No. 21-1405

In the Supreme Court of the United States

LESTER J. SMITH,
PETITIONER,
v.
TIMOTHY WARD, COMMISSIONER OF GEORGIA DEPARTMENT OF CORRECTIONS IN HIS OFFICIAL CAPACITY,
RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

BRIEF OF THE SIKH COALITION IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Eleventh Circuit erred in applying RLUIPA when it held that Georgia need not grant a religious accommodation offered in 39 other prison systems.

2. Whether RLUIPA allows religious accommodations to be denied based on any plausible risk to penological interests, if the government merely asserts that it chooses to take no risks.

3. Whether RLUIPA prohibits courts from granting any religious accommodation short of the full accommodation sought by a plaintiff prisoner. (Not addressed by the Sikh Coalition as *amicus curiae*.)

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INTRODUCTION AND INTERESTS OF *AMICUS CURIAE*[*]

The Sikh Coalition is a nonprofit organization that promotes the civil liberties of all people, especially Sikhs, by advocating in courts and legislatures across the country, educating the broader public, and encouraging Sikh Americans in civic engagement.

Unshorn hair is a centrally important article of Sikh faith. Accordingly, the Sikh Coalition devotes significant attention to litigation over prison grooming policies and religious liberty under the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). For example, the Sikh Coalition represented a Sikh prisoner in *Basra* v. *Cate*, until the United States intervened and California agreed to revise its prison grooming policies. See No. 2:11-cv-01676 (C.D. Cal. May 18, 2012). It also frequently files *amicus* briefs addressing prison grooming policies and procedures related to religious accommodations, including in *Holt* v. *Hobbs*, 574 U.S. 352 (2014), *Knight* v. *Thompson*, 574 U.S.1133 (2015) (No. 15-999), *Catlett* v. *Washington*, No. 21-1719 (6th Cir. Apr. 21, 2022), and *Sims* v. *Secretary*, No. 19-13745 (11th Cir. June 15, 2020).

If the Eleventh Circuit's decision stands, Sikh prisoners will be denied their civil liberties in at least three of the nation's largest prison systems. The Sikh Coalition urges the Court to grant certiorari to

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[*] Consistent with Rule 37.2, counsel for the Sikh Coalition provided ten days' notice of its intention to file this brief. All parties provided written consent. No counsel for any party authored this brief in whole or in part, and no person or entity has made a monetary contribution intended to fund the preparation or submission of this brief. See R. 37.6.

consider these important issues and reverse a decision that threatens the religious liberties of prisoners of many different faiths.

STATEMENT

Prisons across the nation have allowed untrimmed beards for decades without compromising safety or security. For example, the Federal Bureau of Prisons has allowed full beards since the late 1970s. It "uses a self-search method where inmates are required to vigorously frisk, twist, and move their own beards" in the presence of correctional officers, which deters inmates from hiding contraband in their beards. *Smith* v. *Dozier*, 2019 WL 3719400, at *2 (M.D. Ga. Aug. 7, 2019). This process takes "only seconds." *Id.* at *7; see also *id.* at *3 (noting testimony that searches would take three seconds). Self-searches are also used in state prisons that allow full beards, as well as by police officers when arresting suspects. *Id.* at *4. Even prisons that do not allow long facial hair rely on similar self-searches to deter inmates from hiding contraband in long hair on their heads. *Id.*

Petitioner Lester Smith requested that the Georgia Department of Corrections (GDOC) permit him to maintain an untrimmed beard in accordance with his sincerely held religious beliefs as a practicing Muslim. Instead of looking to the experience and expertise of other prison administrators who had dealt with untrimmed beards, GDOC summarily dismissed Mr. Smith's request for a religious accommodation simply by telling him that its preexisting grooming policy did not provide for any exceptions. *Id.* at *2. Mr. Smith was forcibly shaved on multiple occasions. *Id.*

After Mr. Smith sued, GDOC asserted that its inflexible grooming policy was necessary to achieve compelling government interests in safety and security. But while the federal prison system and the overwhelming majority of state prison systems allow inmates to grow untrimmed beards, GDOC had never "even attempted to determine" how these prisons do so safely. *Id.* at *2, *8. Thus, after a two-day bench trial, the district court found that GDOC's no-exceptions grooming policy violates Mr. Smith's rights under the Religious Land Use and Institutionalized Persons Act. *Id.* at *9.

