

**CHAPTER: 900**  
**Inmate Programs and Services**

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

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**OPS  
IP&R**

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**Arizona  
Department  
of  
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Rehabilitation  
and Reentry**



**Department Order Manual**

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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## **STANDARDS**

American Correctional Association (ACA) Standards: 5-ACI-5C-07, 5-ACI-7D-18, 5-ACI-7F-01, 5-ACI-7F-02, 5-ACI-7F-03, 5-ACI-7F-05, 5-ACI-7F-06, 5-ACI-7F-07, and 5-ACI-7F-08

## **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 Director of Chaplaincy Services 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.
  - 1.1.4 Ensure all chaplains meet the required qualifications, to include a minimum of one unit of clinical pastoral education or equivalent specialized training and endorsement by the Denominational Endorsing Agent/officer. {5-ACI-7F-01}
- 1.2 Wardens and Deputy Wardens shall:
  - 1.2.1 Ensure the following:
    - 1.2.1.1 Chaplains have access to inmates for the purpose of providing moral and religious instruction. They shall also be accessible to the inmate population. {5-ACI-7F-02} (Arizona Revised Statute (A.R.S.) §31-206)
    - 1.2.1.2 Security staff observes, but does not participate in religious activities.
    - 1.2.1.3 Inmates following faith systems requiring having/wearing of religious apparel are accommodated within the Department's compelling interests.
    - 1.2.1.4 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.
    - 1.2.1.5 Staff members consult with the Senior Chaplain regarding religious matters of concern.
      - 1.2.1.5.1 Private prisons without an identified Senior Chaplain/appointee shall consult with the Director of Chaplaincy Services regarding religious matters of concern.

- 1.2.2 Provide the necessary security staffing for religious activities.
  - 1.2.3 Consult with Senior Chaplains or the Director of Chaplaincy Services on the validity of inmates' religious claims.
  - 1.2.4 Deny religious visits or activities which may threaten the safety and/or security of the institution.
- 1.3 At Department-operated institutions, Senior Chaplains shall:
- 1.3.1 Report directly to the Director of Chaplaincy Services.
  - 1.3.2 Supervise other chaplains within an institution.
  - 1.3.3 Attend Wardens' management meetings as a member of the executive staff representing the religious program.
  - 1.3.4 Create and manage all religious programs, group and individual religious activities at the institution.
  - 1.3.5 Serve as the contact for all outside religious activities, persons or groups requesting institution admittance for religious purposes.
  - 1.3.6 In cooperation with the Warden or designee, approve donations of equipment or materials for use in religious programs. {5-ACI-7F-08}
  - 1.3.7 Ensure the following:
    - 1.3.7.1 Equal status and protection for all religions. {5-ACI-7F-01}
    - 1.3.7.2 At least one chaplain is available to attend Deputy Warden Unit meetings, upon request.
    - 1.3.7.3 Appropriate chaplaincy coverage is maintained at each institution, including on Saturday and Sunday. {5-ACI-7F-02}
    - 1.3.7.4 Unit chaplains routinely interact with inmates during their daily activities (e.g., dining, recreation, work, etc.) for moral and religious instruction. {5-ACI-7F-02}
    - 1.3.7.5 Inmates in detention or disciplinary detention have access to and are visited by chaplains at least once per week.
    - 1.3.7.6 When a religious leader of an inmate's faith is not represented through the chaplaincy staff or volunteers, the unit Chaplain(s) shall assist the inmate in contacting a person who has the appropriate credentials from the faith judicatory. That person shall minister to the inmate under the supervision of the unit Chaplain(s). {5-ACI-7F-06}
    - 1.3.7.7 All chaplains conduct a minimum of two services per month at the assigned institution or unit in accordance with (A.R.S.) §31-206.

1.3.8 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 an Information Report, Form 105-2. The form shall be uploaded into the Arizona Correctional Information System (ACIS) Religious Services Manage Requests section. {5-ACI-7D-18}

1.3.8.1 Other chaplains shall assist in the notification process if on duty, but no chaplain shall be recalled back to work to make notifications.

1.4 Private prison facilities shall conduct 1.3.1 through 1.3.8.1 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 in ACIS. {5-ACI-7F-05}

2.1.1 After their unit orientation, inmates shall be provided an additional opportunity to designate religious preferences if they did not do so during their initial intake process for up to one month after arrival at the unit.

2.1.2 Inmates may designate "none" during either of the processes outlined above.

2.2 Inmates may request changes to their religious preference at any time by: {5-ACI-7F-05}

2.2.1 Submitting Inmate Letters, Form 916-1, or using the tablet communication system, 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.

## 3.0 RELIGIOUS ACTIVITIES

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

3.1.1 Demonstrate respect of an inmate's constitutional religious rights regarding religious beliefs and observance.

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 Director of Chaplaincy Services, shall: {5-ACI-7F-07}

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 Bureau 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 Religious publications must meet Publication Review standards outlined in Department Order #914, Inmate Mail.
  - 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 temporarily maintained in a chaplain's office or in designated religious activity areas during observances.
- 3.5 Number/Length of Religious Activities or Services
  - 3.5.1 The Senior Chaplain, in conjunction with Wardens or Deputy 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 officiated by volunteers shall be scheduled for a minimum of one hour, but not to exceed 90 minutes, unless a shorter duration is requested by volunteers.
  - 3.5.4 All group religious services shall end no later than 2000 hours.
  - 3.5.5 Senior Chaplains shall coordinate all religious activities for group religious volunteers.
- 3.6 Requests to Conduct Religious Activities
  - 3.6.1 Outside religious groups wanting to conduct religious activities in the institutions shall submit written requests to Senior Chaplains. The request shall include the:

- 3.6.1.1 Name and contact information of the group.
- 3.6.1.2 Type of activity.
- 3.6.1.3 Proposed date and time of the activity.
- 3.6.1.4 Materials/equipment to be used.
- 3.6.2 Senior Chaplains, in consultation with Wardens or Deputy Wardens, shall approve or disapprove requests within five workdays of receipt.
- 3.6.3 Senior Chaplains shall advise outside religious groups of the decision in writing, including the reasoning if the request has been disapproved.

#### **4.0 RELIGIOUS ACCOMMODATIONS {5-ACI-7F-05}**

- 4.1 Religious Claims - Senior Chaplains/chaplains may contact the Director of Chaplaincy Services for clarification on appropriate religious publications and materials, special religious diets or other special requirements about inmates' faith systems.
- 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 their declared religious preference.
  - 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 Sunday and Sabbath:
    - 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 Director of Chaplaincy Services 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 Director of Chaplaincy Services for a decision.

### 4.4 Sweat Lodges

- 4.4.1 Native American Ethnicity – Due to the sacred nature of Sweat Lodges, participation in Sweat Lodge ceremonies requires Native American ethnicity verification.
  - 4.4.1.1 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:
    - 4.4.1.1.1 Descended from a United States (U.S.) Tribe, and may have a valid Bureau of Indian Affairs or Tribal number.
    - 4.4.1.1.2 Presently a member of a U.S. Indian Community.
    - 4.4.1.1.3 Duly recognized by a U.S. Indian Community.
- 4.4.2 Senior Chaplains/chaplains shall forward inmates' verification information to the Director of Chaplaincy Services for review.
  - 4.4.2.1 Upon confirmation by recognized Native American Leaders, the Director of Chaplaincy Services shall:
    - 4.4.2.1.1 Approve or disapprove inmates' eligibility.
    - 4.4.2.1.2 Notify Senior Chaplains/chaplains of the disposition.
    - 4.4.2.1.3 Enter approved inmates' eligibility information in ACIS.
- 4.4.3 Chaplains shall:
  - 4.4.3.1 Publish a list of approved participants.
  - 4.4.3.2 Monitor compliance with the Sweat guidelines established in Attachment C.
- 4.4.4 Sweat Lodge ceremonies are:
  - 4.4.4.1 Held for the purification of participants.
  - 4.4.4.2 Typically three to four hours in length.
  - 4.4.4.3 Operated according to a schedule published by chaplains.



