

CHAPTER: 900
Inmate Programs and Services

DEPARTMENT ORDER:
**904 – Inmate Religious
Activities/Marriage Requests**

**OFFICE OF PRIMARY
RESPONSIBILITY:**

**DIR
OPS
IP&R**

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ACCESS

Contains Restricted Section(s)

Arizona Department of Corrections

Department Order Manual



A handwritten signature in blue ink, appearing to read "Joseph Profiri", is written over a horizontal line.

Joseph Profiri, Acting Director

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PURPOSE

The purpose of this Department Order is to ensure inmates are allowed to participate in religious activities, have access to religious materials, religious diets and other legitimate aspects of their faith and, if approved, may marry in accordance with state law.

PROCEDURES

1.0 PASTORAL SERVICES

- 1.1 The Religious and Volunteer Services Administrator shall:
 - 1.1.1 Directly supervise senior chaplains at all institutions.
 - 1.1.2 Make recommendations to the Director regarding Department-wide religious issues.
 - 1.1.3 Provide verbal and/or written directives for the resolution of issues related to religious publications, diets, articles, apparel, practices and observances.
- 1.2 Wardens and Deputy Wardens shall ensure:
 - 1.2.1 Chaplains and inmates have access to each other.
 - 1.2.2 Staff consults with the chaplain's office regarding any questionable religious item(s).
 - 1.2.2.1 Chaplains, in consultation with the Warden and the Religious and Volunteer Services Administrator shall make final decisions on whether or not the item(s) are permitted. Inmates may appeal this decision by filing a grievance in accordance with Department Order #802, Inmate Grievance Procedure.
- 1.3 At Department-operated institutions, senior chaplains shall:
 - 1.3.1 Report directly to the Religious and Volunteer Services Administrator.
 - 1.3.2 Supervise other chaplains within an institution.
 - 1.3.3 Attend Wardens' management meetings as members of the executive staff representing the religious program.
 - 1.3.4 Ensure at least one chaplain is available to attend Deputy Warden unit meetings, upon request.
 - 1.3.5 Ensure appropriate chaplaincy coverage is maintained at each institution, including on Saturdays and Sundays.
 - 1.3.6 Create and manage all religious programs at the institution.
 - 1.3.7 Serve as the contact for all outside religious activities, persons or groups requesting institution admittance for religious purposes.
 - 1.3.8 Ensure unit chaplains interact with inmates during their daily activities (e.g., dining, recreation, work, etc.) for moral and religious instruction.

- 1.3.9 Ensure inmates in detention or disciplinary detention have access to and are visited by chaplains as often as possible.
- 1.3.10 Ensure all chaplains conduct a minimum of two services per month at the assigned institution or unit.
- 1.3.11 Coordinate with Wardens, Deputy Wardens or designees to notify inmates of serious illnesses or deaths in their immediate families, as outlined in Department Order #1005, Escorted Inmate Leave for Family Serious Illness or Funeral, using the Chaplain's Emergency Call Record, Form 904-4.
 - 1.3.11.1 Other chaplains may assist in the notification process if on duty, but no chaplain shall be called back to work to make notifications.
- 1.4 Private prison facilities shall conduct 1.3.1 through 1.3.11.1 of this section in accordance with contractual agreements.

2.0 RELIGIOUS PREFERENCES

- 2.1 Inmates shall be given the opportunity to designate religious preferences during their initial intake process. This designation shall be entered on Inmate Orientation, Form 901-5.
 - 2.1.1 Inmates shall be provided additional opportunities to designate religious preferences after their unit orientation if they did not do so during their initial intake process.
 - 2.1.2 Inmates may designate "none" during either of the processes outlined above.
 - 2.1.2.1 Inmates not designating religious preferences shall not be permitted to request religious privileges, except as outlined below in 2.2 through 2.2.2 of this section.
- 2.2 Inmates may request changes to their religious preference at any time by:
 - 2.2.1 Submitting Inmate Letters, Form 916-1, to senior chaplains/chaplains for processing and distribution.
 - 2.2.2 Providing additional requested information or documentation if within one year of a previous religious preference designation.
- 2.3 Native American Ethnicity – Due to the sacred nature of Sweat Lodges, participation in Sweat Lodge ceremonies requires Native American ethnicity verification.
 - 2.3.1 Prior to the authorization of privileges, inmates not ethnically identified as Native American shall provide verification to their senior chaplain/chaplain. Verification shall include evidence inmates are:
 - 2.3.1.1 Descended from a United States (U.S.) Tribe, and may have a valid Bureau of Indian Affairs or Tribal number.
 - 2.3.1.2 Presently a member of a U.S. Indian Community.
 - 2.3.1.3 Duly recognized by a U.S. Indian Community.