A divided panel of the Eleventh Circuit disagreed, holding that the district court should have deferred to GDOC's safety and security concerns. *Smith* v. *Owens*, 13 F.4th 1319, 1329 (11th Cir. 2021). In doing so, the Eleventh Circuit split from the majority of circuits in two key respects.

First, the Eleventh Circuit split from seven other circuits by permitting GDOC officials to ignore the practices of their peers in other jurisdictions. Every one of the seven other circuits to consider the issue has held that RLUIPA requires prison administrators to respond to religious accommodation requests in part by evaluating whether they can provide accommodations offered by other prison systems. See Petition for Writ of Certiorari 13–19. The Eleventh Circuit's decision squarely conflicts with this rule.

Second, the Eleventh Circuit joined the minority side of a "4–3 circuit split over the appropriate degree of deference to prison officials." *Id.* 3. The four majority circuits have held that strict scrutiny under RLUIPA allows respect for the expertise of prison officials but requires that the government prove its assertions with

more than conclusory, unsupported, or uninformed assertions. See *id.* 19–29. The Eleventh Circuit, by contrast, demanded nothing more than a plausible assertion of safety concerns for prison administrators to prevail at trial. This approach relieves defendants of their burden of proof.

If the Eleventh Circuit had followed the majority of its sister circuits on either issue, it would have deferred to GDOC only where GDOC's experience or research corroborated its allegedly expert views. It would have recognized that GDOC had "no experience with beards" and had "not sought to inquire about these issues with states that allow beards." See *Smith*, 2019 WL 3719400, at *5. And it would have recognized that the most relevant expertise was that of prison administrators who had decades of experience successfully accommodating untrimmed beards. See *id.* at *4.

Instead, the Eleventh Circuit discourages both prison administrators and courts from considering the experience of other prison systems when applying RLUIPA's "least restrictive means" test.

REASONS TO GRANT THE PETITION

RLUIPA's protections matter most to those whose power of self-protection is least. Mainstream religious practices are backed by strong constituencies, and familiarity often makes these practices acceptable even to those who do not follow them. But the unfamiliar practices of minority faiths are often misunderstood and can even be unwelcome. Thus, Sikh inmates and inmates of other minority faiths have often found that RLUIPA provides the only effective safeguard of their religious liberty.

The Eleventh Circuit's decision—over a well-reasoned dissent and contrary to the majority view in

other circuits—undermines this crucial protection. It encourages prison administrators to continue ignoring successful religious accommodations in other prison systems, and it requires the courts to defer to their uninformed decisions, giving them unprecedented discretion that poses substantial burdens on the rights of inmates. By accepting ignorance, this approach threatens religious practices that are not commonly known or understood—the very practices that are most in need of RLUIPA's protections.

I. The decision below jeopardizes unfamiliar religious practices like the Sikh *kesh* by encouraging prison administrators to rely solely on their own experience.

Very few prison administrators in the United States have experience with Sikh beliefs and practices, or with attempts to accommodate them. Although the Sikh faith is the world's fifth largest organized religion and has over 25 million adherents, only about 500,000 live in the United States. Sikh Coalition, *About Sikhs*, https://www.sikhcoalition.org/about-sikhs/ (last visited June 4, 2022). In 2013, only 74 federal inmates (0.03%) identified as Sikh. Letter from Wanda M. Hunt, Chief FOIA/PA Section, Bureau of Prisons, to Hemant Mehta, Patheos (July 5, 2013). A 2012 survey suggests that there are also very few Sikhs in state prisons. Pew Research Ctr., *Religion in Prisons: A 50-State Survey of Prison Chaplains* 48 (2012) (hereinafter "Pew Study"). In response to a question asking prison chaplains and religious services coordinators what percentage of inmates identify as being part of different religions, the mean response from 730 respondents to the survey (a 50% response rate) was only 1.5% for a "catch-all" category that included "[o]ther

non-Christian religion (*e.g.*, Baha'i, Rastafarian, Santeria, Sikh, and others)." *Id.* at 84.

The Sikh faith teaches a message of love, is deeply committed to justice, and views all humans as equal. Sikh Coalition, *Beliefs*, https://www.sikhcoalition.org/about-sikhs/beliefs/ (last visited June 4, 2022). One of its central requirements is that adherents maintain unshorn hair and beards (*kesh*) on a daily basis. Patwant Singh, *The Sikhs* 56 (1999). This mandate flows from the Sikh teaching that God's meticulous care in designing humans imbues each hair with such significance that unshorn hair is necessary to harmony with God. *The Encyclopaedia of Sikhism* 466 (Harbans Singh ed., 2d ed. 2001); see also Opinderjit Kaur Takhar, *Sikh Identity: An Exploration of Groups Among Sikhs* 30 (2005) (noting that Guru Nanak, the founder of the Sikh faith, taught *kesh* was "God's divine Will").

For a Sikh, keeping one's hair uncut is more than a preference, a good deed, or a way of expressing piety; it is a mandatory condition of being Sikh at all. Failure to maintain *kesh* is one of only four "cardinal prohibitions" in the Sikh faith. W.H. McLeod, *The A to Z of Sikhism* 119 (2005). It is "the direst apostasy." 2 *The Encyclopaedia of Sikhism* 466. Many Sikhs in the eighteenth century chose torture and death rather than permitting their hair to be cut. *Id.* Similarly, twenty-first century Sikh inmates who have been forcibly restrained and shaved by U.S. prison officials have implored, "cut my throat, but don't cut my beard!" Sikh Coalition, *Letter to DOJ Re: Surjit Singh*, at 5 (May 24, 2021), https://www.sikhcoalition.org/wp-content/uploads/2021/05/2021-05-24-DOJ-complaint.pdf.

Most prison administrators do not understand the religious importance of uncut hair to Sikh inmates and, understandably, do not account for it when developing prison grooming policies. Sikh inmates who try to explain their beliefs are likely to encounter a language barrier—especially when it comes to expressing specialized religious concepts and understanding technical prison procedures. See Sikh Coalition, *Making Our Voices Heard* 14 (Apr. 2008), http://www.sikhcoalition.org/documents/pdf/RaisingOurVoicesReport.pdf (finding that 75% of Sikh adults in New York City identify Punjabi as their primary language and over 17% have difficulty understanding English-language forms—like those used to file prison grievances).

Because most prison administrators are unfamiliar with Sikh practices and have no experience accommodating them, they are apt to overlook reasonable alternatives to policies that they developed without the Sikh faith in mind. If they rely on their own views and experience, they will have a natural tendency to reaffirm their initial policy and see accommodation requests as unreasonable and impractical.

But while this response may be natural, it is also misguided. Decades of experience in other prisons across the United States shows that untrimmed hair can be accommodated safely and easily. Prison administrators who look beyond their own experience will easily identify less restrictive means of accomplishing the government's compelling interests. But prison administrators who rely on their own preconceptions will easily overlook the measures that RLUIPA requires them to undertake.

The Eleventh Circuit is the first to hold that prison officials may rely on their own experience and ignore

the experience of other prisons when evaluating religious accommodations requests. If this error is not corrected, the Eleventh Circuit's decision will promote uninformed and inconsistent decisionmaking by prison administrators. And this will jeopardize the rights of all religious inmates, especially Sikhs and others whose religious practices are unfamiliar.

II. The decision below obstructs judicial review by deferring to prison administrators who lack relevant expertise.

The Eleventh Circuit's decision not only promotes ignorance on the part of prison administrators but also requires courts to defer to the uninformed judgments of prison administrators who simply refuse to grant religious accommodations, without considering the expertise and experience of prison administrators who allow them.

Holt was clear: respect for the expertise of prison administrators "does not justify the abdication of the responsibility, conferred by Congress, to apply RLUIPA's rigorous standard." *Holt*, 574 U.S. at 364. The unsupported "say-so" of prison administrators does not satisfy the defendants' burden to prove that a policy is the least restrictive means of furthering a compelling state interest. *Id.* at 366.

