

OFFICE OF ADMINISTRATIVE LAW

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SUSAN LAPSLEY
 Director

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Derral G. Adams
 DERRAL G. ADAMS
 SECRETARY OF STATE

Date: March 8, 2010

To: Ricky Gray

From: Chapter Two Compliance Unit

Subject: **2010 OAL DETERMINATION NO. 5(S)**
(CTU2009-1130-02)
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5;
 Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Operational Procedure No. 804 issued by California State Prison, Corcoran

On November 30, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Operational Procedure No. 804 (OP 804) constitutes an underground regulation. On December 14, 2009, we notified you that the petition was not complete because it was lacking a written copy of the alleged underground regulation. On January 7, 2010, you submitted OP 804 to complete the petition. OP 804 was issued in July, 2009, by California State Prison, Corcoran (CSP, Corcoran), and signed by Derral G. Adams, warden at CSP, Corcoran. The rule deals with religious programs at CSP, Corcoran. OP 804 is attached hereto as Exhibit A.¹

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,² which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).³ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

¹ Page 14 of Exhibit A was missing from the petition, however, it is not relevant to this determination.

² "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

³ Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility....

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

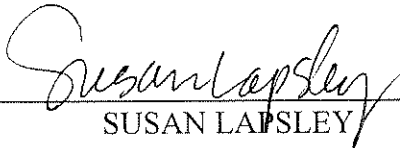
The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of CSP, Corcoran. It was issued by Derral G. Adams, the warden of CSP, Corcoran. Inmates housed at other institutions are governed by those other institution's criteria for religious programs. The rule you challenged was issued by CSP, Corcoran, and applies only to inmates at the CSP, Corcoran. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.⁴

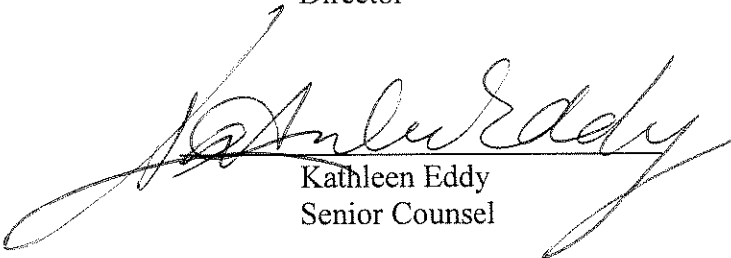
⁴ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

- (f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
- (A) The challenged rule has been superseded.
 - (B) The challenged rule is contained in a California statute.
 - (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
 - (D) The challenged rule has expired by its own terms.
 - (E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)**

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.



SUSAN LAPSLEY
Director



Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
John McClure

Exhibit A

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA STATE PRISON, CORCORAN
CORCORAN, CALIFORNIA 93212**

July 2009

I. PLAN NUMBER AND TITLE:

Operational Procedure No. **804**
Operational Procedure Title: **Religious Programs**

II. PURPOSE AND OBJECTIVE:

- A. To provide a program with a view toward meeting the religious and spiritual needs of the inmate population at California State Prison – Corcoran (CSP-Corcoran).
- B. To establish policies and procedures for religious worship and activities.

III. REFERENCES:

- A. California Department of Corrections and Rehabilitation Operations Manual (DOM) 50000, Section, 53050.1 – 53050.14, 54030.1, 54030.7.1, and 54030.10.9.
- B. California Code of Regulations (CCR), Title 15, Sections 3044 (c), (d), (e) and (f), 3045, 3053, 3054, 3190, 3191, 3192, - 3193, 3210, 3211 - 3213, 3216, 3270, 3270 and 3343 (f).
- C. California Civil Code, Section 10325.
- D. California Penal Code (PC), Sections 5058, 5054, 2600.

IV. APPROVAL AND REVIEW:

This procedure shall be reviewed for revision annually by the Associate Warden – Central Services (AWCS) and forwarded to the Warden for approval.

V. RESPONSIBILITIES:

The staff Chaplains (Catholic, Protestant, Islamic, Jewish, and Native American Spiritual Leader), under the supervision of the AWCS are responsible for the administration and implementation of this procedure.

VI. METHODS:

A. STAFFING:

Protestant	1 Full Time
Catholic	1 Full Time
Islamic	1 Full Time
Native American	1 Full Time
Jewish	1 Part Time

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B. DUTIES/RESPONSIBILITIES:

The general duties/responsibilities of the staff chaplains are as follows:

1. Work shift/Workweek:
 - a. Schedule is determined by Management needs. Any variance to the work schedule requires prior notification and approval by the AWCS. Pick up and review mail at AWCS office during work week.
 - b. Each day of work, physically report to the AWCS office to pick up mail during workweek. At the beginning and end of shift physically report to Level III Entrance Building to sign in and sign out on the Sign-In/Out Log.
 - c. Attend monthly meeting with AWCS as scheduled.
 - d. Administer sacraments in accordance with the practices of respective faith groups and in compliance with institutional security procedures.
 - e. Provide regularly scheduled worship services and religious activities for respective faith groups. Facilitate services for any authorized religious group not serviced by a staff chaplain of that group.
 - f. Visit and provide equitable spiritual counseling services to the inmates housed in special housing units and the John D. Klarich Memorial Hospital (JDKMH).
 - g. Be available to provide last rights for inmates in critical need, when requested.
 - h. Supervise inmate chapel workers, maintain inmate time records, and submit payroll time reports within three days after close of work month. Maintain security of time cards by securing book in a cabinet or locker with an institutional authorized padlock.
 - i. Maintain and complete all mandatory In-Service Training as required by conditions of employment.
2. Chapel Security/Inmate Supervision:
 - a. Chaplains shall have availability to outside communication telephone access. Institutional telephones are an integral tool for performing their duties.
 - b. Maintain adequate security of all telephones located in chapel area. At all times, ensure against unauthorized use of telephones by inmates. Telephones will remain secured in the lock-boxes unless in use by the Chaplin.
 - c. No inmates will congregate or be in any of the chapels without direct Chaplain or staff supervision.

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- d. Whenever the Chaplain will not be present the clerks/porters will be sent back to their housing unit/yard, unless the Education Officer is available to assume coverage/supervision.
 - e. If the clerk and/or porter are close custody, the inmate will be sent to his appropriate housing unit for all counts unless "out-counts" have been submitted.
 - f. Upon entering and leaving each facility, Chaplains are to immediately notify custody staff, program sergeant or lieutenant.
 - g. Prior to leaving the chapel/facility, the chaplains will transfer supervisory authority to the Education officer.
 - h. Under the supervision of the Chaplain of any faith group, an inmate may lead or conduct a religious service, class, or activity.
 - i. Maintain order and control of the chapel facilities, property and physical security.
 - j. Provide religious literature, audiotape, and other instructional material to inmates within custodial guidelines. (non-recording capability)
 - k. Inform the inmates that they are allowed to wear or carry approved religious artifacts only when in route, returning or during their regular religious events. Necklaces with an approved religious medallion may be worn.
3. Absences:
- a. Use of vacation or administrative time accrued, should be requested in writing at least (2) weeks prior to requested dates. While vacation approval is not contingent upon finding coverage, cross-coverage is encouraged when feasible.
4. Visitors/Volunteers:
- a. Recruit, train, and supervise volunteer chaplains and visitors. Training and supervision is to include the chapel program, and the required institutional policies and procedures.
 - b. All visitors and volunteers must have clearance to enter the institution and will be under staff escort at all times.
 - c. Visitors/Volunteers are not authorized to assume responsibility for supervising inmates. They can only provide services to inmates. The CSP-Corcoran Chaplains are responsible for the supervision of the inmates.
 - d. Chaplains are encouraged to become familiar with any printed religious material brought onto the institutional grounds for distribution to the inmates that they sanction or solicit. Any material deemed inappropriate must not be distributed to the inmate population.

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C. GENERAL POLICIES:

1. **INMATE CHAPEL ATTENDANCE:** Inmate(s) shall be allowed to attend religious services and other chapel functions in accordance with established regulations governing inmate attendance to religious services.
2. **CHAPEL FACILITIES:** Chapel facilities are for daily religious functions. Use of the chapel facilities for other than religious activities requires the written approval of the Warden or his designee.
3. **CHAPEL SECURITY SEARCHES:** Security searches of the Chapels will be periodically performed by custody staff who will ensure they conduct all searches with dignity and respect. Staff Chaplains should be present during these searches to ensure/assist staff in maintaining the sanctity of the site. At no time will Custody Staff be denied access to the chapels.
4. **CLERGY VISITS WITH INDIVIDUAL INMATE:** Outside Clergy wishing to visit an individual inmate must complete a CDC-106, Visiting Questionnaire, receive basic orientation training and properly read/complete the Volunteer Handbook. They must also understand and comply with all visiting criteria and policies.
5. **PRIVILEGED COMMUNICATION:** Clergy have the right to privileged communication in the performance of their duties.
6. **PASTORAL SERVICES TO EMPLOYEES:** Chaplains may minister to employees who are on off-duty time and only upon request from the employee.
7. **TRAINING FOR CLERGY AND THEOLOGICAL STUDENTS:** Staff Chaplains develop training opportunities for clergy and theological students only when such programs can provide a helpful service to the religious activities of the institution and be a training experience or advantage to the students.
8. **AREA ACCESS:** Staff Chaplains will have access to all housing and program office areas of the institution. All staff members will facilitate such access. Access may be restricted in emergency situations only.

D. COMMUNITY PARTICIPATION IN THE INSTITUTIONAL RELIGIOUS PROGRAM:

1. **POLICY:** Participation in the Institutional Religious Program by community religious workers and groups is encouraged.
2. **SWEAT LODGE ACCESS:** Female volunteers and visitors are not allowed in the Sweat Lodge area due to safety concerns.
3. **SUPERVISION:** The Staff Chaplains under the general supervision of the AWCS will be responsible for the recruitment, training and supervision of volunteer chaplains, groups, and other participants from the community involved in the chapel program.

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4. **CLASSES OF VOLUNTEERS:**

- a. **Periodic Participants:** These are individuals or groups who will provide special or periodic services such as speaking, music, etc. They will function under Chaplain escort and supervision. They are cleared into the institution by use of Form 106-B, Community Visitor Information Register, after checks have been completed, and with the approval of the Chief Deputy Warden.

5. **PERFORMANCE STANDARDS:**

- a. **EXPECTATIONS:** Each Chaplain is responsible for ensuring all volunteers conform to the highest standards of performance in accordance with institutional policies, procedures, and departmental regulations.
- b. **TERMINATIONS OF VOLUNTEERS:** Volunteers may have their services terminated for cause or for any violation of any institutional or Departmental policies or regulations.

E. ECCLESIASTICAL RESPONSIBILITIES:

1. Staff Chaplains are responsible in their ministry to the source of their ecclesiastical endorsement and to the Warden. This dual role should never conflict with good correctional management.
2. **BAPTISMS**
 - a. Scheduled baptisms to be done by a chaplain or religious volunteer on a semiannual basis, unless high demand requires more frequency.
 - b. Notification of baptismal dates will be made two weeks prior to the baptism.
 - c. With three weeks notification and gate clearances approved, religious volunteers will be allowed to conduct immersion baptisms with supervision of a chaplain.
 - d. The baptismal tub may be either a portable metal or vinyl one, measuring 2.5'x3'x6'.
 - e. Following each baptizing session the tubs are to be sanitized with a mixture of .06% bleach to one gallon of water.
 - f. After use, the water is removed by dipping water out with five gallon buckets or by way of opening the drain valve near the bottom of the tub.
 - g. When not in use the tubs are to be stored in a locked storage room in the chapel.
 - h. Custody officers will not be needed to assist in the baptisms.

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F. RELIGIOUS MAIL

Inmate families may not address mail directly to the Chaplains for them to pass on to the inmate population. Any mail received as such will be returned to sender by the Mailroom. Chaplains may receive outside mail from religious sources/contacts in keeping with providing effective programs and services to the population.

G. RELIGIOUS/SPIRITUAL PACKAGES

Religious items are subject to approval by designated custody staff (R&R Sgt.) and the institutional Chaplain. Based upon an inmate's assigned Privilege Group and/or assigned security level, an inmate may or may not be allowed to order or receive religious package/items. Inmates requesting to order a Religious Package must submit the authorization form to the Chaplain & the Receiving and Release (R&R) Sergeant. Facility Chaplains will not process religious packages under any circumstances. All inmate religious packages/items will be routed and processed as in the same manner as a personal property package through R&R. Questions concerning religious property shall be directed to the Custody Captain via the R&R Sergeant. Should a package be deemed unacceptable due to safety and security reasons, the R&R Sergeant will document the concern in a memorandum form to the Custody Captain. The Custody Captain will personally review the item(s) and render the final decision. All religious packages that are sent to inmates at CSP-Corcoran must be in compliance with these regulations:

1. Inmates may order religious music from either the approved religious specialty vendor through the Special Purchase Program or through the Personal Property Package program. Maximum of 10 cassette tapes or 10 music cd's only.
2. All items may be purchased by a third party from an approved vendor or by the inmate from an approved vendor. Packages shall be sent via U.S. Mail or by United Parcel Service (UPS).
3. All approved items (specifications noted below) shall be shipped directly from a recognized vendor. Vendor must send container clearly marked with the stamp or invoice of the vendor's return address on the address label.
4. All religious packages are to be addressed to the inmate in care of the appropriate Religious Services, e.g., Protestant Services, Muslim Services, etc. Items sent to a designated inmate are not to be sent to a staff member, such as a chaplain, for delivery to an inmate.
5. All books and religious packages/items will be delivered to R&R by the mailroom/warehouse. After R&R staff have inspected the items, each Chaplain will be responsible to retrieve and issue the items to the inmates. The Chaplain must return the invoice with the inmate's signature back to R&R to be placed inside of the inmates property file.
6. Religious food packages for individual Inmates will be counted toward the regular personal property package.

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7. All items received will be searched and inspected to ensure compliance with institution policy. Any item received that does not comply with described restrictions will not be issued. The inmate will select the method of disposing of the unauthorized items per CCR 3191 (c).
8. If the package arrives without signatures, sender's address, and vendor's stamp, the package will be refused.

H. APPROVED VENDOR SPECIAL PURCHASE ITEMS (GENERAL POPULATION INMATES ONLY)

The following are approved vendor purchase items: Rosaries, Prayer Beads, Kufi Caps, Native American artifacts (see section "K"), Prayer Shawls, Yarmulkes.

1. Medallions shall be no larger than two inches in length and width; no pointed ends or sharp edges (Star of David is approved); cost \$100.00 or less (including chain); must arrive with receipt depicting the value (items arriving without a receipt shall be returned to sender at the inmate's expense); items that appear more ornamental than religious (i.e., adorned with precious stones) shall be returned to sender at the inmate's expense; must not present a safety hazard or jeopardize the safety and security of the institution. Limit one per inmate.
2. Kufi Caps must be a solid color (i.e., white/black), plain, crochet/knitted, with no ornate embroidery and worn during ceremonial prayer time only. Authorized quantity: Two per inmate. Maximum value: \$20.00 each.
3. Prayer beads/Rosary with Crucifix. Pre-constructed prayer beads must be made of round, non-metallic, non-glass materials. Colors may vary. Beads must be strung in lengths not to exceed 12 inches. Crucifix must measure less than 2" in length and width. Rosary strings or beads may not be altered in any way. Authorized quantity: one string per inmate/one Rosary per inmate. Maximum value: \$25.00.
4. Prayer rug designs and colors may vary; however, maximum size is 24" x 40". Rugs shall be maintained for general population only inside cell area, and may not be used to cover walls, doors, windows or floors. Authorized quantity: one rug per inmate. Maximum value: \$50.00.
5. Prayer/Shawl (Tallit) may be white in color, made of silk, wool, or other material. Shawls may have embroidery and other ornamentation, as appropriate, and may be worn during ceremonies. Authorized quantity: one shawl per inmate. Maximum value: \$50.00.
6. Yarmulke (Kippah) head covering may be white or gray in color, made of silk, wool, or knitted material, plain, no embroidery or ornamentation. Authorized quantity: one Yarmulke per inmate, worn during services only. Maximum value: \$20.00. Jewish inmates that are observant are required to wear their Kippah's at all times.

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Non-observant inmates will only wear the Kippah during ceremonial services. Observant inmates will be identified by the Jewish Chaplain and will possess a card identifying him as an observant inmate, thus allowing for him to wear the Kippah at all times.

