

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KIRK HUGHES, DENNIS CHRYSLER,
STEVE JOCKO, WENDELL GLOSKEY,
CHARLES WEBSTER and SCOTT MT. PLEASANT,
on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

CLASS ACTION
COMPLAINT

GLENN GOORD, Commissioner of the New York State
Department of Correctional Services, RAYMOND
BROADUS, Assistant Commissioner of the New York
State Department of Correctional Services, JIMMIE
HARRIS, Director of Ministerial Services, JOSEPH
MCCOY, Superintendent of Cayuga Correctional Facility,
SALLY JOHNSON, Superintendent of Orleans
Correctional Facility, MELVIN HOLLINS, Superintendent
of Oneida Correctional Facility, WALTER KELLY,
Superintendent of Attica Correctional Facility, and
DAVID L. MILLER, Superintendent of the Eastern
Correctional Facility,

Defendants.

INTRODUCTION

1. This is a class action challenging the systemic deprivation of religious rights of Native American prisoners, and discrimination at facilities of the New York State Department of Correctional Services ("DOCS").
2. This complaint is brought pursuant to 42 U.S.C. § 1983, and seeks injunctive relief to enjoin Defendants from violating Plaintiffs' right to the free exercise of religion and equal protection of the law as guaranteed by the First and Fourteenth Amendments to the United States

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Constitution.

3. Defendants, acting under color of state law, have violated Plaintiffs' rights by failing to provide Native American prisoners with the opportunity to practice their traditional Native American religion.

4. Through their policies and procedures, and through their failure to implement policies and procedures, Defendants have denied Native Americans all means of religious expression at 66 out of 69 maximum, medium, and minimum security correctional facilities. Defendants prevent traditional Native Americans from possessing symbolic and sacred items essential to the practice of their religion; they have denied them the opportunity to engage in spiritual practices essential to the practice of their religion including participation in seasonal ceremonies and regular meetings for prayer or study; smudging; drumming, chanting and dancing, both in congregation with other adherents of their faith and individual observance.

JURISDICTION

5. The Court has jurisdiction of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

VENUE

6. Venue is in the Western District of New York pursuant to U.S.C. §1391(b)(1) and (2) because (1) a substantial part of the events or omissions occurred in the Western District; and, (2) one of the defendants resides there and all defendants reside in New York state.

PARTIES

7. Each of the named Plaintiffs is a Native American who has a sincere religious belief in traditional Native American religion and spiritual practices.

8. Plaintiff KIRK HUGHES is presently confined in the custody of the New York State Department of Correctional Services (hereafter DOCS) at the Cayuga Correctional Facility in Moravia, New York.

9. Plaintiff DENNIS CHRYSLER is presently confined in the custody of DOCS at the Orleans Correctional Facility in Albion, New York.

10. Plaintiff STEVE JOCKO is presently confined in the custody of DOCS at the Attica Correctional Facility, in Auburn, New York.

11. Plaintiff WENDELL GLOSKEY is presently confined in the custody of DOCS at the Eastern Correctional Facility in Napanoch, New York.

12. Plaintiff SCOTT MT. PLEASANT is presently confined in the custody of DOCS at the Cayuga Correctional Facility in Moravia, New York.

13. Plaintiff CHARLES WEBSTER is presently confined in the custody of DOCS at the Oneida Correctional Facility in Rome, New York.

14. Plaintiffs DENNIS CHRYSLER, and WENDELL GLOSKEY have been and are currently at prisons where there is no religious programming for Native Americans. Each has made known to Defendants for many years his desire to practice his religion and has been denied all opportunity to do so.

15. Plaintiff STEVE JOCKO is currently at a facility where he cannot practice his religion. He has on two occasions been assigned to a prison where there is Native American religious programming, but spent many years requesting transfer to that facility, and has twice been transferred to other facilities without Native American religious programming against his wishes.

16. Plaintiffs KIRK HUGHES, SCOTT MT. PLEASANT, and CHARLES WEBSTER are at

prisons which only recently began some religious programming for traditional Native Americans. They each have been previously confined at facilities where they had no means of religious expression. Each faces the possibility of transfer in the future to a facility with no religious programming for Native Americans. Each also faces the possibility that the religious programming at their current facility will cease. Furthermore, the religious programming at their facilities does not satisfy the mandates of their religion.

17. The requested class is composed of all Native Americans who are or will be incarcerated in New York State correctional facilities and who have a sincerely held religious belief in the practice of Native American traditional spirituality also known as the "way of life."

18. Defendant GOORD is and was at the times complained of herein the Commissioner of DOCS. As such, he is charged with the overall supervision of DOCS and has personally approved and failed to remedy the unlawful practices and procedures complained of here.

19. Defendant BROADUS is and was at the times complained of herein Assistant Commissioner of DOCS. Among his responsibilities are the oversight of religious matters in DOCS' prisons. As such he has personally approved and implemented and failed to remedy the unlawful practices and procedures complained of herein.

20. Defendant HARRIS is and was at the times complained of herein the Director of Ministerial Services. As such, he is responsible for all matters pertaining to religious observation in all DOCS facilities and has personally implemented and failed to remedy the policies, practices, and procedures complained of herein.

21. Defendant MCCOY is Superintendent of the Cayuga Correctional Facility. As Superintendent, he is responsible for assuring that plaintiffs are able to exercise their religion

within his facility.

22. Defendant HOLLINS is Superintendent of the Oneida Correctional Facility. As Superintendent, he is responsible for assuring that plaintiffs are able to exercise their religion within his facility.

23. Defendant KELLY is Superintendent of the Attica Correctional Facility. As Superintendent, he is responsible for assuring that plaintiffs are able to exercise their religion within his facility.

24. Defendant MILLER is Superintendent of the Eastern Correctional Facility. As Superintendent, he is responsible for assuring that plaintiffs are able to exercise their religion within his facility.

25. Defendant JOHNSON is Superintendent of the Orleans Correctional Facility. As Superintendent, she is responsible for assuring that plaintiffs are able to exercise their religion within her facility.

26. During all times and regarding all acts or failures to act mentioned in this Complaint, the Defendants were acting in their official capacities. They are sued in their individual and official capacities.

CLASS ACTION

27. This action is brought by Plaintiffs as a class action on behalf of all other similarly situated individuals who are Native American prisoners in New York state correctional facilities who have a sincerely held religious belief in traditional Native American spirituality and seek to practice their traditional religion, and who have been denied the opportunity to do so by the actions and inaction of the Defendants.

28. The class so represented by Plaintiffs, and of which Plaintiffs are members, is fluid and so numerous that joinder of all such persons is impractical. At a minimum, 189 persons incarcerated in New York state prisons indicate traditional Native American religion as their religious preference. This number undoubtedly understates the size of the class since there is no religious programming for Native Americans in all but three of DOCS prisons.

29. There exist questions of law and fact which are common to the class of Plaintiffs, which common questions predominate over any questions affecting only individual class members.

30. Common questions of fact include which religious practices are fundamental to Native American religion; what policies and procedures Defendants impose with respect to religious practice for Native Americans; how Defendants' policies and procedures affect Plaintiffs' ability to practice their religion; what justification Defendants have for preventing Native Americans from engaging in fundamental religious practices; what alternative means of religious expression are available to Native Americans, what opportunities for religious expression Defendants make available to adherents of other religions; how disparate is the treatment Defendants accord to traditional Native Americans relative to adherents of other faiths and what justification to Defendants have for this disparate treatment.

31. Common questions of law include whether Defendants justification for their policies and practices is reasonable and rationally related to legitimate security interests; whether Defendants have failed to provide Plaintiffs with a reasonable opportunity for pursuing their faith; and whether disparity of treatment is reasonable.

32. Plaintiffs' interests and claims are typical of the interests and claims of the class of Plaintiffs in that they seek to practice their traditional religion which is the religion or similar to

the religion of all members of the Plaintiffs' class. The specific religious practices the Plaintiffs seek are typical of the practices all class members seek. The claims depend upon a showing that Defendants, while acting under color of state law, deprived Plaintiffs of their rights as secured by the United States Constitution, and these claims are common to all the members of the Plaintiffs' class.

33. Plaintiffs will fairly and adequately represent and protect the interests of the members of the class. The attorneys for Plaintiffs are experienced and capable in civil rights and class action litigation on behalf of prisoners and have successfully represented claimants in other civil rights litigation.

34. This action is properly maintainable as a class action because the prosecutions of separate actions by the individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class, which would establish incompatible standards of conduct for the Defendants.

35. This action is properly maintainable as a class action because the prosecutions of separate actions would create a risk of adjudications with respect to individual members of the class which would, as a practical matter, be dispositive of the interests of the other members who are not parties or substantially impair or impede their ability to protect their interests.

FACTUAL ALLEGATIONS

36. Traditional Native American spirituality as practiced by the Plaintiffs, include the following centrally important practices: smudging (burning sacred herbs including sweet grass, sage, cedar and tobacco); pipe ceremony (smoking sacred herbs); drumming, shaking rattles, chanting, and dancing; wearing religious symbols which are believed to be imbued with spirituality

such as specially created beadwork, symbols of nature, medicine bag containing sacred herbs or symbols, etc.; observing eight sacred festivals together with family and community; and participating in sweat lodge ceremonies.

Defendants' failure to provide Plaintiffs with the opportunity to practice their faith

37. Defendants employ chaplains to serve the religious needs of inmates at each prison.

Defendants employ no chaplains who are traditional Native American religious practitioners.

38. In addition, Defendants employ Ministerial Program Coordinators (MPC's) to coordinate and oversee religious services of their faith at all of the facilities. The MPC's are Protestant, Catholic, Muslim, and Jewish. There is no traditional Native American MPC.

39. The needs of inmates "who ascribe to less well-known religious faiths," and "those faith groups with a distinctive ethnic or racial characteristic," are supposed to be met by Coordinating and area chaplains. DOCS Directive 4200, Section III(A)(3) and (4) (Attachment A).

Practitioners of traditional Native American spirituality are provided for under this provision.

40. The area and coordinating chaplains with responsibility for overseeing Native American religious observance in DOCS facilities are Protestant ministers or Catholic priests or lay leaders with no special knowledge of, training in, or, in some cases, sympathy for Native American spiritual beliefs and practices. Said chaplains do not provide religious programming to Native Americans.

41. The only religious programming available to traditional Native Americans and other persons who are not Protestant, Catholic, Muslim, or Jewish, is programming provided by outside volunteers approved by DOCS.

42. Defendants' policies and procedures place the burden on Native Americans to locate and

recruit their own volunteers.

Outside volunteers

43. If Plaintiffs do not know of any potential volunteers or are unable to recruit any, Defendants will not permit or approve religious programming for traditional Native Americans at that facility.

44. Unless there is an approved Native American religious program, Defendants will not permit traditional Native Americans to engage in any spiritual practices with other Native Americans including participation in a ceremony or regular weekly gathering for spiritual purposes, or group religious study.

45. Named Plaintiffs CHRYSLER, GLOSKEY, JOCKO and MITCHELL are all at facilities where there is no volunteer and therefore, no opportunity to practice their religion, as are class members at 66 out of 69 facilities operated by Defendants.

46. Plaintiffs HUGHES, MT. PLEASANT, and WEBSTER are presently incarcerated at facilities with outside volunteers and religious programming for Native Americans. Previously, they were incarcerated at facilities without such programming. Furthermore, if the individuals currently volunteering at their facility should cease to do so, they would once again have no religious programming.

47. Even when Native American prisoners at a particular prison have successfully obtained a volunteer to sponsor their group, at some facilities they are not permitted to meet for religious purposes unless their volunteer is present. When the individuals who volunteer at their facility are unable to attend a religious ceremony, the ceremony is cancelled and plaintiffs are denied their opportunity to observe their holiday.

48. For example, at the Cayuga Correctional Facility, although volunteers were approved in August, 1996, Plaintiffs were not permitted to hold weekly meetings because their volunteer could not be present. In March 1997, they received permission to meet weekly when a Native American correction officer agreed to be a staff volunteer. However, these meetings are expressly stated to be organizational and not for the purpose of religious observance, such as smudging, drumming, singing, and dancing. When both the outside volunteer and the staff volunteer were unable to attend the Green Corn Ceremony in September 1997, the observance was cancelled.

49. Currently, there are only three facilities where there are approved volunteers willing to come and provide religious services to traditional Native Americans. These facilities include Auburn Correctional Facility (maximum security), Oneida Correctional Facility (medium security), and Cayuga Correctional Facility (medium security).

50. Although there are members of the Plaintiff class at nearly each of the 66 remaining facilities under the care and custody of Defendants, these class members have no opportunity to practice their faith because they have no approved volunteers at their facility.

51. While Defendants may have a rational reason for requiring at least one volunteer from any faith not served by the chaplains DOCS employs to advise them on the requirements of that faith, there is no rational reason to require 69 such volunteers.

52. Inmates who adhere to the Protestant, Catholic, Jewish, or Muslim faith enjoy the opportunity for regular meetings for group study, congregate worship, and special holy day celebrations. These events are organized and often led by chaplains hired by Defendants for the purpose of serving these religious communities. DOCS Directive #4202, dated November 26,

1982, revised October 12, 1988, Parts C, E, and I (Attachment B). Traditional Native Americans have no such opportunity.

53. Defendants recognize the holy days of each religion, DOCS Directive #4202, and permit family participation at holy day celebrations, "whenever possible." DOCS Directive 4022, Par. II(B)(2) (Attachment C).

54. Plaintiffs who are incarcerated at prisons where there are no approved volunteers are not permitted to hold holy day ceremonies.

55. Requiring traditional Native Americans to locate and recruit volunteers in order to practice their religion, imposes an often insurmountable barrier.

56. Financial barriers prevent class members from obtaining volunteers. The Native American community in New York state is largely rural and poor. While employing clergy for other faiths, Defendants do not compensate volunteers for their travel expenses or their services.

57. Defendants' regulations deter many potential volunteers. In particular, Defendants prohibit volunteers from having personal visits, corresponding, and receiving collect phone calls with any members of the group they are serving. DOCS Directive #4750, Section V(B)(1), (2), and (3) (Attachment D). This policy naturally deters relatives and friends from volunteering, and forces Plaintiffs to choose between practicing their religion or maintaining their family and social relationships.

58. Defendants' treatment of volunteers and guests also deters people from volunteering. For example, when Cayuga Correctional Facility held its first holy day ceremony in November 1996, many of the invited guests who had traveled great distances to attend were turned away at the gate because Defendant MCCOY had, without notice, removed their names from the gate pass.

More recently, Defendant MCCOY in consultation with Defendant HARRIS now require that any community guest must become an approved volunteer.

59. Often, Defendants routinely incarcerate class members in geographic locations far from their home and from any Native American reservation, leaving Plaintiffs with no ability to locate potential volunteers.

60. Often, there is no qualified person living in proximity to a particular prison where a class member is incarcerated.

61. The numbers of clan mothers and medicine men and other traditional practitioners qualified to serve as volunteers are few. The demands on this group of people for providing religious services to tribal members both outside and within prisons are far greater than this population can serve. It is particularly not possible for them to provide religious services to tribal members in 69 separate facilities.

62. Although Defendants' regulations permit staff members and inmates to serve as volunteers, DOCS Directive #4750, Section (VI)(F) and (H), (Attachment D), Defendants have often not been willing to offer or permit this alternative at facilities where no outside volunteer can be found.

63. Traditional Native Americans at facilities where there is no approved volunteer have no alternative means for practicing their religion.

Denial of religious items

64. Defendants permit inmates to wear one traditionally accepted religious medal or crucifix unless wearing it presents a danger to the inmate or the security of the facility. DOCS Directive #4202, Section (J)(2) (Attachment B).

65. Although beadwork and various symbols of nature and medicine bags are traditionally accepted religious apparel for Native Americans, Defendants make no provision for Native Americans to possess or wear such items.
66. In addition, Defendants permit other religious adherents to possess items necessary for prayer and ritual. Muslim inmates may possess a prayer rug, kufi, prayer robe, and guthra; Jewish inmates may possess yarmulka, tefillin, talit, and talit katan. Catholics may possess rosary beads, and adherents of the Santaria religion may possess Santaria beads. DOCS Directive #4202, Section (J)(3), (4), (5) and (6) (Attachment B). See DOCS Directive #4911, Section IV(K) governing property which may be received through the package room. (Attachment E)
67. DOCS Directives #4202 and #4911 identify no items of religious significance to Native Americans in the list of permissible property.
68. In addition to the items approved in DOCS Directive #4202 and #4911, DOCS permits individual facilities to issue "local permits," which are subject to the discretion of the Superintendent and the Deputy Commissioner Correctional Facilities. DOCS Directive #4911, Section (III)(A)(2) (Attachment E).
69. A local permit is valid only at the facility at which it was issued; if an inmate possessing such permit is transferred and his or her subsequent facility will not issue another permit, the item must be disposed of. DOCS Directive #4911, Section III(A)(4) (Attachment E).
70. For example, class member Donald Pagan is a recognized pipe holder of the Lakota Sioux. When he was incarcerated at Auburn Correctional Facility, he had a local permit to possess his pipe. When he was transferred to Oneida Correctional Facility, his pipe was confiscated as contraband, broken while in the possession of correctional authorities, and he was ordered to

either send it out of the facility or have it destroyed. Plaintiff SCOTT MT. PLEASANT had a local permit at Gouverneur Correctional Facility to possess sage and sweetgrass. When he was transferred to Cayuga Correctional Facility, the herbs were confiscated and destroyed, and he was required to obtain another permit. He experienced the same treatment when he was transferred from Clinton Correctional Facility, where he had a local permit, to Gouverneur Correctional Facility.

71. A traditional Native American desiring to possess beads or bead work, herbs, drums, sacred pipes, rattles, medicine pouches or any other items of religious significance must utilize the discretionary procedures for obtaining a local permit, which is frequently denied.

72. Examples of class members and named Plaintiffs whose requests for local permits for items of religious significance were denied include WENDELL GLOSKEY (beaded medallion to be worn under his shirt); SCOTT MT. PLEASANT (sacred herbs); Noah Lazore (material for making Native American beaded work).

73. Inmates are also permitted scriptural or devotional books or publications. DOCS Directive #4202, Section (K)(3) (Attachment B).

74. Native American religious tradition is oral. While there are no scriptural or devotional books, there are audio tapes.

75. Such tapes are usually privately made by family members and friends, and are rarely available commercially.

76. Plaintiffs are denied access to such materials because DOCS regulations only permit tapes which arrive at the facility sealed in cellophane directly from the distributor or which are sent by a "bonafide" religious organization. DOCS Directive #4911, IV(G) (Attachment E).

77. Although sweat ceremonies are central to Native American spirituality for many Native peoples, Defendants have never permitted plaintiffs to construct or utilize a sweat lodge.

Opportunities for Native American religious practice in Defendants' facilities

78. Defendants have approved Native American religious programs at only three facilities: Auburn, Oneida, and Cayuga.

79. Even at facilities where there are approved programs, as explained below at Paragraphs 80 *et. seq., infra*, there are inconsistencies regarding how Native American prisoners will be permitted to practice their religion which are unrelated to any valid security purpose.

Auburn, Cayuga, and Oneida Correctional Facilities

80. The longest running program exists at the Auburn Correctional Facility. This program was begun in 1975 pursuant to an agreement between DOCS and the Onondaga Indian Nation Agreement, Attachment F.

81. Defendants approved the establishment of programs at Oneida in late 1995, and at Cayuga in the fall of 1996.

82. Traditional Native American inmates currently incarcerated at Auburn meet weekly for congregate religious practices. They are permitted to possess drums, rattles, Indian tobacco, sage, sweet grass, and other items of religious significance. Pipe-holders are permitted their pipe. They also are permitted to possess and to do Indian beadwork. In addition, they are permitted to observe all eight, day-long ceremonies listed in DOCS Directive #4202 which are attended by family, relatives, and invited community guests.

83. Notwithstanding the fact that the Native American religion program has been in operation for over 20 years at the Auburn Correctional Facility, and that Auburn is a maximum security

prison, Defendants refuse to incorporate the policies and procedures at Auburn into statewide policy. Traditional Native Americans at Oneida and Cayuga Correctional Facilities, both medium security prisons, are not provided with the same rights and privileges long established at Auburn Correctional Facility, without any apparent security justification.

84. For example, at Oneida and Cayuga Correctional Facilities, under the direction of Defendant HARRIS, Defendants MCCOY and HOLLINS prohibit Plaintiffs from holding all but two of their holy day celebrations with family and community guests.

85. DOCS regulations grant Defendants MCCOY and HOLLINS discretion to permit family and community participation at holy day events, "whenever possible." Directive #4202, Paragraph L(4) (Attachment B). Nevertheless, once Plaintiffs have held their two ceremonies with family and guests, Defendants HARRIS, MCCOY and HOLLINS refuse to even consider whether family and community participation is possible.

86. Whereas adherents of western religions can engage in prayer with or without the presence of family and community, traditional Native American ceremonies require the presence of the community. Restricting participation to the inmates alone denies plaintiffs their right to practice their religion.

87. Native American volunteers have advised defendants MCCOY, HOLLINS, and HARRIS that Native American spirituality requires the presence of family and community at ceremonies. Nevertheless, Defendants have refused to permit family and community participation.

88. Even when family are permitted to attend, Defendants' regulations define family members by western tradition and thereby exclude clan relatives who are considered like siblings and parents by Native American tradition. Directive #4202, Section L(4) (Attachment B).

89. Furthermore, Defendant MCCOY in consultation with Defendant HARRIS has restricted community participation to persons who are approved volunteers even though nothing in DOCS Directive requires or authorizes them to do so.

90. While traditional Native Americans at Auburn Correctional Facility have permission to possess and use for daily observance religious items such as sacred herbs, pipes, drums, rattles and religious symbols such as beadwork medallions, nature symbols, and medicine bags, Plaintiffs at Cayuga and Oneida Correctional Facilities are prohibited these items.

91. There is no valid security purpose to deny traditional Native Americans at Oneida and Cayuga Correctional Facilities their right to conduct religious ceremonies according to the dictates of their faith or to possess sacred items and symbols, or to justify treatment inconsistent with long established practice at Auburn Correctional Facility.

Other Correctional Facilities

92. Other facilities have had approved programs, but once the volunteer ceased his or her participation, or when a critical mass of participants was transferred to other prisons, the program folded. Examples include the Franklin Correctional Facility and Mid-State Correctional Facility.

93. Donald Powless and Plaintiff KIRK HUGHES were left without a program when all other Native Americans at Mid-State were transferred to nearby Oneida Correctional Facility. James Mitchell, Noah Lazore, and Wayne Benedict lost their opportunity to practice their religion when the volunteer at Franklin Correctional Facility ceased attending in January 1996, and all programming was cancelled.

94. There are currently no organized religious programs for traditional Native Americans at any of the 66 other DOCS facilities.

95. Defendants have no policies permitting Native American inmates who are incarcerated at facilities with functioning programs to remain there for religious reasons, or, if transferred, to be transferred to a facility with a functioning Native American religious program.

96. Defendants have no policies permitting Native American inmates incarcerated at facilities without functioning Native American religious programs to transfer to a facility with a functioning Native American religious program.

97. Defendants have no policies permitting Native Americans at facilities with no functioning Native American religious program to attend religious ceremonies at other facilities, even when those facilities are nearby and are the same level of security or higher, and even though defendants will temporarily transfer inmates to other facilities for non-religious purposes.

98. Defendants could easily accommodate the needs of traditional Native Americans to engage in congregate prayer, to possess and use religious items, education materials, and symbols, and to permit the presence of family and community at ceremonies.

99. Plaintiffs have no alternative means of religious expression.

100. Defendants' regulations, practices and procedures have placed arbitrary obstacles in the way of Plaintiffs' efforts to engage in meaningful religious expression.

Discriminatory Treatment of Traditional Native Americans

101. Prisoners who are Protestant, Catholic, Jewish, and Muslim all have the opportunity for congregate worship, access to DOCS-employed chaplains of their faith, recognition of their holy days and the opportunity to observe and study their faith, and possession of religious or spiritual items.

102. Defendants have accommodated the religious needs of prisoners of other minority

religions in ways they refuse to do for Native Americans.

103. For example, Defendants maintain a kosher food program at the Green Haven Correctional Facility to which Jewish prisoners who observe a kosher diet may be transferred and remain barring overriding security concerns. DOCS Directive 4202, Section L(3) (Attachment B). Jewish prisoners who cannot or choose not to attend the kosher food program at Green Haven are accommodated with an alternative cold kosher diet at their facilities, and can observe their religion in other ways similar to the practice at Green Haven.

104. Defendants have agreed in a court ordered stipulation to hire a part time minister for adherents of the Nation of Islam Faith once their numbers exceed 200.

105. Defendants have also agreed in a court ordered stipulation that members of the Moorish Science Temple of America are expressly permitted to attend congregate prayer services and classes with or without the presence of an outside volunteer.

106. Jewish and Muslim inmates are also permitted congregate worship on occasions when their chaplains are not available.

107. Defendants have no rational reason reasonably related to penological objectives for the disparate treatment accorded to traditional Native Americans.

108. Defendants have discriminated against Plaintiffs beyond the extent required by the exigencies of prison administration.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

109. Plaintiffs and other members of the class have submitted grievances and appealed unfavorable decisions on each of these practices and thereby have exhausted all administrative remedies.

FIRST CLAIM FOR RELIEF

110. By their policies, practices, customs, actions and failure to act as alleged herein, Defendants have violated and are violating Plaintiffs' right to free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM FOR RELIEF

111. By their policies, practices, customs, actions and failure to act as alleged herein, Defendants have violated and are violating Plaintiffs' right to Equal Protection of the law guaranteed by the Fourteenth Amendment to the United States Constitution.

WHEREFORE, Plaintiffs request that this Court:

1. Declare that the acts which deny traditional Native Americans the opportunity to practice their religion as set forth herein violate Plaintiffs' rights under the Constitution and of the United States;
2. Grant Plaintiffs injunctive relief, enjoining Defendants from continuing to act in the unlawful manner complained of herein and enter judgment in favor of Plaintiffs;

3. Award Plaintiffs the costs of this action, including reasonable attorneys' fees; and,
4. Grant such other relief as this Court shall consider to be fair and equitable.

DATED: *September 26, 1997*

By:

Sarah Betsy Fuller

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To: Dennis Vacco, Attorney General

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>DIRECTIVE</p>	TITLE		NO. 4200
	<p>Functions of the Division of Ministerial and Family Services</p>		
<p>SUPERSEDES Dir. #4200 dtd. 10/14/88</p>	<p>DISTRIBUTION A&B</p>	<p>PAGE 1 OF 3 Pages</p>	<p>DATE OCT 11 1993</p>
<p>REFERENCES</p>	<p>APPROVING AUTHORITY <i>Dr. Roy J. Boudier, Acting Dep. Comr.</i></p>		

- I. **PURPOSE.** To set forth the mission and internal organization of the Division of Ministerial and Family Services.
- II. **MISSION.** The mission of the Division is to:
- A. Enable inmates to practice their religious faith and fulfill their religious obligations in accordance with the provision of the U.S. Constitution guaranteeing all citizens the right to free exercise of their religion; and
 - B. Contribute to the essential purpose of the Department of Correctional Services in returning to the community men and women who have begun their rehabilitation and are thereby equipped for reintegration as responsible members of society.
- These goals shall be met through the scheduling of worship services and other religious activities, religious educational activities, and religious counseling that respond to the mandates of the respective faith communities and of the American Correctional Association and to the safe and secure operation of a correctional facility.
- C. Provide services which support the presence of families as a means of affecting positive change in the lives of inmates. These services may include crisis intervention, counseling, parent education, and parent/child interaction.
 - D. Extend pastoral services to Departmental staff and their families as circumstances warrant.
- III. **INTERNAL ORGANIZATION.** An Assistant Commissioner oversees the Division under the direction of the Deputy Commissioner for Program Services. The Assistant Commissioner has a Director who coordinates and directs the activities of the Division.

For organizational purposes, a distinction is made between ministerial and family services, though the two are often integral to one another. Ministerial services have to do principally with those activities of the Division involving chaplains and their service to the religious needs of inmates (see Directive #4202, Religious Programs and Practices);

Family services are those activities undertaken specifically to enable the development and/or maintenance of inmates' family relationships (see Directives #4403, Inmate Visitor Program, and #4500, Family Reunion Program).

- A. **Ministerial Services.** The Assistant Commissioner and Director provide direction for and supervision of ministerial services. It is their responsibility to ensure that inmates are given the opportunity to exercise their constitutional right to practice a chosen faith. They are assisted in meeting this responsibility by the following:
 - 1. **Ministerial Program Coordinators (MPC)** have two liaison responsibilities within the Division of Ministerial and Family Services:
 - a. MPC are the liaisons between Central Office and the chaplains and other staff who serve the Inmate population within a particular geographic area. Coordinators shall ensure that chaplains within the area understand and adhere to Department and Division policies and procedures and shall assist in the resolution of problems that arise in the functioning of religious programs at the facility level. Coordinators also act in an advisory capacity to Superintendents and Deputy Superintendents for Program Services.

- b. Each MPC serves as a liaison from Central Office to a particular faith group on a statewide basis. The MPC should have specific knowledge of the beliefs, functions, rights and responsibilities of chaplains of that faith group. The MPC should be a member of that faith.
2. Resident Chaplains are responsible for pastoral care for the entire inmate population and for staff. They also provide spiritual guidance, religious activities and volunteers, ongoing pastoral counseling, and religious education for particular faith groups. Chaplains report directly to the Deputy Superintendent for Program Services but, as situations warrant, may consult directly with the Superintendent.
3. Coordinating Chaplains: one of the resident chaplains is assigned the responsibility for coordination of the total facility religious program and related administrative tasks. This responsibility is carried out in consultation with the other resident chaplains and with the Ministerial Program Coordinator assigned to the facility. The Coordinating Chaplain is particularly responsible for meeting the needs of inmates who ascribe to less well-known religious faiths. To carry out his/her responsibilities, the Coordinating Chaplain is to meet regularly with the Deputy Superintendent for Program Services.
4. The Area Chaplain has the same responsibilities as the Resident Chaplain, but relates to the population of more than one facility. Services performed are usually for those faith groups with a distinctive ethnic or racial characteristic.
5. The Community Chaplain is based in or near large urban areas and serves as a link between the facility and the community and between inmate and family or other community relationships. At the request of a resident chaplain, the community chaplain makes community contacts that are essential to the mental and emotional well-being of the inmate in the facility and in relation to eventual return to the community.

In emergency situations such as the serious illness or death of an inmate or inmate's relative or a disturbance at the facility, all chaplains are required to make appropriate responses in accord with the directives of departmental and/or facility authorities. Community Chaplains are to be particularly useful in such situations (see Directive #4013, Inmate Deaths-Administrative Responsibility).

Community Chaplains are accountable to the Director or to a designee of the Director.

B. Family Services. The Assistant Commissioner and Director provide direction for and supervision of activities and programs specifically designed to foster, enrich and sustain positive family and community relationships. These include:

1. Inmate Visiting Program. This program provides the opportunity for visits within the facility, in a designated area having appropriate accommodations, between the inmate and family members or friends.

Most facilities allow visiting on weekend days and holidays. Maximum security facilities allow visits seven days per week. Some facilities have Family Services staff available on weekends as well as weekdays to enhance the visiting experience by providing an atmosphere of hospitality, to counsel inmate families as requested, to facilitate communication between inmates, family and staff, and to collaborate with Security personnel when Visiting Room problems occur (See Directive #4403, Inmate Visitor Program). Facility Family Services staff reports directly to the Deputy Superintendent for Program Services.

2. Family Visiting Program. This is a free round trip bus service from major metropolitan areas to facilities across the State enabling relatives and friends to enjoy a several hours visit with inmates in facility visiting rooms. The Family Visiting Program is administered by a Coordinator, based in New York City, who is accountable to the Director. The Coordinator communicates with appropriate facility staff to ensure Program participants safety, timely service and information, and reasonable visiting opportunity.

Paid escorts accompany each bus trip to answer visitors' questions, provide referral assistance for visitors with problems, explain visiting procedures, perform administrative tasks, and minimize problems en route.

3. Visitor Hospitality Centers. Enclosed areas adjacent or close to facilities in which inmate visitors are received. Centers provide shelter, sanitation facilities, waiting areas before and after visiting hours, storage for personal belongings, and facility and public service information. Centers may be staffed by facility personnel and/or community volunteers overseen by facility personnel.
4. Family Reunion Program. This provides inmates with the opportunity for extended family visits on facility grounds. For each Family Reunion site there is a Coordinator who is responsible for the administration of the program and is accountable to the Superintendent of the facility as well as to the Director (see Directive #4500, Family Reunion Program).
5. Family Counseling and Education Programs. In addition to formalized family counseling, there are opportunities provided by Family Services staff for inmates and/or family members to enhance family unity by learning, or improving upon, ways to be responsible parents, spouses, and children. These opportunities may include parent education classes, family issue groups, peer support groups, and structured parent/child activities. This component of the Family Services Program is developed in consultation with appropriate Division staff.

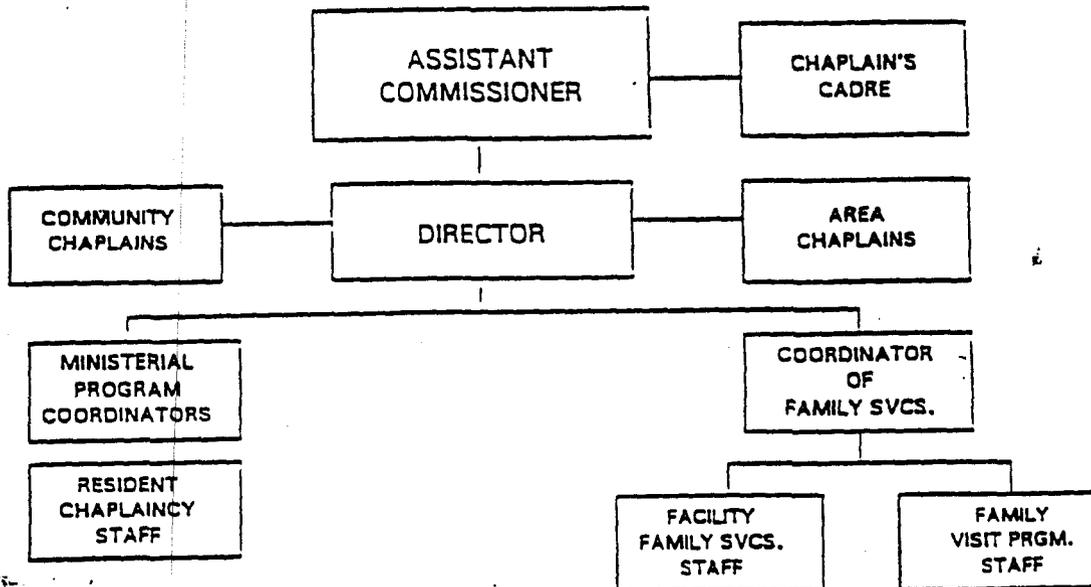
The Division's Family Services programs are developed and overseen by a Family Services Coordinator who is accountable to the Director.

- C. Chaplains' Cadre. The Department designates, from among its incumbent chaplains, a small cadre of chaplains who are available to provide special services to Department of Correctional Services personnel. Among the types of service this cadre may perform are:

- pastoral care for employees in times of crisis;
- officiating at ceremonies and services (e.g., weddings);
- spiritual salutations and/or prayer offerings at Department functions.

These chaplains may be called upon by contacting the Assistant Commissioner or the Director of Ministerial and Family Services.

IV. **ORGANIZATION CHART.** The following chart depicts the organizational relationships within the Division of Ministerial and Family Services.



 STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES REVISION NOTICE	TITLE		NO. 4202
	RELIGIOUS PROGRAMS AND PRACTICES		
REVISES Directive #4202 dtd. 11/26/82	DISTRIBUTION A & B	PAGE 1 OF 1 PAGES	DATE 10/12/88
REFERENCES (includes but are not limited to)	APPROVING AUTHORITY 		

Deleted Material in Brackets [] New Material Underlined

Please make the following changes to Section I on page 4 and Section L on page 6 of the above referenced directive.

Delete Section I as contained in the current directive.

[I. INDIVIDUAL PRAYER OR DEVOTIONS]

[Group or demonstrative prayer by inmates will be allowed only in the privacy of their living quarters or during religious service authorized by the Superintendent or in an area of the facility that has been designated by the Superintendent for religious worship.]

Add a new Section I as follows:

I. INMATE PRAYER OR DEVOTION

Individual prayer by inmates will be allowed in the privacy of their own living quarters; in designated religious areas whenever feasible.

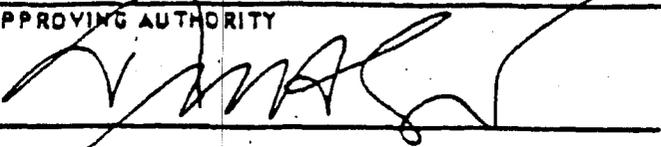
Congregate or group prayer may only occur in a designated religious area during a religious service or at other times authorized by the Superintendent.

Demonstrative prayer will be allowed only to the extent that it is not disturbing to others.

L. DIETARY CONSIDERATIONS

[2. Inmates may refrain from eating those food items served to the general population which are contrary to their religious beliefs and shall be provided with a nutritionally adequate diet equivalent to or exceeding the amounts designated in Directive #3003, "Nutritional Allowances Per Departmental Food Plan."]

2. Inmates may refrain from eating those food items served to the general population which are contrary to their religious beliefs. A nutritionally adequate alternate diet shall be provided after validation and verification of the alternate diet by the Assistant Commissioner for Ministerial Services and the Assistant Commissioner For Health Services.

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>REVISION NOTICE</p>	CLASSIFICATION 4202	DISTRIBUTION A & B	DATE March 27, 1986
	REVISES Directive 4202 dated 11/26/82		PAGE 1 OF 1 PAGES
APPROVING AUTHORITY 	SUBJECT RELIGIOUS PROGRAMS AND PRACTICES		

Please make the following additions to the above referenced Directive.

Add a new item L 4 c on page 8 to read as follows:

c. Zen Buddhist Holy Days

1. Buddha's Birth Date - April 15

Traditionally a festive event where thanks are given for the birth of one who pointed out a true way of life.

2. Buddha's Enlightenment Day - December 8

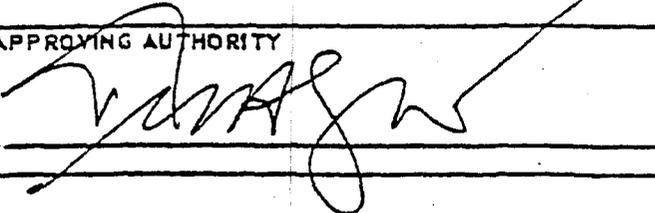
Traditionally celebrated with an extended period of meditation.

Add a new Section E to Attachment A (page 10) "Religious Holy Days and Seasons" immediately following Section D Muslim (Sunni and American Muslim Mission) to read as follows:

E. Zen Buddhism

Holy Days:

1. New Year's Day (7 days)
2. Ho-On-Ko (January 16)
3. Nirvana (February 15)
4. Spring Higan (March 18 - 7 days)
5. Buddha's Birth Date (April 15)
6. Gotan E (May 21)
7. Bon (July 15 - August 15)
8. BCA Founding Day (September 1)
9. Autumn Higan (September 20 - 7 days)
10. Buddha's Enlightenment Day (December 8)
11. Year End

 STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES DIRECTIVE	CLASSIFICATION	DISTRIBUTION	DATE
	#4202	A & B	11/26/82
APPROVING AUTHORITY 	SUPERSEDES Directive #4202 dated 10/1/81		PAGE 1 OF 10 PAGES
	SUBJECT		
RELIGIOUS PROGRAMS AND PRACTICES			

A. POLICY

In recognition of the first amendment right of freedom of religion it is the policy of the Department to extend to committed offenders as much spiritual assistance as possible as well as to provide as many opportunities as feasible for the practice of their chosen faith. These goals shall be met through the scheduling of worship services, bona fide religious activities, counseling, and religious study consistent with the safe and secure operation of correctional facilities.

B. RESPONSIBILITY OF THE CHAPLAIN(S)

The Senior (Administrative) Chaplain at each facility will serve as the principal adviser to the Superintendent on religious activities and is responsible for planning an adequate structured religious program as well as identifying the resources necessary for the conduct of this program.

In addition, he will serve in a liaison role between the facility and community religious organization as well as be responsible for coordinating and ensuring the proper supervision of all staff and volunteers engaged in religious activities within the facility. He will also assure that all community religious program volunteers are duly registered. (See Directive #4750, "Volunteer Services Program.")

For those facilities in the New York Region which do not have a Senior (Administrative) Chaplain, these responsibilities rest with the Senior Supervising Chaplain of the Region.

The Senior Chaplain will be assisted in meeting this responsibility by the following:

- | | |
|-----------------------|----------------------------|
| Resident Chaplain(s) | Visiting Chaplain(s) |
| Area Chaplain(s) | Visiting Clergy (Pastoral) |
| Community Chaplain(s) | |

See Directive #4200, "Functions of Division of Ministerial Services," for their respective duties and responsibilities.

C. RELIGIOUS CELEBRATIONS

1. The Division of Ministerial and Family Services will notify the Superintendent and Senior Chaplain of the dates observed by recognized religions as religious celebrations. They will provide guidance to the facilities in the sacramental or ritual needs of individual religions relative to the observance, e.g., special preparations necessary, food, times of day, any restrictions on work or other program assignments, etc.; also, a brief description of the religious significance of the holiday will be provided with each notice. (See Attachment "A," Holy Days, and Directive #4020, "Holiday Schedule.")
2. Prior to a religious celebration which may involve a sacramental observance or special fast, the Senior Chaplain shall consult with the Superintendent, religious leader(s) concerned, and the inmate religious leader(s) to finalize the arrangements in accordance with the safety and security procedure at the facility.

D. SABBATH OBSERVANCE

To the extent possible and consistent with the safety and security of the facility, inmates shall be permitted to observe their Sabbaths. Under the direction of the Superintendent, the Senior Chaplain shall be responsible for assuring that clergy, meeting space, equipment, etc., are available for the customary and traditional form of observance and that dietary requirements and restrictions on activities are observed.

E. RELIGIOUS STUDY

Inmates may be allowed to meet for religious study as a group, under the direction of an individual authorized by the Superintendent, with security staff present. The approval of the Superintendent, based upon consultation with the Senior Chaplain, is required for such groups to meet.

F. ELIGIBILITY FOR ATTENDANCE AT RELIGIOUS PROGRAM

Because of staffing, space, and security considerations, it may be necessary to restrict the attendance of inmates at religious activities as follows:

1. Participation in a religious celebration, service, or study group by an inmate is voluntary.

2. An inmate may attend only the religious programs of his designated religion as noted in facility records.
3. Inmates who desire to learn about the religious practices of another faith may do so after consultation with the Senior Chaplain who will determine when their attendance can be accommodated at a service or study session.
4. After consultation with his spiritual advisor and the Senior Chaplain, an inmate may change his religious affiliation. The Senior Chaplain will make the necessary changes in facility records.

G. AREAS DESIGNATED FOR WORSHIP AND RELIGIOUS STUDY

1. The Superintendent after consultation with the Senior Chaplain shall provide suitable areas for scheduled worship services and scheduled religious study by recognized religious groups.
2. Areas to be used for services, prayer, or scheduled religious study should normally be reserved for a period of one to two hours duration.
3. The area should be large enough to accommodate the group and should have the necessary furnishings such as musical instruments, chairs, tables, lecterns, and altars provided.

H. ATTENDANCE AT CONGREGATE RELIGIOUS SERVICES BY KEEPLocked INMATES

1. Whenever an inmate is placed in keeplock status or confined to his cell or room other than in a Special Housing Unit pursuant to 7 NYCRR Section 251.6, he shall be notified in writing, in both English and Spanish, upon the commencement of such keeplock or confinement that he may request permission to attend regularly scheduled congregate religious services.
2. Such requests shall be made in writing to the Deputy Superintendent for Security or his designee, a Lieutenant or higher, and the Senior Chaplain using Request to Attend Scheduled Religious Service by Keyplocked Inmate (Form-2135). See Attachment "B." These requests shall contain the inmate's name, identification number, cell location, and date and time of the service he wants to attend, and will be made available to inmates upon their first appearance before the Adjustment Committee. Such requests must be submitted 48 hours before the scheduled service unless the inmate has been placed in keeplock or confinement less than 48 hours before the service. In such a case, the request must be submitted with 24 hours after the

inmate has been placed in keeplock or confined. A separate request must be submitted for each religious service that the inmate desires to attend.

3. All requests shall be reviewed by the Deputy Superintendent for Security or his designee, a Lieutenant or higher, and the Senior Chaplain but in no event shall the reviewing official be a person who participated in any investigation of the acts complained of in the misbehavior report which led to the inmate's confinement or keeplock, or who was a witness to those acts.

NOTE: Final decision remains with the Deputy Superintendent for Security.

4. Permission to attend congregate services shall be granted to inmates in keeplock status unless, in the judgment of the reviewing official, the inmate's presence at such services would create a threat to the safe and secure operation of the facility. In reaching this determination, the reviewing official shall take into consideration the following factors:
 - a. the current misbehavior infraction for which the inmate was placed in keeplock;
 - b. the inmate's adjustment during the current period of confinement in keeplock;
 - c. the inmate's disciplinary record during the six month period prior to the date of the current misbehavior; and
 - d. denial for any condition other than those set forth in 4a, b, or c above must be approved by the Superintendent.

The reviewing official shall promptly advise the inmate in writing of the determination and the reasons for it.

NOTE: A separate request must be submitted for each religious service that the inmate desires to attend.

I. INDIVIDUAL PRAYER OR DEVOTIONS - *revised - attached document*

Group or demonstrative prayer by inmates will be allowed only in the privacy of their living quarters or during a religious service authorized by the Superintendent or in an area of the facility that has been designated by the Superintendent for religious worship.

RELIGIOUS PROGRAMS AND PRACTICES	CLASSIFICATION #4202	DATE 11/26/82	PAGE 5 OF 10
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J. VESTMENTS, MEDALS, AND RELIGIOUS REGALIA

1. During the conduct of religious services, clergymen may wear their religious vestments and/or insignia.
2. Inmates will be permitted to wear one traditionally accepted religious medal or crucifix within the facility unless its wear presents a danger to the inmate or the security of the facility. The value of the medal or crucifix shall not exceed the monetary value limit for jewelry as set forth in Directive #4911, "Packages and Articles Sent or Brought to Institutions." The medal or crucifix shall not be of such size or design that it can be used as a weapon or to conceal contraband.
3. Inmates will be permitted to retain ^{PRAYER} ~~paper~~ rugs in their quarters.
4. Members of the Islamic and Jewish Religious Communities will be permitted to wear a Kufi or Yalmaka at all times throughout the facility.
5. Jewish inmates also may have a Tefillin (Phylacteries), a Talit (Prayer Shawl), and a Talit Katan (fringed undergarment).
6. Members of the Islamic Religious Community will be allowed to have a Prayer Robe to be worn in the Mosque, Masjid, or cell and a Guthra (prayer shawl).
7. American Indians participating in scheduled approved Indian Cultural Ceremonies may wear long hair without it being tied back in a ponytail or fastened.
8. Religious regalia which may present potential danger to the safety or security of the participants may not be used.

K. RELIGIOUS PUBLICATIONS AND TEXTS

1. Inmates may subscribe to any religious publication approved by the Media Review Committee.
2. In the event an individual issue or publication does not appear to conform to Departmental guidelines governing the acceptability of literature, it shall be referred to the Departmental Media Review Committee, who will seek appropriate guidance from the Division of Ministerial and Family Services.

(see also proof-copy at end of document)

ECT	CLASSIFICATION	DATE	PAGE 6
RELIGIOUS PROGRAMS AND PRACTICES	#4202	11/26/82	OF 10

3. Inmates are permitted scriptural or devotional books associated with their faith in their quarters. These books or publications are subject to the rules of acceptable literature issued by the Commissioner. Texts such as the Holy Bible, the Torah, and the Holy Koran as well as the Six Books of Traditions are permitted. The quantity of literature an inmate may possess in his quarters is subject to available space as well as safety and security factors.

I. DIETARY CONSIDERATIONS

1. Orthodox Muslims and Jewish inmates are to be provided with some food that is wholly free of pork and pork products at each meal. (See Directive #3007, "Use of Pork.")
2. Inmates may refrain from eating those food items served to the general population which are contrary to their religious beliefs and shall be provided with a nutritionally adequate diet equivalent to or exceeding the amounts designated in Directive #3003, "Nutritional Allowances Per Departmental Food Plan."
3. Kosher Food Program - Green Haven
 - a. A pilot program based upon the laws of Kashruth is available for eligible Jewish inmates at Green Haven. Eligibility to participate in this special program is based upon past religious history and approval by the Office of Ministerial and Family Services.
 - b. Failure to demonstrate continued satisfactory behavior and program performance may result in removal from the program and transfer from the facility. (See Directive #0053, "Green Haven Correctional Facility.")
 - c. When an inmate is participating in the Kosher Food Program at Green Haven and is transferred, his new facility shall provide him with a nutritionally adequate alternative to the non-kosher food on the menu. This alternative may include fresh uncooked fruits and vegetables, cheese, milk, hard-boiled eggs, and bread.
4. The below listed religious observances require prior planning and may involve changes in feeding patterns. Certain of these Holy Day observances permit celebrating with the family whenever possible. Family includes

parents or legal guardians, grandparents, spouse, children and siblings. (See Directive #4020, "Holiday Schedule," for dates.)

a. Jewish Holy Days

1. Passover

Passover consists of eight holy days. The first two evenings of the holy days are characterized by the traditional Seder meals. Throughout the duration of the holy days, Jewish people refrain from eating leaven food products and are required to eat Matzoth, a form of unleavened bread. This holy day commemorates the Jewish emancipation from the bonds of Egyptian slavery. The Sedar should be celebrated with members of the family whenever possible.

2. Shavuoth

The Jewish Holy Day Shavuoth commemorates the giving of the Ten Commandments and it is customary to eat dairy meals on these days.

3. Rosh Hashanah

The Jewish New Year known as Rosh Hashanah is a holy day spent in prayer, study, and meditation. It is customary to eat round shaped bread, Challah, dipped in honey.

4. Yom Kippur

Yom Kippur, the holiest day in the Jewish year, is a day of total fasting, prayer, and introspection. It is customary to partake of a large meal prior to the beginning of the fast.

5. Sukkoth

The Jewish Holy Day of Sukkoth commemorates the journeys of the Israelites prior to their coming to the promised land.

b. Sunni Muslim and American Muslim Mission Holy Days

1. Ramadan

The ninth month of the Lunar Islamic Year is called the month of Ramadan and is observed by

all Muslims as a time of deep religious significance. During this month of fast, the pious Muslim is obliged to abstain from any food or drink from dawn until sunset.

2. Idul-Fitr (End of Ramadan)

Idul-Fitr (Festival of Breaking the Fast) occurs on the first day following the month of Ramadan. A special congregational prayer service is held in the morning and, later in the day, an appropriate communal feast is celebrated with the family.

3. Idul-Adha (Feast of Sacrifice)

Idul-Adha is the festival of the sacrifice and is observed by a worship service and a communal feast which is celebrated with family. The feast must occur after sunrise and at least one hour before high noon.

M. WORSHIP MODIFICATIONS

1. The Superintendent and Senior Chaplain may discuss with the Inmate Liaison Committee problems and suggestions relative to the conduct, organization, and supervision of religious services.
2. Problems shall be resolved by the Superintendent after consultation with the Senior Chaplain.

N. RELIGIOUS INFORMATION

For detailed specific or comparative information about the practices and beliefs of the specific religious existent within the Department's facilities, see the "Chaplain's Administrative Manual and Religious Handbook."

(modified 06 ...)

ATTACHMENT "A"
RELIGIOUS HOLY DAYS AND SEASONS

CHRISTIAN

	Anglican (Episcopal)	Non- Anglican*	Christian Science	Pentecostal		Quaker	Roman Catholic	Seven Day Adventist
				Black	Spanish			
Principal Day of Worship	Sun.	Sun.	Sun.	Sun.	Sun.	Sun.	Sun.	Sat.
<u>Holy Days</u>								
Anniversary of Mary							X	
Maundy Thursday	X	X		X	X		X	
Good Friday	X	X		X	X		X	X
Easter	X	X	X	X	X		X	X
Ascension	X						X	
Pentecost	X	X		X	X			
Assumption							X	
Saints Day	X						X	
Immaculate Conception	X						X	
Christmas	X	X	X	X	X	X	X	X
Epiphany	X	X		X	X		X	
Transfiguration	X	X		X	X		X	

Includes Religions such as: Baptist, Lutheran, Methodist, and Presbyterian

AMERICAN INDIAN (Major Holiday Seasons)

1. Midwinter (21 days)
2. Planting (5 days)
3. Maple Sugar (1 day)
4. Strawberries (1 day)
5. Beans (1 day)
6. Corn (5 days)
7. Harvest (5 days)
8. The All Night Dance (once each year, usually in March or April)

JEWISH (Orthodox, Conservative, and Reformed)

Principal Day of Worship - Saturday
Holy Days - Passover, Shavuoth, Rosh Hashanah, Yom Kipper, Sukkoth, Purim, and Chanukah

MUSLIM (Sunni and American Muslim Mission)

Principal Day of Worship - Friday
Holy Days - Islamic New Year's Day, Ashura, Maulid Annabi, Isra and Minaj, Nisfu Shaban, Lailatul Qadr, Idulfitr, Waqfatu Arafat, Idul Adha and Ramadan.

