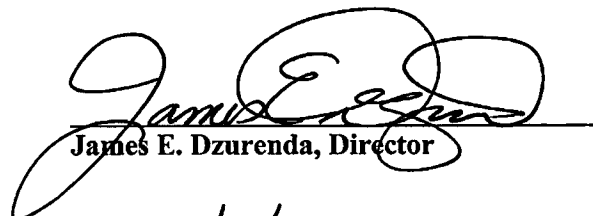


**NEVADA DEPARTMENT OF CORRECTIONS**  
**RELIGIOUS PRACTICE MANUAL**

  
James E. Dzurenda, Director  
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**RELIGIOUS PRACTICE MANUAL**

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## **1. POLICY**

- A. The Nevada Department of Corrections (NDOC) allows religious programs for inmates, including program coordination and supervision, opportunities to practice the requirements of one's faith, and use of community resources within considerations of safety, security, and custody levels of each institution/facility.
- B. This Religious Practice Manual implements the policy set forth in Administrative Regulation (AR) 810, Religious Faith Group Activities and Programs.

## **2. PURPOSE**

- A. The NDOC acknowledges the inherent and constitutionally protected rights retained by inmates to believe, express, and exercise the religion of their individual choice. The NDOC, therefore, extends to inmates those opportunities necessary to practice religious freedom that are consistent with the security, safety, health and orderly operation of each institution/facility.
- B. Inmates are permitted to practice a recognized religion to which they ascribe within the limitations imposed by individual physical structures, staffing levels, other considerations of security, good order and discipline, consistent with consideration of costs and limited resources. Institutions/facilities must, to the extent possible, provide adequate space and equipment for the administration of religious programs, consistent with security and custody considerations, operational needs, rehabilitation goals, budget considerations, and the mission of the NDOC. All limitations or prohibitions must be consistent with considerations of whether the limitations or prohibitions are in furtherance of a compelling governmental interest, do not constitute a "substantial burden" upon the inmate's worship of his or her chosen religion, and are the least restrictive means of furthering that compelling governmental interest, or as otherwise required by applicable law.

## **3. FAIR TREATMENT OF ALL RELIGIONS**

- A. Requests for accommodation of certain religious practices and observances shall be considered from inmates as set forth within this NDOC Religious Practice Manual. All requests for accommodation of religious practices shall be treated equally regardless of the religion involved. Equal, consistent treatment of all religious requests does not always result in the same accommodations in all institutions/facilities or for all inmates.
- B. Special privileges on a one time basis do not create a precedent. The grant of any special request is decided on a case-by-case basis taking into consideration factors unique to a specific situation. These factors include but are not limited to: security, custody levels of the requesting inmates, physical limitations of a particular institution/facility, and available staff.

- C. The grant, limitation, and in some instances prohibition of religious privileges is subject to the custody and classification of the inmate, the disciplinary history of the inmate, the available resources at the prison, staffing levels and the security level of the institution/facility.
- D. Inmates are subject to loss of religious property and/or loss of the privilege of attending religious services if found guilty of misusing religious property or disrupting services. Inmates are not allowed to threaten, pressure, coerce or intimidate any inmate to join a religious group or separate themselves from a religious group and or faith.
- E. All institutions/facilities, resources, grounds, equipment, donated items, and all property other than inmate personal property, Personal Religious Property and Faith Group Property belong to the State of Nevada and are always subject to the control of the NDOC.
- F. Faith Groups requiring special consumables for worship such as grape juice, bread, or kosher items are responsible for obtaining it themselves from Canteen, an approved vendor, or an approved religious organization. Outside volunteers/sponsors may also provide consumables for special religious holidays with the prior approval of a Warden.

#### **4. DEFINITIONS**

- A. **Approved Volunteers:** Those persons who are authorized by the NDOC to conduct religious services inside an institution/facility.
- B. **Approved religious property:** Religious item that inmates are allowed to possess as identified in the Faith Group Overview.
- C. **Chapel:** Any room that is designated by the Warden/designee for religious meetings/services.
- D. **Chapel-based groups:** Recognized Faith Groups that historically and traditionally use a building - such as a church, synagogue, mosque or temple - for group worship. Chapel-based groups do not have any entitlement to outdoor/Earth-based grounds.
- E. **Chaplain:** The person assigned by the Deputy Director/designee to oversee the administration and operations of all religious activities at one or more institutions/facilities, and to provide pastoral care to inmates and staff as needed.
- F. **Donations:** Approved contributions to the NDOC for religious uses, in general or for specific Faith Groups at the discretion of the Department.
- G. **Donor:** An organization or individual approved by the NDOC to make a religious contribution.

- H. Earth-based Groups: Recognized Faith Groups, such as Native Americans and Pagans, that historically and traditionally meet outdoors for worship. Earth-based groups do not have any entitlement to Chapel use.
- I. Earth-based Grounds: Any outdoor area designated by the Warden to be used for religious worship, but that remain under the control of the NDOC, by Native Americans, Pagan Faith Groups and solitary practitioners. Unless otherwise stated or necessary, earth-based grounds are the area on Department prison grounds where approved sweat lodges may be placed subject to the rules and regulations for such lodges, as is more fully set forth in this Manual.
- J. Facilitator: Inmate that is approved, via a classification process, to lead religious services for his faith-declared religious group. This position is a privilege that may or may not be allowed at any institution/facility. The denial of an inmate's request to serve as a Facilitator is not subject to a grievance or appeal.
- K. Faith Group Affiliation Declaration Form (DOC 3503): Form to be completed by every inmate who desires to be identified with a specific Faith Group/religious faith.
- L. Faith Group: A religious or spiritual denomination, sect or organization that is recognized by the NDOC.
- M. Faith Group Overview: The NDOC's compilation that summarizes the diets, holy days, worship practices, and allowable property (personal and group) of the Faith Groups recognized by the NDOC.
- N. Faith Group Storage: The NDOC approved container designated for the storage of approved religious group property as identified in the Faith Group Overview.
- O. Faith Group Property: Religious property as defined in the Faith Group Overview approved for group worship. The Faith Group retains ownership of all approved Faith Group Property including items donated and/or purchased for the Faith Group by a Group member.
- P. Groundskeeper: Faith-declared, Earth-based religious practitioner, approved via a classification process, who maintains the Earth-based grounds assigned by the Warden for use by the inmate's religion. This position is a privilege that may or may not be allowed at any institution/facility.
- Q. Inspect/Inspections: Any NDOC staff person has the right to respectfully inspect any Faith Group areas, Faith Group Storage or boxes, Personal Religious Boxes, and all Personal Religious Property at any time. The Chaplain may also be asked to perform an inspection of any such place or item. It is not necessary for any Faith Group member to be present for any inspection.
- R. Personal Religious Property: Religious property as defined in the Faith Group Overview approved for personal faith practices.

- S. Personal Religious Boxes: The NDOC approved clear plastic container designated for the storage of approved Personal Religious Property as identified in the Faith Group Overview.
- T. RRT: Religious Review Team whose members shall be appointed by the Director.
- U. Religious Service: Any meeting or congregation of inmates who are meeting or congregating for religious worship purposes that is authorized and scheduled by the Chaplain/designee for Chapel-based or Earth-based groups.
- V. Religious Sponsor: A qualified religious person, knowledgeable in the beliefs and practices of a Faith Group, who is approved by the Chaplain/designee to conduct services/meetings of a specific Faith Group.
- W. Staff: Any NDOC employee.
- X. Sweat: A ritual and earth-based religious ritual (similar to a sauna) that uses hot coals or other steam-producing items that have been approved by NDOC that will permit Native Americans and qualified earth-based religious worshipers an opportunity to engage in sweat ceremonies.. Practitioners within a sweat lodge must be clothed at all times when participating in a sweat ritual.
- Y. Sweat Lodge: A structure that some Native Americans and earth-based practitioners construct with willow branches that are temporarily covered with a material.
- Z. Worship Service: A weekly meeting time for each Faith Group consisting of up to at least one (1) hour. There is no entitlement beyond one (1) hour per week.

