3rd Cir. 1998)

- ◆ Pennsylvania inmate requesting hot kosher meals
- ◆ Court found kosher meals must be provided
- ◆ Cold kosher meals were sufficient and healthy
- ◆ No equal protection problem with Muslim inmates. Kosher meals more difficult than non-pork.



Ashelman v. Wawrzaszek
111 F.3d 674 (9th Cir. 1997)

- ◆ Arizona prison inmate requesting kosher meals
- ◆ Inmate had right to health religious diet
- ◆ Prison had provided one frozen kosher meal and non-pork or vegetarian options
- ◆ Diet can be supplemented with fruit, vegetables, nuts and cereals
- ◆ Provide disposable utensils



Ward v. Hatcher
 172 F.3d 61 (9th Cir. 1999)

- ◆ Request for three kosher meals a day
- ◆ Although frozen kosher meals or a kosher kitchen are cost prohibitive other alternatives exist:
 - Vegetables, cereals, dairy products or hard boiled eggs are kosher if prepared properly
 - Disposable utensils could be provided
 - One frozen dinner with other supplements



Beerheide v. Suthers
 82 F.Supp. 2d 1190 (D.Col 2000)

- ◆ DOC required (1) sincerity test and (2) co-pay to receive kosher meals equal to 25% of additional cost of meals
- ◆ DOC argued the co-pay was necessary for budgetary concerns and to reduce abuse
- ◆ Court found budgetary concerns were speculative and abuse could be handled through sincerity testing



RELIGIOUS DIETS – MUSLIM
Makin v. Colorado DOC
 183 F.3d 1205 (10th Cir. 1999)

- ◆ Accommodation of Muslim fast while in segregation.
- ◆ DOC argued not allowing fast in segregation was a deterrent and was necessary for security and budgetary reasons.
- ◆ Court rejected the arguments and found for plaintiff.



Denson v. Marshall
59 F.Supp.2d 156 (D.Mass 1999)

- ◆ Inmate in disciplinary unit wanted special foods delivered before sunset for use during three day fast every month.
- ◆ Delivery before sunrise is disruption to kitchen operations.
- ◆ Inmate react negatively to another inmate getting "special privileges".
- ◆ Prison did not need to accommodate monthly request.



Abdul-Malik v. Goord
1997 WL 83402 (SDNY 1997)

- ◆ RFRA and Equal Protection case requesting Halal meat three to five times per week.
- ◆ DOC provided diet which allowed Halal meet once a week.
- ◆ Using RFRA, court found that predominately meatless diet was nutritionally adequate.
- ◆ No equal protection violation.



Abdullah v. Fard
974 F. Supp. 1112 (D.Ohio 1997)

- ◆ Similar issue to Abdul-Malik case.
- ◆ DOC not required to provide Halal meat.
- ◆ On equal protection claim, Jewish and Muslim inmates were not similarly situated:
 - Different supply of products;
 - Different number of inmates;
 - Different cost for items.

RELIGIOUS DIETS – OTHER

Jenkins v. Angelone
948 F.Supp. 543 (EDVa 1996)

- ◆ African Hebrew Israelite requested vegan diet under RFRA.
- ◆ Court found strict vegan diet is nutritionally inadequate.
- ◆ Prison vegetarian items did not contain animal by products.
- ◆ Storage of more fresh fruits and vegetables would be security and cost concern.

Love v. Reed
(8th Circuit 7/5/2000)

- ◆ Arkansas denied Hebrew Israelite bread and peanut butter so he could observe sabbath without leaving cell
- ◆ Reference to scripture passages supported religious claim
- ◆ No penological interest
- ◆ Forcing purchase from commissary or fasting was not sufficient alternative

BOP Diet Sincerity Testing

- ◆ BOP began an initiative to test the sincerity of those on common fare
- ◆ Prompted by large number of inmates on common fare with no religious need
- ◆ Test include detailed questionnaire and individual interview with Chaplain
- ◆ Resulted in substantial drop in number of inmates on common fare program