7. Phylacteries (Tefillin) are to be worn on the hand and head, made of black leather bands or straps with a wooden box (approximately 3" x 4") attached. Box may have Hebrew inscriptions around sides. Used during ceremonies only. Two per inmate (one for the hand and one for the head). Maximum value: \$100.00.
8. Prohibited items include bees wax; sinew/upholstery needles; animal pelts, skins, furs, earrings, clasps; candles, animal claws with sharp ends; scarves; metal beads; copal; Native American Smudge (incense); red, blue or any solid color bandanas; metal hair ornaments and any of the authorized items above exceeding listed quantity.

This listing represents a baseline for authorized religious items. As information becomes available through identification of essential items of worship, or requests for services from practitioners of the various religions, the listings will be updated.

I. RECOGNIZED VENDORS

1. Pacific Western Traders (305 Wool Street, Folsom, CA 95630)
2. Fire Mountain Gems (#1 Fire Mountain Way, Grants Pass, Oregon 97526-2373)
3. Native Scents (1040 Taos, NM 87572)
4. Crazy Crow Trading Post (1801 Airport Rd, Pottsboro, TX 75076)
5. Taggart's Mercantile (P.O. Box 986, Carnelian Bay, CA 96140)
6. Four Winds Indian Book Store (P.O. Box 544, York, NE 68467-0544)
7. The Mosque Cares Office (929 W. 171st Street, Hazel Crest, Illinois 60429-1901)
8. W. Deen Mohammed Publications (P.O. Box 1944, Calumet City, Illinois 60618)
9. Kazi Publications (3023 W. Belmont Avenue, Chicago, Illinois 60618)
10. Dawah Book Shop (4801 S. Crenshaw Avenue, Los Angeles, CA 90043)
11. Garden of Fragrance (1960 "A" 54th Street, San Diego, CA 92105)
12. Crescent Imports (P.O. Box 7827, Ann Arbor, MI 40107-7827)
13. Islamic Publications International (5 Sicomac Road #302, North Haledon, New Jersey 07508)
14. Halalco Books (108 E. Fairfax Street, Falls Church, Virginia 22046)
15. Christian Book Distributors (P.O. Box 7000, Peabody, MA 01961-7000)
16. Drumbeat Indian Arts Inc. (4143 North 16th Suite #1 Phoenix AZ. 80016)
17. NOC Bay Trading Post (1133 Washington Ave, Escanaba, MI 49829)
18. Eagle Feather Trading Post (168 W, 124th St, Ogden UT 84404-5501)
19. Oregon Catholic Press (5536 NE Hassalos, Portland, OR. 97213-3638)
20. Madina Industrial Corp. (568 Atlantic Ave, Brooklyn NY 11217)
21. San Joaquin Religious Goods (3026 N. Cedar Ave., Fresno, CA 93703)
22. Anthem Church Supply (345 W. Grand Ave., Escondido, CA 92025)

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J. SPECIAL ISLAMIC WORSHIP SERVICES:

SPECIAL NEEDS

The following special needs exist for the Islamic program and those needs are addressed as follows:

1. **Jum'uah Prayer/Friday Congregation:** Begins shortly after mid-day on Friday, as the sun starts its decline from its zenith. Jum'uah day/Friday is considered the most sacred day of the week for Muslims. The Jum'uah prayer, ideally, should be completed prior to the next required obligatory prayer (the late afternoon prayer) time. However, within the confines of institutional constraints, this may not be possible at all times. In such circumstances, the Jum'uah prayer time may be extended to allow its completion. Inmates assigned to both educational and vocational worksites will be allowed to leave their worksites to attend Jum'ah services. The inmates must then return to their assignments.
2. **Fasting during the month of Ramadan:** The holy month of Ramadan is the ninth lunar month in the Islamic calendar. The month of Ramadan is a prescribed month of fasting for Muslims by Qur'anic decree, in which all Muslims eligible for the fast must abstain from food, drinks, smoking, sex, and all other actions which may divert the individuals attention away from the Creator. The believer must fast from dawn until sunset for the entirety of the twenty-nine or thirty days of Ramadan.
3. **THE EID FESTIVALS (REOCCURING HAPPINESS/HOLY DAYS)**
 - a. The Id Festivals represent successful completion of spiritual obligations, symbolizing obedience to Allah and his commands.
 - b. On the morning following the last day of Ramadan, Muslims, those who fasted and those who legally exempted from fasting, gather in as large numbers as possible to perform what is referred to as the Id-ul-Fitr prayer.

The Id prayer is performed similarly to that of the Jum'auh prayer service. Within the correctional environment it is preferred that the Id congregations be performed in the inter faith chapel area(s). Sweets (pastries, dates, etc.) and refreshment drinks (i.e., juices, punch, coffee) are shared among the attendees at the conclusion of the Id prayer service. These required refreshments and food items will be closely coordinated with the institutional food service personnel a minimum of 30 days prior to the scheduled event day.

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- c. The three days of Id festivities begin immediately following the performances of the Id prayer that follows each of the Id occasions. Naturally, within a correctional institution, these three days will be compressed into a few hours, with a symbolic sharing of a banquet meal among incarcerated Muslim inmates. These Id banquets will be scheduled and conducted within allowable institutional policies and procedures. Therefore, the Id-ul-Fitr and Id-ul-Adah banquets normally occur several weeks after the traditional Id has been completed.

4. ISLAMIC BOOKS/INSTRUCTIONAL MATERIALS

- a. The Islamic Chaplain/community at CSP-C shall maintain an Islamic Library located in the Inter-Faith Chapel areas of the Level I Facility and each Level IV Facility with access to the Islamic inmates, limited only by the availability of the Chaplain (for supervisory and advisory purposes).
- b. Cassette players (non-recording), tapes and films with Qur'an instructions and traditional Al-Islamic teachings are available through the Muslim Chaplain. Additionally, approved videocassette tape programs may be shown by the Muslim Chaplain or other institutional Chaplains on a periodic basis in the chapel area only.
- c. The Muslim Chaplain shall provide regular instruction on the performance of prayer, Qur'anic Arabic, Hadith and Sunnah of the prophet Muhammad (PBUH), the history of Al-Islam, and the beliefs/principles of the religion.

5. SPECIAL RELIGIOUS ARTICLES OF ISLAMIC WORSHIP

- a. The Holy Qur'an is the Islamic Holy book.
- b. The Kufi Cap is the head covering worn by Muslim's during prayer/worship.
- c. Prayer rugs are small decorative rugs (maximum size 24" x 40") used by the Muslim during prayer (Attch "a-1" and "a-2").
- d. Prayer beads are similar to the Rosary used by Catholics and are used by the Muslim to count the names of Allah.
- e. Scented oils for perfuming oneself, not to exceed 2 oz., will be maintained in the possession of the Muslim Chaplain and issued during gatherings for religious services, i.e., Jum'uah and other congressional prayers. Oils may be accepted by the Muslim Chaplain through appropriate donation.

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6. ISLAMIC DIETARY RESTRICTIONS

Muslims are prohibited from eating pork or pork by-products. Inmates may request special religious diets by submitting form CDCR 3030, Religious Diet Request, to the appropriate Chaplain. The Chaplain will approve/disapprove based upon qualification and prepare a religious diet card when appropriate.

K. NATIVE AMERICAN RELIGIOUS PROGRAMS

1. The Native American Religion has been a vital part of the North American Aborigine culture for centuries.
2. Inmate attendance in the religious program is voluntary.
3. Sweat Lodge facilities are designated for religious program use. Use of the Sweat Lodge for non-religious activities requires approval of the Warden in consultation with the institutional Native American Spiritual Leader and/or recognized local elder(s). Native American Inmates are authorized to utilize the Sweat Lodge without the presence of the NAI leader. Access to the Sweat Lodge shall be during the inmates regular scheduled yard time.
4. The Sweat Lodge schedule shall be prepared by the Native American Indian Spiritual Leader and submitted to the AWCS. Any special event or observance will require written approval submitted no less than 30 days in advance. This approval will outline all proposed procedures, clearances and activities.
5. The designated Sweat Lodge areas and grounds are to be considered sacred. The sanctity of these grounds must be observed and preserved not only by inmates, but staff as well.
6. Upkeep of the Sweat Lodge is the responsibility of the Native American inmates assigned to the job.
7. All sacred items used in the Sweat lodge ceremony may be acquired from the Native American community or from a legal vendor of Native American supplies. These items may be brought to the institution upon the Warden's approval. Sacred items include, but not limited to:
 - a. Sacred Herbs (e.g. Tobacco, Sage, Cedar, Sweet Grass)
 - b. Ceremonial Objects (e.g. Rattle, Flute, Hand Drum, Feathers)
 - c. Leather Pouches (e.g. Medicine Bag, Tobacco Pouch)
 - d. Beadwork Items (e.g. Headband, Wristband, Choker etc.)
 - e. Literature (e.g. Books, Magazines, Newspapers)
8. Time will be made available for Sweat Ceremonies in keeping with institution security and of the institutional operations and activities.

