



Council on American-Islamic Relations, Ohio

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## RE: Pre-Ramadan Memorandum

Dear Wardens, Assistant Wardens, and Chaplains:

Every year, the Council on American-Islamic Relations works with jails and prisons across the country to provide resources and religious personal items to chapel libraries and inmates. This has helped us create cordial, professional relationships with many correctional facilities, and we are grateful for that. But we also field an unfortunately high number of grievances from inmates alleging violations of First Amendment rights and other federal and state law. These issues are especially pronounced during Ramadan, a religious month of fasting during which Muslims do not eat food and or drink water each day from dawn to sunset.

Today, as COVID-19 pushes inmates into further isolation with the suspension of family and volunteer visits, CAIR is sending this memorandum to administrators of prisons and jails to address proactively the most common grievances we receive during Ramadan. Correctional facilities across the country make great efforts to respect the rights of Muslims in their custody. Still, as we strive to afford inmates their full religious and constitutional rights, we ask that you please review the following issues of concern, *share and discuss it with all officers*, and contact us with any questions.

### **Ramadan's fast precludes Muslim inmates from eating or drinking between dawn and sunset**

Prisons and jails need to make sure that the pre-dawn meal, called *suhoor*, is provided with enough time for inmates to eat the meal before dawn arrives. A common misconception among correctional facilities is that fasting begins at sunrise. But Muslims actually begin fasting at dawn, which is earlier.

The time when dawn begins varies depending on location and changes over the course of Ramadan, as dawn begins at a slightly different time each day. You can determine the time Muslims must finish eating *suhoor* here: <https://www.islamicfinder.org/ramadan/> (note that the website uses your location to calculate times). Failing to provide this pre-dawn meal early enough may lead to missing meals, which in turn may violate the law. *Thompson v. Holm*, 809 F.3d 376, 380 (7th Cir. 2016).

Prisons and jails should provide the post-sunset meal, called *iftar*, so that it is available for inmates to eat as soon as sunset comes. Again, the times vary depending on location and change over the course of Ramadan, as sunset happens at a slightly different time each day. You can determine the time inmates may eat their post-sunset meal here: <https://www.islamicfinder.org/ramadan/> (note that the website uses your location to calculate times, so you must enter the relevant geographic location, usually the city or town closest to you).

Because fasting Muslim inmates are famished by the time sunset comes, it is critical that facilities provide food on time to those who are fasting so that they can conclude their fast.

### **Facilities must accommodate all Muslim inmates who request Ramadan meal service**

It is a legal obligation, imposed by the Religious Land Use and Institutionalized Persons Act as well as the Constitution, to accommodate every inmate who asks for Ramadan meal service. It violates the law, absent a compelling reason, to condition a religious diet on anything other than the individual “represent[ing] that he believes that he must consume [the diet] to conform with his religious beliefs.” *White v. Linderman*, 11-cv-8152, 2013 WL 4496364, at \*6 (D. Ariz. Aug. 22, 2013).

Artificial deadlines that require Muslim inmates to sign up for Ramadan meal service are not lawful. While facilities can maintain a sign-up process, those that arrive at prisons and jails after the deadline still need to be included in Ramadan meal service. Many inmates, observing their peers pray and fast during Ramadan, may convert to Islam shortly before Ramadan starts or during the religious occasion itself. Federal law requires facilities to accommodate all Muslims who request Ramadan meal service to be accommodated, no matter when those requests are made.

A deadline for a Ramadan sign-up process must both be justified by substantial evidence of an administrative need and proof that the prisoner knew of the sign-up list and refused to sign up. *Conyers v. Abitz*, 416 F.3d 580, 586 (7th Cir. 2005); *Lovelace v. Lee*, 472 F.3d 174, 199 (4th Cir. 2006); *Missouri v. VanSickle*, 17-cv-00025, 2019 WL 613339, at \*5 (W.D. Mich. Jan. 23, 2019), *report and recommendation adopted*, 2019 WL 588100 (Feb. 13, 2019); *Ajala v. West*, 13-cv-184, 2014 WL 6893722, at \*2 (W.D. Wis. Dec. 5, 2014). In the context of Ramadan, CAIR has observed that it is always within the capacity of prisons and jails to expeditiously accommodate Muslim inmates who seek to fast during Ramadan.

### **Ramadan meal service to Muslims must be the nutritional equivalent of regular meal service**

The meals provided to fasting Muslim inmates must be adequate to meet the recommended daily nutrition that prisons and jails make available to all inmates. *Hall v. Sutton*, 581 Fed. App'x 580, 582 (7th Cir. 2014); *Welch v. Spaulding*, 627 Fed. App'x 479, 484 (6th Cir. 2015). Prisons and jails should make sure that the pre-dawn and post-sunset meals, combined, contain enough adequate nutrition so that inmates are receiving a diet consistent with state and federal guidelines. Similarly, prisons and jails may need to develop solutions to deal with inmates who are on medical diets.

For example, Muslim inmates who have Celiac disease may need a gluten-free meal to allow them to observe Ramadan's fast. Facilities can accommodate Muslim inmates on medical diets by providing pre-dawn and post-sunset meals that follow prescribed medical restrictions. And under federal law, facilities are required to make the extra effort to provide Muslim inmates with meals that adhere to their medical needs. Fortunately, we have seen facilities across the country provide fasting Muslim inmates with such meals easily.

### **Sickness or other matters of health may prevent an inmate from fasting each day of Ramadan**

Islam does not require persons who are sick, in poor health, or otherwise have a condition that could make it harmful for them to fast. Muslim women, for example, do not fast while menstruating and resume their fast once their period is over. Whether illness or poor health prevents an inmate from fasting is a personal decision, and the prison or jail should rely on the inmate's sincerely-held religious beliefs.

When an inmate declines to fast at all or on a particular day, that inmate should still be allowed to participate in other Islamic services, including congregational prayers and Eid. And if the inmate's health condition changes, that inmate should be allowed to either cease or restart daily fasting.

### **Dates provided by Muslims to Fasting Inmates**

Dates are a customary way for Muslims to eat first as they break their fast at sunset. This custom is rooted in the traditions of Islam and, for many Muslims, is itself part of their religious practice. Often times, Muslim community leaders—in an attempt to equip prisons and jails to accommodate the practice of Islam—will donate dates to facilities. Dates that are donated for religious purposes during Ramadan should be accepted and provided for inmates for the daily breaking of the fast.

### **Congregational Prayers**

While performing the five daily prayers is obligatory for Muslims throughout the year, during Ramadan, the importance of doing these prayers in congregation is enhanced. Furthermore, there is an additional nightly prayer—*taraweeh*—that Muslims offer starting on the eve of the first day of Ramadan until the penultimate day of Ramadan. *Taraweeh* is performed after the conclusion of the evening prayer. You can use this website—<https://www.islamicfinder.org/ramadan/>--to provide timetables that show when *taraweeh* and the five daily prayers can be performed.

The emergence of the coronavirus pandemic has, of course, affected how prisons and jails deal with inmates gathering for religious and secular purposes alike. We advise facilities to follow the Center for Disease Control and Prevention's guidance on how they can best protect inmates and staff from this lethal virus: <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>

We appreciate your attention to these issues of concern. CAIR's mission is to enhance understanding of Islam, protect civil rights, and promote justice. We know that state Departments of Corrections, the Bureau of Prisons, county jails and other detention facilities also value religious freedoms and aim to protect civil and religious rights. We look forward to continuing to work together to accomplish these shared goals. Please contact CAIR or your state CAIR chapter for assistance.

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Thank you for your cooperation.

Sincerely,

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