

COOPERATIVE AGREEMENT
BETWEEN THE UNITED STATES
AND THE VIRGINIA DEPARTMENT OF CORRECTIONS

I. INTRODUCTION

1. On or about May 18, 2017, the United States began an investigation into the Virginia Department of Corrections (VDOC) pursuant to the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §2000cc. Throughout the United States' investigation, VDOC leadership and personnel have cooperated and facilitated site inspections, interviews with staff, and document review.
2. VDOC, consistent with its vision to be a progressive leader in the profession and to foster societal progress through the successful transformation and reintegration of men and women entrusted to their care, is committed to appreciating the differences and dignity of all individuals. Protecting the rights of men and women to participate in group religious practice is consistent with VDOC's commitment to ensuring equal access to facility resources for religious groups authorized by VDOC to operate in VDOC facilities.
3. Consistent with VDOC's stated commitment in No. 2 above, during the course of the investigation, VDOC voluntarily made changes to provisions of its religious practices policy (collectively the "Revised Provisions").
 - a. VDOC changed its religious practices policy concerning the common fare diet effective June 1, 2018. Pursuant to this revision, offenders cannot be removed from the common fare diet for failing to pick up a minimum number of common fare meal trays per month.
 - b. VDOC changed its religious practices policy concerning the five-person minimum for congregate worship effective May 1, 2019. Pursuant to this revision, any group of two or more offenders who belong to a religion authorized by VDOC to operate in VDOC facilities may establish, maintain, or hold religious programs.
 - c. VDOC also changed its religious practices policy concerning attendance requirements effective June 1, 2019. Pursuant to this revision, VDOC will not

require prisoners to remain "active" in their religious group in order to be eligible to attend religious activities.

4. During the term of this Agreement, VDOC will share any proposed changes to the Revised Provisions with the United States at least 14 days before implementation and will consider comments from the United States submitted at least three days in advance of the target implementation date before finalizing and implementing any changes.

II. TRAINING AND IMPLEMENTATION

5. VDOC will provide the United States with copies of relevant documentation regarding implementation of the Revised Provisions and will arrange for discussions, as needed.
6. VDOC will provide existing training materials regarding the Revised Provisions to the United States for its review. VDOC will also provide training materials regarding any future changes to the Revised Provisions to the United States for its review and comment at least four weeks before any training programs and will consider comments from the United States.
7. VDOC will make reasonable efforts consistent with its operational and security demands to provide training to staff members, including chaplains, who are involved in implementing the Revised Provisions within three months of the date of this Agreement. Any covered staff member who cannot attend training within three months will be trained as soon as practicable after the deadline. No chaplain or staff member who has not been trained in the revised provisions will be permitted to (1) remove a prisoner from the common fare diet; (2) deny a request to meet by a religious group authorized by VDOC; or (3) remove a prisoner from the attendance list for religious services.

III. COOPERATION AND REVIEW

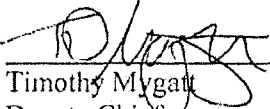
8. The United States and VDOC will work collaboratively to review the effects of the Revised Provisions during the term of this Agreement.
9. VDOC will provide the United States with the following by January 15 and July 15 during the pendency of the Agreement:
 - a. Request forms for new congregant worship for religious groups on the VDOC list of religions authorized by VDOC to operate in VDOC facilities, including the chaplains' responses to the requests;

- b. For religions appearing on the VDOC list of religions authorized by VDOC to operate in VDOC facilities, a report identifying:
 - i. The number of new religious groups that began meeting, for each identifying the facility, the religious group, and the number who signed up;
 - ii. The number of new religious groups that were denied meetings, for each identifying the facility, the religious group, the number who expressed interest, and the reason for denial; and
 - iii. The number of religious group meetings removed from institutional calendars, for each identifying the facility, the religious group, the number who were signed up, and the reason for cancellation.
- 10. For the purpose of assessing implementation of this Agreement, the United States and its consultants will have access to VDOC staff, facilities, documents, and prisoners, including site visits to conduct staff and prisoner interviews. The United States and its consultants will cooperate with VDOC to access staff, facilities, documents, and prisoners in a reasonable manner and will coordinate with the Office of the Attorney General when scheduling any visits or requesting documents.
- 11. The Department of Justice agrees to consider the paperwork burden and to focus its data requests to minimize the burden on the Virginia Department of Corrections.

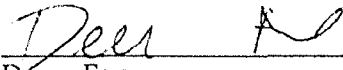
IV. ENFORCEMENT AND TERMINATION

- 12. This Agreement will become effective upon signature by the Parties. The Agreement may be executed in counterparts.
- 13. Unless VDOC makes material changes to policy, fails to implement the Revised Provisions, or fails to conduct training as described in paragraph 7, qualifying as non-compliance, this Agreement will terminate in twelve months from the date of signing.
- 14. This Agreement constitutes the entire integrated Agreement of the Parties.
- 15. The Agreement will be applicable to, and binding upon, all Parties, their officers, agents, employees, assigns, and their successors in office.
- 16. Each Party will bear the cost of its fees and expenses incurred in connection with this matter.

FOR THE UNITED STATES



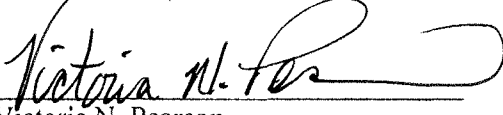
Timothy Mygatt
Deputy Chief



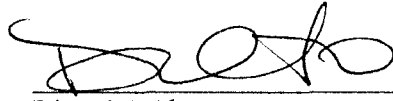
Deena Fox
Cynthia Coe
Trial Attorneys
Special Litigation Section
Civil Rights Division
Department of Justice

Agreed to this 25 day of September, 2019.

FOR THE Virginia Department of Corrections



Victoria N. Pearson
Deputy Attorney General



Diane M. Abato
Senior Assistant Attorney General/Chief
Criminal Justice and Public Safety Division
Virginia Attorney General's Office

Agreed to this 30th day of September, 2019.