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9. For Sweat Lodge Ceremonies inmates are authorized to possess the following additional personal items:
 - a. One towel
 - b. Shower shoes
 - c. Soap
 - d. Comb
 - e. Laundry bag
 - f. State Lunch and/or 1 personal canteen item
 - g. No food items will be allowed to return back to the facility.
10. Searches of the Sweat lodge and its ground area shall be conducted with dignity and respect to the Lodge and other ceremonial areas. Whenever possible, the spiritual leader or a Chaplain shall be present.
11. Escorts of inmates for Sweat Lodge Ceremonies will be conducted by a designee of the second watch, Facility Sergeant. Constant supervision will be maintained by this custody representative.
12. In keeping with the policy and guidance set by local Native American Elders, traditional practitioners hold the Sacred Pipe in the highest of regards. These elders have deemed the Sacred Pipe inappropriate for incarcerated individual to hold. All Sacred Pipe Ceremonies will be conducted or facilitated by the institutional N.A.I. Spiritual Leader or a recognized Native American community pipe holder.
 - a. In the event of a community pipe holder facilitating a pipe ceremony, the N.A.I. Spiritual Leader will submit Form 106-B, Community Visitor Information Register for a security check and approval. The N.A.I. Spiritual Leader will be designated as the escort for the event.
 - b. The sanctity of the Sacred Pipe and its attendant pipe bag and contents will be shown due respect by all staff. Prior to entering or leaving the institution, the sacred pipe and its attendant bag will be subjected to a security inspection by custody staff solely by visual means. The actual handling of the sacred pipe and bag will be done by the pipe holder to accomplish the security inspection.
13. The NAI Spiritual Elders and volunteers will be identified by the institution's NAI Spiritual Leader. Under the direction/supervision of the NAI Spiritual Leader, elders and volunteers may conduct the traditional religious ceremonies and hold educational classes to help inmates learn and grow in their understanding of traditional religious values. See Section "D."
14. Inmates who are recognized members of the NAI Spiritual Circle will have on their person or in their cells (Level III and IV) or locker (Level I) a yellow NAI Spiritual Circle Card signed in red ink and laminated that will identify their participation in NAI functions, both spiritual and mental.

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The card will certify that members are allowed to wear or possess for religious purposes the following items:

- a. Feathers (beaded prayer feathers, prayer fan, lodge fan, etc.)
- b. Chokers (bone or leather)
- c. Beadwork (items and supplies)
- d. Medicine Bag
- e. Sage

Inmates can receive artifacts and sacred items through the mail, via R&R, who will conduct the security search. The items will be issued to the inmate at the first available opportunity in accordance with established property procedures.

For NAI inmates who choose to wear a Medicine Bag, it is approved policy for them to do so. The Medicine Bag represents a sacred and personal relationship between the Creator and wearer, and should not be violated. However, if it is necessary to search the Medicine Bag, the owner should open the Medicine Bag and pour out the contents for inspection. In the event of an inmate's unwillingness to cooperate with this search procedure of the Medicine Bag, staff should secure the Medicine Bag in question and notify the NAI Spiritual Leader at extension 6219 whom, with the presence of appropriate custody staff will facilitate a visual search.

15. The following is the ordering and receiving procedures for inmate practitioners of the NAI religious program who choose to do bead-working:
 - a. Orders must be placed with an approved vendor of CSP-Corcoran.
 - b. Orders for beadwork materials will be limited to two items a year per individual.
 - c. All orders must be approved in advance by the NAI Spiritual Leader. The NAI Spiritual Leader will then notify R&R, via memorandum of the identity of the inmate's CDCR number, housing and a copy of the approved order form listing the contents of the order being placed.
 - d. Orders for bead-work materials will not exceed \$250.00 in value, nor exceed ten pounds in weight. All beads and bead work will be included in as part of the inmates six cubic feet of property. Raw beads must be stored in a standard size shoe box. Beads that do not fit into the box are considered in excess of allowable amount and will be sent home or disposed of in accordance with established excess property policies.
 - e. Upon arrival of the order in R&R, the NAI Spiritual Leader should be notified if R&R staff have any questions or concerns with the order.
 - f. The only approved beading for this institution is a #12 extra long (large eye) beading needle. Manufacturers and vendors usually sell these needles in multiple quantities (i.e., 5, 10, 20, etc). Inmates are only allowed to be in possession of two needles.

