



Change Memo 10/23/07, 12/17/07, 3/20/08, 10/28/08

Virginia Department of Corrections Food Service Manual

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| Effective Date November 1, 2007 | Number Chapter 4 |
| Operating Level Food Service Department | |
| Supersedes FSM Chapter 4 (11-04) | |
| ACA Standards 4-4319; 4-ACRS-4A-03 | |
| Office of Primary Responsibility Director of Food Services | |

Subject
RELIGIOUS DIETS/COMMON FARE MEALS

Incarcerated Offender Access –
Yes No

FOIA Exempt Yes No
Attachments Yes #5 No

I. PURPOSE

This chapter of the Food Service Manual provides a religious diet program that reasonably accommodates special diets to meet the basic nutritional needs of offenders whose religious beliefs require the adherence to religious dietary laws. (4-4319, 4-ACRS-4A-03)

II. COMPLIANCE

The Food Service Manual is issued with the intent to pull together information from a variety of sources such as directives, operating procedures, regulations, and other mandatory requirements and applies to all Food Service activities in facilities operated by the Department of Corrections. Contract Food Service vendors shall follow all provisions of the Food Service Manual within the specifications of their contract. This manual shall not change requirements contained in any approved directive or operating procedure, but does contain specific operational details not included in other documents. Practices and procedures shall comply with applicable State and Federal laws, Board of Corrections Regulations, ACA standards, Board of Corrections policies, and DOC directives and operating procedures.

III. DEFINITIONS

Common Fare - An appropriate religious diet for offenders whose religious dietary needs cannot be met by the Master Menu. The Common Fare menu is based on a 14-day cycle and meets or exceeds minimum daily nutritional requirements.

Eid ul Fitr – Prayer and Fast breaking – takes place at the end of the month of fasting

Eid ul Adha – Prayer service and special meal - takes place approximately 70 days after the end of the month of fasting

Meals for Religious Observances – Special meals are provided for the following religious observances: Nation of Islam (NOI) Month of Fasting, Passover, and Ramadan.

NOI Month of Fasting – The Fast observed by the Nation of Islam.

NOI Month of Fasting Menu – An appropriate religious menu for Nation of Islam offenders whose religious dietary needs cannot be met from the Master Menu during the Observance of the NOI Month of Fasting. A 28-day cycle menu is provided by the DOC Dietitian to be used during the NOI Month of Fasting.

Observance of Ramadan – The Fast observed by traditional Muslims.

Passover – The religious holiday celebration observed by Jews

Ramadan - The ninth month of the Islamic lunar calendar, observed by the majority of Muslims by fasting (abstaining from food and drink) from dawn to sunset

Ramadan Menu – An appropriate religious menu for Muslim offenders whose religious dietary needs cannot be met from the Master Menu during the Observance of Ramadan. A 28-day cycle menu is provided by the DOC Dietitian to be used during Ramadan.

Seder Plate – A ceremonial plate used during Passover, generally consisting of: matzo, roasted chicken, bitter herb (parsley), vegetables (parsley or celery), chopped apples and nuts (mixed), cup of salt water.

Violation of Common Fare - Offenders may be considered in violation of the Common Fare program if they do not adhere to the rules set forth in the *Common Fare Agreement* (see Attachment #1). Each offender will be required to read and sign a copy of this agreement prior to beginning the Common Fare program.

IV. COMMUNITY CORRECTIONS FACILITIES

Specific religious diets are not offered at facilities operated by the Division of Community Corrections due to short duration and voluntary nature of the programs. Offenders are offered the option of choosing non-meat meals from the Master Menu to meet dietary requirements.

V. COMMON FARE

- A. Common Fare is intended to accommodate offenders whose religious dietary needs cannot be met by the Master Menu. The Common Fare Menu has been analyzed and certified to meet or exceed minimum daily nutritional requirements. A copy of the Common Fare Menu and nutritional analysis **letter** is available from the DOC Dietitian. (corrected 4/10/08)
- B. Common Fare will be offered at selected facilities designated by the Deputy Director, Division of Operations. At facilities where Common Fare is offered, the Common Fare program should operate in accordance with this manual. All Food Service Staff in designated Common Fare facilities will be trained in Common Fare. (see Attachment #4)
- C. The planned Common Fare menu may not be changed at the facility level, except where seasonal availability of produce items warrants that substitutions be made. Under such circumstances, the Food Operations Director/Manager may make temporary nutritionally equal substitutions for fresh seasonal produce. All other rules for substitutions apply to the Common Fare menu.
- D. All foods purchased for this program, except fresh fruits and vegetables, will be certified by a recognized Orthodox Standard, such as "U", "K", or "CRC.". With the exception of frozen or canned fruits and vegetables, all foods should be fully prepared and ready to use. No pork or pork derivatives may be used.

NOTE: A requirement of Common Fare/Kosher is that dairy and meat/chicken/fish are not served in the same meal. If a menu substitution is made, do not mix dairy and meat.

E. Assignment to Common Fare

1. The Institutional Classification Authority (ICA) (see DOP 821, *Institutional Classification Management*, to be reissued as Operating Procedure 830.1) and the Central Classification Services (CCS) must approve each offender for Common Fare prior to the offender receiving Common Fare.
2. Counseling staff should review the Common Fare menu and violation section with prospective offenders.
3. Counseling staff should review the offender's facility record and other pertinent information in an attempt to locate evidence which may indicate that the offender has a sincere religious belief that requires a diet that can be met from the Common Fare menu, but not the Master Menu. The counselor should complete the *Common Fare Diet Offender Information* (see Attachment #3) and attach it with the formal ICA review, form DOC-11H, requesting Common Fare participation.
4. The counselor will present any such evidence, whether it's supporting or not, to the ICA at the scheduled hearing.
5. The ICA will consider and document any statements or documentation and information that the

offender may provide to support the request for the Common Fare program. The ICA will also review all available evidence and information gleaned from pertinent facility records (e.g., ICR, rosters of religious service attendees, etc.) relative to the offender's request for the Common Fare diet prior to making a recommendation.

6. The following criteria will be used to screen offenders for participation in Common Fare:
 - a. Religious affiliation - Any offender who ascribes to a religious group that is listed as authorized to meet in DOC facilities (see Operating Procedure 841.3, *Offender Religious Programs*) is eligible to be considered for Common Fare. **Offenders who ascribe to other religions may be required to provide additional information about their dietary restrictions so that their needs can be considered on an individual basis. (added 10/28/08)**
 - b. Participation in religious services and programs - Generally, six months participation is considered an adequate test of sincerity. Participation is generally defined as attending services or programs at least twice a month. Participation can be documented from a pass list or attendance list.
 - c. If a facility does not have religious services for the religious group in question, then religious literature should be obtained from the Chaplain for the offender to read.
 - d. Behavior - Stable institutional adjustment is a possible test of sincerity.
 7. The ICA may verify the authenticity of documents and statements presented by the offender.
 8. The ICA will ensure that the DOC-11H form is thoroughly documented, including any offender statements, evidence considered, etc., with regard to the Common Fare request.
 9. The ICA should advise the offender that generally, a two to four week waiting period will occur prior to the offender actually receiving Common Fare foods – if approval for participation is granted by the ICA and CCS.
 10. In Common Fare facilities, upon receipt of CCS approval for an offender's participation in Common Fare, the Facility Unit Head or designee will notify the Food Operations Director/Manager either in writing or electronic mail. In other facilities, the offender must wait for transfer to a facility that offers the Common Fare diet.
 11. All offenders approved by the CCS for Common Fare will be notified that their request has been approved and will be required to sign a *Common Fare Agreement* (see Attachment #1). A copy of the completed *Common Fare Agreement* will be sent to the Food Operations Director/Manager, along with a copy of the DOC-11H.
 12. If an offender that is approved for Common Fare changes religious affiliation as documented on a *Declaration of Religious Affiliation* (see Operating Procedure 841.3, *Offender Religious Programs*), the offender must re-apply within 60 days to remain on Common Fare.
- F. Commissary Products - Commissaries at facilities offering Common Fare should stock and identify on the commissary list items that are certified by a recognized Orthodox Standard such as "U," "K," or "CRC." Offenders on Common Fare may purchase and consume only food items from the commissary that are **not clearly marked as containing pork or pork derivatives or containing a combination of meat and dairy ingredients certified by a recognized Orthodox Standard.** A separate commissary list that allows Common Fare offenders to only purchase certain items is not permitted. **(Change memo 10/23/07)**
- G. Hot Entree Availability - Hot entrees should be served three times a week in accordance with the menu and should be purchased precooked and heated in designated Common Fare equipment. Cooking or reheating of any other food items is not permitted in the Common Fare Program. **Cooking of the entrée in separate pots with separate heating source is permitted. (Added 12/17/07 per M. Engelke)**
- H. Beverages - Beverages available for the general population are allowed for Common Fare.

