



THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



**DIRECTIVE**

<input checked="" type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input type="checkbox"/> REVISED		SUBJECT	
EFFECTIVE DATE 4 / 19 / 85		*TERMINATION DATE / /	
CONGREGATE RELIGIOUS SERVICES			
CLASSIFICATION # 3252	SUPERSEDES Directive #3252	DATED 3/18/85	DISTRIBUTION A
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER		PAGE 1 OF 14 PAGES	
SIGNATURE		AUTHORIZED BY THE COMMISSIONER  SIGNATURE	

I. INTRODUCTION



In keeping with the Department's policy of permitting inmates to exercise their religious beliefs and practices; and in accordance with section 8 of the Minimum Standards promulgated by the New York City Board of Correction; and in compliance with the Consent Decree stipulations, Directive #3252-Congregate Religious Services is hereby implemented.

II. PURPOSE

To provide policy procedural guidelines for establishing congregare religious services and related activities for inmates in the Department's custody.



III. POLICY

- A. All heads of facilities shall implement institutional orders, outlining the provisions contained in this Directive.
- B. All inmates shall be permitted to congregare for the purpose of religious worship including, religious instruction such as, scriptural study, and shall also be permitted to congregare for the purpose of participating in spiritual retreats.

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III. (continued)

- C. Inmates shall have the unrestricted right to hold any religious belief and to be a member of any religious group or organization, as well as the right to disaffiliate with any religious group or organization.
- D. Inmates shall be permitted to exercise their religious beliefs in any manner, provided that the exercising of such religious beliefs does not present a clear and present danger to the safety and security of the institution or would disrupt the orderly administration of the institution.
- E. No person (including inmates), shall attempt or be permitted to proselytize or seek to convert an inmate or otherwise compel an inmate to become part of a religious group or organization; or shall attempt to dissuade an inmate from exercising his/her religious beliefs; or attempt to influence an inmate to discontinue membership in any religious group or organization.
- F. During lock-out periods, inmates shall be permitted access to facility Chaplains for confidential consultations as prescribed in institutional procedures.
- G. Inmates shall be permitted to celebrate recognized religious holidays or festivals on an individual or congregate basis. They shall also be permitted to practice reasonable observance of dietary laws, and will be provided with a religious diet of reasonable means as per Department policy.
- H. Inmates shall be permitted to wear and possess religious articles such as, but not limited to, religious medals, devotional prayer books, clothing and hats, provided that the possession of the above mentioned articles do not present a potential danger to the safety and security of the institution, the inmate concerned or to the participants of a religious service.



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### III. (continued)

- I. Each institution shall post and maintain schedules, in English and Spanish, containing the time and place for the congregate service of each religion. This schedule shall also contain the names of the respective Chaplains for each religion. The schedules shall be posted in each housing area, in a secured manner, to minimize tampering or removal.

### IV. PROCEDURE

- A. Inmates may request to exercise the beliefs and practices of a religious group not previously recognized by the Department. The request shall be submitted in writing, to the head of the institution, through the Deputy Warden for Programs.
  - a. The Deputy Warden for Programs shall review the request and forward both the request and his/her recommendation to the head of the institution.
  - b. The head of the institution, after reviewing the request and the Deputy Warden's recommendation, shall forward the request and his/her recommendation to the Director of Ministerial Services.
  - c. The Director of Ministerial Services shall review the above, and upon completion of the review, shall submit a written recommendation including a copy of the request and the Warden's recommendation to the Deputy Commissioner for Programs.
  - d. The Deputy Commissioner for Programs shall review the documents received and upon completion of the review process, shall forward his/her written recommendations along with a copy of all documents related to the request, to the Commissioner. The Commissioner shall render the final determination.

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## IV. (continued)



B. CRITERIA FOR DETERMINING RELIGIOUS RECOGNITION

In determining requests to establish a religion not previously recognized by the Department, the following factors shall be considered as indicating a foundation for the belief:

- a. whether there is substantial literature supporting the belief as related to religious principle;
- b. whether there is formal, organized worship by a recognizable and cohesive group sharing the belief;
- c. whether there is an informal association of persons who share common ethical, moral, or intellectual views supporting the belief; or
- d. whether the belief is deeply and sincerely held by the inmate.

