



Department of Corrections and Rehabilitation

**NOTICE OF CHANGE TO  
REGULATIONS**

**Section(s): 3000, 3054, 3054.1, 3054.2, 3054.3,  
3054.4, and 3054.5**

**Number:**

**16-08**

**Publication Date:**

**July 22, 2016**

**Effective Date:**

**June 29, 2016**

**INSTITUTION POSTING AND CERTIFICATION REQUIRED**

This Notice announces the proposed amendments to Section(s) 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, and 3054.5 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, to incorporate into the CCR, provisions concerning Religious Diets.

**IMPLEMENTATION:** Immediately.

**PUBLIC COMMENT PERIOD**

Any person may submit written comments about the proposed regulations to the California Department of Corrections and Rehabilitation, Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, by fax to (916) 324-6075, or by email to RPMB@cdcr.ca.gov. All written comments must be received by the close of the public comment period **September 12, 2016, at 5:00pm**.

**PUBLIC HEARING INFORMATION**

A public hearing regarding these proposed regulations will be held **September 12, 2016 from 10:00 a.m. to 11:00 am in the Kern/Colorado room, located at 1515 S Street, North Building, Sacramento, CA 95811**. The purpose of the hearing is to receive oral comments about this action. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written or facsimile comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

**POSTING**

This Notice shall be posted immediately upon receipt at locations accessible to inmates, parolees, and employees in each Department facility and field office not later than five calendar days after receipt. Also, facilities shall make this Notice available for review by inmates in segregated housing who do not have access to the posted copies, and shall distribute it to inmate law libraries and advisory councils. CDCR Form 621-A (Rev. 09/14), Certification of Posting, shall be returned to the RPMB electronically, by fax, or by mail. See Department Operations Manual Sections 12010.12.1 and 12010.12.2 for posting and certification of posting procedures.

**CONTACT PERSON**

Inquiries regarding the subject matter of these regulations may be directed to David Skaggs, Division of Adult Institutions, Religious Programs Oversight Unit, (916) 324-1441. Inquiries regarding this Notice should be directed to Timothy M. Lockwood, Chief, RPMB, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone (916) 445-2269, or email RPMB@cdcr.ca.gov.

*Original signed by:*

RALPH M. DIAZ  
Undersecretary, Operations  
California Department of Corrections and Rehabilitation

Attachments

## NOTICE OF PROPOSED REGULATIONS

### California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Sections 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, and 3054.5 of the California Code of Regulations (CCR), Title 15, Division 3 concerning Religious Diets.

#### **PUBLIC HEARING:**

Date and Time: **September 12, 2016 - 10:00 a.m. to 11:00 a.m.**

Place: Department of Corrections and Rehabilitation  
Kern/Colorado Room  
1515 S Street – North Building  
Sacramento, CA 95811

Purpose: To receive comments about this action.

#### **PUBLIC COMMENT PERIOD:**

The public comment period will close **September 12, 2016 at 5:00 p.m.** Any person may submit public comments in writing (by mail, fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

#### **CONTACT PERSON:**

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**S. Pollock  
Regulation and Policy Management Branch  
Telephone (916) 445-2308**

Questions regarding the substance of the proposed regulatory action should be directed to:

**David Skaggs  
Division of Adult Institutions  
Telephone (916) 324-1441**

#### **AUTHORITY AND REFERENCE:**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:**

Current regulations provide that a Chaplain shall determine the eligibility of an inmate to participate in any one of the three religious diet options-Vegetarian, Jewish Kosher, and Religious Meat Alternate and that only Jewish inmates, as determined by a Jewish Chaplain, may participate in the Jewish Kosher Diet Program (JKDP).

The proposed regulations will rename the JKDP as the “Kosher Diet Program,” and will allow for *any* inmate with a religious dietary need that cannot be met by another religious diet option or by the mainline diet to be considered for the Kosher Diet Program. Similarly, the Religious Meat Alternate Program will allow for *any* inmate with a religious dietary need to be considered for the Religious Meat Alternate Program. In addition, the proposed changes will allow for the Religious Review Committee (RRC) to also make eligibility determinations (in addition to a Chaplain) for entry into a Religious Diet Program. The RRC will take on an expanded role in Religious Diet Program determinations by determining religious diet compliance violations (such as an inmate possessing or consuming food which is not in agreement with their chosen religious diet) and making the determination to deny an inmate entry into a Religious Diet Program if sincerity cannot be established. These changes comply with the court decision *In Re Garcia*, (2012) 202 Cal.App.4<sup>th</sup> 892.

The broad objective of the proposed regulations is to provide neutrality and equality for inmate eligibility into a Religious Diet Program as well as to promote impartial determinations by providing a group decision when a denial or non-compliance is to be considered.

This action provides the following:

- Revises the definition for the term “Chaplain.”
- Revises the language for the Vegetarian Diet Program so that it is consistent with the language for the Kosher and Religious Meat Alternate Diet Programs; the new language specifies “submitting to any Chaplain a CDCR Form 3030, Religious Diet Program Request.” Additional new language adds “The CDCR Form 3030 shall be approved by any Chaplain.”
- Renames the “Jewish Kosher Diet Program” as “Kosher Diet Program.”
- Removes language from the Kosher Diet Program section which specified that “Jewish inmates may participate in the program, as determined by a Jewish Chaplain,” and adds new language which specifies that “kosher meals shall be available at designated institutions for inmates with a religious dietary need that cannot be met by another religious diet option or by the mainline diet.”
- Revises language from the Religious Meat Alternate Program section which specified that “Muslim inmates may participate in the program (Religious Meat Alternate) as determined by a Muslim Chaplain or a designee Chaplain” and “Non-Muslim inmates with a religious dietary need may seek participation in the program...” to provide consistency with the other diet programs and provide neutrality by removing references to a specific faith.
- Establishes new language for both the Kosher Diet Program and the Religious Meat Alternate Program which specifies that inmates may seek participation in either one of these programs by submitting to *any* Chaplain a CDCR Form 3030, Religious Diet Program Request, and that the Chaplain may approve the Form 3030 request or refer it to the Religious Review Committee (RRC) for determination.
- Removes language which specified that “A Jewish Chaplain shall determine inmate entry into the Jewish kosher diet program, oversee the program, and determine Jewish inmate compliance violations” and additionally for the Religious Meat Alternate Program, “A designee Chaplain shall oversee the program and determine inmate compliance violations.” Establishes new language for both the Kosher Diet Program and the Religious Meat Alternate Program that a Chaplain designated by the RRC shall annually review each

institution's processes for the procurement, storage, and distribution of Kosher or Religious Meat Alternate Program meals and shall provide a report of the review to the Correctional Food Manager.

- Establishes that “only the RRC may make the determination to deny the CDCR Form 3030, Religious Diet Program Request” and that “The RRC shall determine inmate compliance violations.”
- Incorporates by reference into the CCR one new CDCR Form 3030-E (04/16), Religious Diet Program Interview.
- Revises and incorporates by reference into the CCR five existing CDCR forms: CDCR Form 3030 (Rev. 04/16), Religious Diet Program Request, CDCR Form 3030-A (Rev. 04/16), Religious Diet Program Agreement, CDCR Form 3030-B (Rev. 04/16), Religious Diet Card, CDCR Form 3030-C (Rev. 04/16), Religious Diet Program Notice of Non-Compliance, and CDCR Form 3030-D (Rev. 04/16), Religious Diet Program Cancellation Request.

### **DOCUMENTS INCORPORATED BY REFERENCE**

- CDCR Form 3030 (Rev. 04/16), Religious Diet Program Request
- CDCR Form 3030-A (Rev. 04/16), Religious Diet Program Agreement
- CDCR Form 3030-B (Rev. 04/16), Religious Diet Card
- CDCR Form 3030-C (Rev. 04/16), Religious Diet Program Notice of Non-Compliance
- CDCR Form 3030-D (Rev. 04/16), Religious Diet Program Cancellation Request
- CDCR Form 3030-E (04/16), Religious Diet Program Interview

### **BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS:**

The proposed changes will benefit the inmate population by promoting fairness, equality, and neutrality regarding participation in the Religious Diet Program. Additionally, clarity and consistency throughout the State institutions is achieved by providing standardized procedures for religious diets. Chaplains and RRC members will benefit from the establishment of the new CDCR Form 3030-E, Religious Diet Program Interview, which will provide them with a standardized guideline to follow when conducting interviews for Kosher or Religious Meat Alternate religious diet requests. In addition, the proposed regulatory action may benefit CDCR by decreasing adverse court orders in the wake of *In re Garcia*, and help to resolve the numerous inmate-generated religious kosher meal lawsuits outside of court while easing the costs and resources that CDCR expends to litigate those cases.

