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Your Responsibility When Using the Information Provided Below:

When putting this material together, we did our best to give you useful and accurate information because we know that incarcerated people often have trouble getting legal information and we cannot give specific advice to everyone who asks for it. The laws change often and can be looked at in different ways. We do not always have the resources to make changes to this material every time the law changes. If you use this pamphlet, it is your responsibility to make sure that the law has not changed and still applies to your situation. Most of the materials you need should be available in the prison law library.

**RELIGIOUS RIGHTS AND RELIGIOUS OR ETHICAL DIETS  
FOR PEOPLE IN CALIFORNIA PRISONS**  
(revised May 2023)

Thank you for contacting our office regarding your religious rights while you are in custody of the California Department of Corrections and Rehabilitation (CDCR). We hope the following information helps answers your questions.

Section I of this letter is a general overview of the laws on the religious rights of incarcerated people. Section II covers religious diet issues and CDCR's religious and ethical diet policies. Section III discusses some common religious issues that that have been raised in court cases or are addressed by California statutes or CDCR policies. Section IV describes what you can do if you think your religious rights have been violated.

**I. General Religious Rights of Incarcerated People**

The U.S. Constitution's First and Fourteenth Amendments protect your freedom to practice a religion and to be free from state-imposed religion. This right applies when you are in prison or jail.<sup>1</sup> Also, the Fourteenth Amendment equal protection clause requires the government to treat people equally. This means that state officials cannot favor or give preference to one religion over another, and that you should have a reasonable chance to practice your religion the same as other people who have different religious beliefs or practices.<sup>2</sup> To be protected by these constitutional rights, your belief must be "sincerely held" and "religious in nature."<sup>3</sup> Also, prison officials can still impose restrictions on your religious rights without violating the Constitution if the policy or action is "reasonably related"

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<sup>1</sup> *O'Lone v. Estate of Shabazz* (1987) 482 U.S. 342, 348 [107 S.Ct. 2400; 96 L.Ed.2d 282]; *Shakur v. Schriro* (9th Cir. 2008) 514 F.3d 878, 883–84.

<sup>2</sup> *Cruz v. Beto* (1972) 405 U.S. 319, 322, and fn. 2 [92 S.Ct. 1079; 31 L.Ed.2d 263].

<sup>3</sup> *Shakur v. Schriro* (9th Cir. 2008) 514 F.3d 878, 884-885.

to a “legitimate penological interest.”<sup>4</sup> Courts consider four factors: (1) whether the policy or action has a logical connection to legitimate governmental interests put forth by prison officials, (2) whether you have alternative means of exercising the religious right, (3) what impact accommodation of the religious right will have on prison staff, other incarcerated people, and prison resources, and (4) whether there are ready alternatives that could be implemented.<sup>5</sup>

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) is a federal law that gives incarcerated people *more* protection of their religious rights than the First and Fourteenth Amendments. People incarcerated in CDCR are protected by RLUIPA because the California prison system accepts federal funding. To show that prison officials are violating RLUIPA, you have to prove that they are imposing a “substantial burden” on your practice of a sincerely held religious belief.<sup>6</sup> If you make this initial showing, the burden shifts to the prison officials to try to justify the policy or action. To avoid being found in violation of RLUIPA, prison officials have to show the restriction is “(1) in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.”<sup>7</sup> When deciding if there are less restrictive alternatives, a court may consider options suggested by you, propose its own alternatives, and look at whether other prisons have adopted less restrictive policies. If there is a viable less restrictive alternative, the court should find that RLUIPA is being violated unless prison officials present detailed evidence, tailored to the situation, explaining why they cannot use the proposed alternative.<sup>8</sup>

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<sup>4</sup> *Turner v. Safley* (1987) 482 U.S. 78, 78 [107 S. Ct. 2254; 96 L. Ed. 2d 64]; *Shakur v. Scribner* (9th Cir. 2008) 514 F.3d 878, 884.

<sup>5</sup> *Turner v. Safley* (1987) 482 U.S. 78, 78-79 [107 S. Ct. 2254; 96 L. Ed. 2d 64].

<sup>6</sup> 42 U.S.C. § 2000cc -1.

<sup>7</sup> 42 U.S.C. § 2000cc-1.

<sup>8</sup> 42 U.S.C. § 2000cc, et. seq.; *Holt v. Hobbs* (2015) 574 U.S. 352 [135 S.Ct. 853, 865; 190 L.Ed.2d 747]; *Warsoldier v. Woodard* (9th Cir. 2005) 418 F.3d 989, 998-1000; *Johnson v. Baker* (9th Cir. 2022) 23 F.4th 1209. Section II of this letter cites cases applying RLUIPA to religious diet issues. Section III of this letter cites cases applying RLUIPA to the most common issues raised by incarcerated people. Other cases applying RLUIPA within the Ninth Circuit (the federal court area that includes California) are: *Pasaye v. Dzurenda* (D. Nev 2019) 375 F.Supp.3d 1159 (granting preliminary injunction on claim that prison policy violated RLUIPA by prohibiting person from participating in Native American religious ceremonies solely because he was not of native American descent and not a tribal member); *Walker v. Beard* (9th Cir. 2015) 789 F.3d 1125 (denial of Aryan Christian Odinist’s request to be housed only with members of own race did not violate RLUIPA because state had compelling interest in avoiding racial discrimination); *Al Saud v. Days* (9th Cir. 2022) 50 F.4th 705 (denial of request to be housed exclusively with Muslims because of harassment by other prisoners did not violate RLUIPA); *Davis v. John* (C.D. Cal. 2020) 485 F.Supp.3d 1207 (refusal to allow display of religious flag during Nation of Islam service did not violate RLUIPA because it did not impose a substantial burden on the exercise of religion; however, it did present an equal protection issue). The U.S. Supreme Court has also issued decisions on people’s RLUIPA rights to have spiritual advisors during executions. *Ramirez v. Collier*

California state laws also protect your general religious rights. A statute provides that it is the intent of the state to allow incarcerated people reasonable opportunities to exercise religious freedom.<sup>9</sup> CDCR regulations state that a warden “shall make every reasonable effort” to provide for the religious and spiritual welfare of all interested incarcerated people.<sup>10</sup>

## II. CDCR Religious Personal Ethical Diet (RPED) Program

The most common First Amendment / RLUIPA issue is whether prisons and jails must provide special food for people whose religions include dietary restrictions.<sup>11</sup>

CDCR has a Religious Personal Ethical Diet (RPED) Program which provides vegetarian, plant-based (vegan), kosher, and religious meat alternate (halal) diet options. The RPED Program is described in the California Code of Regulations (CCR), title 15, §§ 3053-3054.6 and the Department Operations Manual (DOM) § 54080.14; however, the DOM has not been updated to reflect the most recent changes in the regulations. In addition to the regular RPED Program, religious groups may be permitted to have up to two events per year where food with religious significance is provided instead of the regularly planned meal. These meals must be a sponsored by a chaplain, and approved by the prison warden.<sup>12</sup>

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(2022) \_\_\_ U.S. \_\_\_ [142 S.Ct. 1264; 212 L.Ed.2d 262]; *Gutierrez v. Saenz* (2020) 590 U.S. \_\_\_ [141 S.Ct. 127; 207 L.Ed.2d 1075]; *Dunn v. Smith* (2021) 592 U.S. \_\_\_ [141 S.Ct. 725, 209 L.Ed.2d 30].

<sup>9</sup> Penal Code § 5009; see also Penal Code § 2600 (incarcerated people may be deprived of their rights only “as is reasonably related to legitimate penological interests”).

<sup>10</sup> 15 CCR § 3210(a).

<sup>11</sup> Religious diet cases decided under RLUIPA: *Shakur v. Scribner* (9th Cir. 2008) 514 F.3d 878 (allowing Muslims to proceed with First Amendment and equal protection claim challenging prison officials’ refusal to provide halal meat); *In re Garcia* (2012) 202 Cal.App.4th 892, 904-906 [136 Cal.Rptr.3d 298] (denying person’s request to participate in kosher meal program, based on fact that he was a Messianic Jew and not participating in traditional Jewish services, violated RLUIPA). There are also First Amendment cases on religious diets dating from prior to RLUIPA’s enactment: *McElyea v. Babbitt* (9th Cir. 1987) 833 F.2d 196, 198 (incarcerated people entitled to religious diet under First Amendment to extent security and budgetary concerns permit); *Johnson v. Moore* (9th Cir. 1991) 948 F.2d 517, 520 (under First Amendment, incarcerated person who wants special diet must show the dietary requirements are rooted in religious beliefs); *Ward v. Walsh* (9th Cir. 1993) 1 F.3d 873 (remanding for further proceedings regarding denial of kosher diet); *Ashelman v. Wanvraszek* (9th Cir. 1997) 111 F.3d 674, 678 (incarcerated people entitled to food that satisfies dietary rules of their religion).

<sup>12</sup> 15 CCR § 3053; DOM § 54080.14.

The RPED Program policies are:

- **Kosher Meals:** Religious Kosher (RK) Program meals are available at most, but not all, CDCR prisons. The meals follow kosher laws.<sup>13</sup> Kosher meals are available only to people who are Jewish.<sup>14</sup> A person whose kosher needs cannot be met at the prison where they are housed may be considered for transfer to a prison that can provide a kosher diet.<sup>15</sup>

People participating in the Jewish kosher diet program have the option to fast on a recognized Jewish fasting day for the required fast period. A Chaplain will provide Food Services staff with a list of participating people at least three days ahead of the fast. An incarcerated person who chooses to fast will be provided with a sack meal to be eaten at the end of the fasting period. The sack meal will be equal to two kosher sack lunches. The Jewish Fasting Days recognized by CDCR are Yom Kippur (Day of Atonement), Fast of Tisha B'Av, Fast of Esther, Fast of the 17th of Tammuz, Fast of Gedaliah, and Fast of 10th of Tevet.<sup>16</sup>

People who want to observe Passover shall receive kosher Passover foods during the eight days of observance.<sup>17</sup>

- **Halal Meals:** A Religious Meat Alternate (RMA) Program shall be available at all CDCR prisons. The program consists of two vegetarian meals (breakfast and lunch) and dinner with halal meat (from an animal that was cared for and slaughtered according to Islamic dietary laws). The program is available to Muslim people. Non-Muslim people with a religious dietary need that can be met by the program can also be included.<sup>18</sup>
- **Vegetarian Meals:** A Vegetarian Diet Program shall be available at all CDCR prisons. Vegetarian meals are available to people based on personal or ethical reasons, as well as religious reasons. Vegetarian meals are lacto-ovo vegetarian, meaning they may include dairy products and eggs. Vegetarian meals may also include fish, but when fish is served a non-fish alternative will be offered.<sup>19</sup>

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<sup>13</sup> 15 CCR § 3054.5.

<sup>14</sup> DOM § 54080.14.

<sup>15</sup> DOM § 54080.14.

<sup>16</sup> DOM § 54080.14.

<sup>17</sup> 15 CCR § 3054.5(e); DOM § 54080.14.

<sup>18</sup> 15 CCR § 3054.4; DOM § 54080.14.

<sup>19</sup> 15 CCR § 3054.1; DOM § 54080.14.

- **Plant-Based (Vegan) Meals:** A Plant-Based (PB) Diet Program is available at all CDCR prisons. Plant-based meals are available to people based on personal or ethical reasons, as well as religious reasons. Plant-based meals contain no meat, poultry, dairy, eggs, or other animal products, and must include plant-based protein alternatives.<sup>20</sup>

Here is the process for how you can request to be in one of CDCR's RPED programs:<sup>21</sup>

(1) There are different forms for requesting vegetarian/plant-based diets (CDCR Form 3030-V) and for requesting religious kosher/halal diets (CDCR Form 3030-R). You should be able to get the appropriate form from a Chaplain or from the Religious Review Committee (RRC) at your institution, either in person or through a CDCR Form 22 Request for Interview, Item, or Service. When you get the Form 3030-V or 3030-R, fill it out and turn it in to the Chaplain or RRC.

(2) If you are requesting a kosher or halal diet, a Chaplain will interview you to explain your options and tell you about the meals using a CDCR Form 3030-E Religious Meat Alternate or Religious Kosher Program Interview.

(3) A Chaplain or the RRC will decide whether to grant or deny your request. Vegetarian and plant-based diet requests should be approved unless you have withdrawn or been removed from a RPED Program within the prior six months. For kosher or halal diets, the Chaplain or RRC will determine whether you meet the religious eligibility requirements. Note that if the Chaplain is not willing to grant your request, then the Chaplain must send your request to the RRC for a decision. The Chaplain or RRC should make a decision within 30 days after you submit the request form, and you should be notified within 7 days after the decision is made. If your request is denied, you may reapply for the same diet 6 months from the date of the denial or you may apply for a different diet immediately.

(4) If your religious diet request is granted, the Chaplain or RRC representative will meet with you to review with the CDCR Form 3030-A Religious Meat Alternate or Religious Kosher Diet Agreement, and have you initial and sign the agreement.

(5) The Chaplain or RRC representative will forward the form approving your diet request to the Community Resources manager within 3 days. You will either receive a CDCR Form 3030-B RPED Card or your ID card will be marked to show that you should receive RPED Program meals. You will need to show your card to get your RPED meals. You should start getting your meals within 15 days of the decision approving you for RPED meals.

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<sup>20</sup> Penal Code § 2084(b)-(c); 15 CCR § 3054.2.

<sup>21</sup> 15 CCR § 3054.3 (vegetarian and plant-based diets process); 15 CCR § 3054.6 (religious kosher and meat alternative diet process) see also DOM § 54080.14; see also *Resnick v. Adams* (9th Cir. 2003) 348 F.3d 763 (approving similar religious diet procedures adopted by the federal prison system).

Chaplains and Correctional Food Managers should make sure that participants in the RPED Program are receiving their meals.<sup>22</sup> You should receive your RPED Program meals no matter how you are classified or where you are housed. If you transfer to another prison, verification of your RPED participation should be in your c-file and you should continue to receive your RPED without having to re-apply.<sup>23</sup> The exception is that RPED meals are suspended while you are assigned to fire camp or are transferred out to court or to an outside medical facility.<sup>24</sup>

You must follow the rules in the RPED Program Agreement.<sup>25</sup> If you do not do so, you could be removed from the program. A CDCR staff member who thinks you have violated the RPED Program rules can fill out a CDCR Form 128-B General Chrono and send it to the RRC. Also, if you are getting kosher and halal meals, staff will conduct audits to make sure you are complying with the rules. If a Chaplain or RRC finds that you violated a diet program rule, you will receive a written warning but you will continue to receive your RPED Program meals. Violations are documented on a CDCR Form 3030-C Religious Diet Program Notice of Non-Compliance. If you violate a kosher or halal program rule for a second time within 6 months of the first violation, you may be removed from the RPED Program. You have the right to discuss the alleged violation with the Chaplain before a decision is made. The RRC shall make the final determination about whether or not to allow you to stay in the program.<sup>26</sup>

You can withdraw from the RPED Program by filling out a CDCR Form 3030-D RPED Cancellation Request and submitting the completed form to a Chaplain, the RRC, or the Community Resource Manager. You can also request to change to a different RPED Program by submitting a new CDCR Form 3030-V or 3030-R. You cannot request more than one RPED Program change within a 6 month period of time.<sup>27</sup>

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<sup>22</sup> 15 CCR § 3054.7; DOM § 54080.14.

<sup>23</sup> 15 CCR § 3054(d); DOM § 54080.14. However, medical diet needs will take precedence over religious diets. 15 CCR § 3054(c).

<sup>24</sup> 15 CCR § 3054(e).

<sup>25</sup> 15 CCR § 3054.3(f); 15 CCR § 3054.6(f).

<sup>26</sup> 15 CCR § 3054.9; DOM § 54080.14.

