



OREGON YOUTH AUTHORITY



Policy Statement

Part II – Youth Services (Facilities)

Subject:

Religious Practice in Facilities

Section – Policy Number:

F: Justice – 3.7

Supersedes:

**II-F-3.7 (6/11)
II-B-3.9 (1/02)**

Effective Date:

10/26/2023

Date of Last

Review/Revision:
None

Related Standards and References:

- U.S. Code: [Title 42, Section 2000bb-1 through 2000bb-4](#), Religious Freedom Restoration Act
- [Protection of Religious Exercise in Land Use and Institutionalized Persons](#) Act of 2000
- [OAR Chapter 416, Division 480](#) (Religious Practice in Facilities)
- [OAR Chapter 416, Division 450](#) (Volunteer Services in Facilities)
- [OAR Chapter 416, Division 800](#) (Criminal Records Checks)
- Performance-based Standards (PbS), *Juvenile Correction and Detention Facilities*; Programming
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-5F-01 through 4-JCF-5F-08 (Religious Programs)
- [OYA policy](#): I-D-3.16 (Volunteer Services)
II-A-1.0 (Facility Access)
II-A-2.0 (Searches of Youth and Youth Property)
II-D-3.0 (Facility Nutrition Services)
II-F-1.0 (Youth Rights)
II-F-1.1 (Youth Grievance Process - Facility]


Related Procedures:

None

Policy Owner:

Facilities Services Assistant Director

Approved:



Joseph O'Leary, Director

I. PURPOSE:

This policy provides guidelines for OYA staff regarding youth religious practices in OYA facilities.

II. POLICY DEFINITIONS:

Religious practice: Any exercise of religion, whether or not such exercise is compelled by, or central to, a system of religious belief. It includes access to religious publications, religious symbols, congregate worship/religious services, religious study classes and ceremonies, and adherence to dietary requirements.

III. POLICY:

OYA has identified diversity, equity and inclusion as an agency priority and initiative, with a goal to build a respectful, diverse, equitable and inclusive environment for youth and staff that is free from harassment, discrimination and bias. Data shows youth of color and LGBTQ+ youth are disproportionately represented in the juvenile justice system. While OYA is only one part of that system, it plays a critical role in addressing the historical and systemic inequities it perpetuates. Staff must ensure all youth have unbiased access to religious and spiritual practices that align with their beliefs.

Federal law allows all persons to hold individual religious beliefs. Youth within facilities maintain this same right.

OYA will make every reasonable effort to allow youth the right of religious practice. However, it is within the law for OYA to restrict religious actions and rituals when:

- There is a compelling interest to do so, including, but not limited to, legitimate security and operational considerations such as safety, health and order; rehabilitation or treatment-related issues; or limitations of resources; and
- The imposed limitation is the least restrictive means of addressing the compelling interest.

IV. GENERAL STANDARDS:

- A. While individual facilities may not offer the same programs, each facility must ensure that reasonable opportunities for religious practice are afforded to all youth without discrimination or fear of penalty.
1. Facilities must accommodate all beliefs and practices.
 2. Each facility must designate a religious program coordinator to coordinate religious programming within the facility.
 3. The facility may use staff, contract personnel or volunteers to provide religious services, considering staffing and budgets at each facility.
 - a) All religious volunteers must be screened and trained prior to service delivery in accordance with rules, policies, and procedures. See related policy I-D-3.16 (Volunteer Services).
 - b) If staff are assigned to conduct such services, this responsibility must be noted in the staff's job description. Contractors must comply with the standards in their contracts.

- c) When appropriate to the religion, endorsement of the service provider by the designated faith's community must be provided to ensure qualification and representation of faith's tradition.
- d) Staff must ensure persons entering OYA facilities for religious activities comply with OYA policy II-A-1.0 (Facility Access).

4. Youth are not permitted to lead religious activities.

B. Religious Activities

1. Religious activities must be coordinated with the facility's schedule and staff must notify youth of these activities.

2. Staff must supervise all religious activities according to local supervision protocols. Supervision must be provided in a manner that reflects awareness of and sensitivity to individual religious beliefs.

3. Religious activities may include, but are not limited to, the below listed activities.

a) Religious celebrations and holidays.

b) Religious classes (lectures, instruction, discussion).

c) Religious forums.

d) Prayer groups.

e) Religious choirs, ensembles and singing groups.

f) Self-study or group studies.

g) Religious group counseling.

h) Spiritual maturity groups.

i) Ceremonies and rituals.

j) Instruction in doctrines, rituals, and ideals of various religious faiths.

k) Access to religious publications.

(1) All religious material is subject to review and approval by staff prior to distribution, according to local procedure.

- (2) Arrangements may be made through a religious representative in the community for a youth to obtain personal copies of certain approved religious books and periodicals.
- l) Celebration of rituals necessary to meet the practices of a given faith.
 - (1) Religious practices relating to head or facial hair may be allowed consistent with the facility guidelines on hygiene and grooming.
 - (2) Whenever possible, staff must arrange youth work assignments and schedules to accommodate religious practice that requires abstinence from work or participation in rituals on certain holidays. Such accommodation must not penalize the youth.
- m) Wearing or carrying a religious emblem, medal, medallion, or other religious item.

Such items must be worn under clothing when possible.
- n) Provision of religious diets.

4. Religious Diets

- a) Staff must allow a youth to designate special religious dietary needs upon the youth's intake to a facility.
- b) Staff may review a youth's religious diet quarterly to ensure the diet is still in compliance with their confessed faith tradition.
- c) The religious program coordinator must ensure a youth's request for designated diet change is submitted and signed by the requesting youth.
- d) Special religious diets must be documented in JJIS "population groups."

C. Equipment and Supplies

- 1. Staff must ensure facility administrative staff has authorized special equipment or supplies prior to allowing these items into a facility.
- 2. Staff may allow special apparel to be worn during a religious activity when appropriate. Staff must ensure the apparel is stored in a designated storage area when not in use.

3. All equipment and supplies are subject to search before entering a facility, according to OYA policy II-A-1.0 (Facility Access).

Staff must conduct searches in a manner that reflects an awareness of and sensitivity to religious beliefs and respect for the object/symbols used in the religious practice.

4. Staff must ensure the facility superintendent, camp director, or designee has authorized a written exception to allow items normally considered prohibited into a facility.
5. Each situation reviewed as an exception must be considered individually. The review process must be thorough and may include:
 - a) The youth's request to participate in the practice;
 - b) The standing the requested practice has in the specified religion;
 - c) Relevant regulations;
 - d) Best practices within correctional settings;
 - e) Safety and security risks;
 - f) OYA Director's Office guidance; and
 - g) Attorney General advice.

D. Sacramental Wine

Facility staff may approve the use of sacramental wine in facilities during religious services only when all of the following conditions are met:

1. A youth placed in a facility requests to participate in a religious service that includes use of sacramental wine;
2. The superintendent or camp director has authorized the sacramental wine in writing before the sacramental wine is brought into the facility.
Staff must ensure the religious provider presents a copy of this written authorization on each visit where sacramental wine is brought into the facility;
3. The religious provider brings in and consumes only the minimum amount of sacramental wine necessary to conduct the service;
4. The sacramental wine is under the control of the religious provider at all times;

5. Only the religious provider may consume sacramental wine at the service. Youth, guests, and other staff are prohibited from consuming sacramental wine; and
6. At the conclusion of the service, the religious provider must take the container used to transport the sacramental wine and any excess wine off site. Sacramental wine may not be stored at any facility.

E. Use of Candles, Incense, or Burning Sage

Facility staff may allow candles, incense, or sage use in religious rituals when the following conditions are met:

1. Staff is present and is in charge of matches or lighters. Youth may never handle matches and lighters;
2. If indoors, the location is equipped with pull stations, fire extinguishers, unsecured exits, and water is in close proximity;
3. Lighted materials are never left unattended;
4. Ash is collected in a fire-safe container and extinguished with water; and
5. Youth do not have access to hot candle wax.

F. Religious Activity Request

Staff must allow a youth to ask the facility to offer a specific religious activity by submitting the following information to the religious program coordinator:

1. The name of the religion or belief;
2. The title and brief description of the religious activity requested, including:
 - a) The significance of the activity in the practice of the religion;
 - b) How often or under what circumstances the religious activity would be held if it were taking place in the community;
 - c) Minimum time and any physical requirements within which the religious activity may take place;
 - d) Any materials that are required for the religious activity and their purpose or use, including a list of any items associated with the religious activity that the youth would retain, if any;
 - e) The title (if any), function, and eligibility requirements for participants in the activity;

- f) The name, address and phone number of a recognized religious representative who can verify the above information.
3. The religious program coordinator must review the request and consider:
 - a) The effects of the request on the safety, security, and order of persons and the facility;
 - b) Available resources to provide the activity;
 - c) Alternative means of meeting the request;
 - d) Similar practices in other facilities; and
 - e) Other issues specific to the request.
 4. If approved, the religious program coordinator must seek an individual to conduct the religious activity among the resources in the facility (including the current volunteer roster) and, if necessary, from the community. The religious activity must not be conducted until a religious provider is found and able to comply with OYA policies on religious activities and facility access.
 5. The religious program coordinator must notify the requesting youth in writing of a decision regarding the youth's request.
 6. The religious program coordinator must ensure the youth is aware of decision appeal rights delineated in OAR 416-480-0080 (Decision Appeal) and the timeframes to initiate an appeal.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO