



Ombuds for Corrections Investigation and Report Religious Head Covering Search November 2025

Report Summary

The Office of the Ombuds for Corrections (OBFC) received a complaint from a visitor at a state correctional facility who was subjected to multiple intrusive searches of her religious head covering in violation of Department of Corrections (DOC) policy. The Ombudsperson worked with facility leadership to resolve the issue and appreciates their thoughtful and responsive approach once it was brought to their attention. However, in the process of reviewing this case, our office identified several additional concerns that needed to be addressed to not cause ongoing harm related to searches for visitors wearing religious head coverings.

The Ombuds for Corrections found sufficient evidence to substantiate the visitor's complaint and found that visiting and search policy were not being followed.

The Ombuds made the following recommendations, which were agreed to by the DOC:

- Provide guidance to visiting staff at all facilities to ensure visiting and search policy is being followed and that religious head coverings are not improperly singled out and searched.
- Review DOC Policy 301.010 Searches in consultation with religious experts, legal experts, and the Ombudsperson to develop the “least restrictive means” for achieving a “compelling interest” and how to best adopt a more religion-neutral policy.
- Provide training on cultural competency, including overviews of cultural and religious practices.

Office of the Ombuds for Corrections

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Summary Description of Incident

The complainant (visitor) visited their loved one, an incarcerated person, in February and March 2025. Although the visitor successfully passed through the metal detector, she was nonetheless made to remove her hijab and the under wrap used to hold her hair in place, by and in front of a male corrections officer, in a public area. She reported that being required to remove her hijab in front of a man was violating and an indignity.

At subsequent visits she was again made to remove the hijab each day she visited the facility. Searches on subsequent visits were performed by female staff. However, the search of hijab conducted by female staff was done in public, in an area visible to men. Line staff appropriately sought guidance from the visiting captain, who provided erroneous direction that created a difficult situation.

The complainant made calls to the facility captain and DOC Central Office, attempting to resolve the situation. Her calls were not timely returned. When the complainant attempted to advocate for herself on her next visits, her effort was seen as an escalation and staff cancelled her visit, resulting in a six-month visiting ban.

Due to the egregiousness of the complaint, the Ombudsperson informed the facility warden of the matter and called for an immediate review of the complaint. Upon review of the situation, the warden agreed to rescind the visiting ban. Upon consultation with the Ombudsperson, the warden developed a plan with staff to ensure use of a private area if a removal of head covering for pat search as was needed in the future and directed staff to follow policy instead of requiring removal every time. The warden directed staff to send a guidance memo clarifying the search process to better follow policy.

Ombuds for Corrections Investigative Actions

The mission of the Office of the Ombuds for Corrections is “to promote the highest attainable standards of competence, efficiency, and judgment in the administration of corrections.”

[Minnesota Statutes \(MS\) 241.93, subdivision 3](#), explains that in selecting matters for attention, the office should particularly address actions that may be:

- contrary to law;
- unreasonable, unfair, oppressive, or inconsistent;
- mistaken in law or arbitrary in the ascertainment of facts;
- unclear or inadequately explained when reasons should have been revealed; or
- inefficiently performed.

MS 241.93, subdivision 3 continues by highlighting that the office may also be concerned with strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.

Guided by its mission, the Ombuds for Corrections relied on the first three bullets of the above statute to focus its efforts when making recommendations to the DOC. Additionally, the Ombuds for Corrections can play a crucial role in reducing litigation and preventing future harm by implementing various strategies and mechanisms to ensure accountability and compliance by the DOC.

In this case, the Ombuds for Corrections reviewed and responded to the complaint promptly, identified policy and religious-freedom concerns, and worked with the DOC to remedy the issues. Ombuds staff

spoke with the complainant multiple times, reviewed relevant policies, including DOC Policies 301.010 Searches, and 302.100 Visiting. They also reviewed all relevant documents, including incident reports and emails.

