


<u>ADMINISTRATIVE REGULATION</u>    COLORADO DEPARTMENT OF CORRECTIONS	REGULATION NUMBER	PAGE NUMBER
	800-02	1 OF 5
	CHAPTER:	Offender Pastoral Care
	SUBJECT:	Religious Trust Fund Accounts
RELATED STANDARDS: ACA Standards 2-CO-5E-01, 3-4044 and 3-4459	EFFECTIVE DATE: May 1, 2001	
	SUPERSESSION: 05/01/00	
OPR: OBO	John W. Suthers Executive Director	

I. POLICY

It is the policy of the Department of Corrections (DOC) to allow religious programs for offenders, including program coordination and supervision, opportunities to practice one's faith, use of community resources and religious facilities and equipment. [2-CO-5E-01]

II. PURPOSE

The purpose of this Administrative Regulation is to:

- A. Establish procedures for offenders to meet the legitimate requirements of their faith group practices, through management of Facility Religious Trust Funds. [3-4459]
- B. Establish written policy and procedures for the operation, supervision and accountability of Facility Religious Trust Funds. [3-4044]

III. DEFINITIONS

- A. Available Account Balance: The amount available in the offender's DOC account which can be spent.
- B. Charitable Contribution: Donations of monies to verified 501-3-c "Not for Profit organizations" or one time pre-approved special or disaster aid projects.
- C. Facility Religious Trust Fund: Monies donated by offenders or outside sources held in trust for each CDOC Facility.
- D. Facility Volunteer Coordinator: Staff person assigned the responsibility of coordinating Volunteer Programs at the facility level.

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- E. Legitimate Faith Group: Any religion, religious denomination (traditional or non-traditional), or sect supported by written documentation stating defined religious principles and practices, and recognized by a group or persons who share common ethical, moral, or theological views which are not injurious, defamatory, racial, political, or derisive in nature and meet all of the following criteria:
1. There is an established central headquarters or recognized source of accountability.
  2. There is a formal, organized worship of shared belief by a recognizable and cohesive body of believers.
  3. There are established tenets of belief.
  4. As recognized and identified in the CDOC Handbook of Religious Beliefs and Practices (see AR 800-01, "Religious Programs, Services, Clergy, Faith Group Representatives and Practices").
- F. Legitimate Faith Group Needs: Any items essential for the practice of a faith group based on the CDOC Handbook of Religious Beliefs and Practices or as directed by the Department Volunteer Coordinator. This may include approved supplies necessary for religious functions, services, or specific practices.
- G. Offender Donation/Tithe: Offender monies donated to the Facility Religious Trust Fund via Offender Withdrawal Tickets (See AR 200-02, "Offender Debt Collection (Inmate Banking)," Attachment "C").
- H. Outside Donation: Monies approved by the Warden for donation to the Facility Religious Trust Fund from outside (non-offender) sources.
- I. Religious Volunteer: A person who is recruited and trained under the direction of the DOC Volunteer Services Administrator or designee and approved by the facility administrative head. Religious volunteers are selected to provide a specific form of service, e.g., a religious study, worship leader, seminar instructor, or volunteer team member for whom they are deemed to be qualified.

#### IV. PROCEDURES

- A. Offender Donation Procedures
1. Completed Offender Withdrawal Tickets will be submitted to the Facility Volunteer Coordinator, who will sign and forward the ticket to the Business Manager, who in turn will forward it to offender banking.

NOTE: In order for offender banking to return I.F.'s to Facility Volunteer Coordinators, your name and facility must appear on the ticket.

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2. Donated monies become the property of the Facility Religious Trust Fund for approved faith group purchases or contributions only.

NOTE: Offenders may only donate to the faith group account they are currently affiliated with as listed on DCIS/ADS/RELIGION. Offender donations to special community, catastrophic, or faith based charitable projects may be authorized by the Warden/designee.

B. Outside Donation Procedures

1. All donations made from outside the CDOC must be approved by the facility Warden in writing, prior to accepting the donation.
2. Donations must be in the form of a check or money order made out to the Colorado Department of Corrections with the trust fund account number printed on it.
3. Donated monies become the property of the Facility Religious Trust Fund for approved faith group purchases only.

C. Religious Trust Fund Management

1. The DOC shall prevent an offender's DOC account to be placed in a deficit balance through an elective withdrawal.
2. Facility Religious Trust Funds will be managed utilizing accepted accounting and tracking procedures.
3. The Facility Religious Trust Fund will show sub-accounts for each active faith group as recognized by the CDOC Handbook of Religious Beliefs and Practices.  
  
Temporary, miscellaneous sub-accounts may also be set up for the collection of offender donations for approved, specific charitable contributions.
4. Supervision of Facility Religious Trust Funds will be the responsibility of the Warden or designee.
5. Maintenance of the Facility Religious Trust Funds will be the responsibility of the Facility Volunteer Coordinator or designee.
6. The facility religious trust fund account shall be reconciled against the Facility Business Manager's monthly database report by the warden, Facility Volunteer Coordinator or other designee.
7. Offender faith groups may be given an informal report of their specific group's funds upon request.

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D. Purchasing Procedures

1. Purchase recommendations may be made by the Program Manager, Volunteer Coordinator, Chaplain or offenders from a given faith group and/or approved Facility Volunteers.
2. Legitimate faith group needs may be purchased with proper authority.
3. The facility Warden or designee shall have signature authority and final purchase approval.
4. Purchase receipt procedures will follow fiscal policy and accepted facility procedures.

E. Charitable Contribution Procedures

1. Recommendations for charitable contributions may be made by the Program Manager, Volunteer Coordinator, Chaplain or offenders with final approval from the facility Warden or designee.
2. Charitable contributions totaling a minimum of \$25.00 will be limited to quarterly disbursements to approved charities.  
  
Charitable funds that do not reach the \$25.00 minimum within one year will be disbursed annually.
3. Offender monies collected for charitable contributions will be managed separately from faith group fund sub-accounts until collection is complete and disbursement is made.
4. **Charitable contributions MAY NOT be sent to any organization of which an offender's family is directly or indirectly associated, and through which an offender or offender's family may directly or indirectly benefit from such contribution.**

V. RESPONSIBILITY

- A. It will be the responsibility of each Warden/designee to ensure adherence to this Administrative Regulation.
- B. It will be the responsibility of all staff to comply with this Administrative Regulation.

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VI. AUTHORITY

- A. CRS 17-42-101. Freedom of worship.
- B. First Amendment of the Constitution of the United States: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . ."
- C. Cruz vs. Beto, 405 U.S. 319 (1972): Prisoners must be afforded "a reasonable opportunity of pursuing their faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts."

ATTACHMENTS:       A.       DC Form 100-1A, Administrative Regulation Implementation/Adjustments

ADMINISTRATIVE REGULATION  
IMPLEMENTATION/ADJUSTMENTS

DC FORM 100-1A (09/94)

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(FACILITY/WORK UNIT NAME) \_\_\_\_\_  
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN     NOT APPLICABLE     WITH THE FOLLOWING ADJUSTMENTS TO MEET  
LOCALIZED OPERATIONS/CONDITIONS

(SIGNED) \_\_\_\_\_ (DATE) \_\_\_\_\_  
Administrative Head