

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 309.61.02	Page 1 of 8
	Original Effective Date: 05/15/96	New Effective Date: 06/28/21
	Supersedes: 309.61.02	Dated: 02/22/15
	Administrator's Approval: Sarah Cooper, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 309 Resources for Inmates		
Subject: Religious Property		

POLICY

The Division of Adult Institutions shall make accommodations available for religious articles used in congregate settings and for inmate personal religious practices.

REFERENCES

Federal Public Law 106-274, Sec.3 – Protection of religious exercise of institutionalized persons

Wisconsin Statutes s. 301.32 – Property of prisoners, residents and probationers

Wisconsin Statutes s. 301.33 – Freedom of worship; religious ministrations

Wisconsin Statutes s. 302.375 (2m) – Use of wine in a religious service in a prison, jail or house of correction

Wisconsin Administrative Code Ch. DOC 303 - Discipline

Wisconsin Administrative Code s. DOC 308.04 – Administrative Confinement

Wisconsin Administrative Code s. DOC 309.02 – Definitions

Wisconsin Administrative Code s. DOC 303.40 – Unauthorized Transfer of Property

Wisconsin Administrative Code s. DOC 309.04 – Inmate Mail

Wisconsin Administrative Code s. DOC 309.05 – Publications

Wisconsin Administrative Code s. DOC 309.20 – Personal Property

Wisconsin Administrative Code s. DOC 309.61 – Religious Beliefs and Practice

DAI Policy 300.00.26 – Non-DOC Postsecondary

DAI Policy 303.00.02 – Restrictive Housing Programs and Review

DAI Policy 306.00.18 – Security Threat Group Management

DAI Policy 308.00.01 – Administrative Confinement – Restrictive Housing

DAI Policy 309.00.50 – Pornography

DAI Policy 309.04.01 – Inmate Mail

DAI Policy 309.06.03 – Volunteers, Pastoral Visitors, Program Guests and Interns

DAI Policy 309.20.03 – Inmate Personal Property and Clothing

DAI Policy 309.61.01 – Religious Beliefs and Practices

DAI Policy 309.61.02 – Attachment – Religious Property Chart

DEFINITIONS, ACRONYMS AND FORMS

Chaplains – Employees who coordinate and supervise the facility's religious programs and who may provide direct services.

Chaplain Designee – An employee assigned by the facility leadership to perform these duties in the absence of a chaplain.

DAI – Division of Adult Institutions

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DOC – Department of Corrections

DOC-237 – Property Receipt/Disposition

DOC-1090 – Religious Preference (electronic WICS screen ORPT160 or paper version if electronic form is unavailable)

DOC-2075 – Request for New Religious Practice

DOC-2268 – Donation Report Offender

DOC-2269 – Donation Report Public/Staff

DOC-2466 – Incident Report (WICS)

Inmate Complaint Review System (ICRS) – Inmates requesting religious accommodation shall exhaust administrative remedies via DOC-2075 prior to initiating ICRS.

Religious Practices Advisory Committee (RPAC) – Committee comprised of representatives of community religious groups and DOC staff who provide the Department with policy recommendations.

RPAC Executive Committee — RPAC subcommittee which consists of DAI staff members and responds to inmate religious requests.

Religious Practices Coordinator – DAI staff member who chairs the RPAC, reviews religious issues, coordinates information about inmate religious accommodations within the DOC and between other agencies, and provides the Administrator with policy recommendations.

Religious Volunteer – An individual recommended by the Chaplain/designee and approved by the Warden/designee to provide regular, occasional or special religious activities (e.g. religious services, study, counsel on spiritual matters, pastoral visits).

RH – Restrictive Housing

Security Threat Group (STG) – A group of individuals which threatens, intimidates, coerces or harasses others, or engages in activities which violates or encourages the violation of statutes, administrative rules, department policies or facility procedures.

Umbrella Religion Group (URG) – An inclusive group designed to appeal to a wide range of religious beliefs within a given faith tradition: Catholic, Eastern Religions, Humanist/Atheist/Agnostic, Islam, Jewish, Native American/American Indian, Pagan and Protestant/Other Christian. Example: A Protestant/Other Christian URG would

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incorporate and accommodate Protestant/Other Christian denominations such as Baptist, Jehovah's Witnesses, Lutheran, Methodist, Mormon, Presbyterian, etc.

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Inmate Personal Religious Property

- A. Inmates may possess approved religious property items associated with their recorded religious preference (URG) per DAI Policy 309.61.01. Inmates may not possess or purchase religious items that are not associated with their URG, with the sole exception of religious publications.
 1. Pre-approved religious property items are identified on the DAI Policy 309.61.02 Attachment – Religious Property Chart.
 2. This chart is not all inclusive. See Section IV. below.