RELIGIOUS PUBLICATIONS

Chriceol v. Phillips

169 F.3d 313 (5th Cir. 1999)

- ◆ Private prison denied publications which “advocate racial, religious or national hatred so as to create danger of violence.”
- ◆ Used to deny Aryan Nation/CJCC materials
- ◆ Court held:
 - Legitimate security concern
 - Alternative religious materials available
 - No alternatives were suggested by the inmate



Haff v. Cooke

923 F. Supp. 1104 (D.Wis 1996)

- ◆ Court upheld confiscation of CJCC/Aryan Nation materials.
- ◆ Security concerns since materials advocated violence and also included catalogue for weapons
- ◆ Inmate still had access to a bible.



Van Dyke v. Washington

896 F.Supp. 183 (CD Ill 1995)

- ◆ Court upheld prison censorship of CJCC publications.
- ◆ Court found no need for documented history of problems with CJCC.
- ◆ Publications contained “overt negative racial commentary” and advocated “call to action”
- ◆ Analyzed under a non-RFRA standard.



Bruton v. McGinnis
110 F.3d 63 (6th Cir. 1997)

- ◆ Unpublished opinion applying RFRA.
- ◆ Court upheld rejection of Christian Identity materials which which racially inflammatory and likely to cause violence.
- ◆ Court also upheld denial of Christian Identity group meetings since generic Christian meetings were provided.
- ◆ No substantial burden under RFRA.



Williams v. Brimeyer
116 F.3d 351 (8th Cir. 1997)

- ◆ Iowa DOC rejected CJCC materials as “likely to be disruptive or produce violence”.
- ◆ Court found Iowa had a blanket ban on CJCC materials. Materials must be reviewed individually.
- ◆ Court allowed the publications since they did not counsel violence, although they were racist.



Doty v. Lewis
995 F.Supp. 1081 (D. Ariz 1998)

- ◆ Ban on Satanic Bible and book of spells did not violate inmate’s free exercise.
- ◆ Court found the items were not “essential” to his practice of religion.
- ◆ Satanic bible does pose a threat to safety and security by advocating human sacrifice, retaliation and taking advantage of the weak.
- ◆ Book on casting spells is security threat.



Howard v. U.S.
864 F.Supp. 1019 (D.Col 1994)

- ◆ Court ordered BOP to allow satanist to perform rituals he described as peaceful and non-violent.
- ◆ No security concerns since he would use items possessed by other religious groups.
- ◆ No fear of unrest from other inmates since they already knew he was a satanist.



CERTIFICATION OF NEW
RELIGIOUS GROUPS

U.S. v. Seeger
380 U.S. 163 (1965)

- ◆ Conscientious objector case
- ◆ Does a sincere and meaningful belief occupy a place in life parallel to the orthodox belief in God?
- ◆ Devotion to goodness and virtue qualified as "religious belief"



Africa v. Comw. Of Penn.
662 f.2d 1025 (3rd Cir. 1981)

- ◆ Pennsylvania prisoner wanted belief in MOVE designated as religion.
- ◆ The court applied Seeger but added three factors:
 - (1) does it address fundamental or ultimate questions?
 - (2) does it have a comprehensive belief system?
 - (3) are there certain formal or external signs?



Africa (cont.)

- ◆ MOVE was described as “revolutionary movement opposed to all that is wrong”
- ◆ Court found it was more of a philosophical movement than a religion due to:
 - No recognition of a Supreme Being;
 - Few structural characteristics; and
 - No comprehensive set of beliefs.



Wiggins v. Sargent 753 F.2d 663 (8th Cir. 1985)

- ◆ Appeal from district court decision that CJCC was not a religion.
- ◆ Court found it was a religion:
 - Had its own bible;
 - Comprehensive set of beliefs;
 - Orders of worship and articles of faith;
 - Functions outside of the prison setting;
 - Addresses fundamental and ultimate questions.



Wiggins (cont.)

- ◆ Despite the fact that white supremacy is a secular idea, it can also be religiously based.
- ◆ Similarity between secular and religious claims does not diminish religious significance.



