

Running head: UNDERSTANDING THE RELATIONSHIP BETWEEN THE CLIFTON FIRE  
DEPARTMENT (CFD) NJ AND CLIFTON'S ORTHODOX JEWISH COMMUNITY

Understanding the Relationship Between the Clifton Fire Department (CFD) NJ  
and Clifton's Orthodox Jewish Community

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### Certification Statement

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that the appropriate credit is given where I have used language, ideas, expressions, or writings of another.

A handwritten signature in brown ink, consisting of a stylized, looped initial followed by a long horizontal stroke.

Signed: \_\_\_\_\_

## Abstract

The Clifton Fire Department (CFD) NJ experienced both unreported and untimely reporting of emergencies from the Orthodox Jewish community that resulted in service delivery problems/issues. The purpose was to improve the timeliness of reporting to reduce the resultant negative consequences. Using the descriptive research method the author surveyed whether other fire departments experienced issues from religious and cultural customs, surveyed the level of knowledge and experience of the CFD members regarding the Orthodox Jewish customs, determined the common practices of the Orthodox Jewish community and how the religious customs were interpreted and instituted, and determined to what extent fire departments and local governments can impose restrictions on religious practices. The author used surveys, interviews, and the literature review during research. The author discovered that the CFD needed to better understand the Orthodox Jewish customs. There was a lack of knowledge and understanding of their religious and cultural customs and the impact on the CFD, and a lack of understanding of the laws that govern the relationship between the CFD and the Orthodox Jewish community. The CFD must avoid excessive entanglement when dealing with issues of religious and/or cultural significance. There was not a standard response or panacea for the service delivery issues. Although certain hazards were created by the practice of their faith, the members were free to practice their religion without government interference. The CFD must establish a relationship with the community, understand their religious and cultural customs, ensure the community understands the CFD's role, and develop solutions together to reduce community risk. The CFD must work to ensure that all of its members understand the laws that govern the administration of emergency services, and ensure that the services provided serve the best interest of the customer.

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## Introduction

Understanding your community is essential. Developing the knowledge and understanding the relationship between the emergency services and the community is equally important. As emergency responders, we must not take for granted that a standard approach to emergency service delivery will be adequate in all cases.

The idea for the applied research paper topic presented itself during an emergency response. The author identified a gap between the actual and the ideal emergency response. The author recognized that the customer requesting services had not exhibited a standard response to an emergency situation. The customer in this case was a member of the Orthodox Jewish community.

The problem is the Clifton Fire Department (CFD) NJ experiences both unreported and untimely reporting of emergencies from members of the Orthodox Jewish community which results in problems and/or issues with the ability to provide services. A delayed response and intervention can lead to increased morbidity and property damage.

The purpose of the research is to improve the timeliness of reporting of emergencies thereby reducing the negative consequences of the CFD service delivery problems/issues.

The descriptive research method was used to answer the following research questions:

1. Do other fire departments experience cultures and/or religious customs that present issues that adversely impact their ability to deliver services?
2. What is the current level of knowledge and experience amongst the members of the CFD regarding the religious customs of the Orthodox Jewish community?
3. What are the common practices of religious observances in the Orthodox Jewish community that can increase risk?

4. How are the provisions of the religious customs interpreted and instituted by the religious leaders of the Orthodox Jewish community?
5. To what extent can fire departments and local governments impose restrictions on religious practices to prevent injuries, death, and/or property damage?

### Background and Significance

There is a large Orthodox Jewish community that borders the Cities of Clifton and Passaic, NJ. The Orthodox Jewish community in Clifton is concentrated in the Rosemawr Section. The Orthodox Jewish community is concentrated within an area surrounded by the Passaic/Clifton Eruv (See Appendix A). The term eruv refers to an enclosure and can be any structure that resembles a doorframe (Bais Medrash L'Torah, 2003, p. 7).

The Passaic/Clifton Eruv is constructed using continuous wires that are attached to telephone poles with permission from the local utility company. There are specific guidelines for the construction and maintenance of the eruv (Bais Medrash L'Torah, 2003, p. 10). There is also a hotline number that Orthodox Jews must utilize in order to confirm that the eruv is operational every Friday (Bais Medrash L'Torah, 2003, p. 14). According to their religion, the construction and maintenance of an eruv allows the members of the Orthodox Jewish community to practice their religious customs as long as they are within the boundaries of the eruv and it is undamaged (Bais Medrash L'Torah, 2003, p. 12-13).

The members of the Orthodox Jewish community operate their own volunteer ambulance corps called "Hatzolah", which means rescue ([www.hatzolahpassaic.net](http://www.hatzolahpassaic.net)). The Clifton Fire Department (CFD) NJ is the sole provider of fire suppression and fire-based emergency medical services for the City of Clifton (Emergency Medical Services, 2002). There have been issues at emergency incidents over the years that have created a negative working environment between

members of Hatzolah of Passaic/Clifton EMS and members of the CFD. This has created tension between the some members of the Orthodox Jewish community and the CFD. There had been meetings between the members of Hatzolah of Passaic/Clifton EMS and the City of Clifton administrators regarding the authority having jurisdiction at emergency medical responses.

The author was present at a meeting in Fire Headquarters when first assigned as the Administrative Officer. Also present at the meeting was Fire Chief Vincent Colavitti and Neal Frohlich of Hatzolah of Passaic/Clifton EMS. The purpose of the meeting was to discuss what could be done to improve the relationship between the Fire Department and Hatzolah. It was during this meeting that the author had a conversation with Mr. Frohlich about the idea for the Executive Analysis of Community Risk Reduction (EACRR) course research project.

The author explained that the idea for the research project had come from an emergency incident. At the time of the incident, the author was a Fire Captain assigned to an engine company that responded to the Rosemawr Section on the first alarm. The response was to a carbon monoxide alarm activation in a residence. When the author arrived at the address, he recalled seeing a man running back towards the address in the middle of the street. As the company members approached the house, the man identified himself as the owner of the house. His family was standing outside the house and a carbon monoxide alarm was audible from the front door. Several small children also lived in the house and were outside with their mother. As the cause was being investigated, high levels of carbon monoxide were encountered throughout the house. Assistance was requested to ventilate the building. The owner and his wife explained that she had left the stove burners turned on for several days due to her religious customs. She could not turn the burners on during the religious holiday, so the burners were turned on prior to the holiday and left on. The author asked the man where he was coming from when he first

arrived. The owner stated that he had gone to the nearby home of a non-Jew so the neighbor could call 911. The owner stated that he was not permitted to use the phone during the religious holiday. The author was thoroughly intrigued by this and thought it would make a great topic for the upcoming course at the National Fire Academy (NFA).

The author advised Mr. Frohlich that he was not familiar with this behavior as a religious custom and that the family, especially the children, was exposed to increased risk by these actions. Mr. Frohlich stated that he was equally excited about the project and welcomed any activities that would improve the relationship between the Fire Department and the Orthodox Jewish community. The author and Mr. Frohlich parted that day with an understanding that the author would contact him in the future.

The author attended the EACRR course in June 2012. During the EACRR course, the author determined that the chosen topic related to the components of the Community Risk-Reduction Model, the National Fallen Firefighters Foundation's 16 Life Safety Initiatives, and the U.S. Fire Administration (USFA) goals.

The research was in line with the first three components of the Community Risk-Reduction Model. According to the EACRR Student Manual, the first three components of the Model are getting ready, risk assessment, and building support (FEMA, 2011, p. SM 1-7,1-8).

The research was in line with the third and fourteenth life safety initiatives. The third initiative states, "Focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities." (www.lifesafetyinitiatives.com) The fourteenth initiative states, "Public education must receive more resources and be championed as a critical fire and life safety program." (www.lifesafetyinitiatives.com)

The research was also in line with several of the USFA goals listed in the Student Manual. Specifically, one of the goals was to reduce risk at the local level through mitigation and prevention by engaging the community and the members of the Fire Department in dialogue that will improve knowledge and relationships. Another goal was to improve the fire and emergency services' professional status. Taking a proactive approach to risk prevention and mitigation, opening a dialogue between the community and the Fire Department, and implementing the knowledge gained from the EACRR course improved the level of professionalism of the Department. A third goal was to lead the Nation's fire and emergency services by establishing and sustaining USFA as a dynamic organization. Directly implementing the course goals at the local level, reducing risk, and improving the professional status of the Fire Department achieved the third goal (FEMA, 2011, p. SM 1-7).

#### Literature Review

The literature review for this applied research project was conducted to determine the relationship and impact of religious and cultural practices on local governments. The literature review focused on the relationship between laws and local governments. What might appear to be logical behavior to those in government, more specifically emergency services, might conflict with the religious beliefs of a specific group or groups. Therefore, the approach was to examine the relationship between religion and government from the legal perspective.

The prevailing thought seemed to be that the public must understand the government's role in public safety and the provision of services. The author looked at how the government can better understand the public in order to provide services more effectively within the context of the law.

The struggle between religion and government is not a new topic. This struggle has been going on in this country since before the creation of the Union. One of the core principles upon which the American system of government is based is the freedom to live and speak in accordance with one's religious beliefs (Sekulow, 2012, p. 1).

The country was founded on certain principles and beliefs that our government continues to struggle with to this day. The United States Constitution states,

In order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. (U.S. Const., Pmbl.)

There are twenty-seven amendments to the Constitution. Amendment I of the Constitution states,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (U.S. Const. Amend. I)

Within the First Amendment are the two religion clauses. The Establishment Clause is based upon the section of the Amendment that states, "Congress shall make no law respecting an establishment of religion." (U.S. Const. Amend. I) Note that the Clause is absolute, in that it allows no law to be established. The Clause also forbids laws respecting the establishment of religion. The Establishment Clause draws the line between the functions and operations of religion and government in our society ("Establishment Clause Overview," 2011, p. 1)

The second of the religion clauses is the Free Exercise Clause. This is based on the section of the Amendment that states, “Or prohibiting the free exercise thereof...” (U.S. Const. Amend. I)

These two clauses are the basis for many conflicts between government and religion. The conflicts occur at all levels of government and with different religious and cultures. According to Sekulow, one of the American government system’s core principles is the free exercise of religion (Sekulow, 2012, p. 1). The Supreme Court has explained that when an act required by or forbidden by one’s faith is affected by law, or that law forces a person to choose to either violate his or her faith or to incur imprisonment or financial loss, a person’s free exercise of religious is substantially burdened (Sekulow, 2012, p. 4).

An editorial by A. James Rudin discussed the appropriateness of public officials using the Bible during the ceremony for the oath of public office. Specifically, the article discussed the inauguration of President Obama, where he used two Bibles, one belonging to Abraham Lincoln and the other belonging to Rev. Martin Luther King, Jr. According to Rudin, it is the oath written into the Constitution, not the Bible or other religious book, which is necessary and sufficient for American political leaders. The effectiveness of the vow does not come from the religious text. Public officials must recognize that the demographics are changing. Public officials must not exclude or alienate any group of Americans (Rudin, 2013). According to Rudin, there are only 37 words that are required for the swearing in of elected officials. The 37 words are, “I do so solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.” (U.S. Const. art. 2, § 1, cl. 8)

An October 19, 2012 article on NorthJersey.com entitled *Agreement Reached on NJ Jewish Burials* details an agreement reached between cemetery operators of the State's three largest Jewish cemeteries, rabbis, and lawmakers. The purpose was to better accommodate burials on secular holidays and off-duty hours on Sundays, and to expand payment options.

All cemeteries charge extra for Sunday or holiday burials. But Jewish leaders say those fees and accessibility issues impact members of their faith in greater numbers. Observant Jews have a religious prohibition on burials on Saturdays and Jewish holidays. According to Jewish law, Jewish people should be buried with 24 hours after death.

NJ and six other states require their cemeteries to be operated on a nonprofit basis. There are no restrictions on what NJ cemeteries can charge. The cemeteries impose surcharges of fifty dollars to several thousand dollars for Sunday burials. NJ Sen. Loretta Weinberg, Assemblyman Gary Schaer, the North Jersey Board of Rabbis, and three of the state's largest Jewish cemeteries endorsed the agreement (Henry, 2012, p. 1).

Weinberg said the issue isn't restricted to Jewish burials. Other religions, including Islam, require burials within a specific timeframe. New York had a similar long-running dispute, until an agreement was reached about a decade ago (Henry, 2012, p. 2).

An article entitled *Jewish Groups Sue Health Officials Over Circumcision Rule* was based on a conflict between group of New York City (NYC) rabbis and NYC health officials regarding the safety of an ancient circumcision ritual.