## **5. PROCEDURES**

### **A. Chaplaincy Services**

1. The Deputy Director authorizes the Wardens to designate the Associate Warden of the institution/facility to supervise the Chaplain in day-to-day religious services.
2. The Chaplain will assist inmates in the practice of their beliefs by scheduling religious services pursuant to Section 5(B) of this NDOC Religious Practice Manual, providing pastoral care, and/or counseling regardless of faith.
3. Chaplains have the responsibility for initiating Faith Group programs, submitting reports, and supervising religious workers and volunteers.
4. Chaplains will maintain communications with community faith resources, as available, in order to promote inmates' interaction with members of local faith communities. Off-site meetings by Chaplains with faith organizations/individuals are encouraged and approved to maintain a professional and amicable working relationship between NDOC and community. Chaplains shall ensure equal status and protection for all religions and Faith Groups.

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5. As situations arise, and with the approval of the Warden/designee, Chaplains may augment the basic Volunteer Training required of all non-staff clergy or Volunteers when it is determined that such training is necessary to address a particular issue or problem identified. Chaplains may not mandate more Volunteer training than what is required by this NDOC Religious Practice Manual and AR 802 Community Volunteer Program. Any such training will be documented and forwarded for inclusion in the volunteer's file.
6. Chaplains may employ inmates as religious workers to provide assistance to the Chaplain.
  - a. Inmate religious workers will be selected from inmates that are practicing that religion, and the selection will be made without favoritism, but consideration will be given to inmates that are disciplinary free, and whose classification allows for their work participation in the chapel.
  - b. Selection of religious workers will be reviewed and made pursuant to the institution/facility classification process, custody status, disciplinary record, knowledge of the religion in question and, compatibility with other worshippers.
7. In coordination with the Associate Warden, the Chaplain is authorized to solicit, approve and accept donations of equipment, materials, supplies for special approved events or other donations for use in religious programs or services, according to the NDOC's policy regarding donations. No outside religious donations may be given directly to an inmate.
8. When an outside religious representative of an inmate's faith is not available the Chaplain/designee staff may assist the inmate in finding a person that has appropriate qualifications to serve as a sponsor.
9. The Chaplain shall attend regular staff meetings held by the Warden or Facility Manager, as directed by the Associate Warden. The Chaplain may request attendance at these and other meetings to provide information that may be significant to the safe and secure operation of the chapel or other areas of worship.

### B. Chapel Use

1. Chapel service shall only be provided to religious groups that number five (5) or more practitioners.
2. A schedule for the use of the chapel will be prepared by the Chaplain and approved by the Warden/designee, and provided to the Deputy Director as requested. This schedule may be subject to change depending on the safety and security of the prison or facility, staff availability, or other factor or conditions within the prison that may affect prison operations.
  - a. If a Chapel is not available, the Warden/designee will designate an area available for religious activities that meets the security needs of the institution/facility.

- b. In scheduling religious activities, the Chaplain will seek to accommodate Faith Groups, including those that call for particular times, and calendar or lunar dates for specific services or ceremonies. Safety and security is a priority in scheduling religious activities.
- c. While no Faith Group is favored over another, those serving the largest number of inmates in an institution/facility shall be assured access and accommodated with space and scheduling adequate to serve the needs of the large groups of inmates practicing that religion. Abuse of chapel privileges such as proselytizing, disruptive behavior, belittling a religion or worship activity, threats, or, other conduct inconsistent with religious worship shall result in a warning and/or immediate removal from the Chapel.

**6. VOLUNTEERS**

- A. The Warden's designee and the Chaplain will review the institution/facility's Faith Group activities on a quarterly basis to assure that services or activities are available to meet the needs of the inmate population, and will determine the need to recruit representatives of Faith Groups not previously involved in the institution/facility.
- B. Volunteers must complete and submit all required forms and documents in accordance with AR 802 Community Volunteer Program.
- C. Approved Volunteers must complete the Volunteer Orientation Training Program offered through the NDOC's Volunteer Coordinator and the Training Department before entering an institution/facility. Volunteers must repeat the training once every three (3) years thereafter. Special training sessions may be required by the NDOC if a particular situation, policy change or court ruling requires it.
- D. Volunteers must sign all required documents.
- E. All Volunteers are subject to search of their person and property before entering and/or leaving any Department institution/facility.
- F. Volunteers may be approved to bring regularly used materials needed for their services such as literature, communion elements, crystals, vestments, religious audio/video media, etc., with prior permission. However, all regularly used materials must conform to security requirements and must first have been communicated to the Chaplain in advance of the volunteer's next visit and approved in writing by the Warden.
  - 1. All volunteers' personal items must leave the premises with them after every service. All items must be brought into the facility in accordance with each



institution/facility' s security procedure.

- a. Volunteers desiring to donate regularly used common items for the Chapel (i.e. Bibles, Korans, candles) must first secure advance permission from the Chaplain. If approved, the Chaplain will provide an authorizing memo to the Gatehouse stipulating that the items will remain in the Gatehouse for the Chaplain or other staff to deliver them to the Chapel.
  - b. Written or video materials that promote racism, violence towards non-believers, bigotry or prejudice will not be permitted in any form
- G. Roman Catholic priests are allowed to bring two (2) ounces of sacramental wine into institution/facility for personal use only during communion. It cannot be given to inmates in any form including tincture - which is the dipping of the communion host into the wine.
- H. Volunteers may not simultaneously be approved to be on any inmate's Visitors List. In no event may a family member be allowed to visit and Volunteer at the same institution/facility.
- I. Approved Volunteers must meet with the institution/facilities Chaplain/designee prior to being allowed to minister at the institution/facility to present a plan for ministering to a Faith Group, and the plan must be approved by the Chaplain.
- J. Volunteers shall never meet behind locked doors with an inmate. Volunteers must avoid all appearances of impropriety and all situations in which they might be compromised.
- K. Physical contact is allowed only as part of recognized religious services such as foot washing, handshaking, and anointing with oil on the head in prayer.

## **7. INMATE FACILITATORS**

- A. Inmates do not have a right to facilitate religious services, classes or activities. In the event there is no Chaplain or Volunteer to facilitate a worship meeting, the Chaplain and Associate Warden may appoint up to two (2) inmates to facilitate the service. Facilitators are not to engage in any behavior or speech that in any manner is deemed disruptive, offensive to other worshipers or contrary to the safety and security of the institution, and inconsistent with the basic tenants of the worship activity. The following criteria will be used to select inmate facilitators:
1. The inmate's maturity, temperament, and knowledge of the relevant Faith Group.
  2. The quality of the inmate's relationship with the relevant Faith Group.
  3. The inmate's history with staff and relevant Faith Group's members. Inmates

must have a good and positive relationship with the Chaplain/designee.