The Ombudsperson promptly alerted the facility warden to this egregious complaint and potential policy violations and pressed for an immediate review of the incidents. After the complaint was substantiated, the warden sent a memo to visiting staff, clarifying visiting policy and searches, as well as immediately rescinding the visiting ban. Ombudsperson Zadra additionally met with the DOC policy director to address policy concerns, including violations of religious freedoms as it relates to search of head coverings. Subsequently, the Commissioner issued interim policy guidance on visiting related to religious head covering to be incorporated into future policy revisions.

Ombuds for Corrections Findings

The Office of the Ombuds for Corrections found sufficient evidence to substantiate the visitor's complaint that visiting and search policies were not being followed.

Additionally, we found opportunities to improve visiting at all facilities, so that the practice of hijab and wearing of religious head coverings receives appropriate religious accommodations.

Further, we found that policy itself may also constitute religious discrimination as it singles out religious head coverings for search differently than any other item of clothing if a person is unable to pass through a metal detector.

DOC Policy 301.010 Searches A. 7 a) and b) was misinterpreted and not properly followed.

Policy states that:

- Religious head coverings must not interfere with verification of identity and are subject to pat search for contraband.
- If staff are unable to identify a person because a religious head covering covers their face
 - Staff must escort the person to a private area; and
 - Staff of the same gender must ask the person to remove enough of the religious head covering to verify their identity.
- If a person is unable to pass through a metal detector:
 - Staff must escort the person to a private area; and
 - Staff of the same gender must ask the person to remove the religious head covering to pat search the head covering item.

In this case, the religious head covering was not interfering with verification of the visitor's identity, as she successfully passed through the metal detector. Staff did not identify any other security concerns. Nonetheless, staff insisted on removing and searching the visitor's hijab. On the first visit, staff did not have a person of same gender conduct the search nor did they go a private area. On subsequent visits the individual's hijab was searched by staff of the same gender, but in a public area, contrary to policy.

It appears that the DOC singled out religious head coverings in policy as subject to search. Unfortunately, it appears that the while the separate search clarifications for religious head coverings in policy are intended to further protect those who wear religious head coverings as opposed to other types of headwear, misinterpretation of that policy instead led to violations rather than accommodations. Once an individual successfully passes through a metal detector, a hijab does not pose any higher risk for

concealing contraband than a sweater or pair of pants or other non-religious articles of clothing not specifically named in policy for searches, but there is a higher risk for discrimination. Additionally, both search policy and DOC Policy 302.100 Visiting provide process when visiting staff need to remove an article of clothing that requires supervisory sign off and consent forms.

Throughout the process, the visitor self-advocated by familiarizing herself with DOC policy on searches and visiting and making calls to the facility and Central Office. After her attempts to resolve the situation failed, the complainant contacted the Ombuds for Corrections.

DOC Policy 301.010 Searches A. 1. c) was not followed.

Policy states that staff must use the least intrusive type of search option available, only escalating to a more intensive search as authorized in this policy. Further, searches must avoid unnecessary force, embarrassment, or indignity to the subject.

The complainant was subjected to an indignity and embarrassment by having to remove her hijab in a public space, by and in front of male staff and visitors. Asking someone to remove a religious head covering, particularly hijab, is not like asking someone to remove their hat. It is akin to asking a visitor to remove their pants; it is deeply violating and requires *both* a security need and privacy for the person.

The search of hijab is particularly egregious because hijab provides for modesty, safety, and respect. For a Muslim woman, the hijab is more than a symbol of faith, it is a way to control the parts of the body that one sees. The ACLU states that the forced removal of hijab is humiliating, no different from being compelled to strip in front of others.

DOC Policy 301.010 Searches A. 2. b) and c) were not followed.

Policy states that except in exigent circumstances, officers of the same gender as the person searched must conduct visitor/non-DOC person pat searches. Additionally, before a pat search is conducted, staff must complete the appropriate Notification of Search form and provide a copy to the person to be searched for signature. These policies were not followed by visiting staff.

Ombuds for Corrections Recommendations

We recognize the complainant's courage in their efforts to advocate for their rights.

We appreciate the work of facility leadership, to promptly respond to and resolve concerns once they were alerted to them. We want to acknowledge the hard work of visiting staff who are sometimes challenged with figuring out difficult situations with high numbers of visitors with professionalism and creativity. Additionally, we appreciate the willingness of facility leadership to candidly discuss this case and overall processes.

There are, however, some opportunities for staff accountability and training, and policy review that would provide for a better visiting experience for visitors as well as staff assigned to visiting.

Provide better guidance to visiting staff.

A guidance memo was sent to all wardens, assistant wardens, and visiting staff at all facilities, in consultation with the Ombudsperson, to ensure policy is followed and that religious head coverings are not improperly singled out. DOC search and visiting policies should be enforced consistently at each

facility so that staff avoid subjecting visitors to “unnecessary force, embarrassment, or indignity” irrespective of the facility they visit.

It is crucial that this level of indignity is prevented in the future.

Of particular importance is that if removal and search of hijab is necessitated when the individual cannot be identified or has not successfully passed through the metal detector or by wand, that the search must be in private and conducted by staff of the same gender.

Ombuds for Corrections requested a response from DOC within seven days. The Commissioner responded in six days by issuing an internal memo to visiting staff on March 26.

Review DOC Policy 301.010 Searches for policy revision.

DOC Policy 301.010 Searches should be reviewed in consultation with religious and legal experts and the Ombudsperson to develop the “least restrictive means” for achieving a “compelling interest” and review of how to best adopt a more religion-neutral policy. A hijab or other religious article of clothing does not pose any higher risk for concealing contraband than pants, a sweater, pair of shoes, pockets, or other non-religious articles of clothing that are not specifically named in policy for searches, but there is a greater risk for possible discrimination.

Ombuds for Corrections requested a response from DOC within 30 days.

The DOC agreed to notify the Ombuds for Corrections by April 18, 2025, on policy revisions with anticipated effective dates. DOC Policy 301.010 Searches was formally adopted on July 14, 2025

Recommendation for supplemental training.

Policy violations occurred by multiple staff at several levels of the agency. All staff that interact with visiting and searches, but particularly those assigned to the visiting area and those in a supervisory capacity, should be better and more thoroughly trained in Visiting and Search policies prior to their assignment in visiting. That training should include development of cultural competency and overviews of cultural and religious traditions, the significance of religious head coverings such as hijab, dastar, and yarmulke, the importance of expression of freedom of religion, and potential legal implications.

Security and visiting staff are regularly facing complex and emotional situations that involve intense safety consequences, and they deserve more support to ensure they are providing both security *and* fairness at each facility.

Recommendation to the agency to develop a plan, in consultation with the Ombudsperson, and experts as needed, to integrate these concepts into training both within DOC Academy diversity section as well as within facility training for staff who do searches and for staff in visiting.

Ombuds for Corrections requested a response from DOC within 30 days. The DOC efforts to revise and expand training are in progress.

DOC Response

Ombuds for Corrections issued its report and recommendations to Commissioner Schnell on March 14, 2025, and requested a response to all recommendations. The requested response time ranged from 7 to 30 days, depending on the urgency of the particular recommendation. Commissioner Schnell responded to

Ombudsperson Zadra on March 20, agreeing to all recommendations, including a review and revision of visiting and search policies policy.

- **Guidance for visiting staff:** Commissioner Schnell issued an Interim Guidance Memo to visiting staff, facility wardens, assistant wardens, and captains, explaining the significance of religious head coverings and notifying staff that head coverings are no longer to be removed but that they are to be pat searched like primary articles of clothing on the body. This guidance was sent within 3 days.
- **Policy revisions notice:** On March 26, 2025, the Commissioner sent an internal memo to visiting staff alerting them of upcoming policy revisions, a reminder of the importance of adhering to DOC policy, and a review of training requirements for visiting staff.
- **Policy revisions completed:** On July 14, 2025, DOC Policy 301.010 Searches was revised to clarify circumstances and procedures for search of religious head coverings.
- **Supplemental training:** Recommendation was accepted, and implementation is in process.

