

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JULIA CATLETT,
TRACY WHITE,
and SEMERIA GREENE,

Plaintiffs,

CASE NO:

-vs-

HON:

HEIDI WASHINGTON, Director
Michigan Department of Corrections,
STEVEN ADAMSON, Special Activities
Coordinator Michigan Department of Corrections,
JEREMY HOWARD, acting Warden Women's
Huron Valley Correctional Facility, ANNETTE
TELLAS, Chaplain at the Women's Huron Valley
Correctional Facility, sued in their individual
and official capacities,

Defendants.

JURY TRIAL REQUESTED

CAIR-MI LEGAL FUND

BY: Amy V. Doukoure (P80461)
Co-Counsel for Plaintiff
1905 S. Haggerty Rd. Suite 105
Canton, MI 48188
(248) 559-2247
adoukoure@cair.com

MSU Civil Rights Clinic

Daniel E. Manville (P39731)
Co-Counsel for Plaintiff
648 N. Shaw Lane, Rm. 216D
East Lansing, MI 48824
(517) 432-6866
Daniel.manville@law.msu.edu

**PLAINTIFFS’ CLASS ACTION COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF
AND DAMAGES FOR PLAINTIFF**

NOW COMES, Plaintiffs, by and through their counsel, CAIR-MI LEGAL FUND, by Amy V. Doukoure (“CAIR-MI”), and brings this action against the above named Defendants for damages and declaratory and injunctive relief to enjoin all Defendants from implementing the Photograph Policy requiring the removal of all religious wear, for the substantial burden on religious practice that is directly prohibited by the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc et seq., committed by all Defendants when Plaintiffs (1) were forcefully required to remove their religious headwear to take a mug shot creating a permanent public image of them without their religious head wear (2) were required to carry an identification card with the subject image and present it to male staff and guards while in custody, and (3) the subject photograph was placed on a public website accessible to male and female members of the general public.

JURISDICTION AND VENUE

1. The instant action arises under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), 42 U.S.C. § 2000cc et seq., and the First and Fourteenth Amendments.

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331.

3. This Court has personal jurisdiction as the events giving rise to this action occurred in the Eastern District of Michigan.

4. This Court has jurisdiction over Plaintiffs' claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

5. Pursuant to Fed. R. Civ. P. 23(b)(2), Plaintiffs seek class certification based on Defendants' refusal to permit Muslim men from wearing a kufi to cover their head because the final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.

6. Venue is proper pursuant to 28 U.S.C. §1391 as to Defendants because Defendants conduct business in this judicial district, and this is the district where a substantial part of the events or omissions giving rise to the claims occurred.

THE PARTIES

7. Plaintiff **Julia Catlett** at all times relevant to this complaint was a prisoner confined with the State of Michigan.

8. Plaintiff **Tracy White** at all times relevant to this complaint was a prisoner confined with the State of Michigan.

9. Plaintiff **Semeria Greene** at all times relevant to this complaint was a prisoner confined with the State of Michigan.

10. Defendant **Heidi Washington**, Director of the Michigan Department of Corrections. Ms. Washington is sued in her individual and official capacities. At all times relevant, she was acting under color of state law.

11. Defendant **Steven Adamson**, Special Activities Coordinator of Michigan Department of Corrections. Mr. Adamson is sued in his individual and official capacities. At all times relevant, he was acting under color of state law.

12. Defendant **Jeremy Howard**, Acting Warden at the Women's Huron Valley Correctional Facility. Mr. Howard is sued in his individual and official capacity. At all times relevant, he was acting under color of state law.

13. Defendant **Annette Tellas**, Chaplain at the Women's Huron Valley Correctional Facility. Ms. Tellas is sued in her individual and official capacity. At all times relevant, she was acting under color of state law.

JURY DEMAND

14. Plaintiffs demand a trial by jury in this action as to the claims for damages.

GENERAL FACTUAL ALLEGATIONS

15. This case is about Michigan Department of Correction's ("MDOC") Photograph Policy pattern and practice that was adopted and is implemented by Defendants which violates the First Amendment as well as other federal and state laws. Pursuant to this policy, MDOC forces prisoners who wear religious head coverings to remove those head coverings for a photograph, even when doing so

violates the prisoners' sincerely held religious beliefs. This practice alienates and oppresses faith communities throughout the State of Michigan's prison system, and lacks a penological justification; therefore, it must be changed.

The Hijab.

16. Plaintiffs Julia Catlett and Tracy White wear a hijab pursuant to their Muslim faith.

17. Plaintiff Semeria Greene wears a turban style hijab pursuant to her Moorish faith.

18. For the purposes of discussing the MDOC policy, the term "hijab" is used throughout this complaint to refer to a garment worn by many Muslim and Moorish women in various parts of the world. It is a headscarf that covers the wearer's hair, ears, and neck, and frequently part of her chest, but leaves her entire face exposed.¹ In Arabic, the word "hijab" derives from the word "hajaba," sometimes translated as "to hide or screen from view or to cover." Wearing a hijab is also known as "covering." Plaintiffs do not wear a niqab, or a face veil.

19. For many observant Muslim and Moorish women, the practice of covering entails wearing one's hijab at all times, whether at home or in public, when the

¹ In the Moorish faith the hijab is worn as a turban style, covering only the hair and the top part of the ears. The reasoning behind wearing the hijab and the tenants of belief for wearing the hijab in the Moorish faith, is otherwise identical to that of the Muslim faith.

wearer is in the presence of men who are not part of her immediate family (“mahram”).

20. While women choose to wear the hijab for an array of reasons, many believe that the hijab fulfills the commandments of modesty and devotion that stem from, among other things, the *Qu’ran*, the primary holy book of the Muslim faith, and the *hadith*, the oral traditions carried down from the age of the Prophet Mohammed (S.A.W.).² Plaintiffs and other women who cover frequently view wearing the hijab as a mandatory aspect of Muslim and Moorish identity and faith.

21. Plaintiffs wear the hijab because her their faith dictates that no man outside of a woman’s *mahram* should see her uncovered hair, head, and neck. Plaintiffs presently wear their hijabs every single day and believe that their religious faith requires them to do so. Plaintiffs have covered regularly for years. Plaintiffs’ hijabs are core to their identity, and is an essential part of who they are. It is the sincerely held religious beliefs of the Plaintiffs that they are required to wear the hijab as discussed *supra*.

22. Being forced to remove one’s hijab in public, particularly in the presence of men who do not belong to the wearer’s *mahram*, is a profound defilement of the wearer’s sincerely held religious beliefs and a violation of her religious practice.

² The phrase “S.A.W.” is shorthand for “*salla Allahu ‘alayhi wa salam*,” a phrase that translates to “God’s blessings and peace be upon him” and that is frequently used to express love and respect for the Prophet.

Requiring a Muslim or Moorish woman to remove her hijab in public is akin to demanding that a secular person strip naked in front of strangers.

23. Moreover, taking a photograph of a Muslim or Moorish woman, as done to these Plaintiffs, without their hijab, is contrary their sincerely held religious beliefs.

24. Having that photograph posted on a public database accessible through a simple internet search would be akin to having a naked photograph of a secular person posted on the internet for all to view. Such posting of the Plaintiffs' photographs without their hijabs would violate the sincerely held religious beliefs of the Plaintiffs.

25. These defendants, through their policies and practices, require Plaintiffs and the class members to remove their hijabs when a photograph is taken in violation of their sincerely held religious beliefs.

The Michigan Department of Correction's Unlawful Photograph Policy.

26. On May 16, 2011, Defendant MDOC implemented the Prisoner Photographic Identification Policy to establish protocols for taking photographs of prisoners for their processing and identification.

27. MDOC Prisoner Photographic Identification Policy 04.04.133(B) directive states, when an individual is processed into the MDOC that a photo shall be taken of a prisoner's face and directs that "headgear shall not be worn."

28. Defendant MDOC's policy unreasonably requires the explicit and unconditional removal of headgear regardless of an individual's sincerely held religious belief, such as the Plaintiffs.

29. In addition, these identification photos of the Plaintiffs and class members are maintained in the prisoner files, in the Counselor's office and in the Offender Management Network Information System (OMNI). OMNI creates a permanent public record of a prisoner's identification photograph. Furthermore, the pictures are published by MDOC on a publicly available website known as the Offender Tracking Information System (OTIS), which is housed on a page of the Michigan Department of Correction's website³ and is readily available to any person in the world.

30. This practice increases the likelihood that images of prisoners without their religious head coverings, such as Plaintiffs and the class members, will be viewed by many people for years.

Federal, State, and Local Governments Across the United States Recognize the Religious Interest in the Hijab and Permit it to be Worn in Official Photographs.

31. The MDOC's Photograph Policy contravenes national norms and practices. From the federal to the local level, government and law enforcement entities recognize the significant constitutional and statutory interests at play and permit

³ Link to OTIS: <https://mdocweb.state.mi.us/otis2/otis2.aspx>.

those in custody to wear religious head coverings for the purpose of official photographs.

32. The United States Department of State permits those who wear hats or head coverings for religious reasons to keep those coverings on in official passport photographs. The Department of State's website allows those being photographed to wear a religious hat or head covering if they "submit a signed statement that verifies that the hat or head covering in [the person's] photo is part of recognized, traditional religious attire that is customarily or required to be worn continuously in public."⁴

33. Similarly, the United States Citizenship and Immigration Services ("USCIS") issued a policy memorandum on July 23, 2012 that permits religious head coverings to be worn in photographs. The memorandum states that "USCIS will accommodate an individual who wears headwear as part of their religious practices."⁵ Should a head covering cast a shadow over the wearer's face or otherwise obscure part of their face, USCIS will "ask individual to remove or adjust portions of religious headwear that covers all or part of individual's face." In this situation, USCIS will offer the wearer a private room or screened area in which to adjust their head covering as well

⁴ <https://ru.usembassy.gov/u-s-citizen-services/passports/photos/>.

⁵ <https://www.uscis.gov/sites/default/files/document/memos/Accommodating%20Religious%20Beliefs%20PM.pdf>

as a photographer of their gender. The religious head covering in question “is allowed to cover the ears if USCIS can still identify the individual.”

34. The *Michigan Vehicle Code*, Sections 28.292 and 257.310 also permits an applicant for a driver’s license to keep her hijab on while having her official driver’s license photograph taken, as long as it does not touch the person’s eyebrows.

35. The Dearborn Heights’ Police Department changed its booking procedures in July 2015 after a woman was forced to remove her hijab in the presence of men during the booking photograph and while in custody. The Police Department implemented reform after the woman filed suit alleging violations of her religious rights. According to the updated policy, Muslim women are not required to remove religious head coverings like hijabs for any booking photographs. At least one additional lawsuit has been settled under the new policy, which recognizes the substantial religious interests of women who wear hijabs.

36. Law enforcement officials across the country have likewise recognized the right of citizens to wear hijabs or other religious head coverings while being photographed for official government purposes.

37. In Long Beach, California, the City Council approved a July 2017 settlement between a woman required to remove her hijab for a post-arrest photograph and the Long Beach Police Department that amended the Department’s official policy so as to accommodate persons who wear religious head coverings. The Department is no

longer permitted to forcibly remove the hijabs of female arrestees at any point while they are in custody.

38. In amending its policy, Long Beach joined two neighboring jurisdictions, San Bernardino County and Orange County, which adopted policies protecting detainees who wear religious head coverings following lawsuits that settled in 2008 and 2013 respectively.

39. In Hennepin County, Minnesota — the county that includes Minneapolis — the Sheriff's Office implemented a new policy for inmates at the Hennepin County Jail and those in custody throughout Hennepin County in March 2014. The policy permits female arrestees to keep their hijabs on while a booking photograph is taken and provides that the hijab can be pushed back slightly off of the wearer's face if necessary. Inmates at the County Jail are permitted to wear hijabs while incarcerated.

40. In Portland, Maine, Cumberland County Sheriff Kevin Joyce publicly apologized after releasing the booking photographs of two Muslim women who had been arrested at a Black Lives Matter protest. The photographs showed each woman without her hijab; Joyce offered his "sincerest apologies...to the Muslim community for the appearance that we are disrespecting their religious beliefs and practices."⁶ The Cumberland County Jail procedures require a woman to remove her hijab only

⁶ Available at <https://www.pressherald.com/2016/09/14/sheriffs-office-apologizes-for-improperly-releasing-photos-of-muslim-protesters/>.

in private, without men present, and provide that two booking photographs will be taken, one with the woman's hijab and another without.

41. Each of these examples reflects a growing national consensus that there is no basis to require the removal of religious head coverings for official government photographs.

42. Even the New York Police Department has recognized the harm its Photograph Policy may cause Muslim women. Three Muslim women reached a settlement with the City on February 26, 2018, in which the City agreed to pay \$180,000 in damages for the forced removal of the women's hijabs pursuant to its Photograph Policy.⁷ Upon information and belief, however, the Photograph Policy remains in place despite this settlement. Even if a Muslim woman is able to have her Booking Photograph taken in private by another woman at One Police Plaza, the Booking Photograph itself remains in the NYPD's database indefinitely — available to all who access the computer system or the woman's paper file.

The Michigan Department of Correction's Unlawful Photograph Policy Forces Muslim and Moorish Women to Violate Their Religion.

43. Federal legislation has been enacted to demonstrate our robust national commitment to the free exercise of religion and to prohibit the government from placing a substantial burden on religious beliefs. This legislation, which reflects an

⁷ Available at <https://www.nytimes.com/2018/02/28/nyregion/muslim-hijab-nypd.html>.

increased awareness of and support for religious interest in practices like covering, “shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by ... the Constitution.” 42 U.S.C. § 2000cc-3(g). The statute even “may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.” *Id.* at § 2000cc-3(c).

44. In contravention of this legislation and the tolerant, inclusive policies it embodies, the MDOC’s Photograph Policy pattern and practice, as instituted, implemented, and enforced by Defendants, has had an extensive and corrosive effect on Muslim-American and Moorish-American women in the state of Michigan—and, upon information and belief, on other Michigan residents who wear religious head coverings and are confined by the State of Michigan.

45. Moreover, the Photograph Policy is a profound manifestation of insensitivity towards religious practices and interests. In today’s post-9/11 climate, there is widespread hostility towards, and baseless fear of, Muslim-Americans. In the context of this increasingly polarized setting, it is incumbent on this state to increase awareness of and sensitivity towards the Muslim-American community by setting an example in their practices. The Photograph Policy pattern and practice has precisely the opposite effect.

46. The Photograph Policy pattern and practice substantially impacts the citizens of Michigan. The Photograph Policy custom is to force Muslim and Moorish-women

to forcibly remove their hijabs for the Identification Photographs while incarcerated. The Photograph Policy pattern and practice has violated their constitutional and statutory rights.

Plaintiffs are Subjected to the MDOC Photograph Policy.

47. Plaintiffs have all been subjected to the illegal and unconstitutional Photograph Policy of the MDOC in violation of their sincerely held religious beliefs.

48. Plaintiff Ms. Catlett has been wearing a hijab full time since her arrival at WHV and has been forced to remove her religious head cover each time she has had her identification photograph taken. Ms. Catlett has most recently had her photograph taken without her hijab, over her verbal objections, on February 15, 2019. That picture remains in MDOC's permanent public database and is searchable and freely available on the internet. Ms. Catlett is forced to carry that photograph on an identification card at all times in WHV and must present it to male and female staff officers upon demand. Ms. Catlett has exhausted her administrative remedies by filing grievances and following them through to the third-step process and has found no relief. Additionally, Ms. Catlett has written to Defendant Howard through the Warden's forum on this issue and has found no relief.

49. Plaintiff Ms. Greene had been wearing her religious head covering (turban style hijab) prior to arriving at WHV and each time she has taken an identification photo, Ms. Greene has either been refused the ability to obtain a turban or has been

forced to remove her religious head covering over her verbal objections. Ms. Greene most recently took an identification photograph on November 17, 2017 without her religious head covering against her express verbal objections. That picture remains in MDOC's permanent public database and is searchable and freely available on the internet. Ms. Greene is forced to carry that photograph on an identification card at all times in WHV and must present it to male and female staff and officers upon demand. Ms. Greene has exhausted her administrative remedies by filing grievances and following them through to the third-step process and has found no relief. Additionally, Ms. Greene has written to Defendant Howard through the Warden's forum on this issue and has found no relief. On November 12, 2020, Defendants attempted to force Ms. Greene to take an identification photograph over her verbal objections to removing her religious head covering for the photograph.

50. Plaintiff Ms. White has been wearing her religious head covering since June of 2012 when she converted to the Islamic Faith. Since her conversion to the Islamic faith, she has worn a hijab full time and been forced to remove her religious head covering over her verbal objections to take her identification photograph. Most recently, Ms. White took an identification photograph on January 24, 2020 without her religious head covering against her express verbal objections. That picture remains in MDOC's permanent public database and is searchable and freely available on the internet. Ms. White is forced to carry that photograph on an

identification card at all times in WHV and must present it to male and female staff and officers upon demand. Ms. White began grieving the issue of the forced removal of her hijab for her identification photograph in 2014.

CLASS ACTION ALLEGATIONS

51. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b), Plaintiffs bring this action on behalf of themselves and a class of all prisoners who are now, or will in the future be, subjected to a policy and practice that (1) forcefully requires Plaintiffs and class members to remove their religious headwear to take a mug shot creating a permanent public image of them without their religious head wear, (2) requires Plaintiffs and class members to carry an identification card with the subject image and present it to male staff and guards while in custody, and (3) places Plaintiffs and the class members' photographs on a public website accessible to male and female members of the general public.

52. All Defendants are aware that the statutory and constitutional rights of the Plaintiffs and the class members were violated by their policies and practices as discussed *supra*.

(1) Fed. R. Civ. P. 23(a)(1); Impracticability of Joinder.

53. The refusal to allow Plaintiffs and the class members to wear their "hijab" during the taking of photographs creates a class that is so numerous that joinder of all class members is impracticable.

54. Approximately thirty women prisoners are located under the domain of these Defendants.

55. Not all Muslim women wear a “hijab”, but a majority do.

56. Plaintiffs and other prisoners are subjected to the restriction of not wearing a “hijab” at all times and especially when photographs are taken. All Muslim women whose faith involves wearing a “hijab” are proposed class members.

(2) Fed. R. Civ. P. 23(a)(2): Commonality.

57. There are questions of law and facts common to those prisoners who are defined as class members who have been imprisoned with the MDOC, identified themselves as Muslim, are recognized by MDOC as Muslims, and have a sincerely held religious belief that each is required to wear the “hijab” at all times.

58. Whether Defendants’ policy imposes a substantial burden on the proposed class members’ religious exercise is a common question of law and fact.

59. Defendants are expected to raise common defenses to these claims, including denying that their actions violated the law.

60. Whether Defendants have a compelling governmental interest for their policy or use the least restrictive means to further that interest is another common question of law and fact for the Court.

(3) Fed. R. Civ. P. 23(a)(3): Typicality.

61. The claims of Plaintiffs are typical of those of the Class, as their claims arise from the same policies, practice, and course of conduct, and their claims are based on the same theory of law as the Class claim.

(4) Fed. R. Civ. P. 23(a)(4): Adequacy of Representation.

62. Plaintiffs will fairly and adequately represent the interests of the Class and will diligently serve as class representatives. Plaintiffs interests are co-extensive with those of the Class, and they are represented by counsel experienced in class litigation and in litigation involving the rights of prisoners. Putative Class Counsel possesses the experience and resources necessary to fairly and adequately represent the Class.

