



Via USPS and Facsimile

September 23, 2020

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ADCRR Central Office
Attn: Central Office Appeals Officer
1601 W. Jefferson St.
Phoenix, AZ 85007

Re: Formal Grievance, Surjit Singh ADCRR# 344729

Dear Sir or Madam,

We are attorneys with the Sikh Coalition¹, the American Civil Liberties Union of Arizona (ACLU of Arizona), and the ACLU Program on Freedom of Religion and Belief (PFRB).² We write on behalf of our client, Surjit Singh (Mr. Singh), who was recently transferred to the ASPC Douglas facility - Mohave Unit from the Alhambra Reception Center (Alhambra). Mr. Singh is a member of the Sikh faith. As such, he maintains certain articles of faith, including unshorn hair covered by a turban and unshorn facial hair. On August 21, 2020, Mr. Singh's turban was taken from him at the Yuma County Jail (Yuma). To date, he has not been provided turban material, nor has he been permitted to wear his religiously mandated turban. In addition, on or about August 25, 2020, Mr. Singh's religiously mandated beard was forcibly shaved during the intake process at Alhambra. Despite immediately lodging informal verbal complaints about both incidents with the

¹ By way of background, the Sikh Coalition is a community-based organization that defends civil rights and civil liberties in the United States, educates the broader community about Sikhs and diversity, promotes local community empowerment, and fosters civic engagement among Sikh Americans. The Sikh Coalition owes its existence in large part to the effort to combat uninformed discrimination against Sikh Americans after September 11, 2001. Since our inception, we have worked with governmental and private entities to achieve mutually acceptable accommodations for Sikh articles of faith, as well as to provide cultural competence about the Sikh religion.

² The ACLU of Arizona is a state-wide nonpartisan organization with over 20,000 members and the state affiliate of the national American Civil Liberties Union. The ACLU of Arizona and PFRB are dedicated to protecting the constitutional principles of liberty and equality and strive to safeguard the First Amendment's guarantee of religious liberty by ensuring that laws and governmental practices neither promote religion nor interfere with its free exercise.

Correctional Officers (CO) involved, in accordance with Rule 2.1 of the Inmate Grievance Procedure (IGP)³, he has yet to receive any written response from the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR).⁴

As you may or may not be aware, Mr. Singh was born and raised in India and is a native Punjabi speaker with limited English proficiency. He cannot read or write English and is severely limited in his ability to speak and understand English. Accordingly, we are asking that you accept this letter as his Formal Grievance pursuant to Rules 2.4 and 3.2 of the IGP and that you copy us on all responses to this Formal Grievance.

I. Sikhism and the Articles of Faith

Mr. Singh is a member of the Sikh faith, the world's fifth largest organized religion. There are approximately 26 million Sikhs worldwide, and over 500,000 Sikhs reside in the United States. The Sikh religion is monotheistic, believing in a divine spirit that is all loving, all pervading, and eternal. Central tenets of the faith include devotion to God, truthful living, and service to humanity.

Sikhs wear an external uniform to unify and bind them to the beliefs of the religion and to remind them of their commitment to Sikh teachings at all times. These articles of faith distinguish a Sikh and have deep spiritual significance. They signify an individual's commitment to the Sikh faith and to the highest ideals of love and service to humanity. Unlike some other faiths, where only the clergy are in uniform, all initiated Sikhs are required to wear external articles of faith. The Sikh Code of Conduct, called the *Rehat Maryada*, outlines the requirements for practicing the Sikh way of life, including wearing the articles of faith. The *Rehat Maryada* explicitly instructs that observant Sikhs must wear a turban over their unshorn, uncut hair.⁵ Out of the five articles of faith, the most commonly maintained article is unshorn hair (*kesh*) covered by a turban.