- 4.4.5 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. At locations where security requires the presence of advisors to perform the Sweat, ceremonies shall be scheduled when advisors are available.
  - 4.4.5.1 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 Section 5.0, 5.3.2.1. The public may donate toward these purchases in accordance with Department Order #301, Fiscal Management.
    - 4.4.5.1.1 Firewood purchases may be requested for group ceremony involving all eligible participants or for personal ceremony involving no other inmates.
  - 4.4.5.2 Staff shall facilitate the lighting of the fire for Sweat Lodge ceremonies.
  - 4.4.5.3 Participants
    - 4.4.5.3.1 Male participants shall wear shorts covering their genital and buttocks areas.
    - 4.4.5.3.2 Female participants shall wear shorts, shirts or T-shirts and brassieres.
- 4.4.6 Sweat Lodges shall be:
  - 4.4.6.1 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.
  - 4.4.6.2 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.
- 4.4.7 Sweat Lodge areas:
  - 4.4.7.1 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.
  - 4.4.7.2 May be screened with wooden fences or other material for privacy and respect provided it does not jeopardize security.
  - 4.4.7.3 Shall only be used for Sweat ceremonies.
- 4.4.8 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.

#### 4.5 Multi-Faith Gatherings

4.5.1 The details, times and location shall be arranged through chaplains, in consultation with Wardens, Deputy Wardens or Chiefs of Security, and shall include religions:

4.5.1.1 Not having identified volunteer leadership.

4.5.1.2 Not already scheduled for services/ceremonies.

4.5.1.3 Having a sufficient number of inmates making the request for group ceremonies.

4.5.2 Multi-faith gatherings may be held on a regularly scheduled basis.

#### 4.6 Smoke Generating Ceremonies - Smoke Generating Ceremonies shall only be conducted outdoors.

4.6.1 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.

4.6.2 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.

#### 4.7 Special Annual Religious Events

4.7.1 Special Annual Religious Events shall be planned by chaplains in consultation and with the assistance of outside sponsors and inmate representatives.

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

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

4.8 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.

### 5.0 RELIGIOUS/CEREMONIAL PROPERTY

5.1 All religious property approved by the Director of Chaplaincy Services shall be inspected by the appropriate security staff prior to introduction into institutions/units.

5.2 All religious property, to include headwear, is subject to security inspection and shall be handled with appropriate respect in accordance with Department Order #708, Searches.

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

5.3.1 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.

- 5.3.2 Firewood shall be stored in an acceptable area as determined by the Warden or designee.
  - 5.3.2.1 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.
- 5.4 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 these donated items are available, inmates may be allowed access for the purpose of engaging in personal religious ceremonies.
  - 5.4.1 Health and welfare indigent inmates may use supplies donated for group ceremonies. Chaplains shall manage the distribution of donated supplies.
- 5.5 Religious symbols or clothing items, excluding headwear, may be worn openly only during religious ceremonies and at no other time or place. These ceremonies include:
  - 5.5.1 Approved group religious ceremonies.
  - 5.5.2 Active personal ceremonies, which are performed in inmates' own living spaces or recreation enclosures in detention units.
- 5.6 Religious headwear may be worn throughout the complex/facility in accordance with the inmates' identified religious belief. Unless otherwise stated, all headwear is limited to one item only. Headwear shall not contain graphics or writing. Inmates who have declared a religious preference listed below are authorized to wear the following:
  - 5.6.1 Jewish yarmulke – black or white
  - 5.6.2 Moorish Science Temple of America (MST of A) kufi - black or white crochet cap
  - 5.6.3 Muslim kufi (men) - black or white crochet cap; Hijab (women) – black or white tube scarf for covering the head and neck
  - 5.6.4 Native American headband/bandana – The headband or bandana may be worn only in a circle covering the forehead, but not the crown of the head.
    - 5.6.4.1 Headband – multi-colored, a maximum of three headbands
    - 5.6.4.2 Bandana – maximum of six paisley print style, permitted colors: black, blue, green, red, white, yellow
  - 5.6.5 Rastafarian crown (may not have a bill) – multi-colored (red, yellow, green threads running through a black cap)
  - 5.6.6 Sikh turban – white
  - 5.6.7 Aztec (bandana) – maximum of six paisley print style, permitted colors: black, blue, green, red, white, yellow
  - 5.6.8 Druid (bandana) – If a solid color it shall not be blue, brown, black or tan

- 5.6.9 Orthodox Christian (head covering) – maximum size 24" by 24". If a solid color it shall not be blue, brown, black or tan
- 5.6.10 Santeria – Tam (head covering) – If a solid color it shall not be blue, brown, black or tan
- 5.7 Candles – Wax candles shall be allowed in group religious ceremonies where their requirement has been documented by designated religious leaders and approved by the Director of Chaplaincy Services.
  - 5.7.1 Wax candle usage shall be restricted to Minimum and Medium Custody level units.
  - 5.7.2 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.
  - 5.7.3 Ceremonies where wax candles are utilized shall be led by chaplains, authorized religious leaders or badged Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) volunteers.
  - 5.7.4 Inmates shall not possess wax candles at any time.
  - 5.7.5 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.
    - 5.7.5.1 Requests to purchase Shabbat Candles shall follow the approved property process outlined in this Department Order.

