

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(New Administrative Regulation)

501 KAR 6:500. Religious programs.

RELATES TO: KRS Chapters 196, 197, 197.270, 197.275

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1) (a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, and government of the prisoners in their deportment and conduct. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes the procedures concerning religious programs for the Department of Corrections.

Section 1. Definitions.

- (1) "Chaplain" means a correctional employee or approved volunteer authorized to provide religious counsel, instruction, and advice to inmates and to provide a system of services or religious volunteers, ecclesiastical visitors, and guests for inmates.
- (2) "Institutional Religious Center" or "IRC" means the designated area where religious services are conducted.
- (3) "KDP" means Kosher Diet Program.
- (4) "Religion Reference Manual" means the "Kentucky Department of Corrections Religion Reference Manual," incorporated by reference in 501 KAR 6:080.
- (5) "Religious items" means items associated with a particular religious faith.
- (6) "Religious practice" means outwardly observable manifestations of religious beliefs including:
 - (a) Participating in congregations and meetings;
 - (b) Engaging in rituals and ceremonies;
 - (c) Praying, chanting, singing;
 - (d) Wearing special items of clothing, jewelry, hairstyles, or beards;
 - (e) Adhering to special diets; and
 - (f) Participating in special activities characteristic of a particular religion or adherents of a particular religion.

Section 2. Religious Practice.

- (1) An inmate may participate in practices of his religious faith. The Religion Reference Manual shall be used for religious practice questions. If a religious item or practice is not represented in the Religion Reference Manual, an inmate may request a religious item or practice by following the procedure in Section 4(10) of this administrative regulation.
- (2) The religions listed in the Religion Reference Manual shall be treated in an equal manner. The institution shall assist in the research of a religion or religious practice not addressed in the Religion Reference Manual;
- (3) Religious practices shall be limited only by articulated facts showing a threat to the safety of persons involved in an activity, the safety of the institution, or that the activity itself disrupts order in the institution.
- (4) Religious practices shall include religious publications, religious symbols, congregational religious services, individual and group counseling, and religious study classes.

- (5) The following religious practices and activities shall not be authorized:
- (a) Animal sacrifice;
 - (b) Language or behavior that may reasonably be construed as a threat to safety, security, or the orderly running of the institution;
 - (c) Nudity;
 - (d) Self mutilation;
 - (e) Use, display, or possession of a weapon or an item that may appear to be a weapon;
 - (f) Paramilitary exercises;
 - (g) Self-defense training;
 - (h) Sexual acts;
 - (i) Profanity;
 - (j) Consumption of alcohol;
 - (k) Ingestion of illegal substances;
 - (l) Proselytizing;
 - (m) Inscription;
 - (n) Disparagement of other religions;
 - (o) Tobacco products.
- (6) An inmate shall not be allowed special services or to receive additional literature, religious icons, or other religious items at one institution that are not allowed at other institutions. Each institution shall follow the uniform requirements of this administrative regulation.
- (7) An inmate shall not be coerced, harassed, or ridiculed due to religious affiliation.

Section 3. Chaplain.

- (1) Each institution shall provide a chaplain who plans, directs, and coordinates all aspects of the religious program including approval and training of both lay and clergy volunteers from faiths represented by the inmate population.
- (2) If the chaplaincy staff or volunteers do not include a religious leader of an inmate's faith, the chaplain shall assist the inmate in contacting a person who has the appropriate credentials from the faith judicatory. That person may minister to the inmate under the supervision of the chaplain.
- (3) The chaplain shall:
- (a) Coordinate scheduling of all religious programs;
 - (b) Supervise all chaplaincy students; and
 - (c) Coordinate and supervise all religious volunteers in accordance with 501 KAR 6:520.

Section 4. Religious Programming.

- (1) The institution shall provide space and equipment adequate for the conduct and administration of each religious program.
- (2) In an institution that uses a common worship area, adequate space shall be provided for religious emblems and other items used during worship.
- (3) The institution shall maintain a basic library of religious reading materials that includes required literature of faiths represented by the inmate population.
- (4) Congregate religious items shall not remain outside or be a permanent structure or fixture.
- (5) Services and ceremonies.
- (a) Each institution shall provide religious services.
 - (b) A specific religious service and ceremony may be provided based upon the inmate's stated religious preference.
- (6) Religious Headwear.
- (a) An inmate who has expressed a religious preference listed below may wear the following religious headwear in the institution as follows:

Religion	Item Female	Item Male	Color
Jewish	scarf (45 in x 45 in)	yarmulke	White or off-white
Islam	hijab scarf (45 in x 45 in)	kufi Taqiyah	White or off-white White
Rastafarian	scarf (45 in x 45 in)	crown	Crowns may contain one, some or all of the following colors: red, yellow, green or black and shall not have a bill or peak, free of any writing to include symbols and graphics. Solid color crowns shall be white in color only. Scarfs may be white or off-white only.
Bobo Ashanti	N/A	turban (45 in x 45 in scarf)	White or off-white

An inmate may have three (3) items of religious headwear.

