

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: RELIGIOUS DIETS

G-0650

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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APPROVED BY: Detentions Bureau Chief Deputy Cindy Cisneros

REFERENCE: Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), DBPPM Section I-200

POLICY

The Detentions Bureau will provide religious diets to requesting incarcerated people who demonstrate that the requested diet 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 penological interest (e.g., security, safety, cost prohibitive). The Chaplain will interview incarcerated people requesting a religious diet to verify eligibility based on these criteria.

DEFINITION(S):

For the purpose of this policy the following definitions apply:

- **Religious Diet:** A nutritional diet that complies with the sincerely held religious beliefs of a given incarcerated person.
- **Medical Diet:** A nutritional diet ordered by medical staff that is medically necessary to sustain the health of an incarcerated person.

DIRECTIVE #1

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

All medically prescribed diets shall supersede any religious diets unless the incarcerated person has reviewed and signed a Medical Refusal Form refusing the medical diet as detailed in Section H-300 of this manual.

- An incarcerated person may appeal the denial or discontinuation of a religious diet using a grievance or appeal form. Staff will forward any such appeals to the Inmate Services Section Manager, who will respond in accordance with the procedures of Section I-200 of this manual.

- Vegetarian and vegan diets that are not based on religious requirements are considered food preference diets and are honored only when based on medical need. Incarcerated people requesting preference diets such as vegetarian/vegan (no meat or meat products) diet will be required to submit a request to medical staff, who will follow medical diet procedures.
- The incarcerated person meals provided by the contracted food service provider do not include pork and meet the religious dietary needs of those of the Muslim faith. Incarcerated people of the Muslim faith wishing to observe Ramadan must complete and sign a Religious Meal Plan Request Form (Attachment A). This form will be provided to the incarcerated person by the Chaplain upon receipt of a written request.

Procedure A: Incarcerated Person Requests for Religious

Diets DIRECTIVE #2

An incarcerated person's request for a religious diet will be approved if the Inmate Services Administrative Sergeant, in consultation with the Detentions Bureau Chaplain, determines that:

- The incarcerated person has demonstrated the sincerity of their belief that the religious diet is required by their faith **and**;
- The incarcerated person has demonstrated that the dietary requirement is religious in nature.

If the first two criteria are met, the request will be approved unless the Inmate Services Administrative Sergeant determines that:

- Denial of the requested diet is in furtherance of a compelling penological interest (e.g., security, safety, or the request is cost prohibitive), **and**;
- Denial of the diet is the least restrictive means of furthering that interest.

Any staff receiving a request for a religious diet will instruct the incarcerated person to submit a request slip. Completed request slips for religious diets will be forwarded to the Detentions Bureau Chaplain, who will:

- Provide the incarcerated person with Religious Meal Plan Request Form (Attachment A).
- Review the completed Religious Meal Plan Request Form.
- Interview the incarcerated person submitting the request and complete a Religious Diet Worksheet (Attachment B);

- To the best of their ability, determine the validity of the request based on the first two criteria of Directive #1 above;
- Forward the completed forms and their recommendation to the administrative sergeant of the Inmate Services Section;
- Maintain a file of all religious diet requests;
- 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 diet.

Upon receipt of a completed Religious Diet Worksheet and Religious Meal Plan Request forms, the administrative sergeant of the Inmate Services Section will:

- Review the request and the Chaplain's recommendation. If necessary, obtain additional information.
- Using the criteria described above in Directive #1, approve, or deny the request.
 - If the sergeant believes the request should be denied based on the second two criteria described in Directive #1, (in furtherance of a compelling penological interest and the denial is the least restrictive means of furthering that interest) they will advise the inmate services section manager of the denial.
- If the request is denied, indicate the reason in the space indicated, attaching a memorandum if additional space is required.

Forward copies of the completed forms to:

- Detentions Bureau Chaplain;
- The Medical Clinic at the facility where the incarcerated person is housed for inclusion in the incarcerated person's medical file.
- If the request is approved:
 - Forward additional copies of the forms to the food services supervisor;
 - Ensure that the incarcerated person's special diet is entered into JMS under "Incarcerated person Maintain Appointment" (IMMNTAPT) and the "Incarcerated person Maintain Medical" (IMMNTMED) using the format in the examples below:

IMMNTAPT: 122525 0800 DIETX 28, RELIG/KOSHER

IMMNTMED: SPECIAL DIET: 28, RELIG/KOSHER

The food services supervisor will ensure that incarcerated people who have been approved for a religious diet are provided with the appropriate meals, coordinating as needed with staff at the facility in which the incarcerated person is housed.

Procedure B: Discontinuation of Religious Diets

Any staff receiving a request from an incarcerated person to discontinue a religious diet will forward the request to the Inmate Services Section Administrative Sergeant. The administrative sergeant will cancel the diet as requested, maintain the incarcerated person's JMS record accordingly, and notify the appropriate units as detailed in Procedure A. The administrative sergeant will maintain the request for discontinuation for a minimum of five years.

An incarcerated person may be involuntarily removed from a religious diet if their actions demonstrate that:

- The incarcerated person is not sincere in their belief that the diet is a requirement of their faith or
- That the requirement is not religious in nature, such actions include, but are not limited to:
 - Consuming products that are known to be prohibited to members of the incarcerated person's faith;
 - Statements by the incarcerated person that demonstrate that the reasons for the requested diet were dishonest or were not based on sincerely held religious beliefs;
- A request for discontinuation of a religious diet followed by a request to return to the religious diet or frequent attempts to switch between different types of diets.

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

The Inmate Services 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 incarcerated person's religious diet.

- If clarification of the incarcerated person's insincerity (or sincerity) is needed, or if additional documentation is necessary, complete a JMS supplemental report.
- If the diet is to be discontinued, cancel the diet, and advise the units described in Procedure B.