ATTACHMENT "B"

FORM 2175 (3/82)

STATE OF NEW YORK — DEPARTMENT OF CORRECTIONAL SERVICES REQUEST TO ATTEND SCHEDULED RELIGIOUS SERVICE BY KEYPLOCKED INMATE		
To: Deputy Superintendent, Security	Date:	
From: Inmate Name	DIN	Cell Loc.
Permission requested to attend the following scheduled Religious Service: Service: Date: _____ Time: _____		
DECISION: Permission to Attend: Granted <input type="checkbox"/> Denied <input type="checkbox"/>		
If denied, explain why the inmate's presence would present a threat to the operation of the facility. This decision should take into consideration the following factors as well as any other pertinent reasons.		
a. Current infraction, b. Adjustment during current period at keeplock, and c. Disciplinary record during the six months prior to keeplock.		
REVIEWED BY: SIGNATURE:	TITLE	DATE:

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>DIRECTIVE</p>	TITLE		NO. 4022
	SPECIAL EVENTS PROGRAM		
SUPERSEDES Dir. #4022 dtd. 12/5/90 and Rev. Notice	DISTRIBUTION A&B	PAGE 1 OF 8 Pages	DATE 12/17/92
REFERENCES Directives #4202 and 4760	APPROVING AUTHORITY <i>Susan E. Butler</i>		

I. POLICY. Each general confinement facility shall plan and schedule "Special Event Programs" for its general population inmates. These program activities shall be specifically designed to:

- celebrate cultural, religious, and ethnic affiliations;
- recognize individual and group achievements; and
- strengthen community and family ties.

Each Superintendent shall form a Special Event Programs Committee. Names and titles of committee members shall be forwarded to the Office of Special Subjects at Central Office. The committee is mandated to plan, coordinate, and implement such programs. The committee shall include executive staff and representatives from food services, security (Sgt. or above), recreation, ministerial services, volunteer services, the business office, and sponsoring Inmate Organization Staff Advisor (where appropriate). Copies of the duties of each member of the committee as approved by the Office of Special Subjects at Central Office shall be available from the Deputy Superintendent of Program Services.

The Special Subjects Supervisor or Recreation Program Leader II shall be appointed chairperson. If these positions are vacant or do not exist, another appropriate staff member shall be appointed chairperson. There is no need for the chairperson to be present for every special event. Instead, other appropriate staff members should be encouraged to be present as monitors and trouble-shooters. For example, chaplains should monitor religious events and inmate organization staff advisors should attend special events sponsored by those organizations.

Directive #4760, "Inmate Organizations," provides guidance for Inmate organization sponsorship of special event programs.

General confinement facilities shall schedule a sufficient number of special event program opportunities to ensure that each inmate may invite family members to a minimum of two such programs per year, provided that inmate response warrants holding the minimum number of family events.

II. SPECIAL EVENT PROGRAMS CALENDAR

A. Preparation.

1. The Deputy Superintendent for Program Services, with the assistance of the Special Event Programs Committee, is responsible for developing an annual Calendar of Special Event Programs which satisfies the policies and specifications set forth in this directive.
2. The calendar is to be printed after review and clearance by the facility executive staff and approval by the Superintendent. It is to be distributed in a manner which ensures that all inmates are informed and have access to a copy. A copy will be sent to the Office of Special Subjects at Central Office.
3. The final calendar must clearly designate "family participation" event programs, indicate which may only be attended with family members, and indicate the number of participants and guests allowed.

- B. Contents. The annual Calendar of Special Event Programs shall describe facility plans for event programs in the following categories:

FAMILY PARTICIPATION EVENTS

1. Family Day Picnics. Each facility must schedule at least 3 of these events each year, provided that adequate Inmate interest exists. The number and dates shall be established by each facility according to population and available space. Ideally, these are held during summer months. Since these are family participation events, Inmates must invite guests in order to attend. If a particular inmate's invited guests do not show up, the inmate may not participate.
2. Religious Holy Day Observances. Religious Holy Days which are to be observed are listed in Attachment "A" of Directive #4202, "Religious Programs and Practices."

During the last quarter of the calendar year, the Division of Ministerial Services will advise the facility superintendent and chaplains of the specific Holy Days which may be observed with family. This will permit facilities to complete their calendars in a timely manner. The facility ministerial services office, will oversee these observances.

These "family participation" programs are not included in the minimum of two family participation opportunities afforded each inmate. Inmates may attend without inviting guests.

3. Special Award Programs. When approved by the Superintendent, an inmate recipient of a diploma or award may invite guests to attend the ceremony (school graduation, etc.) at which formal presentation is to be made. These programs are not included in the minimum of two family participation opportunities afforded each inmate.

NON-FAMILY PARTICIPATION EVENTS

1. Heritage Days. The Department recommends that at least 3 Heritage Days be observed at each facility. Participation by community entertainers, speakers, and other community guests should be encouraged and emphasis should be given to unique educational and cultural aspects of various ethnic groups. Participation across ethnic and racial lines should be encouraged.
2. Inmate Organization Special Events. All inmate organizations will be permitted to have one special event program for members only. An inmate attending this type of event must have been a member of the organization for at least 90 days prior to the event. Directive #4760, "Inmate Organizations," provides direction to organizations wishing to schedule such an event program.

A special event program to be held by an Inmate Organization must have the Superintendent's approval via forms #3089 and #3090. The staff advisor assigned to the Inmate organization should oversee these special events.

3. Legal Holidays. Special commemorative observances for national holidays should be for inmates only.

New Years Day
 Martin Luther King Day
 Washington's Birthday
 Memorial Day

Independence Day
 Labor Day
 Columbus Day
 Election Day

Veteran's Day
 Thanksgiving
 Christmas Day

III. GENERAL GUIDELINES/IMPLEMENTATION

A. Family Participation.

1. Inmates may invite family members to special event programs as indicated above. Family members cannot attend event programs which have not been designated "family participation."

2. "Family members" include the following, but they must be on the inmate's visiting list:

father	uncle	grandfather
mother	husband/wife	grandmother
brother	common law spouse	son/daughter
sister	(if verified)	neice
aunt	in-laws	nephew
	first cousin	grandchild

3. An inmate may be allowed to invite friends from his or her approved visiting list in lieu of family members if (1) the inmate has no family or (2) the inmate has not been visited by a family member within the 60 days preceding submission of the request list.
4. The facility shall impose a limit on the number of guests each inmate may invite to each event.
5. An invited guest will only be allowed to participate if he or she has visited the inmate at least once in a NYS DOCS facility during the current incarceration and is authorized for contact visitation with that inmate.
6. Procedures for inmates to pay for themselves and guests are contained in Attachment A.

B. Community Guests. For the purpose of this directive, community guests shall be defined as:

1. representatives of the outside community (legislators, community agency staff, volunteers, etc.)
2. Department of Correctional Services personnel on off duty status or officially stationed at other geographic locations.
3. The definition of community guests will not include family members or friends who are on an inmate's approved visiting list.
4. A community guest may be invited to participate or speak at an event or seminar only with the prior written approval of the Superintendent. If the community guest cannot be readily identified, (e.g. registered volunteer, government official, religious leader etc.), the Application for Volunteer Status must be utilized. On those occasions when a community person is invited to speak at an event or seminar conducted at a facility, the speaker should be alerted that his/her remarks will be videotaped. In addition, it should be clear that the Superintendent is under no obligation to approve community guests but may do so if it can be established that the community guest meets a legitimate purpose appropriate to the event.

When a Superintendent approves a speaker for an event or seminar, the following statement should be included with the invitation:

While the Department of Correctional Services welcomes individuals from the community to deliver positive educational and/or inspirational speeches or homilies, it should be kept in mind that in a correctional setting, statements may be misconstrued or magnified by the inmates to the extent that they could jeopardize the safety and security of community guests, volunteers, staff and inmates. As you prepare your remarks, please keep this in mind.

C. Attendance.

1. The Superintendent shall determine how many inmates and guests can be accommodated on an on-going basis at special event programs and shall develop a uniform attendance policy based on this determination.

2. Each facility shall keep on file event packets that verify inmate registration and attendance for a minimum of one (1) year.
 3. Prior to an event, anticipated attendance must be carefully estimated, particularly if food is to be served. The inmate committee or inmate organization involved in the planning must assist in determining the number of inmates, family members, and community guests expected to attend each Special Event Program.
- D. Facility Special Event Programs - Local Policy. Local policy must include all the material from Attachment A. This policy also should address:
1. Deadlines - establish Commissary Buy deadlines which must be a minimum of 45 days prior to the special event.
 2. Interest level/attendance - establish the minimum number of event applications which would indicate sufficient inmate interest to proceed with a planned event program. Establish a maximum number of inmates and guests that can be accommodated.
 3. Inmate planning/participation - establish an inmate committee to work with the Special Event Programs Committee to plan and implement each program or series of programs. Selection procedures, number, and duties of committee members will be determined by each facility. (Members will be permitted to attend events which they are involved in planning, but will be required to pay for meal expenses.)
 4. Time frame - develop specific plans, ideally 2 1/2 to 3 months before the scheduled event, especially if food is to be served.
 5. Food arrangements/selection - establish detailed procedures to be followed consistent with subsection E (below).
- E. Food Guidelines.
1. The Chairperson of the Special Event Programs Committee ensures food arrangements are coordinated by appropriate Business Office and Food Service personnel.
 2. Food for a Special Event Program must be prepared in the facility from a standardized statewide special events menu which takes into account ethnic and religious diversity.
 - a. The inmate committee will be allowed to select food items from the standard menu.
 - b. The facility food service supervisor with input from the Food Production Administrator at the Food Production Center will price out each menu by item. The total cost will then be computed per person.
 3. At least two weeks before the event date, the facility food service supervisor must be provided with a total number of inmates, family members, and community guests expected to be served food.
 4. At least two weeks before the event date, the facility food service supervisor shall provide the facility Steward or production center with a list of the food required and the number of meals to be served. At that time, the steward's office can verify the accounts payable for food. The facility food service supervisor will prepare a "Requisition for Purchase" form.
 5. The monthly food report must include the number of additional meals served at the special event. A separate accounting of these costs shall be maintained as a basis for a future request to have these funds returned to facility appropriations.

6. The expense of meals for inmates, family, and/or community guests is computed as follows:
 - a. The facility food service supervisor determines the cost per meal.
 - b. The cost for the inmate standard meal of the day is subtracted from the cost of the Special Event meal. This will be the cost to the inmate.
 - c. Inmates wishing to purchase special event meals for themselves, adults, and/or child guests will have a single opportunity during a designated commissary buy cycle at least 45 days prior to the special event. These meals will be sold as a special purchase through the commissary and a computerized listing of the number of adult and child meals purchased by each inmate will be generated at the end of the commissary buy cycle. Refer to the sample commissary buy sheet and special purchase report, Attachment B.
 - d. The charge for inmates' guests will be the actual cost for the meal.

Example: Cost of Special Event meal:	\$1.95
Cost of standard meal:	\$1.00
Cost to inmate:	\$.95
Cost to Inmate's guest:	\$1.95

Note: A nominal charge of \$.50 will be assessed for each child under 6 years old.

- e. Community guests' total meal and other miscellaneous expense costs will be divided by the number of inmates and surcharged to the cost per inmate, from a donation from an inmate organization, or from the Inmate Benefit Fund. Refer to Directive #4760, "Inmate Organizations," for details on inmate organization accounts.
7. If an individual inmate is unable to attend a special event due to disciplinary action or if guests of inmates are unable to attend, the cost for purchased meals will not be refunded, but will be deposited to the Inmate Occupational Therapy Account. Please reference Directive #2771, "Inmate Occupational Therapy Fund."
8. If an individual inmate or his/her guests are unable to attend an event because of a cancellation of the event or other facility conditions over which they had no control, the cost of purchased meals will be refunded.

F. Outside Assistance.

1. Volunteer groups may request approval to participate or assist in an event program by contacting the facility Office of Volunteer Services.
2. Inmates, family and friends of inmates, and facility staff are not permitted to solicit external groups for any form of donation to an event program, but may express their needs to the Volunteer Services Office which may seek outside assistance with the facility Superintendent's foreknowledge. Donated food will not be accepted. (Refer to Dir. #4752, "Receipt of Donated Material".)

G. Final Program Plans. Each event program plan should include:

1. date/time frames,
2. purpose/definition,
3. location within the facility (alternate indoor locations should be considered in the event of inclement weather),
4. anticipated attendance (family, inmates with family attending, inmates without family attending, facility staff, etc.)
5. special program (entertainment, speakers, music),
6. estimated costs (food, supplies, decorations, etc.),

7. committee assignments for further planning, implementation, clean-up, etc.
8. preparation of Form #3089, Request for Approval of Special Projects And/Or Special Events In the case of approved Inmate organizations only.

H. Final Program Package. At a time specified by the facility, a written Program Package detailing all aspects of the event will be issued to all relevant areas. Names of inmates' guests will not be pre-screened, but they must be on their respective inmate's regular contact visitor list on the day of the event. First time visitors will not be allowed to attend.

ATTACHMENT A

Local Facility Policy and Procedures. The following information must be included in the policy and procedures which are given to inmates who wish to attend special events with their family:

1. It will be the responsibility of each inmate to determine whether or not he or she is eligible to attend a special event. Any guest meals purchased by inmates for a special event for which they are not eligible will not be refunded under any circumstances.
 - a. Family picnics - Inmates who sign-up for a picnic must be sure that they have not exceeded the maximum number of events which they are entitled to attend each year.
 - b. Religious Holy Days Observance - An inmate who wishes to attend a religious holy day observance with guests must be a member of the particular faith and must be authorized by the chaplain.
 - c. Special Awards Program - Inmates wishing to attend this type of program with guests must be authorized to do so by the staff person supervising the program.
2. Every inmate must receive a complete listing of all family and non-family special events at the beginning of each calendar year. The calendar must also contain the dates when inmates must pay for themselves and their guests at commissary prior to each event. Notices about each event must also be posted throughout the facility. Inmates must clearly be informed that they have only one opportunity to sign up for special events with guests and to purchase meal authorizations for themselves and for adult and child guests. This single opportunity will be during the designated commissary buy cycle which will be a minimum of 45 days prior to the special event. Inmates who have lost their commissary buy privileges or who do not make a commissary buy for any reason during the designated commissary buy cycle cannot attend that special event.
3. For some Holy Day observances and/or special awards programs, there may be no cost for the inmate or family to attend. For these events, the inmate must sign-up with the staff person supervising the event.
4. Procedures for inviting guests to special events:
 - a. Visitors will not be allowed at special events if they have not visited the inmate at least once in a NYS DOCS facility during their current incarceration.
 - b. Inmates must indicate on the commissary buy sheet how many adult and child guest meals they wish to purchase. Under no circumstances will more guests be allowed to attend than the number of guest meals purchased.
 - c. Children who are under 6 years old will be charged a nominal fee of \$.50. Adult guest meal rates will be charged for all older children.
 - d. It will be the responsibility of all inmates to inform their guests as to the number of guest meals purchased for adults and children. Inmates are encouraged to retain their yellow copy of their commissary buy receipt as documentation for how many guest meals they have paid.
5. Any inmate who attempts to manipulate the system (get over) will be subject to disciplinary charges.

ATTACHMENT B

TEST CORR FACILITY
Commissary Buy Sheet

Item	Qty	Item Description	Cost	Price
.....				
C 4050	_____	PETROLEUM JELLY	0.72	
C 4054	_____	ALKA SELTZER	0.16	
C 4057	_____	HAIR ROLLERS MED	0.97	
C 4058	_____	HAIR ROLLERS LARGE	0.97	
C 4060	_____	COTTON BALLS	0.72	
C 4062	_____	COTON SWABS	1.04	
C 4064	_____	TWEEZERS	0.50	
C 4066	_____	MAIL POLISH REMOVER	0.69	
C 4068	_____	MAIL CLIPPER	0.21	
C 4346	_____	NIVEA LOTION	2.57	
.....				
72 MISCELLANEOUS				
.....				
C 4300	_____	SEWING KIT	0.83	
C 4302	_____	ALUMINUM FOIL	1.40	
C 4304	_____	CAN OPENER	0.54	
C 4306	_____	CUTLERY SET	0.13	
C 4308	_____	CLOTHES HANGER	0.13	
C 4310	_____	WRITING TABLET 8 X 10	0.48	
C 4312	_____	LEGAL TABLET 8 X 14	0.55	
C 4314	_____	PLASTIC PLATE	1.98	
C 4316	_____	PENCIL	0.06	
C 4318	_____	BLACK PEN	0.09	
C 4320	_____	PINCOLE CARDS	0.44	
C 4322	_____	POKER CARDS	0.95	
C 4324	_____	ASH TRAY	0.44	
C 4326	_____	STICK-UP	0.89	
C 4328	_____	60 WATT BULB	2.17	
C 4329	_____	40 WATT BULB	2.17	
C 4332	_____	COMBAT ROACH DISKS	3.10	
C 4334	_____	COMBINATION LOCK	4.19	

Item	Qty	Item Description	Cost	Price
.....				
C 4336	_____	CEREAL BOWL W/LID	0.36	
C 4338	_____	MIRROR LIMIT ONE	2.95	
C 4340	_____	9 VOLT BATTERY	1.98	
C 4342	_____	AA BATTERY 4PK	2.27	
C 4344	_____	INSULATED CUP	1.00	
.....				
74 HAIR CARE PRODUCTS				
.....				
C 4500	_____	SHOWER CAP	0.37	
C 4502	_____	INSTANT MOISTURIZER CURL	2.29	
C 4504	_____	FLEX SHAMPOO	2.10	
C 4506	_____	FLEX CONDITIONER	2.10	
C 4508	_____	IVORY SHAMPOO	1.96	
C 4510	_____	IVORY CONDITIONER	2.52	
C 4512	_____	OIL SHEEN SPRAY	1.64	
C 4514	_____	DEP STYLING GEL	2.78	
C 4516	_____	BERGAMONT HAIR GREASE	1.01	
.....				
78 SODA RETURNS				
.....				
Number of Cans Returning _____				
.....				
98 SPEC EVENT #1 MEAL				
.....				
A 0001	_____	SPEC EVENT #1 MEAL INMATE	0.95	
A 0002	_____	SPEC EVENT #1 MEAL ADULT	1.95	
A 0003	_____	SPEC EVENT #1 MEAL CHILD	0.50	

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>REVISION NOTICE</p>	TITLE		NO. 4750
	VOLUNTEER SERVICES PROGRAM		
REVISES Dir. #4750 dtd. 9/15/92	DISTRIBUTION A&B	PAGE 1 OF 3 Pages	DATE 05/16/94
REFERENCES	APPROVING AUTHORITY <i>Dr. Raymond Bonadus, Dir. Comm. / Program</i>		

Delete words in brackets []

Add new underlined words

Section V-B-2, at the middle of page 2; revise as follows:

2. Correspondence. Correspondence [from] between a volunteer [to] and an inmate in the

Section VI-C, at the top of page 3; revise the "NOTE" as follows:

NOTE: An individual employed by the N.Y.S. Division of Parole [or] , N.Y.S. Department of Labor, or the N.Y.S. Department of Health who provides a service

Replace pages 7-8 with the attached revised pages. Sections VIII-E-1 through 5 (**in bold**) have been revised.

