

RELIGIOUS ACCOMMODATION Handbook

For Contractors Delivering Chaplaincy Services in CSC Institutions

NOTE: *This resource addresses religious accommodation only. Accommodations based on conscience, (which may include personal spiritual understandings) follow a different process. You are to refer inmates to the Institutional Head for requests based on conscience. The Institutional Head may consult with you on religiously or spiritually based aspects of this type of request. Your CSC Regional Chaplain can also be consulted for further information when requests based on conscience (individual spirituality) arise.*

Providing chaplaincy services within Correctional Service Canada institutions offers both challenges and opportunities. You are accountable to the standards of your profession while cooperating with and supporting institutional policies and procedures.

One of the most interesting and sometimes challenging requests that you will encounter is for “accommodation” of a religious need. The inmate is asking for something outside of the regular institutional routine because of his or her religious requirements. This guide is intended to help you work through each request fairly, safely and supportively while meeting legal and security requirements. If you can’t find the answer you are looking for, or need clarification, please request your employer to consult with your CSC Regional Chaplain.

HANDBOOK OBJECTIVES

The *Manual for the Accommodation of Religious and Spiritual Needs* has been taken out of circulation and it will be replaced by GL750-1 and GL750-2 which are supporting guidelines to CD750 Chaplaincy Services. To maintain consistency for chaplaincy services delivery and in particular religious accommodation processes and practices this resource was developed for contractors and chaplains delivering chaplaincy services in our environment

We (Correctional Service Canada - CSC) have legal obligations regarding the religious accommodation of inmates. The Canadian Charter of Rights and Freedoms states that Freedom of Religion and Conscience is protected – even in prison, and it is your role to ensure religious and spiritual needs of inmates are met with integrity in the safest, most helpful way. That’s one of our contributions to a safer society – our ability to support inmates to practice and grow in their faith and their relationships, or even discover and understand new things about themselves and their actions.

Please note: Chaplains are, in large part, the Government of Canada’s response to its Charter obligations to offenders in terms of religious and spiritual practice. Your decisions and actions around responding to and managing religious accommodation requests carry significant implications for the CSC.

This guide will give you information and tools to respond to religious accommodation requests for inmates observing the practices of Canada’s diverse faith communities in the federal correctional institutional environment. It will also help you to provide institutional management and staff with sufficient and accurate information to respond to inmate religious accommodation requests which may include adjustments to scheduling, diets, clothing, cell effects, and other activities. Responses may include:

- **recommendations** to the warden for the accommodation of religiously required changes to regular institutional life excluding dietary accommodations
- **requisitions** to institutional Food Services for religiously required diets

All content unless otherwise stated is for all persons delivering chaplaincy services (site-based and tradition-specific).

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LEGAL AUTHORITY

Chaplains fall under the same legal authority as CSC staff, even though your role is different. These are the basic legal underpinnings of CSC's activities:

- [Canadian Charter of Rights & Freedoms](#) (Section 2)
- [Corrections & Conditional Release Act](#) (Section 75 CCRA)
- [Corrections & Conditional Release Regulations](#) (Section 101 CCRR)
- [Universal Declaration of Human Rights](#) (1948) (Article 18)
- [Canadian Human Rights Act](#)

GENERAL INFORMATION

Religious and Spiritual Accommodation – Definitions within CSC Institutions

In some contexts CSC uses “accommodation” to mean “housing” for offenders. This is not the type of accommodation that you will get involved with. Here are some definitions to help you be clear about what accommodation means in the Chaplaincy context:

Accommodation: making adequate and sometimes special provision and/or adjustments in the institutional routine in order to fulfil legislated requirements. Facilitating an accommodation request is a shared responsibility between the inmate requesting the accommodation and CSC responding to the need. This means the inmate and the institution have responsibilities (identified later in the handbook) to respectfully process each request.

Religious and Spiritual Accommodation: making provision for the exercise of inmates' religious and spiritual rights as guaranteed by the Canadian Charter of Rights and Freedoms, and as mandated in the Corrections and Conditional Release Act (CCRA) and Regulations (CCRR).

For the purposes of religious and spiritual accommodation in CSC institutions, it is important to know that inmates may determine their own beliefs, whether or not they are shared by anyone else. It is only when they lay claim to and request particular religious requirements based on their beliefs that fall outside of what can be observed within policy and procedures that CSC requires validation of those requirements by the inmate's religious representative. If the inmate's religious or spiritual resource person can validate the offender's claim, CSC should allow and facilitate the practice of the religion or spirituality in the least restrictive manner possible. This is where chaplains become creative facilitators of inmate's religious practices. If the inmate doesn't have a faith group resource person, your role is to support them in connecting with a local representative of their faith tradition if possible. If the inmate does not/ cannot gain support for the requested accommodation, your role then is to inform them of the “accommodation of conscience” request process that is available to them.

In group practice, religious accommodation means providing access to an adequate level of resources (leadership, opportunities for worship, educational resources, religious articles, etc.) to allow inmates to practise their religion or spirituality as fully as they desire (up to a level that is generally available to people in the community) within the correctional setting. This is often where regularly scheduled faith community volunteers or leaders come and offer services, rites and rituals for inmates.

For an open religious gathering (i.e. open to all inmates) religiously required elements that are considered contraband in a CSC institution or may be a risk to a person or the safety and security of the institution (ritual foods, sacramental wine, worship garments, etc.) require accommodation. There will be limits to use. Only those inmates who have been identified and approved for the accommodation prior to the gathering may receive them. In some cases only the faith community representative uses the contraband item for the requirement of the rite or ritual. For further information see *Limits of Practice Consistent with Human Rights Code on Competing Rights* below.

Additional areas of practice may include, but are not limited to:

- private access to his/her faith community resource person (following security protocol – may be by phone, visit, mail or other);
- scheduling and diet adjustments;
- use of religious articles and clothing (head-coverings, worship outfits);
- life event support (birth, marriage, death), and;
- Health and personal care (blood transfusions, vaccinations, hygiene products, etc.).

Inmates may claim to adhere to more than one tradition, but you may only requisition accommodations for one tradition. If the inmate wants more, the inmate can request an accommodation of conscience.

Accommodation of Conscience (sincerely held belief – may or may not be spiritual in nature): making provision for the exercise of offenders' Freedom of Conscience rights as guaranteed by the Canadian Charter of Rights and Freedoms and as mandated in the Corrections and Conditional Release Act (CCRA) and Regulations (CCRR).

