

Irving Ortiz Echevarria
Cheshire, C.I #279053
900 Highland Ave
Cheshire, CT 06410

Joint Committee
Conditions of Confidment

1/15/2026

The reason for this letter is because I am being refused and denied a Religious Article headwear (~~Turba~~) (Turban) use already accommodated by title 42 U.S.C. § 2000cc-3 The Religious Land Use and Institutionalized Persons Act (RLUIPA), State and Federal Law and The 1st Constitutional amendment to the U.S. Constitution, The D.O.C's AD6.10(37)(i) Inmate Dress Code: Religious Headwear.

Creating a substantial burden on my Religious Free exercise, where there is an existing accommodation for Religious Headwear in place, it must also accommodate all prisoners to wear all religious headwear or permit an exemption!

I have even been threatened by 'C/O Rivera' to physically remove the turban off my head if I didn't do so.

Irving Ortiz Echevarria
279053

Cheshire, C.I
900 Highland Ave
Cheshire, CT 06410

Affidavit Of Truth

"Verify no more than an Affidavits is
necessary for the prima facie of a case"
United States v. Kis, 658 F.2nd 526,
536 (7th Cir., 1981); Cert Denied, 50
U.S.L.W. 2169; S. Ct March, 1982

This complaint is in relation to a violation of State
and Federal Law and deprivation of Protected Rights to
Free Exercise of Religion, its Customs, traditions, Articles,
and Items, including but not limited to 'headwear' and
Covering, Guaranteed by the 1st Amendment to the U.S.
Constitution and Affirmed and Established by (RLUIPA)
The Religious Land Use and Institutionalized Persons
Act, 2000. 42 USC Section 2000cc. (report: 682178-TRS)
Submitted on Dec. 07, 2005 by Affiant.

Firstly, I, Irving Ortiz Echevarria, am a living, breathing,
flesh and blood man over the age of consent and a
Creation of Allah God-Almighty being duly sworn,
depose, say and declare by my signature that the
following facts are true and correct and complete to
the best of my knowledge and belief.

That, I am a Muslim, my Religion and life path is Islam, my Prophet, Leader and master is Muhammad (Peace Be Upon Him) and my God, King, Lord and Master is Allah whom I worship, serve and obey in full. Surrender and submission to His will and pleasure.

1. 7.

1. That, The reason for this complaint is because on, Sunday, November 30, 2025 at approximate 5:35 while going to the gym from SB4 I encountered numerous officers and three metal detectors with no incident or grievances, once inside the gym I was by the back bleachers with other inmates, when Officer ms. Cobbs approached me and told me to remove my turban, a religious headwear, protect under the 1st Amendment to the U.S. Constitution and Affirmed and Established by The Religious Land Use and Institutionalized Persons Act. 2000 42 U.S.C. section 2000cc. (Keffiyeh, Amama) Black / white Palestinian-style scarf/Turban, That this Article is for "in cell use only." I am not a cell Muslim.

2. That, As I am not a cell Muslim, this Article is in Complainants with AD (Administrative Directive) 6.10(37) Inmate Dress Code (i),(j)(i)(ii) and AD 6.10(16)a., b., c., AD 10.8,(18)(a). and ADG.10(14) Inmate clothing.

3. That, Officer ms. Cobbs and other officers have deliberately and intentionally ~~deli~~ deprived my of my 1st Amendment protection of free exercise of

Religious Practice including but not limited my right to use and wear my Religious ~~is~~ traditional headwear of a Turban as is and was the practice of the beloved Prophet Muhammad (PBUH) his descendents and his companions (R).

4. That, It's clear to see that there exist a culture of Religious bias, prejudice, racism and discrimination here at Cheshire, C.I by its Staffs and prisons and Institutions in Connecticut, by officers picking and choosing which AD they will enforce and which they will not, and by doing so, they deny and deprive each Inmate Equal Protection of rights.
5. That, everyday all day Inmates walk all over the housing unit, gym rec, yard rec. with their pants saying below the hip and buttock, in violation of AD 6.10(37) Inmate dress code:(C) "Trousers... at the waist and not allowed to hang off the hips".
6
6. That, everyday all day Inmates walk all over the housing unit with, visit room, work area, school, gym, with their Religion's Religious Articles (Medals, pendants, and medallions) in open display, in violation of AD 6.10, (16) Religious Articles (i)... "Religious Articles shall be worn or carried under the inmate's clothing and shall not be openly displayed" showing favoritism.

7. That, all day and all night Inmate gamble, play Pocker and black Jack, barter on the housing units day room tables on top Muslim Prayer Rugs (Islamic Religious Article) and not being used for its intended and approved purposes, in open display in violation of AD10.8, (18); Treatment of Religious Articles and Items: "All Religious articles and Religious items, including but not limited to The Holy Bible, The Qur'an, and the Torah, Shall be respected by Staff and Inmates at all times. Religious articles and Religious items shall not be carelessly handled by staff when conducting Searches or other authorized operational activities. Special care Shall be taken to respect religious articles and Religious items."

8. That, there exist a Religious 'Headwear' exemption clause in AD6.10, 16(i) "Religious articles shall be worn or carried under the inmates clothing, and Shall not be openly displayed". This AD Section clearly is not in reforance to Religious Headwear like Kuffi's and nor Hijab's including and not limited to Turbans, Rastafer Caps, also known as toppa, Native American Headband's, Yar-mulke ect., as non of these Headwears cannot be worn under closing and not be in open display.

This section is clearing speaking about: Holy Bibles Qur'an's, Torah's, Muslim prayer rugs, Native American rugs, Religious Medals, Pendants, and Medallions, Medicine bag, books, ect. Not Religious Articles Headwear.

9. That, there clearly exist a Religious Article 'Headwear' exemption clause in ADG.10(37)(i)... "All headwear Shall be removed upon demand for inspection, unless otherwise determined by the Director of Religious Services, only "do sags are not allowed outside the housing Unit," and a head covering that serves as a hood Shall be prohibited."

10. That, The term "All headwear" in ADG.10(37)(i) is given and including Religious Article Headwear clause by refurancing exclusively the Director of Religious Services indicates this Religious Article Headwear Exemption, provided by State and Federal Law and the 1st Amendment double Clause of Free Exercise of Religion and protection of Religious Exercise Guaranteed, its plain and clear and not ambiguous in its interpretation, and a right not a privilege.

11. That, The use of the term "in the cell use only" violates my State and Federal Rights and infringes on my 1st Amendment of the U.S. Constitutionally Protected Right to Free Exercise of Religious Practice, or prohibiting the free exercise thereof, and deprives me thereof, my Right and privilege to go to recreational dayroom, gym rec, work, school, programs and not limiting to the use of the dayroom Telephone for communication with family and visitations, Chao hall.

This is Religious bias, prejudice, discrimination and oppression, by forcing me to be a practicing devote Muslim "in the cell...only", while every other

Inmate may freely and openly practice their faith and display their religious traditional Items and Articles.

12. That, I have been given verbal commands and orders in an aggressive and intimidated manner individually and collectively by officers mis. Cobbs, mr. Shampers, mr. Rivera, mr. Visti and several other officers but all refused to give me a written formal warning, as not to put their signature on it.
13. That, this is not the first time or incident involving an action against me and my Religious Identity.
14. That, On November 12, 2023 L.T. Goldman gave me a Disciplinary Report for Self-Mutilation for "causing self harm and injury to myself", allegedly for banging my head on the wall while being handcuffed, after being larded to the hallway outside South Block 5 ~~for~~ under false pretences by Unit Manager Mr. Black Stock, which I have filed a civil rights complaint for failing to provide safe housing... failure to comply with ADA accommodation in a safe and timely manner, report number: 672797-JVZ.

I have a bottom bunk accommodation and I use a cane for walking and balance, which officers snatched away from me and pushed me into the wall, where I lost my balance and hit my head on the wall before falling to my knees, with no injuries nor harm to myself, the mark on is called a prostration mark, if L.T. Goldman had reported my so called

Self-injury to the medical staff, they would of determined its a mark or a callus from praying with my forehead on the ground like millions of plus devote muslims and like the prophets and saints befor us did. But that was not his goal nor was it my Safty, health or mental well being.

I explained this to him and all chains of Commands to no avail, and even the facility Imam has this prostration mark and can attest to it.

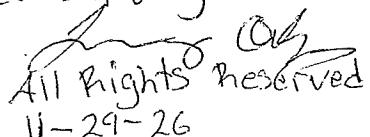
15. That, ~~inspite~~ this mark being a result of years of a Religious practice and tradition, I was forced under threat and intimidation to comply and I spent Six day in Segregation punished penalized and Sengtined, Showing a sistimatic Culture of Religious baits, prejudice, discrimination and opression and racism.

16. That, inspite of Officers and Staff at cheshire, C.I misuse of the Administrative Directive's to suit and justify their baits, prejudice, discrimination and racism, the Administrative Directive is clear and unambiguous in its compliyan's with state and Federal Law and the U.S. Constitution but not in its interpretation and application.

17. That, As the Maxim of Law States: "Any ambiguity in a Contract, favors the party that did not draft it." hereas the affiant. And " Ignorance of the the Law, does not exonerates you from its penalties.

18. That, I brought this issue to Captain Ms. Suaves and L.T. Colombo both ~~verbal~~ and written and even though they agree that turbans is to be consider as All headwear and is in ~~complaints~~ with the Administrative Directive, its a D.O.C policy from the Commissiner Office
19. That, In light of these Facts The Commissioner of the D.O.C and his Offers, Deputies and Agents have ~~compired~~ to deliberately deprive me of my 1st Amendment Right to Free Exercise of Religion, and by doing so have failed in his oth of Office to ~~protect~~ protect my Constitution Rights and Serve in the best interest thereof, along with The Director Of Religious Services, Cheshire, C.I Associate Chaplain: Hobes, and Officers, Ms. Cobbs, Mr. Shamer, Mr. Rivera, Mr. Visti, and several Other Officer Unnamed.
20. That, I like Million of devote Muslims, Christians, Jews, Hindus, Rastafarians, and Native American's wear Religious headwear covering as a sign of purity, modesty, respect, commitment and devotion to God, Allah the Creator, This is a veil that creates spiritual protective Sheild from negative inflvances and energies and vibrations, and an identity.

*the Turban represents, Sovereignty of men, and Servitude to God Allah the Creator.

Sincerly submitted v.c. Irving Ortiz

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11-29-26

Relief Sought

1. For the D.O.C to Rectify, Recognize, and Acknowledge The Right to Free Exercise of Religious headwear, and Covering as outline under (RLUIPA) The Religious exercise under RLUIPA including... "wearing head covering.."
including but not limited to: Turban's, Kuffis, Hijab, Rastafar (Toopi) Rasta Cap(hat), Yarmulke, Native American Headband, ect.
2. For The D.O.C to reaffirm in 'writing' to all facilities and Institutions, Staff and Inmates, its Commitment to Protect Free Exercise of Religion and Religious Customs and traditions as well as headwear and covering including but not limited to: Turbans, Kuffs, Hijabs, Yarmulke, Rastafar (Toopi) Rasta Cap(hat), Native American Headband, ect., as part of the uniform of the day and Inmate Dress Code in all General Areas of the Facility and Institutions including but not limited to the gym, dayroom recreation, resource center, visiting room area, work, School, program, outside rec. ect.,

in accordance and agreement with the Agreement between the United States Department of Justice, Civil Rights Division's Special Litigation Department and the Religious Land Use and Institutionalized Persons Act 2000, established by 42 U.S.C Sec. 2000cc.

3. For the D.C.C to Enforce its Commitment to protect Religious Articles, Items, Customs and Traditions including but not limited to: Muslim prayer Rugs (Islamic Item), Native American Rugs not being used for its intended use and purpose and Religious designation and quantity. As outlined in AD 10.8 Religious Services, 18. Treatment of Religious Articles and Items: All religious articles and items... shall be respected by Staff and inmates at all time. and ADG.10 Property Matrix.

- Shafii Jurisprudent (Reliance of the Traveller- f5.7, Page 122)
- The Religious Land Use and Institutionalized Persons Act (RLUIPA) 42 U.S.C. § 2000cc
- Singh v. Goord, 520 F. Supp. 2d 487, 503 (S.D.N.Y. 2007)

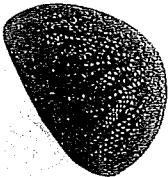
C.C.

- Inmate Legal Aid Program
271 Boston Post Road - Unit 2
Old Saybrook, CT 06475
- American Civil Liberty Union
of Connecticut (Mr. Gus)
765 Asylum Avenue
Hartford, CT 06105
- Office of Corrections Ombudsman
DeVaughn L. Ward, Esq
55 Farmington Avenue
Hartford, CT 06106
- Department Of Correction
Office Of The Commissioner
• A. Quiros: Commissioner
• W. Mulligan: Dept. Commissioner
• E. Garcia: Director
Programs/Treatment
• Religious Services Director
- Cheshire, C. I.
900 Highland Ave
- J. Reis: Warden
- V. Soley: Dept. Warden
Program/Treatment
- Rodriguez: 1st Shift Commander
- Hobles: Associate Chaplain

Relief Sought

1. For the D.O.C to Rectify, Recognize, and Acknowledge The Right to Free Exercise of Religious headwear, and Covering as outline under (RLUIPA) The Religious exercise under RLUIPA including:... wearing head covering... including but not limited to: Turban's, Kuffis, Hijab, Rastafar (Toopi) Rasta Cap(hat), Yarmulke, Native American Headband, ect.
2. For The D.O.C to reaffirm in writing to all facilities and Institutions, Staff and Inmates, its Commitment to Protect Free Exercise of Religion and Religious customs and traditions as well as headwear and covering including but not limited to: Turbans, Kuffs, Hijabs, Yarmulke, Rastafar (Toopi) Rasta Cap(hat), Native American Headband, ect., as part of the uniform of the day and Inmate Dress Code in all General Areas of the Facility and Institutions including but not limited to the gym, dayroom recreation, resource center, visiting room area, work, school, program, outside rec. ect., in accordance and agreement with the Agreement between the United States Department of Justice, Civil Rights Division's Special Litigation Department and the Religious Land Use and Institutionalized Persons Act 2000, established by 42 U.S.C Sec. 2000cc.

3. For the D.G.C to Enforce its Commitment to protect Religious Articles, Items, Customs and Traditions including but not limited to: Muslim prayer Rugs (Islamic Item), Native American Rugs not being used for its intended use and purpose and Religious designation and quantity. As outlined in AD 10.8 Religious Services, 18. Treatment of Religious Articles and Items: All religious articles and items... shall be respected by Staff and inmates at all time. and ADG.10 Property Matrix.



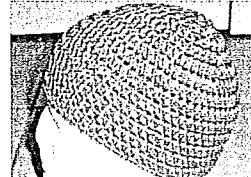
14545 Simple Black Kufi
Assorted Kufi Manufacturing
\$4.95 SALE \$3.95



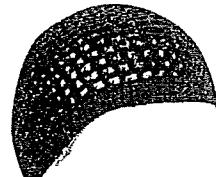
13544 Stretchable Green
Double-Knit Kufi Cap
Assorted Kufi Manufacturing
\$7.95 SALE \$7.45



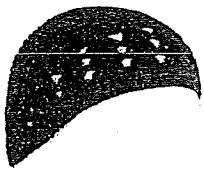
14659 Better White
Crochet Kufi Imported
\$9.95 SALE \$8.95



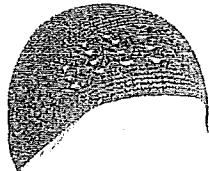
14644 Better Gray
Crochet Kufi Imported
\$9.95 SALE \$8.95



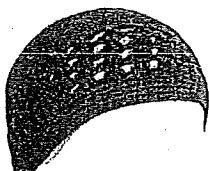
14635 Better Black
Crochet Kufi Imported
\$9.95 SALE \$8.95



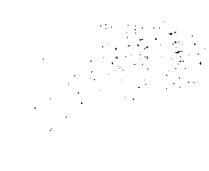
13619 Navy Blue
Crochet Kufi Imported
\$7.95 SALE \$7.50



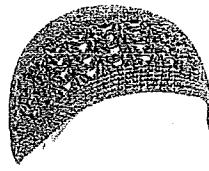
13652 Red Crochet Kufi
Imported \$7.95 SALE \$7.50



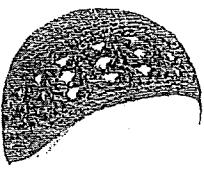
13620 Dark Green
Crochet Kufi Imported
\$9.95 SALE \$8.80



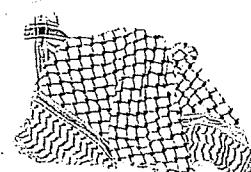
13617 Gold Crochet Kufi
Imported \$7.95 SALE \$7.50



A5340 Brown Crochet Kufi
Imported \$8.95 SALE \$7.50



13915 Burnt Orange (Rust)
Crochet Kufi Imported
\$7.95 SALE \$7.50



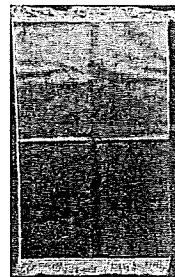
A5190 Black Palestinian-Style
Scarf (aka Keffiyeh, Yashmagh,
Amama, Shemagh, or Ghutrah)
Exact Product May be Different
than Shown (58" x 58" or
similar size) Miscellaneous
\$13.95 SALE \$11.95



A5191 Red Palestinian-Style
Scarf (aka Keffiyeh, Yashmagh,
Amama, Shemagh, or Ghutrah)
Exact Product May be Different
than Shown (58" x 58" or
similar size) Miscellaneous
\$13.95 SALE \$11.95

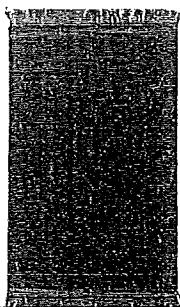


14895 Plain Instant Hijab
White (One Piece Amira
Hijab) Single piece easy-wear
hijab. Assorted
\$14.95 SALE \$13.95

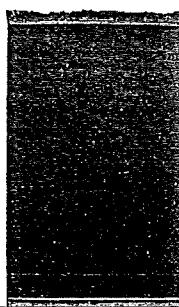


14540 Teal Aydin Turkish
Rugs \$24.95 SALE \$19.95

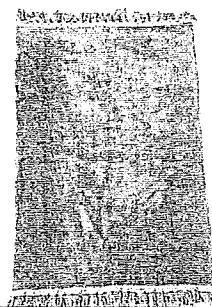
Prayer Rugs



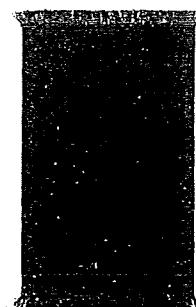
14580 Red Aydin Turkish
Rugs \$24.95 SALE \$19.95



14537 Navy Blue Aydin
Turkish Rugs \$24.95
SALE \$19.95



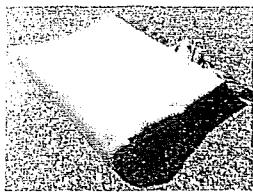
14539 Light Green Aydin
Turkish Rugs \$24.95
SALE \$19.95



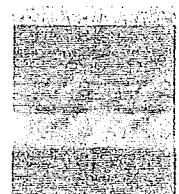
14542 Dark Green Aydin
Turkish Rugs \$24.95
SALE \$19.95



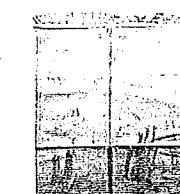
14077 Black Aydin Turkish
Rugs \$24.95 SALE \$19.95



14607 Gold Aydin Turkish
Rugs \$24.95 SALE \$19.95



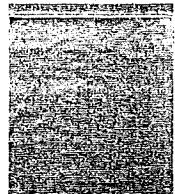
14650 Rosy Brown (Brown
Pink) Aydin Turkish Rugs
\$24.95 SALE \$19.95



14543 Steel Blue (Blue
Gray) Aydin Turkish Rugs
\$24.95 SALE \$19.95



14536 Burnt Rust Aydin Turkish
Rugs \$24.95 SALE \$19.95



14541 Lavender Aydin Turkish
Rugs \$24.95 SALE \$19.95



STATE OF CONNECTICUT

DEPARTMENT OF CORRECTION
RELIGIOUS SERVICES DIVISION
24 WOLCOTT HILL ROAD
WETHERSFIELD, CONNECTICUT 06109



September 22, 2025

To Inmate: **ORTIZ-ECHEVARRIA, IRVING** NUM: **00279053**
Facility: **CHESHIRE CI**

Date on your Inmate Form to Purchase Non-Commissary Religious Articles: **9/10/2025.**
Date your inmate Purchase Request was Received: **9/22/2025.**

Item(s) Requested: Item # A5190, Black & White Keffiyeh Scarf (This item may only be used appropriately in your cell, or by your bunk)

Item(s) Approved: Yes or No

If denied, reason for denial: **N/A**

Authorized vendor: **Islamic Bookstore, 3918 Vera Rd, Suite 1, Baltimore, MD 21227**

Approximate cost, plus shipping: **\$11.95 Plus Shipping**

Per A.D. 10.8, paragraph 5I, inmates requesting to purchase religious articles not available through the Commissary must receive prior written permission of the Director of Programs and Treatment or designee. Items ordered without permission shall be considered unauthorized and may be deemed contraband.

You must order the item(s) authorized by this letter within 60 days from the date on the top of this letter. This permission is invalid after 60 days. This letter may be used only once.

Please be advised all items entering our institutions are subject to inspection for safety and security reasons. Permission to purchase an item does not automatically mean the item will be allowed. There might be a problem with an item that is not known based on the information available when this permission is granted. The DOC does not purchase a "sample" of all non-commissary religious items for which permission is requested. Inmates purchase such items with the understanding they will be inspected for safety and security reasons, and if rejected, will be handled according to the provisions of A.D. 6.10 (Inmate Property). Inmates will not be reimbursed for rejected items or shipping costs. This item **MUST** be listed on your property matrix. **The maximum quantity is 1, per AD 6.10,**
Attachment C/3.

Sincerely,

Associate Chaplain Usman

Religious Services Unit



Inmate Request Form
Connecticut Department of Correction

CN 9601

REV

04/30/2021

Inmate name: <u>Irving Ortiz Echevarria</u>	Inmate number: <u>279055</u>	
Facility/Unit: <u>Cheshire, C.I</u>	Housing unit: <u>SBS-21</u>	Date: <u>09/29/2025</u>
Submitted to: <u>Chaplain Hobles</u>		
Request: <p>The reason for this request is because I am waiting on a Religious Article (Black & White Keffiyah Scarf - From Islamic Bookstore) 3918 verash. Baltimore. It was approved on Sept. 22, 2025 by Director Santiago, and records show that it was signed and received by the mailroom on or about 09/25/2025. What is the wait, process, and procedure for me to receive Approved Item?</p> <p>cc Property, Mailroom, Chaplain Hobles</p> <p>continue on back if necessary</p>		
Previous action taken: <p>Acted on by (print name): <u>Abubakr</u> Title: <u>Chaplain</u></p> <p>Action taken and/or response: <u>Delivered</u></p> <p>continue on back if necessary</p>		
Staff signature: <u>Jew</u>	Date: <u>10/01/25</u>	

Deliver to Marisela

All muslim men headwear turban

Rufus

Amazon Fashion

Women

Men

Kids

Luggage

Sales & Deals

New Arrivals

Amazon Brands

Amazon Luxury

Shop now

Sponsored

Clothing, Shoes & Jewelry > Men > Accessories > Scarves > Fashion Scarves

Visit the HOMELEX Store

HOMELEX Keffiyeh Arab Head Scarf for Men Sheikh Muslim Turban Saudi Dubai Headwear

4.3

(1,435) | Search this page

-40% \$11⁹⁹

List Price: \$29.99 | Price history

\$11⁹⁹

Two-Day

FREE delivery Tuesday, December 9. Order within 6 hrs 57 mins

Deliver to Marisela - East Hartford, 06118

In Stock

Quantity: 1

Add to Cart

Buy Now

Ships from Amazon

Sold by HOMELEX

Returns FREE refund/replacement until Jan 31, 2026

Gift options Available at checkout

▼ See more

Add to List

amazon business

Save up to 7% on this product with business-only pricing.

Create a free account



Two-Day

FREE Returns

Color: Black



Product details

Fabric type Polyester

Care instructions Machine Wash

Origin Imported

Ask Rufus

What material is it made of?

Can it be worn in different styles?

Is it machine washable?

About this item

- Superior comfort: Made of high-quality cotton fabric, the Arab head scar for men is soft, breathable, and lightweight. It absorbs sweat and protects you from the heat in summer, while also keeping you warm in the cold winter.
- Multipurpose : size approximately 54" x 60 inches, can wrap around your head and neck or be used as a mask to provide protection in crowds while adding elegance to clothing.
- Multiple color options: Our Keffiyeh comes in a variety of color

▼ See more

Frequently returned item

Check the product details and customer reviews to learn more about this item.

Sponsored

Report an issue with this product or seller

Statement of the Department of Justice on the Institutionalized Persons Provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA)

The Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc, is a civil rights law that protects the religious freedom of persons confined to prisons, jails, and certain other institutions in which the government exerts a degree of control far greater than that which is found in civilian society.¹ After hearings in which Congress found that persons residing in institutions are sometimes subject to discriminatory or arbitrary denial of the ability to practice their faiths beyond what is needed for the security and proper functioning of the institution, Congress passed RLUIPA unanimously in 2000. President Clinton signed RLUIPA into law on September 22, 2000.

Congress heard testimony that individuals confined to institutions are often subject to the authority and discretion of a small number of local officials, and that the religious exercise of individuals in those institutions is often limited, sometimes in arbitrary and unnecessary ways.² In introducing the bill that would become RLUIPA, Senator Kennedy noted that institutionalized persons were often denied opportunities to practice their religions even when such practice would not have harmed the discipline, order, or safety of the institutions in which they were located.³ He also noted that restrictions on the practice of religion in the prison context could even be counter-productive because “[s]incere faith and worship can be an indispensable part of rehabilitation.”⁴

Section 3(a) of RLUIPA prohibits regulations that impose a “substantial burden” on the religious exercise of persons residing or confined in an institution. This provision also makes clear that its prohibition applies even if the regulation imposing the burden is a rule of general applicability. Regulations amounting to a substantial burden will only be permitted if the government can show that the regulation serves a “compelling government interest” and is the least restrictive way for the government to further the identified compelling interest. 42 U.S.C. § 2000cc-1. And Congress stated that RLUIPA “may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.” 42 U.S.C. § 2000cc-3(c).

In *Holt v. Hobbs*, the first Supreme Court case directly interpreting RLUIPA’s substantive provisions, the Court affirmed that the strict scrutiny analysis required by the statute is “exceptionally demanding” and that the protection it affords is “expansive.” 135 S. Ct. 853, 860, 864 (2015). The petitioner in *Holt* was a Muslim prisoner who challenged the Arkansas Department of Corrections’ (ADOC) grooming policy, which prohibited even half-inch beards and provided no exceptions for requests based on

¹ This Statement deals with RLUIPA’s institutionalized persons provisions. Another section of RLUIPA protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations.

² See 146 CONG. REC. S7774-01 (daily ed. July 27, 2000) (joint statement of Senators Hatch and Kennedy) (describing purpose of and need for RLUIPA).

³ 146 CONG. REC. S6678-02, at S6688 (daily ed. July 13, 2000).

⁴ *Id.* at S6689.

religion. *Id.* at 860-61. The Supreme Court found that the grooming policy violated RLUIPA because the ADOC failed to prove that prohibiting beards was the least restrictive means to further its interests in (1) preventing prisoners from hiding contraband, and (2) quickly and reliably identifying prisoners. *Id.* at 863-65. The Court found that there were less restrictive means to further these interests. For example, the ADOC could search beards to limit contraband and take pictures of prisoners with and without beards to enable speedy identification. *Id.* Furthermore, the ADOC did not show why it must take a different course from the many other correctional facilities around the country that permit the plaintiff's requested beard exception. *Id.* at 865-67. *Holt* makes clear that courts should not accept prison administrators' broad statements about governmental interests as a basis for denying religious accommodations. *Id.* at 863-64.

RLUIPA's protections can be enforced by the Department of Justice or by private lawsuits. In the fifteen years since its passage, RLUIPA has been applied in a wide variety of contexts and has been the subject of substantial litigation in the courts. The Department of Justice has enforced RLUIPA in a variety of ways, including conducting investigations, making findings, entering into voluntary agreements and consent decrees, intervening in existing lawsuits, filing statements of interest in existing cases, and filing litigation on behalf of the United States. For example, the Department has filed statements of interest in cases related to restrictions on beards and hair length, Ramadan accommodations, religious diets, and access to tobacco for religious use. The Department has also intervened in litigation to protect prisoners' rights to access religious texts and to protect Sikh prisoners' right to keep hair unshorn. Recently, the Department obtained an injunction requiring the Florida Department of Corrections to provide kosher food to prisoners whose sincere beliefs require that diet.

In order to assist persons and institutions in understanding their rights under RLUIPA, and to assist municipalities and other government entities in understanding the requirements that RLUIPA imposes, the Department of Justice has created this summary and accompanying questions and answers. This document rescinds and replaces a prior version, originally released in 2010 and revised in 2017, which was not fully consistent with the Attorney General's Memorandum on Guidance Documents of November 16, 2017.⁵ This non-binding guidance document is just that: non-binding guidance to individuals, religious institutions, and local officials about existing law. It is not intended to create any new obligations or requirements, nor establish binding standards by which the Department of Justice will determine compliance with RLUIPA. This document is not intended to compel anyone into taking any action or refraining from taking any action—indeed, the Department will not bring any enforcement actions based on noncompliance with this document.⁶ Rather, this document is intended to describe the various provisions of the statute in a simple and straightforward manner and to provide examples of how some courts have interpreted and applied the law in various contexts. Such examples are purely illustrative and do not necessarily reflect binding law.

⁵ Available at www.justice.gov/opa/press-release/file/1012271/download.

⁶ See Memorandum from the Associate Attorney General on Limiting Use of Agency Guidance Documents in Affirmative Civil Rights Cases, available at www.justice.gov/file/1028756/download.

Please note that this guidance document is not a final agency action, has no force or effect of law, and may be rescinded or modified in the Department's complete discretion.

Questions and Answers on the Institutionalized Persons Provisions of RLUIPA

1. Who is protected by RLUIPA?

RLUIPA protects all persons “residing in or confined to an institution” as defined by the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997.⁷ While most claims address prisons and jails, the definition of “institution” in CRIPA includes state or local government-operated intermediate and long-term care facilities, mental health facilities, correctional facilities, pretrial detention facilities, and juvenile detention facilities, so these facilities are also covered by RLUIPA.⁸ Private prisons and jails are generally covered by RLUIPA, because they are operated on behalf of states or municipalities.⁹ Other private facilities may be covered by RLUIPA if they are acting on behalf of a state or local government agency. RLUIPA does not apply to institutions owned or operated by the federal government, though another, similar law, the Religious Freedom Restoration Act (RFRA), 42 U.S.C. § 2000bb, does apply to those institutions.

2. What does “religious exercise” include?

RLUIPA defines religious exercise to include “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”¹⁰ As with all provisions of RLUIPA, according to Section 5(g), “religious exercise” must be “construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.”¹¹ Although the definition of “religious exercise” in RLUIPA is broad, an individual must nevertheless show that the exercise burdened is a

⁷ 42 U.S.C. § 2000cc-1(a).

⁸ See *Youngberg v. Romeo*, 457 U.S. 307, 321–22 (1982) (finding that “[p]ersons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish”), see also *DeSimone v. Bartow*, 355 F. App’x 44, 46 (7th Cir. 2009) (recognizing that a RLUIPA claim could be brought against a mental health facility stemming from an individual’s civil commitment); *Strutton v. Meade*, No. 4:05CV02022, 2010 WL 1253715, slip op. at *1 (E.D. Mo. Mar. 31, 2010) (stating that a RLUIPA claim could be brought by a civilly-committed inmate in a facility housing “sexually violent predators”).

⁹ See, e.g., *John Knows His Gun v. Montana*, 866 F. Supp. 2d 1235, 1244 (D. Mt. 2012) (explaining that RLUIPA covers privately run prison because state delegated responsibility to private company, and thus company “may fairly be said to be state or ‘government’ actors under RLUIPA”); *Dean v. Corr. Corp. of Am.*, 540 F. Supp. 2d 691, 693–94 (N.D. Miss. 2008) (applying RLUIPA to privately run correctional facility because state entered into contract with private corporation, and thus, for RLUIPA purposes, private corporation became “instrumentality” of the state).

¹⁰ 42 U.S.C. § 2000cc-5(7)(A).

¹¹ 42 U.S.C. § 2000cc-3(g).

part of the individual's religious beliefs, and not merely a secular or philosophical position.¹²

Additionally, the religious belief must be sincerely held and institutions are permitted to inquire into the sincerity of the person's belief before accommodating the person's religious exercise.¹³ However, such an inquiry must be handled with a "light touch" and limited largely to assessing the prisoner's credibility.¹⁴ Prison officials may not base their determinations on whether or not a particular observance is orthodox.¹⁵

Accordingly, courts have found that a variety of practices constitute religious exercise under RLUIPA, including: attending religious services,¹⁶ joining prayer groups,¹⁷ leaving hair uncut,¹⁸ wearing head coverings,¹⁹ adhering to certain dietary restrictions,²⁰ participating in religious fasts and thus receiving meals at irregular times,²¹ and receiving certain religious reading materials.²²

3. What kinds of burdens on religious exercise are "substantial burdens" under RLUIPA?

The Supreme Court has had occasion to consider how to determine whether a particular departmental policy imposed a substantial burden under RLUIPA. In *Holt v. Hobbs*, a policy of the Arkansas Department of Corrections prohibited the keeping of facial hair and required all inmates, including petitioner, to shave his beard. For petitioner, this would have been a serious violation of his religious beliefs. However, if petitioner refused to comply with the policy and chose to grow his beard, he would face disciplinary

¹² See *Coronel v. Paul*, 316 F. Supp. 2d 868, 876 (D. Ariz. 2004) (stating that plaintiffs could satisfy the religious motivation element of RLUIPA by showing their "conduct [was] both important to them and motivated by sincere religious belief"). Cf. *Wisconsin v. Yoder*, 406 U.S. 205, 216 (1972) (finding that the lifestyle choices of the Amish were religious beliefs because they were "not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living").

¹³ See *Coronel v. Paul*, 316 F. Supp. 2d 868, 876 (D. Ariz. 2004) (stating that plaintiffs could satisfy the religious motivation element of RLUIPA by showing their "conduct [was] both important to them and motivated by sincere religious belief"); *Cutter v. Wilkinson*, 544 U.S. 709, 725 n. 13 (2005) ("[RLUIPA] does not preclude inquiry into the sincerity of a prisoner's professed religiosity.").

¹⁴ See *Moussazadeh v. Tex. Dep't of Crim. Justice*, 703 F.3d 781, 791-92 (5th Cir. 2012).

¹⁵ See *Grayson v. Schuler*, 666 F.3d 450, 453-55 (7th Cir. 2012).

¹⁶ *Meyer v. Teslik*, 411 F. Supp. 2d 983, 989 (W.D. Wis. 2006) (Native American religious ceremonies).

¹⁷ *Hudson v. Dennehy*, 538 F. Supp. 2d 400, 412 (D. Mass. 2008) (Jum'ah services).

¹⁸ See, e.g., *Smith v. Ozmint*, 578 F.3d 246, 251 (4th Cir. 2009) (mandatory close-cropped haircut); *Longoria v. Dretke*, 507 F.3d 898, 903 (5th Cir. 2007) (same); *Warsoldier v. Woodford*, 418 F.3d 989, 996 (9th Cir. 2005) (punishment for failure to cut hair).

¹⁹ *Singh v. Goord*, 520 F. Supp. 2d 487, 503 (S.D.N.Y. 2007) (Sikh turban).

²⁰ See, e.g., *Nelson v. Miller*, 570 F.3d 868, 879 (7th Cir. 2009) (meatless diet); *Hudson*, 538 F. Supp. 2d at 411 (Halal diet).

²¹ See *Lovelace v. Bassett*, 2008 U.S. Dist. LEXIS 74190, No. 7:07CV00506, at *5-8 (W.D. Va. Sept. 27, 2008).

²² *Jesus Christ Prison Ministry v. Cal. Dep't of Corr.*, 456 F. Supp. 2d 1188, 1203 (E.D. Cal. 2006) (withdrawn due to settlement) (requested Christian literature).

action. “Because the grooming policy puts petitioner to this choice” between violating his religious beliefs and risking serious discipline, the Court found the policy “substantially burden[ed] his religious exercise.”²³ The Court’s analysis in determining whether there was a substantial burden adopted a framework that lower courts had developed in adjudicating RLUIPA cases prior to the Court’s *Holt* decision.

To determine whether the burden imposed is “substantial,” courts have focused on the degree to which a given regulation would require an adherent to alter or abandon the adherent’s religious practice. The interference with one’s religious practice must be significant; a marginal interference will not suffice.²⁴ The substantial burden inquiry is fact-intensive, and the burden is on the person asserting a substantial burden to prove that the institution’s policy or practice constitutes a substantial burden.²⁵ Courts will also consider whether accommodations for religious practice burden the rest of the institutionalized population and whether they are administered neutrally among various faiths.²⁶

Applying these standards, courts have found that a substantial burden exists where institutional rules limit access to religious books,²⁷ use coercion to require shearing of hair,²⁸ or fail to provide necessary dietary accommodations.²⁹ Conversely, courts have been reluctant to find a substantial burden where a religious practice was made merely inconvenient or more difficult. For example, courts have found that the use of a soft-cover instead of a hard-cover Bible and the use of prison-distributed prayer towels instead of traditional prayer rugs to not constitute a substantial burden.³⁰ Similarly,

²³ *Holt v. Hobbs*, 135 S. Ct. 853, 857, 862 (2015).

²⁴ See, e.g., *Washington v. Klem*, 497 F.3d 272, 280 (3d Cir. 2007) (identifying two situations that would show a substantial burden: “1) a follower is forced to choose between following the precepts of his religion and forfeiting benefits otherwise generally available to other inmates versus abandoning one of the precepts of his religion in order to receive a benefit” OR “2) the government puts substantial pressure on an adherent to substantially modify his behavior and to violate his beliefs”); *Lovelace v. Lee*, 472 F.3d 174, 187 (4th Cir. 2006) (holding that a substantial burden on religious exercise “occurs when a state or local government, through act or omission, ‘put[s] substantial pressure on an adherent to modify his behavior and to violate his beliefs.’” (quoting *Thomas v. Review Bd. Of the Ind. Emp’t Sec. Div.*, 450 U.S. 707, 718 (1981))); *Murphy v. Mo. Dep’t of Corr.*, 372 F.3d 979, 988 (8th Cir. 2004) (defining substantial burden as a restriction that significantly limits conduct or expression that manifests religious beliefs; hinders the ability to show adherence to a faith; or precludes participation in fundamental religious activities).

²⁵ See *Adkins v. Kaspar*, 393 F.3d 559, 571 (5th Cir. 2004) (rejecting a bright-line standard for substantial burden inquiries); *Charles v. Verhagen*, 220 F. Supp. 2d 937, 944 (W.D. Wis. 2002) (recognizing that RLUIPA and RFRA both require a plaintiff to show a substantial burden before a defendant must satisfy the compelling interest element).

²⁶ *Cutter v. Wilkinson*, 544 U.S. 709, 719-20 (2005).

²⁷ *Washington*, 497 F.3d at 282.

²⁸ *Warsoldier v. Woodford*, 418 F.3d 989, 995-96 (9th Cir. 2005) (describing punishment plaintiff suffered for refusing to cut his hair).

²⁹ *Hudson v. Dennehy*, 538 F. Supp. 2d 400, 411-12 (D. Mass. 2008).

³⁰ See *Dunlap v. Losey*, 40 F. App’x 41, 43 (6th Cir. 2002) (finding that a prisoner was not substantially burdened when he could not use a hardcover Bible because softcover Bibles were available); *Hudson*, 538 F. Supp. 2d at 411 (accepting prison practice of distributing prayer towels instead of traditional prayer rugs). See also *Starr v. Cox*, No. 05-cv-368-JD, 2008 U.S. Dist. LEXIS 34708, *40 (D.N.H. Apr. 28, 2008) (accepting restrictions on the location of religious practices).

where inmates were offered alternative diets which would comply with their religious requirements, but not the specific diet requested, no substantial burden was found.³¹

4. What if the substantial burden is the result of a rule of general applicability?

RLUIPA makes clear that, even if the substantial burden on an institutionalized person's religious exercise is the result of a rule that applies to everyone in the institution, the institution will still be in violation of RLUIPA unless it can demonstrate that application of the rule is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest.³² For example, an institution may have a rule prohibiting headwear of any kind, but RLUIPA may require that a Jewish individual be permitted to wear a yarmulke in observance of his religious practices, or may require that a Muslim individual be permitted to wear her hijab.

5. What are examples of a compelling interest that would permit an institution to impose a substantial burden on religious exercise?

Courts have interpreted a "compelling governmental interest" to mean an interest "of the highest order."³³ In the context of RLUIPA's institutionalized persons provisions, a compelling governmental interest is one that furthers "good order, security and discipline, consistent with consideration of costs and limited resources."³⁴ When officials assert that such concerns are compelling, the courts should be respectful of their expertise. However, such respect does not mean "unquestioning deference," and courts must still apply "RLUIPA's rigorous standard" when independently assessing whether an asserted interest is truly compelling.³⁵

RLUIPA, like RFRA, contemplates a "more focused" inquiry and "requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law "to the person"—the particular claimant whose sincere exercise of religion is being substantially burdened." *Hobby Lobby*, 573 U.S., at —, 134 S. Ct., at 2779 (quoting *Gonzales v. O Centro Espírita*

³¹ *Abdulhaseeb v. Calbone*, 600 F.3d 1301, 1317 (10th Cir. 2010). In *Patel v. United States Bureau of Prisons*, although the Eighth Circuit held that the inmate had not set forth enough evidence to show a substantial burden, there was uncontested evidence that he could consume Common Fare kosher non-meat meals and could purchase his own halal commissary meals, and he had not shown that the financial burden would be significant. 515 F.3d at 814–15; see also *Pratt v. Corr. Corp. of Am.*, 267 F. App'x. 482, 482–83 (8th Cir. 2008) (citing *Patel* in finding no substantial burden); *Watkins v. Shabazz*, 180 F. App'x 773, 775 (9th Cir. 2006) (court held that there was no substantial burden because defendants gave the inmate two alternatives—eating the nutritionally adequate meat-substitute meals or finding an outside organization to provide halal meat).

³² *Holt v. Hobbs*, 135 S. Ct. 853, 860, 863–65 (2015).

³³ *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993).

³⁴ *Cutter v. Wilkinson*, 544 U.S. 709, 723 (2005) (quoting S. Rep. No. 103-111, at 10 (1993), reprinted in 1993 U.S.C.C.A.N. 1892, 1899-90).

³⁵ *Holt*, 135 S. Ct. at 864.

Beneficente Uniao do Vegetal, 546 U.S. 418, 430-431 (2006) (quoting § 2000bb-1(b))).³⁶

When determining whether a compelling governmental interest exists, courts will give some deference to the administrators of institutions in determining appropriate regulations for those institutions, but will nevertheless require that administrators support their assertions of appropriateness with specific evidence.³⁷ “[M]ere speculation, exaggerated fears, or post-hoc rationalizations will not suffice....”³⁸ Thus, bare assertions that a religious accommodation will compromise the security or integrity of an institution will not suffice.³⁹ Similarly, inconsistent or arbitrary regulations will not qualify as serving compelling interests.⁴⁰

When institutions have provided concrete evidence, courts have recognized that a variety of regulations that substantially burden religious exercise also serve a compelling interest. For example, requiring grooming in segregated holding has been found by some courts to further the compelling interest of health and security,⁴¹ and placing certain restrictions on the formation of organized groups has been found to serve the limited interest of preventing the growth of gangs.⁴² On the other hand, some courts have rejected assertions of compelling governmental interest in the orderly administration of a prison’s dietary system when the prison already serves meals that would satisfy the prisoner’s dietary needs,⁴³ and have found that an arbitrary limit on the number of books an inmate could keep in his cell did not further any compelling interest.⁴⁴

6. What actions must an institution take to demonstrate that imposition of the substantial burden is the least restrictive means to achieve the compelling governmental interest?

Where a correctional institution’s regulation imposes a substantial burden on a prisoner’s religious exercise, the regulation violates RLUIPA unless the institution demonstrates

³⁶ *Id.* at 863.

³⁷ See *Spratt v. R.I. Dep’t of Corr.*, 482 F.3d 33, 39 (1st Cir. 2007) (“[M]erely stating a compelling interest does not fully satisfy RIDOC’s burden on this element of RLUIPA . . .”).

³⁸ *Id.* (internal citations omitted).

³⁹ *Murphy v. Mo. Dep’t of Corr.*, 372 F.3d 979, 989 (8th Cir. 2004) (requiring prison officials to show the possibility that violence would occur if they made the requested accommodation instead of simply asserting such a conclusion).

⁴⁰ See *Washington v. Klem*, 497 F.3d 272, 284 (3d Cir. 2007) (stating that prison administrators failed to show a compelling interest because the fact that inmates were able to keep printed material beyond the ten-book limit in their cells indicated concerns about fire hazards and the hiding of contraband were not legitimate); *Koger v. Bryan*, 523 F.3d 789, 800 (7th Cir. 2008) (finding clergy verification requirement did not further stated compelling interest of serving dietary needs).

⁴¹ *McRae v. Johnson*, 261 F. App’x 554, 558 (4th Cir. 2008).

⁴² See *Jova v. Smith*, 582 F.3d 410, 415–16 (2d Cir. 2009) (per curiam).

⁴³ *Koger*, 523 F.3d at 800.

⁴⁴ See *Washington*, 497 F.3d at 281–82 (stating that prison administrators failed to show a compelling interest because the fact that inmates were able to keep printed material beyond the ten-book limit in their cells indicated concerns about fire hazards and the hiding of contraband were not legitimate).

both: (1) that a compelling governmental interest necessitates the imposition of the burden; and (2) that the regulation is the least restrictive means to further that interest. Thus, even regulations that serve a compelling interest violate RLUIPA if they are not the least restrictive means to further a compelling interest.⁴⁵

To satisfy the “least restrictive means” requirement of RLUIPA, some courts have required institutions to show that alternative means of satisfying the compelling government interest were considered and found insufficient.⁴⁶ The ability of other correctional institutions to further comparable interests without using the challenged regulations may be evidence that a less restrictive alternative is available. Indeed, where a significant number of other institutions allow an accommodation, an institution cannot deny that accommodation consistent with RLUIPA’s strict scrutiny requirement unless the institution offers persuasive reasons why it cannot adopt the less restrictive methods used elsewhere.⁴⁷ Less restrictive alternatives used by the Federal Bureau of Prisons (BOP) are particularly relevant to the least restrictive means analysis because BOP manages the country’s largest correctional system while adhering to the comparably strict protections for religious exercise that are guaranteed by RFRA.⁴⁸ Consequently, where BOP accommodates a particular religious exercise, an institution that forbids that exercise is unlikely to satisfy RLUIPA’s strict scrutiny inquiry unless it can demonstrate that the BOP approach is unworkable.⁴⁹

Regulations burdening religious exercise likewise may fail strict scrutiny if they are under-inclusive. That is, a restriction on a prisoner’s religious exercise is unlikely to satisfy strict scrutiny where the correctional institution permits similar accommodations for other prisoners.⁵⁰

⁴⁵ *Holt v. Hobbs*, 135 S. Ct. 853, 864 (2015) (RLUIPA requires a defendant “not merely to explain why it denied the exemption but to prove that denying the exemption is the least restrictive means of *furthering* a compelling governmental interest.”). In *Holt*, the Supreme Court found that a prison restriction on beard length was not the least restrictive means of advancing security interests.

⁴⁶ *Warsoldier v. Woodford*, 418 F.3d 989, 999 (9th Cir. 2005).

⁴⁷ *Holt*, 135 S. Ct. at 866 (Where significant number of other correctional institutions allow a challenged accommodation, RLUIPA requires a defendant to “at a minimum, offer persuasive reasons why it believes that it must take a different course.”); *Warsoldier*, 418 F.3d at 999 (“[P]roblematic for [defendant] is that other prison systems, including the Federal Bureau of Prisons, do not have such hair length policies or, if they do, provide religious exemptions.”). *See also Rich v. Sec’y, Fla. Dep’t of Corr.*, 716 F.3d 525, 534 (11th Cir. 2013) (practices of other institutions “are relevant to an inquiry about whether a particular restriction is the least restrictive means by which to further a shared interest”); *Shakur v. Schriro*, 514 F.3d 878, 890–91 (9th Cir. 2008) (noting contrary dietary policies of other institutions).

⁴⁸ *Cutter v. Wilkinson*, 544 U.S. 709, 725 (2005) (BOP “has managed the largest correctional system in the Nation under the same heightened scrutiny standard as RLUIPA without compromising prison security, public safety, or the constitutional rights of other prisoners.”).

⁴⁹ *Spratt v. Rhode Island Dep’t of Corr.*, 482 F.3d 33, 42 (1st Cir. 2007); *see also Warsoldier*, 418 F.3d at 999.

⁵⁰ *Davila v. Gladden*, 777 F.3d 1198, 1207 (11th Cir. 2015) (exceptions to prison’s ban on religious items not sent from a catalog “undercuts the Defendants’ argument that a categorical prohibition . . . is the least restrictive means of achieving their objectives”); *Moussazadeh v. Texas Dep’t of Crim. Justice*, 703 F.3d 781, 794 (5th Cir. 2012) (“TDCJ’s argument that it has a compelling interest in minimizing costs by denying Moussazadeh kosher food, however, is damped by the fact that it has been offering kosher meals

7. Must a religion be “recognized” in order to be protected by RLUIPA?

RLUIPA’s protections extend to restrictions that burden the exercise of a prisoner’s sincerely-held religious beliefs. This analysis centers on the religious beliefs of an individual prisoner, not their interpretation by prison officials or religious authorities.⁵¹ Guided by this principle, Courts have applied RLUIPA to protect the religious practices of a wide variety of religious traditions, including Buddhism, Christianity, Hinduism, Islam, Judaism, Native American religions, and Sikhism. RLUIPA’s protections also extend to subgroups within more widely-known religious traditions.

Some institutions, however, provide accommodations only for certain “recognized” religious traditions. If a policy of this type causes a substantial burden on a prisoner’s religious exercise, it would violate RLUIPA unless the institution can establish that the policy is in furtherance of a compelling government interest and is the least restrictive means of furthering that interest.⁵²

8. When must someone file suit under RLUIPA?

RLUIPA lawsuits brought by private plaintiffs must be filed in state or federal court within four years of the alleged RLUIPA violation.⁵³ Before they may file suit under RLUIPA, prisoners are required to exhaust available administrative remedies.⁵⁴ The United States, however, is not required to show that prisoners have exhausted administrative remedies in order to bring suit under RLUIPA.⁵⁵

9. What can a government do to comply with RLUIPA?

When a prisoner seeks a religious accommodation, jurisdictions should assess whether their existing policies are the least restrictive means of furthering a compelling

to prisoners for more than two years.”); *Koger v. Bryan*, 523 F.3d 789, 799, 801 (7th Cir. 2008) (denying request for a no-meat diet violated RLUIPA where prison offered such a diet to other prisoners); *Spratt*, 482 F.3d at 40 (no compelling reason to ban inmate preaching because the prison had previously allowed such preaching); *Washington v. Klem*, 497 F.3d 272, 285 (3d Cir. 2007) (restriction on the number of religious books a prisoner may possess invalid where other facilities in the state system did not have such a restriction); *Warsoldier*, 418 F.3d at 1001.

⁵¹ *Yellowbear v. Lampert*, 741 F.3d 48, 54-55 (10th Cir. 2014) (RLUIPA does not permit judges to be “arbiters of scriptural interpretation”); *Grayson v. Schuler*, 666 F.3d 450, 453-55 (7th Cir. 2012) (“Prison officials may not determine which religious observances are permissible because orthodox.”); *Davila*, 777 F.3d at 1204 (RLUIPA and RFRA’s sincerity inquiry must be limited to whether a prisoner’s religious belief “reflects an honest conviction”); *Jackson v. Mann*, 196 F.3d 316, 320 (2d Cir. 1999) (sincerity of a prisoner’s beliefs – not the decision of Jewish religious authorities – determines whether prisoner was entitled to kosher meals).

⁵² *Holt*, 135 S.Ct. at 863-65.

⁵³ *Al-Amin v. Shear*, 325 F. App’x 190, 193 (4th Cir. 2009) (citing 28 U.S.C. § 1658; *Jones v. R.R. Donnelley & Sons Co.*, 541 U.S. 369, 382 (2004)).

⁵⁴ See 42 U.S.C. § 2000cc-2(e).

⁵⁵ See 42 U.S.C. § 2000cc-2(f).

governmental interest. Where existing policy is not the least restrictive means to further the governmental interest, the jurisdiction should consider: (1) changing the policy or practice that results in a substantial burden on religious exercise; (2) retaining the policy or practice and exempting the substantially burdened religious exercise; (3) providing exemptions from the policy or practice for applications that substantially burden religious exercise; or (4) any other means that eliminates the substantial burden.⁵⁶ For example, if a Muslim prisoner seeks to wear a kufi, the jurisdiction could accommodate that request by changing the policy to permit all prisoners to wear headgear, changing the policy to allow prisoners to wear any religious headgear, or permitting exemptions to individuals whose religious practice is substantially burdened by the policy.

10. What is the Department of Justice's role in enforcing RLUIPA?

The Department of Justice is authorized to file a lawsuit under RLUIPA for declaratory or injunctive relief, but not for damages.⁵⁷ In other words, the Department may bring suit seeking an order from a court requiring an institution that has violated RLUIPA, for example, to amend the policy or practice that results in a substantial burden on the religious exercise of an individual confined to that institution. The Department also files Statements of Interest in cases that raise important issues connected to RLUIPA's application.

Responsibility for coordinating enforcement of RLUIPA's institutionalized persons provisions has been delegated to the Special Litigation Section of the Civil Rights Division. The Section investigates and brings RLUIPA lawsuits, both on its own and in conjunction with United States Attorney's offices around the country. If you wish to bring a potential case to the attention of the Department of Justice, you should do so as soon as possible to allow adequate time for review.

The Department's RLUIPA enforcement efforts cover protection for a broad range of religious exercise, including prisoners seeking: religious diets; access to religious texts, other religious literature, and items used in worship; the ability to grow and maintain beards or long hair; and access to religious services and ceremonies.

The Department exercises its prosecutorial discretion in deciding whether to bring a RLUIPA suit on behalf of the United States or file a Statement of Interest in litigation brought by private parties. The Department receives many complaints from individuals and groups whose rights under RLUIPA may have been violated, and cannot address all cases that may involve valid claims. Rather, the Department endeavors to select cases for prosecution that involve important or recurring issues, that will set precedents for future cases, that involve particularly serious violations, or that will otherwise advance the Department of Justice's goals of advancing civil rights for all. Aggrieved individuals and institutions are encouraged to seek private counsel to protect their rights, in addition to contacting the Department of Justice.

⁵⁶ 42 U.S.C. § 2000cc-3(e).

⁵⁷ 42 U.S.C. § 2000cc-2(f).

11. How can someone contact the Department of Justice about a RLUIPA matter?

The Civil Rights Division's Special Litigation Section may be reached at:

Special.Litigation@usdoj.gov

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Special Litigation Section

Washington, D.C. 20530