

No. 12-11735

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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BRUCE RICH,

*Plaintiff-Appellant,*

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Northern District of Florida, Gainesville Division  
No. 1:10-CV-00157-MP-GRJ  
The Honorable Maurice M. Paul, Presiding

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**BRIEF FOR THE ALEPH INSTITUTE, INTERNATIONAL SOCIETY  
FOR KRISHNA CONSCIOUSNESS, THE INTERNATIONAL MISSION  
BOARD OF THE SOUTHERN BAPTIST CONVENTION AND THE  
HINDU AMERICAN FOUNDATION SUPPORTING PLAINTIFF-  
APPELLANT'S APPEAL TO REVERSE THE DISTRICT COURT**

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**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE  
DISCLOSURE STATEMENT**

**Bruce Rich v. Secretary, Florida Department of Corrections, et al.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Eleventh Circuit Rules, amicus curiae The Aleph Institute, the International Society for Krishna Consciousness, the International Mission Board of the Southern Baptist Convention, and the Hindu American Foundation hereby state as follows:

A. The Aleph Institute, the International Society for Krishna Consciousness, and the Hindu American Foundation have no parent corporations and no subsidiary corporations. The International Mission Board of the Southern Baptist Convention is a subsidiary of the Southern Baptist Convention. No publicly held company owns 10% or more of their respective stocks.

B. The undersigned further certifies that the following persons, associations of persons, or corporations have either a financial interest in or other interest that could be substantially affected by the outcome of this case:

1. The Aleph Institute
2. The Becket Fund for Religious Liberty
3. David, Jeffrey
4. Florida Department of Corrections
5. Goodrich, Luke

**Bruce Rich v. Secretary, Florida Department of Corrections, et al.**

6. Haims, Joel
7. Hindu American Foundation
8. Jones, Gary A.
9. International Mission Board of the Southern Baptist Convention
10. International Society for Krishna Consciousness
11. Morrison & Foerster LLP
12. Rassbach, Eric C.
13. Rich, Bruce
14. Rodgers, M. Casey
15. Rosenberg, Michael
16. The Southern Baptist Convention
17. Stubbs, Amy

**STATEMENT PURSUANT TO FED. R. APP. P. 29(C)(5)**

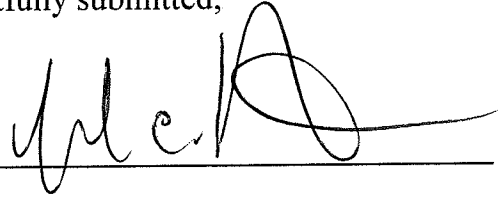
Pursuant to Fed. R. App. P. 29(c)(5), amici The Aleph Institute, the International Society for Krishna Consciousness, the International Mission Board of the Southern Baptist Convention and the Hindu American Foundation hereby certify that neither party's counsel authored this brief in whole or in part, and that no persons other than the amici, their members, or their counsel contributed any money that was intended to fund preparing or submitting this brief.

***Bruce Rich v. Secretary, Florida Department of Corrections, et al.***

Respectfully submitted,

Dated: August 7, 2012

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'JCH', is written over a horizontal line.

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The undersigned respectfully submit this brief amicus curiae in support of Appellant's appeal from the District Court's March 4, 2012 order in *Rich v. Buss, et al.*, No. 1:10cv157-MP-GRJ.

### **INTEREST OF AMICUS CURIAE<sup>1</sup>**

The Aleph Institute ("Aleph") is a national, not-for-profit 501(c)(3), publicly supported charitable institution (1) providing critical social services to families in crisis; (2) addressing the pressing religious, educational, humanitarian, and advocacy needs of individuals in the military and institutional environments; and (3) implementing solutions to issues relating to our criminal justice system. Aleph has been involved in the formulation and implementation of the Florida Department of Corrections' ("DOC") ongoing kosher food program and has a history with kosher meal plans in correctional departments across the country.

The International Mission Board of the Southern Baptist Convention (IMB) is an entity of the Southern Baptist Convention (SBC), the nation's largest evangelical denomination with more than 44,000 churches and 16.2 million members. IMB believes in a robust interpretation of the First Amendment's Free Exercise Clause and statutes, such as the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), that lift government-imposed burdens on religious exercise.

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<sup>1</sup> A motion for leave to file this brief amicus curiae is being filed herewith.

The International Society for Krishna Consciousness (ISKCON) is a monotheistic faith within the Hindu tradition. ISKCON believes God has form and a loving disposition and requires five essential practices: four forbidding illicit sex, meat-eating, gambling, and intoxication, and a fifth requiring the faithful and enthusiastic engagement in devotional service. As a part of its mission, ISKCON has established a prison outreach system propagating the philosophy of Krishna Consciousness. A vegetarian diet is a core principle of the religion and is a strict requirement for all adherents.

The Hindu American Foundation (HAF) is a 501(c)(3) advocacy organization providing a progressive Hindu American voice to the more than 2 million Hindu Americans. HAF has played an active role in assisting Hindu American prisoners throughout the country acquire alternative vegetarian meal options and access to Hindu religious literature consistent with the provisions of RLUIPA. Consequently, the issues before this Court have profound implications for Hindu American prisoners who often experience difficulty obtaining religious accommodations in accordance with their Hindu beliefs.

### **STATEMENT OF THE ISSUE**

Whether the DOC has a compelling interest in denying inmates' religious exercise by not accommodating special dietary needs.

## **SUMMARY OF THE ARGUMENT**

The district court's decision did not hold the DOC to the strict scrutiny standard because it took at face value the DOC's affidavits asserting that it had two compelling interests: cost and security. Both concerns do not rise to the level of compelling interest, evidenced by the DOC's ongoing kosher meal plan at the South Florida Reception Center.

The DOC overstates the potential cost of the kosher meal plan in three ways. First, it confuses total cost and additional cost and cites total cost of the plan instead of additional cost. Second, it overestimates the potential number of participants in the kosher meal plan because Muslims and Seventh Day Adventists are already accommodated by the normal DOC meal plan. Third, it wrongly assumes that every Jewish inmate will participate in the meal plan when only about 20% of Jews keep kosher.

The DOC cites security as a concern even though its kosher meal pilot program has been made permanent after the DOC found no security disruptions. The continuation of the kosher meal plan demonstrates that providing kosher meals does not threaten the security of the DOC's facilities.

## **ARGUMENT**

The district court's decision undermines a long line of case law upholding the rights of inmates to religious exercise. The "right to exercise religious

practices and beliefs does not terminate at the prison door.” *McElyea v. Babbitt*, 833 F.2d 196, 197 (9th Cir. 1987) (citing *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 348 (1987)). An inmate’s religious exercises “may be curtailed in order to achieve legitimate correctional goals or to maintain prison security,” but they cannot be “readily trammled by the state,” *Ward v. Walsh*, 1 F.3d 873, 876 (9th Cir. 1993), because the First Amendment protects an inmate’s free exercise rights so long as the inmate’s religious beliefs are “sincerely held.” *Malik v. Brown*, 16 F.3d 330, 333 (9th Cir. 1994). Inmates’ free exercise rights include “the right to be provided with food sufficient to sustain them in good health that satisfies the dietary laws of their religion.” *Ashelman v. Wawrzaszek*, 111 F.3d 674, 677 (9th Cir. 1997). The district court wrongly infringed on this right.<sup>2</sup>

## **I. RLUIPA REQUIRES APPLICATION OF THE “STRICT SCRUTINY TEST”**

RLUIPA prohibits federal, state, and municipal governments from imposing a substantial burden on the religious exercise of institutionalized persons. 42

U.S.C. § 2000cc(a) (2000); *Cutter v. Wilkinson*, 544 U.S. 709, 720 (2005).

Because inmates are subject to “a degree of [governmental] control unparalleled in civilian society and severely disabling to private religious exercise,” *Cutter*, 544

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<sup>2</sup> There is no dispute as to the sincerity of Mr. Rich’s beliefs or that the failure of the Florida Department of Corrections to provide kosher meals substantially burdens his religious practice. *Rich v. Buss*, No. 1:10-cv-000157, Report and Recommendation at 9 (N.D. Fla. Jan 12, 1012) (“Dkt. No. 52, Report”).

U.S. at 720-21, Congress “passed RLUIPA to afford this confined population greater protection of religious exercise than what the Constitution itself affords.” *Lovelace v. Lee*, 472 F.3d 174, 186 (4th Cir. 2006).

