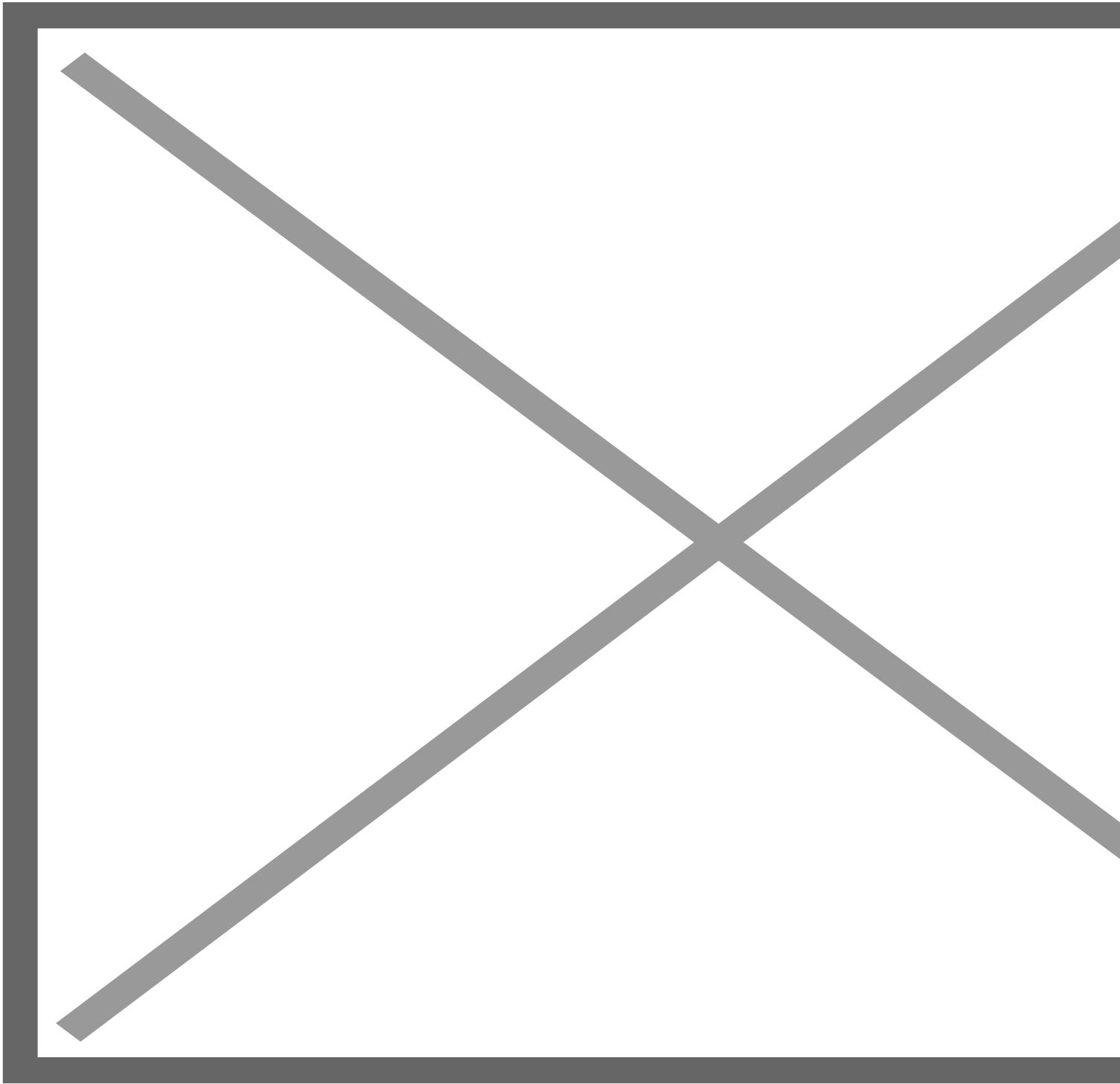


Muslim women are suing jails over hijab removal at booking. And winning.

by [Ulaa Kuziez](#)

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Artist Shepard Fairey produced an image titled *Muslim Woman* featuring a woman wearing a hijab with an American flag pattern. (RNS photo/Lauren Markoe)

More Muslim women across the United States are turning to the courts to challenge prison and police policies that force them to remove their hijabs for booking photos, arguing the practice violates their religious freedom and leaves them exposed to lasting harm.

In the last two months, at least five such cases have been filed or settled.

Attorneys say the lawsuits do not reflect a new problem so much as a new willingness to fight. A growing track record of successful cases from Minnesota to New York City has emboldened Muslim women to come forward about their experiences.

“A lot of Muslim women realized, ‘Oh, this is something I can complain about. I felt like it violated my rights. I knew it felt wrong, but I didn’t know that I could actually try to get these pictures destroyed,’” said Aya Beydoun, a staff attorney with the Council on American-Islamic Relations who has litigated several of these cases in recent years.

And arrests at pro-Palestine protests have also brought more visibly Muslim women into contact with the criminal legal system, creating more situations where such policies are enforced. A review by Religion News Service showed at least seven such lawsuits were brought by protesters since 2024.

In many of the cases, police or prison officials compelled Muslim women to remove their religious head coverings for a booking photograph despite objections. The photos were then stored in databases, printed on ID cards, viewed by male officers, and made public via records requests, according to multiple lawsuits.

When Serine Abuelhawa was arrested while protesting at a festival in Portland, Oregon, in 2024, she was asked multiple times to take off her hijab during the booking process. After explaining she could not do that in the presence of male officers, a female officer told her she wasn’t allowed to keep it in jail.

“Just because I’m in jail doesn’t mean I’m no longer Muslim. . . . I’m not taking it off,” Abuelhawa responded, according to the lawsuit. An officer then continued to pat her down and exposed parts of her body in front of male personnel, then took her to a cell with a window.

There, Abuelhawa gave her hijab to an officer and sat in the room uncovered for four hours, she said in the lawsuit.

That case, represented by Beydoun, was settled last month. The Multnomah County Sheriff’s Office and Multnomah County Detention Center agreed to change their booking policy, destroy the uncovered images, and provide a monetary settlement to the two women.

“I talked to many young women and we represented a few who were arrested at encampments or protests . . . and instead of having normal interactions with the jailhouse, their rights were violated. They had their hijabs removed. They were humiliated,” Beydoun said.

Plaintiffs in the lawsuits have said being forced to remove the hijab in custody was a severe violation of their religious beliefs, privacy and identity.

In a lawsuit filed on April 22 against an Ohio county by three women arrested for protesting the war in Gaza on Ohio State University’s campus, lawyers wrote that photos of their clients were “humiliating and violating.”

A central aspect of the arguments in these cases has been religious education, helping judges and prison officials understand why the policies are harmful.

Liz Bucar, a religious ethicist, has served as an expert witness for two New York-based cases, explaining to federal courts why removing a hijab is a serious violation for Muslim women who consider covering their hair and neck a core part of their modesty practice.

“It’s not like taking off someone’s hat. It’s like taking off their pants or removing their shirt,” Bucar said in an interview. “It’s a violation of a different sense of modesty and it can be very traumatizing.”

In one of the cases Bucar testified in, the plaintiff, Marowa Fahmy, was transferred between stations without her hijab and had her booking photo taken without it. The Long Island woman’s hair was also exposed for nine hours, according to court filings.

She won a \$225,000 settlement last July, later saying that being without her hijab in front of male officers “violated everything I believe in.”

“I brought this case so no one else has to go through what I did,” Fahmy said in a [statement](#).

In 2018, two Muslim women sued the New York Police Department for being forced to remove their hijabs for booking photos under a department policy, arguing the policy was unconstitutional. The case resulted in a settlement that both changed NYPD policy and later provided damages to people of all faiths whose religious head coverings had been removed.

The case’s high-profile success may have encouraged both new lawsuits and more people to come forward about similar violations, said Sana Mayat, an associate attorney at Emery Celli Brinckerhoff Abady Ward & Maazel LLP, who worked on the case.

That case, like others, relied on a combination of state laws and the Religious Land Use and Institutionalized Persons Act, a federal statute protecting religious rights, to argue that stripping religious head coverings during booking is unconstitutional.

But despite the growing number of lawsuits challenging jail and prison policies around religious dress, attorneys say many departments and officers remain unaware of how their practices may violate federal law.

“Generally, changing police department policies is not something they do unless they’re kind of forced to do it. It’s a lot of work and a lot of bureaucracy, so I don’t know if they would proactively go out of their way to change them,” Mayat said.

Beydoun, the CAIR lawyer, added that while many officers are simply poorly trained or are following policy, there are those who act out of hostility toward Muslim women in hijab. She said some of her clients were met with “very derogatory, discriminatory” comments that signaled hate rather than confusion about policy.

Even without sweeping changes, each lawsuit that forces a jail or police department to delete a photo or rewrite its policy becomes evidence for the next case, she said.

Last week, a federal judge ordered the Federal Bureau of Prisons to delete hijab-less images of Muna Jama, a Somali American woman in Minnesota whom Beydoun represented. The judge wrote that the bureau “failed to establish why the risk that Jama could remove her hijab to disguise herself is so great that Defendants could not destroy all uncovered photographs of her.”

While the judge did not compel the BOP to change its policies, that decision, Beydoun said, will now be a reference point for other women in federal custody facing the same violation.

“In the future, my hope is to see some policy changes. That at some point it’ll become just too tiresome for the BOP to keep accommodating, and they’ll just change the policy,” she said. —Religion News Service