



**SAN MATEO COUNTY
PROBATION DEPARTMENT
INSTITUTIONS SERVICES MANUAL**

**ARTICLE 6
Programs and Activities
§1372**

Topic Religious Programs

Policy This policy provides guidance regarding the right of youth to exercise their religion and for evaluating accommodation requests for faith-based religious practices of youth (15 CCR 1324; 15 CCR 1372)

All youth shall have the right to religious services, and/or counseling, and/or instruction at least once per week including services and access to clergy.

Staff shall not show favoritism or preference to any religion and will not discriminate or retaliate against any youth for participating or not participating in any religion or religious practice. Youth are not required to participate in religious programs or activities. ~~Facility~~ All staff will not allow their personal religious beliefs to influence them in the daily management of the youth population, particularly as it relates to religious practices (15 CCR 1324).

Staff shall provide youth choosing not to participate in religious programs with alternative activities outside their rooms (15 CCR 1372). Youth on disciplinary status shall have the right to religious services, although special provisions may need to be made to accommodate the youth.

Staff shall ensure youth have the right to provision of a religious diet.

1372.1 CHAPLAIN AND SPECIAL CLERGY VISITS

The Chief Probation Officer or the authorized designee shall appoint an individual to serve as the chaplain for the facility. The chaplain and the Chaplaincy Board shall be responsible for assisting the Superintendent or the authorized designee with supervising, planning, directing, and coordinating religious programs. The chaplain shall ensure access to religious services and/or counseling at least once each week for youth who elect to attend (15 CCR 1372).

All youth shall have reasonable access to clergy members or other spiritual advisers (15 CCR 1372). Communication between clergy and youth shall be subject to the confidentiality regulations of state law.

Youth may have religious material or items in their personal space unless staff determine that the material presents a safety and/or security risk. Staff shall pre-screen such material.

Clergy shall be afforded the same visiting rights of attorneys and mental health clinicians.

1372.2 RELIGIOUS BELIEFS AND ACCOMMODATION REQUESTS

Youth are not required to identify or express a religious belief. Youth may designate any belief, or no belief, during the intake process and may change a designation at any time by declaring their religious beliefs in writing to the chaplain. Youth seeking to engage in religious practices shall submit a request through the established process.

All requests for religious accommodations shall be treated equally, regardless of the religion that is involved (15 CCR 1324). Equal and consistent treatment of all religions and religious beliefs shall not always require that all youth of the same religion receive the same accommodations. Requests for accommodation of religious practices shall be submitted to an Institution Services Manager (ISM). In determining whether to grant or deny a request for accommodation of a religious practice, the ISM will consult with the chaplain to determine the sincerity of the youth's religious claim. Requests should be denied only if the accommodation presents a health or safety risk to the youth and/or staff or threatens the security of the facility.

An ISM who does not grant the accommodation, either in part or in full, should promptly forward the request to the Superintendent or the authorized designee, who, after consultation with legal counsel as appropriate, should make a determination regarding the request. The Superintendent or the authorized designee will respond to the requesting youth as soon as reasonably practicable.

All youth requests for religious accommodations and related determinations shall be fully documented in the youth's record and shall include a description of the accommodation and justification for any denials.

1372.3 SUSPENSION OR REVOCATION OF ACCOMMODATIONS OR RELIGIOUS SERVICES

In an emergency or extended disruption of normal facility operations, the Superintendent or authorized designee may suspend any religious services and/or accommodations. The Superintendent may also revoke or modify an approved religious accommodation if the accommodated youth violate the terms or conditions under which the accommodation was granted.

1372.4 APPEALS OF SUSPENSION OR REVOCATION OF ACCOMMODATIONS

Youth may appeal the denial, suspension, or revocation of an accommodation through the youth grievance and appeal process.

1372.5 DIETS AND MEAL SERVICE

The Superintendent or the authorized designee should provide youth requesting a religious diet, including fasting and/or hour of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This should be done within budgetary constraints and be consistent with the security and orderly management of the facility. The food services manager shall establish a process for managing religious meal accommodations (see the Food Services and Prescribed Therapeutic Diets policies) (15 CCR 1372).

1372.6 HAIR STYLES AND GROOMING

Unless it is necessary for the health and sanitation of the facility, youth who wear head and facial hair in the observance of their religion will generally not be required to shave or cut their hair. To the extent reasonably practicable, alternative housing may be considered to accommodate the need for religious hair and grooming, while meeting the health and sanitation needs of the facility.

Any youth whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

1372.7 RELIGIOUS TEXTS

Religious texts should be provided to the requesting youth, if the texts available do not pose a threat to the safety, security, and orderly management of the facility.

1372.8 UNAUTHORIZED PRACTICES OR MATERIAL

No religious practices or materials shall be approved if it violates any federal or state law, or if it violates a facility rule.

1372.9 GROUP RELIGIOUS SERVICES

The Superintendent or the authorized designee shall provide access to religious services and/or religious counseling at least once each week (15 CCR 1372). Group religious services may be allowed after due consideration of the youth's classification or other concerns that may adversely affect the order, safety, and security of the facility.

Attendance at religious services and/or counseling shall be voluntary (15 CCR 1372). Alternatives to attendance of group religious services may include the use of religious reading material or access to 1:1 religious counseling.

Whenever the chaplain is unable to represent or provide faith-based services to youth, a religious leader, or other volunteers from the community, credentialed by the particular faith, should be sought to help provide services. All individuals providing faith-based services should be supervised by the chaplain.

1372.10 RELIGIOUS SYMBOLS AND IMPLEMENTS

Religious symbols and implements used in the exercise of religion should generally be allowed unless the symbol or implement poses a threat to the safety and security of the facility. Alternatives to the provision of religious symbols and implements may be considered when security, safety, or efficient operations may be jeopardized (e.g., substitution of a towel in lieu of a prayer rug).

1372.11 RELIGIOUS GARMENTS AND CLOTHING

Youth who practice a religion that requires modes of dress, garments, or headgear, other than standard-issue clothing, should generally be accommodated subject to the need to identify youth and maintain security.

Head coverings shall be searched before being worn in the housing areas of the facility and shall be subject to random searches for contraband. Personal head coverings should be exchanged in favor of facility-supplied head coverings when available and appropriate.

Youth wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex, if they so desire. Religious garments that substantially cover the youth's head and face shall be temporarily removed during the taking of booking and identification photographs.