C. In determining requests made pursuant to section B. above, the following practice shall not be considered as indicating a lack of religious foundation for the belief:

- a. the belief is held by a small number of individuals;
- b. the belief is of recent origin;
- c. the belief is not based on the concept of a Supreme Being or its equivalent; or
- d. the belief is unpopular or controversial.



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## IV. (continued)

- D. In determining requests made pursuant to Section B. above, inmates shall be permitted to present evidence indicating a religious foundation for the belief.

Any determination made resulting in a denial of an inmate's request for religious recognition shall comply with the procedures outlined below.

- a. The determination shall be made in writing, and shall state the specific facts and reasons underlying such determination. A copy of this determination, including the appeal procedure, shall be sent to the Board of Correction, and to any person affected by the determination, within 24 hours of the determination.
- b. Any person affected by a determination shall give notice in writing, to the Board of Correction and the Department, of his or her intent to appeal the determination.
  - i. The department and any person affected by the determination may submit to the Board of Correction for its consideration any relevant material in addition to the written determination.
  - ii. The Board of Correction or its designee shall issue a written decision upon the appeal within 14 business days after it has received notice of the requested review.

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V. LIMITATIONS ON THE EXERCISE OF RELIGIOUS BELIEFS

Any determination to limit the exercise of the religious beliefs of any inmate shall be made in writing and shall state the specific facts and reasons underlying such determination.

This determination must be based on specific acts committed by the inmate during the exercise of his or her religion that demonstrated a serious and immediate threat to the safety and security of the institution. Prior to any determination, the inmate must be provided with written notification of the specific charges, and shall also be afforded the due process safeguards (see section VII., pages 8 & 9).

VI. SELECTION OF RELIGIOUS AFFILIATION

- A. During the admission process at the court detention facility or upon direct admission to an institution, inmates shall be asked, for the purpose of religious observance, what is your religion?
- B. After the inmate has indicated his or her religious affiliation, the name of the religious preference selected, shall be recorded on Form 239AR (6-84)- Arraignment Identification, and shall also be imprinted on the Inmate's Identification Card (236AR) and other inmate records as appropriate. If, after being apprised of the above, the inmate elects not to indicate a religious preference, the records shall be noted, NDP- No Declared Preference in the appropriate space provided.
- C. Once a religious preference has been indicated, the inmate shall be recognized as being affiliated with the religious group specified on his/her admission records, and shall only be permitted to attend the religious services of said group.



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VI. (continued)

- D. In cases where an inmate desires to change or establish a religious affiliation, the inmate shall submit an interview slip to the Chaplain of the inmate's requested faith, stating the reason(s) for the request. Upon receipt of the inmate's request, the Chaplain shall interview the inmate and either approve or disapprove the request. If the request is disapproved, the inmate shall be given the reason for the denial in writing.
- E. Upon approval of the inmate's request, the Chaplain of the inmate's requested faith shall forward notification of the change to the Deputy Warden for Programs, who shall ensure that the inmate's records are updated to reflect the approved change including, the issuance of a new Inmate Identification Card (236AR), at no cost to the inmate.
- F. In cases where a change in religious affiliation is to the Jewish or Muslim faith and the inmate concerned will be allowed to participate in the Kosher or Halal Meal Program, the Deputy Warden for Programs shall forward a copy of the notification to the Deputy Warden for Administration. Subsequent changes of affiliation impacting upon an inmate's dietary needs shall be in accordance with Directive #3250.

