I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Juvenile Facilities

III. POLICY

It is the policy of the Department of Corrections to attempt to accommodate any resident who expresses a desire to practice a religion of their choice provided this does not present a threat to safety, security, or orderly management of the facility.

Every reasonable effort shall be made to facilitate the free practice of religion, limited only by legitimate safety, security, and orderly management considerations. The facility shall provide religious services on a regular basis to its residents. The facility Chaplain shall provide or arrange for such services.

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None
VI. PROCEDURES:

Procedure A: Religious Programs and Resident Access, General

1. The facility shall provide the space and equipment necessary for the operation of religious programs for residents.

2. The facility shall employ a qualified Chaplain, who may, in turn, recruit a volunteer chaplain to assist in providing religious programs for residents.

3. The Chaplain shall make arrangements for residents to have personal contact with non-facility representatives of their religious faiths, upon request.

4. Residents shall have access to religious publications, subject only to the limitations stated in Policy 16.1, Resident Mail. The Chaplain, upon request, shall make approved religious books and periodicals available to residents, unless a legitimate, compelling state or penological interest exists.

5. Residents shall be provided a reasonable opportunity to adhere to the dietary requirements, if any, of their respective religions.

6. Residents shall have access to religious resources, services, instruction, and counseling on a voluntary basis. The Chaplain shall inform residents of opportunities available in religious programming on a continuing basis. The Chaplain has physical access to all areas of the facility to minister to residents and staff.

Procedure B: Needs Assessment

1. The Chaplain shall develop a means to assess the religious needs of the residents in order to assure those needs are being met and conduct a needs assessment on a regular basis.

2. The Chaplain shall recommend changes in religious programs to the Director of Classification & Collateral Services, who shall review those recommendations with the Director of Rehabilitative and Administrative Programs and the Deputy Superintendent of Operations. The Superintendent, or designee, prior to implementation, must approve all changes to religious programs.

Procedure C: Specific Church, Denominational, and Organizational Activities

1. Religious services and activities presented by a particular church, denomination, or religious organization shall usually be restricted to residents of that particular religious affiliation. However, the Superintendent, or designee, upon recommendation by the Chaplain, may approve exceptions.
2. The Chaplain shall, to the extent possible, arrange for the celebration of the Holy Day services of the religions of the residents.

Procedure D: Religious Services

1. Residents shall be advised of the opportunity to attend religious services and may do so on a voluntary basis.

2. Catholic and Protestant services shall be provided on a weekly basis, at separate times. Ecumenical services may also be provided on special occasions.

3. All religious programs shall be coordinated with the facility’s schedule.

4. Committed and detained residents may participate in religious programming while in Assessment/Orientation.

5. Residents housed in Special Management may participate in religious programming held within the Special Management Units.

Procedure E: Chaplain Responsibilities

1. The Chaplain shall be responsible for the organization of the overall religious program and is encouraged to use community resources to the fullest extent possible.

2. The Chaplain, with the assistance of the Chief of Volunteer Services, shall seek qualified representatives of legally recognized religions to lead various religious activities and services. The Chaplain shall be responsible for the supervision of religious volunteers. The Chaplain, in cooperation with the Chief Administrative Officer, or designee, shall approve donations of equipment or materials for use in religious programs.

3. At the request of the resident’s Juvenile Program Manager, the Chaplain shall facilitate communication between the resident and their community Pastor and shall confirm their relationship and arrange for a visitation schedule. See Policy 16.3 Visitation.

4. The Chaplain shall arrange specified periods for pastoral counseling and shall be notified in cases of emergency (i.e., serious illness, death of a family member, etc.).

5. The Chaplain, as a confidant, has a dual responsibility to the residents and the facility. The Chaplain must keep pastoral confidences intact, except to the extent that divulging them is necessary to the safety, security or the orderly management of the facility; or otherwise provided by law.
VII. PROFESSIONAL STANDARDS:

ACA:

4-JCF-3A-17 A juvenile is informed in a timely manner of a verifiable death or critical illness of an immediate family member. In case of the critical illness of an immediate family member, the juvenile is allowed, whenever statutes and circumstances allow, to go to the bedside under escort or alone.

4-JCF-5A-03 Juveniles are provided with programming, including education, during the reception period. New juvenile offenders receive written orientation materials and/or translations in their own language if they do not understand English. When a literacy problem exists, a staff member assists the juvenile in understanding the material.

4-JCF-5F-01 A qualified person, based on experience, education, licensure/credentials, and training coordinates the facility’s religious programs.

4-JCF-5F-02 There is a systematic approach to determine the religious preference of all juveniles. The facility utilizes this information to determine personnel requirements for providing a variety of religious programs and ensures all juveniles access to religious staff and services. The facility makes available adult clergy, as needed, to ensure confidentiality.

4-JCF-5F-03 The facility designates adequate space and equipment needed to conduct and administer religious programs.

4-JCF-5F-04 Juveniles participate in religious services, programs, and counseling on a voluntary basis, and this includes opportunities to request visits from representatives of their respective faith.

4-JCF-5F-05 Juveniles have an opportunity to participate in practices of their religious faith that are deemed essential by the faith’s judicatory, limited only by documentation showing a threat to the safety of persons involved in such activity or that the activity itself disrupts order in facility.

4-JCF-5F-06 The chaplain, in cooperation with the facility administrator or designee, approves donations of equipment or materials for use in religious programs.

4-JCF-5F-07 The chaplain has physical access to all areas of the facility to minister to juveniles and staff.

4-JCF-5F-08 The chaplain or staff person develops and maintains close relationships with religious sources in the community.