



Enforcing Religious Freedom in Prisons

FACT SHEET

Religious freedom is a foundational right in the United States. Prisoners lose many rights during confinement, but they retain their religious exercise rights. These rights are protected under the Constitution and federal statutes including the Civil Rights of Institutionalized Persons Act (CRIPA), the Religious Freedom Restoration Act (RFRA), and the Religious Land Use and Institutionalized Persons Act (RLUIPA). Because of the importance of religious freedom, many states also protect these rights with similar provisions written into their state constitutions and state laws that are modeled after RFRA.

This report provides an update to the U.S. Commission on Civil Rights' 2008 statutory enforcement report: Enforcing Religious Freedom in Prison. That report examined the legal foundation of prisoners' religious exercise rights, and the rules and guidelines related to religion in federal and state prisons and local jails. It also researched the mechanisms prisons and jails use to facilitate religious requests (where feasible), and to record and process prisoner grievances related to religious exercise. Given the significance of this topic, the Commission voted in December 2023 to update its 2008 report.

The purpose of this update is to evaluate how incarcerated individuals can exercise their religious freedoms, as well as assess how the religious composition of prisoners and court interpretations of RLUIPA claims may have changed since 2007.

While religious practice can be meaningful for anyone, its benefits are particularly salient during confinement.

CENTRAL ROLE THAT RELIGION PLAYS FOR SOME PRISONERS

Research demonstrates that religious programming can play a critical role in helping some prisoners find meaning and transformation while incarcerated and after release.

- Practicing religion allows prisoners a way to cope with feelings of depression and social exclusion that accompany a prison sentence.
- Religious teachings tend to promote compassion, peace and reconciliation, helping others, and forgiveness, regardless of a person's past behaviors.
- Religion can provide prisoners a sense of meaning, purpose, and community.

Personal religious faith can be a pathway to rehabilitation because it requires prisoners to examine and fundamentally change their self-concept, motivations, and actions. Being part of a religious group can be functional as it gives prisoners a sense of belonging and protection in the inherently violent prison environment.

INVESTIGATING ALLEGED INFRINGEMENTS OF RELIGIOUS FREEDOM IN PRISONS IS CHALLENGING

Carceral facilities are functionally closed to outsiders despite being publicly funded institutions. Though the United States has one of the highest incarceration rates in the world, information about how prisoners spend their time is not well-known or documented.

- Local jails, state prisons, and federal prisons do not capture standardized data about conditions of confinement, and the data that do exist are rarely publicly available.
- There are no publicly available data regarding prisoners' religious demographics.
- Prison administrators and departments of correction (DOCs) are generally wary of outside research, which often exacerbates the lack of institutional transparency.
- While state and local DOCs may choose to follow federal guidelines and procedures, these departments have authority to independently manage and operate their own facilities.

RELIGIOUS FREEDOM IN PRISON IS CONSTITUTIONALLY PROTECTED AND BENEFICIAL FOR PRISONERS AND PRISON FACILITIES

In this era when the ideal of rehabilitation during confinement has shifted responsibility from the state to the individual, religion is now the primary way that prisoners can access programming aimed at rehabilitation.

- Participating in religious programming reduces prisoner misconduct during incarceration.
- Religious programming is financially beneficial for prisons because it is largely organized and conducted by volunteers, making it no or very low cost for prisons.
- Access to religious practice must be balanced against prison officials' legitimate concerns, such as cost, staffing, and prison safety and security.

Reconciling rights with prison constraints has proven to be a significant challenge for carceral facilities and courts

When prisoners encounter a perceived civil rights violation, the Prison Litigation Reform Act (PLRA) of 1996 mandates that they can only file suit in federal court to seek redress after exhausting all administrative remedies at their facility. Administrative remedies center on an internal grievance process governed by strict procedural requirements and an overall lack of transparency. Perhaps most importantly, prisoner grievances are subject to the mercy of the very correctional officers and prison administrators who may be responsible for committing the alleged violations, which can lead to retaliation by staff against prisoners who submit complaints.

For more information about this report, visit: <https://www.usccr.gov/reports/2025/enforcing-religious-freedom-prisons>