- I. Food Storage - Upon delivery of Common Fare food products to the kitchen, the products will be stored in special designated areas for staging and/or storage until items are ready for use.
 1. A separate refrigeration unit or an area within available cooling systems will be set aside for staging and storage of refrigerated Common Fare food products. The designated unit/area will be clearly marked and identified as Common Fare.
 2. Dry storage Common Fare food items will be stored in a separate area. In case of limited dry storage space, a special area within the existing storage area will be identified, marked, and used for staging and storage of non perishable Common Fare food products. The designated room/area will be clearly marked and identified as Common Fare.
 3. Frozen Common Fare food items will be stored in a separate area. In case of limited frozen storage, a special area within the existing frozen storage area will be identified, marked, and used for staging and storage of frozen Common Fare food products. The designated unit/area will be clearly marked and identified as Common Fare.
- J. Food Preparation
 1. All food preparation will be conducted in a designated Common Fare area. Food service utensils needed for use in preparing, serving, and transporting Common Fare food items will be stored, handled, used, and cleaned separately from non Common Fare food utensils. Utensils will be washed and sanitized in the pot and pan area before general population utensils have been cleaned. Sinks will be washed, sanitized, and refilled before Common Fare utensils are cleaned. All utensils will be stored in a separate area in the tool room and identified as Common Fare.
 2. Common Fare Food Service personnel will not handle non Common Fare food items while preparing or cooking Common Fare food items.
 3. Common Fare food items will be prepared and cooked in accordance with the Food Service Manual and state and federal regulations.
 4. The Food Operations Director/Manager or designee will provide appropriate training and supervision for offender kitchen workers assigned to prepare Common Fare meals. (see Attachment #5)
- K. Serving Trays and Utensils
 1. Separate reusable serving trays, covers, eating utensils, and cups will be used for Common Fare and will be stored separately.
 2. Common Fare trays, covers, eating utensils, and cups will be placed in the dishwashing machine for washing and sanitizing before general population trays and utensils are washed. Dishwashing water will be drained and refilled before washing Common Fare items.
- L. Serving of Common Fare Items
 1. Common Fare items will be prepared and placed in serving trays designated for the Common Fare diet. All items will be prepared in advance of the feeding period and placed under refrigeration in the designated refrigerator unit. (Except for Common Fare hot items).
 2. Temporary assignment to special housing should not affect an offender's participation in the Common Fare program. An offender approved for Common Fare should be provided Common Fare meals while in special housing or the facility medical unit.
 3. Some Common Fare items come in metal tins that are not allowed in special housing. The tin may be opened and the contents put on the tray with other foods in the Common Fare food preparation area, the tray covered, and stored in the Common Fare refrigeration unit/area or the officer serving the Common Fare tray may open the tin at the time of service, put the contents on the tray, and dispose of the tin..

M. Documentation of Meals

1. The Food Operations Director/Manager should ensure that the *Common Fare Diet Attendance Log* (see Attachment #2) is completed at each meal for offenders receiving Common Fare meals.
2. An offender who is assigned to participate in the Common Fare program will not select other food items, except beverages, from the Master Menu. Violations will be reported to the Facility Unit Head or designee.
3. An offender on Common Fare, who requests to participate in Observance of Ramadan or the NOI Month of Fasting, may choose to remain on the Common Fare diet or to eat from the respective special observance menu without penalty to Common Fare status. Each offender on Common Fare shall indicate this choice when registering for Observance of Ramadan or the NOI Month of Fasting and the choice may not be changed during the period of fasting.