2.3.2 Senior chaplains/chaplains shall forward inmates' verification information to the Religious and Volunteer Services Administrator for review.

2.3.2.1 Upon confirmation by recognized Native American Leaders, the Religious and Volunteer Services Administrator shall:

2.3.2.1.1 Approve or disapprove inmates' eligibility.

2.3.2.1.2 Notify senior chaplains/chaplains the disposition.

2.3.2.1.3 Enter approved inmates' eligibility information on the Arizona Correctional Information System (ACIS).

3.0 RELIGIOUS ACTIVITIES

3.1 Wardens, Deputy Wardens and other Administrators shall ensure staff:

3.1.1 Demonstrate respect of inmates' religious beliefs.

3.1.2 Do not coerce or harass inmates into changing their religious affiliations.

3.1.3 Treat faith system representatives with equal respect, regardless of their represented faith.

3.2 Wardens, in conjunction with the Religious and Volunteer Services Administrator shall:

3.2.1 Appoint staff members to coordinate religious activities when no chaplains are assigned.

3.2.2 Designate in each unit at least one appropriate area for religious activities.

3.2.2.1 Designated areas do not need to be solely used for religious activities.

3.2.3 Ensure faith groups' religious symbols are displayed only during religious activities and are removed and stored at all other times.

3.3 Contract Beds Monitors shall ensure private prison facilities provide space for religious activities.

3.4 Religious Publications – Wardens and Deputy Wardens shall ensure institution Inmate Resource Center/libraries include religion sections for religious publications.

3.4.1 Religious publications are inventoried and managed by librarians in consultation with senior chaplains.

3.4.2 Publications threatening the safety and security of the institution (e.g., materials that advocate violence, rebellion or blatant prejudice/bigotry against any race or creed) shall not be included.

3.4.3 Inmate Resource Center/library donations shall become the property of the Department in accordance with Department Order #301, Fiscal Management.

3.4.4 No separate, designated religious libraries shall be maintained.

- 3.4.5 Some religious material may be maintained in a unit where a chaplain has an office or in areas designated for religious activity.

3.5 Number/Length of Religious Activities or Services

- 3.5.1 The senior chaplain/chaplain, in conjunction with Wardens, shall determine the number of formal religious activities per unit per week following an assessment of the religious needs of the institution/unit. Private prison facilities shall conduct activities in accordance with contractual requirements.
- 3.5.2 Regular worship/study opportunities shall be provided for faith groups based on:
 - 3.5.2.1 Inmate requests.
 - 3.5.2.2 Space availability.
 - 3.5.2.3 Time considerations of the monthly religious services calendar.
 - 3.5.2.4 Institutions' safety and security requirements.
 - 3.5.2.5 Availability of a qualified religious leadership.
- 3.5.3 Services assisted with or conducted by volunteers shall be scheduled for a minimum of 90 minutes, unless a shorter duration is requested by volunteers.
- 3.5.4 All group religious services shall end no later than 2000 hours.

3.6 Coordination of and Security for Religious Activities

- 3.6.1 Senior chaplains/chaplains shall coordinate all religious activities, groups, and individual/group religious volunteers.
- 3.6.2 Wardens and Deputy Wardens shall:
 - 3.6.2.1 Provide the necessary security staffing for religious activities.
 - 3.6.2.2 Ensure assigned security staff does not participate in the activities.

3.7 Requests to Conduct Religious Activities

- 3.7.1 Outside religious groups wanting to conduct religious activities in the institutions shall submit written requests to senior chaplains/chaplains. The request shall include the:
 - 3.7.1.1 Name and contact information of the group.
 - 3.7.1.2 Type of activity.
 - 3.7.1.3 Proposed date and time of the activity.
 - 3.7.1.4 Materials/equipment to be used.
- 3.7.2 Wardens or Deputy Wardens, in consultation with senior chaplains/chaplains, shall approve or disapprove requests within five workdays of receipt.

- 3.7.3 Senior chaplains/chaplains shall advise outside religious groups of the decision in writing, including the reasoning if the request has been disapproved.

