

Vermont Department of Corrections
103 S. Main Street
Waterbury, VT 05671

DATE: December 12, 2012
TO: All Staff Department of Corrections, Facilities
FROM: Andrew Pallito, Commissioner
Department of Corrections, Central Office
SUBJECT: Clarity Re: Religious Observance - Facilities

This memorandum is written to clarify the expectations of Administrative Directive 380.01 *Religious Observance – Facilities* (02/04/08) as it relates to inmate possession of religious property items.

The directive requires that as a part of the admission process, during the initial intake, an inmate “may elect” to fill out the *Inmate Religious Preference Designation Form* and designate any one of the listed religions. The form also permits the inmate to select “none” if the inmate does not intend to practice a religion.

An inmate may request a religious practice (not specified in the directive) as a request for a religious accommodation by filling out the *Inmate Religious Accommodation Form*. Whenever an inmate requests a religious practice that has not previously been approved, the Superintendent or designee will consult with the Director of Facility Operations, who will assess the bona fide nature of the requested accommodation as balanced against the need for institutional security prior to making a decision.

It is the intent of the directive to have the same direction apply with religious items.

In instances where, upon intake, an inmate claims that an article in their possession is a religious item, and the item is not listed on the *Religious Personal Property Matrix*, the Superintendent or designee will consult with the Director of Facility Operations prior to removing the item from the inmate and no later than the next business day.

Furthermore, it is the intent of Directive 380.01 to allow all items claimed to be religious items to be kept in the inmate’s possession while a decision is being rendered.

Inmates who possess religious items not yet approved, must remain in booking (or in a cell placement in which they have no access to other inmates) until a decision is made.

Prior to a final decision being made by the Director of Facility Operations and the Superintendent / designee, these items may only be removed from the inmate if the inmate is threatening to self-harm, has a recent or known history of self-harm, is actively self-harming, poses an imminent threat or harm to others, or the item(s) is clearly a dangerous weapon. In this circumstance, personal safety of the inmate, other inmates and staff is the priority.