It is important to note that observant Sikhs do not cut, shave, trim, or otherwise remove any hair on their bodies, including facial hair. Maintaining *kesh* unshorn is rooted in the Sikh belief that hair is a divine gift. Thus, maintaining it unshorn is considered living in harmony with the will of God. Indeed, the *Rehat Maryada* explicitly forbids cutting or shaving any body hair, as doing so weakens a Sikh's connection to God and to the Sikh religious community. In short, maintaining uncut hair is an essential part of the Sikh way of life.

Sikhs also consider the turban to be a precious gift from their Guru, and many wash their hands before they begin to tie it. Unlike a hat, a turban must always cover a Sikh's head. The turban reminds a Sikh of their duty to maintain and uphold the core beliefs of the Sikh faith, which include working hard and honestly, sharing with the needy, and promoting the equality of all humankind. When a Sikh ties a turban, the turban ceases to be just a piece of cloth and becomes one and the same with the Sikh's head. It is a religious commitment without which a Sikh may feel that they have ceased to be a Sikh.

³ Department Order Manual, Arizona Department of Corrections Rehabilitation and Reentry, Department Order 802 - Inmate Grievance Procedure (eff. Oct. 16, 2016).

⁴ IGP Rule 2.3.2.

⁵ See Ch. 10, Art.16(t), translated by W. H. McLeod: *Textual Sources For the Study of Sikhism*, Manchester University Press, 1984.

Historically, uncut hair and turbans have been the most central feature of the Sikh identity. For example, in the 18th century, Sikhs in South Asia were persecuted and forced to convert from their religion. The method of forcing conversions was to remove a Sikh's turban and cut off their hair. Since then, forcibly removing or targeting a Sikh's turban or facial hair has symbolized denying that person the right to belong to the Sikh faith and is perceived as the most humiliating and hurtful physical injury that can be inflicted upon a Sikh.

II. Factual Background

Mr. Singh was taken into custody on August 21, 2020, following his sentencing to a five-year prison term. Immediately before being taken into custody, he informed the court interpreter that his religious beliefs prevent him from removing his turban. The interpreter informed corrections staff and was told that they would talk to their supervisor about Mr. Singh's request. Despite this conversation, Mr. Singh's clothes and turban were removed at the Yuma County Jail. To date, he has not been provided with turban material by ADCRR, nor has he been instructed on whether he may wear a turban or how to obtain material for a turban. Given his limited English proficiency, it has been difficult for Mr. Singh to communicate with prison staff. However, on September 11, 2020, while in the Douglas facility - Mohave Unit, Mr. Singh submitted a written grievance indicating that he requires material to tie a turban. Because he cannot read or write English and must rely on assistance from fellow prisoners, it is unclear whether he completed the correct form, fully and effectively explained this issue, or submitted it properly.

Mr. Singh spent three days in the Yuma County Jail before being transferred to Alhambra. On August 25, 2020, while at Alhambra, Mr. Singh saw fellow prisoners getting shaved for ID photos. When it was his turn to be shaved, he immediately advised corrections staff, including a CO named Pat, that he could not shave his beard because of his religious beliefs. Thereafter, he was placed in a cell. Another staff member arrived and again informed Mr. Singh that his beard needed to be shaved. Mr. Singh again refused, saying that he could tie his beard, but corrections staff insisted that his beard be removed in accordance with ADCRR rules. Finally, a third corrections officer arrived, and Mr. Singh asked for an interpreter.

While he was not provided with a certified Punjabi interpreter, a staff member working in the medical department of South Asian descent was present and spoke to Mr. Singh in Hindi. Importantly, while Punjabi and Hindi are similar, they are two distinct languages. Moving forward, Mr. Singh should be provided with interpreters who speak Punjabi.

Mr. Singh informed this staff member that he is a member of the Sikh faith and that he does not cut or shave his beard. While the staff member did acknowledge being familiar with Sikhism and told the COs that Mr. Singh was a Sikh and did not want his beard shaved in accordance with his religious beliefs, neither he nor the other COs appeared to assist Mr. Singh in any manner to ensure that his religious beliefs were respected. He did, though, advise staff that Mr. Singh would be having his beard cut for the first time. Mr. Singh became distraught and advised the medical staff member to "cut my throat, but don't cut my beard!"

