

ACLU of Virginia

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Dear Sheriffs and Regional Jail Superintendents:

Every year during and after the Muslim holy month of Ramadan, the ACLU of Virginia receives complaints from Muslim inmates housed at local and regional jails who say that they have been denied meals offered in a manner that would allow them to fast during the daylight hours as called for by their faith.

I am writing to remind you that Ramadan begins next week and that under the First Amendment of the Constitution and the Religious Land Use and Institutionalized Persons Act (RLUIPA), you must allow inmates to observe Ramadan, including providing meals at the appropriate time of day.

The tenets of Islam require fasting from sunrise to sunset for thirty days during Ramadan, but do not limit food consumption between sunset and dawn. The Virginia Department of Corrections provides Muslim inmates in their custody with a morning meal that is served before dawn. After sunset, DOC provides inmates with an evening meal and a bagged meal that can be taken back to the cell or living area for consumption later that night. This is a simple, inexpensive accommodation of religious beliefs that is available for most incarcerated persons in Virginia.

We ask that you adhere to the same practices to ensure that inmates in your care receive the appropriate services required for their observance of Ramadan.

Several courts have ruled on this issue. In 2007, the Third Circuit Court of Appeals noted that an institution's "failure to accommodate inmate's meal requirements during the Muslim holy month of Ramadan violate[s] his First Amendment right to free exercise of his religion." *Norwood v. Strada*, 249 Fed. Appx. 269, 272 (3d Cir. Pa. 2007) (citing *Makin v. Colo. Dep't of Corr.*, 183 F.3d 1205, 1211 (10th Cir. 1999)).

The Fourth Circuit Court of Appeals, in whose jurisdiction Virginia lies, has ruled that an institution may not impose a substantial burden on an inmate's "observance of Ramadan, the Islamic holy month of fasting and prayer" without a compelling government interest. *Loveland v. Shinault*, 472 F.3d 174, 185-87 (4th Cir. 2006). In this case, the court held that that an inmate had a cause of action under RLUIPA when he was excluded from special pre-dawn and post-sunset Ramadan meals and therefore was not able to fast during the daylight hours and could "not fulfill one of the five pillars or obligations of Islam."

The ACLU of Virginia urges you to abide by the law by accommodating the dietary requirements of your inmates during Ramadan this year.

Thank you for your attention to this matter.

Sincerely,

Thomas Okuda Fitzpatrick, Esq.
Dunn Fellow