N. Removal from Common Fare

1. An offender may voluntarily withdraw from Common Fare.
 - a. An offender that requests to be voluntarily removed from Common Fare should provide the reason for the removal. An offender who voluntarily withdraws from Common Fare cannot reapply for one year.
 - b. The withdrawal should be documented by ICA and CCS action.
 - c. An offender that voluntarily withdraws from Common Fare a total of three times over the entire incarceration period will be permanently removed on the third occasion.
2. Offenders will be suspended/removed from Common Fare for violating any of the criteria of the *Common Fare Agreement* (see Attachment #1). The Food Operations Director/Manager or other staff should notify the Facility Unit Head or designee if:
 - a. An offender fails to pick up a minimum of seventy-five percent of meals served per month. (See minimum number of meals monthly schedule – attached to *Common Fare Agreement*).
 - b. An offender is observed eating or trading unauthorized food items from the main line.
 - c. An offender is found to have purchased or observed eating food items from the Commissary inconsistent with dietary requirements of the Common Fare program.
3. Offenders, who are assigned to Common Fare and subsequently are convicted of disciplinary offense codes 100, 105a, or 105b, will be removed for one year. The Hearings Officer should refer the case to the ICA for review.
4. Violation of Common Fare will result in the following sanctions, of which the first and second offense sanctions will be imposed by the Facility Unit Head or designee:
 - a. First Offense - removal from Common Fare for 60 days
 - b. Second Offense - removal from Common Fare for 90 days
 - c. Third Offense - permanent removal from Common Fare imposed at an Institutional Classification Authority hearing and approved by the Central Classification Services.
5. If an offender receives three cumulative violations of the Common Fare agreement, he/she should be removed for one year. A cumulative violation occurs when an inmate receives one or two violations, voluntarily removes himself from Common Fare, then later reapplies, and, once again, incurs a violation.
6. Within two working days, The Facility Unit Head or designee will notify the Food Operations Director/Manager with the names of any offender removed or voluntarily withdrawn from Common Fare.

VI. RAMADAN AND NOI MONTH OF FASTING

- A. The Ramadan and NOI Month of Fasting religious observance meals provide religious diets that reasonably accommodate certain religious or spiritual dietary needs to the extent feasible during Observance of Ramadan and NOI Month of Fasting.
- B. Ramadan and NOI Month of Fasting Menus are intended to accommodate offender's religious dietary needs that cannot be met by the Master Menu. The Ramadan and NOI Month of Fasting Menus are provided each year by the DOC Dietitian. Both menus are nutritionally adequate and equivalent in calories to the Master Menu.
- C. Ramadan and NOI Month of Fasting religious observance meals are available only to Muslim offenders who require special religious diets during Ramadan and NOI Month of Fasting and are for the purpose of accommodating their sincere religious practices.
- D. A memorandum will be sent from the Deputy Director, Division of Operations annually to notify facilities of the dates for Ramadan and NOI Month of Fasting. The dates for fasting of the holy month of the Islamic faith, called Ramadan, are confirmed by the Islamic Center of Virginia. The observance will continue for a period of 29-30 days.
 1. The Observance of Ramadan or the NOI Month of Fasting should not interfere with regular work or program assignments.
 2. Offenders participating in the Observance of Ramadan or the NOI Month of Fasting are not exempt from random drug testing during this time period. Randomly selected offenders who are fasting during daylight hours should be tested during those periods of time when they are allowed to eat and drink (i.e. before dawn and after sunset). All other drug-testing regulations apply.
 3. Participating offenders should be permitted to fast during the daylight hours and to observe prescribed times of prayer and spiritual reading individually after work assignments and activities have been accomplished.
- E. Menu Changes - The planned Ramadan and NOI Month of Fasting Menus will not be changed at the facility level without approval of the DOC Dietician. Offenders observing the NOI Month of Fasting require special foods that are specified in the NOI Month of Fasting Menu. Although menus are different, both groups observe the same fasting period and may be fed at the same time.
- F. Observance of Ramadan (Traditional Muslim) - Reasonable accommodations for the participating offender should be consistent with the proper maintenance of security and the orderly facility operation. For those offenders participating in Observance of Ramadan, the following should be observed:
 1. Muslims desiring to observe Ramadan should make their intentions known, in writing, to the Facility Unit Head or designee at least 30 days prior to the beginning of Ramadan each year, according to procedures established by the Deputy Director, Division of Operations.
 2. Offenders observing Ramadan shall be fed meals prepared in accordance with the Ramadan menu.
 3. The morning meal should be served and eaten 30 minutes before dawn. The evening meal and the bag meal should both be provided after sunset, but offenders should not be forced to consume both meals at the same time.
 4. Eid ul Fitr – Prayer service and fast breaking – This is a required holy day at the end of Ramadan that will be permitted for persons participating in Ramadan. The activities include a prayer service to be held before noon and a special meal to be served on the day following the last day of fasting or within three days following the last day of fasting. Only one day may be selected.
 5. Eid ul Adha is a required holiday approximately 70 days after the end of Ramadan and is permitted for offenders participating in Observance of Ramadan. The activities include a prayer service before

noon and a special meal which will be served on that day.