4.0 RELIGIOUS ACCOMMODATIONS

4.1 Religious Claims

- 4.1.1 Wardens or Deputy Wardens shall:
- 4.1.1.1 Consult with senior chaplains, chaplains or the Religious and Volunteer Services Administrator on the validity of inmates' religious claims.
 - 4.1.1.2 Ensure inmates following faith systems requiring having/wearing of religious apparel are accommodated within the compelling interests.
 - 4.1.1.3 Ensure inmates are not denied access to approved religious items or opportunities as part of the sanctions of disciplinary isolation, unless specifically restricted by custody level and security of their housing unit.
- 4.1.2 Senior chaplains/chaplains may contact the Religious and Volunteer Services Administrator for clarification on appropriate religious publications and materials, special religious diets or other special requirements inmates' faith systems.
- 4.1.3 Religious items used in the practice of inmates' chosen religions may be authorized provided the items:
- 4.1.3.1 Do not pose a threat to the safe, secure and orderly operation of the institution.
 - 4.1.3.2 Are on the list of approved items maintained by Religious and Volunteer Services Administrator that is updated and distributed to all institutions. Authorized personal religious items may be kept in the possession of inmates in accordance with 4.1.3.3 of this section.
 - 4.1.3.3 When not in use, are stored collectively within inmates' storage box as outlined in Department Order #704, Inmate Regulations.
- 4.1.4 Approved property items not available in the Inmate Store shall be ordered from approved sources and paid for from inmate accounts. To order religious items, inmates shall submit their requests to senior chaplains using Inmate Letters and shall include the following information:
- 4.1.4.1 A description of each item, including each item's size.
 - 4.1.4.2 Where each item is available, including each source's name and contact information.
 - 4.1.4.3 A complete itemized list of all previously approved religious items currently in their possession.
- 4.1.5 Included with Inmate Letters, inmates shall also provide senior chaplains:

- 4.1.5.1 Completed and signed Inmate Request for Withdrawal, Form 905-1, for the total amount of their orders, including any applicable shipping and handling charges unless the ordered item(s) are provided free of charge by the approved source.
- 4.1.5.2 Completed order forms from approved sources.
 - 4.1.5.2.1 Order forms may be handmade if the company accepts them.
- 4.1.5.3 Completed and stamped envelopes addressed to the approved sources.
- 4.1.6 Senior chaplains shall:
 - 4.1.6.1 Verify inmates' religious preferences.
 - 4.1.6.2 Determine if requested items are on the approved items list for inmates' religious preference.
 - 4.1.6.3 Approve or deny requests.
 - 4.1.6.4 Forward the information on requested items not currently approved to the Religious and Volunteer Services Administrator.
 - 4.1.6.4.1 Additions to the approved items list shall be reviewed by the Religious Accommodation Review Committee (RARC).
- 4.1.7 Staff assigned to Inmate Banking shall only accept and process orders for religious items approved by senior chaplains.
 - 4.1.7.1 When approved items are unavailable for purchase through approved sources (e.g., eagle feathers) senior chaplains, in consultation with the Religious and Volunteer Services Administrator, shall determine the method for obtaining the items.
- 4.1.8 Other ceremonial use of religious items is permitted as follows:
 - 4.1.8.1 Smudging material
 - 4.1.8.1.1 Smudging (smoldering herbs) by followers of religious traditions that smudge is permitted, unless specifically restricted by the custody level and security of the unit.
 - 4.1.8.1.2 Locations and times of this activity shall be determined by senior chaplains and Deputy Wardens.
 - 4.1.8.2 Sacramental wine
 - 4.1.8.2.1 If permitted by the religious tenets, no more than two ounces shall be allowed for use only by priests, chaplains or religious leaders.
 - 4.1.8.2.2 Inmates shall not partake of sacramental wine.

4.1.8.3 Communion supplies

4.1.8.3.1 Volunteers, pastoral visitors and staff chaplains may bring in communion supplies for religious ceremonies with prior approval from the chaplain, in consultation with Wardens/Deputy Wardens.

4.1.8.3.2 Only a sufficient supply for participants in scheduled services shall be authorized and any remaining supply shall be taken out of institutions by volunteers/visitors at departure.

4.1.8.3.3 Other requested supplies/items may be authorized for group ceremony by the senior chaplains after consultation/approval from the Religious and Volunteer Services Administrator and Wardens/Deputy Wardens.

4.2 Requests for Work Abstinence

4.2.1 Inmates may request to be excused from work on specified holy days, documented as "no-work" days for the religion in question.

4.2.2 Inmates requesting to abstain from work shall remain in their cells or dormitory on the requested days and refrain from recreation activities, phone calls, shopping at the Inmate Store, etc.

4.2.2.1 Inmates may leave their cell or dormitory to accomplish routine institutional practices such as showers and meals when directed by staff.

4.2.3 Requests to observe "no-work" days recurring each week, such as Sundays and Sabbaths:

4.2.3.1 These requests shall be submitted in writing to senior chaplains.

4.2.3.2 Senior chaplains shall consult with Wardens/Deputy Wardens or their designees regarding appropriate work assignments prior to approval.

4.2.4 Requests to observe "no-work" days not recurring each week:

4.2.4.1 These requests shall be submitted in writing to senior chaplains 30 calendar days prior to the day in question.

4.2.4.2 Senior chaplains shall consult with work supervisors and/or Deputy Wardens or their designees regarding appropriate work assignments prior to approval.

4.2.5 Questions regarding days documented as "no-work" days for a particular religion shall be referred to the Religious and Volunteer Services Administrator for disposition.

4.3 Requests for Food Abstinence

- 4.3.1 Inmates requesting and granted approval to refrain from food on designated days or for designated periods, such as Ramadan, shall not be required to turn out for meals and shall not be penalized for failure to take their designated diet.
- 4.3.2 Food abstinence may be requested in accordance with provisions for fasting outlined in the Food Service Technical Manual, 912-T-OPS.
- 4.3.3 Questions regarding religious fast requests for a particular religion shall be referred to the Religious and Volunteer Services Administrator for a decision.

4.4 Special Religious Ceremonies/Property

4.4.1 Sweat Lodges

4.4.1.1 Sweat Lodge ceremonies are:

4.4.1.1.1 Held for the purification of participants.

4.4.1.1.2 Typically three to four hours in length.

4.4.1.1.3 Operated according to a schedule published by chaplains.

4.4.1.2 Chaplains shall:

4.4.1.2.1 Publish a list of approved participants.

4.4.1.2.2 Monitor compliance with the Sweat guidelines established in Attachment C.

4.4.1.3 Sweat Lodge ceremonies may be held on a weekly basis and may be assisted by Native American spiritual advisors provided wood is available and no security or other operational concerns prohibit this frequency.

4.4.1.3.1 At locations where security requires the presence of advisors to perform the Sweat, ceremonies shall be scheduled when advisors are available.

4.4.1.3.2 If firewood is not available through donations, inmates may purchase firewood exclusively for use in a Sweat ceremony by submitting a request to a senior chaplain in accordance with 4.1.4 and 4.1.5 of this section. The public may donate toward these purchases in accordance with Department Order #301, Fiscal Management.

4.4.1.3.2.1 Firewood purchases may be requested for group ceremony involving all eligible participants or for personal ceremony involving no other inmates.

4.4.1.4 Male participants shall wear shorts covering their genital and buttocks areas.

- 4.4.1.5 Female participants shall wear shorts, shirts or T-shirts and brassieres.
- 4.4.1.6 Staff shall facilitate the lighting of the fire for Sweat Lodge ceremonies.
- 4.4.1.7 Sweat Lodges shall be located on the grounds of all institutions where a sufficient number of eligible Native American inmates are able to participate in Sweat Lodge ceremonies and inmate requests have been made for a Sweat Lodge.
- 4.4.1.8 Sweat Lodges shall be constructed in an area approximately 30 by 40 feet under the guidance of an approved Native American advisor. Refer to Attachment B for construction specifics.
- 4.4.1.9 Sweat Lodge sites and all associated storage areas are subject to search. As Sweat Lodges and fire pits are sacred areas, searches shall be conducted with prior approval from Shift Commanders and appropriate notification of Wardens or Deputy Wardens and chaplains.
- 4.4.1.10 Sweat Lodge areas shall be kept clean at all times and shall include a secure place to store religious items and materials. Participants shall be responsible for maintaining the site and any authorized ceremonial supplies.
- 4.4.1.11 Sweat Lodge areas may be screened with wooden fences or other material for privacy and respect provided it does not jeopardize security.
- 4.4.1.12 Sweat Lodge areas shall only be used for Sweat ceremonies.
- 4.4.2 Multi-faith Gatherings
 - 4.4.2.1 Religious ceremonies may be held on a weekly basis.
 - 4.4.2.2 The details, times and location shall be arranged through chaplains, in consultation with Wardens, Deputy Wardens or Chiefs of Security, and shall include religions:
 - 4.4.2.2.1 Not having identified volunteer leadership.
 - 4.4.2.2.2 Not already scheduled for weekly ceremonies.
 - 4.4.2.2.3 Having a sufficient number of inmates making the request for group ceremonies.
- 4.4.3 Smoke Generating Ceremonies
 - 4.4.3.1 Smoke Generating Ceremonies are religious ceremonies involving activities generating smoke, including group and personal smudging and pipe ceremonies.
 - 4.4.3.2 The frequency and details of group ceremonies shall be arranged through chaplains, in consultation with Wardens, Deputy Wardens or Chiefs of Security.

4.4.3.3 Smoke-generating ceremonies shall only be conducted outdoors.

4.4.3.3.1 Inmates in detention or a Special Management Unit (SMU) shall be allowed to conduct the ceremonies only during their regularly scheduled exercise time in an approved exercise area.

4.4.3.3.2 Personal ceremonies for inmates not on lockdown shall be conducted during an inmates' free time on the open yard at locations authorized by Deputy Wardens or designees.

4.4.4 Special Annual Religious Events

4.4.4.1 Special Annual Religious Events are closed religious events limited to inmates with religious preference designations for the religion in question, volunteers and guest performers not on participating inmates' visitation list.

4.4.4.2 These events shall be planned by chaplains in consultation and with the assistance of outside sponsors and inmate representatives.

4.4.4.3 Wardens or Deputy Wardens shall approve the final selection list of inmate attendees from Close and Maximum Custody units.

4.4.4.4 Attachment A of this Department Order provides established guidelines to be followed regarding the authorization and scheduling of events assisted by outside sponsors.

4.4.5 Restroom or port-a-john facilities shall be available for participants of Sweat Lodge ceremonies and special annual religious events. Use of these facilities shall not terminate participation in ceremonies.

4.4.6 Religious/Ceremonial Property

4.4.6.1 All religious property approved by chaplains or by the Religious and Volunteer Services Administrator shall be inspected by the appropriate security staff prior to introduction into institutions/units.

4.4.6.2 All religious property is subject to periodic security inspection and shall be handled with appropriate respect.

4.4.6.3 Inmates shall not keep the following approved religious items in their possession:

4.4.6.3.1 Ceremonial items or supplies, such as ceremonial pipes, drums, musical equipment, and communion supplies, shall be stored in a secure area supervised and inventoried by chaplains.

4.4.6.3.2 Firewood shall be stored in an acceptable area as determined by the Warden or designee.

- 4.4.6.3.2.1 Firewood purchased by inmates shall only be used for Sweat ceremonies and shall not be traded, loaned, bartered or sold. Individually purchased firewood shall be disposed of in accordance with Department Order #909, Inmate Property.
- 4.4.6.4 Inmates in detention or a SMU shall not possess items specified in this section, such as smudging supplies, in their cells. Wardens/Deputy Wardens shall designate the items permitted. Items not approved for personal possession in these instances shall be kept in secure areas designated by Wardens or Deputy Wardens. If a supply of these items is available, inmates may be allowed access for the purpose of engaging in personal religious ceremonies.
 - 4.4.6.4.1 Health and welfare indigent inmates may use supplies donated for group ceremonies. Chaplains shall manage the distribution of donated supplies.
- 4.4.6.5 Religious symbols or clothing items, including head coverings may be worn openly only during religious ceremonies and at no other time or place. These ceremonies include:
 - 4.4.6.5.1 Approved group religious ceremonies.
 - 4.4.6.5.2 Personal ceremonies in inmates' own living spaces or recreation pens for lockdown inmates.
- 4.4.6.6 Candles - Wax candles shall be allowed in group religious ceremonies where their requirement has been documented by designated religious leaders and approved by the Religious and Volunteer Services Administrator.
 - 4.4.6.6.1 Wax candle usage shall be restricted to Minimum and Medium Custody level units.
 - 4.4.6.6.1.1 In units other than Minimum or Medium Custody or where a chaplain or volunteer is not available, candle usage shall be restricted to electric candles only.
 - 4.4.6.6.2 Ceremonies where wax candles are utilized shall be led by chaplains, authorized religious leaders or badged ADC volunteers.
 - 4.4.6.6.3 Inmates shall not possess wax candles at any time.
 - 4.4.6.6.4 Possession of Shabbat Candles which are watch battery operated are permitted for the religions requiring the use of Shabbat Candles. Possession is for all custody levels. ***[Revision – October 1, 2019: Sections 4.4.6.6.4 and 4.4.6.6.4.1]***

- 4.4.6.6.4.1 Request to purchase Shabbat Candles shall follow the approved property process outlined in this section.

4.5 Religious Diets

- 4.5.1 Inmates wanting to observe religious dietary laws shall provide written special diet requests to institutional chaplains.
- 4.5.2 Religious dietary requests shall be accommodated to the extent practicable within the constraints of budgetary limitations, security and the orderly operation of the institution.
- 4.5.3 Applications for special diets, and processing such requests, shall be in accordance with Department Order #912, Food Service and the Food Service Technical Manual.

5.0 **RELIGIOUS VISITATION** – Wardens and Deputy Wardens shall encourage religious visitation between religious leaders and inmates.

