

FRESNO COUNTY SHERIFF-CORONER'S OFFICE  
JAIL DIVISION POLICIES AND PROCEDURES

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TITLE: RELIGIOUS DIETS NO: E-185  
FILE: RELIGIOUS DIETS

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EFFECTIVE DATE: 01-01-01 REVISED: 09-16-14, 03-25-15

APPROVED BY: Sheriff M. Mims BY: Assistant Sheriff T. Gattie

AUTHORITY: California Code of Regulations, Title 15, §§ 1072 and 1241; and Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc et seq.

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PURPOSE:

The purpose of this policy is to implement procedures which ensure the rights of inmates to exercise freedom of religion and allow them to adhere to their religious food practices while incarcerated.

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POLICY:

The Fresno County Sheriff's Office Jail Division recognizes that inmates have a right to freedom of religion under the First Amendment, California Constitution, and the federal Religious Land Use and Institutionalized Persons Act, and that an inmate's adherence to a religious food practice is an exertion of that right. It is therefore the Sheriff's policy to provide religious diets to inmates who demonstrate a sincere religious belief to adhere to a religious diet.

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PROCEDURES:

I. RELIGIOUS DIETS

- A. An inmate who desires a religious diet must submit an *Inmate Request Form* to the Offender Programs Unit and explain the diet requested.
- B. The inmate must submit evidence demonstrating that their adherence to the requested diet is an exercise of their sincerely held religious belief. That evidence may include:
  1. An explanation of the inmate's belief system;
  2. An explanation of the diet's role within the inmate's belief system and the significance of failing to adhere to that diet;

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3. The inmate's past history in adhering to that diet, if any;
  4. The inmate's past history in practicing the religion;
  5. A description of other practices the inmate engages in that are also part of the inmate's belief system;
  6. The identification of the inmate's religious community, if any; and
  7. Any information regarding the inmate's religious affiliation, clergy, and place of worship.
- C. In addition to the inmate's own written assertions, the inmate may provide documentation or contact information for persons to support the inmate's request for a religious diet. The persons identified in the inmate's request may be contacted in order to obtain additional information.
- D. If the inmate's sincere religious belief is not evident from the inmate's submission, then a designated staff member from the Offender Programs Unit will interview the inmate in order to give the inmate the opportunity to explain the religious motivation for the requested diet.
- E. The request must be granted if it is determined that adherence to the religious diet is part of the inmate's sincere religious belief, unless the Jail shows that denial of the requested diet is the least restrictive means of furthering a compelling government interest. The inmate has the right to appeal this determination under the Jail's grievance procedure.
1. Sincere belief
    - a. The task is not to determine whether a belief is true, accurate or logical. It only matters that the belief is "truly held."
    - b. A showing of sincerity does not require strict doctrinal adherence to standards created by organized religious hierarchies.
  2. The inmate does **not** need to show that:
    - a. Adherence to the religious diet is compelled by or a central tenant of the inmate's religion.
    - b. The inmate's religion has general dietary requirements.
    - c. The inmate belongs to a religious community.

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- d. Members, including clergy persons, from a specific religion recognize the inmate's affiliation with the religion.
  - d. The inmate practices an organized, major, or recognized religion.
- F. If Religious Diet Program eligibility is determined, a designated staff member from the Offender Programs Unit will explain the *Religious Diet Program Agreement*, and have the inmate sign the agreement form. A copy of the agreement will be provided to the inmate.

