



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Doug Percy / DAI policies

Name of Individual Certifying this Document / Proposed Document

DAI Assistant Administrator

Title




Signature

2/28/2020

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (Rev. 12/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 309.61.01	Page 1 of 11
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	Administrator's Approval: Makda Fessahaye, 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 Beliefs and Practices		
Guidance Document <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Posting date 03/09/20		

POLICY

The Division of Adult Institutions shall ensure inmates have opportunities to pursue lawful practices of the religion of their choice consistent with security protocols; rehabilitative goals; health and safety; allocation of limited resources; and the responsibilities and operational functions of the correctional facilities.

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 303.35 – False names and titles

Wisconsin Administrative Code s. DOC 308.04 – Administrative Confinement

Wisconsin Administrative Code s. DOC 309.02 – Definitions

Wisconsin Administrative Code s. DOC 309.04 – Inmate Mail

Wisconsin Administrative Code s. DOC 309.05 – Publications

Wisconsin Administrative Code s. DOC 309.10 – Special Visits

Wisconsin Administrative Code s. DOC 309.20 – Personal Property

Wisconsin Administrative Code s. DOC 309.23 – Food

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

DAI Policy 300.00.26 – Correspondence Courses

DAI Policy 300.00.50 – Feature Films and Instructional Videos

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 309.00.06 – Inmate Marriages

DAI Policy 309.00.08 – Death Bed and Memorial Visits Within a Facility

DAI Policy 309.06.01 – Visiting

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

DAI Policy 309.20.03 – Inmate Personal Property and Clothing

DAI Policy 309.55.01 – Inmate Compensation Plan

DAI Policy 309.61.02 – Religious Property

DAI Policy 309.61.03 – Religious Diets

DAI Policy 324.00.01 – Work and Study Release

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Attachment – Congregate Religious Event Conduct

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

DOC – Department of Corrections

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)

DOC-2674 – DAI Volunteer Application including Pastoral Visitor/Program Guest/Intern

F-80190 – Travel Reimbursement Request for Non-State Employee

Honorarium – Token compensation offered for the provision of a service, intended to assist with associated expenses typically accrued by clergy, spiritual leaders or religious volunteers.

Pastoral Visitor – An approved clergy or religious volunteer who may provide spiritual counseling, study or service. May be one-time visit or ongoing. Subject to all expectations of volunteers per DAI Policy 309.06.03.

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 Department and between other agencies, and provides the Administrator with policy recommendations.

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Religious Preference Designation – Two-step process by which inmate URG demographic is recorded or updated:

- 1) DOC-1090 (WICS electronic ORPT160 screen or paper version);
- 2) WICS Offender Demographics/Physical Profiles (ORPS011A screen).

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

RH – Restrictive Housing

Routinely Scheduled Religious Programming – A congregate program/service/activity which appears on the facility schedule for the purpose of religious accommodation.

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.

Special Events and Activities – Religious activities open to all inmates regardless of their designated religious preference, including those designating no preference, e.g., concerts, seminars, religious/spiritual instruction.

Spiritual Leader/Clergy – Person endorsed as a representative by a religious affiliation. The individual is generally recognized as a leader or authority who may facilitate religious services within that church/coven/denomination/faith community/kindred/mosque/synagogue/tribe, and provide counsel on spiritual matters. The individual agrees to represent an URG, subject to the approval of the Warden/Superintendent.

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 Umbrella Religion Group would incorporate and accommodate Protestant/Other Christian denominations such as Lutheran, Baptist, Methodist, Presbyterian, etc.

URG Religious Services – Congregate services of an URG for the purpose of worship and spiritual expression embracing a wide range of religious beliefs.

URG Study Group – Congregate religious study within a given URG for the purpose of increased knowledge and spiritual growth.

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. General Religious Guidelines