## 6.0 RELIGIOUS PROPERTY PURCHASE REQUESTS

- 6.1 Approved property items not available in the inmate store shall be ordered from approved sources and paid for from the inmate's Inmate Trust Accounts.
- 6.2 Wardens and Deputy Wardens shall ensure staff consults with the chaplain's office regarding any questionable religious item(s).
  - 6.2.1 Senior Chaplains, in consultation with the Warden and the Director of Chaplaincy Services, 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.
- 6.3 Religious items used in the practice of inmates' declared religious preference may be authorized provided the items:
  - 6.3.1 Do not pose a threat to the safe, secure and orderly operation of the institution.
  - 6.3.2 Are on the approved items list, which is updated and maintained by the Director of Chaplaincy Services, and distributed to all institutions. Authorized personal religious items may be kept in the possession of inmates in accordance with this Department Order.
  - 6.3.3 When not in use, are stored collectively within inmates' storage boxes as outlined in Department Order #704, Inmate Regulations.

- 6.4 To order religious items, inmates shall submit their requests to Senior Chaplains using Inmate Letters and shall include the following information:
- 6.4.1 A description of each item, including each item's size.
  - 6.4.2 Each source's name and contact information.
  - 6.4.3 A complete itemized list of all previously approved religious items currently in their possession.
  - 6.4.4 Included with Inmate Letters, inmates shall also provide Senior Chaplains:
    - 6.4.4.1 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.
    - 6.4.4.2 Completed order forms from approved sources. Order forms may be handmade if the company accepts them.
    - 6.4.4.3 Completed and stamped envelopes addressed to the approved sources.
  - 6.4.5 Senior Chaplains shall:
    - 6.4.5.1 Verify inmates' religious preferences.
    - 6.4.5.2 Determine if requested items are on the approved items list for inmates' religious preference.
    - 6.4.5.3 Approve or deny requests.
    - 6.4.5.4 Forward the information on requested items not currently approved to the Director of Chaplaincy Services.
  - 6.4.6 Staff assigned to Inmate Banking shall only accept and process orders for religious items approved by Senior Chaplains.
    - 6.4.6.1 When approved items are unavailable for purchase through approved sources (e.g., eagle feathers) Senior Chaplains, in consultation with the Director of Chaplaincy Services, shall determine the method for obtaining the items.

## 7.0 RELIGIOUS PROPERTY ITEMS

- 7.1 Smudging Material - Smudging (smoldering herbs) by followers of religious traditions that smudge is permitted, unless specifically restricted by the custody level and security of the unit.
- 7.1.1 Locations and times of this activity shall be determined by Senior Chaplains and Deputy Wardens.
- 7.2 Sacramental Wine – If permitted by the religious tenets, no more than two ounces shall be allowed for use only by priests, chaplains or religious leaders.

7.2.1 Inmates shall not partake of sacramental wine.

7.3 Consumable religious supplies require advance Senior Chaplain written approval prior to entrance.

7.4 Communion Supplies – Volunteers, pastoral visitors and staff chaplains may bring in communion supplies for religious ceremonies with prior approval written from the Senior Chaplain, in consultation with Wardens/Deputy Wardens.

7.4.1 Only a sufficient supply for participants in scheduled services shall be authorized and any remaining supply shall be taken out of institutions at departure.

7.4.2 Other requested supplies/items may be authorized for group ceremony by the Senior Chaplains after consultation/written approval from the Director of Chaplaincy Services and Wardens/Deputy Wardens.

**8.0 RELIGIOUS DIETS** – Religious diets are accommodated with a Common Fare Meal (CFM), which meets the dietary requirement for Halal, Kosher and Vegetarian Standards. {5-ACI-5C-07}

8.1 Inmates wanting to observe religious dietary laws shall provide an Inmate Letter requesting to participate in the CFM to institutional chaplains.

8.1.1 Requests shall be submitted 30 calendar days prior to the desired start date of the CFM. Cancellation of the CFM shall be submitted 30 calendar days prior to the end of the CFM so there will be no suspension of the diet.

