



STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES
JUVENILE REHABILITATION

1115 Washington Street SE • P.O. Box 40977 • Olympia WA 98504-0977

October 4, 2019

TO: Juvenile Rehabilitation Staff

FROM:

Marybeth Queral, Assistant Secretary
Juvenile Rehabilitation

SUBJECT For Distribution: JR Policy 4.11, *Accessing Religious and
Spiritual Services*

The following policy was developed through a workgroup comprised of JR staff from each institution, a CF rep, and external partners from multiple tribes, the ACLU, and others. Your feedback to simplify the policy where possible was incorporated, and the AAG reviewed and approved the policy.

The attached policy summary provides an overview of the policy.

This policy has a scheduled effective date of October 4, 2019. If you have questions regarding the policy, please contact your Policy Committee representative, or the Policy Administrator Andrea Ruiz.

Attachment: Policy Summary, Policy 4.11

JUVENILE REHABILITATION – PROGRAM POLICY

Policy 4.11 – Accessing Religious and Spiritual Activities

Summary

- | |
|---|
| <ul style="list-style-type: none">• Establishes policy regarding youth’s access to religious services as a protected right. |
|---|

Background:

This is a new JR policy, which was developed to provide guidance and expectations on supporting youth as they explore, participate, or practice their spirituality or religion while in JR facilities.

Policy Summary

All people have a constitutional right to practice religion, including youth in JR. This policy provides guidance in the following areas:

- Religious and Spiritual Expression
- Religious Diets
- Activities and Events
- Prohibiting Advocating or Promoting Religion
- Authority
- Community Volunteers
- Community Access for Youth in CFs
- Complaint process

Changes from Current Practice

- Access to religious activities is a protected right
- Restricting youth participation is limited only:
 - a documented security or operational concern (safety, health, limitation of staff or resources) AND
 - the limitation is the least restrictive way of meeting the concern

Training Required: No

Policy Effective Date: 10/4/2019

*Staff are responsible for reading and understanding the information contained in the full policy.
Review of this summary is not sufficient for full understanding.*

POLICY 4.11 ACCESSING RELIGIOUS & SPIRITUAL ACTIVITIES

Policy Committee Chair

Don Mead, Ed. D.
Superintendent, Echo Glen
Juvenile Rehabilitation

Approved



Marybeth Queral, Assistant Secretary
Juvenile Rehabilitation
9/24/2019

Authorizing Sources

U.S. Code: [Title 42, Section 2000bb-1 through 2000bb-4](#), Religious Freedom Restoration Act
[US Constitution 1st Amendment](#)
[RCW 72.01](#)
[Religious Land Use and Institutionalized Persons Act \(RLUIPA\)](#)
[American Indian Religious Freedom Act \(AIRFA\)](#)
[DCYF AP 10.03](#)
[Performance-based Standards \(PbS\)](#)
[ACA, Standards for Juvenile Correctional Facilities](#)

Information Contact

Andrea Ruiz
Policy, Planning & Lean Administrator
Juvenile Rehabilitation
JRPolicy@dcyf.wa.gov
Ph: 360-902-8080

Effective Date

10/4/2019

Sunset Review Date

10/4/2023

I. PURPOSE AND SCOPE

This policy provides guidance and expectations on supporting youth with appropriate resources, access, and opportunities to explore and participate in spiritual activities, or religious activities and requirements of their faith as a constitutionally protected right.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) are responsible for reviewing and complying with JR policies.

II. POLICY

- 1. Federal and state law protect the rights of all persons to practice individual religious beliefs. Juvenile Rehabilitation (JR) acknowledges and supports this inherent and constitutionally protected right of JR youth to believe, express, and exercise the religion of their choice.**

- 1.1. Youth may exercise this right without undue influence from staff or family while in JR facilities.

Policy **4.11**, **Accessing Religious and Spiritual Activities**, 10/4/2019

- 2. JR will make every reasonable effort to enable all youth the opportunity to express their right of religious practice. It is within the law to restrict religious activities when there is a compelling interest to do so, including, but not limited to:**
 - 2.1. Legitimate security and operational considerations such as safety and health or limitations of resources; and
 - 2.2. The imposed limitation is the least restrictive means of addressing the compelling interest.

RELIGIOUS AND SPIRITUAL EXPRESSION

- 3. Youth may participate in religious and spiritual services and counseling on a voluntary basis. Staff will provide each youth the opportunity to participate in these practices and activities as available. Youth will be allowed to express their religion through head coverings, and head and facial hairstyles consistent with their religious tradition.**
- 4. Youth may possess and use religious items unless possession of the item is deemed an imminent security threat. Religious items and clothing is subject to [Policy 5.70 – Conducting Searches](#).**

RELIGIOUS DIETS

- 5. Youth may request and receive diet changes based on religious beliefs according to [Policy 4.20 Supporting Youth Wellness](#).**
 - 5.1. If there are medical limitations or concerns, staff will collaborate with the medical staff (or a local physician) and youth to provide education, prepare a plan, and provide alternatives or reasonable accommodations so youth can still participate.