A. Principles

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1. Limited space availability and resources, facility security protocols, and health and safety precautions make it necessary that DAI implement uniform guidelines relating to inmate religious beliefs and practices that are applicable to all facilities. These guidelines ensure an equitable/proportionate distribution of time, space and limited resources for inmates and religious groups.
 2. DAI does not permit activities or property that:
 - a. Advocate racial, ethnic or gender supremacy or purity.
 - b. Cast aspersions on any group based on race, religion, ethnicity, nationality, gender, sexual orientation, gender identity or disability.
 - c. Promote hate crimes against persons or property as specified in federal or state laws.
 - d. Are inconsistent with DAI Policy 306.00.18 and/or any STG management procedures.
 - e. Jeopardize the security and order of the facility.
 - f. Violate federal or state laws or DOC administrative rules, policies and procedures.
 3. Staff concerns regarding activity/events which violate subparagraph 2 shall be documented as follows:
 - a. Staff member shall complete a DOC-2466 in WICS.
 - b. The Security Director/supervisory staff shall forward a copy of the DOC-2466 (or summary if confidential or sensitive in nature) to the Religious Practices Coordinator.
 - c. The Religious Practices Coordinator shall compile information for policy review purposes.
- B. Establishing/Changing Religious Preference Designation**
1. Participation in any religious activity is voluntary.
 2. DAI structures religious accommodations via Umbrella Religion Groups (URGs). URGs are designed to represent the broad population of Wisconsin citizens and inmates, and to appeal to a wide range of religious beliefs within the faith group.
 3. Inmates shall select an URG in order to participate in congregate religious services and/or study groups, or to acquire approved religious property (except books and literature).
 4. Inmates who decline to select an URG, or who select "Other" or "No Preference" are considered individual practitioners, and require prior approval of a DOC-2075 to:
 - a. Attend congregate religious programming;
 - b. Acquire personal religious property (other than books and literature);
 - c. Receive dietary accommodation.
 5. Some religious observances may be accommodated via individual practice rather than congregate URG programming (e.g., during lockdown or security concerns; facility population of URG adherents is small).
 6. Inmates shall generally be approved to participate in congregate religious programming within their designated religious preference only.
 7. Some special events and activities may be designated as open to all inmates regardless of their religious preference designation.

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8. Documentation of inmate religious preference:
 - a. During intake, staff may enter inmate religious preference into WICS Offender Demographics/Physical Profiles (ORPS011A).
 - b. Chaplain/designee shall complete the following:
 - i. Electronic WICS DOC-1090 (ORPT160) and/or paper DOC-1090;
 - ii. Enter inmate religious preference into WICS Offender Demographics/Physical Profiles (ORPS011A). This additional step is necessary to ensure accurate facility URG lists and data.
 9. Inmates may change religious preference once every six months, except as follows:
 - a. The Chaplain/designee may grant an exception to six months based on extenuating circumstances.
 - b. If the inmate's initial designation is "No Preference," the inmate may designate an URG preference at any time.
- C. Guidelines for Congregate Religious Events
1. Inmates shall comply with all expectations for participation in congregative religious events, as outlined in the Attachment Congregate Religious Event Conduct. Inmates who violate the terms of the Attachment may be subject to consequences, including:
 - a. Immediate removal from religious events.
 - b. To protect religious rights of other inmate participants, an inmate may be prohibited from attending programming for a period of time at the discretion of the Warden/designee, through due process under Wisconsin Admin. Code Ch. DOC 303.
 - c. Other discipline consistent with Wisconsin Admin Code Ch. DOC 303.
 2. Each facility shall arrange a monthly religious program/service/activity schedule to accommodate URGs which have sufficient inmate population and participation/interest, and based upon principles of religious equity and least restrictive means of accommodation.
 3. Routinely Scheduled Religious Programming shall be led by an approved community volunteer/spiritual leader/clergy or DOC Chaplain/designee.
 - a. Under no circumstances shall an inmate be authorized to lead or conduct a religious service or study group.
 - b. Inmates may be invited to assist facilities with volunteer recruitment by identifying or referring community religious leaders for Chaplain/designee follow-up in accordance with DAI Policy 309.06.03.
 4. Despite efforts to recruit volunteers, there may be times when Routinely Scheduled Religious Programming does not have a community volunteer or DOC Chaplain of that faith available to lead the event(s). During such times (except as described in subparagraph d. below), inmates shall still be permitted to gather at the prescheduled time, using the protocol outlined in subparagraphs a. through c. below.
 - a. If no spiritual leader/clergy, volunteer or Chaplain is available, facility staff shall supervise per guidelines established by the Chaplain/designee.

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- b. Chaplain/designee may structure inmate participation (e.g., choir/music; reading; pipe/smudging) in accordance with the Attachment – Congregate Religious Event Conduct.
 - c. Programming may be provided in person or through electronic medium (e.g. live broadcast/teleconference, prerecorded audio/visual materials, etc.), as available.
 - d. Facilities may postpone/reschedule/cancel Routinely Scheduled Religious Programming if normal facility functioning is disrupted (e.g. emergency, disturbance, inclement weather, lockdown, modified inmate movement) arising from circumstances impacting facility security.
 - i. Postponement or rescheduling is preferable to cancellation, when possible;
 - ii. Upon resumption of normal operations, facilities shall prioritize resuming Routinely Scheduled Religious Programming, when feasible.
 - e. Facilities shall document all changes to Routinely Scheduled Religious Programming via WICS Incident Report, including reason for change and expected resolution.
 - 5. Facilities may regulate Routinely Scheduled Religious Programming to manage religious equity, as well as safety/security protocols including (not exhaustive): frequency, duration, group size, housing units, etc.
 - 6. Participants are required to wear clothing during religious group activities.
 - 7. Inmates shall not be compensated for attending religious activities.
- D. Use of Published Audio-Visual Content within Religious Programming
- 1. Consistent with DAI 300.00.50, Routinely Scheduled Religious Programming may make use of electronic medium such as prerecorded audio/visual materials, broadcast/teleconferencing, etc.
 - 2. The Religious Practices Advisory Committee (RPAC) shall ensure producer/publisher authorization of materials distributed statewide for this purpose. Record of permission shall be distributed to Chaplains/designees.
 - 3. The Chaplain/designee shall maintain an inventory of audio/visual materials utilized by the facility for this purpose to include:
 - a. Title, publisher/producer, publication date.
 - b. Producer/publisher permission for use of materials for this purpose.
 - 4. The Chaplain/designee shall record actual use of audio/visual materials, including:
 - a. Date and time.
 - b. Purpose (e.g. which URG; event)
 - c. Title of production/publication.

II. Opportunities for Religious Practice

A. URG Religious Services

- 1. DAI provides opportunities for inmates to practice their religious faith through congregate URG religious services as resources allow (e.g.,

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Catholic mass, sweat lodge ceremony, Protestant/Other Christian worship services).

2. URG services shall be facilitated by a Chaplain of that faith or a qualified volunteer (e.g., Catholic Mass shall be facilitated by an ordained Priest; Islamic Jumu'ah shall be facilitated by an Imam; Native American/American Indian sweat lodge shall be facilitated by a recognized spiritual leader).
 3. Inmates shall be excused from work, program, or disciplinary room/cell/building confinement to attend URG services.
- B. URG Study Groups**
1. DAI may provide opportunities for inmates to practice their religious faith through congregate URG Study Groups as resources permit (e.g., Taleem, Bible study, pipe and drum ceremonies, discussion groups).
 2. URG study groups may be supervised by a volunteer, Chaplain or other staff member only as scheduled and directed by the Chaplain/designee.
 3. Study groups are a leisure activity. Inmates may or may not be excused from work, program, or disciplinary room/cell/building confinement to attend URG study groups per facility procedures (e.g., if URG service is not available at facility, excuse may be allowed for URG study group).
 4. Facilities may set limits on the number of study groups an inmate may attend.
- C. Pastoral Visits**
1. Pastoral visits may be provided by approved spiritual leaders/clergy or religious volunteers from the community for the purpose of counseling, religious study, spiritual care and provision of religious services.
 2. Spiritual leaders/clergy or a designee shall complete DOC-2674 to request pastoral visitor privileges if not already an approved volunteer.
 3. The pastoral visitor may provide pastoral/spiritual visits to more than one inmate, personally or electronically, per facility procedures.
 4. Pastoral visits shall not be approved for inmates who are close family members as defined by Wisconsin Administrative Code s. DOC 309.02.
 5. A pastoral visitor shall not be on any inmate's approved visiting list at the site the visitor is providing services.
 6. A pastoral visitor may also be approved to serve as a congregate programming volunteer at the same facility.
 7. Inmates may receive pastoral visits regardless of their religious preference or no preference designation.
 8. Approved pastoral visits may be provided during normal business hours or on weekends, evenings and times appropriate to special religious observances per facility procedures.
 9. Each/every individual pastoral counseling visit (not group pastoral visits permitted at some facilities) shall be recorded in WICS per DAI Policies 309.06.01 and 309.06.03.
 10. Inmates may or may not be excused from work/program to attend pastoral visits per facility procedures (e.g., if URG service is not available at facility, excuse should be allowed for pastoral visits).

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D. Individual Practice

1. DAI provides inmates in general population the opportunity to individually practice their religious faith through:
 - a. Individual study.
 - b. Correspondence courses, in accordance with DAI Policy 300.00.26.
 - c. Personal meditation.
 - d. Religious books and literature.
 - e. Approved religious property, per DAI Policy 309.61.02.
 - f. Pastoral visits.
 - g. Other approved individual religious observances in their living quarters.
 - h. Written correspondence.
 - i. Approved dietary accommodations, per DAI Policy 309.61.03.
 - j. Death Bed and Memorial Visitation within a Facility, per DAI Policy 309.00.08.
2. Accommodation of individual practices may serve as a substitution for URG services and/or studies when congregate programming is not available at a facility.

E. RH Religious Accommodations

1. Inmates in RH have an opportunity to practice their religious faith, but may have some restrictions based upon the nature of status, individual safety, behavioral compliance, and the security protocols and resource needs of the facility.
2. Consistent with DAI Policies 303.00.02 and 308.00.01, inmates may participate in individual religious activities outlined in Section II.D in their assigned quarters.
3. Consistent with DAI Policies 303.00.02, 308.00.01 and 309.61.02, inmates may have access to authorized religious literature and religious property.
4. Individual participation in URG congregate programming may be considered per DAI Policies 303.00.02 and 308.00.01.
5. Inmates in RH may be permitted to receive pastoral visits, in accordance with DAI Policies 303.00.02, 308.00.01 and facility procedure.