In the event that an inmate's religious accommodation request is not supported in the practice of the faith community or does not arise out of an identifiable faith community, if the inmate requests it, the warden may consider the request as one of conscience

When an inmate does not have the support of a faith community resource person, but has very strong beliefs about something. The accommodation of conscience approval process falls outside of your responsibilities as chaplain, even though it may include a religious or spiritual claim. Chaplaincy may participate in providing information and expertise to the warden's decision-making process if requested.

Rationale for Accommodation

Respecting the religious rights of incarcerated persons as guaranteed by the Canadian Charter of Rights and Freedoms is a challenge that is supported by the CCRA and the CCRR, as well as the CSC Mission.

For accommodations that are widely observed (Christmas and Easter scheduling and observances, Passover, Ramadan, fasting, head-coverings, etc.), we draw upon the leadership of Canada's diverse faith communities as a resource in establishing routine processes for accommodation. The relevant faith community, as the source of information for the accommodation requirement, shares responsibility for the care of inmates by providing us with information describing what usually happens when the community gathers for religious observances.

The **faith community resource person that the inmate identifies as his or her own is the primary resource** in determining and supporting the religious accommodation requirements of those who wish to observe religious practices.

- If the inmate cannot or is unwilling to identify his or her religious community, the chaplain has a role in making and recording reasonable efforts to facilitate a connection for the inmate with the faith community of their choosing (via mail or telephone), ideally in the community where the inmate hopes to reside upon release.
- If there is no faith community support for the requested accommodation, you cannot support and process the accommodation. In this situation you are expected to inform the inmate of the option to request an

accommodation of conscience from the warden and support the inmate in completing their request if such help is desired by the inmate.

It is your responsibility to confirm with inmate's faith community resource person:

1. their role in the faith community, and;
2. their relationship with the inmate.

Neither you as the chaplain, or CSC, can determine level of practice. This is in keeping with the Charter and Human Rights Code.

Variance in Practice

Within all religious groups there are members who practice the stated beliefs and practices of their faith to greater or lesser degrees. None of us practices our faith perfectly! As a result, individual inmates who belong to the same religion may have differing requirements when it comes to his/her religious accommodations. It is therefore essential for the chaplain to work with the inmate's self-identified faith community resource person, or a leader whom the inmate accepts as providing valid leadership to him or her when determining required religious accommodations.

Limits of Practice Consistent with Human Rights Code on Competing Rights

Limitation of practice is necessary in a correctional environment if the required practice is unlawful or the required practice or item poses a risk to the safety or security of persons or the institution. Limits of practice apply to:

- **Items identified as contraband that are religiously required** - These are to be accommodated for the individual requiring them up to the limits prescribed by law and the safety, security and good order of the institution. The warden determines the parameters of accommodation for these items. Consult with your operational contact (Assistant Warden Interventions, etc.) for information about what is considered contraband in a CSC institution.
- **Scheduling** - Religious services, rites and rituals that you as the chaplain will facilitate ordinarily take place during core hours. Some religiously required exceptions for observance outside of core hours (e.g. daily breaking of Ramadan fast for Muslims) may be requested and processed on a case-by-case basis by the Institutional Head.
- **Faith community worship rites and rituals** – You will be facilitating opportunities to participate in religiously required services for a variety of faith traditions. You are responsible to obtain authorization from institutional management for use of any resources/items considered contraband or a risk to safety and security of the institution. These resources/items will be limited for use to those inmates that have an authorized religious accommodation or for use by the faith community representative. You will need to communicate clearly to faith community representatives that items considered contraband in a correctional environment used in their worship at their community location will be restricted. This may mean:
 - only the faith community representative will use the restricted item(s) or;
 - inmates who have a pre-approved religious accommodation can use the restricted item(s) or;
 - the restricted item(s) will only be used in a security controlled environment.
- **Religious Proselytising** – Sharing of one's belief system is limited by the willingness of others to hear it. All persons have the right of freedom of expression but it is limited by the other person's freedom to receive/listen. Proselytising is not permitted in a correctional environment. You are to take special care to ensure that proselytizing and spiritual bullying and abuse are not occurring by volunteers, staff or between inmates.

- **A religious belief that incites hatred or violence against individuals or groups** or to practices or observances that are said to have a religious basis, but which contravene the Criminal Code or international human rights principles are not permitted.

Partnership with Faith Communities

It is the inmate's faith community that affirms the inmate's accommodation requirements to you. When this is confirmed you can then support and process the accommodation requirement on behalf of the faith tradition. Sometimes, it may be appropriate to have a joint meeting with staff, the faith community resource person, yourself and the inmate to discuss specific needs.

Competing Rights

There are circumstances where Charter-protected rights conflict with each other (e.g. religious requirement to burn incense vs. health and safety right to a smoke/scent free workplace). Since no right is absolute there will be occasions where rights are in competition with one another. In the case of competing rights, the challenge lies in identifying the practices that pose the risk and crafting the required accommodation so it can be facilitated in the least restrictive manner possible within CSC policies and regulations. To do this it is usually necessary for institutional management to be involved in a consultation process with chaplains, the inmate, and through the chaplain, his/her identified religious/spiritual resource person to clarify required religious item use or practices so they may be accommodated within CSC's mandate to manage risk and protect society. No right is absolute, but you are responsible to respectfully process each request based on individual requirements.

ROLES AND RESPONSIBILITIES

Responding to a request by an inmate for a religious accommodation starts with communication. Requests can come to you in written form using *Inmate Request Form #1122*, in verbal form or via referral. Chaplains clarify and support institutional processes for inmate requests for religious accommodation. The response involves several parties, with inter-related responsibilities. The responsibilities are formal, so take extra care to make sure everyone understands them:

The Inmate

An inmate requests the religious accommodation to chaplaincy by providing ALL of the following information:

- Describing the accommodation in detail;
- Identifying the religious tradition s/he is affiliated with;
- Demonstrating affiliation with that religious tradition. This means the inmate is required to identify his/her faith community resource person and give consent to you to verify membership, affiliation or belonging and/or verification that the inmate is known to practice the faith with that community; and,
- Providing contact information for his/her faith community resource person to affirm the accommodation and affiliation and identify supports and accommodations that are needed

Should the inmate NOT meet the above requirements s/he may make a request for an accommodation of conscience to the warden. The inmate may request help from you or CSC staff to complete the request. An accommodation of conscience meets Charter and Human Rights Code standards.