<sup>27</sup> 15 CCR § 3054.8;

### III. Other Religious Rights Issues

This section describes some other religious rights issues that may affect you.<sup>28</sup>

Incarcerated people have rights to have access to clergy or religious counselors. Prohibitions or unreasonable limitations on access to clergy substantially burden religious rights.<sup>29</sup> A statute allows clergy and spiritual advisors to get approved to visit incarcerated people.<sup>30</sup> CDCR regulations state that a warden “may” employ ministers and chaplains of various faiths.<sup>31</sup> If a chaplain cannot be obtained for a particular faith, the warden may designate a qualified incarcerated person to minister to other people of that religion.<sup>32</sup> Information received by chaplains performing their duties is privileged from disclosure to prison staff, except when failure to disclose the information would jeopardize someone’s safety or prison security.<sup>33</sup> It is a felony for a prison official to monitor without permission any conversation between you and a religious advisor.<sup>34</sup>

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<sup>28</sup> CDCR rule and the DOM discuss procedures regarding religious programs. 15 CCR §§ 3210-3213; DOM §§ 101060.1-101060.14.

<sup>29</sup> *Merrick v. Inmate Legal Servs.* (9th Cir. 2016) 650 F. App’x 333, 335-36 (unpublished) (plaintiff adequately pleaded that “not allowing him to confess to clergy of his faith by way of unmonitored, unrecorded phone calls substantially burdened his religious exercise”); *Pierce v. Cnty. of Orange* (9th Cir. 2008) 519 F.3d 985 (upholding injunction where evidence did not support jail officials’ contention that jail provided “opportunities for inmates to participate in religious services and counseling”); but see *Ward v. Walsh* (9th Cir. 1993) 1 F.3d 873 (refusal to provide Orthodox Jewish rabbi did not violate First Amendment); *Anderson v. Angelone* (9th Cir. 1997) 123 F.3d 1197 (prison regulations prohibiting incarcerated person from acting as minister of their own church did not violate First Amendment); *Davis v. John* (C.D. Cal. 2020) 485 F.Supp.3d 1207 [refusal to allow display of Nation of Islam flag during religious service did not violate RLUIPA or the First Amendment because it did not amount to a substantial burden on ability to practice a religion; however, it did present an equal protection issue).

<sup>30</sup> Penal Code § 5009.

<sup>31</sup> 15 CCR § 3210; see also *Rouser v. White* (E.D. Cal. 2009) 630 F.Supp.2d 1165 (incarcerated Wiccan allowed to proceed with lawsuit claiming lack of a paid Wiccan chaplain and policies inhibiting group worship violated the RLUIPA, the First Amendment, and the Equal Protection Clause of the Fourteenth Amendment) *Rouser v. White* (E.D. Cal. 2010) 707 F.Supp.2d 1055 (preliminary injunction protecting Wiccan rights to hold religious ceremonies); *Rouser v. White* (9th Cir. 2016) 825 F.3d 1076 (discussing how these actions led to a consent decree).

<sup>32</sup> 15 CCR § 3211.

<sup>33</sup> 15 CCR § 3212.

<sup>34</sup> Penal Code § 636.

CDCR regulations state that a warden shall allow “reasonable time and accommodation” for religious services “in keeping with facility security and other necessary institutional operations and activities.”<sup>35</sup> State laws also allow prison officials to make exceptions to the smoking ban for approved religious ceremonies.<sup>36</sup> With prior written approval of the warden, religious advisors may be allowed to bring ceremonial drinks (such as sacramental wine) or other religious items into a prison.<sup>37</sup> Chapels, religious sanctuaries, and grounds designated for religious use still are subject to reasonable searches by prison staff.<sup>38</sup>

Incarcerated people sometimes raise concerns about access to religious books and other items used for worship.<sup>39</sup> CDCR has a Religious Personal Property Matrix (RPPM), which lists approved religious property items. You can ask that additional items be added to the RPPM by submitting a CDCR Form 2279 RPPM Request for Additional Item to the RRC. The RRC shall review your request and forward the Form 2279 with a recommendation to the Statewide RRC (SRRC) for review and

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<sup>35</sup> 15 CCR § 3210.

<sup>36</sup> Penal Code § 5030.1(a); 15 CCR § 3188(c)(1).

<sup>37</sup> 15 CCR § 3213(a).

<sup>38</sup> 15 CCR § 3213(f).