A federal court was asked to block enforcement of a new NYC regulation requiring written parental consent to perform a religious customs called "metzizah b'peh", which is Hebrew. NYC health experts said the ritual could spread infection. Reports indicate two children have died since 2004.

During the ritual, the mohelim performing the circumcision sucks blood from the cut and spits it aside in an attempt to cleanse the wound. The saliva exposes the infant to increased risk of getting herpes simplex. Since 2000, there were eleven cases of infection documented by the Health Department, ten infants required hospitalization, and two developed brain damage. Two died.

The NYC Board of Health, which called for the banning of the ritual, agreed to a compromise. The mohelim would be required to inform the parents that the procedure was believed to be dangerous by the Health Department. The parents would be required to sign a consent form, which the mohelim would be required to keep for a year. Three rabbis filed a lawsuit saying the City had infringed upon their religious freedoms. The rabbis claimed that the requirement to warn against the procedure was unconstitutional (Caruso, 2012, p. A-6).

A follow up article entitled *Judge Sides With NYC on Circumcision Ritual* stated that a federal judge had ruled against the rabbis and for the new regulation, thus requiring the consent forms to be completed and kept on file. The judge said an injunction “would not serve the public interest.” (“Judge sides with NYC,” 2013)

There were several landmark legal cases that have become the foundation for constitutional challenges between the government and religion.

In *Sherbert v. Verner et al., members of South Carolina Employment Security Commission*, the appellant was a member of the Seventh-day Adventist Church. Her South Carolina employer fired her because she refused to work on Saturday. She stated Saturday was the Sabbath of her faith. When she was unable to find other work because she would not take Saturday work, she filed for unemployment compensation benefits under the South Carolina Unemployment Compensation Act. The South Carolina Employment Security Commission

found that she didn't qualify for benefits because she failed to accept suitable work. The ruling was sustained by the Court of Common Pleas for Spartanburg County. The South Carolina Supreme Court, when it affirmed that ruling, rejected the ruling that her right to free exercise of her religion secured under the Free Exercise Clause of the First Amendment were violated (Sherbert v. Verner et al., Members of South Carolina Employment Security Commission, et al., 1963).

The U.S. Supreme Court reversed the South Carolina Supreme Court ruling on June 17, 1963 (Sherbert v. Verner et al., Members of South Carolina Employment Security Commission, et al., 1963).

In *Walz v. Tax Commission of the City of New York*, the appellant, a real estate owner, sought an injunction in the New York courts to prevent the granting of property tax exemptions to religious organizations for religious properties used solely for religious worship by New York City Tax Commission. The appellant's argument was that he is indirectly required to contribute to religious groups by the City granting an exemption to church property. The appellant's claim is a violation of the Establishment Clause of the First Amendment (*Walz v. Tax Commission of the City of New York*, 1970).

Prior opinions of the Supreme Court have stated that the Establishment and Free Exercise Clauses of the First Amendment are not precisely written. "The sweep of the absolute prohibitions in the Religion Clauses may have been calculated; but the purpose was to state an objective, not to write a statute." (*Walz v. Tax Commission of the City of New York*, 1970) Because both the Free Exercise and Establishment clauses are cast in absolute terms, the Court has struggled to find a neutral course between them. If either were expanded to a logical extreme,

it would tend to clash with the other at some point (*Walz v. Tax Commission of the City of New York*, 1970).

The purpose of the Clauses are to insure that no religion is sponsored, favored, commanded, and/or inhibited. The Court cannot be absolutely rigid in its interpretation, as it could well defeat the basic purpose of these provisions (*Walz v. Tax Commission of the City of New York*, 1970).

America has a long-standing tradition of accommodating religious practices and expression that predates the Constitution (Sekulow, 2012, p. 1). Since 1885, the Court has accepted without discussion the understanding that federal or state grants of tax exemptions to churches were not a violation of the Religion Clauses of the First Amendment. Therefore, the New York statute is confirmed. The case was decided and affirmed on May 4, 1970 (*Walz v. Tax Commission of the City of New York*, 1970).

*Lemon et al v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al.*, better known as *Lemon v. Kurtzman*, was decided on June 28, 1971 by the Supreme Court of the United States. It was an appeal from the U.S. District Court for the Eastern District of Pennsylvania (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al.*, 1971).

The two appeals questioned the Pennsylvania and Rhode Island statutes that provided state aid to church related elementary and secondary schools. The argument was that both statutes violated the Establishment and Free Exercise Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al.*, 1971).

The *Rhode Island Salary Supplement Act*, enacted in 1969, authorized state officials to supplement the salary of a teacher of secular subjects in nonpublic elementary schools by an amount not to exceed 15% of his current salary. There were several other requirements that needed to be met in order to qualify for the stipend.

In Rhode Island, the District Court found that the *Salary Supplement Act* violated the Establishment Clause. The Court decided that it created “excessive entanglement” between government and religion (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al., 1971*).

Pennsylvania enacted the *Pennsylvania Nonpublic Elementary and Secondary Education Act* in 1968. This program had some but not all of the features of the Rhode Island program (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al., 1971*).

The court, which dismissed the complaint, held that the Act did not violate either the Establishment or the Free Exercise Clause (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al., 1971*). The court must establish boundaries within which to operate in the absence of precisely stated constitutional prohibitions. The three main challenges against which the Establishment Clause was intended to afford protection are sponsorship of, financial support, and active involvement of the sovereign in religious activity (*Walz v. Tax Commission of the City of New York, 1970*).

Both the Rhode Island and Pennsylvania statutes were found to create excessive entanglement (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al., 1971*).

The Court affirmed the judgment of the Rhode Island District Court, and reversed the judgment of the Pennsylvania District Court (*Lemon et al., v. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al., 1971*).

The *Lemon v. Kurtzman* case dealt with the first several words of the first part of the First Amendment, which state that the government may not establish a national religion (Farish, 2000, p. 6). *Lemon v. Kurtzman* has given us a three-part test by which to analyze the appropriateness of the relations between church and state. Briefly, it requires that the relations between church and state:

1. Have a secular purpose (that is non-religious purpose such as public safety or convenience);
2. Neither inhibit nor advance religion, and;
3. Do not cause government and religion to become “entangled” with each other (Farish, 2000, p. 8).

The three-pronged Lemon test came from criteria to determine Establishment Clause violations from *Board of Education v. Allen* and *Walz v. Tax Commission* (Farish, 2000, p. 63). Excessive entanglement was the key issue in *Lemon v. Kurtzman*. Justice Burger stated that the issue was “extensive state involvement with religion.” (Farish, 2000, p. 64) Supreme Court Chief Justice Warren Burger was in charge of the case (Farish, 2000, p. 39).

In his opinion, Chief Justice Burger discussed entanglement. He stated, “Our prior holdings do not call for total separation between church and state...Fire inspections [of churches and church schools, and], building and zoning regulations are examples of necessary and permissible contacts.” (Farish, 2000, p. 67) If taken to extremes, eventually anything could offend the Establishment Clause (Farish, 2000, p. 70).

All three prongs of the test are very practical and based on the facts (Farish, 2000, p. 81). In recent cases, judges have sought to determine whether there is not just entanglement but excessive entanglement between church and state. “Some entanglement between the two cannot be avoided and is not constitutionally fatal.” (Farish, 2000, p. 92)

*Lemon v. Kurtzman* has been challenged time and again from every angle and has been looked at from every perspective. However, its usefulness remains. “Just when one thinks it is out of date, it appears in another ruling.” (Farish, 2000, p. 93)

According to Magarian, although it has been frequently criticized, the Lemon test remains one of the primary tools used by the Court when considering Establishment Clause violation claims (Magarian, 2001, p. 90-91).

*Wisconsin v. Yoder et al.* involved the constitutionality of imposing criminal punishment upon Amish parents for their religiously based refusal to compel their children to attend public high schools (*Wisconsin v. Yoder et al.*, 1972).

According to Wisconsin’s compulsory school attendance law, parents were required to have their children attend public or private school until reaching age 16. The parents (respondents) refused to send their children to public school after they completed the eighth grade. The children were 14 and 15 years of age. The respondents stated that the compulsory attendance law violated their First and Fourteenth Amendment rights (*Wisconsin v. Yoder et al.*, 1972).

The Court decided that the requirement of high school attendance until age 16 was reasonable and constitutional, even though it also determined that Wisconsin compulsory school attendance law does interfere with the freedom of their religious beliefs. The motion to dismiss the charges was denied.

The Wisconsin Circuit Court affirmed the decision. The Wisconsin Supreme Court agreed with the claim that the Free Exercise Clause of the First Amendment was violated and, therefore reversed the decision (Wisconsin v. Yoder et al., 1972). The United States Supreme Court affirmed the ruling of the Wisconsin Supreme Court on May 15, 1972 (Wisconsin v. Yoder et al., 1972).

*Employment Division, Department of Human Resources of Oregon et al. v. Smith et al.* was based on whether the Free Exercise Clause permits the State of Oregon to deny unemployment benefits to persons dismissed from their jobs for religiously inspired use of peyote. Oregon has a criminal prohibition of the use of peyote (Employment Division, Department of Human Resources of Oregon et al., v. Smith et al., 1990).

Respondents Alfred Smith and Galen Black, both members of the Native American Church, were fired from their jobs because they ingested peyote for religious purposes at a religious ceremony. They applied to the Employment Division for unemployment compensation. Because they had been discharged for work-related misconduct, they were ineligible for benefits. The Oregon Court of Appeals reversed that decision. The Court of Appeals decided that the denial of benefits violated the respondents' First Amendment free exercise rights. The Oregon Supreme Court reversed the decision of the lower court. The Supreme Court decided that the respondents were entitled to payment of unemployment benefits (Employment Division, Department of Human Resources of Oregon et al., v. Smith et al., 1990).

The United States Supreme Court found that, because the respondents' ingestion of peyote was prohibited under Oregon law, the State could deny unemployment compensation when the dismissals were a result of the use of the drug. The decision of the Oregon Supreme

Court was reversed on April 17, 1990 (Employment Division, Department of Human Resources of Oregon et al., v. Smith et al., 1990).

On November 16, 1993, the Senate and the House of Representatives enacted Public Law 103-141. The *Religious Freedom Restoration Act (RFRA)* was enacted to protect the exercise of religion (Religious Freedom Restoration Act of 1993, 1993). The passage of *RFRA* was an effort by Congress to reverse the *Employment Division, Department of Human Resources of Oregon et al., v. Smith et al.* decision (Magarian, 2001, p. 12). According to the law, the purposes of the Act are:

1. To restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and
2. To provide a claim or defense to persons whose religious exercise is substantially burdened by government (Religious Freedom Restoration Act of 1993, 1993).

In section 3b of *RFRA* it states,

Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:

1. Is in furtherance of a compelling government interest;
2. Is the least restrictive means of furthering that compelling governmental interest (Religious Freedom Restoration Act of 1993, 1993).

According to *RFRA*, "the term government includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a State, or a subdivision of a State." (Religious Freedom Restoration Act of 1993, 1993)

In Section 7 it states,

Nothing in this act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion...Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act (Religious Freedom Restoration Act of 1993, 1993).

In 1997, in *City of Boerne v. Flores, Archbishop of San Antonio, et al.*, the Supreme Court declared RFRA unconstitutional as it applies to state and local governments (Magarian, 2001, p. 14). In The Supreme Court stated, “*RFRA* contradicts vital principles necessary to maintain separation of powers and the federal balance.” The Court ruled that *RFRA* does not apply to state and local governments, but does apply to federal law. (Magarian, 2001, p. 2-3). Justice Kennedy found that Congress had altered the Supreme Court’s interpretation of the First Amendment as announced in *Smith* when it enacted *RFRA* (Magarian, 2001, p. 15).

In *City of Boerne v. Flores, Archbishop of San Antonio, et al.*, a local zoning authority’s decision to deny a building permit to a church was challenged under the *Religious Freedom Restoration Act of 1993*. The case questioned the authority of Congress to enact *RFRA*. It was decided that Congress had exceeded its power when it enacted *RFRA* (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997).

Congress enacted *RFRA* in direct response to the Court’s decision in *Employment Division, Department of Human Resources of Oregon et al. v. Smith et al.* In evaluating the claim in *Employment Division, Department of Human Resources of Oregon et al. v. Smith et al.*, the Supreme Court declined to apply to balancing test set forth in *Sherbert v. Verner et al.*, members of South Carolina Employment Security Commission.

The application of the Sherbert test, the Smith decision explained, would have produced an anomaly in the law, a constitutional right to ignore neutral laws of general applicability... The only instances where a neutral, generally applicable law had failed to pass constitutional muster were cases in which other constitutional protections were at stake (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997).

In *Wisconsin v. Yoder et al.*, the case considered both the religious free exercise rights and the right of parents to control their children's education (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997). Members of Congress debated the points of constitutional interpretation in hearings and floor debates. Many in Congress criticized the Court's reasoning, which resulted in the passage of *RFRA* (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997).

It was argued that *RFRA* was a proper exercise of Congress' remedial or preventive power. The proponents argued that the Act was a reasonable means of protecting free exercise of religion as defined by Smith. "It prevents and remedies laws that are enacted with the unconstitutional object of targeting religious beliefs and practices." (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997)

The US Supreme Court stated that *RFRA* was designed to control controversies. "But as the provisions of the federal statute here invoked are beyond congressional authority, it is this Court's precedent, not *RFRA*, which must control." (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997). The Court of Appeals' judgment sustaining the Act's constitutionality was reversed (*City of Boerne v. Flores, Archbishop of San Antonio, et al.*, 1997).

Congress enacted the *Religious Land Use and Institutionalized Persons Act of 2000* (RLUIPA). This was enacted to restore the *RFRA*, which was declared unconstitutional in *City of Boerne v. Flores, Archbishop of San Antonio, et al.* The main purpose of the act was to protect religious liberty (Religious Land Use and Institutionalized Persons Act of 2000, 2000).

Section 2 concerns the protection of land use as religious exercise.

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution:

1. Is in furtherance of a compelling government interest.
2. Is the least restrictive means of furthering that compelling government interest

(Religious Land Use and Institutionalized Persons Act of 2000, 2000).

Section 3 concerns the protection of religious exercise of institutionalized persons.

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person:

1. Is in furtherance of a compelling government interest.
2. Is the least restrictive means of furthering that compelling government interest

(Religious Land Use and Institutionalized Persons Act of 2000, 2000).

Section 6, entitled “Establishment Clause Unaffected” states,

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting

an establishment of religion (referred to in this section as the ‘Establishment Clause’). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act (Religious Land Use and Institutionalized Persons Act of 2000, 2000).

Section 7, entitled “Amendments to Religious Freedom Restoration Act”, details specific changes to the wording of the *RFRA of 1993* to conform to the *RLUIPA of 2000* (Religious Land Use and Institutionalized Persons Act of 2000, 2000).

In *Faith Profaned: the Religious Freedom Restoration Act and Religion in Prisons*, Solove states that it is particularly difficult to balance religion in a prison environment. When a person is in prison, there will be certain restrictions on their rights by necessity. But that doesn’t mean that a prisoner’s right should be or need to be completely removed. The difficulty lies in determining how extensively the religious rights should be curtailed and to what extent the courts should be involved in the administration of prisons (Solove, 1996, p. 460). When *RFRA* was enacted, it mandated that cases involving prisoners’ religious free exercise be reviewed using the same strict scrutiny as regular free exercise cases. This would result in a significant increase in the protection of the prisoner’s free exercise rights (Solove, 1996, p. 465).

As difficult as religious freedom issues are in civilian sector of American society, the issues become more difficult in the military (Fitzkee & Letendre, 2007, p. 5).

In the military, conflicts between military requirements and a service member’s religious practices are solved on a case-by-case basis. The general rule, however, is that the military should provide an exemption whenever possible unless accommodation will adversely affect military readiness (Fitzkee & Letendre, 2007, p. 61-62).

When evaluating exemptions from existing military requirements based on free exercise claims, it is always difficult to accommodate the conflict between need and religious conscience (Folk, 1982, p. 88). In *McCreary County v. ACLU*, the prevailing general principle was that the government must be neutral toward religion. It must neither favor a particular religion over other religions nor favor religion generally over non-religion (Fitzkee & Letendre, 2007, p. 8).

A New York Times article entitled *Israel: Military Ordered to Develop Plan to Draft Ultra-Orthodox Men* discussed a directive from Defense Minister Ehud Barak. Barak instructed the military to begin drafting ultra-Orthodox Jewish men the same as it does for other Israelis. This has been an issue that has divided the country for decades. Defense officials were given a month to develop a plan. The order came hours before a law that has granted tens of thousands of ultra-Orthodox Jews exemptions from military duty expired. In February 2012, the Israeli Supreme Court overturned the law (“Israel: Military Draft Ultraorthodox,” 2012, p. 1).

The American military has experienced longstanding tension between military requirements and religious conscience. Recent aspects of this involve claims by service members to military appearance requirements exemptions based on the Free Exercise Clause (Folk, 1982, p. 53).

There have been five cases of significance. Two cases involve Orthodox Jewish Chaplains wearing beards in the Air Force, one involves a former Navy member of the Sikh religion wearing a turban, and two cases involve Orthodox Jewish members of the Air Force wearing the yarmulke while in uniform (Folk, 1982, p. 53).

There are 3 main problems. First is the applicable test to the free exercise claims. Second is the consideration of the potential impact that future claims would have in determining the

required adherence to uniform and appearance standards. Third is the role that the courts will play in reviewing justification of military interests in uniformity (Folk, 1982, p. 54-55).

According to the Army Times, there was a notable exception to the general practice by the military of not allowing religion-based exceptions to military requirements. From 1958 until 1981, members of the Sikh religion in the Army were allowed to wear beads, turbans, religious bracelets, and not cut their hair. The Army granted this exception because; at the time the Sikhs were the only religious group known to have absolute appearance requirements for the followers of their religion. The exception ended when it became evident to the Army that it might have to grant additional exceptions in significant numbers. That would've created a significant negative impact on the Army's ability to perform its mission (Folk, 1982, p. 62). Once an exemption is required, it becomes difficult to establish at what point further exceptions should be denied because of the need for uniformity (Folk, 1982, p. 71). Sometimes honoring a soldier's request to religious free exercise rights may conflict with the military's mission (Fitzkee & Letendre, 2007, p. 5).

In *Mitchell v. Helms*, it was determined that typically Establishment Clause challenges arise from the government taking some action perceived to help religion. In some cases, it occurs even if the government's help is provided to a non-religious organization (Fitzkee & Letendre, 2007, p. 8).

According to *Lemon v. Kurtzman*, if the primary effect of the law either advances or inhibits religion, the law is deemed to be unconstitutional. It is the primary effect of the law is most important. (Fitzkee & Letendre, 2007, p. 10). "The Free Exercise Clause becomes an issue whenever governmental action burdens the free exercise of religion, even if the action falls short of completely 'prohibiting the free exercise' of religion." (Fitzkee & Letendre, 2007, p. 13)

Governmental action targeting religion is generally prohibited. A governmental action is considered to target religion if the purpose is to suppress religion or its practice (Fitzkee & Letendre, 2007, p. 14-15). Even though a government action may not be directed at religion, it might limit a person's ability to practice their religion. As long as the law at issue is truly religion-neutral and generally applicable, it is highly likely the law will be upheld in the courts (Fitzkee & Letendre, 2007, p. 16-17).

A law is "religion-neutral" when it is not targeted at religion but advances some other legitimate government interest. A law is generally applicable when its burden is not limited to only those who engage in the regulated conduct for religious purposes (Fitzkee & Letendre, 2007, p. 17).

In the case of *Goldman v. Weinberger, Secretary of Defense, et al.*, decided on March 25, 1986, Petitioner S. Simcha Goldman argued that he should be permitted to wear a yarmulke while in uniform, notwithstanding an Air Force regulation mandating uniform dress for Air Force personnel, based on the Free Exercise Clause.

In 1973, Goldman, an Orthodox Jew and ordained rabbi, was accepted into the Armed Forces Health Professions Scholarship Program. He was placed on inactive reserve status while he studied clinical psychology at Loyola University in Chicago. He was required to serve one year of active duty as a commissioned officer for every year of subsidized education.

Until 1981, Goldman was allowed to wear his yarmulke on the base. But in April 1981, after he testified as a defense witness at a court-martial hearing, a complaint was filed with the Hospital Commander by the opposing counsel. He argued that Goldman's practice of wearing his yarmulke was a violation on Air Force Regulation (AFR) 35-10.

Goldman sued the Secretary of Defense and others. His claim was that the application of AFR 35-10 preventing his from wearing his yarmulke was a violation of his First Amendment rights. The court concluded “the Air Force’s interest in uniformity renders the strict enforcement of its regulation permissible.” (Goldman v. Weinberger, Secretary of Defense et al., 1986) Goldman’s contention was that the Free Exercise Clause required the Air Force to make an exception to its dress uniform requirements for religious apparel unless a clear danger of undermining discipline and esprit de corps is presented.

The Court of Appeals confirmed that the First Amendment does not require the military to accommodate such practices if the practice would detract from the uniformity sought by the dress regulations. The First Amendment does not prohibit the regulations from being applied to Goldman, even though their effect is to restrict the wearing of the headgear required by his religious beliefs (Goldman v. Weinberger, Secretary of Defense et al., 1986).

In *Guru Sant Singh Khalsa v. Weinberger, Secretary of Defense; John O. Marsh, Jr., Secretary of the Army; in their official capacities, and United States of America, Defendants-Appellees*, decided on April 21, 1986, Guru Sant Singh Khalsa, a member of the Sikh religion, brought this action because the Army refused to process his enlistment application for failure to comply with Army appearance regulations. Khalsa’s contention was that the regulations violated his First Amendment rights.

By balancing the substance of Khalsa’s claim and his potential injury against the extent of interference with military functions and expertise, the Court concluded that the Army appearance regulations were not subject to judicial review.

The Khalsa case was originally submitted on February 6, 1985. Based on the outcome of *Goldman v. Weinberger, Secretary of Defense, et al.*, cited above, it was resubmitted and an

order filed on April 21, 1986. The Supreme Court of the United States, in *Goldman v. Weinberger, Secretary of Defense, et al.*, sustained the Air Force regulation against this constitutional challenge. The Court deferred to the professional judgment of the military authorities. The authorities stated that uniform appearance standards are necessary to maintain unity and discipline. Therefore, earlier judgment in the case was reaffirmed (*Guru Sant Singh KHALSA, Plaintiff-Appellant, v. Caspar Weinberger, Secretary of Defense; John O. Marsh, Jr., Secretary of the Army; in their official capacities, and United States of America, Defendants-Appellees*, 1985).

The Australian Human Rights Commission published a document entitled *Unlocking Doors: Audit of Initiatives Related to Police and Muslim Communities*. This document lists numerous initiatives taken by numerous agencies aimed at improving the level of service delivery by emergency service agencies when dealing with religious and/or cultural issues. The National Police Ethnic Advisory Bureau (NPEAB), which became the Australasian Police Multicultural Advisory Bureau (APMAB) created A Practical Reference to Religious Diversity for Operational Police. The document is now in its second edition (Australian Human Rights Commission, n.d., p. 1-5).

In the foreword of *A Practical Reference to Religious Diversity for Operational Police, 2<sup>nd</sup> Edition*, it states:

Religiously determined behaviours pose a challenge to operational members who are expected to perform their duties with sensitivity to the community they serve.

One of the stumbling blocks to the delivery of culturally sensitive services is a general lack of knowledge and awareness of different religious behaviours. In an endeavour to equip operational police and emergency services with basic

knowledge on this complex issue, the Australasian Police Multicultural Advisory board conducted a nationwide survey. The survey identified questions operational police and emergency services have regarding religiously determined behaviours and their impact on policing...While cross-cultural awareness is a skill needed in today's multicultural society, cultural practices that break Australian laws can not be condoned. The information is based on the questions generated by operational police and emergency services. The responses have been developed by the respective religious leaders and communities (Australasian Police Multicultural Advisory Board, 2006, p. 2).

This document provides information on faiths such as Baha'i, Buddhist, Christian, Hindu, Islamic, Jewish, and Sikh (Australasian Police Multicultural Advisory Board, 2006, p. 1). Information on each faith is provided such as key festivals, variations within the particular faith, death and related issues, gender roles and family, physical contact and other sensitivities, and religious practices and policing (Australasian Police Multicultural Advisory Board, 2006, p. 59-70).

The Government of Western Australia Department of Local Government Office of Multicultural Interests consulted with key religious leaders from Western Australian to produce cultural and religious information sheets. The sheets are designed to raise awareness and understanding of different religious and cultural practices, and to assist service providers in government and not-for-profit community sectors so that they can improve the development and delivery of services (Government of Western Australia Department of Local Government Office of Multicultural Interests, p. 1-2). The OMI produced information sheets on Buddhism,

Christianity, Hinduism, Islam, Judaism, and Sikhism (Government of Western Australia Department of Local Government Office of Multicultural Interests, p. 1).