4. Candidates must be disciplinary free for at least one (1) year.
  5. The Associate Warden has final approval of any recommendations.
- B. The Chaplain/designee must maintain a record of all inmate facilitators.
  - C. Inmate facilitators do not direct, manage or regulate how staff conducts religious meetings nor do they have power or authority over other inmates.
  - D. When a Chaplain or Volunteer leads a religious service they maintain complete control of the service.
  - E. The Chaplain retains complete management, control and authority over all services, their organization and all elements associated with it. This responsibility shall not be delegated to an Inmate facilitator.
  - F. Inmates who wish to serve as inmate religious facilitators must complete the application process as follows: The application process requires the inmate to submit an Inmate Request Form (DOC 3012) (kite) to the Chaplain requesting to serve in a religious facilitator position. If the Chaplain approves, the Chaplain will submit a recommendation to the Classification Board for consideration. The inmate's service will be considered in the evaluation of their request. This includes inmates currently serving as religious facilitators.
  - G. Inmate facilitators may be removed from their position if they are found guilty of a disciplinary infraction, violate Chapel rules, treat inmates unfairly, and/or demonstrate inappropriate behavior inconsistent with the security, safety, health and orderly operation of each institution/facility as determined at the discretion of the Warden, Associate Wardens or Chaplain.
  - H. After one (1) year, a removed inmate may reapply for the position.
  - I. Being an inmate facilitator is a privilege granted at the sole discretion of the Warden/designee.

## **8. WORSHIP**

- A. The Associate Warden/Chaplain shall prepare a schedule of all Faith Group services and programs in the institution/facility where they are assigned for the Warden/designee approval.
- B. During the intake process, inmates will complete the Faith Group Affiliation Declaration Form (DOC 3503). Classification Staff will enter the information into NOTIS. For purposes of the intake process, this form will only be used by the NDOC to determine the religious service needs of the inmates and the proportionate representation in a given Faith Group. The form will not be used in any way to discriminate against, categorize or identify an inmate for anything

other than religious Faith Group identification or Faith Group practice.

C. The NDOC shall:

1. Allow an inmate the opportunity to declare a Faith Group affiliation.
2. Permit inmates to change Faith Group affiliation once every twelve (12) months by completing and submitting a Faith Group Affiliation Declaration Form (DOC 3503). Any such changes must be documented and updated in Nevada Offender Tracking Information System (NOTIS).
3. Worship services are open to all inmates consistent with their custody level and the institution/facility's safety and security needs. Inmates who are disruptive, offensive or disrespectful to the worship activities or other worshipping inmates maybe removed from the worship area and documented for a disciplinary infraction in order to record for future reference, and possible prohibition from attendance.

**9. NATIVE AMERICAN WORSHIP**

A. Eagle feathers are permitted consistent pursuant to federal law.

1. To obtain eagle feathers, an inmate must first petition the U.S. Department of Fish and Wildlife Eagle Repository for eagle feathers and then request permission from the Warden, via the Department's Religious Property Request Form (DOC 3528),
2. A copy of any documentation/written verification obtained/provided subject to Section 9(B) is given to the inmate and the original is placed in the I-File.

B. Inmates eligible to participate in Sweat Lodge Ceremony include the following:

- a. Show proof of being enrolled in a federally recognized tribe.
- b. Demonstrate credible association with tribal living via written documentation from a recognized tribe.
- c. Demonstrate credible association with tribal living via written documentation from a tribe recognized by the United States government as having existed prior to 1887 (Dawes Act enacted) but not necessarily registered with the federal government.
- d. Inmates who successfully obtain written verification of Native American ethnicity from the Nevada Indian Commission (NIC). The NIC should notify the institution/facility Chaplain (via letter or email) of successful verification.
- e. Maintain acceptable conduct that does not violate the safe, secure, and orderly operation of the facility and do not engage in disruptive behavior to other inmates in the sweat lodge.

3. Native American Pipe Ceremonies

- a. Native Americans eligible to participate in Sweat Lodge Ceremonies are also eligible to participate in Pipe Ceremonies.
- b. Pipe Ceremonies may only be held in the Sweat Lodge area.
- c. Native Americans may participate in the Pipe Ceremony at the Sweat Lodge area contingent upon Operational Procedures and Classification.
- d. Pipe Ceremony in Segregated Housing. Inmates in segregated housing (i.e., protective custody, administrative segregation, disciplinary segregation, Condemned Men's Unit), may be allowed to participate in an individual Pipe Ceremony only if conducted by an approved non-inmate in an approved location and schedule as determined by the Warden, generally once per month.
- e. The NDOC recognizes eagle talons, beaks and bones are used by some Native American religious practices; however, possession of those items is inconsistent with safety and security and is, therefore, prohibited.

**10. HOLY DAYS**

- A. Holy days are permitted as documented by faith tenet, within available time, space and security resources. (For currently approved holy days refer to the Faith Group Overview).
- B. Each institution/facility may attempt to accommodate all recognized Faith Groups in celebrating their AR 810 recognized holy days (as set forth in the Faith Group Overview) on the actual day on which they occur. This option is considered in light of the institution/facility's staffing, yard movement, impact on other programs, cost, resources, and safety and security issues. No institution/facility is mandated to allow the celebration on the actual date, and may allow the holy day to be celebrated on an alternate date including during the Faith Group's normally scheduled weekly worship day.
  1. If a Faith Group is granted permission to celebrate their holy day on the actual date of the holy day, the accommodation in no way sets a precedence for the institution/facility to allow future holy days to be celebrated on the actual date of the holy day.
  2. If a Faith Group is granted permission to celebrate their holy day on a day other than their regularly scheduled worship day, they may also meet on their regularly scheduled worship day in the same week.

**11. INMATE REQUESTS RELATED TO PRACTICE OF RELIGION**

- A. Inmate requests related to the practice of religion fall into six (6) general categories:

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1. Recognition of a New Faith Group;
2. Request for New Faith Group/Personal Religious Property;
3. Request for New or Additional Religious Service/Meeting;
4. Request a Special Holy Day Service/Meeting;
5. Request for Special Holy Day Food (AR 810 Recognized Holy Days); and
6. Request for Food at Chapel and/or Earth-based Religious Celebrations.

### B. Recognition of a New Faith Group

1. When any group/individual wishes to have the NDOC recognize a new Faith Group they must use the process set forth in this section. The request must be made in writing using the Request for Accommodation of Religious Practices Form (DOC 3505). The Request for Accommodation of Religious Practices Form (DOC 3505) must be fully completed and submitted to the Chaplain/designee with all relevant documentation attached (i.e. practices, holy days and reasons why religious items are needed to practice the religion).
  - a. If the request is made by a group of inmates, the group must designate a single inmate to act as the group representative and point of contact for all matters associated with the request. This group representative should be the inmate who submits the Request for Accommodation of Religious Practices Form (DOC 3505).
2. The Chaplain/designee will submit the completed Request for Accommodation of Religious Practices Form (DOC 3505), and any documentation attached thereto, to the RRT.
3. The RRT will research the inmate's request to determine if the Faith Group is an organized and recognized religion in the community at-large. The research will include whether the request for the Faith Group is listed as a terror group or organized crime syndicate listed by the federal or state government. The recommendation will be submitted to the Deputy Director.
4. The designated Deputy Director will consider the inmate's request in conjunction with the RRT's recommendation, and render the final decision on the request for recognition of a new Faith Group.
  - a. In rendering his/her final decision on the inmate's request for recognition of a new Faith Group, the designated Deputy Director may adopt the RRT's recommendation in its entirety, adopt the RRT's recommendation in part, or reject the RRT's recommendation in its entirety.
  - b. If the RRT's recommendation is granted in part or rejected in its entirety, the designated Deputy Director should provide an explanation of the basis for his/her decision.
5. After the final decision is made, the designated Deputy Director will forward the same to the RRT.

6. The RRT will then provide written notice of the final decision to the inmate who submitted the request.
  - a. A copy of this decision will be maintained in the I-File of the inmate who submitted the request.
  - b. If the request was made by a group representative on behalf of a group of inmates, it will be the responsibility of the group representative to notify the members of his/her group of the final decision.
7. If the designated Deputy Director's final decision is to approve the inmate's request for recognition of a new Faith Group, the RRT will make the necessary amendments to the Faith Group Overview, and submit the same to the designated Deputy Director and NDOC AR Coordinator for finalization.
8. **If the designated Deputy Director's final decision is to deny in part or deny in its entirety**, a disagreeing inmate who wishes to appeal the decision of the Deputy Director, may do so by utilizing the grievance process per AR 740.