5.1 Visits by Religious Leaders

- 5.1.1 Senior chaplains/chaplains shall arrange all religious and pastoral visits by initiating the Request for Pastoral Visit, Form 904-5. Authorization for religious visits may be at the discretion of the Warden or Deputy Warden.
- 5.1.2 Wardens or Deputy Wardens may deny religious visits which may threaten the safety and/or security of the institution.
- 5.1.3 Inmates shall request or consent to visits by accredited ministers or religious leaders prior to visit authorization.
- 5.1.4 Senior chaplains/chaplains shall verify the credentials and/or accreditation of the visiting religious leader(s).
- 5.1.4.1 Wardens, Deputy Wardens or senior chaplains/chaplains shall consult with the Religious and Volunteer Services Administrator when there is a question regarding the validity of visiting religious leaders' credentials.
- 5.1.5 After their credentials have been verified, senior chaplains/chaplains shall facilitate pastoral visits including distributing appropriate gate passes.
- 5.1.6 Pastoral visitors shall not be placed on inmates' visitation list.

- 5.2 Emergency Visits - At the discretion of Wardens or Deputy Wardens, emergency religious visits may be permitted based on the severity of the emergency and the safety and/or security of the institution.

6.0 **RELIGIOUS ADVISORY COMMITTEE**

- 6.1 Membership – The Religious Advisory Committee shall consist of representatives of the religious community.
- 6.1.1 Committee members are appointed by the Director and serve at the pleasure of the Director without any monetary compensation from the Department.

6.1.2 Senior chaplains and the Religious Advisory Committee shall recommend new appointments and removals from the Committee.

6.2 Identification Cards – Committee members shall be issued appropriate identification cards, as outlined in Department Order #515, Identification System. These identification cards:

6.2.1 Allow Committee members to enter any institution when engaged in Committee business.

6.2.1.1 Committee members shall have reasonable access to all institution areas. Wardens or Deputy Wardens may require Committee members to be escorted by Department staff and may deny them access during dangerous conditions.

6.2.2 Cannot be used to gain access to conduct religious services or visitations unless the member is listed as an active volunteer for the institution served.

6.3 Committee Member Activities

6.3.1 Institutional chaplains shall coordinate committee members' activities while they are in the institution.

6.3.2 Committee members are authorized, subject to institution scheduling requirements, to talk with staff members and/or inmates.

6.4 Committee Progress Reports – The Committee shall submit quarterly progress reports and recommendations to the Religious and Volunteer Services Administrator.

6.5 Orientation – All Committee members shall receive an orientation in accordance with Department Order #509, Employee Training and Education.

7.0 MARRIAGE

7.1 Inmates shall obtain a Marriage Application, Form 904-2, from institutional chaplains and complete Sections I and II of the Marriage Application and return it to the chaplain they received the form from.

7.1.1 Chaplains receiving Marriage Applications shall:

7.1.1.1 Review applications to determine their completeness.

7.1.1.2 Return incomplete applications with instructions for proper completion.

7.1.1.3 Accept and review completed applications to determine if applying inmates and their prospective spouses meet the eligibility requirements in 7.2.3.1 through 7.2.3.3 of this section.

7.1.1.4 Document in the appropriate comments section if the applying inmates or their prospective spouses fail to meet any of the eligibility requirements and forwarding the Marriage Application packet to their Warden or Deputy Warden.

- 7.1.1.4.1 Inmates at Department institutions may appeal disapprovals of Marriage Applications by writing to the appropriate Regional Operations Director within ten work days after being notified of the disapproval. Inmates' requests to marry other inmates are not appealable.
 - 7.1.1.4.2 Inmates assigned to private prison facilities shall appeal to the Contract Beds Operations Director.
 - 7.1.1.4.3 Decisions made by the Contract Beds Operations Director or the Regional Operations Director shall be final.
 - 7.1.1.4.4 If circumstances have changed, inmates may reapply 60 calendar days from the date the first application was disapproved.
- 7.2 Approved inmate marriages shall remain valid for one year unless withdrawn by Wardens or Deputy Wardens if inmates become ineligible provided:
 - 7.2.1 Marriages are:
 - 7.2.1.1 To be performed legally.
 - 7.2.1.2 Not a risk to the safe, secure and orderly operation of the Department or jeopardize public safety.
 - 7.2.1.3 Not to another inmate.
 - 7.2.2 Both inmates and their prospective spouse are not:
 - 7.2.2.1 Currently married.
 - 7.2.2.2 Mentally incapacitated.
 - 7.2.2.3 Of a blood relation of first cousins or closer.
 - 7.2.3 Inmates:
 - 7.2.3.1 Do not have any pending disciplinary charges.
 - 7.2.3.2 Are not confined in detention units, disciplinary isolation or investigative "lock up" detention.
 - 7.2.3.3 Are eligible for visitors at the time of the application through to their marriage ceremony.
- 7.3 Permission to marry does not supersede or change any instructions governing visitation, release procedures, mail and property or phone calls.
 - 7.3.1 Refer to the appropriate Department Order for complete rules and regulations.
- 7.4 If not in the best interests of the community, marriages do not guarantee or mandate inmates will be approved to reside with their new spouse upon transfer from an institution to any release under community supervision.