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7. Head & Hand Tefillin – Translated as phylacteries consisting of two small black boxes, containing small scrolls of parchment upon which are written four Biblical passages.

SCHEDULED TIMES:

Jewish religious services are to be conducted beginning each Friday from 0900-1100 hours, and from 1800-1900 hours. On Saturdays they are from 0900-1100 hours and Sundays from 0900-1100 hours on a weekly basis. Jewish inmates shall be allowed to wash their hands in the chapel prior to each Jewish service. Jewish inmates at Jewish religious services will be allowed to light the Jewish Sabbath Candle on Fridays after sunset, under appropriate staff supervision. The Jewish Sabbath Candles, with lighter, shall be secured in the Program Lieutenant's Office or in the custody of a staff chaplain, and shall be properly secured following each Jewish service. All items are subject to search by custodial staff.

A weekly roster of all participating Jewish inmates shall be maintained by a staff chaplain and provided to the appropriate staff prior to each weekly service.

M. ODINIST/ASATRU: Religious Services

Rituals/Observances

The two most universally recognized holy days are **Yule** and **Midsummer**. As far as the two days that would be considered for special services, different kindreds (the name Asatur' use for a congregation), may differ from congregation to congregation.

Runes, Religious Jewelry, and Items Mandatory for Worship/Ritual Observance

The Runes: The runes are ancient Germanic symbols with deep religious significance for those of the Faith. Modern Odinst/Asatruar use them much as their ancestors did, as subjects for meditation and for divination. .

Inmates should be allowed to possess a commercially or handcrafted set of runes as part of the mandatory religious kit. It is preferred if one makes a set for themselves, but commercial sets are available in book or ethnic stores. For reference, many books are available in libraries and bookstores that deal with the subject of runes.

Religious Jewelry: These are commonly worn as pendants on a chain or cord necklace. Most common among the religious medallions worn is a Thor's Hammer, or Mjollnir. Typically, these hammers are to be one or two inches in length, weigh about an ounce, and are worn on a chain or cord around the neck much as Christians wear crosses. Inmates of the Faith should be granted the right to wear these, consistent with whatever regulations governing the wearing of religious medallions are in effect. Other symbols of the Faith include various rune symbols, and the Sunwheel, which represents Thor's Hammer and alternately the cycle of the sun.

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Mandatory Religious Kit: The mandatory religious kit of the Faith, includes altar candles of various colors; a bowl or drinking horn for mead (inmates may substitute a fruit juice); a rune set; an altar; a sax, spear or sword (inmates may substitute); apples; flowers; evergreen spring; honey cakes (inmates may substitute); depending upon rite; and homemade symbols to represent the god(s)/goddess(es) being honored.

N. OTHER RELIGIONS

All other religions not identified above will be handled on a case-by-case basis.

VII. EDUCATION INMATES PARTICIPATING IN RELIGIOUS SERVICES

A. DUCATS:

Inmate receives a ducat for religious service held only during work/education hours. The supervisor/teacher releases the inmate from work/class to report to the Chapel. Supervisor/Teacher documents on the ducat the time the inmate was released from his assignment.

Education inmates will be escorted to the chapel by the education officer. Inmates assigned to vocational and PIA will be escorted from the work change to the chapel by facility custody staff. Inmates assigned to the building on the facilities will be escorted by the yard officers to the chapel. If the inmate has not arrived 15 minutes after the time the inmate was scheduled to report to the chapel, the chaplain will notify the yard sergeant of the inmate's absence and the need to locate the inmate and determine the inmate's interest in attending the religious service.

Once the inmate arrives at the chapel, the chaplain will have the inmate sign the log book. Upon completion of religious services, the chaplain will document on the ducat the time the inmate was released from the chapel. The chaplain will contact the yard sergeant and education officer to escort the inmates back to their education/work assignment.

Original Signed By Maurice Junious

DERRAL G. ADAMS
Warden
California State Prison at Corcoran