ACTIVITIES & EVENTS

- 6. Each facility will provide one or more areas appropriate for religious and spiritual activities.**
- 7. Institutions will allow religious and spiritual ceremonies, activities, or events.**
 - 7.1. Events are dependent upon staff availability and facility resources.
 - 7.2. Events and activities will be posted and accessible to all youth.
- 8. Youth participation in religious and spiritual activities and counseling is limited only by a documented imminent safety or security concern for the youth, facility, or community, and limiting the youth's access is the least restrictive way to ensure safety and security.**
 - 8.1. Youth on a restricted program may participate in campus religious and spiritual activities or events with approval and coordination from the facility and unit leadership (or designee).
 - 8.2. Youth on a suicide precaution level (SPL), or in room confinement or isolation may be permitted to receive religious visits, calls, or counseling in coordination with the unit supervisor. See also [Policy 5.50 Managing Room Confinement and Isolation](#) and [Policy 3.30 Assessing and Treating Youth Suicide and Self-Harm Risk](#).

Policy **4.11**, Accessing Religious and Spiritual Activities, 10/4/2019**ADVOCATING OR PROMOTING RELIGION**

10. JR will support each youth's right to explore and practice religion or spirituality, but will not endorse any particular religious or spiritual practice or faith, and will ensure religious programming is consistent with the provisions of federal and state law.

- 10.1. JR staff, contractors, volunteers, and providers may discuss their personal religious or spiritual practice or faith only if a youth asks about or requests that information.
- 10.2. Dialogue about beliefs, religion, or faith must never be unwanted, forceful, serve as an attempt to persuade or convert, ridicule, or question the youth's religious or spiritual beliefs.

RESPONSIBILITIES

11. The Director of Institutions and Director of Community, Reentry, and Parole, or their delegates, have overall responsibility for the management of all JR religious and spiritual activities.

COMMUNITY VOLUNTEERS

12. Volunteers and religious specialists must complete and pass required background check(s) and comply with sections 23, 24, and 25 of [Policy 1.23, Deciding to Hire or Promote Staff or Contractors](#).

13. Volunteers and religious specialists who pass the background check, fingerprinting when required, and meet all policy and training requirements will be allowed to:

- 13.1. Visit JR facilities to lead or participate in religious and spiritual activities,
- 13.2. Counsel youth,
- 13.3. Transport youth in community facilities (CFs) to religious and spiritual services in the community according to [Policy 5.40, Transporting JR Youth](#).

CF COMMUNITY ACCESS

14. CF Youth may request to attend religious or spiritual services in their community.

- 14.1. Each CF shall determine a process for supporting youth participation, in alignment with [Policy 6.40, Managing Authorized Leaves and Community Involvement Passes](#).

15. Youth will be given equal opportunity to attend religious or spiritual services in their community.

16. If opportunities, supervision, volunteers, or transportation are limited, youth will be given access on a rotating basis.

YOUTH COMPLAINTS

17. Youth who are not provided access to religious or spiritual activities maintain the right to follow the complaint processes in [Policy 2.10, Handling Youth Complaints](#) by filling out and completing the Youth Complaint forms ([DCYF Form 20-234](#)).

Policy [4.11](#), **Accessing Religious and Spiritual Activities**, 10/4/2019

III. DEFINITIONS

Belief System: A set of principles or tenets which form the basis of a religion or philosophy.

Religion: A system or set of commonly held values, beliefs, practices, and rituals.

Religious Activities: Religious activities may include any religious practice, tradition, services, modifications to diet, and culturally-related practices.

Religious Coordinator: An individual designated as the administrator who coordinates religious activities, or specialists assigned at each JR location.

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, worship or religious services, religious study classes and ceremonies, prayer and meditation practices, and adherence to dietary requirements.

Religious Specialist: Any formal leader of a religion or spiritual ceremony in the community able to provide religious teachings, counseling, or publications.

Spiritual: Seeking within to find meaning or purpose, creating harmony in the mind, spirit, and soul, and connecting to the moment, self, others, nature, or a higher power.

IV. RELATED JR POLICIES

Policy 1.23 - Deciding to Hire or Promote Staff or Contractors	Policy 5.20 Assigning Security Classification Levels for JR Youth
Policy 2.10 – Handling Youth Complaints	Policy 5.40, Transporting JR Youth
Policy 2.30 – Managing Youth Property and Residential Accounts	Policy 5.50 – Managing Room Confinement and Isolation
Policy 3.10 – Assessing and Placing Youth in JR	Policy 5.70 – Conducting Searches
Policy 4.10 – Developing Youth and Their Families	Policy 6.21 Facilitating Visitation for JR Youth
Policy 4.20 – Supporting Youth Wellness	Policy 6.40 – Earning Authorized Leaves and Community Involvement Passes

V. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Youth Complaint Form		DCYF Form 20-234