C. New Faith Group/Personal Religious Property

1. When any group/individual wishes to have the NDOC add new allowable Faith Group Property and/or Personal Religious Property to the Faith Group Overview, they must use the process set forth within this section. This process must be completed before a grievance is filed pursuant to AR 740, Inmate Grievance Procedure.
2. The request must be made in writing via the Request for Accommodation of Religious Practices Form (DOC 3505). The Request for Accommodation of Religious Practices Form (DOC 3505) must be fully completed and submitted to the Chaplain with all relevant supporting documentation attached (i.e. reasons why the item(s) are religious and needed to practice the religion).
  - a. If the request is made by a group of inmates, the group must designate a single inmate to act as the group representative and point of contact for all matters associated with the request. This group representative should be the inmate who submits the Request for Accommodation of Religious Practices Form (DOC 3505).
3. The Chaplain/designee will submit the completed Request for Accommodation of Religious Practices Form (DOC 3505), and any documentation attached thereto, to the RRT.
4. The RRT will research the inmate's request and submit a recommendation to the designated Deputy Director.
5. The designated Deputy Director will consider the inmate's request in conjunction with the RRT's recommendation, and render the final decision on

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the request to add new allowable Faith Group Property and/or Personal Religious Property to the Faith Group Overview.

- a. In rendering his/her final decision on the inmate's request for recognition of a new Faith Group property, the designated Deputy Director may adopt the RRT's recommendation in its entirety, adopt the RRT's recommendation in part, or reject the RRT's recommendation in its entirety.
  - b. If the RRT's recommendation is granted in part or rejected in its entirety, the designated Deputy Director should provide an explanation of the basis for his/her decision.
6. After the final decision is made the designated Deputy Director will forward the same to the RRT.
  7. The RRT will then provide written notice of the final decision to the inmate who submitted the request.
    - a. A copy of this decision will be maintained in I-File of the inmate who submitted the request.
    - b. If the request was made by a group representative on behalf of a group of inmates, it will be responsibility of the group representative to notify the members of his/her group of the final decision.
  8. If the designated Deputy Director's final decision is to approve the inmate's request to add new allowable Faith Group Property and/or Personal Religious Property to the Faith Group Overview, the RRT will make the necessary amendments to the Faith Group Overview, and submit the same to the designated Deputy Director and NDOC AR Coordinator for finalization.
  9. **If the designated Deputy Director's final decision is to deny in part or deny in its entirety**, a disagreeing inmate who wishes to appeal the decision of the Deputy Director, may do so by utilizing the grievance process per AR 740.

### D. New or Additional Religious Service/Meeting

1. When a group/individual wishes to have the institution/facility where they are currently housed add a new or additional religious service they must use the process set forth within this section. This process must be completed before a grievance is filed pursuant to AR 740, Inmate Grievance Procedure.
2. The group/individual must make a written request that the institution where they are currently housed add a new or additional Religious Service via Inmate Request Form (DOC 3012) (kite) to the Chaplain/designee.
  - a. If the request is made by a group of inmates, the group must designate a single inmate to act as the group representative and point of contact for

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all matters associated with the request. This group representative should be the inmate who submits the Inmate Request Form (DOC 3012) (kite).

3. In responding to the request, the Chaplain/designee will consider:
  - a. If there are already services/classes that meet the request;
  - b. If adequate similar meetings for that Faith Group already exist;
  - c. The availability of Chapel time slots in consideration of the needs of other Faith Groups; and
  - d. The number of inmates who would participate in the service.
4. If the Chaplain/designee determines that new or additional Religious Services are warranted, the recommendation will be forwarded to the Warden/designee for final approval via the Chapel Schedule or other written method.
5. The Warden/designee makes the final determination as to whether to grant or deny any request.

E. Special Religious Holy Day Service/Meeting

1. When a group/individual wishes to schedule a special Holy Day service/meeting at the institution/facility where they are currently housed, they must use the process set forth within this section. This process must be completed before a grievance is filed pursuant to AR 740, Inmate Grievance Procedure.
2. The group/individual who wishes to have the institution/facility where they are currently housed schedule a special holy day service/meeting must submit a fully completed Request for Recognized Holy Day Service/Food (DOC 3529) to the Chaplain/designee at least thirty (30) but no more than forty five (45) days in advance of the holy day.
  - a. If the request is made by a group of inmates, the group must designate a single inmate to act as the group representative and point of contact for all matters associated with the request. This group representative should be the inmate who submits the Request for Recognized Holy Day Service/Food (DOC 3529).
  - b. The Chaplain/designee verifies the validity of the request and will make a recommendation to grant or deny it based on what is allowed by the AR 810 Faith Group Overview. Consideration is based on several factors including:
  - c. If there is minimal inconvenience to the overall operation and security of the institution/facility.



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- d. If significant intrusion and disruption to the security and operations of the institution/facility will result.
  - e. The degree to which the proposed 'special day' is deemed a religiously 'significant' or 'important' day of worship."
3. The Warden/designee makes the final determination as to whether to grant or deny any request.
- a. The request may be approved subject to specified limitations.
  - b. Inmates must register for special religious holy day (i.e. Ramadan, Rosh Hashanah) services/meetings at least thirty (30) but no more than forty-five (45) days before a holy day.
  - c. In the event an inmate transfers to an institution/facility after the registration deadline for a special holy day service/meeting, the institution/facility will make efforts to accommodate the request subject to the limitations imposed by timing, staffing levels, safety and security considerations, the ability to maintain good order and discipline, costs and resources. Inmates are on notice that a transfer may sometimes preclude the receiving institution's ability to accommodate a holy day service or special request under this Section.
4. Every special holy day service/meeting must be requested and considered separately. A special accommodation for an inmate or group does not constitute a precedent for future services or requests.
5. If a group is granted permission to celebrate their holy day on a day other than on their regularly scheduled worship day, they may also meet on their regularly scheduled day in the same week if such a meeting is not disruptive to another group's scheduled meeting or worship time.
6. Religious observances and/or services/meetings will not be held or scheduled at the times or with the frequency, chosen by the inmates or generally recognized by their religion if those times conflict with the institution/facility security, operational and management needs or would otherwise disrupt the orderly operation of the institution/facility.
- F. Request for Special Holy Day Food (AR 810 Recognized Holy Days)
1. When an individual wishes to receive special holy day food on an AR 810 recognized holy day (i.e. a holy day listed on the Faith Group Overview) he/she must use the process set forth within this section. This process must be completed before a grievance is filed pursuant to AR 740, Inmate Grievance Procedure.
    - a. Special Holy Day food is food (drinks/meals) provided by the Culinary that is different, either in timing or content, than the food that the inmate

is regularly scheduled to receive.