### **EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS/REGULATIONS:**

The Department has determined that these proposed regulations are consistent and compatible with existing State laws and regulations. The Department reached this conclusion by reviewing existing CCR, Title 15, Division 3, regulations related to religious diet programs. The Department is the only agency that regulates the religious diets of inmates housed in California institutions.

### **LOCAL MANDATES:**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

### **FISCAL IMPACT STATEMENT:**

- **Cost to any local agency or school district that is required to be reimbursed pursuant to 17500 et seq.:** *None*
- **Cost or savings to any State agency:** *None*
- **Other nondiscretionary cost or savings imposed on local agencies:** *None*

- **Cost or savings in federal funding to the State:**

*None*

**EFFECT ON HOUSING COSTS:**

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES:**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES:**

The Department has initially determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant economic impact on small businesses because they are not affected by the internal management of prisons.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT:**

The Department has initially determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on worker safety or the State's environment. As stated above under the Informative Digest/Policy Statement Overview, the benefits of the proposed regulations will be to promote equality and neutrality regarding participation in the Religious Diet Program, create standardization of the process from institution to institution, and help to alleviate the numerous inmate generated religious diet lawsuits, while easing the costs that CDCR expends to litigate those cases.

**CONSIDERATION OF ALTERNATIVES:**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS:**

The Department has prepared, and will make available the text, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF CHANGES TO PROPOSED TEXT:**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to

the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS:**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

## TEXT OF PROPOSED REGULATIONS

In the following, underline indicates new or additional text and ~~strikethrough~~ indicates deleted text.

### Title 15, Crime Prevention and Corrections

#### Division 3, Adult Institutions, Programs, and Parole

#### Chapter 1. Rules and Regulations of Adult Operations and Programs

#### Article 1. Behavior

#### Section 3000. Definitions

Section 3000 is amended to alphabetically merge the definition below with those that exist in the regulations.

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Chaplain means an individual duly designated by a religious denomination to discharge specified religious duties, including a native American Indian spiritual leader is a staff member, including a Native American Spiritual Leader, who provides religious/spiritual care and counseling to inmates, affords inmates reasonable opportunities to practice the religious/spiritual beliefs of their choice, and organizes, coordinates, and manages various religious/spiritual group activities.

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Note: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 5058, 5058.3 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653m, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 3003.5(a), 3020, 3450, 3550, 4570, 4576, 5009, 5050, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; ~~and~~ *Mitchell v. Cate*, USDC ED 2:08-CV-01196-TLN-EFB; and *In re Garcia* (2012) 202 Cal.App.4<sup>th</sup> 892.

#### Article 4. Food Services

#### 3054. Religious Diet Program.

**Subsection 3054(a) is unchanged, but shown for reference purposes.**

(a) Each institution shall make reasonable efforts, as required by law, to accommodate those inmates who have been determined, pursuant to CCR, Title 15, subsection 3054.4(b)(1), to require a religious diet.

**Subsection 3054(b) is amended to read:**

(b) Each institution shall provide ~~ongoing~~ religious awareness training for custody and food service staff, and anyone involved in the Religious Diet Program.

**Subsections 3054(c) through 3054(e)(1) are unchanged, but shown for reference purposes.**

(c) Within an institution, religious meals shall not be restricted from inmates, based on their classification or housing placement. Inmates who are transferred shall have the ability to continue participating in their current Religious Diet Program at the receiving institution, barring medical needs or other extraordinary circumstances.

(d) Medical diets shall take precedence over religious diets.

(e) There shall be at least three distinct religious diet options:

(1) Vegetarian.

**Subsections 3054(e)(2) and 3054(e)(3) are amended to read:**

(2) ~~Jewish~~ Kosher.

(3) Religious ~~m~~Meat ~~a~~Alternate.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code. In re Garcia (2012) 202 Cal.App.4<sup>th</sup> 892.

**3054.1. Vegetarian Diet Program.**

**Subsection 3054.1 is amended to read:**

Vegetarian meals shall be available at all institutions: upon request for inmates with any determined religious, personal, or ethical dietary needs, and inmates may seek participation in the Vegetarian Diet Program by submitting to any Chaplain a CDCR Form 3030 (Rev. 04/16), Religious Diet Program Request, which is incorporated by reference. The CDCR Form 3030 shall be approved by any Chaplain. Participating inmates showing a CDCR Form 3030-B (09/05), Religious Diet Card, which is incorporated by reference, shall be provided with an approved vegetarian protein alternative(s), often from that same day's scheduled meal.

**New subsection 3054.1(a) is adopted to read:**

(a) The RRC shall determine inmate compliance violations.

Note: Authority cited: Sections 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

**Section 3054.2 title heading is amended to read:**

**3054.2. Jewish Kosher Diet Program.**

**Subsections 3054.2(a) through 3054.2(d) are amended to read:**

(a) ~~Jewish k~~Kosher meals shall be available at designated institutions for inmates with a religious dietary need that cannot be met by another religious diet option or by the mainline diet. Jewish inmates may participate in the program, as determined by a Jewish Chaplain. Inmates may seek participation in the Kosher Diet Program by submitting to any Chaplain a CDCR Form 3030, Religious Diet Program Request. The Chaplain may approve the Form 3030 request or refer it to the Religious Review Committee (RRC) for determination.

(b) ~~Jewish i~~Inmates with unmet kosher dietary needs may, when classification is appropriate, be considered for transfer to another institution that can provide the Jewish inmate with a kosher diet.

(c) ~~Jewish i~~Inmates shall not give away, trade, or sell a ~~sack~~ any portion of a kosher meal. Doing so may result in a compliance violation of the Religious Diet Program Agreement.

(d) All institutions will adhere to standardized departmental ~~Jewish k~~Kosher d~~Diet p~~Program menus and approved procedures for purchasing, preparing, and serving kosher meals.

**Subsection 3054.2(e) is unchanged, but shown for reference purposes.**

(e) Observance of Passover constitutes a single religious event, requiring kosher for Passover foods to be provided during the eight days of observance.

**Subsections 3054.2(f) through 3054.2(g)(2) are amended to read:**

(f) Each institution shall arrange for ~~ongoing and~~ appropriate training for all inmate food service workers, and custody, and food service employees involved in the supervising, ordering, preparation, and serving of k~~Kosher~~ Diet Program meals.

(g) The ~~Jewish k~~Kosher d~~Diet p~~Program shall be administered in accordance with the provisions of this Article. A Jewish Chaplain shall:

(1) ~~Determine inmate entry into the Jewish kosher diet program, oversee the program, and determine Jewish inmate compliance violations. A Chaplain designated by the RRC shall annually review each institution's processes for the procurement, storage, and distribution of~~

Kosher Diet Program meals, and shall provide a report of the review to the Correctional Food Manager (CFM).

~~(2) Review each institution's Jewish kosher diet program annually and provide results of the review to the Correctional Food Manager (CFM). Upon review of the CDCR Form 3030, Religious Diet Program Request, any Chaplain or the RRC shall determine inmate entry into the Kosher Diet Program.~~

**New subsection 3054.2(g)(3) is adopted to read:**

(3) Only the RRC may make the determination to deny the CDCR Form 3030, Religious Diet Program Request.

**New subsection 3054.2(g)(4) is adopted to read:**

(4) The RRC shall determine inmate compliance violations.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code. *In re Garcia* (2012) 202 Cal.App.4<sup>th</sup> 892.

### **3054.3. Religious Meat Alternate Program.**

**Subsection 3054.3(a) is amended to read:**

~~(a) A Religious ~~m~~Meat ~~a~~Alternates Program (offering meat that has been certified as halal) shall be available at all institutions. ~~Muslim i~~Inmates with a religious dietary need may seek participation in the Religious Meat Alternate pProgram, ~~as determined by a Muslim Chaplain or designee Chaplain. Non-Muslim inmates with a religious dietary need may seek participation in the program~~ by submitting to any appropriate Chaplain a CDCR Form 3030 (Rev. 08/0904/16), Religious Diet Program Request, ~~which is incorporated by reference.~~ The Chaplain may approve this request or refer the request to the RRC for determination by the Religious Review Committee (RRC).~~

**Subsection 3054.3(b) is unchanged, but shown for reference purposes.**

(b) All institutions will adhere to standardized departmental halal meat alternates, and approved procedures for procuring and serving halal meats.

**Subsections 3054.3(c) through 3054.3(d)(2) are amended to read:**

(c) Each institution shall arrange for ~~ongoing and~~ appropriate training for all inmate food service workers, custody, and food service employees involved in the supervising, ordering, and serving of halal meats.