Over the course of approximately five hours, Mr. Singh advised each staff member he encountered that his religious beliefs prohibited him from shaving his beard. Mr. Singh's religious objections

were ignored by COs and staff. ADCRR staff violated Mr. Singh's religious rights and used excessive force by placing him in handcuffs and surrounding him during the shaving process. Mr. Singh began to cry and moved his head to avoid having his beard cut and shaved. However, despite his consistent verbal complaints, objections, and clear signs of distress, his beard was forcibly removed by Alhambra corrections officers.

On September 14, 2020, Mr. Singh submitted a written grievance regarding the forced shaving incident at Alhambra. Unfortunately, given his limited English proficiency, he submitted this grievance on the incorrect form and received a rejection notice on September 16, 2020. Mr. Singh submitted a second grievance with regard to that incident on September 17, 2020. However, because he cannot read or write English, he could not fill out the grievance form himself and required assistance from a fellow prisoner. He cannot be sure that this submission completely and accurately relays what happened or his concerns.

The forcible removal of his beard, the demand that his beard be kept to one inch, and the refusal to provide him a turban have caused Mr. Singh significant distress. He has consistently experienced feelings of anxiety and depression, has had difficulty sleeping, and has been unable to comply with his religious beliefs.

III. Legal Obligations and Applicable Law

A. ADCRR Policy

Pursuant to Inmate Regulations Rule 2.3.1, “[a]ll inmates coming through any intake process at designated Department Reception Centers shall be required to shave any facial hair to facilitate a clean picture for the Mug Photo Interface Subsystem.”⁶ However, medical waivers to this rule may be issued if a prisoner suffers from Pseudofolliculitis Barbae.⁷ After this initial processing, ADCRR allows prisoners to maintain beards limited to one inch.⁸ Despite providing for medical waivers, it does not appear that ADCRR provides religious exemptions to the policy requiring prisoners to be clean shaven for their initial photos or the policy prohibiting beards of more than one-inch.

Prisoners are given the opportunity to convey their religious preferences during the intake process.⁹ Wardens, Deputy Wardens, and Administrators are required to respect prisoners' religious beliefs.¹⁰ Wardens and Deputy Wardens are also required to assure that “inmates following faith systems requiring having/wearing...religious apparel are accommodated within the compelling interests.”¹¹ Sikh turbans are specifically designated as approved religious attire that may be worn in ADCRR facilities.¹² Chaplains “may contact the Religious and Volunteer Services

⁶ Department Order Manual, Arizona Department of Corrections Rehabilitation and Reentry, Department Order 704 - Inmate Regulations (eff. May 5, 2020) (Inmate Regulations).

⁷ *Id.* at Rule 2.4.

⁸ *Id.* at Rule 2.3.

⁹ Department Order Manual, Arizona Department of Corrections Rehabilitation and Reentry, Department Order 904 - Inmate Religious Activities/Marriage Requests at Rule 2.1 (eff. June 11, 2016).

¹⁰ *Id.* at Rule 3.1.

¹¹ *Id.* at Rule 4.1.1.2.

¹² *Id.* at Rule 4.4.6.1.6.

Administrator for clarification on appropriate...[religious] requirements [of] inmates' faith systems.”¹³

B. First Amendment to the United States Constitution

The First Amendment to the U.S. Constitution protects the free exercise of religion.¹⁴ While some rights are limited in prison, prisoners “do not forfeit all constitutional protections by reason of their conviction and confinement in prison.”¹⁵ Specifically, they “retain the protections afforded by the First Amendment, ‘including its directive that no law shall prohibit the free exercise of religion.’”¹⁶