- b. If the inmate wishes to have Special Holy Day food at the Chapel or Earth-based grounds for an AR 810 recognized holy day, a separate Request for Food at Chapel or Earth-based Religious Celebration must also be submitted.
2. Each inmate who wishes to receive special holy day food on an AR 810 recognized holy day must submit a written request to the Chaplain/designee via Inmate Request Form (DOC 3012) (kite), at least sixty (60) but no more than seventy (70) days in advance of the holy day.
  - a. A separate, and timely, request must be made by each individual inmate who wishes to receive special holy day food on an AR 810 recognized holy day. Group requests, or a single request submitted by multiple inmates, will not be accepted.
  - b. A separate, and timely, request must be made prior to each AR 810 recognized holy day that the inmate wishes to receive special holy day food for.
  - c. Inmates may only request special holy day food on the AR 810 holy days listed on the Faith Group Overview for their declared faith as identified on the Faith Group Affiliation Declaration Form (DOC 3503).
3. The Chaplain/designee will research the validity of the request and submit his/her findings and recommendations to the Warden. The considerations for approving this request for special food shall include, but are not limited to: storage concerns, contamination concerns; the need to properly cook food to eliminate pathogens; fire hazards; availability restrictions; jealousy of other inmates who will not receive the special food; and, the time it will take to properly and safely prepare the food in question.
4. The Warden will consider the inmate's request in conjunction with the Chaplain/designee's recommendations, render the final decision, and notify the Chaplain/designee of his/her decision.
5. The Chaplain/designee will notify the inmate of the final decision via Inmate Request Form DOC 3012) (kite).
6. In the event an inmate transfers to an institution/facility after the deadline for requesting special holy day food for an AR 810 recognized holy day has passed, the inmate should immediately submit a written request, via Inmate Request Form (DOC 3012) (kite), to the Chaplain/designee attaching a copy of the Inmate Request Form (DOC 3012) (kite) approving the inmate's request at the prior institution/facility. If the inmate's request was previously approved while housed at another institution/facility, or the inmate was received into the NDOC after the deadline, the institution/facility may make efforts to accommodate the request subject to the limitations imposed by timing, staffing levels, safety and security considerations, the ability to

maintain good order and discipline, costs and resources. There are no guarantees that the receiving institution will be able to accommodate the special food request made by the inmate being transferred.

G. Request for Food at Chapel and/or Earth-based Religious Celebration

1. When any Faith Group wishes to have food at the Chapel or Earth-based grounds for an AR 810 recognized holy day (i.e. a holy day listed on the Faith Group Overview) they must use the process set forth within this section. This process must be completed before a grievance is filed pursuant to AR 740, Inmate Grievance Procedure.
2. Faith Groups desiring to have food at their AR 810 recognized holy days must submit a fully completed Request for Recognized Holy Day Service/Food (DOC 3529) to the Chaplain/designee at least thirty (30) but not more than forty-five (45) days prior to the event.
3. The Chaplain/designee verifies the validity of the request and will make a recommendation to grant or deny it based on what is allowed by the AR 810 Faith Group Overview. The considerations for approving this request for special food shall include, but are not limited to: storage concerns, contamination concerns; the need to properly cook food to eliminate pathogens, fire hazards, availability restrictions, ; and, the time it will take to properly and safely prepare the food in question.
4. The Warden/designee makes the final determination as to whether to grant or deny any request.
  - a. The request may be approved subject to specified limitations.
5. Only foods purchased from Canteen Services or supplied by Culinary are allowed in the Chapel or on Earth-based grounds for the celebration.
  - a. Culinary will only provide the food (drinks/meals) that the inmate is regularly scheduled to receive.
  - b. Faith Groups desiring food, including ice, for AR 810 approved religious holy day celebrations are responsible for purchasing it from Canteen Services. Inmates must have prior approval from the Chaplain/Warden's designee before taking food to their religious grounds or Chapel.
6. No group or individual is allowed to cook any food; heating of pre-cooked food may be permitted, prior to bringing it to the religious area.
7. Food brought to the celebration must be consumed or discarded by the end of the service. It cannot leave the Chapel or worship grounds.
8. Native American and Earth-based participants may take their sack lunch and Canteen-purchased foods to their respective Earth-based grounds. No food

items may leave the Earth-based grounds.

9. No food shall be shared or given to non-participants at the worship ceremony where food is available.
10. Religious holy day celebrations involving food are limited to the number of AR 810 recognized holy days for each Faith Group.

## 12. FACILITIES

- A. The NDOC requires each institution/facility to provide space adequate for Faith Group programs. Each Warden/designee shall designate areas within the institution/facility for Faith Group programs.
- B. All Chapels, Earth-based grounds, all places designated for religious services, and Faith Group storage areas belong to the State of Nevada and are subject to the control of the NDOC. All resources including donated materials belong and are subject to the control of the NDOC at all times. Faith Group Property and Personal Religious Property are subject to the policies and restrictions established by the NDOC and the individual institutions/facilities.
- C. Lot Sizes and Configuration of Earth-based grounds
  1. If possible, all Earth-based Faith Groups are allotted 1000 square feet (i.e. 50'x20') of land as worship grounds per institution/facility, and are to be shared by all AR 810 recognized Earth-based groups. This size easily allows fifty (50) people to simultaneously use the area (each with a 4'x5' area), and for the land to be divided into plots for use by multiple groups. All Earth-based grounds are subject to inspection.
    - a. The Warden/designee has the option to split the groups to meet on separate days to eliminate over-crowding.
    - b. In institution/facilities with a very small population of Earth-based practitioners, if possible, the Earth-based grounds should be a minimum of 100 square feet (i.e. 10'x10') and the size may be adjusted based upon the number of practitioners utilizing the formula of 20 square feet (i.e. 4'x5') per practitioner.
    - c. When possible, each institution/facility will provide a minimum of 100 square feet (i.e. 10'x10') for Solitary Circles demarked by at least a five (5) foot boundary from other AR 810 recognized Earth-based grounds.
  2. All initial construction and subsequent modifications to Earth-based grounds require prior approval from a Warden/designee. Approval is subject to the institution/facility's staffing, yard movement, impact on other programs, costs, resources, as well as the security, safety, health and orderly operations of the particular institution/facility.

3. Earth-based Grounds can be configured and decorated with approved items such as wands, bells, crystals, and one (1) altar, constructed from mud, per group. The maximum altar size is 18 (a standard-size plastic bucket).
4. Mud figures are allowed to be constructed, limited to 4"x4", at one (1) per practitioner and must remain on site.
5. No unauthorized or offensive signs, symbols or depictions are allowed.
6. Pagan earth-based grounds may have one reflecting pool per Faith Group. The maximum depth cannot exceed 6" with a diameter of 2'.
7. Earth-based and Native American practitioners may only plant vegetation approved by the Warden or his designee and obtained at the groups' expense, unless indigenous vegetation is available & approved for re-planting.
8. No edibles of any kind. If any such items are found they will be immediately uprooted and discarded.
9. Plantings in arid and semi-arid climate and vegetation zones (areas averaging less than 9" precipitation annually) are to consist of indigenous and similar-to- indigenous water-efficient vegetation. Some limited alternative plantings may be permitted with the approval of the Warden.
10. Plants and all other vegetation may be searched at any time.
11. Plants are restricted to a max height of 36" and may not be spaced in a way that obstructs the view from a tower, gun post, or security post.
12. All excavations (i.e. holes) limited to max 18" depth (standard upright plastic bucket).
  - a. NO structures over 6" tall may be built at the edge of or adjacent to an excavation.
13. All structures shall be spaced no less than 12" (standard plastic bucket width).
14. All posts (i.e. altars, pillars) are limited to max 18" height and a max 12" width, with a minimum separation of 12" between each post. No walls are allowed.
15. Fire pits must be at least 8' from any building, and be of the following size:
  - a. Diameter: 16"minimum, 36"maximum; Depth: 8" minimum, 12" max.
  - b. A bucket of water will be kept by the pit for emergency fire extinguishing.
16. Modifications of the grounds require the prior approval of the Warden.

17. Staff is authorized to respectfully walk and inspect all Earth-based Grounds, including Sweat Lodges, and to inspect and handle any Faith Group Property and/or Personal Religious Property.
18. Earth-based groups are allowed a small worship fire at their services.
  - a. Groups must purchase firewood from an approved vendor or have it donated through an approved donation process.
  - b. Each group is allowed a fire pit not to exceed 36" diameter by 12" deep.
  - c. Fires may consist of up to but no more than four pieces of wood, with each piece not to exceed 6" diameter by 20" long.
19. Earth-based practitioners should have access to drinkable water. Hot water or access to it should be available for authorized holiday celebrations.
20. Bathroom breaks shall be allowed at least every sixty (60) minutes.