(d) The ~~r~~Religious ~~m~~Meat ~~a~~Alternate ~~p~~Program shall be administered in accordance with the provisions of this Article. ~~A designee Chaplain shall:~~

(1) Oversee the program and determine inmate compliance violations. A Chaplain designated by the RRC shall annually review each institution's processes for the procurement, storage, and distribution of Religious Meat Alternate Program meals and shall provide a report of the review to the Correctional Food Manager.

(2) Review each institution's religious meat alternate program annually and provide results of the review to the Correctional Food Manager (CFM). Upon review of the CDCR Form 3030, Religious Diet Program Request, any Chaplain or the RRC shall determine inmate entry into the Religious Meat Alternate Program.

**New subsection 3054.3(d)(3) is adopted to read:**

(3) Only the RRC may make the determination to deny the CDCR Form 3030, Religious Diet Program Request.

**New subsection 3054.3(d)(4) is adopted to read:**

(4) The RRC shall determine inmate compliance violations.

Note: Authority cited: Sections 5058, Penal Code. Reference: Sections 383b, 383c, 5009 and 5054 Penal Code. *In re Garcia* (2012) 202 Cal.App.4<sup>th</sup> 892.

#### **3054.4. Participation in a Religious Diet Program.**

**Subsection 3054.4(a) is amended to read:**

(a) Any inmate who claims to require a religious diet shall be responsible for completing a CDCR Form 3030, Religious Diet Program Request, and submitting it to ~~the appropriate institution's~~ any Chaplain. No more than 30 calendar days shall pass from the day the Chaplain receives the completed CDCR Form 3030, Religious Diet Program Request, which results in a determination of program eligibility, to the day an accepted inmate begins receiving the religious meals requested.

**Subsections 3054.4(b) through 3054.4(b)(5) are amended to read:**

(b) The Chaplain or designated representative of the RRC shall:

(1) Interview the inmate requesting to explain the three religious diet options, including what the meals consist of. The CDCR Form 3030-E (04/16), Religious Diet Program Interview, which is incorporated by reference, shall be utilized for inmates who seek participation in the Kosher Diet Program or the Religious Meat Alternate Program.

(2) Determine the inmate's religious diet eligibility, ~~except that the RRC shall determine the eligibility of a non-Muslim inmate to participate in the religious meat alternate program. When a non-Muslim inmate seeks the religious meat alternate program, the Chaplain shall forward the~~

~~CDCR Form 3030, Religious Diet Request, to the RRC for consideration and placement into the appropriate Religious Diet Program per sections 3054.1 through 3054.3.~~

(3) When ~~Religious Diet Program~~ eligibility is determined, explain the department's Religious Diet Program Agreement.

(4) When applicable, have the inmate sign the CDCR Form 3030-A (Rev. ~~08/09~~04/16), Religious Diet Program Agreement, which is incorporated by reference, and the CDCR Form 3030, Religious Diet Program Request ~~and the CDCR Form 3030 D (Rev. 08/09), Religious Diet Program Cancellation Request, which is incorporated by reference.~~ Document an inmate's refusal to sign any religious diet departmental forms.

(5) ~~Complete and~~ distribute the completed CDCR Form 3030, Religious Diet Program Request and/or the completed CDCR Form 3030-A, Religious Diet Program Agreement, within two three working days to the Community Resources Manager.

**Subsection 3054.4(b)(6) is amended to read:**

(6) Notify the inmate of the decision in writing by providing a copy of their CDCR Form 3030, Religious Diet Program Request.

**Subsections 3054.4(b)(7) through 3054.4(b)(8) are amended to read:**

(7) Enter pertinent information for each inmate approved to participate in a ~~Religious Diet Program~~ onto a religious diet participant list within 24 hours of approval. Maintain, and update the list every 30 days, and provide the CFM with a copy of the list of those inmates who have been determined eligible to receive a religious diet, and which diet they will receive.

(8) Regularly monitor the religious diet lists with Food Service staff to ensure that all inmate ~~Religious Diet Program~~ participants are served their religious dietary meals with minimal delay.

**Subsection 3054.4(b)(9) is deleted.**

~~(9) Coordinate with the CFM to determine which dining area will provide the inmate his/her meals.~~

**Existing Subsection 3054.4(b)(10) is renumbered 3054.4(b)(9).**

~~(10)~~ Provide each approved inmate with a CDCR Form 3030-B (Rev. 04/16), Religious Diet Card, which is incorporated by reference. Collect Religious Diet Cards that are no longer valid.

**Existing Subsection 3054.4(b)(11) is renumbered 3054.4(b)(10) and amended to read:**

~~(11)~~ Meet with inmates, giving them the opportunity to respond to allegation(s) of Religious Diet Program Agreement compliance violations, prior to making a determination of continuing

eligibility in accordance with section 3054.5.

**New subsection 3054.4(c) is adopted to read:**

(c) Inmate participants shall:

(1) Show their Religious Diet Card when receiving their approved religious diet.

(2) Follow the conditions of the signed CDCR Form 3030-A, Religious Diet Program Agreement.

**New subsection 3054.4(d) is adopted to read:**

(d) An inmate who wishes to withdraw from the Religious Diet Program shall sign the CDCR Form 3030-D (Rev. 04/16), Religious Diet Program Cancellation Request, which is incorporated by reference. The inmate shall submit the completed CDCR Form 3030-D cancellation request to the institution's Community Resources Manager.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code. *In re Garcia* (2012) 202 Cal.App.4<sup>th</sup> 892.

**3054.5. Monitoring for Religious Diet Program Inmate Compliance.**

**Section 3054.5 is amended to read:**

Any ~~incident of an~~ alleged compliance violation inmate of the Religious Diet Program Agreement ~~compliance violation~~ shall be reported using CDC Form 128-B, General Chrono, citing CCR, Title 15, section 3054. All reports shall be sent to the ~~appropriate Chaplain~~ designated representative of the RRC, who shall consult with the inmate. The RRC shall make the final determination of continuing eligibility, and complete a CDCR Form 3030-C (09/05 Rev. 04/16), Religious Diet Program Agreement-Notice of Non-Compliance, which is incorporated by reference. As described on the CDCR Form 3030-C, a first violation of the Religious Diet Program Agreement shall result in a warning issued to the inmate, and a second violation within six months of the first violation may subject the inmate to removal from the program. A copy of the completed CDCR Form 3030-C shall be provided to the inmate.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

DISTRIBUTION:  
ORIGINAL – C-FILE  
COPY – INMATE  
COPY – CHAPLAIN

INMATE NAME: \_\_\_\_\_ FACILITY: \_\_\_\_\_  
CDC NO.: \_\_\_\_\_ HOUSING UNIT: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_

RELIGION: \_\_\_\_\_  
I HAVE BEEN PRACTICING THIS RELIGION  
SINCE: \_\_\_\_\_

RELIGIOUS GROUP (optional): \_\_\_\_\_  
GROUP ADDRESS: \_\_\_\_\_  
TELEPHONE NO: \_\_\_\_\_

The California Department of Corrections and Rehabilitation offers three religious meal options:

- **Option 1- Vegetarian meals (including dairy products and eggs) based on regular institution meals. A vegetarian protein substitute will be provided when meat or poultry is served. Fish may be included.**
- **Option 2 – Jewish kosher meals. This program is for Jewish inmates who wish to follow the standards of Judaism.**
- **Option 3 – Religious meat alternate. A religious meat alternate will be provided at the dinner meal when meat or poultry is served.**

What are the religious dietary laws to which you must adhere, and the tenets of your religion?

Can your religious dietary needs be met by not eating pork, and/or following a vegetarian diet? If not, please explain why.

*Attach documentation to support your request (optional)*  
**INMATES DO NOT WRITE BELOW THIS LINE**

DIET REQUEST: \_\_\_\_\_ APPROVED / DENIED

If denied, give reason(s):

Other Action Taken / Comments:

CHAPLAIN'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Date Application Received: \_\_\_\_\_ Date Inmate Interviewed: \_\_\_\_\_

# - ADOPT-

**RELIGIOUS DIET PROGRAM REQUEST**

CDCR 3030 (Rev. 04/16)

<b>PART I - INMATE RELIGIOUS DIET PROGRAM</b> <i>(Completed by Inmate)</i>			
<b>Religious Meal Option Requested:</b> <i>(Check one)</i> <input type="checkbox"/> <b>Vegetarian</b> A vegetarian protein substituted when meat is served on the CDCR menu <input type="checkbox"/> <b>Kosher</b> A kosher-certified diet for inmates who must adhere to kosher laws for religious/spiritual requirements <input type="checkbox"/> <b>Religious Meat Alternate (RMA)</b> A halal-certified meat substituted at the dinner meal when meat is served			
<b>INMATE NAME:</b> <i>(please print)</i>	<b>CDCR#:</b>	<b>INMATE SIGNATURE:</b>	<b>DATE:</b>
<b>INSTITUTION:</b>	<b>HOUSING:</b>	<b>RELIGIOUS/SPIRITUAL AFFILIATION:</b>	
<b>COMMENTS:</b>			
<b>ATTACH DOCUMENTATION TO SUPPORT YOUR REQUEST</b> <i>(Optional)</i> <b><i>(Inmates Do Not Write Below This Line)</i></b>			
<b>PART II - INMATE INTERVIEW</b> <i>(Completed by Chaplain or Designee)</i>			
<b>CHAPLAIN OR DESIGNEE:</b> <i>(Please print)</i>		<b>DATE OF INMATE INTERVIEW:</b>	
<i>(Check when completed)</i> <input type="checkbox"/> <b>Interview Questions</b> (Kosher or RMA diets only) <input type="checkbox"/> <b>CDCR Form 3030-A</b> (Reviewed and signed by inmate and Chaplain for all religious diets) <input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Referred to Religious Review Committee (RRC) for Determination</b>			
<b>COMMENTS:</b>			
<b>CHAPLAIN OR DESIGNEE SIGNATURE:</b>		<b>DATE:</b>	
<b>PART III – RELIGIOUS REVIEW COMMITTEE REFERRAL</b> <i>(Completed by RRC if referred by Chaplain or Designee)</i>			
<input type="checkbox"/> <b>Review of interview questions and comments</b> <input type="checkbox"/> <b>Review of inmate supporting documents</b> <i>(if supplied)</i> <input type="checkbox"/> <b>Review of additional documentation supplied by staff</b> <i>(e.g., Quarterly Package, Canteen Draw, etc.)</i>  Date reviewed by RRC: _____ <input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Denied</b>			
<b>COMMENTS:</b>			
<b>RRC CHAIR OR DESIGNEE:</b> <i>(please print)</i>	<b>RRC CHAIR OR DESIGNEE SIGNATURE:</b>		<b>DATE:</b>

DISTRIBUTION:  
ORIGINAL – C-FILE  
COPY – INMATE  
COPY – CHAPLAIN

I would like to participate in the (check one):

- Jewish Kosher Diet Program       Vegetarian Diet Program       Religious Meat Alternate Program

I understand that in order for me to participate in a Religious Diet Program, foods and preparation practices that are not used for general population meals must be used. Therefore, I agree to the following conditions:

1. I understand that I may change my religious diet no more than once each year.
2. I understand that if I voluntarily request to withdraw from the Religious Diet Program, I must do so in writing and I must wait for a period of six months before requesting to be reinstated in the Religious Diet Program. If, after six months, I apply to a different Religious Diet Program than the one I previously participated in, my request will have to be approved by the Chaplain who oversees that Religious Diet Program.
3. During meals I will eat and possess on my food tray only those food items served as a part of the Religious Diet Program. I understand that a report will be kept to verify I am picking up my religious meals. If, for any reason, I am denied any meals under the Religious Diet Program, however, I shall be permitted to eat foods that are not part of the Religious Diet Program and that shall not be deemed to be a violation of this Agreement. I will not collect religious food items (other than Canteen items) in my cell and I will follow all CDCR policies and regulations for dining in my institution.
4. I may not purchase or consume any food items that are not part of my religious diet. I understand that my Canteen purchases may be routinely monitored.
5. I will not “double-back” in order to obtain a second meal, either regular or religious.
6. I will consistently pick up my religious diet meals. I understand that a record will be kept indicating when I pick up my religious meals.
7. I will not provide all, or portions of my religious meals received through the Religious Diet Program to other inmates who are not participating in the same Religious Diet Program.
8. I will restrict my diet to religious diet foods.
9. I understand that should I violate one of these provisions, I will receive one (1) written warning, but will be allowed to continue to participate in the Religious Diet Program. I also understand that the Chaplain who oversees my Religious Diet Program shall determine whether I violated any of these provisions.
10. I further understand that should I violate any of these provisions a second time within six (6) months from the date of the first violation, I may be removed from the Religious Diet Program for a period of six (6) months from the date of the second violation. I also understand that a Chaplain shall determine whether I violated any of these provisions. I also understand that before a Chaplain can remove me from the Religious Diet Program, I shall have the right to confer with a Chaplain regarding the alleged violation(s).

By my signature below, I acknowledge that I have read and discussed the contents of this Agreement with an Institution Chaplain that oversees this Religious Diet Program. I further agree that if permitted to participate in the Religious Diet Program I will abide by the conditions set forth in this agreement.

Inmate Name (print): \_\_\_\_\_

Inmate Sign and Date: \_\_\_\_\_

Inmate CDC No.: \_\_\_\_\_

Chaplain's Name (print): \_\_\_\_\_

Chaplain, Sign and Date: \_\_\_\_\_

**Religious Diet Requested:** *(check one)*

- VEGETARIAN DIET PROGRAM     KOSHER DIET PROGRAM     RELIGIOUS MEAT ALTERNATE DIET PROGRAM

I understand that in order for me to participate in a Religious Diet Program, specific foods may be purchased and specialized food preparation practices may be utilized. Therefore I agree to the following conditions:

1. I understand that if I voluntarily request to withdraw from the Religious Diet Program, I must do so in writing by completing a CDCR 3030-D Religious Diet Program Cancellation Request Form and that I must wait for a minimum of one year before requesting to be reinstated in any religious diet.
2. During meals, I will consume and possess on my food tray only those food items served as part of the Religious Diet Program. If, for any reason, I am not provided my specified religious diet meal, I shall be permitted to eat foods that are not part of the Religious Diet Program and it shall not be deemed a violation of this Agreement. I will not store religious food items (other than canteen items) in my cell and I will follow all CDCR policies and regulations for dining in my institution.
3. I may not purchase or consume any food items that are not part of my religious diet. I understand that my quarterly packages and canteen purchases may be routinely monitored.
4. I will not eat from the general population diet which is in conflict with my religious diet. I will not “double-back” in order to obtain a second meal, either regular or religious.
5. I will consistently pick up my religious diet meals. I understand that a record may be kept indicating when I pick up my religious meals.
6. I will not give away, trade, or sell any portion of my religious meals received through the Religious Diet Program.
7. I understand that should I violate one of these provisions:
  - a. I will receive one (1) written warning, but will be allowed to continue to participate in the Religious Diet Program.
  - b. I further understand that should I violate any of these provisions a second time within (6) months from the date of the first violation, I may be removed from the Religious Diet Program. I further understand that I may reapply in a minimum of six (6) months from the date of the second violation.
8. I also understand that the Religious Review Committee (RRC) shall determine whether I violated any of these provisions, and the RRC may remove me from the Religious Diet Program if I am found to be in violation.

By my signature below, I acknowledge that I have read and discussed the contents of this Agreement with an Institution Chaplain. I further agree that if permitted to participate in the Religious Diet Program, I will abide by the conditions set forth in this agreement.

Inmate Name: <i>(Please print)</i>	Inmate CDCR #:
Inmate Signature:	Date:
Chaplain, RRC Chairperson, or Designee: <i>(Please print)</i>	Date:
Chaplain, RRC Chairperson, or Designee Signature:	

<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>
<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>	<p>California Department of Corrections and Rehabilitation</p> <p><b>Religious Diet Card</b></p> <p>insert picture</p> <p>Name: _____</p> <p>CDCR #: _____</p> <p>Religious Diet: _____</p> <p>CDCR 3030-B (09/05)</p>



# - ADOPT -

<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>
<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>
<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>	<p>California Department of Corrections and Rehabilitation <b>RELIGIOUS DIET CARD</b></p> <p>Name: _____ CDCR #: _____</p> <p><input type="checkbox"/> Vegetarian (Green) <input type="checkbox"/> Kosher (Blue) <input type="checkbox"/> RMA (Yellow)</p> <p>Attach Picture</p> <p>CDCR 3030-B (Rev. 04/16)</p>



# - DELETE -

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**RELIGIOUS DIET PROGRAM AGREEMENT –  
NOTICE OF NON-COMPLIANCE**  
CDCR 3030-C (09/05)

DISTRIBUTION:  
ORIGINAL – C-FILE  
COPY – INMATE  
COPY – CHAPLAIN

INMATE NAME: \_\_\_\_\_

CDCR NO.: \_\_\_\_\_

I consulted the above-named inmate regarding his/her violation of the Religious Diet Program Agreement. I also confirmed that the inmate's alleged act is a violation of the Religious Diet Program Agreement. The inmate violated his/her Religious Diet Meal Program Agreement in the following manner: (be specific)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **THIS IS YOUR FIRST NOTICE.** You will be permitted to continue to participate in the Religious Diet Program. **WARNING!** Review the terms of the Religious Diet Program Agreement (attached). If you violate any provision of the Religious Diet Program Agreement once again within the next six (6) months, you may lose your right to participate in the Religious Diet Program for a period of six (6) months.

\_\_\_\_\_ **THIS IS YOUR SECOND NOTICE.** A Chaplain has determined that you have not complied with one or more provisions contained in your signed Religious Diet Program Agreement for a second time within a six months period. Your religious diet meals will be terminated for a period of six (6) months from the date of this second violation. Termination of the religious diet meals is effective on \_\_\_\_\_. You will be allowed to reapply to participate in the religious diet program six (6) months from the date of the second violation.

\_\_\_\_\_  
Chaplain's Name (printed)

\_\_\_\_\_  
Chaplain Signature and Date

Institution: \_\_\_\_\_

# ADOPT

RELIGIOUS DIET PROGRAM  
NOTICE OF NON-COMPLIANCE  
CDCR 3030-C (Rev. 04/16)

RELIGIOUS DIET PROGRAM NOTICE OF NON-COMPLIANCE		
INMATE NAME:	CDCR #:	DATE:
INSTITUTION:	HOUSING:	RELIGIOUS/SPIRITUAL AFFILIATION:
CURRENT APPROVED RELIGIOUS DIET: <input type="checkbox"/> VEGETARIAN <input type="checkbox"/> KOSHER <input type="checkbox"/> RELIGIOUS MEAT ALTERNATE		
1 <sup>st</sup> NOTICE OF NON-COMPLIANCE		
<p>The above-named inmate has been consulted regarding his/her initial violation of the Religious Diet Program Agreement as stated in CDC Form 128-B dated _____. The inmate violated his/her Religious Diet Program Agreement in the following manner: <i>(Please be specific)</i></p> <p>_____</p> <p>_____</p> <p>_____</p>		
DATE: _____ The inmate will be permitted to continue participation in the Religious Diet Program.		
<b>WARNING:</b> Review the terms of the Religious Diet Program Agreement (CDCR 3030-A). If any provision of the Religious Diet Program Agreement is violated again within the next six (6) months, the inmate may lose his/her right to participate in the Religious Diet Program for a period of six (6) months.		
COMMENTS:		
RRC Chairperson or Designee: <i>(Please print)</i>	RRC Chairperson or Designee: <i>(Signature)</i>	Date:
2 <sup>nd</sup> NOTICE OF NON-COMPLIANCE		
<p>The above-named inmate has been consulted regarding his/her 2<sup>nd</sup> violation of the Religious Diet Program Agreement as stated in CDC Form 128-B dated _____. The inmate violated his/her Religious Diet Program Agreement in the following manner: <i>(Please be specific)</i></p> <p>_____</p> <p>_____</p> <p>_____</p>		
<p>The Religious Review Committee (RRC) has determined that the above-named inmate has not complied with one or more provisions contained in the signed Religious Diet Program Agreement for a second time within a six month period. The religious diet meals shall be terminated effective immediately.</p> <p>Termination of the religious diet meals will be effective on _____. The above-named inmate may reapply to participate in the Religious Diet Program six (6) months from the effective termination date.</p>		
COMMENTS:		
RRC Chairperson or Designee: <i>(Please print)</i>	RRC Chairperson or Designee: <i>(Signature)</i>	Date:

# - DELETE -

STATE OF CALIFORNIA

## RELIGIOUS DIET PROGRAM CANCELLATION REQUEST

CDCR 3030-D (REV. 08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DISTRIBUTION:  
ORIGINAL - C-FILE  
COPY - INMATE  
COPY - CHAPLAIN

I am giving notice that I am withdrawing from the Religious Diet Program indicated below. Please cancel my religious meals immediately. I understand that I must wait for a period of six months before I can reapply to participate in the same Religious Diet Program.

Return this request and your religious diet card to your Chaplain.

### RELIGIOUS DIET PROGRAM

Cancel my meals for the:  Vegetarian diet  Jewish Kosher diet  Religious meat alternate

My religious diet card is attached.

\_\_\_\_\_  
Inmate Name (printed)

\_\_\_\_\_  
CDC No.

\_\_\_\_\_  
Inmate Signature and Date

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Chaplain Signature and Date

Institution: \_\_\_\_\_

# - ADOPT -

## RELIGIOUS DIET PROGRAM CANCELLATION REQUEST

CDCR 3030-D (Rev. 04/16)

### PART I INMATE RELIGIOUS DIET CANCELLATION REQUEST *(Completed by Inmate)*

I am giving notice that I am withdrawing from the Religious Diet Program indicated below. Please cancel my religious meals immediately. I understand that I must wait for a period of twelve (12) months before I can reapply to participate in the Religious Diet Program.

Cancel my meals for the:

- Vegetarian Diet
- Kosher Diet
- Religious Meat Alternate Diet

My Religious Diet Card is attached.

INMATE NAME: *(Please print)*

CDCR #:

INMATE SIGNATURE:

DATE:

### PART II COMMUNITY RESOURCES MANAGER (CRM) OR DESIGNEE *(Completed by CRM/Designee)*

DATE FORM RECEIVED:

CRM/DESIGNEE NAME: *(please print)*

This inmate has been removed from the Religious Diet Program.

CRM/DESIGNEE SIGNATURE:

DATE:

INSTITUTION:

**NOT FOR DISTRIBUTION TO INMATES - TO BE COMPLETED BY A CHAPLAIN OR RRC DESIGNEE**

**PART I INMATE RELIGIOUS DIET REQUESTED**

Religious Meal Option Requested: *(Check one)*

- Kosher** A kosher-certified diet for inmates who must adhere to kosher laws for religious/spiritual requirements
- Religious Meat Alternate (RMA)** A halal-certified meat substituted at the dinner meal when meat is served

<b>INMATE NAME:</b>	<b>CDCR #:</b>	<b>DATE OF INMATE INTERVIEW:</b>
<b>INSTITUTION:</b>	<b>INTERVIEWING CHAPLAIN OR RRC DESIGNEE: <i>(Please print)</i></b>	

**PART II INMATE INTERVIEW QUESTIONS**

1. What is your religious/spiritual affiliation, if any? \_\_\_\_\_
2. How long have you followed the teachings of this religious/spiritual group? \_\_\_\_\_  
\_\_\_\_\_
3. Describe any religious/spiritual activities in which you participate. \_\_\_\_\_  
\_\_\_\_\_
4. How long have you participated in these religious/spiritual activities? \_\_\_\_\_
5. Are you affiliated with a religious/spiritual organization in the community? If so, please list the organization and describe your participation with it. \_\_\_\_\_  
\_\_\_\_\_
6. Describe your religious/spiritual needs as they pertain to food. \_\_\_\_\_  
\_\_\_\_\_
7. What are the characteristics of the religious diet you selected that meet your religious/spiritual needs? \_\_\_\_\_  
\_\_\_\_\_
8. Could your religious/spiritual needs be satisfied by the mainline diet, which is pork free, or by the vegetarian diet? If not, please explain. \_\_\_\_\_  
\_\_\_\_\_
9. Aside from maintaining a religious diet, please explain any related ways that you exercise your religion/spirituality. \_\_\_\_\_  
\_\_\_\_\_
10. Is there any additional information that you want CDCR to consider when assessing your request for a religious diet? If so, please explain. \_\_\_\_\_  
\_\_\_\_\_

<b>CHAPLAIN OR RRC DESIGNEE SIGNATURE:</b>	<b>DATE:</b>
--	--------------

## **INITIAL STATEMENT OF REASONS:**

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend the California Code of Regulations (CCR), Title 15, Division 3, Sections 3054, 3054.1, 3054.2, 3054.3, 3054.4, and 3054.5, pertaining to Religious Diet Programs.

In the proposed regulatory amendments CDCR is seeking to standardize its approach and modify the process in which inmates are considered for inclusion into any of the three Religious Diet Programs: Vegetarian, Kosher (Jewish Kosher), and Religious Meat Alternate.

Current language requires that a CDCR Chaplain must determine the eligibility of an inmate to participate in any one of the three religious diet options, and that only Jewish inmates, as determined by a Jewish Chaplain, may participate in the Jewish Kosher Diet Program (JKDP).

In 2012, the California Court of Appeal, in *In Re Garcia (2012) 202 Cal.App.4<sup>th</sup> 892*, held that a Messianic Jewish inmate could receive kosher meals despite the fact that the local Jewish Chaplain had initially denied the inmate's request for the JKDP. The Court concluded that the denial was unlawful under the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) and ordered CDCR to allow inmate Garcia to participate in the JKDP at Mule Creek or any other institution. The court also emphasized that a Jewish Chaplain who manages the JKDP at an institution cannot exclude an inmate from the program based solely on the Chaplain's views that Messianic Jews do not practice Judaism.

Although the court order in *Garcia* pertained solely to a single inmate and was not a class action suit, the court appears to suggest that under RLUIPA the sincere religious beliefs of inmates must be considered when determining their eligibility for the JKDP, even when the inmate's professed faith lies outside of mainstream Judaism. Based on the court decision in *Garcia*, CDCR has determined that JKDP or Religious Meat Alternate Diet Program eligibility need not be limited to traditional Jewish or Muslim inmates respectively.

The proposed changes provide that either a Chaplain or the Religious Review Committee (RRC) will make the eligibility determination for Religious Diet Programs. Proposed changes will rename the "Jewish Kosher Diet" to "Kosher Diet," and will allow for any inmate with a religious dietary need that cannot be met by another religious diet option or the mainline diet to be considered for eligibility for the Kosher Diet Program. Eligibility for the Religious Meat Alternate Program similarly will be based upon religious dietary need based on a sincerely held religious/spiritual belief.

The RRC is a committee at each institution comprised of: an Associate Warden, all institution Chaplains, the institution Community Resources Manager (CRM), a Custody Captain, a Food Service Manager, the Receiving and Release Sergeant, and any other person(s) as needed, that review and reach decisions regarding requests for reasonable religious accommodations and/or access to religious services.

When any inmate requests to participate in a Religious Diet Program, CDCR may lawfully inquire about the religious dietary need to receive the requested religious meal. CDCR has accordingly created a new form, CDCR Form 3030-E, Religious Diet Program Interview, as a tool to determine inmate eligibility. The CDCR Form 3030-E contains a list of questions to be answered by inmates that pertain to the inmates' religious beliefs and dietary requirements. The responses to the questions will assist staff in determining whether an inmate may receive the kosher diet or the religious meat alternate diet based on religious dietary need. No interview is necessary for the vegetarian diet because the vegetarian diet can be for religious, personal, or ethical reasons, and therefore would be difficult to disapprove.

The proposed regulatory amendments standardize CDCR's approach to Religious Diet Programs by implementing a religious dietary need standard and utilizing *any* staff Chaplain or the RRC in the process of determining an inmate's eligibility for a Religious Diet Program. The Chaplain may approve a request for a religious diet or refer the request to the RRC. The RRC is now an alternate authority, in addition to the Chaplain, that can approve religious diet requests. However, a denial of a religious diet request will only be made by the RRC. This is to help promote fairness and avoid unilateral decisions on the part of one Chaplain.

The proposed regulations also necessitate revisions to all of the related religious diet forms to update them according to the new proposed language, and to standardize the religious diet request process for greater efficiency and effectiveness. The revisions to the forms are necessary in order to include references to the RRC's expanded role in determining a religious dietary need on the part of an inmate. The RRC will also be responsible for reviewing alleged inmate violations of the Religious Diet Program Agreement (CDCR 3030-A), and documenting their decision via the CDCR 3030-C, Religious Diet Program Notice of Non-Compliance. Many of the forms include a designation of the Chaplain or RRC Chairperson as an alternate individual that can complete the form(s). For clarity purposes, a designee of a Chaplain would be a member of the RRC, a designee of the RRC Chairperson would be another member of the RRC, and a designee of the CRM would be any appropriate staff assigned by the institution's Warden.

Changes throughout the identified sections provide consistency with the decision in *Garcia*. This regulatory amendment will help to ensure that CDCR follows the law concerning inmate religious diet accommodations. It will also aid in resolving the numerous inmate-generated religious diet lawsuits, while easing the costs and resources that CDCR expends to litigate those cases.

### **Consideration of Alternatives:**

The Department must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Currently, no reasonable alternatives have been brought to the attention of the Department that would alter the Department's initial determination.

### **ECONOMIC IMPACT ASSESSMENT:**

The Department believes there will be no significant economic impact with the proposed regulations. The new procedures implement tighter controls of the Religious Diet Program by incorporating the involvement of the RRC. All requested diets that are not approved by a Chaplain will be referred to the RRC for determination. With the implementation of the new Religious Diet Program Interview form, it will provide a standardized approach, greater scrutiny, and a more accurate determination. While it is possible the numbers for inmate participation in a Religious Diet Program may initially rise, the Department foresees a reduction in religious litigation costs. At this time the Department cannot determine whether costs for religious meals will increase or decrease as it is not possible to predict how the proposed regulations will affect the demand for religious meals.

In accordance with Government Code Section 11346.3(b), the CDCR has made the following assessments regarding the proposed regulations:

### **Creation or Elimination of Existing Jobs within the State of California**

The Department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing jobs within the State of California because they are not affected by the internal management of prisons.

### **Creation of New Businesses or the Elimination of Existing Businesses within the State of California**

The Department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing businesses within the State of California because they are not affected by the internal management of prisons.

### **Expansion of Businesses Currently Doing Business within the State of California**

The Department has determined that the proposed regulations will not have an impact on the expansion of businesses currently doing business within the state of California because they are not affected by the internal management of prisons.

### **Significant Adverse Economic Impact on Business**

The Department has made an initial determination that the proposed regulations will not have an adverse economic impact on business within the state of California because they are not affected by the internal management of prisons.

### **Benefits of the Regulations**

The proposed regulatory action may benefit CDCR by decreasing adverse court orders in the wake of *Garcia*. Additionally, they will benefit the inmate population by aligning the eligibility requirements and review processes of the Religious Diet Programs with the decision in *Garcia* to promote neutrality and equality in the decision-making process for religious diets. In addition, the proposed regulatory action may help to resolve the numerous inmate-generated religious kosher meal lawsuits outside of court while easing the costs and resources that CDCR expends to litigate those cases.

### **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment**

The proposed regulations will have no effect on the health and welfare of California residents, worker safety, or the State's environment.

### **Materials Relied Upon:**

The Department, in proposing amendments to these regulations, has relied upon *In re Garcia (2012) 202 Cal.App.4<sup>th</sup> 892*, and *Cooper v. State of California, Case No. C02-3712 JSW*.

Copies of these documents are available for review as part of the rulemaking file.

## **Local Mandates**

The Department has determined that this action imposes no mandates on local agencies or school districts, nor a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

## **Specific Purpose and Rationale for each Section, per Government Code 11346.2(b)(1):**

### **Chapter 1. Rules and Regulations of Adult Operations and Programs**

#### **Article 1. Behavior**

##### **3000. Definitions**

**Section 3000 is amended** to revise the definition for Chaplain. The current definition is outdated and requires updating. The current definition of Chaplain is too broad and provides no clarity regarding the duties or role of a Chaplain or Native American Spiritual Leader. The current definition could be seen as applying to some inmates who have been “duly designated by a religious denomination to discharge specific religious duties.” Also, some religious/spiritual groups who supply religious volunteers in CDCR institutions refer to their volunteers as Chaplains, and the current definition could be seen as applying to these individuals being that the current definition makes no distinction between religious volunteers and staff Chaplains. The proposed text more accurately reflects the definition of a Chaplain by identifying specific CDCR staff whose duties and responsibilities are to provide religious/spiritual care and counseling to inmates, offer reasonable accommodations to practice religion, and facilitate various religious/spiritual group activities.

#### **Subchapter 3. INMATE ACTIVITIES**

##### **Article 4. Food Services**

##### **3054. Religious Diet Program**

**Subsection 3054(b) is amended** to delete the word “ongoing” in reference to religious awareness training. This is necessary to remove any ambiguity and inconsistencies regarding the timing of any training amongst the institutions; and provides for consistent language within the Religious Diet Program sections.

**Subsection 3054(e)(2) is amended** to delete the word “Jewish” from the name “Jewish Kosher.” The name of this Religious Diet Program is now identified as “Kosher.” This change aligns the regulations with the court decision in *Garcia*, which suggested that an inmate’s religious dietary needs must be used to determine his or her eligibility for a kosher diet. This change will provide equal opportunity for inmates requesting the Kosher Diet Program.

**Subsection 3054(e)(3) is amended** to capitalize the letters “m” and “a” so that text now reads “Religious Meat Alternate.” This provides consistency throughout these sections and better identifies the “Religious Meat Alternate” as one of the Religious Diet Programs.

**3054.1 title heading is amended** to add the word “Program” so that the title heading reads “Vegetarian Diet Program.” This change provides consistency with language used throughout the regulatory text.

