

NEBRASKA

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

DATE: June 2, 2017

TO: Nebraska Department of Correctional Services Inmates

FROM: Chuck Glenn, AA III – Programs, Chair Religion Study Committee

RE: Religious Property, Funding Accommodated Religions, State Purchase of Rock and/or Wood

RELIGIOUS PROPERTY

For the past eighteen years, the Nebraska Department of Correctional Services (NDCS) has allowed individuals to purchase personal religious property based on their accommodated religion. As religious traditions have changed, the practice of religion has changed. In this present society, one finds individuals now seek to worship within their religion by using various accoutrements which are found within the traditions of other religions. As an example, many practitioners of Native American Practices hold fast to the traditions of their heritage, yet also are active practitioners of Catholicism. For this reason an incarcerated Native American practitioner may request a Native American Bandanna and a Rosary. Under the current table of personal religious property a Native American is forced to declare a religion (Native American or Catholic) and then adhere to the property listed for that accommodated religion.

Beginning November 1, 2017 NDCS religious property will be limited to those items listed on the new Personal Religious Property list in Attachment E of AR 208.01 (Attachment E is attached to this memo). To receive property on this list an individual must declare a religion or affirm that they are an individual who is spiritual but has no religious tradition (this individual is known as an Individual Religious Practitioner [IRP]). In order for an individual to receive IRP status he/she must follow the procedure as outlined in Administrative Regulation 208.01, Section VI, paragraph B.

To possess personal religious property, inmates must purchase a 6 Qt., 13.75 X 8.625 X 4.875 plastic storage container in which they must store their personal religious property. Only personal religious property listed on the personal religious property section of Attachment E may be stored in the box. The box which is listed in the personal religious property section of Attachment E must be purchased through the canteen. The cost for this box is \$1.65. Inmates are limited to 1 religious box in their possession.

Property control will engrave on the container "Religious Property" along with the inmate's name and number. Oversized items not to be stored in this container are indicated as such on the Personal Religious

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Property list located in Attachment E of AR 208.01. Each inmate will be responsible for providing the container to Property Control in order for his/her name, number, and the words "Religious Property" to be engraved on it.

Misuse of this container will result in a misconduct report and may result in the loss of the container and the property therein. If a misconduct report results in the loss of the box, the inmate will be required to purchase another box along with any religious items from Attachment E. This storage container will be included in the inmates allowed storage area of four cubic feet.

FUNDING ACCOMMODATED RELIGIONS

Current Nebraska Department of Correctional Services (NDCS) practice is to fund accommodated religions by providing each accommodated religion \$50.00 a year however, finances used by NDCS accommodated Religions may not be acquired through the utilization of Department monies.

The State of Nebraska will cease the utilization of Department monies to fund accommodated religions on July 1, 2017.

NDCS Administrative Regulation (AR) 113.01 (Fiscal Management) provides a legal alternative for accommodated religions to obtain funds. AR 113.01, Section XVII (Donations), Paragraphs A and B state "Donations of cash or materials to NDCS may be accepted by the Warden/Program Administrator, if under \$500. Donations \$500 up to and including \$10,000 require acceptance by the Director. Donations over \$10,000 or real property require acceptance by the Governor...Donations to clubs or recognized religious faith groups may be accepted as long as they do not violate NDCS policy and shall be placed in the appropriate club or religious faith group account in a trust fund."

STATE PURCHASE OF ROCK AND/OR WOOD

Current Nebraska Department of Correctional Services (NDCS) practice is to provide rock and wood for accommodated religions. Rock and wood used by NDCS accommodated religions may not be acquired through the dispersion of Department monies.

The State of Nebraska will cease the practice of providing rock and wood for accommodated religions on July 1, 2017. NDCS Administrative Regulation (AR) 113.01 (Fiscal Management) provides a legal alternative for accommodated religions to obtain rock and wood, or the funds by which to do so. Existing supplies of rock and wood will be allowed to be expended.

AR 113.01, Section XVII (Donations), Paragraphs A and B state "Donations of cash or materials to NDCS may be accepted by the Warden/Program Administrator, if under \$500. Donations \$500 up to and including \$10,000 require acceptance by the Director. Donations over \$10,000 or real property require acceptance by the Governor...Donations to clubs or recognized religious faith groups may be accepted as long as they do not violate NDCS policy and shall be placed in the appropriate club or religious faith group account in a trust fund."

**Nebraska Department of Correctional Services
Approved Personal Religious Property**

NOTE: This attachment may be revised throughout the year. Please check with the facility's Religious Coordinator for updates to this list.