<sup>39</sup> *Rouser v. White* (E.D. Cal. 2009) 630 F.Supp.2d 1165 (Wiccan allowed to proceed with lawsuit claiming that lack of access to religious items violated RLUIPA, the First Amendment, and the Equal Protection Clause of the Fourteenth Amendment); *Rouser v. White* (E.D. Cal. 2010) 707 F.Supp.2d 1055 (preliminary injunction protecting Wiccan’s rights to have religious texts and items); *Rouser v. White* (9th Cir. 2016) 825 F.3d 1076 (discussing consent decree protecting Wiccan’s rights to have religious texts and items); *Harris v. Escamilla* (9th Cir. 2018) 736 Fed. App’x 618, 620-621 (unpublished) (officer’s desecration of Muslim person’s Quran, such that he was unable to read his required daily verses, was a substantial burden on religious exercise) (unpublished); *Jones v. Slade* (9th Cir. 2022) 23 F.4th 1124, 1139-1145 (allowing case to proceed on claims that prison officials violated RLUIPA and the First Amendment by disallowing Nation of Islam texts); *Jackson v. Patzkoski* (E.D. Wash. 2019) 468 F.Supp.3d 1328 (allowing First Amendment and RLUIPA case to proceed on claims that prison officials rejected person’s request for satanic ritual book); *Johnson v. Baker* (9th Cir. 2022) 23 F.4th 1209 (Nevada prison regulation barring person from possessing in his cell scented oil necessary for Muslim prayer violated RLUIPA); but see *Ward v. Walsh* (9th Cir. 1993) 1 F.3d 873 (refusal to allow Orthodox Jewish person to have candles in cell did not violate First Amendment); *Friend v. Kolodziejczak* (9th Cir. 1991) 923 F.2d 126 (rule barring rosaries and scapulars in cells did not violate First Amendment); *Standing Deer v. Carlson* (9th Cir. 1987) 831 F.2d 1525 (regulation banning wearing of religious headbands did not violate First Amendment).



decision.<sup>40</sup> Religious items are subject to reasonable searches by staff.<sup>41</sup> Also, approved religious items may be removed or restricted if necessary to respond to a serious threat to security or the safety. Removal or restriction for a period up to 30 days shall be documented on a CDC Form 128-A Custodial Counseling Chrono. Removal or restriction for longer than 30 days requires approval by the associate director of the Statewide RRC.<sup>42</sup>

There have been legal disputes about whether people in prisons and jails can wear religious jewelry or clothing -- for example head coverings such as yarmulkes, turbans, or kufis -- or can be exempted from prison grooming and clothing standards that are contrary to their religious beliefs.<sup>43</sup> Currently, CDCR rules do not place restrictions on your hair and facial hair; you may grow your hair and facial hair pretty much as you wish, so long as it is clean and groomed.<sup>44</sup> CDCR rules also allow you to wear or carry religious items such as a beaded headband, beaded wristband, beaded choker, religious medallion and chain, religious headgear, medicine bag, prayer beads, and tallit katan/tsitsit.<sup>45</sup>

Another issue is whether incarcerated people can get time off from work to practice their religion.<sup>46</sup> CDCR rules provide that excused time off (ETO) may be used to attend religious services

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<sup>40</sup> 15 CCR §§ 3190(c), 3213; DOM § 54030.10.9; The Religious Personal Property Matrix (RPPM) (revised 1/1/2023) is in an Appendix to the DOM.

<sup>41</sup> 15 CCR § 3213(c)-(d).

<sup>42</sup> 15 CCR § 3213(e).

<sup>43</sup> See, e.g., *Holt v. Hobbs* (2015) 574 U.S. 352 [135 S.Ct. 853; 190 L.Ed.2d 747] (Arkansas prison grooming regulation that did not allow any religious exceptions, such as a half inch beard for an incarcerated Muslim person, violated RLUIPA); *Clark v. Scribner* (E.D. Cal. Oct. 23, 2007) No. CIVS-0500702 (unpublished) (person stated a claim of a RLUIPA violation where he was not allowed to access dining hall unless he removed religious head covering); *Warsoldier v. Woodford* (9th Cir. 2005) 418 F.3d 989, 998-1000 (former CDCR policy requiring Native Americans to have short hair, and subjecting them to punishment if they did not comply, violated RLUIPA); but see *Henderson v. Terbune* (9th Cir. 2004) 379 F.3d 709 (CDCR's former hair-length regulations did not violate First Amendment because they served important penological interests that outweighed religious interests).