**Subsection 3054.1 is amended** to allow the standard of receiving a vegetarian diet to be based upon a request by the inmate with any religious, personal, or ethical need. New language is added to provide that “Inmates may seek participation in the Vegetarian Diet Program by submitting to any Chaplain a CDCR Form 3030 (Rev. 04/16), Religious Diet Program Request, which is incorporated by reference.” A copy of the form is provided with the proposed regulations. The form is revised to update and comply with new procedures, which provide for the inmate to be interviewed to determine entry into a Religious Diet Program and to allow for referral to the RRC. The interview only applies to the kosher or religious meat alternate diets, which is specified on the form. The Vegetarian Diet Program is determined by religious, personal, or ethical dietary needs and would typically be approved, therefore no interview approval process using CDCR Form 3030-E, Religious Diet Program Interview, is necessary for the Vegetarian Diet Program. The CDCR Form 3030, is also revised to change the name of the form to “Religious Diet Program Request” for a more appropriate title of the form. Additional changes to this section add language to state that the CDCR Form 3030 shall be approved by any Chaplain. In addition, the language regarding inmates showing a Religious Diet Card is relocated to new subsection 3054.4(c)(1) because this language applies to *all* inmates in the Religious Diet Programs. This provides for a more appropriate placement of text regarding the religious diet process. Also, the words “Participating inmates” are added to modify the last sentence due to the relocation of text.

**3054.1(a) is adopted** to indicate that the RRC shall determine inmate compliance violations. Some examples of compliance violations are: purchasing or consuming food items that are not part of the chosen religious diet (unless, in extenuating circumstances, the inmate is not provided their specified religious diet meal), giving away, trading, or selling any portion of the religious diet meal. By allowing the RRC to make these determinations, it removes the possibility of a subjective decision on the part of one person and allows a group decision, which would also include Chaplains. This subsection is added to provide clarity and consistency with the other religious program diets.

**3054.2 title heading is amended** to remove the word “Jewish” from the title “Jewish Kosher Diet,” to align these regulations with the court decision in *Garcia*, and as explained in subsection 3054(e)(2). Additionally, for consistency purposes the word “Program” is added so that the title heading reads “Kosher Diet Program.”

**3054.2(a) is amended** to remove the word “Jewish” from “Jewish Kosher meals...” for reasons as explained in subsection 3054(e)(2). Language stating that “Jewish inmates may participate in the program, as determined by a Jewish Chaplain” is removed and replaced with new language which specifies “inmates with a religious dietary need that cannot be met by another religious diet option or by the mainline diet” as the criteria for consideration of a kosher diet. This language provides clarification and understanding regarding those that may pursue a kosher diet and aligns with the court decision in *Garcia* by allowing for *any* Chaplain to review the request. In addition, new language adds that inmates may seek participation in the Kosher Diet Program by submitting a CDCR Form 3030, Religious Diet Program Request to any Chaplain who may either approve the request or refer it to the RRC for determination. The Chaplain would refer a request to the RRC if the request indicates an insufficient religious/spiritual basis. The word “Program” is added to the title of the CDCR Form 3030, to change the name of this form to “Religious Diet Program Request” for a more appropriate title. These changes provide a clear instruction to staff and inmates of the process to follow regarding a request for a kosher diet, and promote fairness and equality regarding the decision-making process for participation in the Religious Diet Program.

**3054.2(b) is amended** to remove the word “Jewish” in regard to inmates for reasons as explained in subsection 3054(e)(2).

**3054.2(c) is amended** to remove the word “Jewish” in front of the word “inmates” and replace the words “a sack” with “any portion of a kosher” when referring to inmates not being allowed to give away, trade, or sell any portion of their kosher meals. This language is necessary to specify and clarify that *any portion* of a kosher meal, and not necessarily just a kosher *sack meal*, that is given away, traded, or sold, is a compliance violation of the Religious Diet Program Agreement. This language provides clarity and understanding to staff and inmates.

**3054.2(d) is amended** to remove the word “Jewish” in regard to the Kosher Diet Program, for reasons as specified in subsection 3054(e)(2). In addition, the words “kosher diet program” are capitalized for consistency throughout these sections and better identifying the Kosher Diet Program as one of the Religious Diet Programs.

**3054.2(f) is amended** to remove the words “ongoing and” regarding training; add the words “food service” in regard to workers requiring specialized training for supervising, ordering, preparing, and serving of kosher meals; and include the words “Diet Program” when referring to Kosher Diet Program meals. These changes are necessary to remove any ambiguity and inconsistencies regarding the timing of any training amongst the institutions. Additionally, the manner of food delivery for the Kosher Diet Program has changed considerably since its inception. Kosher meals were at one time prepared in a specially designated kasherized area of the kitchen at each institution; presently, CDCR contracts with a vendor that supplies all kosher meals, which are provided in a double-wrapped container. Other than some minor produce preparation which involves the use of kasherized utensils in a specified area, the necessity for ongoing training has changed because kosher meals are no longer prepared at the institution. These changes provide clarity and consistency, while also update this subsection for proper grammar and punctuation.

**3054.2(g) is amended** to remove the word “Jewish” from reference to the “Jewish Kosher Diet Program,” and remove the words “A Jewish Chaplain shall:” for reasons as explained in subsections 3054(e)(2) and 3054.2(a), and to remove any potential inconsistencies in religious interpretation and to promote fairness and equality. This change will further align these regulations with the court decision in *Garcia*. Additionally, the words “diet program” are capitalized for consistency purposes, and identifying the Kosher Diet Program as a sub-program of the Religious Diet Program.

**3054.2(g)(1) is amended** to remove the first sentence, which previously indicated that a Jewish Chaplain shall “Determine entry into the Jewish kosher diet program...”. New language now specifies that “A Chaplain designated by the RRC shall annually review each institution’s processes for the procurement, storage, and distribution of Kosher Diet Program meals, and shall provide a report of the review to the Correctional Food Manager (CFM).” This language in part relocates text from subsection 3054.2(g)(2) for a better configuration of these sections. The new language is necessary because CDCR no longer assembles kosher meals at each institution but has contracted with a vendor to supply all sealed, packaged kosher meals. These changes align with the decision in *Garcia*, and promote neutrality and equality.

**3054.2(g)(2) is amended** to relocate and amend the first sentence in this subsection to 3054.2(g)(1) for a better configuration within these sections. Additionally, new language is added specifying that any Chaplain or the RRC shall determine entry into the Kosher Diet Program, upon review of the CDCR Form 3030, Religious Diet Program Request. This new language updates the procedures which allow for the RRC to approve the Religious Diet Program Request in addition to the Chaplain, and will promote fairness and equality.

**3054.2(g)(3) is adopted** to indicate that only the RRC may make the determination to deny a CDCR Form 3030, Religious Diet Program Request. This language will help to promote fairness, and avoid

unilateral denial determinations for participation in a Religious Diet Program on the part of one individual, which aligns with the court decision in *Garcia*.

**3054.2(g)(4) is adopted** to indicate that the RRC shall determine inmate compliance violations. By allowing the RRC to make these determinations it removes the possibility of a subjective decision on the part of one person, and allows a group decision, which would also include Chaplains.

**3054.3(a) is amended** to rephrase the first sentence by adding the word “A,” capitalizing the words “religious meat alternate,” and adding the word “Program,” to better identify “Religious Meat Alternate” as one of the religious diets programs. Reference to the word “Muslim” is removed, as well as language that specified that a Muslim Chaplain or designee Chaplain would determine participation in the program. Additional new language specifies that inmates with a “religious dietary need may seek participation in the Religious Meat Alternate Program...” The word “Program” is added to the title of the CDCR Form 3030, to change the name of this form to “Religious Diet Program Request” for a more appropriate title, and the revision date of the form is updated to remove the “08/09” version and replace it with the new “04/16” version. These changes align with the other changes as presented in the proposed regulations by providing neutrality regarding which inmates will be accepted into a Religious Diet Program and who will be making those determinations. Language referencing “non-Muslim inmates with a religious dietary need may seek participation in the program” is removed as it is no longer necessary due to the proposed changes that would allow for any inmate to request participation in a Religious Diet Program. Additionally, language specifies the Chaplain may approve the request or refer the request to the RRC; this language aligns with the decision in *Garcia*. Other changes remove redundant or unnecessary language for proper grammar.

**3054.3(c) is amended** to remove the words “ongoing and” in reference to “each institution arranging for appropriate training...” to remove any ambiguity and inconsistencies from institution to institution regarding the timing of training. For clarity, the words “food service” are added to specify all inmate *food service* workers are to receive the appropriate training.

**3054.3(d) is amended** to capitalize “religious meat alternate program” to better identify Religious Meat Alternate as one of the religious diets. Additionally, the words “a designee Chaplain shall” are removed due to reformatting of this subsection and the following subsections to further align with the court decision in *Garcia*.

**3054.3(d)(1) is amended** to remove the first sentence, which previously indicated that a designee Chaplain shall “Oversee the program and determine inmate compliance violations.” New language now specifies that “A Chaplain designated by the RRC shall annually review each institution’s processes for the procurement, storage, and distribution of Religious Meat Alternate Program meals, and shall provide a report of the review to the Correctional Food Manager.” These changes provide consistency within the Religious Diet Program, and align with the decision in *Garcia* to promote neutrality and equality.

**3054.3(d)(2) is amended** to relocate the first sentence to subsection 3054.3(d)(1) regarding the Correctional Food Manager being provided an annual report, for a better configuration of these sections. In addition, language is added indicating that any Chaplain or the RRC shall determine entry into the Religious Meat Alternate Program upon review of the CDCR Form 3030, Religious Diet Program Request. This provides consistency and neutrality in these religious diet procedures in compliance with the decision in *Garcia*.

**3054.3(d)(3) is adopted** to indicate that only the RRC may make the determination to deny a CDCR Form 3030, Religious Diet Program Request. This language will help to promote fairness, and avoid

unilateral denial determinations for participation in a Religious Diet Program on the part of one individual, which aligns with the court decision in *Garcia*.

**3054.3(d)(4) is adopted** to indicate that the RRC shall determine inmate compliance violations. By allowing the RRC to make these determinations, it removes the possibility of a subjective decision on the part of one person, and allows a group decision, which would also include Chaplains.

**3054.4(a) is amended** to add the word “Program” in reference to the CDCR Form 3030, which is now titled “Religious Diet Program Request” for a more appropriate title. In addition, the words “the appropriate institution’s” were removed and replaced with the word “any,” for consistency within these regulations, and to align with the decision in *Garcia*.

**3054.4(b) is amended** to add the language “or a designated representative of the RRC.” By providing an alternate neutral party to make determinations for eligibility into a Religious Diet Program, this allows for a neutral and impartial decision-making process and aligns with the decision in *Garcia*.

**3054.4(b)(1) is amended** to remove language regarding explanation of the three diet options and what they consist of, and add that the CDCR Form 3030-E (04/16), Religious Diet Program Interview, which is incorporated by reference, will be utilized to interview the inmate who seeks participation in the Kosher Diet Program or the Religious Meat Alternate Program. A copy of this form is provided with the proposed regulations. The CDCR Form 3030-E is a new form that will assist the interviewer in determining if an inmate is eligible for a religious diet by asking questions relating to the inmate’s religious beliefs. The form will help to achieve consistency from institution to institution regarding the interview process, promoting fairness and equality.

**3054.4(b)(2) is amended** to remove language regarding the RRC determining the eligibility of a non-Muslim inmate, as this language is no longer applicable given that all inmates will now be reviewed by any qualified Chaplain or the RRC. New language states: “Determine the inmate’s religious diet eligibility and placement into the appropriate Religious Diet Program per sections 3054.1 through 3054.3.” This provides clear direction to staff and inmates regarding the religious diet request process.

**3054.4(b)(3) is amended** to capitalize “religious diet program” for consistency and identification purposes.

**3054.4(b)(4) is amended** to update and provide a revision date for the CDCR Form 3030-A (Rev. 04/16), Religious Program Diet Agreement, which is incorporated by reference. A copy of this form is included with the proposed regulations. Revisions to the form include: changing the name “Jewish Kosher Diet” to “Kosher Diet Program,” reformatting text for better clarity, adding the “RRC Chairperson, or Designee” as someone who can complete the form, and making punctuation corrections. Additional changes to the regulatory text include, adding the word “and” for grammatical purposes, and adding the word “Program” due to the name change of the CDCR Form 3030, which is now “Religious Diet Program Request” as specified previously. In addition, language regarding the CDCR Form 3030-D, Religious Diet Program Cancellation Request, is removed and relocated to new subsection 3054.4(d) for a more appropriate placement.

**3054.4(b)(5) is amended** to rearrange the wording for correct sequencing of the steps taken after the inmate signs CDCR Forms 3030 and 3030-A. The word “Program” is added due to the name change of the CDCR Form 3030, which is now “Religious Diet Program Request” as specified previously. In addition, text which specified that these forms be distributed within two working days is changed to three working days. The amount of time is increased from two working days to three working days to allow for

designated Chaplains' regular days off which may differ from a traditional work week. Additional new language specifies that the CDCR Forms 3030 and 3030-A shall be distributed to the Community Resources Manager. The Community Resources Manager is the Chaplain's supervisor, who will keep the religious diet forms in a centralized location.

**3054.4(b)(6) is amended** to add the words "providing a" in front of the word "copy" for better grammar and clarity; and adding the word "Program" in reference to the CDCR Form 3030, which is now titled "Religious Diet Program Request" for a more appropriate title.

**3054.4(b)(7) is amended** to capitalize "religious diet program" for consistency and identification purposes. Additionally, minor grammatical corrections are made.

**3054.4(b)(8) is amended** to capitalize "religious diet program" for consistency and identification purposes.

**3054.4(b)(9) is deleted** because all dining room areas are now able to provide religious meals to inmates, therefore this language is no longer applicable.

**Existing 3054.4(b)(10) is renumbered 3054.4(b)(9) and amended** to provide a new revision date for the CDCR Form 3030-B (Rev. 04/16), Religious Diet Card, which is incorporated by reference. A copy of this form is provided with the proposed regulations. The form is revised to more easily identify the different religious diet meal options, update language in compliance with the new procedures, and revise language to align with the decision in *Garcia*.

**Existing 3054.4(b)(11) is renumbered 3054.4(b)(10) and amended** to add the language "in accordance with section 3054.5." This will provide a reference to the section where compliance violations of the Religious Diet Program Agreement are addressed.

**3054.4(c) is adopted** to add a new subsection which provides additional provisions that apply to all inmates participating in a Religious Diet Program. This is necessary to provide clarity regarding the Religious Diet Program requirements and provide clear direction to staff and inmates.

**3054.4(c)(1) is adopted** to add language which specifies that inmate participants shall show their Religious Diet Cards when receiving their approved religious diets. This language is relocated in part from section 3054.1 for more appropriate placement, as this provision applies to all inmates participating in Religious Diet Programs.

**3054.4(c)(2) is adopted** to add language which specifies that inmate participants shall follow the conditions of the signed CDCR Form 3030-A, Religious Diet Program Agreement. This provides clarity regarding the requirements for participation in a Religious Diet Program.

**3054.4(d) is adopted** to provide the procedures for an inmate who wishes to withdraw from the Religious Diet Program. The CDCR Form 3030-D (Rev. 04/16), Religious Diet Program Cancellation Request, is incorporated by reference and a copy is available with the proposed regulations. This form is revised to update language, which includes changing "Jewish Kosher diet" to "Kosher Diet," and amending language to align with the decision in *Garcia*. Additional revisions include removing "Chaplain" and replacing with "Community Resources Manager or a designee" as the individual who completes the form. Changes to the form 3030-D improve efficiency as the CRM is the person in charge of the documentation, and no Chaplain approval is necessary for a Religious Diet Program withdrawal/cancellation. Additional

changes to the form 3030-D correct the waiting period for reapplying to the Religious Diet Program to 12 months, which aligns with the decision in *Cooper v. State of California*.

**3054.5 is amended** to make grammatical corrections in the first sentence, which allows for a better understanding of the language. It should be noted, that the CDC Form 128-B, although referenced in this section, is not being revised as part of this rulemaking action. The form is being carried over from existing regulations, and therefore no copy is provided with the proposed regulations. The words “appropriate Chaplain” are replaced with “designated representative of the RRC” in regard to whom compliance violation reports shall be sent to, and who shall consult with the inmate. The designated representative of the RRC shall be determined by the RRC. Additionally, language was revised to clarify that “The RRC shall make the determination of continuing eligibility...” This change follows the other changes as explained throughout this Initial Statement of Reasons, which aligns with the decision in *Garcia* and provides for neutrality regarding the decision-making process in relation to the Religious Diet Programs. The CDCR Form 3030-C (Rev. 04/16), Religious Diet Program Notice of Non-Compliance is incorporated by reference, and a copy is available with the proposed regulations. Revisions to the form include: removing the word “Agreement” and the “-” from the title of the form for a more concise title of the form, reformatting the form for greater efficiency and effectiveness; and replacing “Chaplain” with “RRC Chairperson or Designee” as the person who will complete and sign the form.