- 7.5 Whether indigent or not, all inmates applying for marriage applications shall accept full financial responsibility for all marriage process expenses including license fees and ceremony expenses.
- 7.6 In accordance with Arizona Revised Statute (A.R.S.) §25-125, valid marriage ceremonies are conducted in the presence of persons authorized to solemnize marriages.
 - 7.6.1 Telephonic marriages are not authorized.
- 7.7 Chaplains shall coordinate with all parties involved including the Clerk of the Superior Court, security staff, inmates and their prospective spouses to obtain marriage licenses. Copies of marriage licenses shall be attached to Marriage Application packets.
- 7.8 Once Marriage Applications are approved, chaplains shall coordinate ceremony arrangements including:
 - 7.8.1 Ensuring ceremonies are performed by approved clergy or Justices of the Peace to fulfill legal requirements.
 - 7.8.2 Inmates, their prospective spouses and two lawfully aged witnesses are present for the ceremony.
 - 7.8.3 Inmates are not in special clothing for a marriage ceremony.
 - 7.8.4 Photographs are not taken and no other publicity arrangements are made.
 - 7.8.5 Rings are not exchanged during the ceremony.
 - 7.8.5.1 Refer to Department Order #909, Inmate Property for additional information on wedding rings.
- 7.9 Inmates marrying in violation of this Department Order may be charged with disobeying a direct order and disciplined for such activity in accordance with Department Order #803, Inmate Disciplinary Procedure.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

ATTACHMENTS

Attachment A - Special Annual Religious Events (Sample Request)

Attachment B – Native American Sweat Lodge (Construction)

Attachment C – Sweat Guidelines

FORMS LIST

904-2, Marriage Application

904-4, Chaplain’s Emergency Call Record

904-5, Request for Pastoral Visit

AUTHORITY

A.R.S. §25-125, Marriage Ceremony; Official; Witnesses; Marriage License; Covenant Marriages

A.R.S. §31-201.01, Duties of the Director; Tort Actions; Medical Treatment Costs; State Immunity; Definitions

A.R.S. §31-206, Chaplains; Duties; Traditional Native American Religious Practitioners