TITLE	VOLUNTEER SERVICES PROGRAM	NO. 4750	REV. DATE 05/16/94	REPLACES Pg. 7 Dated 9/15/82
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1. Groups. All community agencies, groups, or organizations must be registered by the SCFVS or Volunteer Services Contact Person. Such registration shall take place prior to admittance to the facility utilizing Form #3083, Community Group Application for Volunteer Status. This policy must be adhered to regardless of the area of service and/or program participation (i.e., Education, Ministerial Services, Pre-Release Centers, Inmate Organization Activity, Student Internship Programs or other citizen participation activity).
2. Individuals
 - a. Individuals who enter a facility as part of a registered community group must also be registered utilizing Form #3080, Application for Volunteer Status. If the individual will be entering the facility for only a single occasion (e.g. musical entertainment) the filling out of the first six items on Form 3080 will suffice.
 - b. Any individual entering a facility is to be duly registered through Volunteer Services unless one of the following conditions prevail:
 - 1) The individual is under legal sanction (i.e., inspection by clergy, serving of legal documents, etc.). (See Directive 4900, "Security in Gate Areas," Section III-C)
 - 2) The individual is a visitor of an Inmate or is in visitor status with such invitation approved by the Superintendent.
 3. The individual is a community guest as defined by Directive #4022, "Special Events Program," Section III-B, and is approved by the Superintendent.
 - 4) The individual represents another New York State agency with whom a contractual agreement for service has been made on an inter-agency basis.
 - 5) The individual represents a private sector commercial contractor engaged to provide services such as repairs or construction, etc.
 - 6) The individual is employed by the NYS Division of Parole or NYS Department of Labor and provides a service relevant to his/her job function.

NOTE: A PROSPECTIVE VOLUNTEER MAY ENTER THE FACILITY AS A GUEST TO AUDIT, OBSERVE, EVALUATE A PROGRAM OF INTEREST ONE TIME ONLY DURING A 12 MONTH PERIOD SUBJECT TO APPROVAL OF THE SUPERINTENDENT. FOLLOWING INITIAL VISIT AS A GUEST, THE INDIVIDUAL MUST COMPLETE THE VOLUNTEER PROCESS (REGISTRATION, REFERENCE CHECKS, ETC.)

- c. Multiple Locations. Volunteers registered in one facility in a cluster will be eligible to volunteer throughout the cluster. Names of registered and approved volunteers will be placed on the cluster computerized volunteer listing. All information may also be shared with other clusters if the volunteer wishes to serve in more than one cluster.

Large community organizations that conduct programs in more than one facility and have organized volunteer training programs will be allowed to make arrangements with Regional Coordinators to have the correctional volunteer orientation conducted at the site of the training by the Regional Coordinator and/or facility Volunteer Supervisors. Registration and reference forms will be distributed at the training location and the completed forms will be returned to the respective Volunteer Services Offices by the organization.

E. Screening. All volunteers must be screened prior to job assignment using the following procedure:

1. Community groups/agencies will complete "Community Group or Organization Application," Form 3083.
2. All volunteers will complete "Application for Volunteer Status," Form #3080. Only those individual volunteers who do not represent approved community groups/agencies will need to have references checked. Volunteers answering "yes" to items 6(a) and/or (b) on Form 3080 will be required to provide further information on Form 3080A, "Supplemental Registration Information" and be processed following the procedures outlined in Section VI-G. Volunteers should also be informed that any outstanding warrant(s) or charges filed after completion of the registration form must also be reported to the SCFVS.

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3. The Volunteer Services Office will forward Form #3079, "Reference for Volunteer Service Group or Organization" and Form 3082, "Reference for Volunteer Service Applicant" to all necessary references.
 4. Upon receipt of at least one reference form, the SCFVS will review the application and reference(s) to determine the acceptability of the applicant(s).
 5. If all of the above are in order, the SCFVS arranges for an interview for the volunteer(s) which may include the staff supervisor under whom the volunteer(s) will be serving (see Section III-B).
 6. If the individual/group is acceptable, approval is obtained from the Superintendent or his/her designee and a letter of acceptance may be sent to the volunteer(s) by the SCFVS. Such a letter may include arrangements for orientation and training.

If an individual/group is found to be unacceptable, a letter stating this should be sent to the applicant. Effort should be made to redirect the individual or group to a more appropriate placement, if possible.
 7. If a group is accepted, the individual members need to be registered (Form #3080).
 8. Upon approval of a community group, one copy of the registration form is forwarded to the Director of Correctional Volunteer Services in Central Office. If a community group has been registered in Central Office, it is not necessary to require that group to complete another form. Community groups registration forms may be shared among facilities (see Sec. VIII-D-2-c, "Multiple Locations").
 9. Inmate volunteers who wish to have a record of their volunteer work should complete Form #3085, Application for Inmate Volunteer Status.
 10. The SCFVS will review the inmate volunteer registration forms for practicability and/or feasibility of the assignment. After consulting with the Superintendent or his designee, the Supervisor will set up appropriate meetings with staff to begin the implementation process and establish an appropriate orientation for the inmate volunteers.
- F. Fingerprinting/I.D. All Department employees are photographed and fingerprinted prior to employment. Volunteers (except those serving in occasional or one time programs) shall be provided with an identification card to be kept on file at the facility in accordance with procedure approved by the Superintendent as outlined in Directive #2946 "Employee Identification Material" Section II E. Volunteers will also be fingerprinted (see Directive #2216) regardless of the security level of the facility to which the volunteer is assigned. Volunteers will not be required to pay for any fingerprinting charges. Since Department employees are required to be fingerprinted, this requirement is waived for staff serving as volunteers.

NOTE: Individual volunteers or Community Group volunteers providing services on a one time or occasional basis - speakers for Pre-Release programs, entertainment groups, athletic teams, religious groups etc. - will not be fingerprinted or provided with an I.D. card.

G. Orientation/Training of Volunteers

1. Orientation - The SCFVS and/or the Regional Coordinator of Volunteer Services provides the DOCS Standard Orientation for Correctional Volunteers which provides general information about the Department. It is designed to acquaint individuals with the existing situation, to enlighten, inform and familiarize. It should include discussions of confidentiality and discretion in both private and public discussions about the program and inmates, rules and regulations for volunteers (See XI Rules and Regulations), and causes and procedures for dismissal of volunteers. A security seg

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>DIRECTIVE</p>	TITLE		NO. 4750
	VOLUNTEER SERVICES PROGRAM		
SUPERSEDES Dir. #4750 dtd. 02/28/89	DISTRIBUTION A&B	PAGE 1 OF 14 Pages	DATE SEP 15 1992
REFERENCES	APPROVING AUTHORITY <i>Juan E. Butler</i>		

- I. **PURPOSE.** This directive establishes the Department's policies and procedures for the administration and supervision of the Volunteer Services Program.
- II. **PROGRAM GOALS.** The Volunteer Services Program is designed to promote the involvement of responsible community persons in the continuum of services and programs made available to the incarcerated offender and his/her family.
- III. **PROGRAM ADMINISTRATION AND SUPERVISION.**
 - A. Administration
 1. The Director of Correctional Volunteer Services is responsible for the administration of the statewide Volunteer Services Program.
 2. Regional Coordinators provide policy direction and are program consultants to the Supervisor Correctional Facility Volunteer Services,* facility staff and community groups and organizations. They are also responsible for monitoring the Volunteer Services Program statewide.
 3. The SCFVS's, under the direction of a Regional Coordinator and a Deputy Superintendent for Program Services, recruit, train and orient community persons, staff and inmates to work as volunteers in a correctional setting. They are also responsible for the general coordination of the Volunteer Services Program. They may assist in community/public relations if so designated by the Superintendent.
 4. Volunteer Services Contact Persons, appointed by the Superintendent, will be responsible for the supervision of the Volunteer Services Program at each facility. The Superintendent will determine the number needed. Tasks will include, but not necessarily be limited to, processing of applications, preparation of Volunteer Services gate clearances and statistical gathering for monthly reports. For purposes of coordination they will report to the Deputy Superintendent for Programs and a SCFVS.
 - B. Supervision. Direct supervision of volunteer programs is provided by staff in the subject area in which the volunteer serves (e.g., tutoring - education staff; Counseling-Guidance Unit). Direct supervision does not necessarily imply that the supervisory staff person be physically present while the volunteer activity is being performed.
- IV. **ACTIVITIES DEFINITION**
 - A. Major
 1. Regular ongoing volunteer programs are coordinated by the Volunteer Services Contact Persons after completing a needs assessment of inmate and facility needs and are approved by the Superintendent, and if applicable, by the Supervising Superintendent. Program ideas may be offered by staff, volunteers or inmates.
 2. Occasional/one-time programs such as musical performances, drama shows, athletic events are scheduled by the Volunteer Services Contact Persons or other facility employees so that a maximum number of inmates can attend.

* Hereafter referred to as SCFVS

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- B. Public/Community Relations. The SCFVS, under the direct supervision of the Superintendent and the indirect supervision of the Director of Correctional Services Public Information, develops strategies to promote public awareness of D.O.C.S. programs and services.

Tours, speaking engagements and media coverage are utilized to inform the general public.

V. THE VOLUNTEER

- A. Definition. A volunteer is a person who provides a service to the Department and/or inmates without direct compensation as salary from the Department. Compensation such as travel allowance or payment through an outside source does not affect the status of an individual as a volunteer. A volunteer who is duly registered and approved is considered to be an unpaid employee of the Department for purposes of Worker's Compensation and indemnification (see section IX) and is subject to all the rules and regulations applicable to Department employees (see Section XI).

NOTE: A volunteer is considered duly registered and may begin an assignment when the following is completed and on file: application for volunteer status form, at least one reference check and a witnessed sign-off on the volunteer rules and regulations. Other requirements of the volunteer processing will follow: I.D. card, fingerprinting and orientation.

- B. Restriction. During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with inmates (see Section VIII, G, H). This will include visiting, corresponding and accepting collect phone calls which may be construed as being of a personal nature. In order to avoid any misunderstanding, the following guidelines must be strictly observed:
1. Visiting. There is no necessity for volunteers to visit inmates at the facility to which they are providing services; therefore, it is prohibited. If there is a need for a volunteer to conduct a program or counseling on a one-on-one basis, it must be approved by their staff supervisor and conducted in the appropriate program area. The only exception to this prohibition on visiting is in the role of spiritual advisors (see Section VII,3, C).
 2. Correspondence. Correspondence from a volunteer to an inmate in the facility to which the volunteer is providing services is prohibited.
 3. Collect Phone Calls. Volunteers are prohibited from accepting collect phone calls indicating a personal/emotional relationship with inmate(s). At no time may volunteers accept collect phone calls at their place of residence; however, volunteers may accept collect phone calls at their agency/group administrative office, provided the organization policy is to accept collect phone calls from inmates. Volunteers are to be advised that all inmate telephone conversations are subject to electronic monitoring by departmental personnel (see Directive #4423, "Inmate Telephone Calls."

Volunteers must be advised of the above, in writing, and that violations may result in suspension in accordance with the procedure for dismissal of volunteers, Section XIII.

VI. TYPES OF VOLUNTEERS

- A. Community Organization Members. This type of volunteer is a member of a community organization representing that group in the service provided. They frequently interact with similar organizations in the facility. (See Directive #4760 Inmate Organizations).
- B. Individual Volunteers. This type of volunteer is a person who provides an individual service such as tutoring, teaching, counseling, etc. They may be connected with a community group or organization, but such affiliation is not required.

- C. Paid Professional. This category of volunteer often represents his/her employer and provides a service to the Department, (e.g., interviewer for Pre-Release Program, College Teacher, etc.). These individuals, though paid by the employer to provide the service at no cost to the Department, are defined as volunteers providing a volunteer service.

NOTE: An individual employed by the N.Y.S. Division of Parole or the New York State Department of Labor who provides a service relevant to his/her function is not classified as a volunteer.

- D. Government Subsidized Volunteers (ACTION, VISTA, etc.): ACTION, VISTA volunteers are generally found within the structure of a state or federally funded program. They usually work full time, for a contracted period, to accomplish a pre-defined goal. While often considered employees, their Volunteer Services activities should be controlled and reported through the Office of Volunteer Services. They should be supervised in the same manner as other volunteers, by a staff person in the unit in which the service is provided.

- E. Interns. Interns are individuals, graduates or undergraduates, placed in a field assignment by a college or university as part of their course work. These persons are processed in the same manner as other volunteers regardless of their role or function within the facility/Department. (See Directive #0403 - Research Studies and Surveys).

- F. Department Personnel. Department personnel may provide a volunteer service if that service is clearly different from his/her regular paid work assignment. The written job description will be prepared by the staff person who will provide direct supervision (i.e., Education Supervisor, Chaplain, Recreation Leader, etc.). The staff person should notify his/her supervisor of the volunteer assignment.

G. Ex-Offenders, Parolees, and Probationers

1. An ex-offender or parolee is to be considered for a volunteer assignment in a facility one year following his/her release provided:

- a. his/her record indicates a relatively conflict-free period of incarceration, and
- b. there is some evidence that he/she has made a productive re-entry into society.

Exception to this policy will be given consideration only when substantial, written justification is submitted to the Superintendent or his/her designee. Following review by the SCFVS and the Volunteer Services Regional Coordinator, the Superintendent must approve all ex-offenders, parolees and probationers. Final approval will rest with the Cluster Supervising Superintendent.

2. They must also have the approval of their Parole Officer or Probation Officer. Once these approvals are granted, the ex-offender, parolee or probationer is to be formally processed through the Office of Volunteer Services.

NOTE: All prior misdemeanor or felony convictions must be indicated in writing on Form 3080A, "Supplemental Registration Information" when an ex-offender/parolee/probationer or an individual with a prior criminal record is completing the application process. A criminal record will not necessarily preclude an individual from a volunteer assignment if the information is declared prior to acceptance and placement. Individuals may be placed in volunteer assignments prior to return of the fingerprint card from the F.B.I.; however, the placement is provisional. If the F.B.I. fingerprint check reveals an undisclosed criminal record, the volunteer activity will cease using the procedure outlined in Section XIII.

- H. Inmates. Inmates who demonstrate ability or are trained in various skill areas and wish to volunteer may be considered for service as volunteers subject to the approval of the Superintendent or his/her designee. Inmates engaged in facility or community programs can provide a meaningful service that may benefit both the recipient(s) and inmate.

- I. Family Members and Friends of Inmates. Family members and friends of inmates may become volunteers subject to the restrictions in V-B.
- J. Volunteers in Visiting Centers. Although this type of service is provided outside the facility perimeter but on state property, the volunteers engaged in providing service at this location will follow the same processing (registration, reference checks, fingerprinting, I.D. cards) as all other volunteers providing services at a correctional facility. If this type of volunteer goes into the community on occasion, this activity will be reflected in the written volunteer job description and these volunteers will be subject to all policies and procedures relevant to all duly registered volunteers.

The programs offered at the Family Visiting Center are approved by the facility Superintendent who is responsible for the overall operation of the Center.

NOTE: Volunteers in this setting must not become personally or emotionally involved with inmate family members either inside or outside the facility.

- K. Volunteers in Community Hospitals. Although this type of service is provided outside the facility, the hospital secure ward/room is considered an extension of the facility; therefore, a written job description must reflect this activity and these volunteers will be subject to all policies and procedures relevant to duly registered volunteers. Volunteer Services Staff must work in close cooperation with hospital Volunteer Services Staff to insure that correctional volunteers comply with all hospital procedures/policy for volunteers.
- L. Foreign Nationals. Foreign nationals will be considered for volunteer programs provided they can produce valid documentation that they are in this country legally.

VII. QUALIFICATIONS

- A. Maturity is the key attribute for a successful volunteer experience in a correctional setting; therefore, volunteers under the age of 18 shall not be permitted to serve in areas of a facility where inmate contact may occur.

Exceptions to the above may be made with the permission of the Superintendent/designee, for special one time programs or for participants in youth employment programs (example: JTPA Programs). All persons under the age of 18 must have written permission from a parent or legal guardian. No one under the age of 13 shall be permitted to provide a volunteer service unless accompanied by a parent or legal guardian.

- B. General qualifications have been established for all volunteer positions through job descriptions. There are, however, specialized areas such as legal, health, and religious services which require special guidelines.

1. Legal/Paralegal Volunteers

- a. Qualified volunteers may provide services as legal advisors, law library assistants, counselors, and instructors in all areas of law including litigation, with the exception of lawsuits against the Department and/or its employees.
- b. The Department will also consider qualified persons (attorneys or professional law librarians) for volunteer teaching positions in legal research programs for interested inmates.
- c. The status as legal visitor (as defined in Directive #4404, "Inmate Legal Visits") in any correctional facility precludes consideration of such an individual as a legal volunteer or volunteer in other programs.