C. RLUIPA

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)¹⁷ “prohibits a state or local government from taking any action that substantially burdens the religious exercise of an institutionalized person unless the government demonstrates that the action constitutes the least restrictive means of furthering a compelling governmental interest.”¹⁸ In enacting RLUIPA, “Congress defined ‘religious exercise capaciously to include ‘any exercise of religion, whether or not compelled by, or central to, a system of religious belief’ and “mandated that this concept ‘shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.’”¹⁹

The government’s burden under RLUIPA is heavy. Courts examining denials of religious accommodations for prisoners may not give “unquestioning deference” to prison officials who make unsupported, generalized assertions about the prison’s security interests.²⁰ And “[t]he least-restrictive-means standard is exceptionally demanding,” requiring a prison to “sho[w] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting part[y].”²¹ Prison officials are *required* to use a less restrictive means if one is available.²²

D. Arizona FERA

Pursuant to Arizona’s Free Exercise of Religion Act (FERA),²³ “[f]ree exercise of religion is a fundamental right that applies in this state even if laws, rules or other government actions are facially neutral.”²⁴ The government cannot substantially burden a person’s exercise of religion

¹³ *Id.* at Rule 4.1.2.

¹⁴ U.S. Const., amend. I.

¹⁵ *Bell v. Wolfish*, 441 U.S. 520, 545 (1979).

¹⁶ *Shakur v. Schriro*, 514 F.3d 878, 883-84 (9th Cir. 2008), citing *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987).

¹⁷ 42 U.S.C. § 2000cc *et seq.*

¹⁸ *Holt v. Hobbs*, 574 U.S. 352, 358 (2015).

¹⁹ *Id.*, citing RLUIPA at §§ 2000cc-5(7)(A) and 2000cc-3(g) respectively.

²⁰ *Id.* at 364.

²¹ *Id.* at 365-66, citing *Burwell v. Hobby Lobby Stores, Inc.* 573 U.S. 682, 728 (2014).

²² *Id.* at 366, citing *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 815 (2000).

²³ Ariz. Rev. Stat. Ann. §§ 41-1493 to 41-1493.02 (1999).

²⁴ *Id.* at § 41-1493.01(A).

unless it demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.²⁵

IV. Analysis

The Arizona Department of Corrections, Rehabilitation and Reentry must provide Mr. Singh with the requested religious accommodations, change policies that violate prisoners' rights to practice their faith, and reprimand staff for the excessive use of force they engaged in while forcibly shaving Mr. Singh.

A. ADCRR must provide Mr. Singh with turban material immediately

Denying prisoners the right to wear religious headgear while serving their prison sentences violates the law.²⁶ Indeed, courts have specifically held that denying a Sikh the right to wear his turban cannot pass muster under strict scrutiny, the legal test applied under both RLUIPA and FERA.²⁷

Here, Mr. Singh's religious beliefs require him to wear a turban. He advised his interpreter during his sentencing hearing that he cannot remove his turban because of his religion. The interpreter shared this information with Yuma County staff, who advised that they would talk with their supervisor. Despite knowing Mr. Singh's religious beliefs, Yuma County Jail officials removed his turban and failed to return it to him.

Mr. Singh was not provided with appropriate interpretation or translation services at the Alhambra or Douglas ADCRR facilities so he has had difficulty requesting turban material. However, he did advise medical and corrections staff members at Alhambra that he is Sikh. In addition, and with the assistance of a fellow prisoner, he filed a grievance requesting that he be allowed to wear a turban while at Douglas. To date, he has not been provided with turban material.

Given that ADCRR's own policies authorize prisoners to wear Sikh turbans, the failure to provide Mr. Singh with his religiously required religious headgear plainly violates his rights under the First Amendment, RLUIPA, and FERA.²⁸ ADCRR must supply Mr. Singh with appropriate turban material without further delay.

²⁵ *Id.* at § 41-1493.01(B)-(C).

²⁶ *See, e.g., Ali v. Stephens*, 822 F.3d 776, 790 (5th Cir. 2016) (prison rule barring religious headwear outside of cells and religious services violated RLUIPA); *cf., e.g., Boles v. Neet*, 486 F.3d 1177, 1184 (10th Cir. 2007) (affirming summary-judgment denial where warden failed to provide evidence that prohibiting Jewish prisoner from wearing yarmulke on trip to hospital adequately served a legitimate penological interest).

