

 <p>Massachusetts Department of Correction STANDARD OPERATING PROCEDURE</p>	Effective Date 4/23/2025	Responsible Division Deputy Commissioner, Clinical Services and Reentry
	Annual Review Date 4/23/2025	
Policy Name STANDARD OPERATING PROCEDURE (SOP) TO 103 CMR 471, RELIGIOUS PROGRAMS AND SERVICES	M.G.L. Reference: Click here to enter text.	
	DOC Policy Reference: 103 CMR 430; 103 CMR 471; 103 DOC 501	
	ACA/PREA Standards: 5-ACI-7F-01; 5-ACI-7F-02; 5-ACI-7F-03; 5-ACI-7F-06; 5-ACI-7F-08; 5-ACI-5C-07	
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Institution's Policy File
<p>PURPOSE: The standard operating procedure (SOP) to 103 CMR 471, <i>Religious Programs and Services</i> is to establish Departmental guidelines regarding religious programs and services in the institutions of the Department of Correction. 103 CMR 471 is not intended to confer any procedural or substantive rights or any private cause of action not otherwise granted by state or federal law.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Clinical Services and Reentry Assistant Deputy Commissioner, Reentry Director of Program Services and Reentry Superintendents</p> <p>CANCELLATION: 103 CMR 471 cancels all previous Departmental and institutional policy statements, bulletins, directives, orders, notices, rules or regulations regarding religious programs and services.</p> <p>SEVERABILITY CLAUSE: If any article, section, subsection, sentence, clause, or phrase of 103 CMR 471 is, for a reason, held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause, or phrase of this policy.</p>		

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I. Chaplain Requirements and Responsibilities

- A. At each institution with an average daily population 500 or more, there is a full-time qualified chaplain (or chaplains) with minimum qualifications which are as follows:
1. One (1) unit of clinical pastoral education or equivalent specialized training, and
 2. Endorsement by the Denominational Endorsing Agent/officer.

At institutions with an average daily population of less than 500 incarcerated and civilly committed individuals, there must be adequate religious staffing available that meet the same minimum qualifications as above.

The chaplain shall assure equal status and protection for all religions. The chaplain and/or religious staff shall have physical access to all areas of the institution to minister to incarcerated and civilly committed individuals and staff.

- B. In instances where a religious leader of an incarcerated or civilly committed individual's faith is not represented through the institution's chaplaincy staff or volunteers, the chaplain/designee shall assist the incarcerated or civilly committed individual by contacting a person with the appropriate credentials from the faith judicatory. That person will minister under the supervision of the chaplain after all institution entrance requirements are completed in accordance with 103 DOC 501, *Institution Security Procedures*.
- C. The chaplain, in cooperation with the Superintendent or designee, is responsible for approving donations of equipment or materials for use in religious programs.

II. Special Diets

- A. These procedures should be followed for Kosher, Halal, Vegetarian, and Vegan Diet Requests.
- B. Per 103 CMR 471, *Religious Programs and Services*, incarcerated and civilly committed individuals should submit their special diet requests in writing to the Superintendent's designee, utilizing Attachment #1.
- C. When the Superintendent's designee receives a special diet request, they should verify the incarcerated or civilly committed individual's religious affiliation in IMS. If the individual's religious affiliation is inconsistent with the submitted request, the Superintendent's designee should interview the incarcerated or civilly committed individual to inquire about their sincerity of belief in the religion.
- D. The Superintendent's designee will review all special diet requests received. If

the incarcerated or civilly committed individual requests a special diet that is documented in the Religious Services Handbook, that diet should be approved, utilizing Attachment #2. The Superintendent's designee shall be responsible for documenting the special diet approval in IMS and forwarding a copy of Attachment #2 to the incarcerated or civilly committed individual.

- E. If the incarcerated or civilly committed individual requests a special diet that is not documented in the Religious Services Handbook, that individual should be given an Incarcerated and Civilly Committed Individual Religious Services Request Form to be completed and forwarded to the Superintendent. The Superintendent shall then forward the request form, with their recommendation, to the Religious Services Review Committee for a formal decision, in accordance with procedures outlined in the Religious Services Handbook.
- F. Once a special diet is approved, the Superintendent's designee shall be responsible for entering the special diet information in IMS and ensuring that the incarcerated or civilly committed individual has been notified that they have been approved utilizing Attachment #2.
- G. An informational notification will be forwarded to the institutional food services profile through IMS. The informational notification will include the incarcerated or civilly committed individual's name, commitment number, housing unit and special diet type. IMS will also generate and maintain an up to date special diet list via the diet query report.
- H. Incarcerated and civilly committed individuals on special diets shall show their identification card and sign for their diet at every meal.
- I. When a staff member witnesses an incarcerated or civilly committed individual who is on the special diet list accessing any part of a meal from the mainline menu or the individual fails to access the special diet, a disciplinary report shall be written and issued to the incarcerated or civilly committed individual. Sanctions will be imposed pursuant to 103 CMR 430, *Inmate Discipline*
- J. Incarcerated individuals assigned to a community work crew, work release assignment, whose work schedule conflicts with meal periods, or those who have substantiated reason, such as outside hospital admission, will not be issued a disciplinary report.
- K. Special diets should continue without break upon transfer to another institution. An informational notification will be forwarded to the food services profile of both the sending and receiving institution upon an incarcerated individual's transfer. The notification will include the incarcerated individual's name, commitment number and special diet type.
- L. When an incarcerated or civilly committed individual, who voluntarily signs up to receive a religious services holy day feast fails to access the feast food, a

disciplinary report shall be written and issued to the incarcerated or civilly committed individual. Sanctions in the form of restitution for the cost of the wasted religious feast food may be imposed pursuant to 103 CMR 430, *Inmate Discipline* by the hearing officer if the incarcerated or civilly committed individual is found guilty.

Massachusetts Department of Correction
Special Diet Request Form

Institution: _____ Date of Request: _____

Incarcerated or Civilly Committed Individual Name: _____

Commitment Number: _____

I hereby request authorization to receive a special diet (Kosher/Halal/Vegetarian/Vegan). I agree to comply with the special diet requirements. I understand that, if I am observed accessing any part of a meal from the mainline menu or fail to access a meal, a disciplinary report will be issued.

I understand that I must provide a written request (in the space below) stating what my religion is and what dietary restrictions apply to my religion that require my placement on the special diet list, in accordance with 103 CMR 471.08(5).

Religion: _____

Clearly explain what dietary restrictions require your placement on the special diet list:

Signature of Incarcerated or Civilly Committed Individual Commitment# Date

Receipt by Superintendent's Designee Date

Recommendation by Superintendent's Designee Date

Superintendent's Signature Date

Date:

Incarcerated or Civilly Committed Individual Name:

Commitment #:

From: Superintendent

Please be advised that your request for a special diet has been approved and you will be added to the Kosher/Halal/Vegetarian/Vegan list effective immediately. Please be aware that, if for any reason you are observed accessing any part of a meal from the mainline menu or fail to access a meal, a disciplinary report will be written.

Thank you.