- B. DAI Policy 309.20.03 is applicable to personal religious property, with the following clarifications:
 1. Personal religious property items shall be maintained within total volume limits of personal property; possessing religious property shall not give inmates the right to exceed allotted space.
 2. With prior approval from the Chaplain/designee, personal religious property items may be identified with inmate's name and DOC number via sticker rather than permanent markings, in consultation with RPAC as needed.
 3. Purchase price restrictions shall be waived when the Chaplain/designee verifies lower-priced options which comply with Religious Property Chart specifications are not available, in consultation with RPAC as needed. Reimbursement value may be limited consistent with DAI 309.20.03.
 4. Hobby projects shall not be maintained as personal religious property.
 5. Inmates may possess one religious ring or one secular ring (not both). Religious rings shall conform with specifications detailed in DAI Policy 309.20.03.
 6. Inmates may possess one religious calendar or one secular calendar (not both). Religious calendars shall conform with specifications detailed in DAI Policy 309.20.03.
 7. RH Status – Personal religious property shall be allowed consistent with DAI 303.00.02 and 309.20.03. Least restrictive accommodation shall be assessed by the Chaplain/designee and Restrictive Housing supervisor, based upon the individual's behavior and safety (to include clinical or medical observation). Potential options (not exhaustive): stored outside cell when not in use; use under direct supervision; etc.
 8. Prior approval is not required to purchase personal religious property items authorized under this policy, unless specified in facility procedure.

- C. Facilities may establish procedures for authorizing/restricting inmates to carry certain personal religious property items to indoor/outdoor URG programming (e.g., prayer beads, rosary, medicine/heart bag, prayer/ritual robes, religious

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publications) based upon the security needs of the facility and consistent for all URGs.

- D. Personal religious property is subject to security inspection at any time.
- E. Authorized display of religious articles:
1. With the exception of flat religious head coverings (i.e. kufi, yarmulke) and rings, religious articles shall not be displayed in common/public areas of the facility (e.g. dayroom, dining hall, hallway, school, visiting room).
 2. Religious articles may be worn tucked under clothing completely out of view (e.g. emblem/pendant, medicine bag/heart bag, tallit katan).
 3. Inmates may wear/display, religious articles during congregate religious activities (e.g. services, study groups, special events).
 4. Inmates may wear/display religious articles during individual practice in assigned cell/room or bunk area (including double or multiple bunk/cell areas).
- F. Allowable Sources of Inmate Personal Religious Property
1. Chapel – The facility chapel may have limited donated items available for distribution or temporary loan (e.g., calendars, publications, rosaries, rugs).
 - a. Appropriated (i.e. taxpayer) funds shall not be used to purchase inmate personal property items.
 - b. Donated items must meet the approved specifications on the Religious Property Chart.
 - c. Staff shall document acceptance of donations with DOC-2269.
 - d. Donated items become the property of the facility for distribution at the discretion of the Chaplain/designee.
 - e. The Chaplain/designee will equally distribute donated items to inmates of similar recorded religious preference.
 - f. The Chaplain/designee may distribute certain donated religious or secular items (i.e., greeting cards, calendars, books/publications) to all interested inmates regardless of their religious preference.
 - g. Facilities shall generally not accept items designated by the donor for selected, individual inmates, except those items specified on the DAI Policy 309.61.02 – Attachment – Religious Property Chart.
 - h. Volunteers/donors shall not give items directly to inmates under any circumstances.
 - i. The Chaplain/designee shall issue a DOC-237 with all non-disposable religious property or publications distributed through the chapel.
 2. Canteen/Catalogs – Religious property items available through contracted vendors (i.e. canteen, personal property catalogs) shall be purchased from these sources, except as specified in subparagraph 3.
 3. Outside Vendors – Approved religious property items which are not available through the chapel or contracted vendors may be purchased through an outside vendor.

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- a. Religious art, calendars, emblems/pendants, publications, rings and spiritual journals may be purchased through an outside vendor due to religious diversity and limited selection available through the contracted vendors.
- b. Colors/options authorized in the Religious Property Chart but not available through contracted vendors may be purchased from an outside vendor (e.g. if contract vendor sells only plastic prayer/rosary beads – wood beads may be purchased from outside vendor; if contract vendor sells only white altar cloth, bandana, hijab, hlath, kufi, prayer/ritual robe, sweat dress, tallit, turban, yarmulke – gray or black products may be purchased from outside vendor; if contract vendor sells only one tarot/rune set option – approved alternates may be purchased from outside vendor). Product must comply with all specifications in Religious Property Chart.
- c. Religious oil shall not be purchased from outside (i.e. non-contracted) vendors due to security risk of introducing contraband in liquid form (e.g. intoxicants, incendiaries).
- d. Inmates may consult with the Chaplain/designee prior to ordering any religious property items from an outside vendor.
 - 1) Prior approval is not required to purchase personal religious property items authorized under this policy, unless specified in facility procedure.
 - 2) Inmates shall identify/locate vendor sources and items which satisfy their personal sincerely held religious beliefs and practices.
 - 3) Chaplain/designee shall not be responsible to identify/locate vendor sources or products for inmate personal property.
 - 4) Consultation does not constitute approval; items shall be inspected and must meet approved specs on arrival.
4. Inmates shall not purchase or receive personal religious property directly from DAI religious volunteers, including through third-party distributions.

II. URG Congregate-Use Property

- A. URG Property shall comply with DAI Policy 309.61.02 Attachment – Religious Property Chart.
 1. URG property may be available through donations accepted per facility procedure or via intra-facility loan.
 2. These items may be stored in the facility (space permitting) and will be issued for use by the Chaplain/designee or religious volunteer.
 3. All URG property items are considered property of the facility unless they are approved by the Security Director/designee to be brought into or taken out of the facility by the approved religious volunteer.
 4. An adequate number of items may be maintained at the facility for replacement of worn items.
- B. Allowable Sources of URG Congregate-Use Property
 1. State taxpayer funds shall not be used to purchase religious items with the exceptions of:

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- a. Bricks / mortar / utilities: sweat lodge, prayer mats, pews/chairs. If items such as musical instruments, sound systems, etc., are purchased, these must also be available for other facility use, separate from religious practices.
 - b. General use religious publications purchased for and available in the facility's main Library or Chapel.
 2. Non-appropriated funds (e.g., inmate canteen/phone revenues, donations) may be used to purchase religious items for general use in a manner that is equitable/ proportionate for all URGs.
 3. Facilities may accept in-kind and monetary donations from DAI religious volunteers, individuals or organizations in the community in accordance with DAI Policy 309.61.01, DAI Policy 309.06.03 and facility procedures.
 - a. Donated items must meet the approved specifications on the Religious Property Chart.
 - b. Donations will generally be accepted for congregate URG use at the discretion of the facility (not specified by donor).
 - c. Staff shall document acceptance of donations with DOC-2269.
 4. Facilities may accept in-kind and monetary donations from inmates per facility procedures with the following precautions:
 - a. Donated items meet the approved specifications on the Religious Property Chart.
 - b. Staff members assure that inmate(s) are not required, manipulated, or coerced by others to provide donations.
 - c. Staff shall document acceptance of donations with DOC-2268.
 5. URG congregate-use religious property shall not be supplied through food service or personal donations from staff.
- C. Storage/Search of URG property
1. Group use items will be stored in a secure location at the facility.
 2. All items are subject to search. Staff will exercise care and respect for the items while searching.
 3. If at all possible, the Chaplain/designee shall be present during the search.
- D. Incendiary items (i.e., candles, firewood, incense, kinnikinnick/sacred tobacco, smudging materials) shall be accommodated during religious programming when requested by religious volunteer/spiritual leader:
1. Subject to facility procedure designating location, proper ventilation to minimize health risks, accessible fire suppression methods, control of ignition devices, and other safety measures.
 2. Under direct supervision of a Chaplain/designee.
 3. Inmates are prohibited from using religious incendiary items in cell/room or unsupervised in any location.
 4. At the discretion of the Warden/designee, facilities may temporarily suspend/postpone outdoor open burning to comport with time-limited restrictions issued by local authorities for wildfire prevention (e.g. drought, high winds).

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III. Religious Publications

- A. Religious publications are not restricted to an inmate's identified religious preference.
- B. The Chaplain and/or other staff may be consulted to review religious publications as needed.
 - 1. Religious publications and calendars must comply with DAI Policy 306.00.18, DAI Policy 309.00.50, DAI Policy 309.61.01 and other related DOC/DAI/facility regulations.
 - 2. For security reasons, religious publications and calendars advocating hate groups or security threat group ideology are prohibited per Wisconsin Administrative Code s. DOC 309.61(5).
 - 3. DOC does not hold or purport positions or views on any religious, spiritual or political beliefs/theology/non-theology/views/etc. and publications shall not be approved/denied on this basis.
- C. Religious publications and correspondence course materials, including free religious literature (e.g. leaflets, tracts, magazines) shall count toward each inmate's total allowable publications/property limit.

IV. Inmate Request for New Religious Accommodation

- A. Inmates shall submit DOC-2075 to the Chaplain/designee per DAI 309.61.01, Section IV to request accommodation for a religious property item not on the approved property list.
- B. Inmates shall maintain documentation of approved DOC-2075 individualized accommodations.
- C. Inmates may appeal denied DOC-2075 through the ICRS.

Administrator's Approval: *Sarah Cooper* Date Signed: 06/14/21
Sarah Cooper, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 309.61.02	Page 8 of 8
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 309 Resources For Inmates		
Subject: Religious Property		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

I.

- A.
 - 1.
 - a.
- B.
- C.

II.

- A.
- B.
- C.