

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

*Issued 11/08/04 SRM*

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From:    13/M FCI-Danbury  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

It is hard to believe this Institution for women does not have enough women officers to conduct pat searches, especially in front of the chow hall. In the religion of Islam our Prophet Muhammad (May God peace and blessings be upon him). says: "It is better for a man to get his head pierced by an arrow or bullet than to touch a woman that is unlawful to you." My religion explains that it is unlawful to be physically touched by a male that is not your husband, father, brother, uncle, nephew or son. As for photo identification, the purpose of photo ID is to have a visual of the persons face so they can be identified. Seeing the hair and ears is not a part of photo identification process because the Department of Motor Vehicles and the passport offices do not ask Muslim women to take off their hijabs. I hereby request to be exempt from cross gender, unless they are using a hand metal detector and to be photo identify with my hijab.

11/08/04  
DATE

   
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT:

**ADMINISTRATIVE REMEDY**

Register Number

**PART B - RESPONSE (358045-F1)**

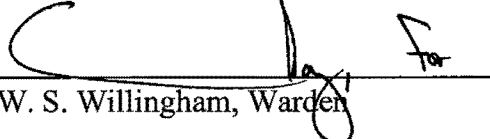
This is in response to your administrative remedy in which you request exemption from pat searches by male correctional officers. You also request your identification photograph be taken wearing your religious head scarf/hijab.

Program Statement, 5521.05, states that staff may conduct random pat searches on inmates on a routine basis for security reasons and for contraband control. Therefore, you may not be exempted from pat searches by male officers for religious reasons, unless a female officer is readily available upon your request.

Program Statement 5800.12, Receiving and Discharge Manual, Section 221, states: "Identification photographs are to be taken full face front, eyes open, without glasses or head coverings."

Based on the above information, your request for administrative remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director at Bureau of Prisons, Northeast Regional Office, U.S. Customs House, 7<sup>th</sup> Floor, 2<sup>nd</sup> and Chestnut Streets, Philadelphia, Pennsylvania, 19106. Your appeal must be received by the Regional Office within 20 calendar days of the date of this response.

  
W. S. Willingham, Warden

12/3/4  
Date

Reg. No. [REDACTED]  
Appeal No. 358045-R1  
Page One

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**Part B - Response**

You appeal the decision of the Warden and state it is a violation of your religion to be pat searched by a male staff member and to be photographed without your religious head wear. You request to be pat searched by only female staff and to have your photographs removed from institution records.

Any staff member may conduct a pat search of any inmate on a routine or random basis to control contraband in order to further the safe, secure, and orderly running of the institution. While staff of the same sex should ordinarily conduct visual searches, a pat search may be conducted by either gender. The Warden correctly advised you Bureau policy requires identification photographs to be taken without head coverage. This is necessary to ensure all inmates are readily identifiable for security reasons. These photographs will not be removed from Bureau records or required databases. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: January 19, 2005

  
\_\_\_\_\_  
D. SCOTT DORRILL  
Regional Director

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From	[REDACTED]	[REDACTED]	[REDACTED]	13/M	FBI Danbury
	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION	

Part A - REASON FOR APPEAL

I am appealing the decision made by regional director D. Scott Dodrill. My religion is the purpose of my life and I am protected under the First Amendment of the Constitution. Religious freedoms were guaranteed for all people in the United States. Being subjected to a gender pat searches and being forced to remove my religious headgear to be photographed a violation to those religious freedoms that have been in place for centuries. In a female institution, there are enough female officers available to conduct a search of an inmate because of their religion refuses to be touched in any way by a male. Unless it is their husband. Photographs are taken to identify the facial structure. My hijab only covers the head, ears neck. The covering of this part of the head does not stop the readily identification for security reasons. If that were the case, it would be assumed that for a Passport and a drivers license a Muslim women would have to remove her religious hijab. However it is not required because Muslim women can still be identified. Therefore it is a moral, ethical and constitutional right to allow me, to wear my Hijab for photographs and to redo my photo with my Hijab on. Also I request to be exempt from cross gender pat searches.

2/9/05  
DATE

[REDACTED SIGNATURE]  
SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE \_\_\_\_\_ GENERAL COUNSEL \_\_\_\_\_  
ORIGINAL RETURN TO INMATE \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

Part C - RECEIPT

Return to: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_  
DATE \_\_\_\_\_ SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL \_\_\_\_\_  
USP LVN Previous editions not usable BP-231(13) APRIL 1982

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If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attach-  
with this appeal.

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

13/M

UNIT

FCI Danbury

INSTITUTION

Part A-REASON FOR APPEAL

I am appealing the decision made by regional director D. Scott Dodrill. My religion is the main purpose of my life and I am protected under the First Amendment of the Constitution. These religious freedoms were guaranteed for all people in the United States. Being subjected to cross gender pat searches and being forced to remove my religious headgear to be photographed are a violation to those religious freedoms that have been in place for centuries. In a female institution, there are enough female officers available to conduct a search of an inmate that because of their religion refuses to be touched in any way by a male. Unless it is their husband photographs are taken to identify the facial structure. My hijab only covers the head, ears and neck. The covering of this part of the head does not stop the readily identification for security reasons. If that were the case, it would be assumed that for a Passport and a drivers license a Muslim women would have to remove her religious hijab. However it is not required because the Muslim women can still be identified. Therefore it is a moral, ethical and constitutional right to allow me, to wear my Hijab for photographs and to redo my photowith my Hijab on. Also I request to be exempt from cross gender pat searches.

2/8/05  
DATE

SIGNATURE OF REQUESTER

Part B-RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

FEB 16 2005

CASE NUMBER: 358095-A1

Part C-RECEIPT

CASE NUMBER: \_\_\_\_\_

return to: LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Administrative Remedy No. 358045-A1

B - Response

You contend you have a right to wear religious headwear in official Bureau of Prisons' photographs and to be pat searched only by staff of the same sex. You request to be exempt from being pat searched by staff of the opposite sex and that new photographs be taken in which you are wearing your religious headwear.

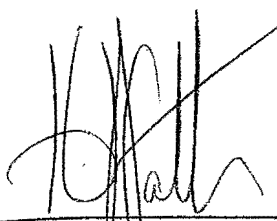
Our review of this matter reveals that both the Warden and the Regional Director have adequately addressed your concerns. Program Statement 5521.05, Searches of Housing Units, Inmates, and Inmate Work Areas, provides that "Staff may conduct a pat search of an inmate on a routine or random basis to control contraband." There is no requirement that pat searches be conducted by a staff member of the same sex. All staff are trained in proper pat search techniques and conduct these searches in an appropriate and professional manner.

Program Statement 5800.12, Receiving and Discharge Manual, provides that "Identification photographs are to be taken full face front, eyes open, without glasses or head coverings." This requirement is reasonable and consistent with the responsibility vested in the Bureau of Prisons to ensure that all persons in our custody may be readily identifiable.

Bureau of Prisons' policy with regard to the wearing of religious headwear in official photographs and pat searches by staff are of critical importance to maintaining the safe, secure, and orderly operation of the correctional environment. These procedures are a reasonable exercise of sound correctional judgment.

Your appeal is denied.

April 20, 2005  
Date

  
\_\_\_\_\_  
Harrell Watts, Administrator  
National Inmate Appeals 