

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: RELIGIOUS ITEMS

G-625

| EFFECTIVE: | REVIEWED: | REVISED: | UPDATED: |
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REFERENCE: Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), DBPPM Section I-200, Penal Code 2607, Penal Code 4027.5

POLICY

The Kern County Sheriff's Office will allow approved religious items to incarcerated people who demonstrate that the requested item is necessary for them to adhere to beliefs that are sincerely held and religious in nature provided that the request does not conflict with a compelling governmental interest (e.g., security, safety, order within the detentions facilities).

Each request for religious items will be evaluated on a case-by-case basis. A list of approved items will be maintained on SheriffNet, under the Inmate Services Section for review.

DIRECTIVE #1

The following provisions will be adhered to in relation to religious items:

- Approved items will be used or worn in accordance with the incarcerated person's faith.
- Incarcerated persons housed in a suicide watch or safety cell will not be allowed access to their religious items.

DIRECTIVE # 2

Staff may determine if an incarcerated person has been approved to possess religious items by checking the incarcerated person's JMS records. Incarcerated persons approved to possess religious items will have a 12/25/25 appointment for RELIT, and a description of the item can be viewed on their property screen.

If a staff member discovers incarcerated person misuse, abuse, or modification of a religious item, they will confiscate the item, place it in a paper bag with the incarcerated person's name and booking number, and forward it to the facility Administrative Sergeant for storage pending the disciplinary process.

If it is determined that the item will not be returned to the incarcerated person it was seized from, the item will be forwarded to the Inmate Services Administrative Sergeant.

DIRECTIVE # 3

During the initial booking, intake, and classification process, facility staff shall ask each individual entering into custody whether the individual practices a sincerely held religious belief that requires accommodation with respect to grooming, religious clothing, or religious headwear.

DIRECTIVE # 4

Incarcerated persons who have been approved to possess religious items may retain the approved items if they are rehoused to another Lerdo Facility.

Incarcerated persons will retain approved religious items upon their release from custody.

Procedure A: Religious Items during the intake process

During the intake process, if an incarcerated person states that a personal item is a religious item,

The receiving deputy will:

- Inspect the item and do the following:
- If the item is headwear (ex. Yamica, Hijab) the deputy shall offer the incarcerated person the opportunity to have their headcover search conducted by deputies of the same gender and out of view of members of differing gender.

Following the search and inspection of the item, staff shall return any religious headwear purchased, accessed, or retained during the intake process to the incarcerated person unless there is reason to confiscate the item due to a security risk, which shall be documented in a JMS incident report using type code 4088 (Revoked Religious Item). Unless exigent circumstances exist, when an individual in custody wearing religious clothing or headwear is searched, the facility shall do all of the following:

- Staff shall offer the individual in custody the opportunity to have this search

conducted by members of the same gender and out of view of members of a differing gender.

- Following the search, staff shall return to the individual in custody, any religious clothing or headwear purchased, accessed, or retained unless there is reason to confiscate the item due to a security risk, which shall be documented.
- If the item is not headwear, advise the incarcerated person that the personal religious item will be kept with their property, but that they may submit a request slip to the Detentions Bureau Chaplin to be allowed to possess a similar item while in custody, as outlined in procedure 'B'.

If the incarcerated person is unable to remove the item, staff will notify the shift supervisor.

The shift supervisor will:

- Evaluate the security risk posed by the religious item and ensure that a JMS Incident is completed describing the action taken regarding the religious item.
- Notify the section Lieutenant and the Inmate Services Section at Inmateservices@kernsheriff.org.

Procedure B: Incarcerated Person Requests for Religious Items

Any staff receiving a request for a religious item will:

- Instruct the incarcerated person to submit a request slip.
- Forward the completed request slip to the Detentions Bureau Chaplain.

The Chaplain will:

- Interview the incarcerated person submitting the request or who has retained religious headwear through the booking process and complete a Religious Item Worksheet (Attachment 'A').
- To the best of their ability, determine the validity of the request based on whether:
- The incarcerated person has demonstrated the sincerity of their belief that the religious item is required by their faith.
- The incarcerated person has demonstrated that the item is religious in nature.

Note: If an incarcerated person requesting a religious item has already been approved for a religious diet, the chaplain will only interview the incarcerated person to determine if there is a legitimate religious need for the requested items.

- Forward the completed forms and their recommendation to the Inmate Services Section Manager for review.
- Maintain a file of all religious item requests and religious items retained through the booking process.
- Monitor change in the status of the incarcerated person's religious beliefs or future request by the incarcerated person that would constitute immediate removal or modification to the approved religious item.

Upon receipt of a completed Religious Item Worksheet form, The Inmate Services Section Manager (or their designee) will:

- Review the Religious Item Worksheet and the Chaplain's recommendation. If necessary, obtain additional information.
- Consult with the Facility Section Managers when considering approval for a new item that has been requested.

Note: Once an item has been discussed with the managers and placed on the approved item list, subsequent requests for that specific item will not require a manager consultation).

- Approve the request, unless it is determined that:
- Denial of the requested item is in furtherance of a compelling governmental interest (e.g., security, safety, order)
- Denial of the item is the least restrictive means of furthering that interest.

If an item is denied, the reasons for denial and suggested alternatives must be articulated on the form, attaching a memorandum if additional space is required.

- Forward the completed Religious Item Worksheet to the Inmate Services Administrative Sergeant.

The Inmate Services Section administrative sergeant (or their designee) will:

- Forward copies of the completed forms to the Detentions Bureau Chaplain.

If an incarcerated person has been approved to possess religious items:

- Enter the incarcerated person's approval for religious items into JMS under "Inmate Maintain Property" (IMMNTPRO). If an incarcerated person is approved for more than one (1) item, separate entries will be made for each approved item.
- Enter RELIGIOUS in the Item Field.
- Enter a description, quantity, date provided, and initials in the Description field.
- Enter an appointment into JMS under "Inmate Maintain Appointment" (IMMNTAPT).
- Enter an appointment location of RELIT.
- Enter RELIG ITEM in the comment field. Maintain a list of approved items including description and photos on the Inmate Services Section SheriffNet webpage.

Procedure C: Issuance of approval of Religious Items

If an incarcerated person has been approved to possess religious items:

The Chaplain will:

- Complete a Religious Item Acknowledgement form (Attachment 'B').
- If the item approved is not readily available, and the incarcerated person chooses to purchase the item through the approved vendor, then the Chaplain will provide the incarcerated person with a purchase order form.

Note: The purchase order form is to be filled out and submitted through commissary. Commissary will deliver the religious items to the Chaplain's office for tracking and issuance.

- Have the incarcerated person read and sign the acknowledgment form.
- Provide the approved religious items to the incarcerated person.
- Return the completed, signed form to the Inmate Services Administrative Sergeant.

Procedure D: Revocation of approval of religious items

An incarcerated person may have their approval to possess religious items revoked if their actions demonstrate that:

- The incarcerated person is not sincere in their belief that the item is a requirement of their faith.
- The requirement is not religious in nature.

Such actions include, but are not limited to:

- Lending or providing an approved religious item to another incarcerated person.
- Statements by the incarcerated person demonstrate that the reasons for the requested item were dishonest or were not based on sincerely held religious beliefs.

Any staff who witnesses actions or statements that reveal insincerity regarding an incarcerated person's requirement for a religious item will generate a JMS Incident describing the actions and advise the administrative Sergeant of the Inmate Services Section.

The inmate services administrative sergeant will:

- Review the incident, investigate the situation as necessary, and determine if the incarcerated person's actions demonstrate sufficient insincerity to warrant discontinuing the approval of the incarcerated person's religious item.
- If clarification of the incarcerated person's insincerity (or sincerity) is needed, or if additional documentation is necessary, complete a JMS supplemental report.