Observance: The inmate is responsible for observing religious practice that supports the religious accommodation request (e.g. consuming canteen foods that are consistent with their faith practice, wearing obligatory head coverings);

Communicate changing needs: The inmate is responsible for communicating with you should s/he require additions or changes or choose to discontinue his/her religious accommodation. Inmates are also to communicate in advance when they require support and facilitation of holy day observances (see below).

Institutional life: The inmate understands that accommodations will:

- meet the established mandatory accommodation requirements as provided by the religion for which the accommodation is requested;
- be what is accessible in the local community to adherents of the religion; and
- be comparable to the aspects affected that are available to the general inmate population (e.g. modest head coverings, comparable foods and hygiene items)

Religious Accommodation Review Request: Inmates need to understand that their religious accommodations may be suspended if they are found to be non-observant. Your responsibilities in a religious diet review are outlined in the [Religious Diets Requirements Guide](#).

However, there may be times when a staff person may request a review of other types of religious accommodations. You may also be involved in this review process in terms of communicating with the inmate's identified faith community resource person, assisting with remedial instruction for the inmate and providing information to the warden.

Holy Day Observance: The inmate is responsible for informing chaplaincy of his/her intention to observe Holy Days that will require changes to regular institutional routine (e.g. food, scheduling). You can assist inmates with this communication by giving them information regarding an appropriate timeframe for requesting holy day observances (e.g. The Religious Diet Requirements Guide indicates 6 weeks' notice for holy day observance requiring meal adjustments) that will enable you to facilitate the observance;

Purchasing Religious Items (required accommodations and other):

- Inmates may seek to purchase and keep articles related to the practice of their religion or spirituality in their room or cell. These items may include sacred religious texts or scriptures, basic literature or study material about their faith, or objects related to personal devotion.
- Inmates can purchase and/or receive supportive religious reading or educational materials (see [CD 860 Offender's Money](#), [CD 566-12 Personal Property of Offenders](#)) for personal religious and/or spiritual development that do not require accommodation. Many of these items are allowed in the National Personal Property of Inmates List in CD 566-12 Personal Property of Offenders. These items can be purchased and received through the regular inmate purchasing process. You as the chaplain may be consulted during the inmate purchasing process, especially if there is a consideration to deny a purchase.
- [CD 764 Access to Material and Live Entertainment](#) regulates access to material and live entertainment and applies to religious/spiritual reading and educational materials. Inmates will follow the regular inmate purchasing process and guidelines as per the [Authorization of Magazines and Books within CSC](#). Chaplaincy is to be consulted when there are questions about content of religious reading materials and resources.

- You as the chaplain will have a variety of donated religious reading materials and other resources to make available to inmates. It may be helpful to provide a list of these resources to Security and Admissions and Discharge to assist them with processing these items. You may be requested to assist inmates to have these items recorded on their Personal Property Record.
- Inmates are to be informed they are responsible for the cost, care, storage and disposal of accommodated religious items as religiously. They can request support from you should they need it.

The Faith Community

Although it is recognized that accommodation requirements and overall religious practice vary according to culture, background and level of observance, the religious traditions expressed in Canadian society are the common resource for the routine accommodation requirements observed within CSC institutions. We facilitate the faith communities of Canada to be involved in the religious life of their incarcerated members by:

- Receiving confirmation of their role in the inmate's faith community and their relationship with the inmate
- Facilitating the commonly observed accommodation requirements of their particular tradition
- Facilitating religious care and teaching by the faith community to inmates as they are able
- Requesting background information and support to the chaplain as appropriate
- Facilitating the building of relationships with a faith community of the inmate's choosing
- Providing information for sources in the community for particular religious accommodation needs (e.g. foods, sacred text, resources for observance)
- Donating consumables or essential resources (sacred text, ritual foods) for group or individual use meeting safety and security requirements. These will be screened, distributed and logged as appropriate.

The Chaplain

Site-based and tradition-specific chaplains share in the responsibilities for responding to inmate religious and spiritual needs. The primary role of all chaplains is to link an inmate to her/his own faith community and/or to support the inmate's relationship with that community. You do not determine the level of religious practice of inmates. The inmate's own religious convictions, when affirmed by a representative from the faith community, inform CSC as to the level of accommodation required. If the requested accommodation exceeds what the faith community supports, you are responsible to inform the inmate of the option to pursue the accommodation of conscience process with the warden.

When you receive a request for a religious accommodation from an inmate you work as a professional to discern a religious accommodation requirement. To ensure religious accommodations are facilitated effectively, site-based chaplains are responsible to communicate with all tradition-specific chaplains and faith community resource persons who are involved in inmate religious care. Site-based chaplains are the primary liaisons with all institutional departments and, as such are responsible for sharing information within the institution (e.g. morning briefing, etc.). Tradition-specific chaplains collaborate and communicate with site-based chaplains in the facilitation of religious accommodation. Some tradition-specific chaplains may have limited presence at the institution (e.g. only being present for services, rites and rituals) making it advantageous to have a site-based chaplain process religious accommodation requests. Responsibilities are the same but the activities to meet them may differ as follows:

Site-Based	Tradition-Specific
<p>Ensuring the inmate’s religious affiliation is recorded accurately in the Offender Management System (OMS) which, if necessary, may be done through a parole officer or other CSC staff person with OMS entry capacity. Changes should be tracked over time, not simply overwritten. This is to be done with permission from the inmate.</p>	<p>Ensuring inmate’s affiliation is provided to the site-based chaplain for entry into OMS. This is to be done with permission from the inmate.</p>
<p>Instructing the inmate in regard to his or her roles and responsibilities for receiving a religious accommodation as outlined above.</p>	
<p>Recommending to the warden (or requisitioning religious diets only as per the Religious Diet Requirements Guide), inmate religious accommodation requests in consultation with the inmate’s faith community resource person. The recommendation for fulfilling the requisition is sent to the warden for decision and implementation.</p>	<p>Ensuring that information for the support or denial of an inmate religious accommodation request for their tradition is provided in writing to the site-based chaplain for recommendation to the warden.</p>
<p>Providing and coordinating remedial instruction to the inmate if a review of any authorized religious accommodation is requested. There is a <i>Religious Diet Review Request (CSC/SCC Form 0662-1)</i> specific to religious diets however reviews for other religious accommodations may be received from staff verbally or in writing. You will collaborate with tradition-specific chaplains as needed. Decisions to continue or suspend a religious accommodation are made by the warden in consultation with you as the chaplain who will consult with the inmate’s faith community resource person and the inmate.</p>	<p>Collaborating with the site-based chaplain when a review of any authorized religious accommodation is requested to provide remedial instruction to an inmate for whom you deliver chaplaincy services from your tradition.</p>
<p>Providing staff (Food Services staff, parole officers, etc.) with a list of inmates participating in Holy Days that identifies the required accommodation (e.g. fasting, scheduling). The list should be submitted FOUR (4) weeks before the actual Holy Day. Exceptional circumstances to this notification timeframe (e.g. transfers, new arrivals) are to be accommodated. This is similar practice as outlined in the Religious Diet Requirements Guide for holy day observances related to religious diets.</p>	<p>Ensuring information for any holy day observances and a list of inmate participants is provided in writing to the site-based chaplains 5- 6 weeks in advance of the observance. This supports similar practice as outlined in the Religious Diet Requirements Guide for holy day observances related to religious diets.</p>
<p>Maintaining ongoing and timely communication with institutional management and staff when questions concerning religious accommodation requirements arise.</p>	

For diet-specific accommodation requests, you are to refer to the [CSC Religious Diet Requirements Guide](#).

RELATED ISSUES FOR CHAPLAINCY

Inter-Disciplinary Collaboration: Chaplaincy works with other disciplines (e.g. security, case management, health services, etc.) to best meet inmate religious accommodation requirements and to respond to questions that may arise. When the warden approves a religious accommodation you as the chaplain may be asked when needed to provide guidance and support for implementation when necessary.

Integrity of Religious Accommodation Requisitions: Chaplaincy will support and process religious accommodations that are in keeping with scope of practice within the inmate's faith community requirements. This ensures the integrity of the religious accommodation. Sometimes inmates will ask for things in the name of their religion that aren't really necessary (ornate as opposed to simple head coverings, candy canes at Christmas - popular but not required). It is up to you to only support and process what is *required* so that your professional authority is trusted.

Observance: Because belonging to a religion and adhering to its practices is a personal choice, the responsibility for commitment to a religious accommodation (such as a special diet) rests first and foremost with the inmate. When an inmate is found not observing the tenets of his or her faith, the incident is noted as "non-observance".

Non-Observance: It is the inmate's responsibility to respect his or her authorized religious accommodation. Non-observance can be reported by any CSC staff either verbally or in writing, although writing is preferred for accountability (type of non-observance reported, timely response, etc.). Religious diet review requests are submitted in writing by using *CSC/SCC Form 0662-1 Religious Diet Review Request*. These may be submitted directly to you or you may receive them from institutional management. CSC is in the process of developing a form for a religious accommodation review request that will assist with this process. You and your contractor will receive information and instructions when this form is published.

When an incident of non-observance is reported to you, you and the inmate's faith community resource person (as needed) meet with the inmate to provide remedial instruction. Through your professional assessment and consultation, you recommend either maintaining or suspending a religious accommodation either by: 1) completing the second portion of *CSC/SCC Form 0662-1* for a religious diet review, or; 2) responding to the institutional manager or staff person making the request.

NOTE: If the inmate disputes the claim of non-observance, you should refer the inmate to the inmate complaint or grievance process. Do not get involved in the determination of whether or not the non-observance occurred.

Grievances/Complaints: A grievance procedure is in place to allow offenders who believe that their freedom of religion or conscience is being unfairly limited to make their case and appeal to institutional authorities to evaluate its merits. You don't need to be afraid of a grievance or threat of "grieving you" if you have followed the process and made appropriate notes.

Religious and Spiritual Visitors: All chaplains share the responsibility for processing and coordinating faith community visitors. There may be times when a Site-based chaplain needs to assist Tradition-specific chaplains so they can deliver services, rites and rituals as part of the overall sacred space schedule and for consistency of protocols to ensure everyone's safety and security.

You are to make necessary arrangements and extend hospitality for religious and spiritual visitors when requested by the inmate. The visits are to be facilitated (including security clearances) and visually supervised by you in the sacred space area to respect privacy and the sacred nature of the visit at designated times agreed upon by you and the visitor, subject to operational needs. Be sure that the visitors meet security requirements and are informed about providing religious and spiritual care in a diverse environment.

You may need to ask Security to assist with facilitating required visits by religious and spiritual representatives when:

- There are security concerns (e.g. the inmate is in segregation)
- The inmate is not able to attend the visit in the sacred space area (e.g. the inmate is in segregation, the institutional hospital, the intake unit, the secure unit or any other area that prevents them from attending the visit)
- The religious visitor is not able to be at the institution for a visit that can be facilitated and supervised by you in the sacred space area (telephone/video visits)

In all circumstances, religious and spiritual visits are to take place as privately as possible.

Religious and spiritual visitors choosing to be a personal visitor to an offender through Visiting and Correspondence are not your responsibility and are to be facilitated according to policy and procedures for inmate visits ([CD 559 - Visits](#)).

Volunteers: Chaplains facilitate religious or spiritual volunteer visits and activities that meet the needs of the inmate population. CSC requires that volunteer religious or spiritual representatives from the community obtain a security clearance. Ongoing volunteers receive both national and institutionally specific volunteer orientation facilitated by CSC staff. You are responsible to work with the institutional volunteer coordinator to ensure screening, registration, supervision and regular evaluation of chaplaincy volunteer services are completed. Volunteers who work with individuals or groups all require specific “job descriptions” outlining the type of service being provided, the frequency and duration of the service, the population involved and the evaluation process. See the [Volunteer Job Description Worksheet](#) located in the Toolbox that may be of assistance to your engagement with volunteers.

Volunteers are to commit to non-proselytizing and be informed that proselytizing activities will result in immediate dismissal. Proselytizing may be defined as *trying to convert* somebody to a religious faith. Faith-sharing and witnessing to one’s personal belief system is common in many traditions, and is acceptable within the wider teaching of faith, however, insisting that inmates adopt the same belief system, spontaneous conversion rites or condemning/criticizing others is unacceptable.