A.R.S. §41-1493.01, Free Exercise of Religion Protected

Religious Land Use and Institutionalized Persons Act of 2000

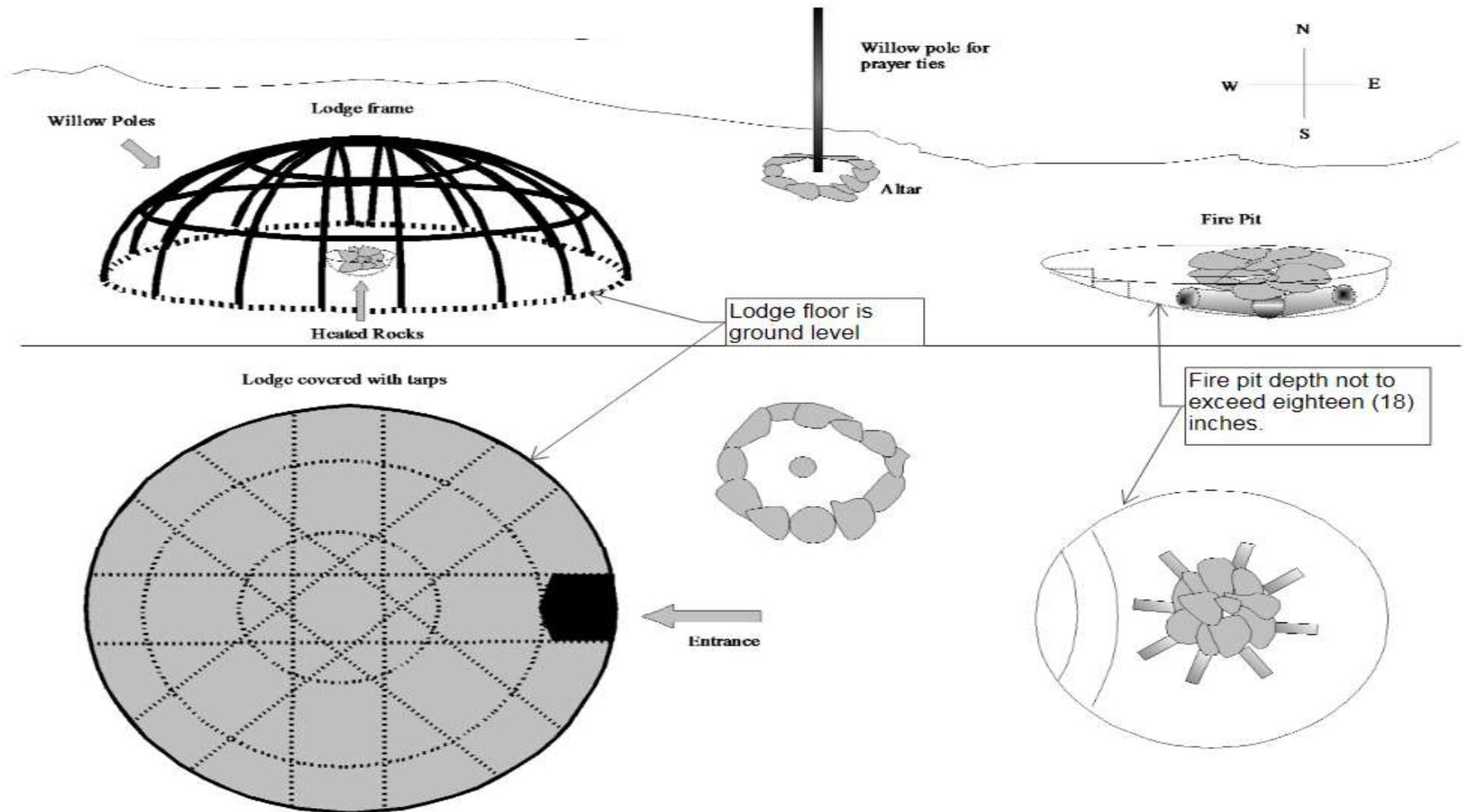
ATTACHMENT A

SPECIAL ANNUAL RELIGIOUS EVENTS

- Purpose:** Annual Intra-faith, community and religious/cultural celebration
- Time/Date:** Single day event assisted by outside sponsors, which may have morning and afternoon sessions interrupted by count and lunch, where guests depart the facility and inmates return to housing for count.
- Location:** Outdoor section of visitation area, weather permitting or other approved location.
- Attendance:**
- Authorized inmates with appropriate religious preference designation assigned to the unit where the event is held who are eligible to attend group religious activities.
 - Spiritual leaders and Advisors not on the visiting list of any participating inmate.
- Agenda:** To be announced at the institution with approval from the Warden, Deputy Warden or Administrator.
- Supplies:** Supplies/equipment provided by the institution:
- Chairs
 - Tarp/canopy (for shade for senior citizens)
 - Public address system (optional)
 - Ceremonial items/ supplies available but not personally possessed by inmates (e.g., ceremonial drum and pipe, communion-type supplies, etc.)
- Supplies/equipment provided by the inmate:
- Ceremonial supplies approved for personal possession
- Supplies/equipment provided by the special guests:
- Musical instruments (e.g., contemporary and traditional such as drums, rattles, flutes, keyboards, etc.)
 - Religious Paraphernalia (supplies and religious ceremonial items, all pre-approved, none to be left with the inmates)

ATTACHMENT B

NORTH AMERICAN SWEAT LODGE



ATTACHMENT C

SWEAT GUIDELINES

1. The sweat lodge area is opened and the chaplain allows authorized inmates to enter the area.
2. The fire is started in the fire pit and allowed to burn to produce hot coals.
3. Participants cover the lodge with blankets and tarps and prepare for the ceremony.
4. Participants enter the lodge and position themselves around the perimeter.
5. The only items taken inside the lodge:
 - a. A small amount of herbs (1 ounce or less)
 - b. Water to pour over the hot rocks
 - c. A small plastic container to pour water over the rocks
6. Heated rocks from the fire pit are brushed and placed in the small pit in the center of the lodge. **At no time are any coals, embers or burning wood pieces to be placed inside the lodge structure!!**
7. The lodge structure door (flap of blankets/tarps) is closed.
8. Participants remain inside approximately 20 minutes (no more than 30 minutes) unless:
 - a. A safety or security reason demands exit sooner
 - b. An inmate leaves for health or heat related reasons
9. The door flap is opened so that participants can cool off and drink water. The flap is then closed after the break for subsequent rounds (total of 4).
10. After the final round participants exit the lodge and begin "striking" the lodge:
 - a. Tarps, blankets are removed from the structure
 - b. Wood lodge frame remains intact
 - c. Tarps and blankets are folded and stored
 - d. Rocks are returned to their designated location (unless too hot)
11. All participants leave the sweat lodge area.
12. The sweat lodge fence is secured (total time: 4 hours).