8.2 Requests for a CFM shall be accommodated to the extent practicable within the constraints of budgetary limitations, security and the orderly operation of the institution.

8.3 Requests to observe CFM for religious purposes shall be in accordance with Department Order #912, Food Service and the Food Service Technical Manual.

8.4 The CFM provided for religious reasons shall be suspended if five meals are missed in a seven day period without justifiable reasons. The Senior Chaplain shall verify the justification and either suspend or reinstate the CFM.

8.4.1 The first suspension shall be for six months and the second shall be for one year.

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

9.1 Visits by Religious Leaders - Senior 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.

9.1.1 Inmates shall request or consent to visits by accredited ministers or religious leaders prior to visit authorization.

9.1.2 Senior Chaplains shall verify the credentials and/or accreditation of the visiting religious leader(s).

9.1.2.1 Wardens, Deputy Wardens or Senior Chaplains shall consult with the Director of Chaplaincy Services when there is a question regarding the validity of visiting religious leaders' credentials.

9.1.3 After their credentials have been verified, Senior Chaplains shall facilitate pastoral visits including distributing appropriate gate passes.

9.1.4 Pastoral visitors shall not be placed on inmates' visitation list.

9.2 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 unit and/or complex.

**10.0 MARRIAGE** - Marriages shall be permitted to the extent the marriage does not present a threat to the safe, secure and orderly operation of the institution or jeopardize the public safety. Marriages shall be conducted in accordance with A.R.S. Title §25, Marital and Domestic Relations.

10.1 Marriage ceremonies shall not be between two inmates.

10.2 Inmates shall request a Marriage Application, Form 904-2 from institutional chaplains in writing using an Inmate Letter or the tablet communication system; complete Sections I and II of the Application and return it to the chaplain's office.

10.2.1 Chaplains receiving Marriage Applications shall:

10.2.1.1 Review applications to determine their completeness.

10.2.1.2 Return incomplete applications with instructions for proper completion.

10.2.1.3 Review completed applications to determine if applying inmates and their prospective spouses meet the eligibility requirements of this section.

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

10.2.1.4.1 Inmates at Department institutions may appeal disapprovals of Marriage Applications by writing to the appropriate Regional Operations Director within ten workdays after being notified of the disapproval. Inmates' requests to marry other inmates are not appealable.

10.2.1.4.2 Inmates assigned to private prison facilities shall appeal to the Contract Beds Operations Director.

10.2.1.4.3 Decisions made by the Contract Beds Operations Director or the Regional Operations Director shall be final.

10.2.1.4.4 If circumstances have changed, inmates may reapply 60 calendar days from the date the first application was disapproved.

10.3 An approved Marriage Application form shall remain valid for one year unless withdrawn by Wardens or Deputy Wardens if:

10.3.1 Both the inmate and the prospective spouse are not:

- 10.3.1.1 Currently married.
- 10.3.1.2 Mentally incapacitated.
- 10.3.1.3 Of a blood relation of first cousins or closer.
- 10.3.2 Inmates:
  - 10.3.2.1 Do not have any pending disciplinary charges.
  - 10.3.2.2 Are not confined in detention units for disciplinary investigative reasons.
  - 10.3.2.3 Are eligible for visitors at the time of the application through to their marriage ceremony.
- 10.4 Permission to marry does not supersede or change any instructions governing visitation, release procedures, mail and property or phone calls. Refer to the appropriate Department Order for complete rules and regulations.
  - 10.4.1 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.
- 10.5 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.
  - 10.5.1 All inmates (including indigent) applying for marriage applications shall accept full financial responsibility for all marriage process expenses including license fees and ceremony expenses to demonstrate personal responsibility towards their successful reentry back into their community.
- 10.6 Once Marriage Applications are approved, chaplains shall coordinate ceremony arrangements including:
  - 10.6.1 Ensuring ceremonies are performed by approved clergy or Justices of the Peace to fulfill legal requirements.
    - 10.6.1.1 In accordance with A.R.S. §25-125, valid marriage ceremonies are conducted in the presence of persons authorized to solemnize marriages.
  - 10.6.2 The inmate, his/her prospective spouse, and two lawfully aged witnesses who have been authorized to enter the unit are present for the ceremony.
    - 10.6.2.1 Staff shall not act as witnesses or participate in the marriage ceremony.
  - 10.6.3 Inmates are not in special clothing for a marriage ceremony.
  - 10.6.4 Photographs are not taken and no other publicity arrangements are made.
  - 10.6.5 Rings are not exchanged during the ceremony.
    - 10.6.5.1 Refer to Department Order #909, Inmate Property, for additional information on wedding rings.