Groups wishing to address what they believe are the inmates' spiritual needs occasionally inquire about the possibility of gaining access to the inmate population. Your responsibility is to respond to requests arising from the inmates to meet with a given spiritual group or representative. You are not permitted, under the Privacy Act, to provide access to inmates for outside groups hoping to make contacts, or converts. You are not permitted to tell any groups how many inmates are affiliated with their spiritual tradition or where they are being housed without the inmate’s consent. You must take special care to ensure that proselytizing and spiritual bullying and abuse are not occurring by volunteers, staff or between inmates.

Spiritual “seekers/explorers”: Incarceration may provide inmates with both the time and interest to explore religious and spiritual life. Some inmates may be actively seeking a religious tradition to be a part of, while others are participating fully in as many opportunities as are available but not committing to any. Your role is to support such exploration as fully as possible. This may include offering reading or teaching material from the sacred space library, connections with volunteers or facilitating correspondence courses, etc., where available. Involving the inmate in requesting resources from a faith community is a recommended practice (e.g. having the inmate write a letter requesting a visit or resources that you as the chaplain will include in your request to the faith community. You as the chaplain would put the request and the inmate’s letter into inmate mail for processing).

Religious accommodations are not requisitioned for individuals who are “seeking,” or in the process of adopting or converting to, another faith tradition until a qualified representative of that tradition receives them as a member.

Conversion and Initiation: Many offenders find themselves exploring the spiritual dimension of life and the role of spirituality in addressing the challenges of incarceration and reintegration. Some may deepen their relationship with a religion already known to them, while others may seek and discover a tradition or faith community that resonates with

their needs and hopes. It is important to remember that offenders continue to enjoy the Charter guarantee of freedom of religion, and therefore the freedom to change religion, to the same degree as all other Canadians.

An inmate may establish his or her own links with a faith community and arrange to satisfy the requirements for membership. If, however, the practice of the new faith requires specific accommodation, the inmate needs to submit a religious accommodation request and meet the requirements as outlined on [page 6](#). For helpful information, see the Toolbox for [Religious Conversion/Declaration - Discussion Questions](#)

Sacred Space: Sacred space in a correctional environment is to be:

- Accessible to all offenders, exclusively for religious and spiritual purposes;
- Visually welcoming to all - the decor of the Sacred Space is to be free of any fixtures or symbols that give place to any one faith tradition. Displays of religious materials and resources are to be equitable;
- Equitably shared by all faith traditions represented in the institution.

Site-based chaplains coordinate sacred space in consultation with tradition-specific chaplains. Your role is to coordinate how the space will be utilized to meet the religious and spiritual needs of the institution. Consistent protocols and behavioural norms are to be developed and taught by all chaplains. Security has access to all areas and is responsible for ensuring searches and security protocols are in place including chaplaincy offices and desks. You can request information about areas in the sacred space that may be vulnerable to criminal activity and how you can be proactive in preventative dynamic security in your management of the sacred space.

CSC Chaplaincy is in the process of ensuring sacred space is equipped with furnishings, wall hooks and other means to make the space functional, hospitable and adaptable for the facilitation of religious services, rites and rituals for faith traditions represented in the institution

Scheduling of activities in the sacred space should not only reflect inmate interest and need but also be responsive to changing needs. Sometimes inmates do not “see” there is any time for their faith tradition in the schedule because of a perception that the services and activities of one or two faith traditions fill the schedule. If 20 per cent of your inmate population is of one faith tradition, then 20 per cent of resources should be available to that group (time, space, etc.). A proactive quarterly review could be done with any faith traditions represented in the inmate population who are not using the sacred space to determine changing needs so these can be reflected in the sacred space schedule. Chaplains must be intentional about fostering a welcoming and respectful environment.

There will be further information that relates to your role and responsibilities for sacred space use, scheduling, etc., when GL750-2 Management of Interfaith Sacred Space is published. Your CSC Regional Chaplain can respond to questions regarding management of sacred spaces.

Leadership by Inmates is Not Permitted: An inmate will not be recognized as a religious/spiritual leader or have any authority in conversion, services, rites and rituals, and/or religious education, regardless of education, training, licensing or ordination and equivalencies.

No preaching, teaching, initiation into the faith or other practices may be observed without the faith leader from the community offering the service. In circumstances where no external qualified representative/volunteer, chaplain or staff person is able to preside or supervise a religious gathering, you can suggest appropriate alternatives to the faith community gathering (e.g. offering prayers as an individual, reading materials recognized by the faith community).

If necessary, you as the chaplain can only facilitate an inmate gathering for affiliated members of a particular faith tradition where faith community qualified representatives has provided written prayers and sacred readings. These can be

offered by affiliated inmates in rotation. If exceptional circumstances arise consult with your employer and your CSC Regional Chaplain.

Inmates may request to meet as a group so they can converse with one another about a faith tradition. Your role will be to meet with these inmates individually to determine the following:

- The specifics for meeting (frequency, number of participants, activities)
- The stream/denomination/expression of the faith tradition he/she follows. Most religions and spiritualities have many expressions. Even within a religion or spirituality there will be expressions that having differing practices and requirements that would not allow for group observance.
- Who from his/her faith community will provide resources (e.g. leading/facilitating inmate group gathering, provide resources for the group to use, etc.)
- Clarify any items and equipment needed (e.g. incense, candle, audiovisual equipment, mats, etc.)

From this information you then can determine whether or not is a sacred activity that can be facilitated in the sacred space.

Security Threat Groups (Gang-related “Religious Activity”): CSC Security is aware that from time to time gang-like activity occurs in prisons under the guise of religious groups. These activities tend to be organized under the banner of a legitimate religion, but with slightly altered symbols and distorted teaching that promotes the goals of the group's self-appointed leaders.

The evolution of this kind of activity tends to follow a predictable pattern. If the religion being targeted already has an established group functioning in the institution, the leaders of the gang begin by infiltrating it and gradually bringing it under their control. If the necessary group does not already exist, authorization can usually be obtained to have one function in the prison because it appears to have a legitimate basis; its leaders may even obtain the services of religious leaders in the community. They then take advantage of the considerable freedom to associate afforded to religious groups and, while they may maintain some semblance of prayer and ritual, use gatherings for worship as opportunities to organize illegal activity.

The institution usually notices a significant number of 'conversions' to the religion as recruitment for the gang occurs. Another sign that may tip staff off is that a few inmates begin exercising strong leadership. In some cases, the religious representatives and volunteers who come to serve the group may be unaware of what is really going on. In most cases, adherents to the authentic faith experience significant pressure to allow the illegitimate use of the time and space by gang-leaders to continue unimpeded.

The most effective preventive measure against this kind of activity is to establish strong collaborative relationships with all religious representatives and volunteers who serve inmates, irrespective of their faith tradition - as none are immune to this kind of potential infiltration - and to provide education and support about the issue. Visiting religious representatives and volunteers should be encouraged to report any behaviour or pattern they observe that makes them uncomfortable or that they consider suspicious. Specific attention should be paid to inmates who arrive and sign in but then either leave right away or form small discussion groups and do not participate in the main worship or study activity. Visiting religious representatives and volunteers should also listen carefully to what inmates may present as legitimate teaching with an ear open to catch possible distortions.

For more information, consult with Security at your institution.

Information Sharing In A Correctional Environment: This requires careful discernment. As a chaplain are expected to:

- **Report** any threats to harm self or others

- **Report** any threats to institutional security and operations
- **Report** incidents that contravene security or institutional rules
- **Complete Statement of Observation Reports (SOR)** as required. For further information please [Statement/Observation Report - Self-Directed Learning](#). Click “Online Training” and you will be taken to the course.
- **Offender Management System (OMS)** – There may be times where recording religious accommodations, contributing information to an inmate’s correctional plan, completing supervisor reports for inmate workers, etc., will be appropriate. You have access to OMS and you can receive training and assistance. Communicate with your operational contact and your Regional Chaplain as needed.
- **Institutional Meetings** – you may be asked to share information at briefings, Offender Review Boards, etc. The contract statement of work further outlines how chaplaincy services is integrated into institutional life
- **Mail** – all inmate mail is to be processed through the regular inmate mail process. Chaplains cannot receive or send mail for inmates. Chaplaincy mail is subject to mail security protocols. When inmate mail is put directly into the chaplaincy mailbox it is to be returned to Visiting and Correspondence for processing.

COMMON RELIGIOUS ACCOMMODATIONS

The majority of requests for accommodation are familiar, and in some cases, routine at CSC. Once an inmate’s affiliation has been confirmed, the necessary accommodations are known and part of the institutional routine.

General information about common religious practice may be found in the Publications section of CSC’s web site at:

http://publications.gc.ca/site/archiwee-archived.html?url=http://publications.gc.ca/collections/collection_2011/dn-nd/D2-147-2008-eng.pdf

If you are unable to find or access the document, please contact your Regional Chaplain for a copy.

The following section identifies areas of institutional life where religious accommodation has an impact, and that you as the chaplain need to be aware of in the support of observances in a correctional institution.

Birth

Very few women give birth while in the care and custody of CSC.

However, the teaching of certain religious traditions may contain obligations and/or prohibitions on the part of the mother and/or father during the pregnancy or at the time of, or immediately following, birth. When this is the case, you are to work with the inmate, and her faith community resource person to arrange - in advance of the anticipated birth - any accommodations that may be required.

Cell Effects

Offenders may seek authorization to keep articles related to the practice of their religion or spirituality in their room or cell. These items may include sacred religious texts or scriptures, basic literature or study material about their faith, or objects related to personal devotion. These articles may hold strong significance for the offenders; in some cases their faith community may consider these items to be holy or sacred.

The determination of what religious items are required, as opposed to those that are simply desired, is normally made in consultation with the faith community resource person of the faith tradition in question. When a required religious article

cannot be approved for use in an inmate's room or cell for security or safety reasons, you as the chaplain may be requested to arrange a time and space for the inmate to use the item under your supervision in the sacred space area. If the warden determines an accommodation for the item is not possible, the item will need to be stored and given back when the person leaves the institution.

Reading and Educational Materials

[CD 764 – Access to Material and Live Entertainment](#) regulates access to material and live entertainment. Paragraph 5(b) states that: "*material that includes the following content shall not be permitted entry into the institution: material which advocates or promotes genocide or hatred of any identifiable group that may be distinguished by colour, race, religion, ethnic origin, sex, sexual orientation, or by other specific traits.*" In addition Paragraph 7 prohibits the purchase, use or display of any material that might reasonably be seen to "*undermine a person's sense of dignity, cause humiliation or embarrassment to a person on the basis of sex, race, national or ethnic origin, colour or religion.*"

The Use of Candles and Incense for Religious Purposes

Should you support and process a religious accommodation for the use of a candle, the warden will determine parameters of use that meet Human Rights Code standards. In your role as chaplain you may facilitate candle and incense burning for individual observance or for group services. Please ensure you follow policy and procedure from the warden regarding use of these items in the sacred space area.

Searches

These CDs outline policy and procedures for respectful searching of people, inmate cells and property and the institution:

- CD 566-1 Control of Entry to and Exit from Institutions
- CD 566-7 Searching of Offenders
- CD 566-8 Searching of Staff and Visitor
- CD 566-9 Searching of Cells/Rooms, Vehicles and Other Areas
- CD 566-13 Detector Dog Program.

These and all CDs can be found at:

http://infonet/eng/SoloSites/Policy_Legislation/Pages/directivesbyNumber.aspx (CSC Infonet)

or <http://www.csc-scc.gc.ca/acts-and-regulations/005006-0001-eng.shtml> (CSC website)

Please use the current version of all policies as found on the CSC Infonet or the CSC website.

Some remarks about the implications of CSC's search procedures, in the context of accommodating religious and spiritual needs, include:

Technology

There have been examples of offenders and their families objecting to the use of some forms of technology based on their religious beliefs. As the chaplain you may be asked to be part of a respectful collaborative approach to meet the safety, security and good order of the institution while making reasonable attempts at accommodation that has been confirmed as necessary.

Detector Dogs

Some inmates may hold a belief that contact with canine saliva, dander, or hair renders food, furniture, bedding, clothes and even the entire living space ritually impure. Dog handlers are trained to take care to prevent such unwanted contact and correctional officers are asked to provide access to a clean set of bedding or clothing if unwanted contact does occur. It is important to note that the simple presence of the dogs has not been identified as a concern by known religious leadership. Clear vented plastic boxes or open clear plastic bags may allow for the dogs to sniff while protecting the contents and thereby meet the search concerns.

Blood/urine samples

If an inmate claims that their religion does not allow blood or urine samples, s/he can request a religious accommodation.

Sacred Space: Searches and Scan

While it is institutional security's role to do routine searches of all areas of the institution and not yours as a contractor, your cooperation will keep you, the inmates and volunteers safe in the sacred space area.

As a contractor you have a responsibility to cooperate with Security in regard to the safety and security of the sacred space you are managing. You can request information about areas in the sacred space that may be vulnerable to criminal activity and how you can be proactive in preventative dynamic security in your management of the sacred space.

You can expect your personal workspace and belongings to be searched as per the CDs noted above.

Religious Diets and Fasting

The Religious Diet Requirements Guide, produced by CSC Chaplaincy and Food Services, is based on Canada's Food Guide. The Religious Diet Requirements Guide designates chaplains as having specific responsibility for managing requests for religious diets. The Guide can be consulted on CSC's InfoNet at:

http://infonet/NR/rdonlyres/8233C483-1F2D-43F7-A713-D9911817462C/0/Religious_Diet_Requirement_GuideJuly302012RO.docx

Dress Requirements

The overlap of cultural and religious aspects of religious observance can be most apparent when it comes to requests by inmates to wear particular articles of clothing related to their faith. For some, the religious basis for certain dress requirements may be indistinguishable in their minds from the cultural basis. Head coverings, robes, or religious symbols (such as those required to be worn by Sikhs) may indeed represent important aspects of the person's identity; but they also clearly distinguish certain offenders from others. Because of this, they have the potential of leading to allegations of preferential treatment and/or may pose safety or security concerns.

It is therefore important to consult with the inmate's faith community resource person to clearly identify articles of dress that are required to be worn during private prayer or group worship as well as those required outside these contexts so you can make an appropriate authorization for religious accommodation to the warden. These required clothing items may be accommodated for prayer/worship and/or daily life. If an article of clothing has safety or security concerns for the institution, the warden may authorize its use only in the sacred space area, or allowed for private and group worship but not for day-to-day use.

In all cases, accommodated articles of dress ought to be modest, inexpensive and easy to care for.

Scheduling

You will need to requisition the religious accommodation of inmate requests for religiously required observances that cannot be scheduled outside of CSC programming/work hours. You as the chaplain can encourage inmates receiving a schedule accommodation to make up time away from programs and/or work.

Supportive (not required) religious activities and programming do not require a schedule accommodation. Inmate attendance in supportive religious activities and programs during regular work and program hours is at the discretion of the supervising staff. Optional religious activities (educational studies, music, etc.) are not to interfere with the inmate's correctional plan obligations.

Holy Days and Holidays

The holidays of many religions are determined by the lunar calendar, such as Easter for Christians, Passover for the Jewish tradition and Ramadan for Muslims and therefore vary from year to year. A multi-faith calendar is a useful resource to complement information received from local faith communities for annual planning holy day observances for inmates. The opportunity for inmates to fully celebrate these days depends on many things: the institutional security level; the level of involvement required by community members; the articles needed in the celebration; CSC policy and institutional routine, as well as other possible factors.

It is your responsibility to review a multi-faith calendar for applicable special feast days, major festivals or seasons along with any specific gatherings or worship events, dietary requirements, symbols for corporate worship or private prayer, or other practices. Where such days are identified, you should work with the inmate's faith community resource person to determine what is necessary.

If a religious tradition practises specific dietary requirements on a given day or during a particular religious season, consult the Religious Diet Requirements Guide for direction.

The provision in [CD 890 – Inmate Owned Canteens](#) for Holiday Canteen items is as follows:

The institutional head may allow inmates whose equivalent [i.e. to Christmas] major holiday occurs at another time of the year to purchase a Holiday Canteen for the same amount approved as per this paragraph....

It can be helpful for chaplains to work with the Social Development and Ethno-Cultural Services when inmates request to observe festivals that merge culture and religious activities in a non-obligatory, but nevertheless important, way.

Hygiene

Inmates who require it should be allowed the time and space for washing prior to prayer. Institutional products should be offered to inmates that do not compromise their religious or spiritual obligations. These may include, for example, alternatives to toothpaste that contains pork bi-products and to alcohol-based sanitizers.

Marriage

Inmate marriage requests are processed through case management. Inmates may request institutional chaplaincy to assist with the facilitation of a religious marriage ceremony officiated by their faith community resource person.

Inmates who wish to marry must inform their parole officer of their intention. If communication and contact between the two persons does not present any safety or security risks, and approval to hold the ceremony is granted, the parole officer or other staff will assist the couple in obtaining the necessary institutional clearances (e.g. security clearance for guests who are attending the ceremony).

Chaplains are not normally involved in the performance of civil (non-religious) marriage ceremonies, which are conducted under the appropriate secular authority.

If a religious wedding ceremony is requested, the incarcerated person may request your assistance. You are under the discipline of your faith community and are expected to apply the same standards and practices of involvement with inmates as you would in a regular faith community situation. While some chaplains consider the marriage of offenders an important part of their service, many have reservations about performing marriages when one (or both) of the parties is incarcerated. Because freedom of religion is protected by the Canadian Charter of Rights and Freedoms, you, as a religious official, cannot be required to perform any religious function that is against your religious beliefs.

CSC Chaplaincy encourages the involvement of the couple's faith community if at all possible. You assist in making the necessary contacts and ascertaining what religious requirements need to be met.

Health and Illness

A number of situations may lead an inmate to refuse medical or therapeutic care recommended by Health Services because of strongly held religious beliefs. Some religious traditions, for example, prohibit their adherents from receiving blood transfusions. Others have very strict obligations around the disposal of anything belonging to one's body, such as hair and finger/toe nails.

Similarly, people may choose to take action that affects their health for religious reasons, such as engaging in a hunger strike when mistrustful of a religious diet. In these cases, the inmate's faith community resource person takes on an important role in supporting the inmate to cope with the limitations of the correctional environment without harming him or herself or others.

Death of an Inmate

Action to be taken around the death of an offender is governed by *CD 530 - Death of Offenders and Day Parolees*:

<http://infonet/cds/cds/530-cd-eng.pdf> or <http://www.csc-scc.gc.ca/acts-and-regulations/005006-0001-eng.shtml>

In addition, institutions may have Standing Orders on the subject.

Even though the CD does not mention specific involvement of chaplains, the warden may request you to be involved in various aspects of carrying out policy and procedures. You may also be requested to assist with facilitating any ritual requirements for which the inmate has provided instructions, especially if he/she has different religious beliefs than the person(s) the inmate has identified as next of kin.