2. Health Service Volunteers

- a. The Department will offer opportunities to health professionals such as doctors, nurses, and medical students to affiliate as volunteers in correctional facilities within the scope of their practice or educational field. Professionals such as doctors and nurses can provide a volunteer service only when certified or licensed to perform such a service. While many of these volunteers will be students, all health service volunteers must meet the same prerequisites and follow specific procedures prior to entering the facility.
- b. Health Services volunteers will be permitted to serve only in their own field and under direct supervision.
- c. Volunteers who wish to provide health services education or counseling regarding death and dying must furnish proof of qualifications on or with their Individual Registration Form.
- d. An additional registration form #3096 for Health Service Volunteers will be issued and reviewed by the Health Services Director at the facility. The steps involved in approving health service volunteers are outlined on Form #3096.

3. Religious Volunteers

- a. There are two general categories of service provided by persons representing community religious organizations:
 - 1) Religious Services or Programs. All volunteers requesting involvement in religious programs must be reviewed and approved by the Senior Chaplain at the facility. If disapproved, review may be requested through the Office of Ministerial Services, Central Office. All approved volunteers in this category must be registered through the facility office of Volunteer Services. The Senior Chaplain or designee shall provide the facility Office of Volunteer Services with monthly statistical data applicable to volunteers involved in religious programs/services. The Office of Volunteer Services should be contacted for the actual date for submission of the report.
 - 2) Non-Religious Programs. If the volunteer represents a religious organization from the community but is to be assigned to a non-religious assignment (i.e., tutoring), the registration is handled through the Volunteer Services Office and does not require approval by the Senior Chaplain.
- b. During orientation provided by the Regional Coordinator or SCVS, volunteers representing religious groups/organizations must be advised not to proselytize among inmates.
- c. Exception to the volunteer/visitor prohibition (outlined under V. B.) shall be made for all individuals who represent religious organizations if they visit with inmates in the role of spiritual advisor on a one-to-one basis in the Visiting Room. However, the procedures concerning correspondence and collect phone calls outlined in Section V-B-2 and 3 will apply.

The following will clarify a volunteer's acceptability as a spiritual advisor:

- 1) Documentation stating that a pastoral relationship with the inmate(s) existed prior to incarceration or that the inmate(s) joined the religious organization represented by the volunteer during incarceration.
- 2) Written endorsement from a bona fide ecclesiastical body identifying the volunteer as clergy or a layperson who can function in this capacity.
- 3) Written description of the volunteer's activities in the role of spiritual advisor, including the names of inmates who will meet with the volunteer.

It shall be the Senior Chaplain's responsibility to obtain these documents prior to commencement of an inmate-spiritual advisor relationship and maintain said documents for duration of said service.

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The method employed to identify a spiritual advisor (e.g., different ID card, written verification, addition to normal ID card) shall be determined by the facility.

- d. Registration of all volunteer religious groups or individuals must be carried out in accordance with Section VIII of this directive.
4. 12 Step Fellowship Volunteers (AA, NA, GA, etc.). All volunteers who participate in these programs will be processed in the regular manner as described by this directive; however, since anonymity at the public level is of prime importance to members of these programs, the following is to be strictly observed:
 - a. Volunteers should be instructed to give as the two references only the names of persons they wish to have contacted. On reference forms, no mention of 12 Step programs should be made. No reference contacts should be made with employers or educators listed on other parts of the registration form. All information will be kept in a confidential file.
 - b. The Volunteer Services Office/Contact Person will be responsible for maintaining all records and up-to-date lists of all 12 Step Fellowship volunteers.

VIII. PREREQUISITES TO ASSIGNMENT

- A. Needs Assessment. The volunteer program planning process begins with the identification of a particular need for a service. Department staff may complete Form #3075, "Request for Volunteer Services," contact the SCVS directly, and/or provide job descriptions (see Item B); an inmate may contact the Volunteer Services Office directly requesting a volunteer program. The Supervisor will confirm that a need exists.
- B. Job Description for Volunteers. All regularly scheduled volunteers must have a written job description approved by the Superintendent or his/her designee prior to assignment. A copy will be kept in the volunteer's folder in the Volunteer Services office; in addition, a copy will be given to the volunteer.
- C. Recruitment. Volunteer recruitment is designed to provide and maintain a continuum of services; the recruitment process must adhere to guidelines set forth in the Department's Equal Opportunity policy.

Successful recruitment can be accomplished utilizing the following methods:

1. Community Resource Development Teams (CRDTs) will be developed for groups of correctional facilities in the same geographical area. The purpose of CRDTs will be to actively assist Volunteer Services by stimulating awareness of the needs of correctional facilities. Supervision of these CRDTs will be provided by Supervisors of Volunteer Services in consultation with Volunteer Services Regional Coordinators. Members of CRDTs will be considered volunteers and subject to approval of Superintendents and the Cluster Supervising Superintendent.
 2. Selective recruiting directed to a specific need is the most effective method. Job descriptions for specific volunteer opportunities should be made available.
 3. Open recruitment - extreme caution should be used with this approach to avoid extensive screening or non-utilization of services offered.
 4. Non-recruited volunteers - persons whose own needs or goals impel them to offer their services. The Volunteer Supervisor must ascertain/determine if a "hidden agenda" exists and be prepared to redirect the energy of these volunteers to a service that will benefit the Department.
 5. Public Relations - virtually any positive public relations effort on behalf of facility programs will lead to inquiries from the community concerning volunteer opportunities. It is valuable to highlight volunteers' accomplishments for recognition, as well as for informing the public that the facility has other volunteer needs. Such public relations efforts must have the approval of the Superintendent or his/her designee.
- D. Registration. Registration of a volunteer is essential in order to insure security screening and to provide each volunteer with benefits (see Section IX, Benefits). These benefits are not available to guests, visitors or unregistered persons.

1. Groups. All community agencies, groups, or organizations must be registered by the SCFVS or Volunteer Services Contact Person. Such registration shall take place prior to admittance to the facility utilizing Form #3083, Community Group Application for Volunteer Status. This policy must be adhered to regardless of the area of service and/or program participation (i.e., Education, Ministerial Services, Pre-Release Centers, Inmate Organization Activity, Student Internship Programs or other citizen participation activity).

2. Individuals

- a. Individuals who enter a facility as part of a registered community group must also be registered utilizing Form #3080, Application for Volunteer Status. If the individual will be entering the facility for only a single occasion (e.g. musical entertainment) the filling out of the first six items on Form 3080 will suffice.
- b. Any individual entering a facility is to be duly registered through Volunteer Services unless one of the following conditions prevail:
- 1) The individual is under legal sanction (i.e., inspection by clergy, serving of legal documents, etc.). (See Directive 4900, "Security in Gate Areas," Section III-C)
 - 2) The individual is a visitor of an inmate or is in visitor status with such invitation approved by the Superintendent.
 - 3) The individual is a community guest as defined by Directive #4022, "Special Events Program," Section III-B, and is approved by the Superintendent.
 - 4) The individual represents another New York State agency with whom a contractual agreement for service has been made on an inter-agency basis.
 - 5) The individual represents a private sector commercial contractor engaged to provide services such as repairs or construction, etc.
 - 6) The individual is employed by the NYS Division of Parole or NYS Department of Labor and provides a service relevant to his/her job function.

NOTE: A PROSPECTIVE VOLUNTEER MAY ENTER THE FACILITY AS A GUEST TO AUDIT, OBSERVE, EVALUATE A PROGRAM OF INTEREST ONE TIME ONLY DURING A 12 MONTH PERIOD SUBJECT TO APPROVAL OF THE SUPERINTENDENT. FOLLOWING INITIAL VISIT AS A GUEST, THE INDIVIDUAL MUST COMPLETE THE VOLUNTEER PROCESS (REGISTRATION, REFERENCE CHECKS, ETC.)

c. Multiple Locations. Volunteers registered in one facility in a cluster will be eligible to volunteer throughout the cluster. Names of registered and approved volunteers will be placed on the cluster computerized volunteer listing. All information may also be shared with other clusters if the volunteer wishes to serve in more than one cluster.

Large community organizations that conduct programs in more than one facility and have organized volunteer training programs will be allowed to make arrangements with Regional Coordinators to have the correctional volunteer orientation conducted at the site of the training by the Regional Coordinator and/or facility Volunteer Supervisors. Registration and reference forms will be distributed at the training location and the completed forms will be returned to the respective Volunteer Services Offices by the organization.

E. Screening. All volunteers must be screened prior to job assignment using the following procedure:

1. Individual volunteers will complete Application for Volunteer Status Form #3080. This form is retained at the facility. Volunteers indicating a misdemeanor/felony conviction will be required to provide further information relating to the nature of the conviction(s) on form 3080A. This information must be presented to the Superintendent or designee before acceptance can be made. Volunteers should also be informed that any outstanding warrant(s) or charges filed after completion of the registration form must also be reported to the SCVS.

2. Community groups will complete Community Groups Application for Volunteer Status Form #3083. The group's contact person must indicate the names of any members who have prior records as in #1.
3. Volunteer Services Office will forward Form #3082 to all references given for individual volunteers and Form #3079 to all references given for community groups.
4. Upon receipt of at least one reference form, the SCFVS reviews the registration and references to determine the acceptability of the applicant. Volunteers providing professional services must show evidence of their professional competency at the time of their application. These professional volunteers (i.e. teachers, attorneys, health and religious volunteers, etc.) must also have their references checked by the appropriate facility staff person to whom they will be immediately responsible (i.e. Education Director, Chaplain, Facility Health Service Director, etc.).
5. If all of the above are in order, the SCFVS arranges for an interview for the volunteer(s) which may include the staff supervisor under whom the volunteer(s) will be working.
6. If the individual/group is acceptable, approval is obtained from the Superintendent or his/her designee and a letter of acceptance may be sent to the volunteer(s) by the SCFVS. Such a letter may include arrangements for orientation and training.
If an individual/group is found to be unacceptable, a letter stating this should be sent to the applicant. Effort should be made to redirect the individual or group to a more appropriate placement, if possible.
7. If a group is accepted, the individual members need to be registered (Form #3080).
8. Upon approval of a community group, one copy of the registration form is forwarded to the Director of Correctional Volunteer Services in Central Office. If a community group has been registered in Central Office, it is not necessary to require that group to complete another form. Community groups registration forms may be shared among facilities (see Sec. VIII-D-2-c, "Multiple Locations").
9. Inmate volunteers who wish to have a record of their volunteer work should complete Form #3085, Application for Inmate Volunteer Status.
10. The SCFVS will review the inmate volunteer registration forms for practicability and/or feasibility of the assignment. After consulting with the Superintendent or his designee, the Supervisor will set up appropriate meetings with staff to begin the implementation process and establish an appropriate orientation for the inmate volunteers.

- F. Fingerprinting/I.D. All Department employees are photographed and fingerprinted prior to employment. Volunteers (except those serving in occasional or one time programs) shall be provided with an identification card to be kept on file at the facility in accordance with procedure approved by the Superintendent as outlined in Directive #2946 "Employee Identification Material" Section II E. Volunteers will also be fingerprinted (see Directive #2216) regardless of the security level of the facility to which the volunteer is assigned. Volunteers will not be required to pay for any fingerprinting charges. Since Department employees are required to be fingerprinted, this requirement is waived for staff serving as volunteers.

NOTE: Individual volunteers or Community Group volunteers providing services on a one time or occasional basis - speakers for Pre-Release programs, entertainment groups, athletic teams, religious groups etc. - will not be fingerprinted or provided with an I.D. card.

- G. Orientation/Training of Volunteers

1. Orientation - The SCFVS and/or the Regional Coordinator of Volunteer Services provides the DOCS Standard Orientation for Correctional Volunteers which provides general information about the Department. It is designed to acquaint individuals with the existing situation, to enlighten, inform and familiarize. It should include discussions of confidentiality and discretion in both private and public discussions about the program and inmates, rules and regulations for volunteers (See XI Rules and Regulations), and causes and procedures for dismissal of volunteers. A security seg-

ment will be a component of the orientation and may be conducted by an appropriate security staff or designee. Volunteers must sign off indicating orientation has been provided. Once a volunteer receives this Standard Orientation, it is not necessary to be repeated at each facility; however, additional information pertaining to each facility may be required.

2. Training - staff person to whom the volunteer is assigned provides practical and important information for the volunteer in performing assigned tasks.
 - a. As opposed to orientation, training follows assignment and is involved with actually preparing the volunteer for his/her service.
 - b. In-service training should be provided on an ongoing basis involving other volunteers and staff as trainers.

H. Emotional Involvement Between Volunteers and Inmates. Volunteers working on a regular basis with inmates must maintain a professional relationship and avoid personal/emotional involvement with the inmate(s). If the volunteer chooses to establish a closer relationship, he/she must so advise the SCVS, request to be removed from volunteer status and tender his/her resignation as a volunteer in said facility.

IX. BENEFITS

A. Insurance Coverage/Indemnification

1. Worker's Compensation for Volunteers

- a. All volunteers who are duly registered and approved by the Volunteer Service Program are covered for injuries relating to their volunteer work by Worker's Compensation Benefits. Staff supervising volunteers must report injuries to volunteers in accordance with Directive #4065, "Reporting Injuries & Occupational Illnesses" and Directive #2208, "Workmen's Compensation Benefits."
- b. It should be noted that a volunteer, duly registered and approved, is eligible whether the service is performed in the community or in a correctional facility. The job description must indicate area of service.

2. Indemnification Coverage for Volunteers

- a. Correctional Services volunteers have been afforded protection from financial loss arising out of a civil action.
- b. The law provides that the State would save harmless and indemnify volunteers of the Department from financial loss arising out of a judgment in any civil action by reason of a claim of alleged negligence or other act of such person participating in a volunteer services program, provided that the damages were sustained while such person was acting in the discharge of his duties and within the scope of such duties, and the claim did not result from the willful and wrongful act or gross negligence of such person.
- c. The law applies to volunteers authorized to participate in a volunteer services program, provided such volunteer gives notice of such claim upon himself within five days of service of such claim upon himself. (Section 17 of the Public Officers Law). Individuals who have insurance policies which would cover them for claims arising pursuant to the volunteer programs must first use such policies before the state will defend and/or indemnify them.

3. Affirmative Action. All volunteers who are duly registered and approved are afforded equal opportunity protection in accordance with Directive #2601, "Affirmative Action Program," based on NYS Executive Order No. 6.

4. Advise Volunteers of Benefits 1, 2, and 3. Information regarding the above protection must be communicated in writing to all volunteers prior to their official assignment.

B. Motivation/Recognition of Volunteers

1. Motivation. Volunteers should always be treated with courtesy and respect, and made to feel a part of the facility staff. Staff must be motivated and given credit for their work with volunteers. They must understand that volunteers are not taking their jobs, but rather are complementing their efforts.
2. Recognition. Since volunteers are not financially reimbursed for services, they must receive some other form of recognition or show of appreciation. This may take the form of: verbal recognition (both public and private praise), a higher status job, greater responsibility, certificates issued during an annual recognition ceremony, or a newspaper story concerning the volunteer. Facility administration should make every effort to host an annual formal recognition dinner/event. Staff also deserve recognition for support of peer-staff and volunteers. If news articles are written recognizing the volunteer, mention should be made of the staff with whom the volunteers served, subject to the approval of the Superintendent or his/her designee.

C. Meals. Volunteer(s) who provide service in a facility should be offered a free meal, if they are eligible when a meal period is overlapped.

1. A volunteer who performs four hours of service during one day is entitled to a free meal if his/her performance overlaps any of the facility's scheduled meal periods.
2. Other volunteers who have traveled at least twenty miles to provide their service and remain at the facility for three continuous hours may be offered a free meal during one of the meal periods.
3. Volunteers who qualify are provided free meals only from the inmate mess hall during feedings when each meal can be accounted for. The free meal shall be the same as that provided to the inmate population.

NOTE: Inmate volunteers shall be fed at their regular times in the regular manner.

X. STAFF INVOLVEMENT IN VOLUNTEER PROGRAMS

- A. A successful volunteer program requires that all salaried staff fully understand the volunteer program and its goals of program enrichment to the facility population. Therefore, staff orientation to the Volunteer Services Program must be an integral part of all facility staff training programs. This will ensure staff's understanding that volunteers supplement but do not supplant regular paid staff.
- B. Salaried staff should be included in the planning and development of a volunteer program as early as possible.
- C. Staff must be involved in the interview process for volunteers to strengthen responsible selection of volunteers.
- D. Staff must understand the built-in evaluation process designed to maximize accountability of volunteers with respect to program goals and objectives. This will assure maintenance of program accountability.
- E. Staff must be aware of their responsibility to supervise volunteers assigned/accepted in their area and that they must provide the facility Office of Volunteer Services with statistical data on volunteers (community, staff and inmate) involved in the program/service. The Volunteer Services Office will provide forms, time and date submissions, etc.

XI. RULES AND REGULATIONS FOR VOLUNTEERS

- A. Guidelines and rules for volunteers in a correctional facility shall set the tone for a positive relationship between the volunteer and the facility through preventive education. Rules should be presented to volunteers during orientation in a positive manner.

The following are the guidelines for issuing rules to volunteers:

1. The Rules and Regulations for Volunteers on pages 14-15 of this directive shall be used by all facilities.
2. Rules and guidelines must be given as part of the orientation and training of all volunteers and made available to all facility staff. All rules should be explained and clarified so that the volunteer will understand what constitutes good security practices relative to contraband and type of behavior.
3. Volunteers must be informed that a formal dismissal procedure exists and what constitutes grounds for dismissal. (See XIII).
4. The volunteer must be provided an opportunity for follow-up questions, through both the staff supervisor and the SCFVS.
5. The volunteer will acknowledge in writing that he/she has in fact been presented with these rules, understands them and intends to comply.

(See Attachment, Rules and Regulations for Volunteers).

XII. JOB PERFORMANCE EVALUATION. Evaluation of individual volunteers, whether as part of a larger group which performs a service at one or more facilities or as an independent individual is important. To evaluate an individual volunteer, the overall job performance must be weighed against the job description and the standards established for the job. Form #3081.A, "Volunteer Performance Report" should be completed for every regular ongoing volunteer on an annual basis or upon completion of a volunteer assignment.