Personal Property List	
100% Natural Toiletry Items	Limited to those basic hygiene products (soap, shampoo, toothpaste, shaving cream, and denture products) which are labeled organic, 100% natural. <i>Basic hygiene products approved were those listed in AR 111.01 as needed for basic hygiene, and that the RSC would continue to support those products. Does not have to be in Religious Box</i>
Altar Cloth	No larger than 1 feet square; not predominately red, blue or black in color; purchased from a commercial vendor; no hand drawn symbols may be added; if altar cloth available from vendor has design on it, the cloth must be approved by the facility Religious Coordinator before ordering. <i>Size and color limits set by Security Administrators.</i>
Bandanna (Tan Only)	No more than two. Tan in color. <i>Number decided by allowing one to be worn while one is laundered.</i>
Book of Shadows (DO)	Wiccan Holy Book, May be searched. May contain handwritten items and drawings. <i>Does not have to be in Religious Box</i>
Book of Spirits (DO)	Thelema Holy Book, May be searched. May contain handwritten items and drawings. <i>Does not have to be in Religious Box</i>
Crystals/Stones	Limit 1 Total--maximum diameter of 2 inches <i>Limit of one Crystal or Stone due to safety and security.</i>
Feathers NOTE: Native Americans Only. Must be obtained from the National Eagle Repository	As personal property, Native Americans may possess no more than 10 American Bald and/or Golden Eagle feathers with a permit obtained by following the process established by the U.S. Fish and Wildlife Service. <i>16 USC 668-668d Bald and Golden Eagle Protection Act, Subchapter II--Protection of Bald and Golden Eagles, section 668a--taking and suing of the bald and golden eagle for scientific, exhibition, k and religious purposes.</i>
Fez	No more than two. Tan in color. Only to be worn to and from Worship. <i>Number decided by allowing one to be worn while one is laundered.</i>
Fragrant Oil (DO)	Personal possession limit is 5 ounces. Must choose from the 26 currently available via the Direct Order Process. Fragrant oil may not be used in any manner that will generate a safety, security, or good order of the facility concern.
Jyuzu/Mala (DO)	Prayer Beads not to exceed ½ inch in length, width, or diameter. Length to not exceed 24 inches. <i>Size and length of prayer beads determined by Security Administrators.</i>
Kipah/Yarmulke (DO)	No more than two. Tan in color. <i>Number decided by allowing one to be worn while one is laundered.</i>

Kufi/Hijab (DO)	No more than two. Tan in color. <i>Number decided by allowing one to be worn while one is laundered.</i>
Medallion	Medallions must be no more than 2 inches in diameter (excluding grommet or eyelet that holds the chain/necklace). Medallions shall not be more than 1/4 of an inch in width (thickness), and shall not exceed 2 ounces in weight. No chain and/or necklace will be longer than 24 inches. Exceptions may be made by the Warden or designee for those inmates whose physical stature (i.e. neck size) would require a longer chain /necklace. No individual chain /necklace link can be wider than 4 millimeters. Price limit is \$75.00 for the Medallion. <i>Size determined by Security Administrators.</i>
Medicine Bag	No larger than 3 inches in length. <i>Size determined by Security Administrators.</i>
Personal Wand	Approx. 3/8 inch in diameter, and 8 inches long. Must be purchased from a commercial vendor. <i>Security Administrators determined the approved diameter and length.</i>
Pipe and Pipe Bag	Must be purchased from a commercial vendor. <i>NOTE: Pipe and bag may be searched. Pipe may not be touched during search.</i>
Clear Plastic Storage Container	Plastic container is on the canteen list and must be ordered from the canteen. It is 13.75 (length) X 8.625 (width) X 4.875 (Height)
Prayer Rug (DO)	No larger than 28" by 40". <i>Size determined by dimension of prayer rug offered through Direct Order. Does not have to be in Religious Box</i>
Rosary (DO)	Prayer Beads not to exceed 1/2 inch in length, width, or diameter (effective April 22, 2008). The rosary may not be worn as a necklace or used/displayed in any fashion contrary to the intended use or purpose of the Catholic Religion. <i>Size determined by Security Administrators.</i>
Runes	Must be from a commercial vendor. Runes are subject to approval by Security Administrators.
Salt	2 ounces in possession at one time NOTE: ALLOWED IN RHU
Talith	Prayer Shawl. <i>Standard prayer shawl will be between 72-80 inches in length and 8 inches in width. This is the prayer shawl that goes around the neck and hangs down either side.</i>
Tam (Must be ordered from an NDCS selected vendor)	No more than two. Tan in color. <i>Number decided by allowing one to be worn while one is laundered.</i>
Thikr Beads	Prayer Beads not to exceed 1/2 inch in length, width, or diameter. Length to not exceed 24 inches. <i>Size and length of prayer beads determined by Security Administrators.</i>
Tarot Deck	NOTE: Inmates housed in RHU may have one deck in their possession at one time.
Wrist Tefillin	Cannot be longer than 9.5 inches and wider than 1.25 inches. Inmate number must be inscribed on back. <i>Length and width determined by the Wrist Tefillin given to the RSC for review. See three ring blinder, Messianic Judaism, #8</i>