It will be important that you facilitate communication between family members and the appropriate faith community resource person. This may involve confirming documentation such as the inmate's instructions or a record of conversion is recorded in the inmate's file.

Ordinarily, an inquest is held into an inmate death in custody. It will be helpful to you to record your involvement and actions should you be asked for them at the inquest. There is a resource to assist with [notification of next of kin](#) in the Toolbox.

TOOLBOX

These tools are intended to support chaplaincy service delivery in CSC institutions. They are not official policy but may be used as guides for best practice in your work.

Identifying Religious and Spiritual Needs

Suggestions for a meeting/interview with an inmate to facilitate his/her religious and spiritual needs...

When you begin:

- Be welcoming, encouraging, supportive and curious - what does the person in front of you believe and why?
- Indicate that you need his/her help with some/more information so good decisions can be made toward meeting his/her religious and spiritual needs.
- Remind him/her you are a chaplain who recommends or authorizes religious accommodations when the need is confirmed by his/her faith community and your authority is limited to religious accommodations and cannot extend to conscience.

Helpful questions to ask:

- What is happening in the institution that you cannot participate in because of your faith? (Programming on holy days, uncovered heads, meat in diet etc)
- What else does your religion require you to have so you can be faithful?
- Why? What does it mean for you?
- Where did you learn this (other inmates, books, family, community, etc.)?
- Who is your faith community resource persons we can contact to get confirmation of your needs and build support for your religious practice while incarcerated?

Let him/her articulate what is important and why regardless of what they say. Write down everything he or she says. Refrain from asking leading questions and from speaking for him/her.

To end the interview/meeting:

Review the info the inmate gave to you and ask him/her if you have it right. Ask him/her to initial what you've written and indicate you may share some of this information with others who are part of the decision-making process.

Religious Conversion/Declaration - Discussion Questions

Religious affiliation and the right to practice within a correctional setting can offer challenges that do not exist on the “outside”, specifically around our duty to accommodate and support religious needs, while being responsible stewards of time and resources.

A process of study and commitment is necessary whether an inmate is moving from “none” or converting from a self-identified practice.

These are some suggestions for engaging the offender who is either changing faiths, or declaring to be a member of a faith community and requesting religious accommodation:

1. What was your intake process like – how did you decide to identify as recorded?
2. Responsible resigning of previous religion – what do you need to do (ritually or administratively) to be “released” from your previous faith community/religion. Who do you need to notify? What vows/obligations/responsibilities are you revoking?
3. How is your spouse/children impacted by your conversion - are they supportive?
4. Will your children be expected to convert – will your spouse?
5. Do your parents/grandparents support your conversion?
6. How will you practice your faith (everyday stuff like profanity, gossip, bullying)
7. Is circumcision necessary? Tattoo removal?
8. If you are hospitalized or seriously ill, who should be called for spiritual care - (the priest you grew up with? the pundit who baptized you? the rabbi?) - For example, be clear that if her/his Muslim family is standing by the bedside, the Rastafarian priest is to be called - this is a serious reality of conversion. Who do you want bedside at end of life?
9. If you are not married, would you marry outside of your new faith? How would you meet someone upon release from within your new faith?
10. Tithing/giving/service/discipline/ - what do you offer the faith
11. Have you located a place of worship or faith community you hope to reintegrate into? Do you have a connection there?
12. What more do you need to learn before you are received into the faith?

These questions are intended as a guide for conversation with an inmate who wishes to change his/her religion. They are not the only questions or concepts that can help the process, nor are they to be used as any type of “measurement” of sincerity. Your professional training and experience are primary.

Sample of Volunteer Job Description Worksheet

Position Title:

Description of Project/Purpose of Assignment:

Outline of Volunteer's Responsibilities:

Outcome and Goals:

Training and Support Plan:

Reporting:

Time Commitment:

Qualifications needed:

Benefits:

Next of Kin (NOK) Notification Guidance

1. Be clear on inmate information:
 - Name:
 - Status: Injured / Deceased
 - Information provided to you by CSC that you can communicate to the NOK
2. Be clear on NOK contact for information:
 - Name:
 - Relationship to inmate:
 - Address:
 - Phone number(s):

Be sure you speak to/notify the person identified by the inmate as next of kin. Never use a child as a translator.

3. Know who they can contact concerning their loved one.
4. Plan your words. Know exactly how to access immediate medical or mental health care where the NOK resides should they experience a crisis reaction that is beyond your response capability.
5. Call the NOK using your CSC desk phone. If the person has a phone with call display it will read "government of Canada."
6. Use the inmate's name... "Are you the (relationship) _____ of _____ (full name of inmate)?"
7. Say, "I have some very bad news for you," to prepare them for your news.
8. Inform simply and directly with warmth and compassion.
9. Do not use expressions like "expired," "passed away," or "we've lost _____."
10. Sample script:
 - *"I'm afraid I have some very bad news for you."*
 - *Pause a moment to allow them to "prepare."*
 - *"_____ has died. He/she _____ (information given to you by CSC to share with the NOK concerning the circumstances of the inmate's death).*
 - *Pause again.*
 - *Say, "I am sorry" or any other appropriate expression of condolence. Adding your condolence is very important because it expresses feelings rather than facts, and invites them to express their own.*
11. If notification is of death, continue to use the words "dead" or "died" through ongoing conversation. Continue to use the victim's name, not "body" or "the deceased."
12. Answer all questions honestly. Do not give more detail than you can, but be honest in your answers. Let the appropriate person give specific information, even if you know the answer.
13. If information must be withheld, explain why. Do not tell the family, "you don't need to know" or "we can't tell you." Give them contact information and a time frame for when they can receive this information.
14. If substantial time has passed before the notification was made, explain why. Explain the importance of taking the time for verification before making the notification.
15. Do not speak to the media.

Supporting Documents for the Contractor

These documents are referred to in the handbook. They can only be accessed via the CSC Infonet. They are provided here for contractor information. As indicated in the handbook, chaplains are to refer to current policies and information as it is available on the CSC Infonet.

All CDs can be found at:

<http://www.csc-scc.gc.ca/acts-and-regulations/005006-0001-eng.shtml> (CSC website)

Please use the current version of all policies as found on the CSC website.

Religious Diet Requirements Guide - This document is referred to several times in the handbook.



Adobe Acrobat
Document

Statement of Observation Report CSC Learning Module - This information is referred to on page 14 of the handbook.



Adobe Acrobat
Document