Four circuits—the Second, Fifth, Sixth, and Ninth—faithfully adhere to *Holt* by holding defendants to their burden of proof. Those circuits recognize that "the Court has admonished lower courts to 'respect [the] expertise [of prison administrators],'" while "also instruct[ing] them not to conduct this analysis with 'unquestioning deference' to the government." *Ware* v. *La. Dep't of Corrections*, 866 F.3d 263, 268 (5th Cir. 2017) (quoting *Holt*, 564 U.S. at 364); accord

Williams v. *Annucci*, 895 F.3d 180, 192 (2d Cir. 2018); *Ackerman* v. *Washington*, 16 F.4th 170, 190 (6th Cir. 2021) ("[D]eference does not mean blind deference."); *Johnson* v. *Baker*, 23 F.4th 1209, 1217 (9th Cir. 2022) (quoting *Holt*, 574 U.S. at 364).

By contrast, the Eleventh Circuit—consistent with decisions by the Third and Fourth—held that even after trial, courts should defer to prison administrators' "plausibly" asserted safety concerns. *Smith*, 13 F.4th at 1330–31; *Faver* v. *Clarke*, 24 F.4th 954, 960 (4th Cir. 2022); *Watson* v. *Christo*, 837 F. App'x 877, 882 (3d Cir. 2020). To be sure, the plausibility standard properly applies at the pleading stage to determine whether a plaintiff should be permitted to move toward trial. See *Bell Atl. Corp*. v. *Twombly*, 550 U.S. 544, 570 (2007). But by applying it after trial to evaluate the government's asserted justification for burdening religion—and even compelling apostasy in cases involving Sikhs—the Eleventh Circuit relieved GDOC of its burden of proof. *Smith*, 13 F.4th at 1339 n.3 (Martin, J., dissenting). It gave controlling weight to GDOC's concerns about allowing beards, in the face of expert testimony and decades of experience in prisons across the United States showing that these concerns are misplaced. See *Smith*, 2019 WL 3719400 at *4–5.

The Eleventh Circuit's unquestioning deference, like that of the Third and Fourth Circuits, is based on pre-*Holt* dictum from *Cutter* v. *Wilkinson*, 544 U.S. 709, 723 (2005). See *Smith*, 13 F.4th at 1329; see also *Faver*, 24 F.4th at 960; *Watson*, 837 F. App'x at 882. In *Cutter*, the Supreme Court noted that RLUIPA's legislative history anticipated courts would afford "due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security

and discipline, consistent with consideration of costs and limited resources." *Cutter*, 544 U.S. at 723.

But the minority rule's version of deference runs contrary to this stated rationale. GDOC's administrators may have had the expertise to identify relevant differences between GDOC and other institutions that allow accommodations, but they offered no evidence on this front. *Smith*, 13 F.4th at 1337–39. And GDOC's administrators certainly were not experts on the safety and security consequences of untrimmed beards. GDOC had no experience with beards and had not even attempted to fill that gap by educating itself about the experiences of other prisons. See *Smith*, 2019 WL 3719400, at *5. By contrast, Mr. Smith's expert witness had decades of experience working in prisons that allowed untrimmed beards and had learned about the experiences of other prisons across the nation. *Id.* at *4.

In these circumstances, the question was not whether courts should defer to prison administrators. It was how courts should weigh the conflicting views of different prison administrators. While *Cutter* did not directly address this question, it made clear that deference should be based on experience and expertise. Thus, the Eleventh Circuit should have deferred to Mr. Smith's expert, given serious consideration to the uniform experience of prison administrators across the country who have safely allowed untrimmed beards, and given little weight to GDOC's generalized and speculative concerns.

By deferring to GDOC instead of holding it to its burden of proof, the Eleventh Circuit turned the notion of expertise on its head. Courts typically expect experts to form their opinions in part by considering the

thoughts and findings of their peers. For example, when assessing the reliability of an expert's scientific opinion as evidence, courts consider things like publication, peer review, and general acceptance in the scientific community. See *Daubert* v. *Merrell Dow Pharms., Inc.*, 509 U.S. 579, 592–94 (1993). Expertise grows through peer dialogue and frank self-reflection. It does not grow in a vacuum as prison administrators without relevant experience ignore the views and experiences of their peers.

If the Eleventh Circuit's error is not corrected, the denial of religious accommodations will become virtually unreviewable. Courts will not consider themselves at liberty to weigh competing evidence—even after a bench trial—or to evaluate the scope of a prison administrator's experience and expertise. Instead, they will systematically elevate the speculative fears of prison administrators who refuse religious accommodations above the experience and expertise of prison administrators who have complied with RLUIPA. This approach makes it virtually impossible for courts to enforce RLUIPA in the face of prison policies that fail to accommodate the unfamiliar religious practices of Sikhs and other inmates.

III. The Eleventh Circuit's error affects a disproportionately large number of inmates and a disproportionately large share of the prison systems that do not allow *kesh*.

The Eleventh Circuit's errors have an outsized effect on adherents of the Sikh faith and other minority religions with unfamiliar grooming practices. This is not only because the Eleventh Circuit is home to a disproportionate share of the U.S. prison population but also because it is the only circuit in which *every* state

denies inmates the right to grow untrimmed beards for religious reasons. In fact, only five states in three other circuits have similarly restrictive policies.[1]

The Eleventh Circuit is home to 153,496 inmates, or 12.6% of the U.S. prison population. Bureau of Just. Stats., *Prisoners in 2020 – Statistical Tables* at 7 (2021), https://bjs.ojp.gov/content/pub/pdf/p20st.pdf. Alabama, Florida, and Georgia, the states that make up the Eleventh Circuit, have a cumulative population of 37,274,374, or 11.2% of the U.S. population.[2] And each of these states has an incarceration rate well above the national average of 358 prisoners per 100,000 residents—398 in Alabama, 371 in Florida, and 433 in Georgia. Bureau of Just. Stats., *Prisoners in 2020 – Statistical Tables* at 7 (2021) https://bjs.ojp.gov/content/pub/pdf/p20st.pdf. Thus, the Eleventh Circuit's error jeopardizes the religious liberty of a significant portion of the country's prison population. As reflected in the Pew Study, 12.6% of prisoners are from faith traditions that historically

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[1] These states are Arizona and Idaho, which are part of the Ninth Circuit, Mississippi and Texas, which are part of the Fifth, and South Carolina, which is part of the Fourth. *See* Appendix. Three of these states allow beards longer than the half-inch allowed by Georgia. *Id.* Of the remaining 42 states, 40 agree with the Federal Bureau of Prisons and the District of Columbia that there is no need to regulate the beard length of any inmate. *Id.* The other two—New Mexico and New York—provide religious exemptions for beards of any length. *Id.*

[2] U.S. Census Bureau, *Annual Estimates of the Resident Population for the United States* (2021), https://data.census.gov/cedsci/table?tid=PEPPOP2021.NST_EST2021_POP&hidePreview=false (2021).

have facial hair requirements. Pew Study at 84.[3] Even if 12.6 percent is an overestimate of the impacted prison population, the Eleventh Circuit's error could potentially impact thousands of inmates in federal prisons, including members of the Sikh faith.

The Eleventh Circuit's error is particularly important for the Sikh community and for other minority faiths with religious grooming practices because it is the only circuit in which every state refuses to allow prisoners to grow untrimmed beards for religious reasons.

Alabama prisons limit beards to half an inch—and only for prisoners who successfully apply for religious accommodations based on a "specifically approved religion." Ala. Dep't. of Corrections Admin. Regul. No. 462. Sikhism is not a "specifically approved religion" under this policy. *Id.* Florida and Georgia prisons limit beards to half an inch and do not allow religious exceptions. Fla. Admin. Code r. 33-602.101(4); *Smith*, 2019 WL 3719400, at *2.

As a result, Sikh inmates throughout the Eleventh Circuit face a real threat of being forced into apostasy by the government at a time when they may need to rely on their faith above all else, much as Mr. Smith was forced to violate his religious beliefs in this case.

This was the fate of Jagmahon Singh Ahuja, a Sikh who fled Afghanistan in 2001 to escape religious

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[3] In response to a question about what percentage of inmates follow certain religious faiths, 730 chaplains and religious services coordinators had a mean response of 9.4% Muslim, 1.7% Jewish, and 1.5% "[o]ther non-Christian religion (e.g., Baha'i, Rastafarian, Santeria, Sikh, and others)." Collectively, those three categories represent 12.6% of mean survey responses.

persecution under the Taliban. See Br. for Sikh Coalition as *Amicus Curiae* Supporting Petitioners, *Knight* v. *Thompson*, 578 U.S. 959 (2016) (No. 15-999). He believed he had found a country where he could practice his religion freely. But seven years later, while jailed in Florida for a misdemeanor, he was strapped to a chair and forcibly shaved. *Id.*

Similarly, Surjit Singh, a Sikh prisoner incarcerated in Arizona, recently had his beard forcibly shaven by the Arizona Department of Corrections, Rehabilitation, and Reentry (ADCRR). Sikh Coalition, *Letter to DOJ Re: Surjit Singh* (May 24, 2021). The offending agency has since apologized and stated that the act was the result of a miscommunication. Mr. Singh has limited proficiency in English and was not provided with adequate translation services. *Id.* at 8–9. But he knew enough English to plead with officials, "cut my throat, but don't cut my beard!" *Id.* at 5. Even after he was forcibly restrained, he continued moving his head as part of a tearful, hours-long resistance to being shaved. *Id.*

Such incidents are inconsistent with RLUIPA and the American commitment to religious liberty. The federal government and the vast majority of states have recognized that they can adequately serve their penological interests while allowing prisoners to comply with religious grooming practices. The Eleventh Circuit's decision allows each state in its jurisdiction to continue ignoring proven and available less restrictive means, and it bars courts from questioning their uninformed decisions.

CONCLUSION

For all these reasons, and for those stated by the petitioner and the dissent below, this Court should grant the petition for a writ of certiorari.

Respectfully submitted.

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APPENDIX

APPENDIX[4]

The following forty states, the District of Columbia, and the federal prisons do not restrict beard length for any prisoner:

1. Alaska[5]
2. Arkansas[6]
3. California[7]
4. Colorado[8]
5. Connecticut[9]
6. Delaware[10]

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[4] Where not otherwise noted, this appendix relies on the policies judicially noticed by the District Court. See Order, *Smith v. Owens*, 5:12-cv-00026 (Aug. 3, 2018), No. 213; see also Motion to Take Judicial Notice, *Smith v. Owens*, 5:12-cv-00026 (Oct. 31, 2017), No. 176 (attaching policies as exhibits).

[5] http://www.akleg.gov/basis/aac.asp#22.05.180 (22 AAC 05.180).

[6] https://doc.arkansas.gov/wp-content/uploads/2020/09/Inmate_Handbook_Updated_March_2020_Final_02_28_2020_pdf.pdf, at 8.

[7] https://govt.westlaw.com/calregs/Document/I89AA28C0327811E1B947D8DA750F8560?viewType=FullText&orig inationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default).

[8] https://cdoc.colorado.gov/about/department-policies, rule 850-11.

[9] https://portal.ct.gov/-/media/DOC/Pdf/Ad/ad0610pdf.pdf, at 36(B).

[10] https://doc.delaware.gov/assets/documents/policies/policy_5-3.pdf.

7. Hawaii[11]
8. Illinois[12]
9. Indiana[13]
10. Iowa[14]
11. Kansas[15]
12. Kentucky[16]
13. Louisiana[17]
14. Maine[18]
15. Maryland[19]
16. Massachusetts[20]

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[11] https://dps.hawaii.gov/wp-content/uploads/2020/02/COR.17.04.pdf.

[12] http://ilrules.elaws.us/iac/t20_pt502_sec.502.110.

[13] https://www.in.gov/idoc/files/02-01-104-Offender-Grooming-5-1-2019-.pdf.

[14] https://doc.iowa.gov/sites/default/files/is-sh-01_incarcerated_individual_hygiene_grooming.pdf.

[15] https://sos.ks.gov/publications/pubs_kar_Regs.aspx?KAR=44-12-106&Srch=Y.

[16] https://corrections.ky.gov/About/cpp/Documents/15/CPP%2015.1.pdf.

[17] http://www.lcle.la.gov/programs/uploads/min_jail_standards_June_2010.pdf.

[18] https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/17.03%20PRISONER%20PERSONAL%20HYGIENE%2C%20GENERAL%20GUIDELINES.pdf.

[19] https://itcd.dpscs.state.md.us/PIA/ShowFile.aspx?fileID=2536.

[20] https://www.mass.gov/doc/doc-750-hygiene-standards/download.

17. Michigan[21]
18. Minnesota[22]
19. Missouri[23]
20. Montana[24]
21. Nebraska[25]
22. Nevada[26]
23. New Hampshire
24. New Jersey[27]
25. North Carolina
26. North Dakota
27. Ohio[28]
28. Oklahoma

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[21] https://www.michigan.gov/corrections/-/media/Project/Websites/corrections/Files/Policy-Directives/PDs-03-General-Operations/PD-0303-Management-of-Offenders/03-03-130-Humane-Treatment-and-Living-Conditions-for-Prisoners-effective-10-01-19.pdf?rev=d0852c2da75b46e5a3fd6d6f5dea45b7.