(b) Ceremonial headwear. An inmate may have one (1) ceremonial headwear in addition to three (3) religious headwear. A headband shall be worn only in a circle covering the forehead, but not the crown of the head. An inmate who has expressed one of the following religious preferences may wear the following ceremonial headwear in the IRC only. It shall not be worn to and from the chapel or in any other area of the institution:

Religion	Item Female	Item Male	Color
Moorish Science Temple of America	scarf (45 in x 45 in)	fez	Fez shall be red in color only. Scarfs shall be white or off-white in color only.
Native American	headband	headband	Solid color only (blue, red, green, white, yellow, or black) (no beading, graphics or other ornamentation permitted)
Odinist/Asatru	N/A	hlath (hlad)	Brown or white with one or more embroidered runes or printed runes

(7) An inmate who chooses a religious preference that allows for a dress as a personal religious item may be issued the uniform dress as specified in CPP 17.1 incorporated by reference in 501 KAR 6:440.

(8) Religious objects and literature. The institution shall permit an inmate to possess items identified in the Religion Reference Manual as personal religious items. Items essential for faith practice shall be purchased through the contracted commissary provider, if available, at the inmate's expense.

(9) Religious diets.

(a) The department shall, to the extent it is feasible and within appropriate institutional resources, provide each inmate with the opportunity to satisfy the minimum dietary requirements deemed essential by the Religion Reference Manual. The department shall offer an alternate diet meal program and a Kosher diet meal program.

(b) If an inmate requests to participate in the Kosher Diet Program, the inmate shall receive counseling from the chaplain regarding the provisions of the KDP and shall sign the Kosher Diet Participation Agreement incorporated by reference in this administrative regulation. The provisions of the Kosher Diet Participation Agreement shall go into effect on the day the Agreement is signed, unless the institutional food service department does not have a Kosher meal for the newly signed up inmate. The chaplain shall notify the food service department in writing that the inmate has signed the KDP Agreement. The food service department shall immediately request adequate Kosher meals to accommodate the request.

(c) If the inmate signs the agreement at an institution that does not have a Kosher kitchen, the inmate may continue to eat the regular diet until the inmate is transferred to an institution equipped for Kosher meal preparation. If the inmate is housed in special management, he shall be required to complete any disciplinary time prior to transfer to an institution equipped for Kosher meal preparation.

(10) New religious components. If a request is made for a religious service not represented at the institution, the chaplain shall review the request with the warden or designee.

(a) If the request is in compliance with the Religion Reference Manual, it shall be implemented.

(b) If the request is for a religion or religious practice that is not represented in the Religion Reference Manual, then the following process shall be used:

1. The inmate shall submit to the chaplain a written request and include the history of the religion or practice and state any necessary personal religious items and congregate items for practice.

2. The chaplain shall review the request and submit his written recommendation along with the original request to the deputy warden.

3. The deputy warden shall review and submit his written recommendation along with all documentation to the Director of Operations or designee.

4. The Director of Operations or designee shall review all documentation submitted based on the requirements of this administrative regulation. The Director of Operations or designee shall notify all parties in writing of the decision. If the decision affects the Religion Reference Manual or Corrections Policy and Procedure, the revisions shall be made during the next review period. If the decision affects the department, the Director of Operations or designee shall notify all institutions of the approved changes to be implemented.

(c) If the request is one that is listed in Section 2(5) of this administrative regulation, a review by the Director of Operations shall not be necessary.

Section 5. Religious Funding.

(1) An IRC fund, apart from the institutional budget, may be established for the religious program and may be used for the following:

(a) Purchase of religious literature, music, and other materials;

- (b) Purchase of equipment, including sound and music equipment, for operation and maintenance of the program; or
 - (c) Funding social events or supplying refreshments for special events.
- (2) Any inmate may donate to the IRC fund.
- (3) A donation by a private citizen or community group may be accepted into the fund.
- (4) Any request for an expenditure of IRC funds shall be submitted by the chaplain to the warden or his designee for final approval through a requisition that describes the purchase or expenditure and a brief justification.
- (5) A separate checking account requiring signatures of any two (2) of the following shall be maintained for the IRC fund:
- (a) Chaplain;
 - (b) Warden; or
 - (c) Deputy warden.

Section 6. Inmate Faith Group. An inmate faith group shall not engage in any fundraising activity. A ceremonial meal shall not be funded by the IRC fund, a private citizen, an inmate donation, or a community group.

Section 7. Inmate Responsibilities.

- (1) Upon entry into the correctional system, an inmate's stated religious preference shall be recorded in the offender management system.
- (2) An inmate may change his religious preference every six (6) months by contacting the institutional chaplain.
- (3) The inmate shall seek a job or program assignment that does not conflict with his beliefs and practices.
- (4) An inmate request for a special service or ceremony shall be made at least sixty (60) days prior to the requested date. This request shall be made in writing to the chaplain and shall include a statement of the reason for the request. The chaplain shall review the request following the procedure in Section 4(10)(b) of this administrative regulation.
- (5) If an inmate changes his religious preference, the inmate shall surrender all sacred items related to the former religious preference listed in CPP 17.1 and the Religion Reference Manual.
- (6) Institutional staff shall use a sign-up sheet for religion specific ceremonial meals and activities to determine inmate participation to properly advise the food service department to ensure the adequate amount of meals are provided. Failure to sign up in accordance with the posted sign-up sheet requirements shall result in non-participation for that meal or activity.

Section 8. Communication between an inmate and a chaplain or volunteer that presents a safety or security concern within an institution shall not be confidential.

Section 9. Training. Training shall be provided to the chaplains and religious services staff. Staff who have direct contact with inmates shall receive training concerning religious practices developed or approved by the Division of Corrections Training.

Section 10. Incorporation by Reference.

- (1) "Kosher Diet Participation Agreement", 2024, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: March 4, 2024

FILED WITH LRC: May 15, 2024 at 10:30 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.