²⁷ *See, e.g., Singh v. Goord*, 520 F.Supp.2d 487, 503 (S.D.N.Y. 2007) ("Given that defendants have not identified any specific security risk associated with allowing plaintiff to wear a turban, and that DOC's policy itself allows other types of headwear on outside transports, this Court holds that defendants have failed to demonstrate a compelling interest in preventing plaintiff from wearing a turban on outside transports."); *Singh v. McHugh*, 185 F. Supp. 3d 201, 205, 217 (D.D.C. 2016) (holding that Army's denial of religious accommodation allowing Sikh ROTC cadet to wear a turban and unshorn hair violated the federal Religious Freedom Restoration Act).

²⁸ *See, e.g., Ware v. Louisiana Dep't of Corr.*, 866 F.3d 263, 269 (5th Cir. 2017) ("[I]n the face of evidence of contrary policies, we may not defer to prison officials' mere say-so that they could not accommodate [the plaintiff's] [religious] request [to wear dreadlocks] because these other policies indicate that a less restrictive means may be available.") (internal quotation marks omitted), *cert. denied*, 138 S. Ct. 1181 (2018); *Washington v. Klem*, 497 F.3d 272, 285 (3d

B. ADCRR may not forcibly shave off prisoners' religiously mandated beards and must allow Mr. Singh to grow a beard longer than one inch.

ADCRR's policies of forcibly shaving prisoners during the intake photo process and prohibiting beard lengths in excess of one inch thereafter, without providing religious exemptions, violate Mr. Singh's religious rights under the First Amendment, RLUIPA, and Arizona's FERA. There is no doubt here that Mr. Singh's sincerely held religious belief requires that he maintain unshorn hair. That requirement extends to his facial hair and is a central tenet of the Sikh faith. In accordance with his religious beliefs, Mr. Singh had never cut, trimmed, shaved, or otherwise removed any hair from his body before entering ADCRR, where his facial hair was forcibly removed.

In forcibly shaving Mr. Singh's beard—and now limiting its length to one inch under penalty of disciplinary action—ADCRR has substantially burdened his religious exercise by imposing on him “significant pressure . . . to abandon [his] religious beliefs by cutting [his] hair[.]”²⁹ To justify this imposition under RLUIPA or FERA, ADCRR must demonstrate that denying an exemption to Mr. Singh, in particular, is the least restrictive means of furthering a compelling interest.³⁰ ADCRR simply cannot meet this “rigorous standard” here.³¹

Similar to the situation in *Holt*, ADCRR's policy provides no religious exception to its requirement that prisoners be clean-shaven for their identification photos, but it does provide a medical waiver.³² Where a medical waiver exists, and where there would have been no harm to third parties from granting a similar accommodation for Mr. Singh's religious belief, ADCRR had no need to forcibly shave him.³³

On the contrary, a photograph depicting Mr. Singh without his facial hair runs counter to the prison's identification interests: It will not produce an image that makes him easily identifiable, as he will not remain clean-shaven moving forward. Thus, ADCRR's blanket policy in this respect actually *hinders* ADCRR staff in identifying prisoners who, for religious or other reasons, maintain facial hair. Allowing Mr. Singh to maintain his facial hair in accordance with his religious beliefs, both during the photo process and for the duration of his incarceration, would make him substantially easier to identify.

Cir. 2007) (“[W]e are doing no more than examining prison policies on their own terms to determine whether the ten-book limitation is the least restrictive means to achieving a compelling interest in health, safety, and security.”).

²⁹ See *Wardsoldier v. Woodford*, 418 F.3d 989, 996 (9th Cir. 2005) (holding that policy requiring Native American prisoner to cut and maintain his hair no longer than three inches violated RLUIPA); see also *Hundal v. Lackner*, No. EDCV 08-00543-CAS MA, 2011 WL 1935734, at *6 (C.D. Cal. Apr. 12, 2011), *report and recommendation adopted*, No. EDCV 08-00543-CAS, 2011 WL 1979044 (C.D. Cal. May 20, 2011) (denying motion to dismiss where Sikh prisoner alleged that rule limiting beards to a half inch violated RLUIPA).

³⁰ *Holt*, 574 U.S. at 362–63 (“RLUIPA . . . contemplates a more focused inquiry and requires the Government to demonstrate that the compelling interest test is satisfied through application of the challenged law *to the person*—the particular claimant whose sincere exercise of religion is being substantially burdened.”) (emphasis added) (internal quotation marks omitted).

³¹ See *id.* at 364.

³² *Id.* at 368.

³³ Cf. *Couch v. Jabe*, 679 F.3d 197, 204 (4th Cir. 2012) (vacating summary judgment in favor of prison, in part, because officials “fail[ed] to explain how the prison is able to deal with the beards of medically exempt inmates but could not similarly accommodate religious exemptions”).

Moreover, forcibly shaving Mr. Singh for a photograph was not the least restrictive means of obtaining a clean-shaven image of him. Rather, thanks to the advancement in computer technology, a computer-generated image could easily provide ADCRR with a clean-shaven image of prisoners like Mr. Singh, whose religious beliefs and medical conditions prevent them from shaving.³⁴

ADCRR's policy allowing prisoners to maintain only a one-inch beard also violates Mr. Singh's religious rights under the First Amendment, RLUIPA, and FERA. First, given that ADCRR now has a photo of Mr. Singh with a clean-shaven face, limiting his beard length to one inch can serve no valid identification purpose.³⁵ Indeed, in light of the relatively low number of observant Sikhs in the ADCRR, Mr. Singh's longer facial hair would make him easily identifiable, as noted above.³⁶

Second, the one-inch limitation is not the least restrictive means of furthering any asserted security interests. ADCRR allows prisoners to maintain long hair on their heads, the only restrictions being that the hair not cover the eyes or ears and that hair long enough to touch the shoulders be tied back in a ponytail or bun.³⁷ Like in *Holt*, this beard policy is underinclusive, as there is limited value in prohibiting prisoners from maintaining religiously mandated beards because there are much more plausible places to hide contraband (i.e. hair on one's head, in an inmate's clothes and shoes), and any safety concerns related to the length of facial hair would equally apply to the hair on prisoners' heads.³⁸ Yet, ADCRR prisoners are not required to go barefoot, naked, or bald. On the contrary, long hair is allowed, and no length restriction exists.

What is more, other prison systems, including the Federal Bureau of Prisons, allow prisoners to grow beards without limitation in length, for both religious and nonreligious reasons.³⁹ As the Supreme Court explained in *Holt*, "[w]hile not necessarily controlling, the policies followed at other well-run institutions would be relevant to a determination of the need for a particular type of restriction."⁴⁰ Here, the practices of these other prisons make clear that ADCRR's goals, whatever they may be, can be achieved through the use of means that burden Mr. Singh's religious practice to a far lesser degree.

³⁴ See *Helbrans v. Coombe*, 890 F.Supp. 227 (S.D.N.Y. 1995), in which the New York State Department of Corrections accepted a computer-generated image of an inmate's clean-shaven face.

³⁵ See *Ali v. Stephens*, 822 F.3d 776, 790 (5th Cir. 2016) (holding that, where prison allowed half-inch beards, refusal to accommodate Muslim prisoner's four-inch beard violated RLUIPA); see also *Moskowitz v. Wilkinson*, 432 F. Supp. 947, 951 (D. Conn. 1977) ("I do not suggest that the Bureau should force inmates to shave once in order to obtain a photograph of them without a beard, since the chances of a sincerely religious inmate attempting to avoid identification by altering his appearance may be sufficiently remote that such an infringement of his religion would be unwarranted. But at least in petitioner's case, the existence of both photographs eliminates any concern that he could shave to avoid identification.").