In all cases the DOC timely responded by implementing recommendations made by the Ombudsperson.

Implementation of Recommendations

Due to the serious nature of the findings, the Ombuds for Corrections initiated a robust review process with the DOC to support accountability and effective completion of recommendations. The DOC responded with urgency by consulting with the Ombuds to develop interim guidance to staff and policy revisions that clarify the circumstances and procedures for search of religious head coverings.

The Ombuds for Corrections continues to review implementation of its recommendation that the DOC provide revised and expanded training for staff. Training that covers cultural competency, the fundamental right to freedom of religious expression, and potential legal implications is critical to creating systems change and may require expertise outside the DOC.

The Ombuds for Corrections appreciates the timely response and robust consultation by the DOC to resolve concerns and move forward with changes. Effective implementation of recommendations strengthens policies and practices in the DOC and reduce or prevent future harm.

The following letter is the Department of Corrections response provided in accordance with Minnesota Statutes section 341.93 subd. 6.



March 20, 2025

Margaret Zadra, Ombuds
Office of the Ombuds for Corrections
540 Fairview Ave. N., Suite 202
St. Paul, MN 55104

RE: Religious Head Covering Searches

Dear Ombuds Zadra,

A visitor to a Minnesota Correctional Facility recently made a complaint to the Office of the Ombuds for Corrections (OBFC) related to searches of the religious head covering they wore while visiting during February 2025. The OBFC investigated the complaint and worked with facility leadership to resolve the issue for this visitor. The OBFC, acknowledging potential ongoing harm related to future searches for visitors wearing religious head coverings, sent a report on March 14, 2025, containing a series of recommendations.

The OBFC made three recommendations related to staff awareness, policy revision, and training needs.

The Department of Corrections (DOC) reviewed the report and the included recommendations. The following are our responses to the recommendations:

1. **Recommendation:** Provide guidance to visiting staff at all facilities to ensure policy is followed and that religious head coverings are not improperly singled out and searched.

DOC Response: DOC agrees that reminding staff of governing policy and awareness of the religious significance of head coverings is appropriate. DOC is preparing a staff memo and will circulate it to OBFC for review within 7 days.

2. **Recommendation:** Review policy 301.010 Searches for possible legal violations and to ensure religious head coverings are not being singled out for discrimination and are appropriately protected, as is seemingly intended.

DOC Response: DOC has reviewed the searches policy and agrees to make revisions. While not addressed in the recommendations, DOC's Visiting policy 302.100, could also benefit from revision to ensure consistency and clarity. DOC is in the process of revising these policies, along with the visiting room rules form, to ensure searches of religious head coverings are treated the same as other items of attire. DOC will notify the Ombuds by April 18, 2025, on policy revisions and anticipated effective dates.

3. **Recommendation:** Review training requirements, particularly cultural and religious competency, for any staff that interact with visiting and searches, as well as supervisors of the same. Develop a plan in consultation with OBFC to integrate these concepts into DOC Academy and facility training for staff on searches and visiting.

DOC Response: DOC agrees that cultural and religious competency training is important. DOC training requirements are currently under review. DOC will complete the review by April 15, 2025. DOC will consult with the Ombuds by April 30, 2025 on what, if any, new training requirements will be incorporated.

The Minnesota Department of Corrections is committed to safe and humane visiting for incarcerated people and their loved ones. Minnesota Correctional Facilities facilitate thousands of visits every year and visiting staff oversee these visits with very few incidents or complaints. DOC staff can always benefit from clearer policy language and supplemental training on the importance of religious accommodations.

DOC will work to implement and consult with the OBFC on the suggested recommendations as outlined above.

Sincerely,



Paul Schnell
Commissioner

cc: Connie Jones, Deputy Commissioner
Safia Khan, Deputy Commissioner
Amy Lauricella, Director of Policy & Rulemaking
Kristi Politoski, Director of Agency Planning

Equal Opportunity Employer