

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 01-12145-RGS

MAC S. HUDSON and
DERICK TYLER

v.

KATHLEEN DENNEHY, in her
official capacity as Commissioner of
the Massachusetts Department of
Corrections

April 11, 2008

FINAL JUDGMENT

It is hereby ORDERED, ADJUDGED, AND DECREED as follows:

JURISDICTION

1. The Court has jurisdiction over the subject matter and the parties in this action.

APPLICABILITY

2. This Final Judgment applies to the named Defendant in her official capacity as Commissioner of the Massachusetts Department of Corrections (the "DOC") and shall be equally binding on her successors, agents, officials, employees, representatives, and assigns, including, Harold W. Clarke, in his official capacity as the current Commissioner of the DOC.

DEFINITIONS

3. "DOC" shall mean the Massachusetts Department of Corrections.
4. "Halal meals" shall mean meals and food products, whether meat or vegetarian, whose ingredients, processing, preparation, and packaging meet the dietary requirements

of Islam and have been certified by a reputable Halal-certifying organization such as the Islamic Food and Nutrition Council of America or the Islamic Society of North America.

5. "Pre-packaged Halal meals" shall mean self-contained Halal meals that have been packaged and sealed by the meal's manufacturer and which require only opening and heating before serving.

6. "Jum'ah Services" shall mean the Friday Islamic prayer service conducted by an Imam on behalf of a community of Muslims.

7. "Closed Circuit Television" shall mean a television that is connected to a closed circuit or internal broadcast system and that is capable of displaying live television feeds, including sound and images, from another location within the system.

8. "Special Management Units" shall mean separate housing areas apart from the general population within DOC institutions in which inmates are confined for reasons of administrative segregation, protective custody, or disciplinary detention.

9. "Ten Block" is the name commonly used to describe the Special Management Unit at the DOC's MCI-Cedar Junction facility.

10. "Prayer Towel" shall mean a towel designated by the DOC solely for use by Muslim inmates in performing ritual daily prayers.

DECLARATORY AND PROSPECTIVE PROVISIONS

11. The Court declares that Defendant's failure to provide Plaintiffs with daily Halal meals: (i) creates a substantial burden on Plaintiffs' sincere religious beliefs; (ii) is not justified by a compelling governmental interest; and (iii) is in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1(a).

12. The Court declares that Defendant's refusal to provide Plaintiffs with Halal meals that are prepared and served exclusively by Muslim food workers does not violate RLUIPA, 42 U.S.C. § 2000cc-1(a), as: (i) Plaintiffs have failed to satisfy their burden of showing that the preparation and service of Halal meals by non-Muslims burdens any legitimate Islamic religious exercise; and (ii) Defendant has demonstrated that the policy of assigning kitchen jobs on a nondiscriminatory basis serves a compelling governmental interest in maintaining institutional harmony and order.

13. The Court declares that Plaintiffs have not met their burden of showing that Islamic dietary rules require the consumption of Halal meat and that any failure by DOC to offer a choice of Halal meat with every meal would not violate RLUIPA, 42 U.S.C. § 2000cc-1(a).

14. The Court declares that Defendant's refusal to permit Plaintiffs to participate personally in weekly Jum'ah Services while confined in the Special Management Unit serves a compelling governmental interest in rehabilitating inmates and promoting order and does not therefore violate RLUIPA, 42 U.S.C. § 2000cc-1(a).

15. The Court declares that Defendant's refusal to provide Plaintiffs with access to weekly Jum'ah services via closed circuit television while confined in Ten Block is not the least restrictive means of serving any compelling governmental interest, and therefore violates RLUIPA, 42 U.S.C. § 2000cc-1(a).

16. The Court declares that DOC's practice of providing Plaintiffs with prayer towels in lieu of prayer rugs does not create a substantial burden on Plaintiffs' religious beliefs, and therefore does not violate RLUIPA, 42 U.S.C. § 2000cc-1(a).

17. Within ninety (90) days of the date of entry of this Judgment, Defendant shall (i) procure pre-packaged Halal meals that have been certified by a reputable Halal-certifying organization, such as the Islamic Food and Nutrition Council of America or the Islamic Society of North America; and (ii) thereafter provide such pre-packaged Halal meals to Plaintiffs at each regularly-scheduled meal for the duration of their incarceration; or (iii) shall implement an alternative method of providing daily Halal meals to Plaintiffs, including the preparation of such meals in DOC kitchens using Halal products and procedures certified by a reputable Halal-certifying organization such as the Islamic Food and Nutrition Council of America or the Islamic Society of North America.

18. Whenever Plaintiffs are housed in the Special Management Unit, Defendant shall provide access to a closed circuit television set that displays, through sound and images, a live broadcast of such communal Jum'ah services as are regularly held on each and every Friday for the duration of their incarceration (absent a legitimate emergency or the unavailability of an authorized Imam, in which case Defendant may broadcast pre-recorded Jum'ah services). Defendant will have thirty (30) days from the date of entry of this Judgment to comply with this provision.

18. Within ninety (90) days of the date of entry of this Judgment, Defendant shall establish policies, practices, and procedures to bring the DOC into full compliance with this Judgment.

19. Within ninety (90) days of the entry of this Judgment, Defendant shall certify to this Court that the DOC has complied with all provisions of this Judgment and shall describe each remedial action taken.

RETENTION OF JURISDICTION

20. This Court shall retain jurisdiction over this matter for the purpose of enabling any party to this Judgment to apply to the Court for: (i) such further orders or directions as may be necessary or appropriate for the interpretation or implementation of this Judgment; (ii) for the modification of the injunctive provisions of this Judgment; and (iii) for Plaintiffs to apply to the Court for the enforcement of any provision or the punishment of any violation of this Judgment.

21. This Judgment shall take effect immediately upon its entry.

22. The Clerk is ordered to enter this Judgment forthwith.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE