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VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

June 7, 2017

RE: Urgent Request for Action Regarding Ongoing Discrimination at Glades County Detention Center

Dear Assistant Field Office Director Acosta and Sheriff Hardin,

On behalf of Americans for Immigrant Justice and Muslim Advocates, we write to bring to your attention violations of the religious free exercise rights of several Muslim men currently detained at the Glades County Detention Center (“GCDC”).¹ Specifically, employees of the Glades County Sheriff’s Office working at GCDC have unreasonably hindered individuals from observing the holy month of Ramadan by denying them access to the Ramadan list and by also providing inedible and insufficient quantities of food to those who fast. Moreover, there are a number of other GCDC policies and practices—including lack of access to halal meals and frequent cancellations of weekly congregational prayer services—that prevent Muslim men detained in the facility from practicing their faith. These actions by Glade County Sheriff’s Office employees and other GCDC staff are in clear violation of federal and state law. As such, we ask that you take immediate steps to remove these unlawful obstacles before Ramadan ends around June 15 so that these Muslim men can practice their faith fully and freely.

¹ GCDC is under the direct authority of Glades County Sheriff’s Office.

I. GCDC is Legally Required to Accommodate Muslim Inmates' Religious Practices.

GCDC and the Glades County Sheriff's Office are contractually bound by the 2000 National Detention Standards ("NDS"),¹ which are a set of minimum requirements for ICE detention facilities, including state or local government facilities like GCDC used by ICE through intergovernmental service agreements. The NDS specify, among other things, how facilities must accommodate religious meals, Ramadan observance, and the religious practices of detainees more broadly. Furthermore, as a state or local facility that receives federal funding, GCDC and the Glades County Sheriff's Office are subject to the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). 42 U.S.C. § 2000cc *et seq.* RLUIPA prohibits GCDC staff from substantially burdening religious exercise, unless GCDC can demonstrate there is a compelling governmental interest and that it has selected the least restrictive means to achieve that interest. Similarly, the Florida Religious Freedom Restoration Act of 1988 provides for substantially the same protections. Fla Stat. Chpt. 761.04.

II. GCDC Staff Have Arbitrarily Denied Two Individuals Placement on the Ramadan List.

Every year, Muslims across the world observe the holy month of Ramadan, in part by abstaining from food and water between sunrise and sunset. Before dawn, they eat one meal (suhour), and after sunset, they break their fast with another meal (iftar). As one of the five pillars of Islam, this practice of fasting is integral to the Islamic faith. Ramadan is an opportunity for spiritual reflection and for the development of powers of self control. It is a time to cultivate sympathetic compassion for those who experience the pains of hunger and thirst all year round and to give charity.²

GCDC restricts participation in Ramadan fasting to detainees it places on a Ramadan list. Through our correspondence with detained individuals at GCDC, we have learned that some individuals have been denied placement on this list. Each of these individuals respectfully asked—

¹ Glades County IGSA Contract, Art. V, at 4 (effective May 30, 2007), <https://www.documentcloud.org/documents/1658083-glades-county-fl-igsa-contract.html#document/p29/a213938>; *Progress in Implementing 2011 PBNDS Standards and DHS PREA Requirements at Detention Facilities*, Dep't Homeland Security 17 (Jan. 17, 2017), <https://www.dhs.gov/sites/default/files/publications/ICE%20-%20Progress%20in%20Implementing%202011%20PBNDS%20Standards.pdf> (noting that the more protective 2011 Performance Based National Detention Standards were not applied at GCDC).

² For more information on Ramadan, fasting, and Islam generally, *see*, Islam and Muslim Americans, AANM Educational Series 8 (2010), http://www.arabamericanmuseum.org/umages/pdfs/resource_booklets/AANM-IslamBooklet-v6.pdf.

through either written or oral requests—to participate in the holy month of Ramadan in accordance with their sincerely held religious beliefs. One person wrote a formal request to be placed on the list several days before Ramadan started. In response, Glades County Sheriff’s Office Major Keith Henson, an employee of the Glades County Sheriff’s Office assigned to GCDC, simply wrote “Denied” without providing any justification.

In our conversations with individuals detained at GCDC we learned that Major Henson has claimed individuals on the Ramadan list must have their religion recorded as Islam during their “in processing,” and that that may also serve as the reason why certain individuals were denied placement on the list. But that argument is just as flawed as the others. Although there is a nonbinding guideline in the NDS that detainees showing “No Preference” “may” be restricted from member-only activities, Religious Practices III.C, we have heard from numerous men that GCDC employees did not ask their religion during in processing at all. Moreover, the question of whether or not a detainee identifies as Muslim at in-processing—even if GCDC staff had provided an opportunity for religious identification—is not relevant to an individual’s *current* religious practice. The guideline mentions staff referencing both initial and current religious designations. Indeed, a detainee may profess faith or change faiths “at any time” and the change must be effected in “a timely fashion.” Religious Practices III.C. All that is required for participation in Ramadan while in detention is a sincerely held religious belief. *See United States v. Sec’y, Fla. Dep’t of Corr.*, No. 12-22958, 2015 U.S. Dist. Lexis 56911, at *1 (S.D. Fla. Apr. 30, 2015) (requiring defendants to provide kosher meals to those with a sincere religious belief, and enjoining enforcement of “zero tolerance” rules for removing prisoners from kosher meal list if they violated religious diet requirements).

The individuals who are being denied placement on the Ramadan list have clearly demonstrated a sincerely held belief that participation in Ramadan is a religious duty. One of the individuals has previously requested a copy of the Holy Qur’an, sought placement on the Ramadan list far in advance of the beginning of Ramadan, and has requested to abstain from food and water all day, demonstrating his dedication to his religious practice, particularly given that this would require him to fast every day for almost fifteen hours at a time. There are no valid reasons for GCDC staff to further delay or deny interested men’s placement on the list.

III. GCDC Requires Muslim Men to Eat Religiously-Noncompliant, Unsanitary, and Nutritionally Deficient Meals During Ramadan, and Accordingly Coerces Them into Violating Their Beliefs.

Even Muslim men who succeed in being placed on the Ramadan list face discriminatory treatment by GCDC staff. They are required to eat meals that are left over. Depending on when meals to the general population are served, this means that the men are given trays of food that

have been sitting out for between three and upwards of eight hours. It is likely that the trays have been exposed to variable temperatures and humidity in Glades County, Florida and potentially to other dirt and germs. One man stated that the food is so bad it is “hard to swallow.” Another explained that the food is “very poor . . . cold and not enough.” A few men have reported that meals served at night often include a meat product that smells rotten. They have mentioned that they are not able to eat the food because it is either not halal or is inedible. The men also reported that when they asked for halal food, Glades County officers replied that they should “go to Krome detention facility” if they want halal. The men clearly have no choice in the matter and obviously cannot move facilities based on their personal preferences. Nor is halal food available for purchase through the commissary.

GCDC should adhere to the 2000 NDS minimum standards and accommodate as nearly as possible the requirements for Muslim meals, or provide a compelling reason that doing so is not possible.¹ For example, Muslims participating in the fast should receive their approved noon and evening meals after sundown, for consumption in the food service department. Food Service III.E.11.a., *in* 2000 NDS. Each facility should also provide a bag breakfast or allow detainees to go to the food service department for breakfast. *Id.* The general policy requires that detainees be served “two hot meals every day.” *Id.* III.C.1.² Finally, facility food service administrators must take account of differences in nutritional meals based on differences in age, activity, and physical condition, and the facility must “consider the ethnic diversity of the [] detainee population when developing menu cycles.” *Id.* III.D.1.

IV. GCDC Staff Erect Unreasonable Obstacles to Prayer and Group Worship.

The treatment these men are enduring this Ramadan is part of a broader pattern of discrimination and hostility towards Islam at GCDC. For example, GCDC staff have taken a number of steps to prevent Muslim men in the facility from engaging in daily prayer.

Prayer is required five times a day for practicing Muslims, and group prayer is strongly encouraged. Weekly congregational prayer for Muslims is on Friday, and attendance is essential. Any detention facility policy or practice that hinders individual or group worship therefore creates a substantial burden on religious practice. Muslim men at GCDC complain of several such practices, including:

¹ Administrative concerns alone would not be considered compelling government interests that would overcome the right to religious accommodation in this context. *See e.g., Koger v. Bryan*, 523 F.3d 789, 800 (7th Cir. 2008) (“[N]o appellate court has ever found these [legitimate concerns for orderly administration of a prison dietary system] to be compelling interests.”).

² *See also* III.E.4 (“To the extent practicable, a hot entrée shall be available to accommodate detainees’ religious dietary needs, e.g. kosher and/or halal products. Hot entrees *shall* be offered three times a week and *shall* be . . . served hot.”).

- Some of the men have been able to pray in congregation on some Fridays (Jumma), but the weekly prayer is frequently cancelled. Officers call the men to Friday prayer late, or not at all, and cancel the weekly service without justification. If the Friday prayer *is* held, guards have yelled at the men while they are praying to hurry up.
- Muslims pray facing the Kaaba, and so must ascertain the prayer direction, or Qibla, wherever they pray. However, GCDC staff provide inconsistent reports about which direction is East, and the men are often disoriented within the detention facility walls.
- Muslims do their best to pray five times daily, at the right times. The schedules for starting and breaking the fast during Ramadan, furthermore, depend on the morning and sunset prayer times. Yet, GCDC staff members will not always wake up Muslims for morning prayers, so they have to stay up all night to avoid missing breakfast and prayer. Furthermore the GCDC activity room has no clocks. When asked, officers report different times.
- Memorization and recitation of the Qur'an in Arabic is part of prayer. Possessing a copy of the Qur'an in Arabic is therefore highly significant, while access to a translation in one's mother language is key for study and understanding. Yet, one man reported that it took more than a month for him to obtain an English translation of the Qur'an, and that the Arabic version was never provided. When asked for the Arabic version, the Chaplain replied that he could only have one or the other. A second man was never provided with a Qur'an.
- The 2000 NDS require facilities to allow detainees access to religious property absent security justifications for each refusal, and provide as guidance that personal religious items, including prayer beads, oils, and prayer rugs should be allowed. Religious Practices III.K. However, the men report that they cannot access prayer mats and beads, and none are available for purchase. The facility only provides old blankets.

GCDC staff, in particular the Chaplain, should work to remedy these problems as soon as possible so that Muslims at the facility can practice their faith.

IV. GCDC Officers Target Muslim Men with Abuse for Wearing Kufis.

GCDC officers also discriminate against Muslim men detained in the facility by habitually singling out Muslim men for abuse because of their kufis (religious headgear in the form of a knit cap). For example:

- One man reported that officers would snatch his kufi and throw it around.
- In a December 2017 legal screening, a man detained in the facility stated that GCDC officers used force to knock the kufi off of his head. This occurred on three occasions, and officers threatened to move him to segregation if he did not remove the kufi.

- Another man stated that officers sent a third detainee to segregation for wearing a kufi and that kufis are not allowed at GCDC.

There is no need for GCDC to have a policy prohibiting kufis. The 2000 National Detention Standards state that “[d]etainees *shall* have access to religious property consistent with facility security,” Religious Practices III.K, and even provide as guidance that religious headgear, notably kufis, turbans, scarves, and headwraps, are presumed to be “permitted in *all areas* of the facility, subject to. . . inspection by staff,” *id.* (emphasis added). Eleventh Circuit law, furthermore, strongly supports the men’s right to wear kufis while detained. *Johnson v. Brown*, 581 F.App’x 777, 779 (11th Cir. 2014) (reversing district court dismissal of First Amendment and RLUIPA claims that prison prevented inmate from wearing kufi when going to and from prayer).

V. Conclusion

Based on our conversations with Muslim individuals detained at GCDC, it is apparent that they are being prevented from practicing their faith in clear and direct violation of both federal and state law. Several of the men reported that when they ask about their religious rights, a typical response is: “This is Glades County.” Furthermore, they described how Christian detainees appear to receive preferential treatment: their requests are granted quickly and often with the personal involvement of the Chaplain. Muslim requests for accommodation, meanwhile, are routinely denied, delayed, second-guessed, and routed to Major Henson rather than to the Chaplain. According to one detainee, GCDC staff is not receptive to requests for religious accommodation and threaten men with the use of force or with time in administrative segregation when they make such requests or engage in their religious practice.

There are just eight days left in Ramadan. As such, it is imperative that you take immediate steps to ensure that Muslim men currently detained at GCDC can observe their faith during this critically important time. Specifically, you should:

- Place requesting individuals on the Ramadan list;
- Provide hot, sanitary, nutritionally adequate meals to all Muslim detainees who wish to participate in Ramadan; and
- Make plans for an Eid al-Fitr special meal to mark the conclusion of the holy Month of Ramadan.¹

¹ The NDS require the chaplain to develop a ceremonial-meal schedule for each year, including a plan for the estimated number of participants and special foods required. Food Service III.E.10., *in* 2000 NDS.

Additionally, a number of other actions need to be taken to ensure that Muslim men detained at GCDC are able to carry out their sincerely held beliefs free from unlawful discrimination and obstruction. To that end, you should:

- Provide three halal meat option meals per week for detainees on the Muslim diet;
- Give detainees forewarning when Jummah prayer is to be cancelled and provide a compelling reason for each cancellation;
- Ensure the men can reliably tell the time, ascertain the prayer direction, and access correct prayer schedules;
- Provide access to prayer rugs and beads, either through the Chaplain's office or commissary (at a reasonable price);
- Promptly provide copies of the Qur'an in both Arabic and the detainee's chosen language of translation (e.g. English, Amharic); and
- Cease discriminatory targeting and abuse of Muslim men for wearing kufis.

We thank you in advance for your immediate attention to this matter. In light of the urgent nature of this situation, please let us know by no later than Monday, June 11th the specific actions you have taken to remedy these violations. We also request a meeting to discuss this matter in greater detail and to ensure that GCDC is in full compliance with its legal obligations. You can reach us at sirine@muslimadvocates.org and llehner@aijustice.org.

Sincerely,



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