D. Native American Specifics

1. Only Native Americans are allowed to possess and use tobacco/kinnikinnick (t/k). It can only be used for worship and must be requested from NDOC Staff when needed. Unused portions must be returned to Operations. The total amount of t/k cannot exceed 1/8 ounce (approximately 1" cube) per inmate on the Native American sweat lodge roster. Inmates including the entire faith group may lose their right to t/k for six (6) months if it is misused or is used without authorization.
2. Native American inmates may have access to a hose and a bucket.

E. Procedure for Use of Chapel by Chapel/Indoors-based Groups

1. The NDOC requires that each institution/facility provide space adequate for Faith Groups programs consistent with the facility design and available space, within the secure perimeter of the facility, if the facility is a medium, close, or maximum security facility. Non-secure minimum custody facilities, such as camps and transitional housing centers, shall provide space within the facility. Those facilities that have both minimum and secure perimeter housing will provide areas for religious services in both areas so that inmates are not transported in or out of secure perimeters for religious services.
2. The Chapel is used for services by indoors-based faith groups. These groups have no entitlement to use Earth-based grounds. All inmates have access to the Chaplain and Chapel literature.
3. Earth-based faith groups have no entitlement to use the Chapel for services. The Chaplain and Warden/designee may permit Earth-based groups to use the Chapel for meetings only if there are unused Chapel time slots available. Permission to use the Chapel may be rescinded at any time. Chapel-based

groups always have first priority to use the Chapel.

4. Chapel-based inmates are given the opportunity to meet in the Chapel for services. Frequency of access and number of services is dependent on the population, needs of other Faith Groups, and institution/facility limitations.
5. Chapel-based Faith Group services in the Chapel are for group worship only. There is diversity of sects within all religions; no institution/facility can accommodate them all. Inmates gather to exercise traditional group worship practices generally accepted by their religion. These practices include songs and prayers, encouraging sermons from clergy, and participating in clergy led rituals/ceremonies, and group studies.
6. Messages, videos, CDs, and written media promoting hate, violence, political persuasions, or anything other than religious-centric tenets, personal spiritual development, and proper social behavior is not tolerated. Such messages and related media will be removed from the Chapel, as will individuals promoting the same.
7. Private practices such as fasting, praying, reading and studying are conducted in the inmate's cell, unit or on the yard, in accordance with all institution/facility procedures and other applicable Administrative Regulations.
8. Religious texts and applicable correspondence courses are allowed, as provided by AR 711 Inmate Personal Property, and AR 750 Inmate General Correspondence and Mail and in accordance with the Prison Legal News settlement.
9. Proper Behavior for all Faith Group services. Chapel services are for exercising group worship practices directly related to an inmate's Faith Group. Institution/facility safety and security are always central. Rules governing proper behavior must be followed at all times. Violating any of the following, or any other Administrative Regulation or policy, may lead to loss of use privileges and the issuance of a notice of charges:
  - a. Inmates will dress properly, in blues, with shirts tucked in and pants raised.
  - b. Only AR 810 recognized religious head covers are allowed. Such head covers may be worn anywhere and at any time in the institution/facility.
  - c. All head covers must be removed during pat/strip searches if instructed by staff.
  - d. Only prison-issued or approved clothing is allowed to be worn.
  - e. Profanity, sexual vulgarity, racist or religious attacks are strictly

prohibited.

- f. Physical contact of any kind is prohibited except when it is part of recognized religious services such as foot washing, handshaking, and anointing with oil on the head in prayer.
- g. Political promotions, discussions and debates are prohibited in Chapel services.
- h. Proper hygiene is expected of all attendees in consideration of other attendees.

10. Faith Group Service Facilitators and Leaders. As stipulated in this Manual, inmates have no right to facilitate or lead services, or to teach classes. Likewise, NDOC does not recognize religious titles for inmates. It is the sole discretion of each institution/facility to allow inmates to facilitate religious services.

#### F. Procedure for Use of Solitary Circle by Pagan Practitioners

- 1. Earth-based Paganism occasionally has solitary practitioners -persons that do not worship as part of a group. They require a plot of ground to worship, commonly known as a Solitary Circle (SC).
- 2. Only earth based Solitary Practitioners (SP) are allowed to use the SC.
- 3. SC time is one (1) hour per week per person. SPs should work out SC use amongst themselves. If that cannot be accomplished, a SP must request a time slot for worship via Inmate Request Form (DOC 3012) (kite) to the Chaplain. All security regulations and concerns apply.
- 4. The SC must be respected. It is sacred space and must be treated as such. Anyone disrespecting it is subject to loss of use privileges and may face charges.
- 5. Leave the SC area as it was found. The SC is purposely devoid of religious symbols. This allows for use by any SC practitioner such as Asatru, Wiccan or Druid. All items taken into the SC by a user are to be removed by the user upon leaving except when leaving crystals or stones for energizing/consecration for one or two days. Those items must be removed within forty-eight (48) hours. No words, inscriptions or drawings of any type are to be drawn in or on the dirt or surrounding area of the SC by the worshiper.
- 6. Caring for the SC is the responsibility of Solitary Practitioners. If needed, initial and basic development (boundaries, land clearing) of the SC is the responsibility of the entire Pagan community unless new Pagan grounds are being designated by Administration and there already exist Pagan SC practitioners. Subsequently, Solitaires are responsible for improvement and care, (such as building one altar, maintaining grass, fire pit). Solitaires that



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use the SC do all development through consensus. In the event of a disagreement nothing shall be done to the land until the matter is communicated via Inmate Request Form (DOC 3012) (kite) to the Chaplain/Associate Warden and a response received. The SC must comply with all Earth-based grounds requirements in this Religious Practice Manual.

### G. Groundskeepers.

1. The Chaplain may recommend to a Classification Committee process up to two (2) solitary practitioners as groundskeepers (GK) of the Solitary Circle and of each earth-based religious group's assigned grounds. GKs are responsible for basic upkeep such as watering/cutting grass, and may access their assigned grounds daily, or as dictated by custody level or security. GKs are recommended to the Chaplain by each AR 810 recognized Earth-based Faith Group.
2. Earth-based groundskeepers qualify for work days. The selection and qualification process is the same as for facilitators as listed in this AR including the necessity of the candidate having a professional and amicable relationship with the Chaplain and other staff. A candidate may immediately be disqualified at the Chaplain's discretion if there is tension, unfriendliness or hostility viewed or perceived from the inmate.
3. Only if necessary, groundskeepers unable to meet the qualification of being disciplinary-free for one year may, at the Wardens' discretion, be GKs without earning days.
4. Groundskeeper candidates must have and maintain an amicable relationship with the Chaplain and all staff or face loss of privilege.
  - a. Groundskeepers must sign their monthly Time Sheet by the date designated by the Chaplain. Failure to do so leads to loss of credit and GK position.

### H. Native American and Earth-based Sweat Lodge Policies and Procedures

1. Sweat lodge use by earth-based religious adherents shall be restricted to those for whom such use constitutes "religious exercise." A simple "desire" to use a sweat lodge will not suffice. A petitioning inmate who seeks to access a sweat lodge must demonstrate that such use is motivated by sincerely held religious beliefs.
2. Sweat lodge practitioners must be clothed at all times when participating in a sweat ritual.
3. NDOC will identify and allocate space at each institution for Native American and Earth-based groups to sufficient to allow the construction of a sweat lodge without unnecessarily disrupting the ability of other worshipers of the same religion from utilizing or enjoying the designation religious grounds. A sweat

lodge may only be constructed on the grounds allocated and identified by the Department.