XIII. DISMISSAL OF VOLUNTEERS. Grounds for dismissal of volunteers are based on the violation of facility rules and regulations. If the appropriate processes of registration, screening, orientation, and training are fully adhered to, the dismissal of volunteers should be a rare incident. If dismissal is necessary, the process to be used is set forth below. It is mandatory that proper documentation be available if dismissal is contemplated.

A. Types of Violations

1. Major Violation

- a. A major violation is an act which threatens the safety and security of the facility and /or the volunteer.
- b. A volunteer who commits a major violation shall be temporarily suspended immediately by the Superintendent or his/her designee while an investigation is conducted in accordance with the procedure outlined below in steps B-5 through B-9.

2. Minor Violation

- a. A minor violation is an act which does not endanger the safety and security of the facility or incite a disturbance among the inmates.
- b. A volunteer who is charged with committing a minor violation normally will not be suspended and will be allowed to continue service for the period of the investigation.

B. Procedure

1. When a volunteer commits a violation, the facility employee or volunteer observing it shall document the facts of the incident and report them to the SCFVS. In the event of a major violation, the Superintendent or his/her designee is notified immediately by the Supervisor in order to verify the seriousness of the charge and authorize immediate temporary suspension.
2. All documentation is forwarded to the facility SCFVS, who then reviews the incident.

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3. The SCFVS interviews the volunteer in the case of a minor violation , making every effort to resolve the problem and to suggest possible remedies.
4. If a volunteer repeatedly violates a rule or regulation, the SCFVS shall consult with the Deputy Superintendent for Programs, the facility Superintendent and the Regional Coordinator of Volunteer Services to determine if there is sufficient cause for further action.
5. The facility Superintendent or his/her designee determines the seriousness of the charge, and if necessary, temporarily suspends the volunteer pending investigation. Written notification of this temporary suspension is sent by the facility Superintendent to the volunteer with a copy sent to the Regional Coordinator. The letter must inform the volunteer of the allegations and the date of the temporary suspension.
6. The Regional Coordinator then conducts an investigation concerning the charges and informs the facility Superintendent in writing of his/her findings and recommends one of the following:
 - a. Dismiss all charges.
 - b. Restrict the volunteer's activities.
 - c. Reassign the volunteer to another program within the facility or to a program at another facility.
 - d. Dismiss the volunteer from service in the facility or in all facilities in the cluster. This information will be shared with all clusters through Central Office Volunteer Services.
7. The facility Superintendent approves the final disposition for each case. If the Superintendent disagrees with the Regional Coordinator's recommendation, he/she will consult with the Supervising Superintendent and the Director of Volunteer Services.
8. The volunteer must receive written notification of the Superintendent's decision directly from the Regional Coordinator within 30 working days of the beginning of the temporary suspension.
9. The letter must state that the volunteer may appeal, in writing, to the Deputy Commissioner of Program Services within 30 working days of receipt of the letter.
10. A volunteer may be given the option to resign from a volunteer assignment. However, the letter of resignation must state the exact nature of the resignation, and must be submitted to the SCFVS with a copy to the Regional Coordinator of Volunteer Services. If at a later date the volunteer wishes to apply for reinstatement, the volunteer must appeal in writing to the Supervising Superintendent in the cluster. If denied, she/he may appeal in writing to the Deputy Commissioner for Program Services.

XV. PROGRAM EVALUATION

To insure that volunteer services programs meet the needs of the inmates and facilities as assessed prior to the inception of each program, each program will be evaluated by the SCFVS, utilizing Form 3081 - Volunteer Services Program Evaluation.

Facility programs will be evaluated by the SCFVS.

Regional or statewide programs will be evaluated by a Regional Coordinator of Volunteer Services.

In conducting the evaluation, the opinions of staff, inmates and volunteers are to be considered with respect to the original goals-objectives and achievements of the program. Form 3081 can be used for program evaluation.

ATTACHMENT

RULES AND REGULATIONS FOR VOLUNTEERS

1. The Rules and Regulations presented herein apply to all facilities and are in keeping with the policies and procedures set forth by the New York State Department of Correctional Services.
2. All volunteers must be approved by the Superintendent or his/her designee and registered by the Volunteer Services Office. This will include a personal interview and a check of references.
3. It is imperative that your car be locked if it is parked on the grounds of the facility. You may be required to turn in your keys before you begin your assignment.
4. Upon entering the facility, you may be asked to pass through a metal detector. You may also be provided with an identification card which you will wear while on the grounds and which will be kept on file at the facility.
5. Do not bring into the facility any items which might be defined as contraband (i.e., weapons, drugs, literature, or anything not authorized by the Superintendent for an inmate to possess). Note that contraband (firearms, in particular) is not allowed on facility grounds, and therefore, cannot be left in automobiles.
6. You will be assigned a staff supervisor to work with while in the facility. You may be escorted by this staff member or a correction officer while in the institution.
7. Volunteers are advised not to carry large sums of money nor wear expensive articles of jewelry while participating in programs at the facility. Persons carrying handbags should not leave them lying around. Clothing should be appropriate and in keeping with Departmental requirements for all visitors.
8. If your work requires that you bring special material, clear the items in advance with your staff supervisor. Expenditures should not be made by volunteers for supplies or equipment without prior staff approval.
9. Tape recorders, cassettes or cameras may be brought into the facility only with special permission of the Superintendent after it has been determined the necessity of the item for the volunteer's job.
10. It is expected that volunteers will be dependable, punctual, and perform their duties in an effective manner. If you are unable to meet at the appointed time, contact your staff supervisor or the Volunteer Services Office as early in advance as possible.
11. The exchange of monies and/or gifts with correctional facility inmates is prohibited. You should not, at any time, bring in and give anything directly to an inmate nor take anything from him to be carried outside of the institution. As a volunteer, you are not to carry oral messages or written correspondence in or out of the facility for an inmate. Do not bring in literature which has not been approved by the facility staff.
12. Matters of discipline are the responsibility of the correction officers. Under no circumstances should a volunteer become involved in or interfere with these matters. Any questions of judgment should be discussed privately with the officers and/or staff, never in the presence of an inmate.

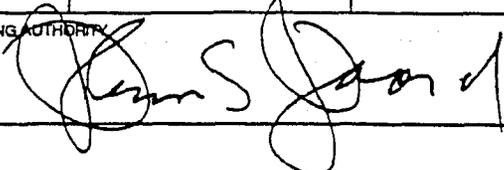
ATTACHMENT Page 2

13. In your contacts outside the correctional facility, use discretion in revealing information you have acquired in the course of performing your service. Check with the appropriate staff if you are doubtful about what requires confidentiality.
14. While working with inmates on a regular basis, a very close relationship may develop. Care should be taken to maintain a professional, impersonal relationship and to avoid becoming emotionally involved with inmates.
15. Volunteers are not permitted to accept collect phone calls, correspond or visit with inmates. A volunteer who wishes to accept collect phone calls, correspond or visit with an inmate, must contact the Volunteer Services Office to arrange to resign as a volunteer. Conversely, an individual who is approved to correspond or visit an inmate cannot be registered as a volunteer while on correspondence/visiting status. Volunteers who serve as spiritual advisors are exempt from the visiting rule.
16. A "Report of Criminal Charges" (see Directive #2112) must be filed when a volunteer is charged with the commission of a felony or misdemeanor, violations which allege possession and/or use of a controlled substance must also be reported. The volunteer charged with the above must report, in writing, required information to the SCFVS.
17. If, at any time, questions arise about any of these guidelines or anything not covered by them, you should seek clarification from your staff supervisor or the staff person responsible for the Volunteer Services program. That person at this facility is _____
(Name)
 and can be reached at () _____
(Phone)

I hereby acknowledge receipt of the Rules and Regulations for Volunteers. I will be held accountable for knowing its contents and I agree to act in accordance with the guidelines set forth. I further understand that any violation may result in my termination as an approved volunteer.

(Signature of Volunteer) (Date)

(Witness)

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>DIRECTIVE</p>	TITLE		NO. 4911
	<p>PACKAGES AND ARTICLES SENT OR BROUGHT TO FACILITIES</p>		
<p>SUPERSEDES Dir. #4911 dtd. 6/19/86 and Rev. Notices</p>	<p>DISTRIBUTION A&B</p>	<p>PAGE 1 OF 10 Pages</p>	<p>DATE 03/04/94</p>
<p>REFERENCES</p>	<p>APPROVING AUTHORITY</p> 		

- I. **DESCRIPTION.** This directive establishes the policy of the Department concerning packages and articles sent or brought to facilities and received through the Package Room.

This directive establishes a positive list of the only items which may be received through the Package Room. No other items may be processed through the Package Room unless expressly authorized by the Deputy Commissioner for Correctional Facilities in accordance with Section III, "Local Permits," A-2.

This directive only addresses those items which may be received through the Package Room. It does not set forth a comprehensive list of all items that an inmate may be authorized to have.

II. **POLICY**

- A. The Commissioner may, at his discretion, suspend all or any portion of this directive at any or all facilities.

- B. Inmates may receive two packages a month containing foodstuffs, as set forth in Section IV, the combined weight of which shall not exceed 35 pounds. Food packages received both from visitors and through the mail shall be included in the two package limit.

Additional packages containing non-food items such as books, clothing, tobacco, etc. may be received by an inmate provided the items are on the Department list of approved items (Section IV of this directive). These packages shall not be counted against the food package limit.

Packages shall not be accepted from visitors during their attendance at special events.

- C. An inmate may receive a package through the mail from anyone who is not on a negative correspondence list. An inmate wishing to send packages or gifts to relatives incarcerated in other Department facilities must obtain authorization from his/her assigned correction counselor and approval of the facility Superintendent, contingent upon agreement by the receiving facility Superintendent. The transfer of funds and art and craft products between inmates is governed by Directive #4761, "Inmate Charitable Contributions and Gifts."

- D. No packages shall be carried into the visiting room of any facility by inmates or visitors except that:

In the visiting rooms in medium and minimum security facilities foodstuffs may be permitted to be brought in with the written approval of the Deputy Commissioner for Correctional Facilities. To obtain this permission the Superintendent must give reasonable assurance, in writing, that permitting foodstuffs to be brought in will not negatively affect the safety and security of the facility.

- E. A visitor may bring a package only for the inmate s/he is visiting containing authorized items only which will be inspected prior to delivery to the inmate. It must be presented at the gate prior to the visit.

- F. All inmate packages will be opened and inspected prior to the inmate being called to the package room. The contents of all packages will be removed from the original shipping container, inspected visually or by use of the x-ray machine and packaged in a new container. When this inspection process has been completed to the satisfaction of the Package Room Officer, the contents may be issued to the inmate.

Packages shall be searched thoroughly to ensure that all articles conform to regulations. Contraband articles shall be confiscated and the Superintendent notified. In searching and examining packages, care shall be taken not to damage or destroy the contents.

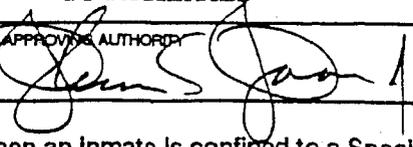
- G. All articles received shall be recorded with the sender's name and address and the name and Department Identification Number (DIN) of the inmate recipient. A package absent a return address may be issued if it can be reasonably established that the package was intended for the addressee. This privilege will not be extended to any additional packages that may subsequently be sent to the addressee.

The inmate shall be requested to sign a Departmental form (see Attachment "A") listing any single item received which has a verified value of more than \$20.00 and does not exceed established Department limits. These items include, but are not limited to, the following:

- | | |
|--------------------------------------|--|
| Art or hobby items | Jewelry |
| Authorized religious apparel | Lamp |
| Baseball shoes | Musical instruments |
| Bedspreads | Radio |
| Calculators | Rug/prayer rug |
| Clothing items | Shoes/boots/sneakers |
| Electric razor (local permit) | Sun glasses (no reflector or mirror types) |
| Gloves | Tape player or combination |
| Hair dryer/blow dryer (local permit) | Typewriter (local permit) |
| Headphones | Watch band |
| Hotpot (local permit) | Watch |

A copy of this form will be filed in the Package Room folder and a copy given to the inmate.

- H. Inmates may receive checks or money orders from persons (except other inmates) not on a negative correspondence list. Checks/money orders must be payable to the name under which the inmate is committed. No checks/money orders are to be received directly by the inmate but shall be given to institution authorities for deposit and credit to the inmate's account.
- I. Articles not permitted, if sent to the institution, will be returned at the expense of the addressee or otherwise disposed of as requested by the inmate within 14 days, after which it will be destroyed by the facility. It is clearly not the Department's intent to give each inmate a 14-day disposition period, requiring storage by the facility. It is the intent that an inmate be given a clear notice that an article is not permitted and a clear opportunity to choose how such an article will be disposed of. There shall be a three month grace period for articles in an inmate's possession which subsequently become prohibited. However, if such articles present a threat to the safety or security of the institution, they shall be disposed of in accordance with Directive #4913, "Inmate Personal Property Limits."
- J. Packages received for an inmate serving a disciplinary disposition which involves "loss of package privileges" will be handled as follows:
 1. Packages Brought By Visitors - Package shall be returned to the visitor at the conclusion of the visit, unless the visit occurs within the first 5 days of the "loss of privileges."
 2. Packages Received By Mail
 - a. From a Publisher - Shall be given to the inmate subject to the provisions of Directive 4572, "Media Review."
 - b. From Other Commercial Sources - Store until inmate completes disciplinary disposition.
 - c. From All Other Sources
 - 1) If received during first 5 days of "loss of privileges" deliver the package to the inmate.
 - 2) If received after first 5 days of "loss of privileges," return to sender unopened.

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>REVISION NOTICE</p>	TITLE	NO. 4911
	<p>PACKAGES AND ARTICLES SENT OR BROUGHT TO FACILITIES</p> <p>APPROVING AUTHORITY </p>	REVISION DATE
<p>NOTES: THIS REPLACES PAGE 3 DATED 03/04/94 Remove old page; insert this new one. Distrib. A&B</p>		

NOTE: These provisions do not apply when an inmate is confined to a Special Housing Unit.

K. Packages received via U.S. Postal Services for inmates who have been transferred shall be processed in accordance with Directive 4015, "Forwarding Inmate Mail."

L. Special Watch Notations: A notation shall be made on an inmate's package room record if:

1. a sender to that inmate attempts to transmit contraband within a package;
2. an inmate has been found in possession of contraband within a package; or
3. an inmate has been found guilty of drug-related misbehavior.

These notations shall alert staff to take appropriate precautions to prevent smuggling of drugs, drug paraphernalia, or other contraband in subsequent packages. However, any notations which correspond to disciplinary proceedings against an inmate or his/her visitor but which are later dismissed or reversed must be expunged from the inmate's package room records.

M. Shock Incarceration Facilities. Packages are not permitted at Shock Incarceration Correctional Facilities in accordance with Shock Incarceration Rules. See Title 7, NYCRR, Section 1800.9(b). As Shock Incarceration inmates near graduation, they are permitted one package with personal clothing for parole release in accordance with Shock Incarceration Rules.

N. Work Release Facilities. Work Release Facilities do not have package rooms. Packages sent to Work Release Facilities will be immediately returned to sender without being opened.

III. LOCAL PERMITS

A. In establishing the standard package list (Section IV), it is apparent that certain items of equipment, clothing, and other material cannot be approved Department-wide because of programmatic and physical plant characteristics of individual facilities. In order that those locations which can accommodate special items are not governed by those which cannot, each facility may consider the issuance of special "local permits" in accordance with the following guidelines:

1. Local Permits for items so marked and listed in this directive require the approval of the facility Superintendent, but do not require the approval of the Deputy Commissioner for Correctional Facilities.
2. Local permits for items not listed in this directive require the recommendation of the facility Superintendent and the approval of the Deputy Commissioner for Correctional Facilities. Such recommendations shall include:
 - a. Identification of the item for which a local permit is recommended;
 - b. The Superintendent's rationale for the recommendation; and
 - c. Specific terms and conditions regarding the use of the item as prescribed in Section III-A-4 below.
3. Any item approved by local permit shall be clearly identified by mark or label and a record of such identification maintained by the facility. The inmate must retain a copy of the permit to protect the privilege of retaining this item.
4. By signing the local permit, the inmate shall indicate his understanding that the permit is valid only in his current facility and, in the event that he is transferred and cannot obtain a local permit for the item at his subsequent location, the item must be disposed of at his expense.
5. The local permit shall specify the terms and conditions regarding the use of the article (with respect to program and periods or locations in which the article may be used) and indicate that failure to adhere to such terms and conditions may result in the revocation of the permit. The permit shall state (and the inmate's signature shall indicate his agreement) that, in the event of relocation, the article must be disposed of at the inmate's expense.

- B. Each Superintendent is required to maintain a current list of all approved local permits to include:
1. Identification of inmate;
 2. Identification of the item;
 3. Identification of the approving authority; and
 4. Date of approval.

IV. ALLOWABLE ITEMS. Items listed below may be received through the Package Room by inmates in all facilities subject to the following restrictions and qualifications:

A. Food Items - General

- No glass containers
- Except for fresh fruit and vegetables, food products must be received commercially packaged in airtight hermetically sealed containers impervious to external influence (e.g., sealed cans, heat sealed plastic bags, vacuum sealed plastic jars, glue sealed paper or cardboard boxes, etc.).
- No home, bakery, restaurant, or delicatessen prepared foods, unless authorized under Section II-D.
- Health foods - items listed below may be ordered and received directly from a health food manufacturer or retail store which has been approved by the Superintendent and may be received as packaged by the vendor.
- No alcoholic content or ingredients.

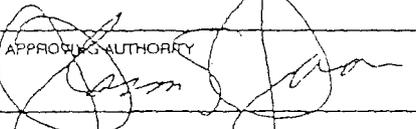
B. Specific Items of Food

- Beverages - including dried beverage mix. (No plastic soda/liquid drink containers)
- Bread in sealed package, no twist ties
- Canned foods - no larger than 16 oz. each - that do not require cooking (except in facilities that permit cooking)
- Candy - no alcohol filled
- Cheese (sliced or chunk)
- Coffee
- Cold cuts
- Dried coffee cream
- Fruit
- Meats (cooked only)
- Nuts (without shells)
- Pastry
- Raisins, not to exceed one 2 oz. package per food package
- Seafood (cooked only, including smoked)
- Snacks - potato chips, pretzels, cheese twists, crackers, cookies, and other similar items
- Tea - no loose tea (herbal and flavored tea allowed)
- Vegetables - fresh that do not require cooking (except in facilities that permit cooking)

C. Food Utensils (Plastic Only)

- Bowls
- Plates
- Cups & saucers
- Drinking Containers (no larger than 16 oz.)
- Food Storage containers - 2 quart maximum
- Spoons
- Forks, pliable only

NOTE: Metal cooking utensils may be permitted in facilities that permit cooking and in quantities as prescribed by the Superintendent (local permit only).

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES REVISION NOTICE</p>	TITLE	NO. 4911
	PACKAGES AND ARTICLES SENT OR BROUGHT TO FACILITIES	
NOTES: THIS REPLACES PAGE 5 DATED 4/28/94 Remove old page and insert this new one. Distrib. A&B	APPROVING AUTHORITY 	REVISION DATE 07/01/94

- D. Tobacco Products. Tobacco products must be in the original commercially sealed containers, and must bear a New York State Tax Stamp - no exceptions. Cigarettes must bear a New York State Tax Stamp - no exceptions.

Cigarettes - 5 cartons max. per month	Pipes and pipe cleaners
Cigarette roller (Limit 1)	Tobacco - chewing and smoking
Cigarette papers	Tobacco pouch
Cigars - 200 maximum per month	Snuff

- E. Toilet Articles Including Cosmetics/Toiletries. Toiletries or cosmetics* that do not contain alcohol, as defined below, are acceptable if received in commercially-sealed non-pressurized cans or commercially sealed plastic containers or if received directly from an approved store or manufacturer. When approved toiletries cannot be obtained in plastic containers or cans then one ounce glass containers may be permitted when received directly from an approved store or manufacturer as packaged by them.

*Cosmetic, as defined in the Food, Drug, and Cosmetic Act (21 U.S.C.A. Section 321 (i)), means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

No cosmetic or toiletry which lists alcohol** as an ingredient may be received.

**21 CFR Section 701.3 Designation of ingredients (states in part) (a) The label on each package of a cosmetic shall bear a declaration of the name of each ingredient in descending order of prominence,....

The following toilet articles including cosmetics and toiletries may be received through the Package Room.

a. All Facilities

Afro picks - plastic	Hairnets
Aftershave lotion	Hand/face cream or lotion.
Baby oil	Mirror - 8"x10" maximum, plastic only
Beard Trimmer, electric (local permit only)	Mouthwash
Caustic sticks and styptic pencils	Razor, electric (local permit only)
Combs - plastic	Shampoo
Cream rinse	Shaving items - brush, cream - no pressurized cans, cup, soap
Denture adhesive	Soap - standard size
Denture cleanser - tablets	Soap dish - plastic
Deodorant - stick-type only	Stick cologne
Emery boards	Toenail clipper 3 1/2" maximum
Fingernail clipper - 2 1/2" maximum	Toothbrush - non-electric
Hair brush - plastic	Tweezers
Hair dressing - non-medicated	

b. Female Facilities Only

Facial makeup - eye makeup, face powder, lipstick, rouge, etc.
 Hair fasteners - barrettes, bobbie pins, hair bands, hair rollers, hair rubber bands
 Hair spray - non-aerosol
 Perfume/cologne - 3 oz. maximum per month - no aerosols

F. Clothing. Blue, black, gray or orange clothing is not permitted with the exception of the following items which are permitted in the color black: socks, winter knit watch cap, belts, gloves/mittens, bow ties and earmuffs. Any shades of colors such as melon, peach, aqua, etc. that are not readily distinguishable from orange, blue, etc. are not permitted. Quilted clothing is not permitted. Snorkel-type hoods are not permitted. No clothing item may exceed \$50 in value. Allowable items must not be second hand.

a. Acceptable Items - All Facilities

- Athletic supporters - no metal or plastic cups
- Bathrobe - solid color only
- Belts (non-elastic) - maximum 1 1/2" wide, with buckle (maximum 1 1/2" x 1 1/2")
- Boots - 6" maximum height exclusive of two inch maximum height heel. No hollow or platform heels or soles. Any color. Two inch width heel, no pointed toe, no spikes. No metal shanks/supports or toes.
- Bow ties
- Earmuffs
- Gloves and mittens - wrist length - bag gloves without metal inserts
- Handkerchiefs - white only
- Hats - winter knit watch cap solid color only, clear transparent plastic rain hat
- Jacket - (Outer garment intended for use during inclement weather.) Fabric, 3/4 length, must be solid green in color, including lining. No hoods.
- Jacket - military style solid green (including lining) field jacket without hood. No military patches, insignia or decals are permitted. (Short-waisted "Ike jackets" are not permitted.)
- Neckties - cloth, solid colors only
- Pajamas - solid color only
- Rain jacket - clear colorless, transparent plastic, hoods permitted, maximum value \$20
- Rubber galoshes and overshoes
- Sandals
- Scarves - solid colors only
- Shirts - solid colors except the manufacturer's logo (fox, alligator, turtle, etc.) permitted; includes turtle, mock turtleneck, and polo shirt.
- Shoes - 2" heel maximum. No hollow or platform heels or soles. No blue. No metal/stone or clip-on decorations. No metal supports.
- Shorts - gym, Bermuda - no logo
- Shower shoes
- Slippers
- Sneakers - no blue, no pockets, no pumps, no hollow soles, no metal supports
- Socks - no pockets
- Sweaters - solid colors only, except that manufacturer's logo (fox, alligator, turtle, etc.) permitted.
- Sweatshirts and sweat pants - cloth only - hoods permitted These may have multiple or solid vertical stripe(s) not to exceed two inches in width. No logos.
- T-shirts - solid colors only
- Underwear - jockey, boxer, thermal

b. Acceptable Items - Female Inmates Only

- Blouses - solid color, any color but blue, black, gray, or orange; short/longsleeve or sleeveless
- Boots - maximum height 18", 3" heels, no hollow heels or soles. Any color.
- Nightgowns - solid color only
- Shawls - 1 yard square
- Shoes - 3" heels. Any color
- Stockings - panty hose
- Underclothing - bra, panties, slips full and half, girdle

G. Educational Supplies

Books, magazines and periodicals received from other than the publisher or an approved distributor may be delayed through the Package Room up to six days while being subject to close security inspection. All material is subject to Media Review guidelines. (See Directive #4913 for maximum number inmate is allowed to possess in cell/cube.)

Newspapers may only be received from the publisher or an approved distributor, subject to Media Review guidelines. Note: Newspaper clippings may be received from other than the publisher or approved distributor within regular correspondence subject to Media Review Guidelines and the provisions regarding such Carbon paper clippings set forth in Directive #4572.*

Cassette type automatic demagnetizer

Clip boards (commercial 9"x15" maximum) non-metal

Composition books - no metal spiral binding

Crayons

Dictionaries

Drafting pens - no sharp points, no internal or refillable ink reservoirs

Drawing paper

Erasers

Headphones received directly from manufacturer or established dealer only (maximum value \$50.00) -

Local permit only. (See Directive #4920 for additional stipulations.)

Masking tape - 1" maximum width

Mini-calculator (\$30 maximum value)

Musical instrument, with case - (maximum value \$200) one only - local permit only

Notebook covers

Paper

Pens - ball point or felt tip only - no fluorescent type

Pen holders (clip type)

Pencils

Pencil sharpener (manual)

Radio - no larger than 8"x14" - received directly from manufacturer or established dealer only.

See Directive #4920, "Inmate Radios, Tape Players & Radio/Tape Player Combinations

Radio/Tape Player combination - no larger than 8"x14" - received directly from manufacturer

or established dealer only, no microphone or talk switch recording device. See Directive #4920.

Rulers (12" maximum, non-metal)

Tape player - no larger than 8"x14" - received directly from manufacturer or established dealer

only, no microphone or talk switch recording device. See Directive #4920.

Tapes - (cassette) - commercially made and sealed in cellophane or similar material, received directly from a distributor, retailer, or manufacturer only. Subject to Media Review.

Religious tapes may be received from a bonafide religious organization. These tapes must be in clear packaging and be reviewed by the chaplain's office or the Media Review Committee.

Transparent tape - 1" maximum width

Typewriter Portable - Mechanical or battery-operated with or without memory -

Electric typewriter allowed with local permit only.

Electric adapter or converter allowed with local permit only.

Memory typewriter: Memory should be 7000 bytes or less. (This total does not include a

built-in dictionary.) No discs or any other method of transferring information from one unit to

another. No external memory adapter or other addition to increase memory. No upgrade boards.

The Department assumes no liability for information loss due to searches, power surges or outages, etc.

Typewriter w/case - maximum value \$200.

NOTE: Typewriters may only be received through purchase from the commissary or established dealer, or brought with the inmate when transferred from another facility.

Typewriter ribbons - maximum of 6

Typewriter correction paper

Typewriter print wheel, one only on an exchange basis

H. Miscellaneous

a. All Facilities

Bedding - No blue, black, orange, gray, or white permitted. Solid color only.
Calendar - no larger than 18"x14" when opened
Can opener - manual only with short handle
Coat hangers - plastic only
Coffee pot - non-electric, 9 cups maximum, local permit only
Extension cord - 9' maximum, UL approved, one only
Greeting cards with envelopes (no electrically operated greeting cards) (Maximum of 50)
Hot pot - local permit only
Hair dryer/blow dryer - local permit only
Key ring
Lamp - 20" maximum, UL approved, no hi-intensity, maximum value \$20, local permit only
Lamp shade - non-flammable
Magnifying glass - plastic 2"x3" or 3" diameter maximum
Matches (book)
Needles and thread
Pins - safety
Pillow cases - no blue, black, gray, white, or orange - solid color only.
Posters - 18" x 14" maximum - subject to Media
Review guidelines
Rug - solid color only, 3'x 5' maximum, not braided - one only. Does not include prayer rug.
Saddle Soap
Shoe laces
Sponges
Sunglasses - standard size - no reflector type - total maximum value \$25.00 (2 pair only)
Thermos bottle - 2 qt. maximum, plastic
Tissues - eyeglass and facial
Towels - solid color only - no black, blue, gray, orange, green or white
Washcloths - solid color only - no black, blue, gray, orange, green or white
Watch/watchband - alarm watch permitted, maximum combined value \$50 one only, no stones
Watch battery - subject to an exchange on a one-for-one basis
Wedding band - maximum value \$150.00, no stones, no protrusions
Writing Paper, no envelopes

b. Miscellaneous - Female Inmates Only

Jewelry - no stones
Bracelets (wrist or ankle) - limit 2
Earrings (pierced or clip) - limit 3 pair
Necklaces (18" maximum) - limit 2
Rings (other than wedding bands) - limit 2, no stones, no protrusions

Combined value of all of the above not to exceed \$150.00.

I. Recreational Supplies

Baseball caps - no blue, black, gray, or orange - no logos
Baseball shoes with rubber cleats
Checkerboards and checkers
Chess sets
Dominos
Gloves - baseball, handball
Handballs - original sealed containers only
Jigsaw puzzles - In original sealed container
Playing cards - original pack unopened
Tennis balls - original sealed container only

NOTE: Dice are not permitted.

J. Art and Hobby Supplies

A list of articles approved by an employee designated by the Superintendent must be submitted to the Package Room before they may be received by the inmate.

K. Religious Articles

Purchase, receipt or use of religious articles is subject to the provisions of Directive #4202, "Religious Programs and Practices." No color restrictions apply unless specified. Clothing items must not exceed \$50 in value.

Bible & Koran and other scriptural and devotional books - see Directive #4202. Subject to the restrictions for other printed material covered in Section IV-G of Directive #4911.

Guthra (prayer shawl) - 1 yard square

Islamic Oils - six vials per month, must be approved by Superintendent and come from an approved source

Khimar - a cloth item - female only - 4 feet square (solid black, blue, gray, or orange not permitted) may be multicolored.

Kufi - a hemispheric head cap that can be made of cloth, knitted or crocheted, multicolored or single colored. No color prohibitions. The kufi may have a peak on top. It must fit close to the head. No protrusions (visor, tassels, etc.)

Prayer beads - see Directive #4202

Prayer rug (one only). May be possessed in addition to rug permitted in Section IV-H-a above.

No blue, black, gray, or orange.

Religious medal and chain - \$50.00 maximum value, no stones, maximum 2" diameter.

Robes (solid black, blue, gray or orange not permitted)

Talit (prayer shawl) - 1 yard square

Talit Katan (fringed underwear)

Tefillin (phylacteries)

Yarmulke - a close-fitting skull cap that can be made of cloth, knitted or crocheted, multicolored or single colored. There are no color prohibitions.

AGREEMENT, made June 17, 1975, by and between the DEPARTMENT OF CORRECTIONAL SERVICES (through its Director of Ministerial Services), an agency of the State of New York, having its principal office located at Building #2, State Office Campus, Albany, New York 12226, hereinafter referred to as "CORRECTIONS", and the COUNCIL OF CHIEFS OF THE ONONDAGA NATION on behalf of inmates from the Onondaga, Seneca, Tuscarora, Oneida, Mohawk and Cayuga nations hereinafter referred to as "COUNCIL OF CHIEFS".

WITNESSETH:

WHEREAS, CORRECTIONS is charged with the duties to provide religious programs for inmates within its institutions; and

WHEREAS, many inmates of CORRECTIONS are native American Indians with that culture their "religious preference"; ^{Also known} ~~and~~ _{as the "Way of Life"}

WHEREAS, CORRECTIONS does not have the staff to provide the cultural development to its native American Indians; and

WHEREAS, the Six Nations acting through the COUNCIL OF CHIEFS have the capabilities of providing for the cultural needs of native American Indians.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein set forth, the parties agree as follows:

1. A liaison person is to be designated by the COUNCIL OF CHIEFS from the Onondaga Nation to work with the Director of Ministerial Services in coordinating the establishment and coordination of the Indian Religious Development Program within the Attica, Auburn and Albion Correctional Facilities. Such liaison person shall be approved by CORRECTIONS.

The liaison person will be given the authority by the COUNCIL OF CHIEFS with the concurrence of the Director of Ministerial Services of CORRECTIONS.

2. The liaison person will be allowed to visit native American inmates on a regular basis and will monitor the programs for such inmates at the facilities.

3. The liaison person will report, in writing, monthly to the COUNCIL OF CHIEFS and the Director of Ministerial Services regarding any areas of problems, areas that need further interpretation and the overall status of the program.

4. There will be designated for each of the named correctional facilities at least two members of the nations mentioned herein who will play an active role in the operation of the Religious Development Programs. They will be selected by the Chiefs and this information will be transmitted to the facilities via the Director of Ministerial Services. These individuals will function as instructors within the context of this program and will be permitted to visit the above facilities at times agreeable to the Director of Ministerial Services. They will secure via the liaison person, necessary materials for implementing the programs. In addition to the outside persons there will be at least one inmate designated as the internal coordinator.

5. There will be three Chiefs from each of the Six Nations who will be on a correspondence list and will have those privileges with all Indian inmates. Their correspondence will be dealt with in the same manner as is designated for government officials. Other Chiefs who wish to correspond will notify the Director of Ministerial Services via the liaison person; the Director of Ministerial Services will, in turn, submit the name to the appropriate Correctional Facility authorizing said correspondence.

6. In addition to the above-mentioned Chiefs, there will be three Clan Mothers, and three Faith Keepers of the Six Nations who will be on a visiting list and will have the same visiting privileges as those afforded other religious leaders, with all Indian inmates. The Chiefs, Clan Mothers and Faith Keepers will function as religious advisors and counselors. The names of the Eighteen Chiefs, Eighteen Clan Mothers and Eighteen Faith Keepers will be made available to the Senior Chaplain and the facility administrators. In the interest of administration of the facilities, CORRECTIONS reserves the right to limit the number of visitors.

7. In order to facilitate the admittance of the representatives of the Six Nations into each correctional facility, the liaison person shall notify CORRECTIONS weekly of the names of the representatives who will be visiting. A list of backup personnel will also be provided. Each visitor is required to have proper credentials on his person at the time of his admittance to the correctional facility. Such credentials shall be issued by the Director of Ministerial Services.

8. The Director of Ministerial Services shall provide an orientation session for each representative and each representative shall be required to receive such orientation. The orientation shall acquaint each representative with the statutes, policies, rules and regulations of CORRECTIONS.

9. CORRECTIONS assumes no liability for the safety of the liaison person and backup personnel beyond that provided for other visitors. CORRECTIONS shall exercise such supervision over the program as is necessary and appropriate for the safety and security of the institution.

10. This AGREEMENT shall begin on June 17, 1975, and shall continue until July 1, 1976. However, this AGREEMENT may be terminated by either party upon 30 days' notice.

11. Any notice to either party hereunder must be in writing, signed by the party giving it, and shall be served either personally or by registered mail addressed as follows:

TO: The Council of Chiefs of
the Onondaga Nation
Nedrow, New York 13120

TO: The Reverend Earl B. Moore
Director of Ministerial Services
Building #2
State Campus
Albany, New York 12226

and/or such other addressee as may be designated by either party upon written notice. Any notice shall not be effective until received by the addressee.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above.

COUNCIL OF CHIEFS
OF THE ONONDAGA NATION

BY Chief [Signature]

CHIEF [Signature]
Chief [Signature]

DEPARTMENT OF
CORRECTIONAL SERVICES

BY [Signature]
Benjamin Ward
Commissioner

BY [Signature] and [Signature]
Reverend Earl B. Moore
Director of Ministerial
Services

Rule of Ceremonies

There are eight religious festivals per year, all of which are associated with the moon and the cycle of nature. They are (with approximate periods within which they

Midwinter	End of January (2 days)
Maple Syrup	Late February to mid-March
Thunder	March
Jun	April
Planting	Late April to early May
Strawberry	June
Green Corn	September (7 days)
Harvest (bread dance)	Late October to early November