

<p style="text-align: center;">POLICY OF</p> <p style="text-align: center;">STATE OF DELAWARE</p> <p style="text-align: center;">DEPARTMENT OF CORRECTION</p>	<p style="text-align: center;">POLICY NUMBER</p> <p style="text-align: center;">3.16</p>	<p style="text-align: center;">PAGE NUMBER</p> <p style="text-align: center;">1 of 2</p>
<p>CHAPTER: 3 PROGRAMS & SERVICES</p>	<p>RELATED ACA STANDARDS:</p> <p>2-CO-5E-01, 2-CO-5E-02; 4-4512, 4-4514, 4-4515, 4-4516, 4-4517, 4-4519, 4-4520, 4-4521 4-ACRS-5A-22</p>	
<p>APPROVED BY THE COMMISSIONER AND</p> <p>EFFECTIVE THIS DATE:  2/26/2015</p>		
<p>APPROVED FOR PUBLIC RELEASE</p>		

- I. AUTHORITY:** 11 *Del. C.* §6517, §6531; 29 *Del. C.* §8903
- II. PURPOSE:** To establish policy and procedure that serve to define the conditions and guidelines for offenders to participate in religious activities and programs.
- III. APPLICABILITY:** All Department of Correction (DOC) employees, volunteers, persons and organizations conducting business with the DOC and all offenders under the custody and supervision of the DOC.
- IV. DEFINITIONS:** None
- V. POLICY:** The DOC acknowledges the inherent and constitutionally protected rights retained by offenders to believe, express and exercise the religion of their choice. The DOC shall extend to all individuals under its custody and/or supervision those opportunities necessary to practice religious freedoms consistent with the prudent requirements of facility security, safety, health and orderliness. The DOC will not tolerate offenders being subjected to coercion, harassment or ridicule due to religious affiliation.
- A. Each facility will be responsible to have a qualified staff member responsible for program coordination and supervision that directly reports to the Warden or designee.
1. Level 4 facilities may utilize volunteers for program coordination as long as they report through the Warden or designee.
 2. When a religious leader of an offender's recognized faith is not represented through staff, or volunteers assistance, should be provided in contacting an individual who has the appropriate credentials.
- B. Each facility will designate the space to be provided for religious programs and activities to be conducted.
- C. Religious programs should include:
1. Opportunities to identify religious preferences and provide a process where preferences may be changed.
 2. Opportunities to practice individually and cooperatively as authorized.
 3. Availability of religious program information.

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SUBJECT: Religious Activities		

4. Distribution of resources.
 5. Accessibility by staff chaplains to all areas of the facility.
 6. Access to approved publications related to beliefs and practices.
 7. Provisions for the possession of authorized religious symbols and/or items essential for faith practice.
 8. Provisions for scheduling religious ceremonies and observing religious holy days (e.g. Easter, Ramadan, Chanukah).
 9. Visitation procedures.
- D. Religious diets will be provided to offenders who have reported a religious affiliation and submitted their request on the DOC Religious Diet Participation Agreement form in accordance with the Religious Diet Program Policy.
- E. Staff should receive initial training regarding religious practices and associated legal requirements.
- F. Community resources should be utilized to enhance religious programs to the extent possible as long as they are consistent with the safety and security of the facility.
1. A Directory of local faiths should be available at all Level 4 facilities.
 - a. Level 4 offender orientation manuals will describe procedures for the privilege of obtaining approval to attend off site appointments.
 2. The religious staff member or volunteers should maintain close relationships with community religious resources.
 3. Donations of equipment or materials to the facility must be approved by the Warden or designee.
- G. The DOC may establish professional service contracts for the purpose of providing religious programs and activities based on facility needs.
- H. The DOC recognizes that certain confidential communications between clergy and penitents may be privileged under Delaware law. Under Delaware Rule of Evidence 505, members of the “clergy” include ministers, priests, rabbis, imams and other similar functionaries of religious organizations. A communication is “confidential” if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication. Clergy generally may claim the privilege unless waived by the penitent. The DOC will honor legitimate claims of clergy-penitent privilege. The DOC may require clergy to disclose to the DOC or other appropriate authorities communications designed to enable or aid anyone to commit or plan to commit a crime or fraud and communications involving a threat of imminent death or serious physical injury to the penitent or another individual. Clergy may be subject to administrative action by the DOC or legal action for failing to disclose such communications. Clergy may have independent legal obligations under Delaware law to disclose certain communications involving known or suspected child abuse, neglect, exploitation or abandonment.