4. Sweat lodges shall be temporary structures that are constructed and deconstructed on the same day of the sweat lodge use.
5. A sweat lodge must be no larger than ten (10) feet in diameter and all materials used in the construction of the sweat lodge must be either donated or purchased by the group.
6. Sweat lodge materials:
  - a. The materials used for a religious group's sweat lodge are to be purchased by the worshipping inmates or donated by an outside group;
  - b. The materials are subject to inspection by prison officials prior to be allowed into the prison for worshipping purposes;
  - c. The sweat lodge materials will be stored by the prison in accordance with and in the same manner and fashion as all other religious accoutrements;
  - d. The materials used for sweat lodge purposes shall be the same or similar to those materials used by Native Americans for sweat lodge purposes.
    - (i). Materials donated for the construction of a sweat lodge are deemed to be the property of the State of Nevada. No loss or damage to the sweat lodge materials shall subject the State of Nevada and/or NDOC to any action for damages should these items be lost, stolen or damaged regardless of who or what might be the cause for this loss
6. Native American and Earth-based groups' assigned grounds may have two pits: one (1) in the sweat lodge to hold coals and one (1) outside the sweat lodge to heat the coals and for the purpose of worship fires.
  - a. The sweat lodge pit shall not exceed 48" diameter and 18" depth.
  - b. The fire pit outside the sweat lodge shall not exceed 60" diameter and 18" depth.
7. Each Native American and Earth-based group of inmates may have access to a hose and a bucket for the sweat lodge.
8. Lava rocks are permitted. Stacks cannot be piled higher than 18" and cannot be placed in such a fashion that they create a wall.
9. All initial construction and subsequent modifications of Native American and Earth-based grounds require prior approval of the Warden/designee. Approval is always subject to the unique concerns of the particular institution/facility.

10. Specific Rules, Regulations, Restrictions and Requirements

- a. No more than 14 inmates may engage in a sweat lodge activity at any one time;
- b. All participants shall be clothed at all times during the ceremony;
- c. Only religious worship shall be engaged in during all phases of the sweat lodge ceremony. Any abuse of this ceremony including engaging in non-religious activity during this ceremony may lead to the permanent exclusion of the offending inmate from further sweat lodge activities;
- d. A violation of any of the rules pertaining to sweat lodge use by one inmate may be assessed against all inmates who were participating in the sweat activity at the time of the violation. If any member of their group fails to abide by or follow these rules and regulations then permission to participate in sweat lodge activities may be revoked.
- e. Health and Safety:
  - (i) No sweat lodge activity shall begin until it is determined that there is proper ventilation for the heat, smoke, fire and particulates that may arise from the fire used to create sweat for the ceremony;
  - (ii) All inmates who wish to participate in a sweat lodge ceremony must pledge and affirm that he or she does not suffer from asthma, pulmonary disease of any type, cardiovascular disease of any type, or, any other medical disease, complication or malady that is worsened by exposure to heat, smoke, steam or particulates; using the appropriate NDOC form for that purpose.
  - (iii) All inmates who wish to participate in a sweat lodge ceremony must sign a hold harmless agreement that absolves the State of Nevada and NDOC from any liability, responsibility or damages that might arise from the inmate's use of a sweat lodge, using the appropriate NDOC form for that purpose.

**13. RELIGIOUS PROPERTY**

- A. Inmates are allowed to possess Personal Religious Property and Faith Group Property as provided in the Faith Group Overview.
- B. Staff shall conduct inspections and searches of the program areas and property with respect. Searches of Personal Religious Property and/or Faith Group Property may be conducted with or without the presence of the inmate(s). Upon request, Personal Religious Property and/or Faith Group Property will be opened and presented for inspection. Refusal shall result in a notice of charges.
- C. No inmate may be approved to purchase or have a religious item unless the inmate has completed and submitted a Faith Group Affiliation Declaration Form

(DOC 3503), and the requested item is allowed for his declared faith as listed in the Faith Group Overview.

D. Faith Group Property

1. Everything regarding a Faith Group's items and requirements for worship is given a safety and security analysis on its own merits. Each group's needs are analyzed on their own merits, without respect to what any other group gets or does not get. Allowances and limits are not about similitude or having parity between groups. Allowed or disallowed items for every religious group is the result of a safety and security and needs-based analysis done of each group.
2. As set forth in the Faith Group Overview, the NDOC permits Faith Group Property. Faith Group Property shall:
  - a. Be approved by the Warden/designee on the Religious Property Request Form (DOC 3528) or Donation Request Form (DOC 4514).
  - b. Be stored in a secure, approved, designated location for use during Faith Group related programs only.
  - c. Have an inventory list, issued by the warden/designee, on or in the storage area/box. Any items not on the inventory list shall be considered contraband and will be confiscated.
  - d. Be reviewed for appropriateness at each custody/classification level, subject to approval by the Warden/designee, in consultation with the Chaplain and, as necessary, the RRT. If a grievance is filed regarding Faith Group Property, the staff will respond after consultation with the RRT.
  - e. No personal items or Personal Religious Property may be stored with Faith Group Property.

E. Personal Religious Property

1. As set forth in the Faith Group Overview, the NDOC permits inmates to possess Personal Religious Property. Some Personal Religious Property will be restricted if the inmate is removed from general population, pursuant to Operational Procedures at the corresponding institution/facility.
2. Personal Religious Property shall:
  - a. Conform to AR 711 Inmate Personal Property, AR 750 Inmate General Correspondence and Mail, and Operational Procedures of the institutions/facilities.
    - i. Sound recordings (CDs) and video media of a religious nature are treated as normal property governed by AR 711 Inmate Personal

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Property, AR 750, Inmate General Correspondence and Mail, and Operational Procedures of the institutions/facilities.

- ii. Books and other print materials of a religious nature are treated as normal property governed by AR 711 Inmate Personal Property, AR 750 Inmate General Correspondence and Mail, and Operational Procedures of the institutions/facilities.
- b. Be purchased from the Canteen, donated by an approved source, or if unavailable through the Canteen purchased from a legitimate religious organization or a Department approved vendor. Vendors will be approved by the RRT.
  - i. Inmates who wish to purchase allowable religious items or materials, including sound recordings (CD's) that are religious in nature, must first attempt to obtain the item or material from the Canteen.
  - ii. If the allowable religious item or material, including a sound recording (CD) of a religious nature, is not available from the Canteen the Inmate may request approval to obtain the item or material from a legitimate religious organization or a Department approved vendor by completing and submitting a Religious Property Request Form (DOC 3528) to the Chaplain/designee providing information regarding the religious organization or Department approved vendor that he/she would like to purchase the item or material from and attaching documentation demonstrating that the item or material was not available through the Canteen attached.
  - iii. The Chaplain/designee will review the Religious Property Request Form (DOC 3528) and documentation attached thereto, and will make a recommendation to grant or deny the request. Consideration will be based upon several factors, including but not necessarily limited to, the ability to verify the legitimacy of the religious organization and safety and security considerations.
- c. Be stored in the inmate's cell as set forth within this NDOC Religious Property Manual.
- d. Be reviewed for appropriateness at each custody/classification level, subject to approval by the Warden/designee, in consultation with the Chaplain/designee and, as necessary, the RRT. If a grievance is filed regarding these restrictions, the institution/facility staff will respond after consultation with the RRT.
- e. If an inmate elects to change his Faith Group affiliation, then his/her approved religious property from his/her previous affiliation becomes unauthorized.

