

Religious Headwear, Clothing and Grooming

2015.1 PURPOSE

The purpose of this document is to establish a policy to provide religious accommodations with respect to grooming, religious clothing, and headwear in observance of an inmate's sincerely held religious belief.

2015.2 POLICY

The Orange County Sheriff's Department (OCSD) does not allow inmates to retain personal religious clothing or headwear while in custody except as set forth in CCOM Section 2015.3. It is the policy of the Orange County Sheriff's Department (OCSD) to accommodate the religious beliefs of inmates and not impose a substantial burden on the exercise of those beliefs. However, the safety and security of our facilities are compelling interests. The following policies are considered the least restrictive means furthering the compelling interests while accommodating inmates' right to religious exercise.

2015.3 PROCEDURE REGARDING GROOMING, RELIGIOUS CLOTHING AND RELIGIOUS HEADWEAR ACCOMMODATIONS

- (a) When an inmate wearing religious headwear or clothing is brought into the IRC for booking, a staff member will immediately notify the Watch Commander or their designee.
- (b) During the initial booking, intake, and classification process, facility staff shall ask each individual entering into their custody whether the individual practices a sincerely held religious belief that requires accommodation with respect to grooming, religious clothing, or religious headwear.
- (c) The Watch Commander or their designee will have a staff member retrieve a jail issued religious headwear or jail issued sweatshirt and pants if the inmate requires their arms and legs covered for modesty. The jail issued headwear will be stored in the IRC Operation Sergeant's office.
- (d) The facility shall not require an individual's hair or beard to be trimmed or cut during the booking, intake, or classification process and shall allow the individual in custody to maintain their hair and beard length according to their sincerely held religious beliefs.
- (e) During the intake/booking process, inmates wearing religious headwear shall be escorted to an area of privacy by staff members of the same gender, instructed to remove their headwear, and after reasonably ensuring their hair is free of contraband, weapons and drugs, provided with an approved temporary Orange County Jail issued headwear.
- (f) Only staff members of the same gender as the inmate shall be present during removal of the headwear. When the inmate's head is uncovered it will be done out of the view of the opposite gender.

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- (g) The inmate will be allowed to put the temporary headwear on before entering an area where they could be seen by the opposite gender.
- (h) The personal religious headwear belonging to the inmate shall be placed in their property except as provided in section (m) below.
- (i) If the inmate is wearing headwear in observance of their sincerely held religious belief, jail staff will do the following during the booking photo process:
 - 1. Only jail staff members of the same gender as the inmate shall be present. Staff shall make every effort to take the booking photo out of view of the opposite gender. In the event staff members of the opposite gender are in view, privacy screens shall be utilized to shield the inmate from being viewed by the opposite gender while the inmate is removing or donning their religious headwear.
 - 2. Jail staff will inform the inmate that the inmate's booking photo will be taken and will be displayed on an inmate identification card. Subsequently, jail staff will ask the inmate whether the inmate objects to removing their religious headwear for purposes of taking the booking photo. If the inmate has no objection and removes their headwear voluntarily, staff will complete the booking photo process.
 - 3. If the inmate objects to removing their headwear based on their sincerely held religious belief, jail staff will do the following:
 - i. Jail staff shall notify their immediate supervisor and initiate a log entry of the incident on the Main Control 24-hour log.
 - ii. The inmate will be permitted to wear the headwear for the booking photo in a manner that allows the inmate's face to be fully visible and not cast shadows on the face as more particularly described in *U.S. State Department - Rules on Passport Photos*.
- (j) The inmate will be allowed to wear the religious headwear after the booking photo process unless there is a compelling security interest not to allow it as determined by the Watch Commander or their designee.
- (k) The Correctional Programs Supervisor will meet with a religious clergy member to certify the appropriateness of the Orange County Jail issued headwear. The jail issued headwear will be one that has been approved by the Correctional Programs Manager, Inmate Services Director and Division Commanders or their designees.
- (l) The Correctional Programs Supervisor assigned to Religious Programs will maintain a supply of religious headwear in the IRC Operation Sergeant's office.
- (m) In the event jail issued religious headwear is not available, the inmate may retain their own religious headwear unless there is a compelling security interest not to allow it as determined by the Watch Commander or their designee. Permission for personal headwear must be granted by the Watch Commander or their designee. The assigned housing unit shall be notified of the inmate's right to wear the personal religious headwear. When jail issued headwear becomes available, the inmate will be required to change from the personal religious headwear to the jail issued headwear out of the

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view of the opposite gender. The personal religious headwear will then be placed on the inmate's property.

- (n) Religious headwear, both jail issued and personal, will not be permitted if the inmate displays behavior which results in the destruction of property or reveals intent to cause physical harm to themselves or others. The decision to prohibit the religious headwear shall be determined by the Watch Commander or their designee.

2015.4 PROCESS FOR REQUESTING RELIGIOUS HEADWEAR

- (a) Inmates already in custody may request a religious headwear by filling out an Inmate Message slip. An Inmate Message Slip can be requested from any custody staff and be collected by any Deputy Sheriff/Sheriff's Special Officer/Correctional Services Assistant/Correctional Programs Technician.
 - 1. The Inmate Message Slip should be sent to the Correctional Programs Supervisor via Sheriff's internal mail system.
 - 2. The Correctional Programs Manager will have the Religious Services Supervisor schedule an appointment with the inmate.
 - 3. The Religious Services Supervisor shall interview the inmate to establish if they can articulate the religious significance between their professed faith and the headwear. The inmate must be specific as to why the religious headwear meets their needs. If the Religious Services Supervisor determines the request for a religious headwear is justified, they shall inform the Watch Commander.
 - 4. The Watch Commander shall review the request and make the final determination.