F. Excuse from Work/Program for Religious Observance

1. There may be circumstances where a religion requires an inmate to abstain from work or program participation.
 - a. Facilities shall make reasonable effort to accommodate an inmate's observance of days of special significance.
 - i. Inmates shall request work proscription accommodation to the facility no less than 30 days in advance of the observance date.
 - ii. The inmate's request shall be consistent with the inmate's designated religious preference.
 - b. Inmate requests for release from their assignment shall be reviewed and approved/denied by the Chaplain/designee in consultation with the RPAC Executive Committee, as needed.

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2. Inmates in involuntary unassigned status shall anticipate that at any time they might be directed/requested to perform work per DAI Policy 309.55.01.
 - a. Inmates who are in involuntary unassigned status and who observe a weekly holy day or a religious holiday that requires abstention from work shall submit a written request to the Chaplain no less than 30 days in advance of the observance in anticipation of such a directive to perform work.
 - b. Inmates shall not be relieved from work unless a prior written request has been submitted and approved.
 - c. The inmate is responsible for maintaining documentation granting permission to abstain from work.
3. Inmates in work release programs shall be subject to terms of DAI Policy 324.00.01, along with employer human resources policies and operational needs. Requests for religious accommodation which will affect work schedule/availability shall be submitted to the Work Release Coordinator no less than 30 days in advance of intended absence.

G. Use of Incendiary Materials

1. Facilities may allow opportunities for ceremonial smoking, smudging and use of incense/candles consistent with facility procedure on use of smoking/burning materials.
2. Items allowed to be brought into the facilities for this purpose are identified in DAI Policy 309.61.02 – Attachment – Religious Property Chart.

H. Sacramental Wine/Beverage

1. Per Wisconsin Statutes s. 302.675 (2m) and DAI Policy 309.61.02, and with prior approval, clergy/spiritual leader/religious volunteer shall be permitted to bring sacramental wine/beverage into the facility for religious observance.
2. Sacramental wine/beverage may be given to inmates by the Chaplain or religious volunteer to be consumed as part of the religious service or pastoral visit.
3. Inmates housed at correctional centers may be approved to attend religious worship services off grounds and may consume sacramental wine/beverage as part of that religious service.

III. Honorariums for Religious Volunteers

- A. Outside spiritual advisors/clergy or volunteers may be eligible to receive an honorarium and/or mileage reimbursement (hereafter referred to as compensation) for conducting URG Religious Services.
 1. Compensation is intended to help facilities accommodate inmates of all URGs with equitable opportunity for Religious Services.
 2. Facilities shall make compensation available in an equitable and proportionate manner to all URGs.
 3. URG Study Groups or pastoral visits are not eligible for compensation.
- B. This amount is paid per religious service, not per volunteer in attendance.

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1. Religious volunteers may choose to accept or decline a portion or the entire compensation.
2. Compensation shall be offered in the following manner:
 - a. \$50 for any URG service two hours or less.
 - b. \$25 per hour for each additional complete hour.
 - c. The current state non-availability mileage rate shall be paid per mile of round trip.
 - d. F-80190 shall be completed to claim honorariums and mileage reimbursement.

IV. Inmate Request for New Religious Practices or Property

- A. Inmates shall submit DOC-2075 to the Chaplain/designee when requesting authorization for a religious practice or property item not on the approved property list or to appeal a religious diet denial.
 1. Inmates shall include only one accommodation/issue/property item per DOC-2075 to allow adequate research, analysis and consideration.
 2. DOC-2075 shall be submitted by individual inmates, not as a group.
 3. Inmates may utilize DOC-2075 without limit on the number or frequency of submissions.
- B. Chaplain/designee shall forward the DOC-2075 with their recommendation to their Supervisor for review and recommendation.
- C. The Chaplain supervisor shall forward the DOC-2075 with their recommendation to the RPAC Executive Committee.
- D. The RPAC Executive Committee shall review the DOC-2075, any supporting documentation and consult with other staff and community spiritual leaders as needed.
- E. The RPAC Executive Committee shall make a recommendation to the Warden/designee and return the DOC-2075 to facility for final decision, distribution and implementation.
- F. Appeal of denials pertaining to DOC-2075 requests may be submitted through the Inmate Complaint Review System.
- G. Inmates shall maintain documentation of approved DOC-2075, to verify individualized accommodation upon facility transfer.

Administrator's Approval: _____



Date Signed: 02/28/20

Makda Fessahaye, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 309.61.01	Page 11 of 11
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Chapter: 309 Resources for Inmates		
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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.