Carpenter v. Wilkinson
946 F. Supp. 522 (D. Ohio 1996)

- ◆ Although not a holding of the court, there is an extensive analysis of satanism as a religion.
- ◆ Satanism contains these religious characteristics:
 - There is belief in a "God"
 - There is a set of rituals
 - There are religious holidays



Breland v. Goord
1997 WL 139533 (SDNY) unpub

- ◆ Court denied summary judgment motion on grounds that Five Percenters was not a valid religion.
- ◆ Question of what constitutes a religion is particularly unsuited for summary judgment.



Lessons Learned–Practical Steps

- ◆ Training. All staff, particularly Wardens, Associate Wardens, Chaplains and Legal
- ◆ Review Current Policies
- ◆ Allow for Alternatives
- ◆ Ensure Consistency
- ◆ Communicate with other Correctional Systems

“The Interplay of Religious Programming and Other Correctional Functions Programs”

Don Keil

Security

Consider the following issues:

- Identify Chaplaincy attitudes towards security

1. _____
2. _____
3. _____
4. _____

- Identify Security attitudes towards Chaplaincy (Religious Programming)

1. _____
2. _____
3. _____
4. _____

- How does Security view Volunteers/Volunteer Programs?

1. _____
2. _____
3. _____
4. _____

- From unit security, which is more of a security concern – a group of offenders or a group of offenders with several volunteers.

Why?

- Discuss seemingly conflicting roles between Chaplains and Security.

“Working with Religious Volunteers”

Don Keil

State System:

Texas Department of Criminal Justice

- **Recruitment**
 - By Chaplaincy Department with local churches
 - Volunteer to Volunteer
 - Growth of Religious Ministries

- **Training**
 - Volunteer Training Sessions –
 - 4 hour session, 150 annually, statewide
 - Departmental, OJT

- **Strategic Plan**
 - Use volunteers’ agendas to meet TDCJ Chaplaincy goals

- **Supervision**
 - By Unit Chaplain; Approved by Unit Warden

- **Use of Volunteers**
 - Volunteers should be used for state purposes (not fulfilling personal agendas)
 - OverComer Project – TDCJ

 - Use of Ex-Offenders
 - Can be very effective under proper training, supervision (Substance Abuse, IFI)

- **Miscellaneous**
 - Volunteer/Offender Relationship issues is a “Catch 22” situation

“Recruitment, Training, Supervision of Correctional Chaplains”

Don Keil

State System: Texas Department of Criminal Justice

- **Recruitment**
 - Word of Mouth, Chaplains
 - Through Volunteers and Ministries
 - Annual Posting for Applicants

- **Training**
 - Correctional Academy (3 weeks)
 - OJT by Unit Chaplaincy Staff
 - Headquarters Training (3 days)
 - Regional Administrator (as needed)
 - Annual In-Service (1 week)
 - Annual Conference (3 days)
 - Annual Regional Meeting (1 day)

- **Supervision**
 - Dual Supervision by Unit Warden and Chaplaincy
Regional Administrator
 - Chaplaincy Headquarters Administration

- **Challenges**
 - Chaplain – “People” Person vs. Administrative Duties
 - Independent Personalities
 - Responsibility to State Agency

“Innovative Approaches to Religious Programming”

Texas Department of Criminal Justice

Don Keil

□ “InnerChange Freedom Initiative”

- Video – 10 minutes
- Program Overview
- Phase I – “Exploring”
- Phase II – “Pioneering”
- Phase III – “Aftercare”
- Statistics

□ “Victim/Offender Encounter Program”

- Program Overview
- Program Structure
- History
- Weekly Topics
- Conclusion - Issues

Daily Action Planning

Action steps	Target dates	Persons responsible	Resources needed	Desired outcome	Challenges	Opportunities

- Action Steps needed
- Target Dates the steps will be accomplished
- Persons Responsible (who will be responsible for each action step)
- Resources needed (financial, human etc.)
- Desired Outcome (the end result or product you anticipate after completing the task)
- Challenges you anticipate
- Opportunities you plan to meet these challenges

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