

Jspace Asks NY Commissioner About Jewish Observance Behind Bars

By Jspace Staff on 5/15/2012 at 6:17 PM

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Over the last decade, the Hasidic community has seen an [increase in crimes](#) reported to police, perhaps a symptom of more willingness to include authorities outside the reclusive fold. The US prison system makes certain accommodations for its religious inmates, many of which are obvious to predict, like kosher meals or access to prayer books. However, some concerns are harder to navigate. The situation begs the question: How far can correctional staff go to help an ultra-Orthodox prisoner observe his faith?

Jspace recently caught up with New York Department of Corrections Commissioner **Brian Fischer**. The commissioner heads the nation's fourth largest prison system and shared his perspective on this [sensitive issue](#).

Jspace: How are issues of faith handled in the prison system, be it for Jews, Christians, Muslims, etc?

Brian Fischer: We believe our role is to provide an atmosphere where everyone can practice their religion within the confines of a prison environment. Which means that to the extent we can meet religious needs, we do. Basically we try and take the issues as they come, with requests from either the group or the individual, and attempt to compromise if we have to, provide if we can, and unfortunately sometimes say no when we believe we have no choice for security reasons. The overall answer is we're very sensitive to the religious needs of everybody.

Is there a committee or council to specifically handle these issues?

We have a unit called Ministerial Services and in the unit I have a director and associate director and they fall under the purview of my deputy commissioner of programming. We look at it as a therapeutic approach rather than a security thing. We deal with the Board of Rabbis, the Council of Churches. Whatever religion has a central council, we work with them.

For example, when we want to hire a Catholic priest we go out to the church and they go to the bishops and find some people and make recommendations. When we want a rabbi we go to the Board of Rabbis and see if they have anybody. We don't do it on our own. We're always in consultation with the religious leaders of each faith. In fact, I meet with them occasionally, which is also very important. We allow each faith to have what we call conferences within our own agency.

Does each religious issue come case by case, or are there some regulations that are already standardized?

Both. Religious needs are often case by case, but on a more general basis we want to make sure that as a policy religious holidays are observed, be it Passover for the Jewish group or midnight mass for the Catholic group at Christmas. Our policy is to accept the special religious needs of each group to the extent we can in a prison environment.

But I think a better argument you may have with the Orthodox Jews and even some of the Greek Roman Catholics we have, is it's case by case because, as you know, especially in the Jewish faith you've got the Reform, you've got the Conservative, you've got the Orthodox and you've got the ultra-Orthodox. And each person often perceives his needs a little differently than someone else, which is healthy. You've got to go case by case.

You mentioned holidays. For Sukkot, it's customary to build a sukkah. Is that something that can take place in prison?

Always. We do a sukkah and where we can we allow them to have their evening meal in the sukkah. The problem is where it goes, but in most facilities we do it.

An awful lot of our religious ceremonies are contingent on the people involved. If you have a lot of people involved then building a sukkah makes sense, and no problem. If you only have one person then depending on his particular concern you may not have one. And the same thing goes for other holidays for other religions. The numbers are an important factor.

One of the things we don't always have is a minyan. We don't have 10 men in many cases, but where we do, obviously they get together and have religious services. If they don't have a minyan then certainly an inmate can pray as often as he wants in his cell or in his room or wherever he wants to go, so again it's case by case.



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Obviously both men and women staff prisons. How are gender issues handled for the ultra-religious?

A truly Orthodox male does not shake hands with any female. But that's an easy one. We're always attentive toward strip searches. People go for visits and they're often strip searched, or before they go on a trip we will always do a thorough search. You also have shower areas to consider. For all gender issues we make every attempt to make sure the same gender is observing and handling those kinds of situations, with the caveat that in an emergency, in a security issue, whatever staff is there does what they have to do.

But we are very sensitive because it's not just the Orthodox Jews. You have the Rastafarians, you have the Muslims, and they have some religious rules about whether women can be touched or how they can be seen and the interrelationship between a male and female. It's not just the Orthodox Jews.

How often do rabbis come in? Are they on staff or on rotation?

In certain circumstances where we have a large population we might have a full time rabbi who is also responsible for other religions and vice versa. We might have a Protestant full time and a rabbi who comes in part time to run services. The best I can tell you is we attempt to get services run by rabbis as often as we can and if not, the inmates can run their own services. And the rabbis also come in for religious education.

And we do this for all our religions. Not every priest is there on Sunday but he can come in and do services some other time. The only thing that is pretty consistent is the Jumu'ah [Muslim prayer] service on Friday afternoon. There are enough of them in each facility where it makes sense. But we do all Friday night services, Saturday services for the Jewish group.

Do some of these regulations vary state-by-state or are there some on a federal level?

I would argue it's probably state-by-state. It's tough to have a federal rule that goes to every place and I don't suspect you find many Orthodox Jews in Utah. But on the other hand if you're in Wyoming or Utah, you're dealing with the Native Americans much more than we are here. Each state has to deal with what's presented to them.

Are there that many ultra-Orthodox Jews in prison?

We ask every inmate, if they choose to, to identify by a religion. They're not required. Unfortunately our system is designed so that you're either Catholic, Protestant, Jewish, Muslim. We don't break it down to different groups within the religions, it's just too complicated. So I can't tell you altogether how many are ultra-Orthodox or even Orthodox compared to Conservative or Reform.

But you should understand something. The Supreme Court has ruled regardless of the religion, whatever the inmate feels in his heart, that's his religion. So if he chooses to call himself Jewish, he's Jewish. If he chooses to call himself Protestant, he's Protestant. And we don't second-guess. The only requirement we make here in New York is we do ask, because it's partly their religious approach, a Native American must have some ability to prove that he or she is in fact, if not full then part American Indian. And we have a process by which we check that out.

Are there any restrictions for a Jewish inmate, any religious items or practices that present a specific problem?

The big problem we have is not being able to provide a minyan when people want it. And obviously they can't go out and celebrate the way we would want them to do. Passover, for example, we do bring in food for Passover and we do usually the first two nights and last two nights.

But I can't think of any special restrictions we have on an Orthodox Jew or any Jew for that matter regarding what he wears. The prayer shawl is worn in the synagogue, it can't be worn anywhere else for obvious reasons. We are sensitive to it but we do try and limit anything outside of the synagogue or the cell that could become an issue for security.

Is there much harassment for an inmate making an obvious show of faith?

I'd be a liar if I didn't tell you that within a prison you've got anywhere from 500 to 2,000 people. Are people going to say something stupid? Yeah, they probably do. But I do think over the last few years, and it's healthy, healthy in some respects and sad in other respects, since we have in fact received more clearly Jewish inmates, we've actually become more sensitized to their needs.

Maybe 10 years ago, I suspect we had maybe one or two ultra-Orthodox in the system. Today I know we have many. And the fact that we have many and they're in various facilities, those who frankly wouldn't know an Orthodox Jew have come into contact with them.

In some respects it has actually been healthy that we have been able to deal with what used to be anti-Semitism in a different way. It's like everything else. You meet the inmate, you learn his customs, you learn he's an okay guy, suddenly you have fewer problems. Though I don't want to see a lot more come, it has I think been a positive approach in terms of reducing anti-Semitism.

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