

STANDARD 5.3

RELIGIOUS PRACTICES

I. POLICY

This detention standard ensures that detainees of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, limited only by a documented threat to safety, security and the orderly operation of the facility.

II. STANDARDS AND PROCEDURES

A. General

Detainees shall have the opportunity to engage in practices of their religious faith, limited only by a documented threat to safety, security, and the orderly operation of the facility.

Religious activities shall be open to the entire detainee population, without discrimination based on a detainee's race, ethnicity, religion, national origin, color, gender, sex, sexual orientation, age, or disability.

Language services shall be provided to detainees who have limited English proficiency to provide them with meaningful access to religious activities. As needed, and consistent with Standard 4.7 "Disability Identification, Assessment, and Accommodation," accommodations will be provided to detainees with disabilities to provide them with equal access to religious services.

No one may disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation. Attendance at all religious activities is voluntary and, unless otherwise specified by the facility, open to all.

B. Religious Opportunities and Limitations

When necessary for the security or good order of the facility, the facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or to members of a particular religious group after consulting with the chaplain or religious services coordinator (RSC). Facility records shall reflect the limitation or discontinuance of a religious practice, as well as the reason for such limitation or discontinuance.

C. Religious Preferences

ICE/ERO does not require a detainee to profess a religious belief. The facility shall record any or no religious preference during in-processing. By notifying the chaplain or other RSC, in writing, a detainee may request to change this designation at any time, and the change will be affected in a timely fashion.

D. Chaplain/ Religious Services Coordinator

The chaplain or individual designated as the facility religious services coordinator is responsible for managing religious activities in the facility and providing information to detainees about how to request a religious practice accommodation.

E. Schedules and Facilities

All facilities shall designate adequate space for religious activities that can equitably meet the needs of the detainee population. Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups. The chaplain or religious services coordinator shall schedule and direct the facility's religious activities. Current program schedules shall be posted in living units, or otherwise made available to detainees.

F. Community Involvement (Volunteers, Contractors)

All facilities shall have resources available for community groups that provide religious services not provided by the chaplain or facility.

G. Introduction of New and Unfamiliar Religious Components

Detainees may request the introduction of new or unfamiliar religious components to the facility's religious services program. In those instances when information is required regarding a specific practice, the chaplain may ask the detainee or local or national offices of the relevant religion to provide additional information to inform the decision to include or exclude the practice from the religious services program.

H. Religious Group Assemblies

Detainees will have the opportunity to engage in group religious activities, limited only by a documented threat to the safety, security, and orderly operation of the facility.

I. Religious Holy Days

A policy consistent with maintaining safety, security and the orderly operation of the facility shall be in place to facilitate the observance of important religious holy days. The facility shall facilitate the observance of important religious holy days that involve special

fasts, dietary regulations, worship, or work proscription. The chaplain or RSC will work with requesting detainees to accommodate a proper observance of the holy day.

J. Pastoral Visits

Detainees who belong to a religious faith different from the chaplain's will, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The facility may request documentation of the person's religious credentials, as well as a criminal background check.

K. Religious Property

Detainees shall have access to personal religious property, consistent with facility security. Any denial of access to personal religious property and the reason for it shall be documented and placed in the detention file or maintained in a retrievable electronic format. Limited only by a documented threat to safety, security, and orderly operation of the facility, the facility administrator shall ordinarily allow a detainee to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, and may, upon request of a detainee, allow a detainee to wear or use certain religious items throughout the facility. Religious literature should be permitted in accordance with the procedures governing incoming publications.

L. Dietary Requirements

ICE/ERO requires all facilities to provide detainees requesting a religious diet reasonable and equitable opportunity to observe their religious dietary practice within the constraints of the secure and orderly running of the facility. See Standard 4.1 "Food Service."

M. Detainees in Special Management Units

Detainees in the Special Management Units (administrative, disciplinary, protective custody, or medical housing) shall be permitted to participate in religious practices, limited only by a documented threat to safety, security, and orderly operation of the facility. The chaplain or RSC shall have physical access to all areas of the facility to serve detainees.