- 10.7 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

904-5, Request for Pastoral Visit

## **AUTHORITY**

A.R.S. Title §25 - Marital and Domestic Relations

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

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

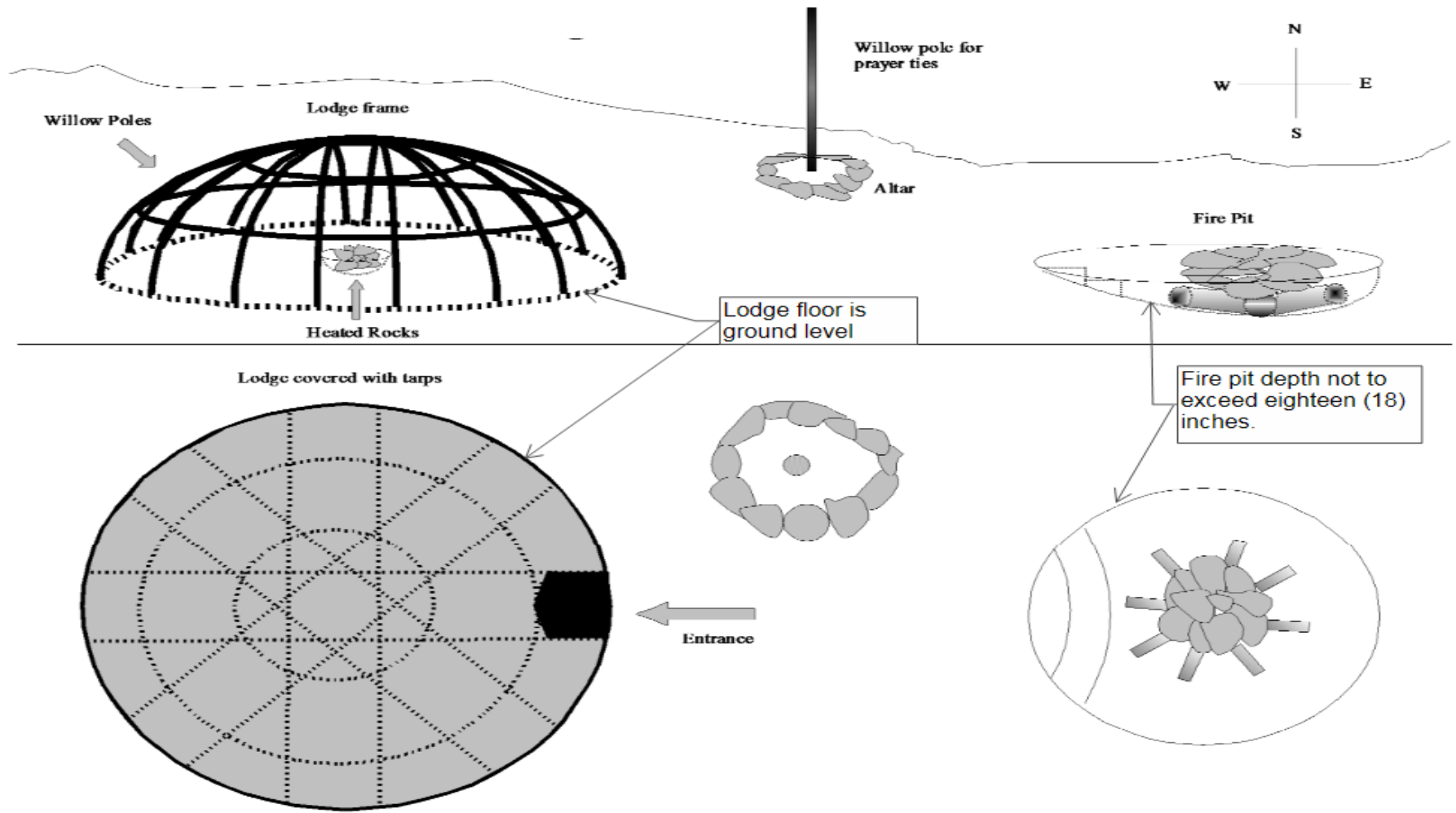
## ATTACHMENT A

### 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).