[22] https://policy.doc.mn.gov/DocPolicy/?Opt=303.020.htm, policy 303.020.

[23] https://doc.mo.gov/sites/doc/files/media/pdf/2020/03/Offender_Rulebook_REVISED_2019.pdf.

[24] https://cor.mt.gov/DataStatsContractsPoliciesProcedures/DataDocumentsandLinks/DOCPolicies/Chapter4/4.4.1-Offender-Hygiene-Clothing-and-Linen-Supplies.pdf.

[25] https://www.corrections.nebraska.gov/system/files/rules_reg_files/111.01_2021_0.pdf.

[26] https://doc.nv.gov/uploadedFiles/docnvgov/content/About/Administrative_Regulations/AR%20705%20-%20No%20Changes.pdf.

[27] N.J. Administrative Code 10A:14-2.5 (effective April 2, 2007).

[28] https://codes.ohio.gov/ohio-administrative-code/rule-5120-9-25.

29. Oregon[29]
30. Pennsylvania
31. Rhode Island
32. South Dakota
33. Tennessee
34. Utah
35. Vermont
36. Virginia
37. Washington
38. West Virginia[30]
39. Wisconsin[31]
40. Wyoming
41. Washington, D.C.[32]
42. Federal Bureau of Prisons

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[29] https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=269259.

[30] Although the District Court did not take judicial notice, the Sikh Coalition's best indication of West Virginia's policy is reflected in the Offender Orientation Manual available on the University of Michigan Law School's website at https://www.law.umich.edu/special/policyclearinghouse/Documents/West%20Virginia%20MOCC%20Inmate%20Handbook.pdf.

[31] https://docs.legis.wisconsin.gov/code/admin_code/doc/309/155, at 309.24.

[32]https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/PP%204010.2H%20Inmate%20Personal%20Grooming%2009042018.pdf, at 9.

The following two states allow religious accommodations for beards of any length:

1. New Mexico[33]
2. New York[34]

The following eight states require all prisoners to trim their beards:

1. Alabama: Half-inch beards allowed as accommodation for adherents of a "specifically approved religion."[35]
2. Arizona: One-inch limit, without exemptions.[36]
3. Florida: Half-inch limit, without exemptions.[37]
4. Georgia: Half-inch limit, without exemptions.[38]
5. Idaho: Four-inch limit, without exemptions.[39]

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[33] https://www.cd.nm.gov/wp-content/uploads/2021/02/CD-151100.pdf.

[34] https://doccs.ny.gov/system/files/documents/2021/09/4914.pdf.

[35] http://www.doc.state.al.us/docs/AdminRegs/AR462.pdf.

[36] https://corrections.az.gov/sites/default/files/policies/700/0704_012922.pdf, at 2.0.

[37] https://plus.lexis.com/document?crid=5b9b052e-1689-42b2-a619-862ea670db62&pddocfullpath=%2Fshared%2Fdocument%2Fadministrative-codes%2Furn%3AcontentItem%3A65F4-KXH1-F8SS-60R1-00009-00&pdsourcegroupingtype=&pdcontentcomponentid=6265&pdmfid=1530671&pdisurlapi=true.

[38] http://dcor.state.ga.us/sites/default/files/106.11.pdf.

[39] http://forms.idoc.idaho.gov/WebLink/0/edoc/281449/Hygiene%20of%20Inmates,%20Inmate%20Barbers,%20and%20Facility%20Housekeeping.pdf.

6. Mississippi: Half-inch limit, without exemptions.[40]
7. South Carolina: Half-inch limit, without exemptions.[41]
8. Texas: Four-inch limit, without exemptions.[42]

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[40] https://www.mdoc.ms.gov/Inmate-Info/Documents/CHAPTER_VI.pdf.

[41] https://www.doc.sc.gov/policy/OP-22-13.htm.pdf#1.%20INMATE%20GROOMING%20STANDARDS.

[42] https://www.tdcj.texas.gov/documents/Offender_Orientation_Handbook_English.pdf.