<sup>44</sup> See 15 CCR § 3062; 15 CCR § 3062(e) ("An inmate's hair or facial hair may be any length but the inmate's hair shall not extend over the eyebrows or cover the inmate's face. The hair and/or facial hair shall not pose a health and safety risk. If hair or facial hair is long, it shall be worn in a neat, plain style, which does not draw undue attention to the inmate.").

<sup>45</sup> 15 CCR § 3213(b)-(c).

<sup>46</sup> *O'Lone v. Estate of Shabazz* (1987) 482 U.S. 342 [107 S.Ct. 2400; 96 L.Ed.2d 282] (prison regulations that precluded Muslims with jobs from attending Friday religious services did not violate First Amendment).

or functions. For routine religious services, use of ETO shall be limited to situations in which it would be unduly burdensome to change your work or school schedule.<sup>47</sup>

Another question that sometimes arises is whether prison officials can impose special restrictions on religious practices when people are in segregation or high security units. Placing you in administrative segregation does not necessarily justify denying all outlets for the practice of religion or all opportunities for group worship. Courts must still balance religious rights against security needs under the First Amendment and/or RLUIPA standards (see section I, above).<sup>48</sup>

Sometimes incarcerated people wish to use religious names that are different from their legal names. You have the right to petition the court to obtain a name change.<sup>49</sup> Forms and information concerning legal name changes are available on the California courts website.<sup>50</sup>

#### **IV. What You Can Do If Your Religious Rights Are Being Violated**

If you are having problems receiving RPED Program meals, getting access to religious property, or with other aspects of practicing your religion, you can try to solve the problem informally by sending a CDCR Form 22 Request for Interview, Item, or Service to a Chaplain.

To file a formal grievance about the problem, you must fill out and submit a CDCR Form 602-1 Administrative Grievance. If you are not satisfied with the response, you can then fill out and submit a CDCR Form 602-2 Administrative Appeal of Grievance. Be aware that in most situations, you must file your grievance within 60 days after you know (or should reasonably have known) about the policy, decision, action, condition, or omission that you want to challenge, and you must file an appeal of grievance within 60 days after you know (or should reasonably have known) about the grievance response. Be aware that if you want to preserve your right to raise the issue in a court case, you must “*exhaust your administrative remedies*” by filing your 602 forms until you get responses at all levels of the grievance and appeal process. If you want more information about how to file a 602 administrative grievance and appeal (or about the special CDCR grievance processes for medical or

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<sup>47</sup> 15 CCR § 3045.2(d)(4).

<sup>48</sup> See *Pierce v. County of Orange* (9th Cir. 2008) 526 F.3d 1190, 1209-1211 (upholding injunction requiring that people in administrative segregation unit be given opportunities for worship so long as they were not disruptive or violent); *Greene v. Solano County Jail* (9th Cir. 2008) 513 F.3d 982, 987-989 (striking down policy prohibiting people in maximum security from participating in group worship, because policy substantially burdened the right to exercise religion and there was no evidence that officials had considered less restrictive measures).

<sup>49</sup> Code of Civil Procedure § 1279.5(b).

<sup>50</sup> <https://selfhelp.courts.ca.gov/name-change>.

disability issues), write to us to and ask for the free packet on administrative grievances and appeals; the packet is also available on the Resources page at [www.prisonlaw.com](http://www.prisonlaw.com).

If you have completed the CDCR 602 grievance and appeal process, and you believe your religious rights are being violated, you may file a legal action in court. We do not have the resources to represent you regarding a violation of your religious rights. If you would like self-help material on how to file legal action, please write to us to request the free state habeas corpus manual or personal injury lawsuit manual; these manuals are also available on the Resources page at [www.prisonlaw.com](http://www.prisonlaw.com). In addition, there are other organizations that might be able to provide you with legal assistance in challenging restrictions on your religious rights. Two such organizations are:

Prof. James A. Sonne, Director  
Religious Liberty Clinic  
Stanford Law School  
559 Nathan Abbott Way  
Stanford, CA 94305-8610

Special Litigation Section  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530