³⁶ The district court in *Wright v. Raines*, 457 F. Supp. 1082 (D. Kan. 1978), observed just that. Holding that a prison ban on beards violated the Free Exercise Clause as applied to a Sikh prisoner, the court explained: "It seems obvious that a beard could substantially aid identification, rather than hinder it, if only a few inmates wore beards." *Id.* at 1087.

³⁷ Inmate Regulations, *supra* note 4, Rules 1.1 and 1.3.

³⁸ *Holt*, 574 U.S. at 367-68.

³⁹ See generally Program Statement 5230.05, Grooming, U.S. Dep't of Justice, Bureau of Prisons (Nov. 4, 1996).

⁴⁰ *Holt*, 574 U.S. at 368 (internal quotation marks omitted).

C. Alhambra staff engaged in excessive force during the intake process.

Mr. Singh is 5'6" tall, weighing only 140 lbs.⁴¹ He poses no threat to staff, as evidenced by the fact that ADCRR has classified him as "medium/lowest" custody class.⁴² During the August 25, 2020, incident, he made no verbal or physical threats but was simply trying to communicate his religious beliefs to staff members who refused to seek any way to accommodate him. Yet, three members of ADCRR staff coordinated the forced shaving of Mr. Singh's beard. Mr. Singh was handcuffed, with two staff members on either side of him, while a third cut and shaved his beard. This event was both extremely frightening and traumatizing to Mr. Singh. Not only was this level of force excessive under these circumstances, it also deprived Mr. Singh of his constitutionally and statutorily protected religious rights in violation of 42 U.S.C. § 1983.⁴³ Since this time, Mr. Singh has suffered severe anxiety and depression and has had difficulty sleeping.

V. Conclusion

Mr. Singh has extremely limited English proficiency and is unable to read or write in English. He has not been provided with interpretation or translation services so he has had to rely on a fellow prisoner to assist him in making written requests and grievances. It is unclear whether those written submissions accurately reflect his concerns or effectively describe his experiences in custody. Accordingly, we request that you accept this letter as a Formal Grievance submitted on his behalf and that you copy us immediately on all responses to this Formal Grievance.

ADCRR's current policies requiring forced shaving during the intake process and prohibiting beard lengths of more than one inch violate Mr. Singh's rights under the First Amendment of the U.S. Constitution, RLUIPA, and Arizona FERA. They are also inconsistent with judicial precedent and policies that have been implemented at other prisons across the country. Accordingly, Mr. Singh should immediately be granted a religious accommodation allowing him to maintain his facial hair unshorn in accordance with his sincerely held religious beliefs. He should also be granted permission to wear a turban in accordance with ADCRR's policies and be provided with turban material without further delay. ADCRR also should immediately change its intake policy to allow religious exemptions to the rule requiring inmates to be clean-shaven in their identification photos. Moreover, ADCRR staff involved in handcuffing and forcibly shaving Mr. Singh should be reprimanded for their use of excessive force in this incident.

Finally, we want to ensure that Rule 10 of the Inmate Grievance Procedure is followed and that Mr. Singh does not face retaliation for filing grievances and seeking legal assistance for the protection of his rights.

We are available to speak further about these issues at your convenience.

⁴¹ Inmate Database results for Surjit Singh, ADCRR website.

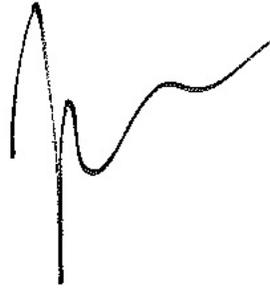
⁴² *Id.*

⁴³ See U.S. Const, amend I; RLUIPA, 42 U.S.C. § 2000cc *et seq*; FERA (Ariz. Rev. Stat. Ann. §§ 41-1493 to 41-1493.02); 42 U.S.C.A § 1983.

Sincerely,



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