The culture and religious information sheets provide information for a particular faith such as the history of the faith in Western Australia, demographics, background and origins of the faith, key beliefs, language and communications, body language and behavior, greetings, names and titles, dress and appearance, seating, food, drink, and fasting, family and marriage, religious festivals and days of significance, medical, counseling/interviews, and death and related issues (Government of Western Australia Department of Local Government Office of Multicultural Interests, p. 2-5).

Kerr Cuhulain is a former Canadian police detective. He made headlines when he declared he was a Wiccan while serving on the force. Since then, he has worked tirelessly to improve awareness and knowledge about Wicca and Paganism in the police and emergency services (Cuhulain, 2011, p. 1).

In 1989, Cuhulain published a book geared toward the police force titled *The Law Enforcement Guide to Wicca*. His new book, *Pagan Religions: A Handbook for Diversity Training* is an expanded version of this book meant for a wider audience. It is focused on educating those in the emergency services who might have interactions with the Pagan religion in the course of their work (Cuhulain, 2011, p. 1).

#### Procedures

The external fire department survey was created to determine whether other fire service agencies across the United States experienced service delivery issues related to religious and/or cultural customs (See Appendix B). A survey was created using [www.surveymonkey.com](http://www.surveymonkey.com). A list

of questions was developed with a variety of different answering options to gather as much information as possible from the respondents.

The first four survey questions were designed to gather information about the respondent's agency and response area. The information would tell the author how widespread the survey reached and where, geographically, different issues were present. Also, the author would determine whether there were multiple respondents from the same department or from different departments that covered the same or similar geographic area.

The fifth question was used to determine the rank or position of the respondent. The purpose of this question was to determine at what level in the organization service delivery issues are experienced.

The sixth question was multiple choice, where the respondent could choose more than one answer. The purpose of this answer style was to give the respondent an opportunity to provide more specific information about either religious issues or cultural issues. The respondent was also asked to provide detailed information about the specifics of the experiences that they were responding to. The purpose was to gather as much information about the specific types of issues encountered.

The seventh question was multiple choice, where the respondent could choose more than one answer. This question was designed to gather information about the type of issue that was encountered by the respondent's agency. There were five major categories to choose from. There was also a large section for the respondent to provide additional details.

The eighth question was multiple choice, where the respondent could choose more than one answer. This question was designed to gather information about the action or actions that were taken by the respondent's agency to deal with or remedy the service delivery issue(s).

There were six major categories to choose from. There was also a large section for the respondent to provide additional details.

The ninth question was a yes or no question. The author used this type of question as opposed to a multiple choice question to get the respondent to commit to an answer. The respondent could then use the text box to provide additional information about the response. The tenth and final question was a general question designed to allow the respondent to provide additional information that may be relevant but not appropriate under one of the previous questions.

Once the survey was created, the author used two primary outlets to distribute the survey and gather results. The first outlet was the U.S. Fire Administration's Training Resource and Data Exchange (TRADE) program. "TRADE is a regionally based network designed to foster the exchange of fire-related training information and resources amongst Federal, State, and local levels of government." (U.S. Fire Administration, n.d.) The author posted the link to the survey through TRADE. It was distributed to all subscribers of the TRADE program.

The second outlet was the International Association of Fire Chiefs' (IAFC) website. The author is a subscriber to the website. Therefore, the author had access to the IAFC KnowledgeNet. The author posted a new discussion on the discussion board with a link to the survey.

The internal fire department survey was created to determine the current level of knowledge and experience amongst the members of the Clifton Fire Department (CFD) NJ related to religious and cultural customs of the Orthodox Jewish Community (See Appendix C).

The author chose to focus the internal survey on one particular religious group, as opposed to the external survey that did not specify a particular religion or custom. The author's decision was based on two primary factors.

The first factor was that the original idea for the topic of the research was based upon a specific emergency response that dealt with the Orthodox Jewish community and their religious customs. The second factor was that the author's purpose for the research was to improve timeliness of reporting of emergencies as it related to the problem in the Orthodox Jewish community.

The author created the internal survey with eight questions. The first two questions asked for the name of the respondent, and years of experience with the Clifton Fire Department. These were mandatory responses. The respondent would not be allowed to complete the survey without providing this information. The purpose was to reduce or eliminate fraudulent or anonymous responses to the survey, and to determine whether or not there was a significant group of respondents to the survey based on years of experience.

The third question was designed to determine the respondent's current level of knowledge of the religious and cultural customs of the Orthodox community. This question had three general responses, and also had a box to add comments if necessary.

The fourth question was designed to specifically determine whether the respondent had experienced a service delivery issue or not and, if so, was it more than once.

The fifth question was designed to determine when, or under what circumstance, the service delivery issue was encountered. This question was designed to provide insight into whether the issues were based on a single type of service delivery.

The sixth question asked for more information from the response to the fifth question. The respondent could choose from one of five responses, or could choose more than one response based upon their experience. There was also a section for the respondent to provide additional information.

The seventh question was designed to determine whether there would be any interest from the respondent in learning more about the Orthodox Jewish community.

The eighth question provided the respondent with an opportunity to provide additional information that they may not have thought appropriate in one of the other questions.

The survey was created on [www.surveymonkey.com](http://www.surveymonkey.com). An internal memorandum was created (See Appendix D). The author visited each of the seven companies at the six firehouses on each of the four shifts over a period of four days. The author provided each member present with a copy of the memorandum. The memorandum explained the purpose of the survey, the approximate amount of time it would take to complete, a deadline for completion, and the link to the survey's website. The author explained that participation in the survey was not mandatory, answered any questions, and thanked those that were present for their attention.

Two interviews were designed and created to solicit information from the Orthodox Jewish community (See Appendices E and F). Although the author created two separate interviews designed to answer two separate research questions, the purpose of the interviews was to engage in dialogue with the Orthodox Jewish community to learn about their customs and beliefs.

Both interviews had a main research question, with three supporting questions designed to solicit as much information as possible. The first interview sought to determine the common

practices of the Orthodox Jewish community that can increase risk. The supporting questions asked what times of the day, week, month, and year that the risk might be increased.

The second interview sought to determine how the provisions of the religious customs are interpreted in the Orthodox Jewish community. The supporting questions asked more specific questions designed to elicit as much information as possible.

In order to locate a person from the Orthodox Jewish community that would be willing to participate in the interview, the author contacted Neal Frohlich, from Hatzolah Ambulance. Mr. Frohlich recommended Mr. Marty Lovy (See Appendix G). The author contacted Mr. Lovy and arranged for a meeting at his place of business.

On November 20, 2012, a face-to-face interview was conducted with Mr. Lovy. The author provided Mr. Lovy with the interview questions. The author explained that they could be used to provide a more comprehensive written response if the face-to-face interview was not productive.

A written interview was designed and created to solicit information from various departments in Clifton City Hall (See Appendix H). The interview had four questions. The questions were designed to allow the respondent sufficient latitude to provide answers related to their area of responsibility. The interview questions were generic, in that, the same interview questions were used for each of the three different departments.

The author created a main research question that asked to what extent fire departments and local governments could impose restrictions on religious and/ or cultural practices to prevent injuries, death, and/or property damage. Next, there were four other questions designed to solicit additional information or to make the interviewee think about the topic from a different perspective. Essentially what was being asked was, as a fire department and/or a local

government, to what extent we could restrict religious and/or cultural practices that increased community risk.

A memorandum was written and distributed to each interviewee detailing the purpose of the research and the interview (See Appendix I). This memo would serve as a reminder of the purpose while the interviewee completed the interview.

The interview was distributed to members of the City of Clifton administration; specifically Assistant Municipal Attorney Tom Egan, Fire Official David Meisberger of the CFD Fire Prevention Bureau, and Program Director of Housing Assistance Sam DeGrose (See Appendix J). The author chose these individuals based upon their areas of responsibility within the City administration.

The Law Department is the legal advisor to the Clifton Municipal Council and all city departments and employees. “The Law Department enforces all laws to protect the interests of the city and its residents, institutes legal actions on behalf of the city, and defends the city in legal actions instituted against it.” (City of Clifton, n.d.) The Fire Official is the supervisor for the Fire Prevention Bureau and is responsible for enforcing the laws, codes, and regulations in the City of Clifton related to fire safety (personal communication, November 7, 2012). The Program Director of Housing Assistance is the department head for the Housing Department which provides a wide range of services including housing and property maintenance code enforcement for both residential and commercial properties, investigation of illegal housing, and zoning code enforcement. “The Clifton housing code sets standards for property maintenance and occupancy.” (City of Clifton, n.d.)

The author provided the interviewees with a written copy of the interview questions and asked them to provide written responses to the questions. This interview approach was taken to

allow the individuals time to research their responses if necessary. The author advised each interviewee that if they wished, a face-to-face interview could be scheduled in lieu of the written responses.

## Results

The author had 146 respondents start the external fire department survey. The author sorted the responses by reviewing the information provided by the respondents. Several surveys were started, but lacked sufficient information in order for the response to be useful. Once all of the responses were sorted, the author had a total of 57 surveys that provided sufficient information and detail.

The author received responses from 29 different states and one from Canada. Of the 57 responses, the author received more than one response from only one department. Two responses from two people of different ranks from the Bremerton Fire Department (BFD) WA were provided. The author received responses from departments as small as 21 personnel to departments with over 200 personnel. Responses were provided from departments that served all populations listed, from the smallest category, 1-5000, through the largest category, 250000+. Responses were received from individuals of all ranks including, Firefighter, Lieutenant, Captain, Training Officer, Medical Officer, Fire and Life Safety Director, Battalion Chief, Deputy Chief, Division Chief, Assistant Chief, and Fire Chief. The respondents were both line and staff personnel, both active and retired.

The respondents indicated that they've experienced numerous issues from both religious and cultural customs. Although there were more responses for cultural issues than religious issues, there were an adequate number of responses to all categories.

According to the detailed information provided by the respondents, many faced some type of issue with a language barrier or some type of difficulty with communication. Some of the respondents indicated that they've experienced a hesitation to contact 911, or a fear or difficulty with authority.

Some of the respondents experienced issues with family members performing their own medical interventions at home prior to calling for medical assistance, issues with males performing medical interventions, issues with females entering places of worship, issues with delays in calling 911 due to religious holidays, issues with the use of open flames and candles being left lit for prolonged periods of time, and issues with responders being allowed to enter residences without permission of the head of household or oldest male member. More than one respondent experienced an issue with Native American laws, religion, and culture in some fashion. One respondent experienced an issue with the family performing childbirth at home because they didn't believe in hospital care and treatment. Many of these issues present conflicts with their department's medical response protocols.

The respondents had five separate types of service delivery impacts from which to choose. All five of the impacts on service delivery were selected at least once. An increase in response time was selected the least, nine times. By far, a disruption in the ability to provide services at an incident was selected most, 37 times. A delay in activating emergency services or notifying 911 was selected 28 times.

Some of the respondents detailed adverse impacts such as difficulty communicating and interacting with patients, confusion during the incident, and increases in call volume or an abuse of the 911 system to non-emergent calls. One respondent detailed a legal issue on Native

American reservations, where a person cannot be removed from the reservation against their will. This put the respondent in conflict with orders from medical control.

When asked what actions, if any, were taken to overcome the challenges presented, almost half of the responses indicated that their organization and/or local government had engaged in public safety education and/or community outreach program. The next answer selected most was no action taken to overcome the challenges presented, 18 times. Training for department personnel was selected 14 times. Code changes and legal department involvement were both selected only once.

The question of whether or not there has been an improvement in service delivery was evenly divided at 50% for both yes and no. Some respondents indicated improvements such as being better equipped to deal with unfamiliar customs, better relationships and more cooperation with the community, a better understanding of cultural customs, a reduction in the abuse of 911, a reduction in service delivery times, a reduction in the delay of calling 911, and an increase in information provided in several languages. One respondent indicated a code change was enacted that resulted in a reduction in call volume to that particular hazard. Other respondents indicated that it was too early in the process to determine the benefits, there was a lack of statistics to support the decision, that it was generally difficult to quantify, or that it was unknown.

The author received 49 responses to the internal fire department survey. Of the 49, 45 were legitimate responses. There were 120 members that were asked to participate in the survey. The first question, which asked for the respondent's name, was a mandatory response. Of the 49 surveys completed, 45 were legitimate.

The experience levels provided by the respondents ranged from less than one year to more than 25 years.

Although most of the respondents selected that they were somewhat familiar with the cultural and religious customs of the Orthodox Jewish population, 64%, none of the respondents selected that they were very familiar.

The respondents indicated that they had some knowledge about their customs such as Saturday is the Sabbath, the presence of the eruv, a prohibition of labor on certain days, and a restriction on the use of appliances and vehicles on certain days. A few indicated that they were familiar with the customs from having worked in the primary response area with the large concentration of Orthodox Jewish people. Some indicated limited knowledge from previous life or work experience. Others indicated that they were not familiar at all.

The responses regarding an encounter with an issue in the delivery of services were evenly distributed between the choices. 16 selected that they'd never encountered an issue, 10 selected one encounter, and 19 selected more than one.

The responses regarding the type of incident when the issue was encountered were evenly distributed between the choices. 16 indicated they'd encountered an issue during a fire incident, while 14 indicated they'd encountered an issue during an EMS incident. Four respondents indicated they'd encountered issues at both fire and EMS incidents.

The responses regarding the adverse impact encountered were varied. While all of the responses were selected at least once, over 57% selected a disruption in the ability to provide services at the incident. Some of the issues encountered by responders were being restricted from treating patients on scene, delays in the notification of 911 for religious reasons, delaying transport of a child due to the impending Sabbath, residents were unable to assist with resetting of residential alarms due to Sabbath restrictions, residents leaving appliances such as the stove turned on for days at a time, and refusal to sign fire department forms due to Sabbath restrictions.

When asked how beneficial an increase in knowledge of the cultural and religious customs would be, over 64% of the responses indicated that an increase in knowledge would be somewhat beneficial, 20% selected not beneficial, and 15% selected very beneficial.

The additional information provided by the respondents indicated that an increase in knowledge would be helpful, may prevent future problems, would increase awareness, would help us perform and interact, would allow us to provide a better service, and might help some newer members of the department develop and understanding of their cultural and religious customs. Some respondents indicated that it would not benefit us, that is would be counterproductive, and knowing the details of their culture is irrelevant. An additional comment indicated that there must be an increase in education of both the Fire Department and the Orthodox Jewish community.

The author conducted a face-to-face interview with Mr. Martin Lovy. The responses to the questions were provided in a conversational manner during the interview (See Appendix K). The written research questions were provided to him as a guideline for the interview. The author's goal for the interview was to explain the purpose of the interview and how it related to the topic being researched.

Mr. Lovy expressed that he was glad that the author was taking the time and the initiative to open the lines of communication between the Fire Department and the Orthodox Jewish community. He also expressed that he was glad that the author had taken an interest in the culture of the Orthodox Jewish community.

One of the first things that Mr. Lovy addressed with the author regarding the interview questions was the use of the term Hasidic. Lovy stated that there are several divisions within the Jewish community. There are the reformed or secular Jewish people. These Jewish people are

considered to be non-practicing Jewish people. There are the conservative Jewish people that are practicing, but do not follow the Jewish law in great detail. Next are the Orthodox Jewish people. Within the Orthodox Jewish people are three main categories. They are the modern Orthodox, the Hasidic Orthodox, and the Ultra Orthodox. Lovy explained that there are internal differences between these groups and the primary differences are based on the degree of insulation from the outside influences of society. Generally the Hasidic and Ultra Orthodox do not watch television.

Therefore, the author's use of the term Hasidic in the interviews and throughout the research paper is incorrect. The correct term to use is Orthodox Jewish people. The author apologized for the mistake, and Lovy stated that this was the beginning of the learning process that had begun with the interview being conducted.

In response to interview questions, Lovy stated that Orthodox Jewish people observe the Sabbath weekly starting at sundown on Friday until dark on Saturday night. During this time, there are restrictions that must be observed such as using electricity, driving automobiles, using telephones, working and conducting business, etc. There is also a prohibition on cooking during the Sabbath. Therefore, there is a lot of preparation for the Sabbath in the days leading up to it. There is a lot of cooking going on in the home on Thursday and Friday. In preparation for the Sabbath, the time pressure can lead to a lot of rushing around.

There are various festivals that are celebrated throughout the year. The same prohibitions exist during these festivals. The main festivals are celebrated in September, October, March, and April. During the religious times, all married women light a set of candles that burn for hours. There are times when the candles will be left burning while the occupants leave to visit with neighbors for a meal. Most people will go to the Synagogue on Friday evening and again Saturday morning.

During Chanukah, in December, candles are lit and placed in candelabrum in the front window of the house. There can be a candelabrum for each person in the house, which will be left burning for eight nights. This can cause a severe risk during this time.

Lovy stated that it is not uncommon for the stove to be left on during the celebration of these festivals. Although much of the preparation of the food had been completed beforehand, the stove may not be turned on, but may be used if left on. Lovy acknowledged that this does create a hazard.

The author explained to Mr. Lovy the details of the incident that involved the carbon monoxide incident that was the genesis for the research. Mr. Lovy stated that it is not uncommon for this type of behavior. According to Lovy, Jewish law states that nothing shall prohibit an Orthodox Jewish person from taking action to save a life. In the case of the carbon monoxide incident experienced by the author, where the owner went to a neighbor's house to call 911, Lovy surmised that the actions taken by the owner were consistent with saving a life. His interpretation of the actions taken by the owner was that the owner had removed his family from harm by removing them from the house. Once outside the structure, the harm to the family was removed and there was no longer an immediate threat. Thus, the owner was justified in having a non-Jewish person use the telephone in order to call 911. According to Lovy, if a prohibited activity such as using a telephone can be done by a non-Jewish person and it will not result in injury or loss of life, than that method is preferred.

According to Lovy, a person is Jewish by birth. All Orthodox Jewish people adhere to the Torah laws. These laws are the foundation for all religious customs practiced within the Orthodox Jewish community.

Lovy explained the rationale for the eruv, which must be intact in order for the Orthodox Jewish people to practice their religious customs within that area. According to Lovy, the eruv represents a private enclosure and must be intact. Orthodox Jewish people can carry out their religious practices as long as they are within its boundaries. Lovy stated that the eruv has expanded in the Passaic Clifton area in recent years due to the increase in the number of Orthodox Jewish people living in the area.

The author received written responses to the interview from Fire Official Meisberger and Program Director of Housing Assistance Sam DeGrose (See Appendices L and M). Assistant Municipal Attorney Thomas Egan's interview was conducted face-to-face at his request (See Appendix N).

Fire Official Dave Meisberger responded that the State of NJ Uniform Fire Code (UFC) is the book that allows the fire department's fire prevention bureau to impose restrictions on certain practices regardless of religion or culture. According to Meisberger, the intention of the State of NJ was to prevent the UFC from impacting individual rights in one and two family dwelling units. Fire Prevention Bureaus were prevented from imposing restrictions on these types of residences.

According to Meisberger, the Fire Prevention Bureau is responsible for enforcing the UFC's two main categories. The first is fire and explosions, and the second is generally applicable to any hazardous condition. According to Meisberger, the UFC deals primarily with maintenance issues in all buildings including, churches, synagogues, mosques, and temples. The UFC imposes minimal safety standards in these occupancies. When the building is being inspected for a certificate of occupancy, special religious or cultural circumstances that conflict with the UFC will be worked out at that time. According to Meisberger, there are no exemptions

from the UFC outside of one or two family dwellings. Although the largest loss of life is in residential fires, the UFC prevents local enforcing agencies from enforcement in private dwellings to prevent an infringement on a citizen's right.

Program Director of Housing Assistance Sam DeGrose responded that there are various building and zoning codes that place occupancy limits on places of assembly for safety reasons. The occupancy limits include places of worship.

According to DeGrose, lawmakers and enforcement agencies must be careful not to target specific religious or ethnic groups for fear of violating their constitutional rights. According to DeGrose, the problems encountered by the Housing Department are related more to economic issues than religious or cultural issues. As a result of homeowners being overextended on a mortgage, more and more illegal attic and basement apartments are being reported. The work performed in these dwellings may be by unskilled laborers, and may not be in compliance with building codes.

According to DeGrose, the Housing Department inspectors are prevented from conducting inspections on reported illegal dwellings due to constitutional protections that guarantee privacy and prohibit searches without permission from the owner. Inspectors cannot enter any private occupancy without permission.

Assistant Municipal Attorney Thomas Egan by provided the author with several U.S Supreme Court, NJ Supreme Court, and NJ Superior Court decisions as well as NJ Administrative Code documents pertaining to the research question. According to Egan, the most important case that affects the ability of governments to impose restrictions is the U. S. Supreme Court case *Lemon v. Kurtzman*. Egan explained to the author that the key term from *Lemon v. Kurtzman* is excessive entanglement. The government must avoid excessive entanglement with

religion on issues that are protected under the First Amendment. Egan explained that the *Lemon v. Kurtzman* decision is used in several NJ Supreme and Superior court decisions.

The Supreme Court of NJ in *Market Street Mission v. Bureau of Rooming and Boarding House Standards, Department of Community Affairs, State of NJ*, on May 19, 1988, ruled that the *Rooming and Boarding House Act* applied to the Market Street Mission and therefore did not interfere with the free exercise of religion, and did not create excessive state entanglement with religion (*Market Street Mission, Respondent, v. Bureau of Rooming and Boarding House Standards, Department of Community Affairs, State of New Jersey, Appellant, 1988*).

Egan chose this case because the question in this case was whether the Legislature intended that the fire safety provisions contained in the *Rooming and Boarding House Act of 1979* applied to religious organizations that provided room and board to the needy.

We hold that the State has the power to impose public safety requirements on organizations, both religious and secular, that provide such services. We also hold that the Legislature did not intend a wholesale exclusion of religious organizations from those requirements of the Act that would not intrude on the religious rights of the groups' members. Rather, we believe that the selective exclusions afforded from the Act's otherwise broad coverage indicate that the Legislature intended that the Act achieve its secular purposes without infringing on the constitutionally protected interests of the religious organizations...It cannot be doubted that religious institutions do not enjoy an absolute immunity from worldly burdens...Not all burdens on religion are unconstitutional. The state may justify a limitation on religious liberty by showing that it is essential to accomplish an overriding governmental interest. In this as in so many other

situations, a delicate balancing of secular and sacred interests is required... This remedial legislation is therefore necessary to provide for the health, safety and welfare of all those who reside in rooming and boarding houses in this State (Market Street Mission, Respondent, v. Bureau of Rooming and Boarding House Standards, Department of Community Affairs, State of New Jersey, Appellant, 1988).

Egan demonstrated further in the decision,

We suspect that had there been a fatal fire at a religious boarding house, society would not have shrugged its shoulders and concluded that the tragedy was of no moment since it had befallen a religious shelter. The State's legitimate concern for the safety need not end at the shelter's door. (Market Street Mission, Respondent, v. Bureau of Rooming and Boarding House Standards, Department of Community Affairs, State of New Jersey, Appellant, 1988)

Egan provided the author with documents from the NJ Administrative Code that specifically related to Chapter 27, Rooming and Boarding Houses. These documents provided the author with further clarification on the Market Street Mission decision. The author was also provided with documents from the Uniform Fire Code, as this information specifically related to fire safety and the law.

## Discussion

The author's approach to the literature review was based upon the legal relationship between governments and religion. Once the author began reading the articles, legal decisions, and documents related to the legal struggle between religion and government, the author quickly realized that the direction the research was leading was in conflict with the original expectations. There was a point early on in the process when the author considered revising or changing the purpose statement and research questions based upon the information discovered during the literature review and research. The author decided to let the research determine the results, even if it didn't solve the original problem.

The literature review exposed the author to the legality of the issue at hand. The United States Constitution guaranteed the right to free exercise of religion with the Establishment and Free Exercise clauses. The issue of religious and cultural freedoms and rights had been argued in the courts on numerous occasions. There were no easy answers as was demonstrated by Congress implementing the *Religious Freedom Restoration Act in 1993*, and the U.S. Supreme Court determining that it was unconstitutional in *City of Boerne v. Flores, Archbishop of San Antonio, et al., 1997*.

The literature review revealed to the author that entanglement between the government and religion is a constant struggle and the answers to questions are not easily obtained. All of the Supreme Court cases that were reviewed revealed dissention between the Justices. They did not all agree with the decision all the time. The attempts by Congress, initially with *RFRA* and then with *RLUIPA*, demonstrate that the struggle between the government and religion is continuous and complicated.

As the author read more legal decisions pertaining to the civilian sector, government, and the military, it became apparent that the members of the Orthodox Jewish community were free to practice their religious and cultural customs however they wished. The author realized that he must first establish a relationship with the Orthodox Jewish community in order to better understand their customs. Once established, efforts could be made to increase knowledge and awareness by both groups with the ultimate goal of reducing risk in the community.

The author also understood the responsibility of the Fire Department, as a part of the local government, to avoid excessive entanglement with the practice of various religious and cultural customs in a large, diverse urban city.

It also occurred to the author that there was an abundance of informational literature from Australia regarding religion, public safety workers, and government officials. It appears to the author that there are steps that can be taken by local government to improve the knowledge of responders and improve the relationships between responders and the community.

The response to the external survey was greater than expected. The author received 146 responses to the survey. Once the results were sorted, a manageable number of 57 responses were considered.

The author learned that fire departments of all sizes throughout the country, and in other countries, with different populations experience service delivery issues due to a diverse group of religions and cultures.

The author learned that the primary adverse impact with other departments was the disruption in the ability to provide services. This was the original thought that the author had when choosing the topic.

The survey demonstrated to the author that most departments that took corrective action engaged in some type education and community relations program to correct the issues. The results also indicated that many departments hadn't initiated any corrective action despite the awareness and seriousness of the issues.

The response to the improvements demonstrated by the actions taken by other departments was encouraging. Many had indicated that there was a noticeable improvement in the relationship between their organization and the community. Although an improvement in the relationship does not necessarily translate into an improvement of the timeliness of reporting of emergencies, the author believes it is an important first to meeting the original purpose of the research project.

The number of responses to the internal survey was disappointing, but the author was not completely surprised by the lack of participation. In order for a respondent to complete the survey, they were required to enter their name. This likely was one reason for the lack of participation. However, it did allow the author to receive responses that were credible and honest. The responses came from members with a variety of experience levels. Most indicated that their familiarity with the religious and cultural customs of the Orthodox Jewish community was limited.

The responses indicated to the author that others in the department had experienced service delivery issues, that those issues were experienced during both fire and EMS incidents, and some had experienced issues on more than one occasion. The primary issue encountered by the respondents was a disruption in the ability to provide services at the incident. This was in line with the results of the external survey as well. However, it didn't necessarily support the purpose of the research, which was to improve the timeliness of reporting of emergencies. There were

some responses that indicated a delay in the activation of the 911 system, but the research was leading to a disruption in the ability to provide services at the incident as the primary issue. This information was encouraging to the author. Apparently there was a need for some type of improvement in the area being researched.

The majority of responses indicated that an increase in knowledge of the cultural and religious customs of the Orthodox Jewish community would be beneficial. Yet there were a few responses that were negative. Some respondents expressed a resistance to learning about individual cultures and customs. The thoughts expressed were that we should not have to tailor our responses to individual cultures and/or religious groups. The author understood that the knowledge and awareness of the relationship between the fire department, as an agent of the local government, and the law, was gained through the research process. Not all members of the Department were going to have the same level of awareness at the time of the survey. It became apparent that there was a need for improvement in knowledge and understanding between the Fire Department members and the members of the Orthodox Jewish community. Again, this would be an important first step toward reducing the negative consequences of the service delivery issues in the Fire Department.

The most significant event in the research process was the interview conducted with Mr. Marty Lovy. The author was unsure of how the research, the interview, and the interviewer were going to be received. Mr. Lovy advised the author that he was glad that he had taken such an interest in the culture and that he welcomed the opportunity to assist with the process. It was during the interview that Lovy had explained to the author the rationale behind the carbon monoxide incident that sparked the interest in the topic originally. Lovy's explanation was simple and matter of fact. Once the family was out of the house, they were no longer in harm's

way and could therefore have someone else make the phone call. The explanation, although not typical, made perfect sense. Lovy also explained to the author that nothing in the practice of their religious beliefs precluded them from saving a life. This was in direct contrast to what the author had thought he knew about their culture. This reinforced in the author's mind the need for education of Fire Department members about the religious and cultural customs of the Orthodox Jewish community.

The first significant event in the research process was when the author interviewed Assistant Municipal Attorney Thomas Egan. Egan advised the author that the *Lemon v. Kurtzman* case was the most important legal decision related to the topic and that the issue of excessive entanglement was key to the topic. Egan provided the author with several legal documents, but more importantly, left the author with an interest in understanding the legal relationship to the topic. The author read numerous State and Federal court legal decisions. The author gained a thorough understanding of the relationship between the Fire Department, as an agent of government, and the Orthodox Jewish community, and the community at large for that matter. The author also recognized that he had a lack of knowledge of the religious and cultural customs of the Orthodox Jewish community.

The information received from the Fire Official and Housing Department in response to the interviews indicated to the author what had already been realized from the literature review and from the legal documents received from Thomas Egan. There is very little, if anything, that can be done by a local government to impose restrictions on religious practices in order to prevent injury, death, or property damage. The restrictions are even greater when dealing with one and two family dwelling units. There is little if anything that could be done to prohibit a person or family from living the way that they wanted to live in their own home.

This demonstrated that the Fire Department must work to improve the level of knowledge and awareness of the members of the Orthodox Jewish community about the dangers that are inherent with the practice of their religious and cultural customs. It is incumbent upon the Fire Department and local government at large to educate the public on best practices as a means of reducing community risk. This was also reinforced by the results of the external survey, which indicated that improved knowledge, training, and community relations were the primary actions taken by other departments to overcome service delivery challenges. Never before had the author had such a clear perspective of the importance of public safety education as a tool to protecting life and property.

There were several lessons that were learned through the research process. Although the research project may not have solved the original problem, it establishes an important foundation that will become part of the solution moving forward.

The author learned that there is little that the Fire Department is going to do to change the behavior of the any group or individual without that group or individual wanting to change. People are free to exercise their constitutionally protected rights, especially in their own home. If exercising those constitutionally protected rights creates risks, the individual or group assumes the risk. It is the responsibility of the Fire Department, as part of a community risk reduction effort, to recognize the risks and partner with the individual or group to reduce the risk. Although Mr. Lovy acknowledged that there are religious customs practiced by members of the Orthodox Jewish community that create hazards and risks, the members of the community are free to practice those customs without excessive entanglement by the local government. This process is part of the overall customer service that the Fire Department should be continuously striving to provide to its customers.

The author also learned that the needs of the customer base could be as diverse as the types of buildings that they inhabit. Although there may be some similarities between buildings, there are important differences that require the Fire Department to approach a similar problem in a specific way in order to be successful. The author learned that an understanding of all different religions and cultures by all Fire Department personnel is important. The Fire Department cannot simply take the position that the customer needs to understand the services provided and conform accordingly.

The author understood early on in the process that the topic being addressed might be viewed as controversial. But the author genuinely felt that there was something to be learned in the process. The fact that there was such a lack of knowledge and understanding of the religious and cultural customs, and the fact that there was such a large community in Clifton, the author was convinced to continue with the project.

There was a possible defect in the problem statement. Originally, the author thought the problem was that the Orthodox community failed to understand the risks that were created by the practicing of their religious and cultural customs. As the author proceeded to research, it became apparent that there was a lack of knowledge by the Fire Department about the religious and cultural customs, and perhaps that was the primary problem. The purpose statement was created to solve the original problem. Therefore, the purpose statement could have been defective as well.

Once this became apparent to the author, he realized that a more accurate problem statement could have been, “The problem is there is a lack of knowledge and understanding about the relationship between the Clifton Fire Department and the Orthodox Jewish Community; specifically as it relates to the religious and cultural customs and the hazards and

risks created by them.” The purpose statement could then have been, “The purpose of the research is to develop a knowledge and understanding of the relationship between the Clifton Fire Department and the Orthodox Jewish Community; specifically as it relates to the reduction of risk from the practice of religious and cultural customs.”

The research questions were more or less adequate for both problem and purpose statements. The only research question that could have been added is, “What does the Orthodox Jewish Community feel that the Fire Department can do to improve its level customer service to their community?” The author identified this as a primary point of additional research, and a part of a future training, public education, and community outreach program.

The author believes that, although he was conflicted throughout the process, the research brought about the understanding of the true problem and that defined the true purpose of the research.

The next step is to engage in dialogue with the Orthodox Jewish community leaders to determine what the Fire Department can do to improve its level of customer service. The author will need to educate the members of the Clifton Fire Department about the religious and cultural customs and specific needs of the customers in the Orthodox Jewish community. The author will also need to educate the members of the Orthodox Jewish community about the hazards and risks created by the practice of their religious and cultural customs, and determine appropriate strategies to reduce the risk in their community. Hopefully, the success of these efforts can be the foundation for a community risk reduction program that addresses all of the different religious and cultural groups serviced by the Clifton Fire Department.

As a result of the research process, the author has become an advocate for public safety education and relationship building with the community. The Fire Department and its responders

are agents of the local government and have a responsibility to provide the highest level of quality service to its customers. It is the responsibility of the Fire Department to educate the public about the Fire Department, and for the Fire Department to become educated about the public they serve in order to serve them better. This was the focus of the EACRR course. It has now become a part of the author's fabric.

The author was unable to obtain a curriculum vita from Program Director of Housing Assistance Sam DeGrose. Mr. DeGrose retired prior to the research paper being completed. Although the author was able to obtain the completed interview, the curriculum vita was not provided. An attempt to contact Mr. DeGrose was made but no information was provided.

#### Recommendations

The following recommendations are based upon the results of the literature and the procedures conducted.

The first recommendation is to determine what the Clifton Fire Department can do to improve the customer service levels to the Orthodox Jewish community. In order to meet this goal, the author will need to build upon the relationship that was established between the Fire Department and the Orthodox Jewish community during the research process. The author, Mr. Martin Lovy, Mr. Neal Frohlich, and other members of the Orthodox Jewish community will meet to engage in dialogue and conduct fact-finding to determine what the needs and expectations of both groups are as they relate the community risk. Any plans or programs will need to address the legal issues that exist to avoid excessive entanglement issues.

The meetings should be conducted in the Orthodox Jewish community to improve the likelihood of involvement by members of the community, and to demonstrate good faith on the part of the Fire Department. The meetings should be conducted periodically over the next six to

twelve months. The goal of this recommendation is to improve community relations, customer service levels, reduce risk, and avoid excessive entanglement issues between the Fire Department, as an agent of the local government, and the Orthodox Jewish community.

The second recommendation is to establish a training program for all members of the Clifton Fire Department. In order to meet this goal, the author will need to involve the Training Officer, Fire Chief, and members of the Orthodox Jewish community. The Training Officer will have the primary responsibility for coordinating and scheduling the delivery of the program. The Fire Chief will need to be kept informed of all training that is delivered to the CFD members. The members of the Orthodox Jewish community will provide the information about their community.

The training will be to the awareness level. The program will focus on the cultural and religious customs of the Orthodox Jewish community and the specific needs of the community as it relates to emergency services. The training will also focus on the awareness of relevant laws that apply to local governments pertaining to excessive entanglement.

The training will be conducted at the established training locations in Clifton, Fire Stations 3 and 5. The training will be created and delivered within six to twelve months.

The author will use a similar method to the Australasian Police Multicultural Advisory Board to create the training curriculum. The author will ask the CFD members what questions they have regarding the religious and cultural customs of the Orthodox Jewish community and their impact on the ability to provide services. The author will collaborate with the Orthodox Jewish community and utilize information obtained from the first recommendation to create the training program curriculum. The author will use the legal information discovered during the literature review and from the interview with Mr. Thomas Egan, Assistant Municipal Attorney.

The author will consider the program planning and evaluation framework from the EACRR manual when creating and evaluating the program. The author will utilize as much existing information and materials as possible to avoid a duplication of effort. The information will address general and community specific issues. The program will be reviewed, evaluated, and revised periodically to ensure its effectiveness.

The goal of this recommendation is to improve the knowledge and professionalism of the CFD members, improve the CFD customer service levels, avoid excessive entanglement and legal issues between the City of Clifton and the Orthodox Jewish community, reduce community risk, and correct the issue of the disruption in the ability to provide services at an incident.

The third recommendation is to establish a public education program for the Orthodox Jewish community. In order to meet this goal, the author will need to involve the Fire Chief, and members of the Orthodox Jewish community. The author will have the primary responsibility for coordinating and scheduling the delivery of the program. The Fire Chief will need to be kept informed of all fire department related information that is delivered to the community. The members of the Orthodox Jewish community will be the recipients of the information, so they will be responsible for scheduling the times and locations of the delivery of the program with the author.

The public education program will be at the awareness level and will focus on educating the members of the community about the hazards and risks created by the practice of their religious and cultural customs. The program will also educate them about the role of the CFD in community risk reduction and the services that are provided.

The training will be delivered in the Orthodox Jewish community at the location of their choosing. The most likely locations will be the community centers that are located in the

Rosemawr section of Clifton. The program will be created and delivered within six to twelve months.

The goal of the public education program is to reduce community risk, improve relations with between the Orthodox Jewish community and the CFD, improve the CFD customer service levels and professionalism, and to correct the issue of the disruption in the ability to provide services at an incident.

The author will use the Community Risk Reduction Model from the EACRR course manual as a guide to developing the program. The first two primary categories, Getting Ready and Assessing Community Risk were primarily completed through the research process. The final three categories, Intervention Strategies, Action, and Evaluating will be the focus of the program (FEMA, 2011, p. SM 1-8).

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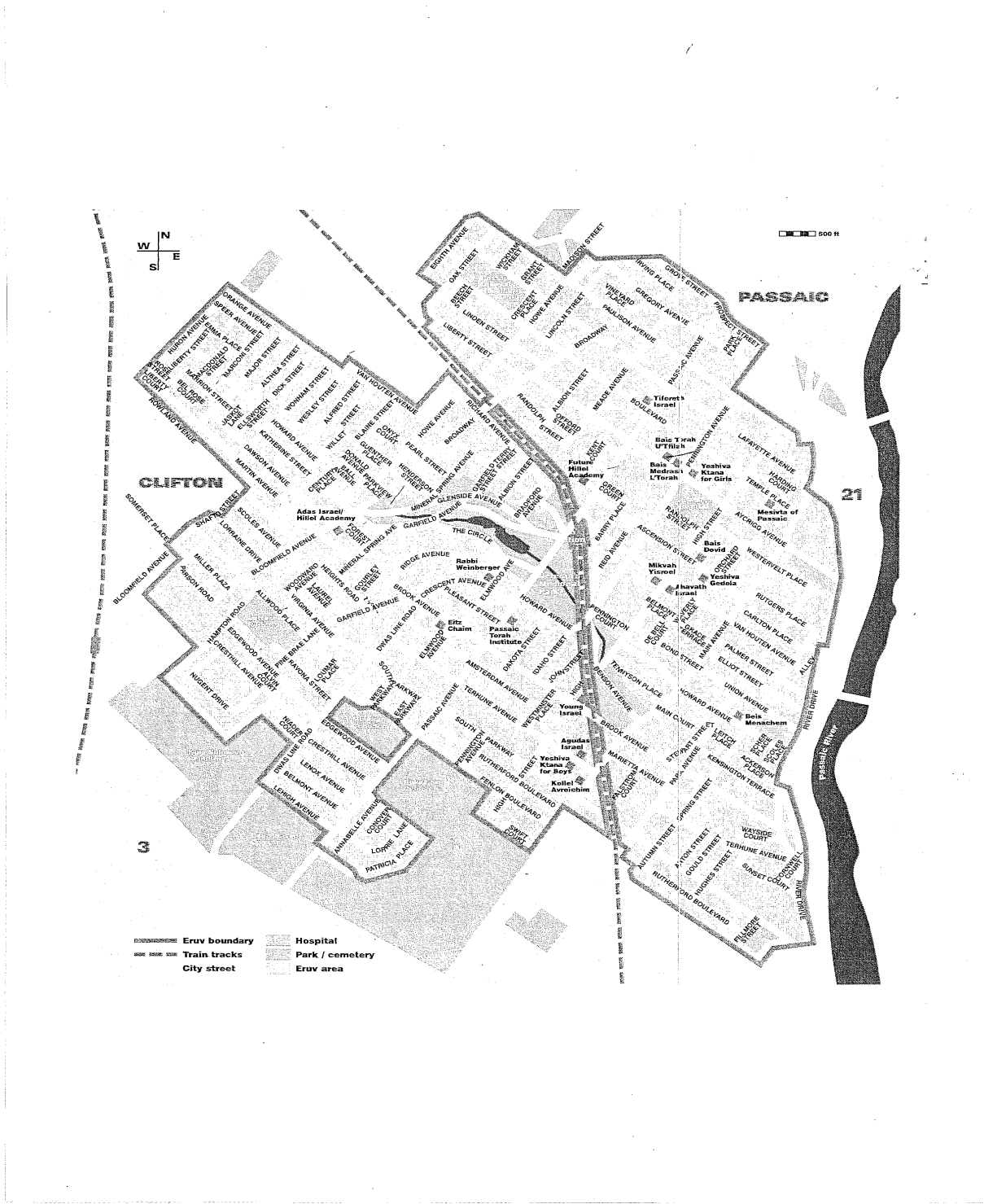
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### Appendix A – Passaic/Clifton Eruv Map



## Appendix B – External Fire Department Survey

**Does your fire department experience cultural and/or religious customs that present issues that adversely impact your ability to deliver services?**



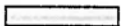





**1. Name of Fire Department? This information is used to determine if multiple responses are received from same department.**

|                   | Response Count |
|-------------------|----------------|
|                   | 57             |
| answered question | 57             |
| skipped question  | 0              |



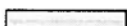




**2. City and State? This information is used to determine the geographical diversity of responses.**

|                   | Response Count |
|-------------------|----------------|
|                   | 57             |
| answered question | 57             |
| skipped question  | 0              |



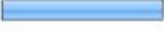

**3. What is the number of personnel on your fire department?**

|                          |   | <b>Response<br/>Percent</b> | <b>Response<br/>Count</b> |
|--------------------------|---|-----------------------------|---------------------------|
| 1. 1-20                  |   | 0.0%                        | 0                         |
| 2. 21-40                 |  | 22.8%                       | 13                        |
| 3. 41-60                 |  | 17.5%                       | 10                        |
| 4. 61-80                 |  | 8.8%                        | 5                         |
| 5. 81-100                |  | 8.8%                        | 5                         |
| 6. 100-200               |  | 22.8%                       | 13                        |
| 7. 200+                  |  | 19.3%                       | 11                        |
| <b>answered question</b> |   |                             | <b>57</b>                 |
| <b>skipped question</b>  |   |                             | <b>0</b>                  |

**4. What population do you serve?**

|                          |   | <b>Response<br/>Percent</b> | <b>Response<br/>Count</b> |
|--------------------------|---|-----------------------------|---------------------------|
| 1. 1-5000                |  | 3.5%                        | 2                         |
| 2. 5001-10000            |  | 7.0%                        | 4                         |
| 3. 10001-25000           |  | 24.6%                       | 14                        |
| 4. 25001-50000           |  | 15.8%                       | 9                         |
| 5. 50001-100000          |  | 24.6%                       | 14                        |
| 6. 100001-250000         |  | 10.5%                       | 6                         |
| 7. 250000+               |  | 14.0%                       | 8                         |
| <b>answered question</b> |   |                             | <b>57</b>                 |
| <b>skipped question</b>  |   |                             | <b>0</b>                  |

| <b>5. What is your rank / position in your department?</b> |                       |
|--|-----------------------|
|  | <b>Response Count</b> |
|  | 51                    |
| <b>answered question</b>                                   | <b>51</b>             |
| <b>skipped question</b>                                    | <b>6</b>              |

| <b>6. Has your department had any experience with a specific cultural or religious custom that adversely impacted your department's ability to provide services? You can choose more than one answer. Please provide details in text box.</b> |   |                         |                       |
|---|---|-------------------------|-----------------------|
|   |   | <b>Response Percent</b> | <b>Response Count</b> |
| 1. Cultural custom  |    | 50.9%                   | 29                    |
| 2. Religious custom   |    | 14.0%                   | 8                     |
| 3. Both   |    | 31.6%                   | 18                    |
| <b>(please specify)</b>   |  | <b>59.6%</b>            | <b>34</b>             |
| <b>answered question</b>  |   |                         | <b>57</b>             |
| <b>skipped question</b>   |   |                         | <b>0</b>              |

Format changes have been made to facilitate reproduction. While these research projects have been selected as outstanding, other NFA EFOP and APA format, style, and procedural issues may exist.

**7. The adverse impact on service delivery was: You can choose more than one option.  
Please provide details in text box.**

|   |                      | Response<br>Percent      | Response<br>Count |
|---|----------------------|--------------------------|-------------------|
| 1. Failure to activate emergency services / notify 911.       | <input type="text"/> | 33.3%                    | 19                |
| 2. Delay in activating emergency services / notify 911.       | <input type="text"/> | 47.4%                    | 27                |
| 3. Increased response times.                                  | <input type="text"/> | 15.8%                    | 9                 |
| 4. Disruption in ability to provide services at the incident. | <input type="text"/> | 61.4%                    | 35                |
| 5. Increase in code violations.                               | <input type="text"/> | 36.8%                    | 21                |
| Other (please provide details)                                | <input type="text"/> | 19.3%                    | 11                |
|   |                      | <b>answered question</b> | <b>57</b>         |
|   |                      | <b>skipped question</b>  | <b>0</b>          |

**8. What actions, if any, has your organization and/or local government taken to overcome the challenges presented to your organization? You can choose more than one answer. Please provide details in text box.**

|  |  | Response Percent | Response Count |
|--|--|------------------|----------------|
| 1. None                                      |  | 35.3%            | 18             |
| 2. Community outreach program                |  | 45.1%            | 23             |
| <b>3. Public safety education</b>            |  | <b>49.0%</b>     | <b>25</b>      |
| 4. Training program for department personnel |  | 27.5%            | 14             |
| 5. Code changes                              |  | 2.0%             | 1              |
| 6. Legal Department involvement              |  | 2.0%             | 1              |
| Other (please provide details)               |  |                  | 14             |
| <b>answered question</b>                     |  |                  | <b>51</b>      |
| <b>skipped question</b>                      |  |                  | <b>6</b>       |

**9. Has there been any improvement in service delivery based upon the actions taken by your organization? If yes, please elaborate.**

|                          |  | Response Percent | Response Count |
|--------------------------|--|------------------|----------------|
| 1. No                    |  | 50.0%            | 25             |
| 2. Yes                   |  | 50.0%            | 25             |
| (please specify)         |  |                  | 23             |
| <b>answered question</b> |  |                  | <b>50</b>      |
| <b>skipped question</b>  |  |                  | <b>7</b>       |

Format changes have been made to facilitate reproduction. While these research projects have been selected as outstanding, other NFA EFOP and APA format, style, and procedural issues may exist.


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**10. Additional comments. Please use this space to provide any additional information.  
Thank you for taking time out of your busy day to contribute to the successful outcome of  
this Applied Research Project.**








|                          | <b>Response<br/>Count</b> |
|--------------------------|---------------------------|
|                          | 10                        |
| <b>answered question</b> | <b>10</b>                 |
| <b>skipped question</b>  | <b>47</b>                 |


## Appendix C – Internal Fire Department Survey

**What is the current level of knowledge and experience amongst the members of the Clifton, NJ Fire Department regarding the cultural and religious customs of the Hasidic Jewish community?**



| 1. Name           |  | Response Count |
|-------------------|--|----------------|
|                   |  | 45             |
| answered question |  | 45             |
| skipped question  |  | 0              |

| 2. Number of years of experience with Clifton Fire Department? |   |  | Response Percent | Response Count |
|--|---|--|------------------|----------------|
| 1. Less than 1   |  |  | 6.7%             | 3              |
| 2. 1-5   |  |  | 6.7%             | 3              |
| 3. 6-10  |  |  | 20.0%            | 9              |
| 4. 11-15   |  |  | 20.0%            | 9              |
| 5. 16-20   |  |  | 33.3%            | 15             |
| 6. 21-25   |  |  | 6.7%             | 3              |
| 7. 25+   |  |  | 6.7%             | 3              |
| answered question  |   |  |                  | 45             |
| skipped question   |   |  |                  | 0              |

| <b>3. How familiar are you with the cultural and religious customs of the Hasidic Jewish community?</b> |   |                         |                       |
|---|---|-------------------------|-----------------------|
|   |   | <b>Response Percent</b> | <b>Response Count</b> |
| 1. Not familiar   |  | 35.6%                   | 16                    |
| <b>2. Somewhat familiar</b>   |  | <b>64.4%</b>            | <b>29</b>             |
| 3. Very familiar  |   | 0.0%                    | 0                     |
| (please specify)  |   |                         | 30                    |
| <b>answered question</b>  |   |                         | <b>45</b>             |
| <b>skipped question</b>   |   |                         | <b>0</b>              |

| <b>4. Have you encountered an issue with the delivery of services when the incident involved a member of the Hasidic Jewish community?</b> |   |                         |                       |
|--|---|-------------------------|-----------------------|
|  |   | <b>Response Percent</b> | <b>Response Count</b> |
| 1. Never   |  | 35.6%                   | 16                    |
| 2. Once  |  | 22.2%                   | 10                    |
| <b>3. More than once</b>   |  | <b>42.2%</b>            | <b>19</b>             |
| <b>answered question</b>   |   |                         | <b>45</b>             |
| <b>skipped question</b>  |   |                         | <b>0</b>              |

**5. What type of incident was it?**

|                           |  | Response Percent         | Response Count |
|---------------------------|--|--------------------------|----------------|
| 1. Fire incident          |  | 37.8%                    | 14             |
| 2. EMS Incident           |  | 43.2%                    | 16             |
| 3. Fire Prevention Detail |  | 0.0%                     | 0              |
| 4. Other (please specify) |  | 18.9%                    | 7              |
|                           |  | <b>answered question</b> | <b>37</b>      |
|                           |  | <b>skipped question</b>  | <b>8</b>       |

**6. If you have encountered an issue with the delivery of services at least once, what was the adverse impact? You can choose more than one answer. Please add details in text box.**

|  |                          | Response Percent         | Response Count |
|--|--------------------------|--------------------------|----------------|
| 1. Failure to activate emergency services / notify 911       | <input type="checkbox"/> | 3.0%                     | 1              |
| 2. Delay in activating emergency services / notify 911       |                          | 18.2%                    | 6              |
| 3. Increased response time                                   |                          | 15.2%                    | 5              |
| 4. Disruption in ability to provide services at the incident |                          | 57.6%                    | 19             |
| 5. Increase in code violations                               |                          | 9.1%                     | 3              |
| Other (please specify)                                       |                          | 54.5%                    | 18             |
|  |                          | <b>answered question</b> | <b>33</b>      |
|  |                          | <b>skipped question</b>  | <b>12</b>      |

**7. How beneficial do you feel an increase in your knowledge of the cultural and religious customs of the Hasidic Jewish community would be?**

|                          | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| 1. Not beneficial        | 20.0%            | 9              |
| 2. Somewhat beneficial   | 64.4%            | 29             |
| 3. Very beneficial       | 15.6%            | 7              |
| (please specify)         |                  | 25             |
| <b>answered question</b> |                  | <b>45</b>      |
| <b>skipped question</b>  |                  | <b>0</b>       |

**8. Additional comments. Please use this space to provide any additional information. Thank you for taking time out of your busy day to contribute to the successful outcome of this Applied Research Project.**

|                          | Response Count |
|--------------------------|----------------|
|                          | 8              |
| <b>answered question</b> | <b>8</b>       |
| <b>skipped question</b>  | <b>37</b>      |

## Appendix D – Internal Fire Department Survey Memorandum



Michael Allora  
Deputy Fire Chief

### City of Clifton

Fire Department  
900 Clifton Ave.  
Clifton, NJ 07013



Office: (973) 470-5976  
Fax: (973) 470-5844  
Cell: (201) 481-7707  
mallora@cliftonnj.org

To: All FD Personnel

Date: 13 November 2012

Re: Executive Fire Officer Applied Research Survey

As part of my research for the National Fire Academy's Executive Analysis of Community Risk Reduction course, I am conducting a survey of Clifton Fire Department personnel.

The purpose of the research is to improve the timeliness of reporting of emergencies thereby reducing the negative consequences of the Clifton Fire Department service delivery issues. Specifically, the research question that the survey is designed for is, "What is the current level of knowledge and experience amongst the members of the Clifton Fire Department regarding the religious customs of the Hasidic Jewish community."

The survey is completed online and should not take more than 10 to 15 minutes to complete. I would appreciate your assistance in completing the survey by Monday, 19 November 2012.

The website for the survey is as follows:

**[www.surveymonkey.com/s/3G6LGS3](http://www.surveymonkey.com/s/3G6LGS3)**

Thank you in advance for your assistance with this project. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Allora", with a long horizontal flourish extending to the right.

**Michael Allora**  
**Deputy Fire Chief**  
**Administrative Officer**

## Appendix E – Mr. Martin Lovy Interview 1

**National Fire Academy  
Executive Fire Officer  
Executive Analysis of Community Risk Reduction**

**Interview 1**

**Research question 1: What are the common practices of religious observances in the Hasidic Jewish community that can increase risk?**

- 1. Are there specific times of the day, week, month, and/or year when members of the Hasidic Jewish community are prohibited from using the telephone? If so, what are the restrictions based on and when are they in place?**
- 2. Are there specific times of the day, week, month, and/or year when members of the Hasidic Jewish community are prohibited from turning off the stove/oven, which may lead them to leave the stove turned on for prolonged periods of time? If so, what are the restrictions based on and when are they in place?**
- 3. Are there specific times of the day, week, month, and/or year when common practices of religious observances could present an increased risk to members of the Hasidic Jewish community? If so, what are the observances? What are the risks?**

## Appendix F – Mr. Martin Lovy Interview 2

**National Fire Academy  
Executive Fire Officer  
Executive Analysis of Community Risk Reduction**

**Interview 2**

**Research question 2: How are the provisions of the religious customs interpreted and instituted by the religious leaders of the Hasidic Jewish community?**

- 1. Are the religious customs of the Hasidic Jewish community interpreted and instituted unilaterally, or does each community interpret the religious customs differently?**
- 2. What are the religious customs based upon?**
- 3. If the religious customs instituted in the Hasidic Jewish community place members at increased risk, what options exist to reduce that risk can be implemented without affecting the religious customs?**

### Appendix G – Mr. Martin Lovy, Curriculum Vitae

- Yeshiva University, New York, graduated with a Bachelor of Arts
- Baruch College of City University of New York, graduated with a Masters of Business Administration
- Agudas Yisroel of Passaic (synagogue)
- President, Hatzolah Volunteer Ambulance Corps, Passaic, NJ
- Planning Board of Passaic, NJ
- Board of Adjustment of Passaic, NJ
- President, Colfax Cabinet, Clifton, NJ
- Resident, City of Clifton, NJ

## Appendix H – City Hall Interview

**National Fire Academy  
Executive Fire Officer  
Executive Analysis of Community Risk Reduction**

**Interview**

**Research question: To what extent can fire departments and/or local governments impose restrictions on religious and/or cultural practices to prevent injuries, death, and/or property damage?**

- 1. What laws, regulations, codes, and/or standards exist that allow fire departments and/or local governments to impose restrictions on religious and/or cultural practices to prevent injuries, death, and/or property damage in Clifton, NJ?**
- 2. To what extent do the laws, regulations, codes, and/or standards allow fire departments and/or local governments to impose restrictions on religious and/or cultural practices to prevent injuries, death, and/or property damage in Clifton, NJ?**
- 3. What laws, regulations, codes, and/or standards prevent or restrict fire departments and/or local governments from imposing restrictions on religious and/or cultural practices to prevent injuries, death, and/or property damage in Clifton, NJ?**
- 4. To what extent do the laws, regulations, codes, and/or standards prevent or restrict fire departments and/or local governments to impose restrictions on religious and/or cultural practices to prevent injuries, death, and/or property damage in Clifton, NJ?**

## Appendix I – City Hall Personnel Interview Memorandum



**Michael Allora**  
Deputy Fire Chief

### City of Clifton

Fire Department  
900 Clifton Ave.  
Clifton, NJ 07013



Office: (973) 470-5976  
Fax: (973) 470-5844  
Cell: (201) 481-7707  
mallora@cliftonnj.org

To:

Date:

Re: National Fire Academy Executive Fire Officer Applied Research Project Interview

I am currently enrolled in the NFA's Executive Fire Officer Program and am conducting an applied research project for the Executive Analysis for Community Risk Reduction course. My topic for the EACCR course is focused on religious and/or cultural customs that create service delivery issues for the Clifton Fire Department.

As part of my original research, I need to conduct an interview with you in order to answer a specific research question. The research question is, "To what extent can fire departments and/or local governments impose restrictions on religious practices to prevent injuries, death, and/or property damage."

I have attached a written interview which I feel will make it easier for you to complete at your own pace. If any of the questions are unclear, or if you feel that a face-to-face interview will be more beneficial, please let me know. I am also required to include as part of my research is a curriculum vitae for each person completing an interview.

Attached are the written interview and a guideline for completing the curriculum vitae. Please have this completed by 9 November 2012. If this deadline is unrealistic, please let me know as soon as possible.

I truly appreciate your assistance in this endeavor. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Allora', with a long horizontal flourish extending to the right.

Michael Allora  
Deputy Fire Chief  
Administrative Officer

## Appendix J – City Hall Personnel, Curriculum Vitae

### Thomas Egan

- Rutgers University, NJ, graduated with Bachelor of Arts 1988
- Seton Hall Law School, NJ, graduated with a Juris Doctor in 1993
- Admitted in New Jersey and Pennsylvania, Federal District Court of NJ
- Private practice for 20 years
- Own practice for 14 years
- Assistant Municipal Attorney, City of Clifton, NJ, 6 years
- Primary responsibility, litigation

### David Meisberger

- Passaic County Community College, NJ, graduated with Associates of Applied Science, Fire Science
- NJ Division of Community Affairs, Construction Official, Fire Protection Subcode Official High Hazard Specialist, Fire Protection Inspector High Hazard Specialist, Building Inspector Residential and Commercial Specialist
- NJ Division of Criminal Justice, Arson Investigator
- Fire Official, City of Clifton, NJ, 1996 to present
- Fire Inspector, Township of Little Falls, NJ, 1993 to present
- Adjunct Instructor, Passaic County Community College, NJ, Fire Inspector and Fire Official courses

### Sam DeGrose

- Program Director of Housing Assistance, City of Clifton, NJ, prior to retirement in 2013

### Appendix K – Mr. Martin Lovy, Interview Summary

- There are several divisions with the Jewish Faith
- Within the Orthodox, there are internal differences especially with the degree of insulation.
- The Orthodox adhere to the Torah laws. There is the written law and the oral law.
- Religious Orthodox Jewish people observe the Sabbath every week from sundown Friday until darkness on Saturday night.
- There are various festivals throughout the year. The main festivals occur in September/October and March/April.
- These days entail some restrictions on our part such as using electricity, automobiles, telephones, etc. Cooking is prohibited, so there is a lot of preparation beforehand. Work and business is also prohibited.
- At the onset of these days, all married women light a set of candles in the home that burns for a couple of hours. Sometimes people leave the home with the candles lit to enjoy a meal with a neighbor.
- During these days most people go to the Synagogue both in the evening and again in the morning.
- Festive meals are eaten on these days and preparations begin a day or two in advance. There is a lot of cooking on both Thursday and Friday. The local stores are very busy and sometimes there is time pressure and rushing.
- The holiday of Chanukah falls during the month of December. We light candles in the front window of the house in the evening for eight nights. Sometimes there is one candelabrum per person in the house. This can get to be a lot of candles.
- All of the prohibitions are set aside for any direct saving of life. If a non-Jew can do the forbidden activity and, as a result, it will not cause any loss of life or injury, then that way is preferable.

### Appendix L: Fire Official David Meisberger, Interview Summary

- The State of NJ used the Uniform Fire Code (UFC) to establish the standards that fire prevention bureaus use to impose restrictions.
- The State used the UFC to establish the laws that prohibited the State imposing laws on one and two family dwellings.
- It is the fire prevention bureau's responsibility to enforce the UFC
- The UFC imposes minimal safety standards on the building and its occupants and deals primarily with maintenance issues such as proper storage and fire alarm/sprinkler system checks.
- At the time of the certificate of occupancy, all of the special circumstances that specifically pertain to a religion or culture will be looked at and, if it conflicts with the UFC, a solution is usually worked out.
- When it comes to fire safety, no one is exempt from the UFC as long as it is not a one or two family dwelling.
- By far, the largest loss of life to fire in Clifton, NJ, as well as the rest of the country, is in the residential dwelling setting. Our fire code is very explicit in preventing the local enforcing agency from enforcing the code in private, owner occupied dwellings for fear of infringing upon the citizen's rights.

#### Appendix M: Program Director, Housing Assistance Sam DeGrose, Interview Summary

- There are various building and zoning codes to limit the number of people permitted in a place of assembly.
- The law includes all places of assembly including places of worship.
- Lawmakers and enforcement agencies must be careful not to make the law unconstitutional by targeting a specific nationality or religious group.
- We have not encountered problems with religious or cultural practices. Our main problems seem to stem from economic needs.
- This results in illegal conversions, including basement and attic apartments.
- The biggest restriction we have that prevents us from conducting inspections on illegal dwellings is the section of the US Constitution that guarantees the right to privacy and prohibits searches without permission.
- By law, inspectors cannot go any further than the front door without permission from the owner.

## Appendix N – Assistant Municipal Attorney Thomas Egan, Interview Summary

- The key issue to the questions being asked is spelled out in *Lemon v. Kurtzman*.
- The term that is used is excessive entanglement.
- Here are several legal documents that provide a frame of reference for the issue of excessive entanglement, the Free Exercise Clause, and the Establishment Clause.
- Some of the reading can be very technical and difficult.
- It is probably best to start with the *Market Street Mission* case to get an idea of what is being discussed.
- I've also provided you with some other relevant US Supreme Court and NJ Superior Court decisions, and some NJ Administrative Codes that apply to the issue.
- There is little that the local government can do.
- Let me know if there is anything else you need or if you need help with the legal clarification on the issues.