(5) Fed. R. Civ. P. 23(b).

63. This action is maintainable as a class action pursuant to Fed. R. Civ. P. 23(b)(1) because the number of class members is appropriately 30 or more women prisoners, and the prosecution of separate actions by individuals would create a risk of inconsistent and varying adjudications, which in turn would establish incompatible standards of conduct for the Defendants. Additionally, the prosecution of separate actions by individuals could result in adjudications with response to individual class members that, as a practical matter, would substantially impair the ability of other members to protect their interests.

64. This action is also maintainable as a class action pursuant to Fed. R. Civ. P. 23(b)(2) because Defendant Washington’s policies, practices, actions, and omissions that form the basis of the Class are common to and apply generally to all members of the class. The policy and practices of requiring the “hijab” to be removed when photographs are taken is centrally promulgated, disseminated, and enforced from the headquarters of Defendant Washington.

65. The injunctive and declaratory relief sought is appropriate and will apply as a whole to all members of the class.

FIRST CAUSE OF ACTION
The Religious Land Use and Institutionalized Persons Act
(42 U.S.C. § 2000cc)

66. Plaintiffs repeat and reallege the above paragraphs as if the same were fully set forth at length herein.

67. The RLUIPA provides, in relevant part, the following: “No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that the imposition of the burden on that person . . . (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000cc-1(a)(A)-(B).

68. Plaintiffs are a “person” as defined under the RLUIPA. *See* 42 U.S.C. § 2000cc-1(a); 42 U.S.C. § 1997(3).

69. Plaintiffs’ decision to wear hijabs constitute a sincerely held religious belief.

70. At all relevant times, Defendants met the definition of “government” under RLUIPA. *See* 42 U.S.C. § 2000cc-5(4)(A)(i)-(iii).

71. At all relevant times, the locations where the Defendants take photographs for identification, including WHV where the events alleged in this complaint transpired, are federally-funded “institutions” as defined under the RLUIPA and the Civil Rights of Institutionalized Persons Act of 1980 (“CRIPA”), 42 U.S.C. § 1997(1)(B)(ii)-(iii).

72. At all relevant times, Plaintiffs were “residing in or confined to institutions” as defined under the RLUIPA when the events alleged above transpired.

73. Defendants’ acts or omissions, policies, and customs substantially burdened Plaintiffs’ religious exercise by requiring them to remove her hijab to be photographed while they were residing in or confined WHV in Pittsfield Township, Michigan.

74. By creating a permanent public record of Plaintiffs’ identification photographs and publishing them on the internet for all to see, Defendants have created a continuing harm and a substantial burden to Plaintiffs’ ability to exercise their religion.

75. Defendants' acts or omissions, policies, and customs do not further a compelling government interest.

76. Defendants acts or omissions, polices, and customs are not the least-restrictive means of furthering a compelling government interest.

77. As a direct proximate result of Defendants' wrongful acts and omissions, Plaintiffs have sustained damages, and have suffered and continue to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

SECOND CAUSE OF ACTION

Free Exercise Clause (42 U.S.C. § 1983)

78. Plaintiffs repeat and reallege the above paragraphs as if the same were fully set forth at length herein.

79. 42 U.S.C. § 1983 prohibits any person acting under color of state law, custom, or usage to deprive a citizen of rights secured by the Constitution.

80. At all relevant times, all named Defendants acted under color of state law.

81. Under the First Amendment to the Constitution of the United States of America, Plaintiffs have the right to freely exercise their religion.

82. By forcing Plaintiffs to remove their hijab for the identification photograph, Defendants deprived Plaintiffs of their right to freely exercise their religion in contravention of the Free Exercise Clause.

83. By creating a permanent public record of Plaintiffs' identification photographs and publishing them on the internet for all to see, Defendants have created a continuing harm and a substantial burden on Plaintiffs' ability to freely exercise their religion.

84. As a direct and proximate result of all named Defendants' unlawful discriminatory conduct, Plaintiffs have sustained damages, and have suffered and continue to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

THIRD CAUSE OF ACTION
Michigan State Constitution
(Article 1, Section 4)

85. Plaintiffs repeat and reallege the above paragraphs as if the same were fully set forth at length herein.

86. Article 1, Section 4 of the Constitution of the State of Michigan provides that: "Every person shall be at liberty to worship God according to the dictates of his own conscience."

87. Defendants' policy requiring that arrestees who wear religious head coverings remove those head coverings to be photographed violates Article 1, Section 4 by disallowing the free exercise of religion.

88. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have sustained damages and continue to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

FOURTH CAUSE OF ACTION
Declaratory Judgment
(Fed. R. Civ. P. 57 and 28 U.S.C. §§ 2201-02)

89. Plaintiffs repeat and reallege the above paragraphs as if the same were fully set forth at length herein.

90. Defendants' conduct was intentional and made with reckless indifference to Plaintiffs' religious rights.

91. Plaintiffs' rights to the free exercise of religion were infringed upon and substantially burdened by Defendants' conduct.

92. Defendants' policy and custom of forcing the removal of religious head coverings for identifications photographs, including the hijab worn by Plaintiffs', is an unlawful and unconstitutional practice that infringes upon the rights of Plaintiffs and other Muslim and Moorish women and religious adherents to freely exercise their religion without the interference of substantially burdensome government conduct.

93. Defendants' policy, practice, and custom caused and continue to cause Plaintiffs and other Muslim and Moorish Women and religious adherents harm.

94. Plaintiffs are entitled to a declaratory judgment that Defendants infringed upon and substantially burdened Plaintiffs' religious free exercise and continue to substantially burden the religious free exercise of other, similarly situated Muslim and Moorish women and religious adherents in violation of federal and state law and the United States Constitution.

95. Plaintiffs have a strong likelihood of succeeding on the merits of their claims.

WHEREFORE, Plaintiffs respectfully request judgment against DEFENDANTS as follows:

- a) Declaring that Defendants' discriminatory practices violate the RLUIPA, 42 U.S.C. § 2000cc et seq.; the Free Exercise Clause of the First Amendment to the United States Constitution; and Article 1, Section 4 of the Michigan Constitution;
- b) Enjoining all named Defendants, Defendants agents, employees, and successors, and all other person in active concert or participation with Defendants from requiring the removal of any religious head or hair coverings for the purpose of identifications photographs;
- c) Enjoining all named Defendants, Defendant agents, employees, and successors, and all other persons in active concert or participation with Defendants from creating a permanent public record of any

women who was forced to remove religious head or hair coverings for the purpose of identification photographs;

- d) Enjoining all named Defendants, Defendant agents, employees, and successors, and all other persons in active concert or participation with Defendants from disseminating any existing or future identification photographs of women without their religious head covering to the public, public website and/or database, or the internet;
- e) Enjoining all named Defendants, Defendant agents, employees and successors, and all other persons in active concert or participation with Defendants from ever requiring a woman to have an identification photograph on her identification card without her religious head covering;
- f) Requiring Defendants to adopt nondiscriminatory policies and practices to prevent encroachment on the religious rights of arrestees and prisoners in the future;
- g) Awarding such damages to Plaintiffs as will fully compensate them for their loss of rights and emotional distress suffered due to Defendants' unlawful conduct;
- h) Awarding punitive damages to Plaintiffs;

- i) Awarding Plaintiff reasonable attorneys' fees, costs, and expenses incurred in prosecuting this action; and
- j) Granting Plaintiffs such other further relief as may be just and proper.

Dated:

Respectfully Submitted,

CAIR-MI LEGAL FUND

/s/Amy V. Doukoure
By: Amy V. Doukoure (P80641)
Attorney for Plaintiff
1905 S. Haggerty Rd. Suite 105
Canton, MI 48188
(248) 559-2247
adoukoure@cair.com