

KNOW YOUR RIGHTS



IN CARCERAL FACILITIES

LEGAL RIGHTS

When institutions decide how to respond to a request for religious accommodation, they're supposed to take into account relevant laws, regulations, and policies—including their own policies.

Federal laws protect the religious practice of incarcerated people, including people seeking to observe Ramadan. [The Free Exercise Clause of the First Amendment of the U.S. Constitution](#), while less protective in prisons than in other settings, prohibits irrational restrictions on religious practice.

Acknowledging that as a low bar, Congress has enacted two laws that provide greater religious protections for incarcerated people: the [Religious Freedom Restoration Act](#), which applies to people confined in federal prisons, and the [Religious Land Use and Institutionalized Persons Act](#), which applies to people confined in state prisons. These laws require, among other things, that incarcerated people have reasonable access to altered meal and medication schedules during Ramadan.



RELIGIOUS ACCOMMODATION

During Ramadan, incarcerated Muslims can consider asking for religious accommodations for themselves, including things like:

- Pre-dawn and sunset distribution of nutritious food that is medically appropriate and includes enough calories
- Adjusted schedules for medication distribution and/or consumption to occur pre-dawn and/or post-sunset, to the maximum extent possible and when medically appropriate
- Modified work schedules, to attend group prayers or facilitate fasting
- Seeking and getting needed religious texts

Facilities may have [Ramadan-specific procedures](#) to follow in order to request such accommodations. Imprisoned people seeking such accommodations should follow applicable procedures to have the best chance of receiving the accommodations. If possible, people should save any documents associated with their request—as well as notes on any conversations they have with prison officials related to their request—in case they later have to prove they requested accommodation before an applicable deadline.



If the prison lacks procedures specific to Ramadan, the individual can request religious accommodations using any general religious accommodation processes the prison has. Chaplain offices can be a good resource for such information.

WHAT TO DO IF DENIED ACCOMMODATIONS?

Asking for a religious accommodation does not mean the jail or prison will grant it. Under federal law, a “compelling government interest” can justify the denial of a request for a religious accommodation. On the flip side, federal law requires that a jail or prison’s restriction of someone’s religious practice must be “narrowly tailored” in order to minimize the burden on the person’s faith when meeting the institution’s claimed compelling interest.

A prison might deny Ramadan accommodations for reasons ranging from clerical errors to unlawful discrimination. Incarcerated Muslims whose requests for religious accommodations are denied can consider using the grievance procedures of their facility to complain about the denial. Going through the grievance process to the highest level is generally required before filing a complaint in court.

Whether to ask for a religious accommodation and whether to file a grievance if the accommodation is denied are personal decisions. Some people may feel comfortable engaging their facilities for these reasons, and others may not. Each individual is the best judge of how to navigate these decisions for themselves, based on their circumstances.

Incarcerated people wishing to challenge the denial of religious accommodations may wish to begin the facility’s official grievance process immediately, even if they know that the process will take longer than Ramadan lasts. This can be important because federal law mandates that prisoners “exhaust” internal facility remedies before they can seek court intervention.

Additionally, incarcerated people may wish to encourage outside supporters to bring to the facility’s attention its denial of religious accommodations to the incarcerated person by (1) contacting the facility by phone, letter, email, or visit and/or (2) contacting the agency in charge of the facility, a local imam or other community leader, and/or their local elected officials.

Sometimes, this attention is enough to resolve the issue. If not, then carrying out the full grievance process may resolve it. If the grievance process stalls unduly or doesn’t resolve the issue, then an incarcerated person may consider challenging the denial of the religious accommodation in court.



To learn more about state prison policies specific to the faith practices of incarcerated Muslims, click to access information through our Keeping the Faith initiative, which includes a database of those policies nationwide.



**KEEPING
THE FAITH**

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