

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>4</u>
Native American Religious Policy	NUMBER: 72-REG-13
RULE/CODE REFERENCE:	SUPERSEDES: 72-REG-13 dated 01/03/11
RELATED ACA STANDARDS:	EFFECTIVE DATE: January 23, 2012
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide information and guidance to chaplains, administrators, and staff in managing and providing for the religious activities and practices of inmates in the custody of the Department. This policy is intended to be permissive rather than restrictive. The observances and religious items listed are generally approved accommodations for qualified inmates wishing to practice the subject faith. Additional observances or practices may be permitted pursuant to Department Policy, 72-REG-02, Religious Accommodations.

III. APPLICABILITY

This policy applies to employees, independent contractors, and volunteers of the Department who provide or assist in providing religious services.

IV. DEFINITIONS

Bundle Cloth - Cloth or bag used by Native Americans to store, protect, and transport personal religious items.

Headband - Native American religious headgear.

Medicine Bag - A religious bag used by Native Americans to carry sacred items.

Prayer Pipe – A prayer pipe used by a Native Americans for religious purposes.

Sacred Items - Natural objects such as stones, shells, feathers, bones, claws, animal teeth, or something of personal spiritual significance to the individual that is placed in the medicine bag.

Smudge Pot - Small clay pot or seashell used by Native Americans for the smudging ceremony which consists of the burning of Kinni-Kinnick for a cleansing ritual with the smoke.

Sage, Sweet Grass, and Cedar – Herbs and aromatics used by Native Americans in religious ceremonies.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) that inmates, who wish to do so, may subscribe to any religious belief they choose. Inmate religious practices, as opposed to belief, may be subject to reasonable time, place, and manner restrictions. Inmate participation in religious activities shall be voluntary. The opportunity for inmates to engage in particular religious practices shall be subject to the legitimate Departmental or the institutional interests and concerns, including security, safety, health, discipline, rehabilitation, order and health, discipline, rehabilitation, order and the limitations of and allocation of resources.

VI. PROCEDURES

A. Congregate Services

Congregate services for inmates who are identified as practitioners of Native American religion, shall be led by persons who are properly credentialed or recognized as Native American spiritual leaders by a Native American council, tribal body, or similar organization. This person must also be approved by DRC.

1. The Pipe Ceremony: The pipe ceremony involves the use of the prayer pipe and is an important religious activity for Native Americans. This must be led by an outside and approved spiritual leader. This is to take place in a designated area outside. The pipe and any objects used with it may be smudged before the actual pipe ceremony.
2. The leader may bring in a sacred pipe and enough smoking mixture for use in the ceremony. Any smoking mixture not consumed during the ceremony must be removed from the institution by the spiritual leader. All cost for the smoking mixture is the cost of the spiritual leader and/or inmate.
3. Pipe ceremonies may be held at least once per month, but may be held more frequently.

B. Individual Worship Practice

1. Smudging: The individual desiring to smudge is only permitted to use material approved for that purpose, such as sweet grass, cedar, or sage, etc. Once lit, the material is allowed to smolder and the smoke is drawn toward the heart and over the head to receive its blessing. After the smudging takes place, the smoke is offered to the four directions. Smudging is to take place at least one time per week in a designated area outside at least twenty feet away from the building. All costs for smudging items are the cost of the spiritual leader and/or inmate.

2. Personal Prayers - These prayers may involve the use of smoke from herbs or other aromatics and may be accomplished only in a designated area outdoors. Although this is individual, not corporate activity, more than one person may use the designated area for individual prayers in the presence of other individuals doing the same so long as they are not coordinating their activities or engaging in corporate worship. This may be done during the time allotted for smudging.
3. Prayers that involve smoke or that must be done outside are subject to reasonable time, place, and manner restrictions and scheduling requirements. This does not restrict personal prayer that does not require such scheduling considerations and may be accomplished in the inmates living area.
4. Medicine Bag - Native American practitioners may wear a medicine bag on a cord thong around their neck. The medicine bag shall be no larger than a 2"x 2" square and may contain up to three sacred objects.

C. Dietary Requirements

There are no dietary restrictions.

D. Holy Days

There is no set calendar of holidays or holiday observances.

E. Holy Book(s)

Native Americans do not have a holy book.

F. Authorized Religious Items

1. Medicine Bag
 - a. It may be made of cloth, but not fur.
 - b. Its dimensions when laid flat are not to exceed a 2 inch by 2 inch square. And shall not be more than ½ inch in thickness.
 - c. When directed by an employee, the inmate shall show the contents of the medicine bag.
 - d. The medicine bag is to be worn around the neck on a string of cloth.
 - e. The medicine bag may contain up to 3 sacred objects.
 - f. The medicine bag must be ordered from an approved vendor.
2. Smudge Pot
 - a. This is a small clay pot or seashell that can be held in the palm of one's hand.
 - b. The smudge pot is to be used for individual prayers and ceremonies.
 - c. Sage, sweet grass, or cedar is authorized to be burned in the smudge pot.
 - d. The individual smudge pot must be ordered from an approved vendor.
3. Headband
 - a. Headbands may be cloth, but cannot be beaded.

- b. Native Americans may possess one (1) headband.
- c. The ends of the headband that protrude from the knot may not exceed 3 inches in length.
- d. Headbands must be ordered from an approved vendor. Bandannas are not accepted as headbands.
- e. Headbands may be worn during congregate worship ceremonies and in the housing units.
- f. Headbands must be white or beige.

4. Bundle Cloth

- a. This is a cloth or bag that is used to store or wrap the sacred items when not in use.
- b. Inmates are required to show the contents of the bundle cloth or bag upon direction of a staff member.

5. The ritual herbal items of sage, sweet grass, and cedar, for use in smudging rituals. The inmate may possess no more than one 4 oz. package of this material at any time.

G. Medical treatment: There are no medical restrictions.

H. Burial Rituals: Practice varies from tribe to tribe.