F. Control of Firewood

1. Each Earth-based group may be authorized to purchase, or have donated, up to one (1) cord of split wood for use on their grounds once a month.
2. Requests for firewood should be made to the Chaplain/designee or Associate Warden.
3. If a purchase request is approved, the inmate must complete and submit an Inmate Account Transaction Request (DOC 509) (brass slip) to his unit Caseworker. It will be processed through Inmate Banking Services.
4. If a donation request is approved, the inmate should notify the donor to contact the Chaplain/designee or Associate Warden's office to arrange for delivery of the wood to the institution/facility.
5. All deliveries will be made to a designated site outside the facility. The approved vendor/donor must coordinate with the Chaplain/designee or Associate Warden's office the delivery time.
6. Custody officers will inspect the wood for any false openings or cavities and use metal detectors on the wood, if they are available. A thorough inspection will be done prior to the wood being introduced into the institution/facility.
7. Custody officers/Maintenance staff will transport the wood to the designated site upon request of the Chaplain/designee.
8. The prevention of contraband into an institution/facility takes priority since it is a major security concern.

**14. PERSONAL RELIGIOUS BOXES**

- A. Inmates registered as a practitioner of an AR 810 recognized Faith Group and having a Faith Group Affiliation Declaration Form (DOC 3503) on file with their current institution/facility may purchase a Personal Religious Box from Canteen Services at the inmate's expense.
  1. Inmates are not required to have a Personal Religious Box; it is optional. If an inmate does not own a Personal Religious Box, Personal Religious Property must be stored in compliance with AR 711 Inmate Personal Property.
- B. Each inmate's Personal Religious Box must be clearly marked with the inmate's name, inmate number, and "Faith Property Items" or "Personal Religious Property" in a space not to exceed 3"x3" in one of the upper side corners of the container. This information is the only information/marks that should be placed on the Personal Religious Box. No other writing, marking or stickers are allowed on the Personal Religious Box- inside or out.

- C. Each inmate's Personal Religious Box must be maintained so that Staff can easily look into the container. Staff always has the right to open, inspect and search the contents of the Personal Religious Box, as they deem necessary.
- D. The Personal Religious Box must be identified on the inmate's Property Card, and must be kept in the inmate's foot locker.
  - 1. Personal Religious Boxes must conform to the requirements of AR 711 Inmate Personal Property.
- E. Personal Religious Boxes may only be utilized to store their Personal Religious Property. Non-religious property and unauthorized religious property are prohibited. If the Personal Religious Box is used for unauthorized property storage, the non-religious property and the Personal Religious Box will be included on an unauthorized property notice. A notice of charges may also be written. If the Personal Religious Box is altered or damaged it will be unauthorized.

## **15. HARDBOUND RELIGIOUS TEXTS**

- A. Inmates may possess hardbound religious texts using the following procedure:
  - 1. The inmate must complete the NDOC Religious Property Request Form (DOC 3528).
  - 2. Staff must confirm that the religious text is only available in hard bound.
  - 3. The Chaplain/designee must confirm that the religious text is an important part of the inmates' religious practice and other alternatives do not exist. A meeting with the inmate may take place if necessary.
  - 4. Chaplain/designee and Warden/designee approval are necessary before the hardbound religious text can be ordered.
  - 5. Inmate must sign the Waiver for Removal of Hardback Book Covers (DOC 3503).
  - 6. Upon receipt of the hardbound religious text, the cover will be removed by the Mailroom Officer, or other staff, taking care to avoid damaging the text.
  - 7. The religious text will then be stamped front and back with the following information:
    - a. Approved by: (Printed name of Warden/Designee) with signature and date.
  - 8. The religious text in this form will not be unauthorized upon transfer to another institution/facility.

9. The religious text must be added to the inmate's Religious Property Inventory (DOC 3531).
10. Inmates may elect to choose, at possible extra expense and with awareness of inherited liabilities, to request that the vendor remove the front and back covers before shipping the book to the inmate.
11. Books that have been authorized to have their hard covers removed and have been properly stamped by staff may have clear, see-through, plastic covers placed over them. If such a cover is utilized than it must remain unmarked so that the authorizing stamp may be unobstructed.
  - a. Books that have been rebound by the Prison Industry Bookbindery are authorized.

## **16. RELIGIOUS DECORATED PROPERTY**

- A. Some Earth-based groups have a need to decorate Personal Religious Property with religious symbolism. In a good-faith effort to provide Earth-based inmates access and opportunity to achieve that end, the NDOC allows decoration of some religious property.
- B. Allowable Decorated Religious Property-All Pagan groups:
  1. Cardboard (8 ½" x 11") to use as covers for Book of Shadows;
  2. 8 ½" x 11 loose-leaf paper to use in making Book of Shadows;
  3. One glue stick;
  4. Common feathers; and
  5. All other designs or drawings desired on Books of Shadow can be done with pencils and pens.
- C. Allowable Decorated Religious Property - Native Americans:
  1. One roll twine or sinew only to repair sweat lodge covers;
  2. Leather strips only for tying sweat lodge poles;
  3. Pre-treated animal hides or canvas only to use as sweat lodge covers; and
  4. Beads and feathers.
- D. All inmates are responsible for insuring that their decorated religious property is entered onto their Religious Property Inventory (DOC 3531) and, when not used or worn, are stored in their Personal Religious Box or footlocker.



## 17. DONATIONS

- A. The Chaplain/designee and the warden/designee are responsible for developing and maintaining communication with faith communities and approving donations of equipment or materials for use in faith based programs. Donated secular property (i.e. tables, TVs, media players) may also be accepted for institution/facility use.
- B. The NDOC shall not be responsible for the financial procurement of faith/non-faith based property.
- C. Normal, repeated, and usual donations such as Bibles, Korans, religious literature, firewood, candles, rosaries, need an initial approval only and will be kept on file for future donations.
- D. Individuals are not allowed to donate Personal Religious Property items. Approved organizations may donate items only after filing out and submitting Donation Request Form (DOC 4514).
- E. Any monetary donations must be sent directly to the Deputy Director of Support Services.
- F. Inmates may not donate religious property to other individual inmates. Inmates may donate religious property to Faith Groups and the Chapel with prior approval from the Chaplain/designee.
- G. General Donation Process:
  - 1. Donation Request Form (DOC 4514) must be used for all donations.
  - 2. Pre-approval by Warden/designee must be obtained before an institution/facility takes custody of any donated items.
  - 3. Donations of firewood must comply with Section 13(F) of this NDOC Religious Practice Manual.

## 18. CONSISTENT STATEWIDE IMPLEMENTATION OF RELIGIOUS PROGRAMS

- A. The RRT is responsible for ensuring that religious Administrative Regulations are uniformly interpreted and applied.
  - 1. The RRT consists of a Warden, Chaplain. RRT members are appointed by the Director.
  - 2. RRT meetings, with both members in attendance, will be conducted on no less than a quarterly basis.

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3. If the resolution of any issue requires a policy change the RRT will make a recommendation to the Director/designated Deputy Director.
- B. Chaplains/designees must be afforded the opportunity to conference with each other, in person or via teleconference, at least bi-monthly to ensure uniform implementation of religious programs.
- C. When Wardens are confronted with religious issues, they should consult with the institution/facility Chaplain/designee and Associate Wardens in an attempt to reach a resolution. When necessary the RRT will be consulted for a resolution with a view toward uniform compliance.

### **FORMS**

Faith Group Affiliation Declaration Form (DOC 3503)  
Religious Property Request Form (DOC 3528)  
Request for Accommodation of Religious Practices (DOC 3505)  
Request for Recognized Holy Day Service/Food (DOC 3529)  
Donation Request Form (DOC 4514)  
Religious Personal Property Inventory (DOC 3531)  
Waiver for Removal of Hardback Book Covers (DOC 3530)