G. Month of Fasting (Nation of Islam) - Reasonable accommodations for the participating offender should be consistent with the proper maintenance of security and the orderly facility operation. The following guidelines should be observed:

1. Offenders desiring to observe the NOI Month of Fasting should make their intentions known, in writing to the Facility Unit Head or designee at least 30 days prior to the beginning of the NOI Fast, according to procedures established by the Deputy Director, Division of Operations.
2. The NOI Month of Fasting Menu will be used for those participating in the Nation of Islam Month of Fasting.
3. The morning meal should be served and eaten 30 minutes before dawn. The evening meal and the bag meal should both be provided after sunset, but offenders should not be forced to consume both meals at the same time.
4. Eid ul Fitr – Prayer service and fast breaking – This is a required holy day at the end of the Month of Fasting that will be permitted for persons participating in the Month of Fasting. The activities include a prayer service to be held before noon and a special meal to be served on the day following the last day of fasting or within three days following the last day of fasting. Only one day may be selected.
5. Eid ul Adha is a required holiday approximately 70 days after the end of Ramadan and is permitted for offenders participating in the Month of Fasting. The activities include a prayer service before noon and a special meal which will be served on that day.
6. Menu Notes (Nation of Islam Month of Fasting) - Substitutions – If a menu substitution must be made, refer to this list of UNACCEPTABLE foods:
 - a. Pork, beef, poultry
 - b. Dried Beans, (except Navy) and peas
 - c. White and corn bread
 - d. Soybean flour or oil
 - e. Kale, turnip, collard, or mustard greens
 - f. Sweet or white potatoes
 - g. Peanuts, coconut, or other nuts
 - h. Cheese, made with any pork products
 - i. Refined sugar products
 - j. Grapefruit

H. Removal from Ramadan and NOI Month of Fasting Participation (added 3/20/08)

1. While participating in Ramadan or NOI Month of Fasting, offenders observed requesting or eating a meal from the regular serving line will be removed from participation in Ramadan and NOI Month of Fasting after proper identification.
2. Proper identification of offenders breaking the Ramadan or NOI Month of Fasting fast
 - a. Any staff member observing an offender participating in Ramadan or NOI Month of Fasting requesting or eating a meal from the regular serving line shall immediately notify a security supervisor.
 - b. The security supervisor shall approach the offender and examine the offender's identification card

and compare it to the Ramadan or NOI Month of Fasting Master Pass list for confirmation.

- c. If the offender is confirmed to be a Ramadan or NOI Month of Fasting participant, but has requested or is eating a regular meal, the security supervisor shall make a copy of the offender's identification card and attach it to an Internal Incident Report documenting the incident.
 - d. The Internal Incident Report shall be forwarded to the Chief of Security who will be responsible for removing the offender from the Ramadan or NOI Month of Fasting Master Pass list for the duration of the current fast and any related ceremonial meals. Note that removal from the Ramadan or NOI Month of Fasting Master Pass list does not preclude participation in weekly religious services.
3. Offenders may appeal removal from the Ramadan or NOI Month of Fasting Master Pass list through the Offender Grievance Procedure.

VII. PASSOVER

- A. The Passover religious observance meals provide a religious diet that reasonably accommodates certain religious or spiritual dietary needs to the extent feasible during Passover. Religious dietary accommodations provided under this procedure meet basic nutritional needs.
- B. This policy applies to all offenders who require special religious diets during Passover.
- C. A memorandum will be sent from the Deputy Director, Division of Operations annually to notify facilities of the dates for Passover.
- D. Changes - The planned Passover observance will not be changed at the facility level.
- E. Offenders celebrating Passover can eat from the regular serving line with the exception of matzo substituting for bread.
- F. Offenders desiring to observe Passover are required to make their intentions known in writing to the Facility Unit Head or designee prior to the beginning of Passover.
- G. A Seder plate is permitted for the first two nights of Passover. Only one Seder Plate per service is necessary for the celebration of Passover. The Seder Plate is symbolic and should not be eaten from.
- H. Special items such as matzo may be ordered from vendors, using the eVA system.

VIII. REFERENCES

DOP 821, *Institutional Classification Management*, to be reissued as Operating Procedure 830.1
Operating Procedure 841.3, *Offender Religious Programs*

IX. REVIEW DATE

The Food Service Manual shall be reviewed and revised as necessary.

Signature Copy on File

Mark E. Engelke, Director of Food Services