II. COMPLIANCE, REMOVAL, AND DISCONTINUATION

- A. Any staff may report an incident of an alleged *Religious Diet Program Agreement* compliance violation, as described on the agreement form (e.g., if the inmate is found to have eaten food that is inconsistent with their asserted religious belief). A copy of the Incident Report shall be forwarded to the Offender Programs Unit for investigation.
- B. The inmate will be given the opportunity to respond to allegations of *Religious Diet Program Agreement* compliance violations, prior to any determination of continuing eligibility.
- C. If the allegation is substantiated:
  - 1. The inmate will receive one (1) written warning, but will be allowed to continue to participate in the Religious Diet Program.
  - 2. If a second violation is substantiated within six (6) months from the date of the first violation, the inmate may be removed from the Religious Diet Program for a period of four (4) months from the date of the second violation.
  - 3. Any subsequent violation may be cause for removal from the Religious Diet Program if it demonstrates that the inmate's beliefs are not sincere.
- D. The inmate has the right to appeal any dietary suspension or termination by utilizing the Jail's grievance procedure.
- E. If an inmate requests to discontinue a prescribed religious diet, the inmate's request will be honored.

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1. The inmate's request must be submitted in writing. The request shall be forwarded to the Offender Programs Unit, and scanned into the inmate's records.
2. The inmate must wait for a period of six (6) months before requesting to be reinstated in the Religious Diet Program.
3. Evidence that an inmate vacillates between a religious diet and a regular meal may be indicative of the inmate's lack of sincerity, but is not dispositive.

III. VEGETARIAN DIETS

- A. Any inmate with determined religious, personal, or ethical dietary needs may request to participate in the vegetarian diet program. Inmates who desire a vegetarian diet for non-religious needs may submit an *Inmate Request Form* to the Services Unit.
- B. The vegetarian meals are lacto-ovo vegetarian (includes dairy products and eggs).

IV. MEDICAL DIETS

If a medical diet is ordered for an inmate, it shall take precedence over the religious diet.

Fresno County Sheriff's Office  
**RELIGIOUS DIET PROGRAM AGREEMENT**

I would like to participate in the (check one):  Jewish/Kosher Diet Program  
 Vegetarian Diet Program

I understand that in order for me to participate in a Religious Diet Program, foods and preparation practices that are not used for general population meals must be used. Therefore, I agree to the following conditions:

1. I understand that I may change my religious diet no more than once each year.
2. I understand that if I voluntarily request to withdraw from the Religious Diet Program, I must do so in writing and I must wait for a period of six months before requesting to be reinstated in the Religious Diet Program. If, after six months, I apply to a different Religious Diet Program than the one I previously participated in, my request will have to be approved by the designated staff member in the Offender Programs Unit who oversees the Religious Diet Program.
3. During meals I will eat and possess only those food items served as a part of the Religious Diet Program. If, for any reason, I am denied any meals under the Religious Diet Program, however, I shall be permitted to eat foods that are not part of the Religious Diet Program and that shall not be deemed to be a violation of this Agreement.
4. I may not purchase or consume any food items that are not part of my religious diet. I understand that my commissary purchases may be routinely monitored.
5. I will not provide any portion of my religious meals received through the Religious Diet Program to other inmates who are not participating in the same Religious Diet Program.
6. I will restrict my diet to religious diet foods.
7. I understand that should I violate one of these provisions, I will receive one (1) written warning, but will be allowed to continue to participate in the Religious Diet Program. I also understand that the staff member who oversees my Religious Diet Program shall determine whether I violated any of these provisions.
8. I further understand that should I violate any of these provisions a second time within six (6) months from the date of the first violation, I may be removed from the Religious Diet Program for a period of **four (4) months** from the date of the second violation. I also understand that before I can be removed from the Religious Diet Program, I shall have the right to confer with the deciding staff member regarding the alleged violation(s).

By my signature below, I acknowledge that I have read and discussed the contents of this Agreement. I further agree that if permitted to participate in the Religious Diet Program, I will abide by the conditions set forth in this agreement.

Inmate's Name (print): \_\_\_\_\_

Inmate's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inmate's Booking No.: \_\_\_\_\_ JID No.: \_\_\_\_\_

Staff Member's Name (print): \_\_\_\_\_

Staff Member's Signature: \_\_\_\_\_ Date: \_\_\_\_\_