As the “latest of long-running congressional efforts to accord religious exercise heightened protection from government-imposed burdens,” *Cutter*, 544 U.S. at 714, RLUIPA adopted a strict scrutiny standard to govern prison regulations. *Warsoldier v. Woodford*, 418 F.3d 989, 994 (9th Cir. 2005); *see also* 146 Cong. Rec. 19,123 (2000) (statement of Charles T. Canady) (explaining that RLUIPA was “intended to codify the traditional compelling interest test”).

The strict scrutiny standard bears significant meaning. It is used by the judicial system to protect the most important civil rights from governmental overreach. The government must satisfy two burdens: that its actions promote a “compelling governmental interest” and that its interest is achieved using the “least restrictive means” available. *See, e.g., Playboy Entm’t Group.*, 529 U.S. at 813-14.

As intended, the strict scrutiny standard has been applied to RLUIPA cases. *See, e.g., A.A. ex rel. Betenbaugh v. Needville Indep. Sch. Dist.*, 611 F.3d 248, 270 (5th Cir. 2010) (RLUIPA “gives courts the power to mete out religious exemptions to federal prisoners under strict scrutiny”); *Lovelace*, 472 F.3d at 186 (RLUIPA requires “strict scrutiny”). The DOC must meet the same standard in this case.

## **II. THE FLORIDA DEPARTMENT OF CORRECTIONS HAS AN ONGOING AND PERMANENT KOSHER MEAL PLAN IN PLACE**

The DOC is actively overseeing a kosher meal plan at the South Florida Reception Center. This meal plan has recently transitioned from a pilot phase to a permanent place in the department. Unfortunately, Mr. Rich is not a resident of the South Florida Reception Center. While these facts escaped inclusion in the affidavits provided by the DOC, they color the entire analysis of Bruce Rich's claim under the strict scrutiny standard and undermine the DOC's argument that its refusal to accommodate Mr. Rich's diet serves a compelling interest.

## **III. THERE ARE NO COMPELLING INTERESTS BEING PROMOTED BY PROHIBITING BRUCE RICH FROM RECEIVING A KOSHER DIET**

The DOC cites cost and security concerns as the compelling interests being served by its decision to deny Mr. Rich a kosher meal plan. Dkt. No. 52, Report at 10.<sup>3</sup> However, neither concern rises to the level of compelling interest for reasons evidenced by the DOC's ongoing kosher meal program at the South Florida Reception Center. The DOC's cost concerns are not a compelling interest because the cost is overstated and because cost itself cannot be a compelling interest.

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<sup>3</sup> The Magistrate Judge's Report and Recommendation was adopted by the District Court on March 4, 2012. Dkt. No. 57, Order Adopting Report and Recommendation ("Report").

Likewise, the DOC's security concerns are not a compelling interest because they have already been dispelled in Florida and other states across the country.

**A. The Cost of a Kosher Meal Plan Is Not a Compelling Interest**

Cost fails as a compelling interest because the affidavit substantially inflates the cost of a kosher meal program and because cost containment does not rise to the level of compelling interest.

**1. The Florida Department of Corrections Affidavit Is Misleading**

The DOC submitted an affidavit to prove that kosher meals are “cost-prohibitive.” Dkt. No. 52, Report at 4. The court used the affidavit to find that “the additional cost to the DOC would be \$12,154,463.35 to \$14,952,283.40.” *Id.* at 5. This number is incorrect because it confuses *total* costs with *additional* costs and overestimates the number of potential participants in a kosher meal program.

**a. The DOC Misstates the Additional Cost of the Kosher Meal Program**

The DOC led the court to believe that the additional cost of the program would be between \$12,154,463.35 and \$14,952,283.40. In fact, these numbers represent the *total* cost of the program, not the *additional* cost. The DOC claims the yearly cost to provide kosher meals to an inmate would be \$1,934.50 to \$2,379.80. The DOC multiplies this estimate by its alleged number of potential program participants, 6,283, to calculate the alleged additional cost. However, the



DOC ignores the fact that it already pays \$584.00 annually for every inmate's meals. *Id.* at 4. For the alleged 6,283 participants in the kosher meal plan, the DOC already pays \$3,669,272. In other words, fully a quarter of the alleged *total* cost is already built into the DOC budget – the additional cost for 6,283 participants, which is in itself an inflated number (*see* III.A.1.b, *infra*), is actually almost \$4 million less than the DOC's inflated figures.

**b. The DOC Inflates the Number of Participants in the Program**

The DOC also stated that up to 6,283 inmates would elect to participate in the kosher meal plan. *Id.* at 4. In addition to the 2,136 Jewish inmates, 402 Seventh Day Adventists, and 3,745 Muslims would also participate. In using these numbers, the DOC ignores the history of kosher meals in the Florida penal system and the reality of the kosher meal plan already in place.

**(i) Muslims and Seventh Day Adventists do not need to be included**

Between 2004 and 2007, the DOC had in place the Jewish Dietary Accommodation Program (“JDA Program”) to accommodate inmates’ religious dietary restrictions. Marc Gertz, *et al.*, “Study Group on Religious Dietary Accommodation in Florida’s State Prison System, Final Report with Findings and

Recommendations” Appendix D, 1 (2007) (“JDA Report”).<sup>4</sup> The JDA Program included Jews, Muslims, Seventh Day Adventists, and others. At the time the JDA Program was discontinued in August 2007, there were approximately 259 inmates participating. During the life of the program, a total of nearly 784 inmates enrolled in the program, and over 500 voluntarily withdrew. *Id.* at 10. Coincidentally, the total number of inmates eligible for the JDA Program was roughly 6,500.<sup>5</sup>

In August 2007, the DOC adopted the findings and recommendations of the Study Group on Religious Dietary Accommodations in Florida’s State Prison System. It eliminated pork and pork products from the DOC food service and continued to make available vegan and no-meat alternate meal plans. *See* Addendum A. The Study Group found that these actions would satisfy Muslim dietary law and Seventh Day Adventist dietary law because Islamic law required that pork and pork products simply be banned from the kitchens and Seventh Day Adventists required that alternate, no-meat meals are offered. *Id.* at 15-16. Thus, the DOC ensured that its current regular meal plan complies with Islamic and

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<sup>4</sup> The JDA Report is attached to Plaintiff-Appellant’s Opening Brief as Addendum A.

<sup>5</sup> This is approximately the same number as the DOC now alleges would be included in a kosher meal plan.

Seventh Day Adventist diets and no Muslims or Seventh Day Adventists will need a special meal plan.

Unfortunately, no equally simple solution could be applied to Jewish dietary restrictions. *Id.* at 14. Although pork and pork products were banned, Jewish law also requires that the food be prepared in a kosher environment – having been used to prepare pork products, the DOC kitchens and cooking utensils are not suitable for preparing kosher food. *Id.* at 14.

As a solution, the Study Group recommended that the DOC retain a limited kosher dietary program for certain sincere Jewish inmates. *Id.* at 2. A few years later, the DOC began a kosher meal plan, first as a pilot program and then as a permanent plan at the South Florida Reception Center to solve the sole outstanding dietary issue presented by inmates requiring kosher diets.

The JDA Report illustrates why this case should be differentiated from *Baranowski v. Hart*, 486 F.3d 112 (2007), *cert. denied*, 552 U.S. 1062. In *Baranowski*, major cost concerns stemmed from providing separate kosher kitchens and participation by other religious groups. *Id.* at 125. Here, there is no evidence that there would any demand for the kosher diet from other religious groups, because their dietary concerns are already accommodated by the current, regular food plan. Additionally, the kitchens and utensils used as a part of the JDA

Program remain kosher and will not require the expenditures that were of concern in *Baranowski*. See Addendum A.

**(ii) The DOC overestimates the number of Jewish participants**

The DOC further compounds its overestimate by speculating that 2,136 Jewish inmates will participate in a theoretical kosher meal program. However, this unfounded speculation completely ignores the best evidence available for how many inmates are likely to participate in a kosher program—the data from the prior JDA Program. The JDA Program was up and running for three years and never approached those enrollment numbers. For a variety of reasons, only a small portion of the Jewish population incarcerated in the DOC participated in the JDA Program and will participate in the kosher meal plan. First, because not all Jewish inmates adhere to a kosher diet, only approximately 400 inmates might realistically qualify for a kosher meal plan. Mr. Rich identifies himself as an Orthodox Jew, adhering to the strictest of kosher standards. The overwhelming majority of Jews in America today do *not* identify as Orthodox either in practice or affiliation. No more than 10-16% of U.S. Jews identify themselves as Orthodox.<sup>6</sup> Furthermore,

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<sup>6</sup>Schick, Marvin, A Census of Jewish Day Schools in the United States 2008-2009, available at <http://avichai.org/wp-content/uploads/2010/06/Census-of-JDS-in-the-US-2008-09-Final.pdf>

no more than 20% of all Jews in the United States keep kosher.<sup>7</sup> Accordingly, it is likely that only 400 of the 2,136 Jewish inmates in the Florida prison system would even be interested a kosher food option, if one were to exist.

Second, the meal plan consists of less food and of lower quality. Being on the kosher meal plan means not being able to consume non-kosher food and having limited choices at the commissary.<sup>8</sup> Being on the kosher meal plan requires an inmate make certain sacrifices in the name of his religious beliefs, substantially reducing the likelihood that inmates will fraudulently seek a kosher diet.

## **2. Cost Containment is Not a Compelling Interest**

Costs and the limited nature of the government's resources are not a compelling interest of the same degree as order, security, and discipline. 146 Cong. Rec. S7774, 7776 (daily ed. July 27, 2000) (joint statement of Sen. Orrin Hatch and Sen. Edward Kennedy). As such, the Supreme Court has consistently ruled that avoiding costs does not reach the level of a compelling governmental interest. *See Graham v. Richardson*, 403 U.S. 365, 374-75 (1971) (concern for fiscal integrity is not a compelling justification); *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 263 (1974) ("The conservation of the taxpayers' purse is

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<sup>7</sup> Lubicom Marketing and Consulting, LLC – October 2011, available at <http://www.lubicom.com/kosher/statistics/>.

<sup>8</sup> This is especially noteworthy given that the commissary is where inmates can get soups – a highly prized item in correctional facilities. There are no kosher soups.

simply not a sufficient state interest to sustain [a policy which] severely penalizes exercise of the [constitutional] right.”). Lower courts have followed the Supreme Court’s lead. *See, e.g., O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 342 F.3d 1170, 1186 (10th Cir. 2003); *Finley v. Nat’l Endowment for the Arts*, 100 F.3d 671, 683 n.23 (9th Cir. 1996). The Eleventh Circuit has adopted this approach by allowing that only cost *containment* is a factor. *See Muhammad v. Sapp*, 388 Fed. Appx. 892, 897 (11th Cir. 2010); *see also* Derek Gaubatz, *RLUIPA at Four: Evaluating the Success and Constitutionality of RLUIPA’s Prisoner Provisions*, 28 Harv. J.L. & Pub. Pol’y 501, 547-489 (2005) (collecting cases rejecting cost as a compelling government interest).

Even if all 400 inmates participate in the DOC’s meal plan, the cost would only be \$540,199.99 to \$718,320. In all likelihood, the program will cost less than \$500,000. There are no grounds for finding cost a compelling interest on this record.<sup>9</sup> The DOC’s 2009 food budget was \$88,528,709.<sup>10</sup> The cost of a kosher meal plan is contained within the budget.

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<sup>9</sup> This is true even for the \$14,952,283.40 DOC affidavit estimate. Even the \$14 million figure, as a top line estimate, would not rise to the level of compelling interest.

<sup>10</sup> Report at Appendix C (“Total Costs” of “\$46,093,077” and “\$42,435,632”), available at: <http://www.myfloridahouse.gov/sections/Documents/loadaddoc.aspx?Publication-Type=Committees&CommitteeId=2457&Session=2010&DocumentType=Meeting%20Packets&FileName=CCJA-Meeting%20Packet%202-9-10Online.pdf>.

**B. Florida's Security Concerns Have Already Been Disproven by Its Ongoing Kosher Meal Program**

The permanent kosher meal plan at the South Florida Reception Center belies the DOC's assertion that such a plan might give rise to "serious security issues." Dkt. No. 52, Report at 10. The security issues cannot be compelling if the DOC has already decided that it can safely implement a permanent kosher meal plan.

Originally a pilot program, only 8 to 10 of the 750 eligible inmates participated. Over time, inmates gradually transferred to the South Florida Reception Center to take part in the program, and it topped out at 18 inmates. Some inmates entered the meal plan and then voluntarily withdrew because the kosher meals were so restrictive. The pilot program became a permanent program, and is now continuing into its second year. Unfortunately, the ongoing kosher meal plan is limited to the South Florida Reception Center.

The pilot program expressly contradicts the DOC's security concerns. Transitioning the program from pilot to permanent speaks persuasively to its safety. Moreover, the warden, the assistant warden, and numerous facility staff have all noted that no security issues arose due to the kosher meal program.<sup>11</sup> The

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<sup>11</sup> Aleph has been involved in the construction and implementation of the kosher meal plan at the South Florida Reception Center and has remained in constant contact regarding the program.

DOC has stated that the only reason it has not expanded the kosher meal program is because of cost – security is not be an issue. The DOC's experience, as well as that of 35 other states that have kosher food programs, demonstrates that the DOC's security concerns are not compelling.

### CONCLUSION

For the foregoing reasons, and the reasons identified in plaintiff-appellant's petition, relief from the district court's ruling should be granted and the judgment of the district court reversed.

Respectfully submitted,

Dated: August 7, 2012

By: 

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## CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 3,230 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii) and Federal Circuit Rule 32(b).

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Times New Roman 14-point font.

Respectfully submitted,

Dated: August 7, 2012

By: 

JOEL C. HAIMS

*(Pro hac vice admission pending)*

MICHAEL J. ROSENBERG

*(Pro hac vice admission pending)*

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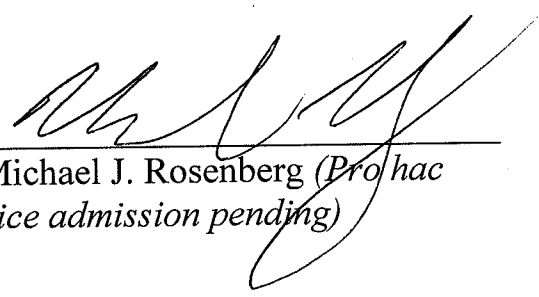
*Counsel for Amicus Curiae*

## CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2012, a copy of the foregoing Brief for The Aleph Institute, the International Society for Krishna Consciousness, the International Mission Board of the Southern Baptist Convention, and the Hindu American Foundation as Amicus Curiae Supporting Bruce Rich's Opening Brief was served by UPS Overnight Delivery upon the following:

Luke W. Goodrich  
Eric C. Rassbach  
The Becket Fund for Religious Liberty  
3000 K Street, NW, Suite 220  
Washington, D.C. 20007

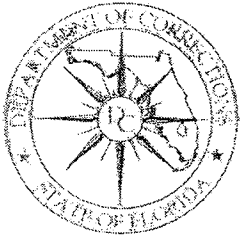
Joy Stubbs  
Assistant Attorney General  
PL-01 The Capitol  
Tallahassee, Florida 32399-105



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Michael J. Rosenberg (*Pro hac*  
*vice admission pending*)

## ADDENDUM A – Letter from Secretary of the Department of Corrections



**FLORIDA  
DEPARTMENT of  
CORRECTIONS**

*An Equal Opportunity Employer*

2601 Blair Stone Road • Tallahassee, FL 32399-2500  
Phone: (850) 488-7480

Governor  
**CHARLIE CRIST**

Secretary  
**JAMES R. McDONOUGH**

<http://www.dc.state.fl.us>  
Fax: (850) 922-2848

August 15, 2007

Professor Marc Gertz  
Research Network  
1318 North Monroe, Suite G  
Tallahassee, Florida 32303

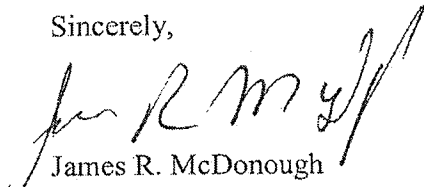
**Re: Final Report of the Religious Dietary Study Group and Determinations**

Dear Professor Gertz:

I want to thank all the members of the Religious Dietary Study Group for their considerable work in setting forth the facts and information in regard to religious dietary accommodations in Florida's state prison system; I thank them for their deliberations and the report and recommendations prepared for my review. I have read the report and considered the recommendations of the Study Group. I have determined that the findings reflected in the report persuade me to make the following decisions.

- The Jewish Dietary Accommodation (JDA) Program will be discontinued as of August 16, 2007.
- The JDA kitchens and utensils will be kept clean and maintained pending further direction from the Office of the Secretary.
- All pork and pork products will be eliminated from the Department of Corrections' food service immediately.
- The vegan and no-meat alternate entrée meal patterns which are currently provided for all inmates, as set forth in the administrative rules of the department, will continue to be available to all inmates who wish to observe the dietary laws of their respective religions.

Sincerely,



James R. McDonough  
Secretary