VII. DUE PROCESS/SEGREGATED INMATES



- A. Inmates housed in administrative and punitive segregation and any other special status category shall be permitted to attend congregate religious services with inmates in general population, except, in circumstances where an inmate has been found, in a procedure with adequate due process safeguards, to pose a threat to the safety and security of the institution, because of the likelihood that he/she will actively disrupt a particular religious service or services attended by general population. In the above case, said inmate may be denied permission to attend the service or services in question, but must be given the due process safeguards- see section VII., pages 8 & 9)

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## VII. (continued)

Adequate due process safeguards shall include but not be limited to the following:

- a. notice to the inmate, at least 48 hours prior to a particular religious service or services, that he/she has been determined to pose a threat to the safety and security of the institution because of the likelihood that he/she will actively disrupt such service or services; such notice shall include the reasons underlying such determination;
- b. a suitable opportunity to be heard personally, by an impartial board or an officer of the rank of captain or above, in opposition to such determination;
- c. in instances in which the determination is upheld, (i) a written decision, with a copy to the inmate, setting forth the basis for upholding the determination and specifying the length of time for which the inmate shall be denied permission to attend a particular religious services; (ii) a weekly opportunity to request and receive reconsideration of the determination and to submit a statement in support of such reconsideration, and written notice to the inmate of the basis for any continuing denial of permission to attend the religious service or services in question; such reconsideration shall be by an impartial board or by the Warden or a designee of the Warden.
- d. in an instance where the facts sufficient to support a denial of permission for an inmate to attend a religious service is not known to the Department 48 hours prior to that service, the inmate shall be afforded the due process safeguards described in subparagraphs a, b and c above, within a shorter period, prior to the religious service, or, at the option of the inmate, after the service, but within 48 hours of the determination, that the inmate poses a threat to the safety and security of the institution, because of the likelihood that he/she will actively disrupt the service.

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VII. (continued)

If the Department receives such information less than twelve (12) hours before the scheduled service, the inmate will receive the notice, hearing and decision after the service.

NOTE: The inmate has the option of receiving a hearing either prior to or following the religious service if the institution did not know of the facts leading to the denial of attendance at a religious service at least forty-eight (48) hours prior to the service. In such case, the inmate's written consent must be obtained if the inmate opts for a hearing following the service.

If the institution learned of the facts leading to the denial within twelve (12) hours of the service, or less, the inmate's consent is not required if the institution chooses to afford the inmate a hearing after the service.

- e. Nothing in the procedures set forth in this section shall require disclosure of information that would reveal the identity of persons supplying information, on a confidential basis, to the Department or other law enforcement agencies.
- f. If any inmate is denied permission to attend a particular religious service or services attended by inmates in general population, the Department shall provide said inmate with an opportunity to attend a similar religious service apart from the general population, but in a dayroom, or in an area away from the cell or cell corridors. This alternative religious service area (area utilized for inmates denied communal religious service) shall be equipped with appropriate furnishings and religious articles. In the above cases where an alternate service is provided, the administering Chaplain shall sign the housing area logbook, specifying the inmate's name/number, date and time the service was administered.



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## VIII. (continued)

- B. Upon admission to administrative and punitive segregation, each inmate shall be given a copy of the "Notice" outlined below.

NOTICE

- a. You will be permitted to attend religious services with general population inmates unless you are found to pose a threat to the safety and security of the institution.
- b. You will be notified of the reasons for such a determination at least 48 hours prior to the scheduled service.
- c. You will be given the opportunity to challenge that determination before an impartial hearing officer or board.
- d. If the determination is upheld, you will receive a written notice giving the reasons for the decision and the length of time it will remain in effect.
- e. You have the right to request reconsideration each week and to submit a written statement in support of your position, to the Warden or a designee of the Warden. Your request will be considered by an impartial board or by the Warden and you will receive a written reply.
- f. Nothing in this procedure requires the Department to tell you the name of anyone who provided the Department with the information on a confidential basis.

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## VII. (continued)

- g. If the Department receives such information less than 48 hours before the scheduled service you will receive the notice, hearing and decision less than 48 hours before the service. In such a case you may consent to receive the hearing and decision after the service, but within 48 hours after the determination to exclude you was made.
- h. If the Department receives such information less than 12 hours before the scheduled service you will receive the notice, hearing and decision after the service.
- i. You may appeal such a determination to the Board of Correction.

NOTE: Distribution of the above notice does not preclude the implementation of due process procedures. If an inmate is denied permission to attend a religious service, the due process procedures must be initiated.

VII. NOTIFICATION RE: DENIAL OF CONGREGATE RELIGIOUS SERVICES

Upon receipt of a due process determination that resulted in the denial of an inmate to attend a congregative religious service, the Deputy Warden for Security shall submit the inmate's name/number, housing area assigned, and the beginning and ending dates of suspension, to: the Tour Commander's Office, the inmate's housing area, the Administrative Chaplain, the Chaplain of the inmate's requested faith and the Deputy Warden for Programs.

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IX. PETITION OF INMATES TO THE WARDEN RE: DENIAL OF CONGREGATE SERVICES

Written petitions submitted by inmates requesting permission to attend a congregare religious service shall be submitted to the housing area officer, who shall forward said petition to the housing area captain, who shall submit the above to the Warden or a designee of the Warden.



Upon making a determination regarding the inmate's petition, the Warden shall forward a copy of his/her determination to the Deputy Warden for Security and the inmate concerned. In cases where the Warden has granted the request, copies shall be forwarded to the Administrative Chaplain, the Chaplain of the inmate's requested faith, the Deputy Warden for Programs, and to any other area or person deemed appropriate.

X. LOGBOOK- ALTERNATE RELIGIOUS SERVICES

A logbook labeled Alternate Religious Services shall be maintained in each facility, by the Deputy Warden for Security, and made accessible in a central location of the institution, to record the following:

- COLUMN #1 - name/number of the inmate
- COLUMN #2 - housing area (presently assigned)
- COLUMN #3 - beginning and ending dates of suspension
- COLUMN #4 - date the alternate service was administered
- COLUMN #5 - ACCEPTANCE/REFUSAL- Enter the Letter (A) if the service was administered. Enter the letter (R) if the service was refused.
- COLUMN #6 - name/signature of the administering Chaplain

When setting up the "columns" in the logbook use two adjoining pages to record the information.

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X. (continued)

The hard-covered record book consisting of 300 pre-numbered pages shall be used. The opening and closing dates of the logbook shall be entered on the inside, hard-cover of the log.

The Administrative Chaplain of the facility shall ensure that the respective Chaplains assigned thereto review the above logbook on a regular basis, in order to keep abreast of those inmates who are to be provided with an alternate religious service.



Prior to administering the alternate religious service, the Chaplain concerned shall receive clearance from the Tour Commander on duty.

XI. LOGBOOK ENTRIES/HOUSING AREA LOGBOOKS

Housing area officers are required to make the following entries in the housing area logbook, whenever inmates are going to or returning from religious services/activities.

- a. date;
- b. name of the religious service/activity;
- c. time the housing area officer announced the service/activity, and the method used to announce the above;
- d. time inmates departed from the housing area to attend the religious service/activity;
- e. the number of inmates attending each religious service/activity;
- f. time inmates returned to the housing area from the religious service/activity;
- g. name/shield number of the officer making the log entries.

After making the log entries, the above information shall be communicated to the Control Room for entry in the Institutional Logbook.

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### XII. INSTITUTIONAL LOGBOOK

Whenever a congregate religious service is conducted, the following entries shall be made in the Institutional Logbook for each denomination that conducted a religious service/activity.

- a. date and time the religious service/activity was conducted;
- b. name of the religious service/activity;
- c. list separately, the number of inmates in attendance from general population and special management areas such as, punitive or administrative segregation including, any area other than general population;
- d. name of clergy or other individual who conducted the religious service/activity;
- e. time the religious service/activity was concluded;
- f. name/shield number of the officer making the entries.

### XIII. REFERENCE

- a. Directive #3251- FACILITY RELIGIOUS ACTIVITIES
- b. Part 8, of the Minimum Standards issued by the New York City Board of Correction
- c. The Consent Decree- Re: Communal Religious Services for Segregated Detainees (76 CIV. 2854 (LWP))- against William Cuiros, Jr., Commissioner of Correction of the City of New York et. al.
- d. Directive #3250- KOSHER RELIGIOUS DIETS FOR MUSLIM AND JEWISH INMATES
- e. Replaces Directive #3252- CONGREGATE RELIGIOUS SERVICES, Dated 3/18/85