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Visible Tattoos in Policing

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ABSTRACT

Approximately three in ten Americans have at least one tattoo (Shannon-Missal, 2016). Police administrators must decide what societal expectations are when considering visible tattoos for their uniformed officers. Administrators will have to recognize that the department's image is what is being decided upon, not whether they personally like or dislike tattoos. Allowing visible tattoos is a benefit to the officer, not the department nor the citizens served. Maintaining a policy prohibiting visible tattoos allows the department to serve all of their community members.

Police administrators should develop a policy that prohibits visible tattoos for police officers in uniform. Police officers are held to a high standard, and the public job market is clear on society's views of professional jobs (Stennett, 2012; Wallman, 2012). Additionally, police leaders still believe that tattoos can be a hindrance to professionalism (Jones, 2014). It is also difficult to decide what tattoos should be allowed, how large the tattoos can be, or if they are offensive is difficult to define. With 51% of respondents over 70 years of age stating that they did not support officers with tattoos, administrators should consider tattoo policies seriously as well as the risks of allowing them to be displayed (Shannon-Missal, 2016).

With the potential negative response from citizens, visible tattoos on police officers should be avoided. A recent event prompted the Philadelphia police department to complete an internal review after the mayor called a tattoo visible on an officer as "incredibly offensive" (Philadelphia, 2016). Also, tattoos can be covered-up with several different options that are not costly. Fashion has no place in law enforcement when it comes to being professional and impartial.

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INTRODUCTION

Tattoos and body art have been a part of American culture for decades. Americans have held many views of tattoos. For every American, there is likely a different opinion on tattoos. Traditionally, tattoos were viewed only for people of ill repute and those wanting to associate themselves with gangs or criminal activity. Post (1969) wrote, "The Cincinnati Police Department attaches such psychological importance to the appearance of tattoos that in its recruitment programs the department insists that candidates who are tattooed must be rejected" (p. 523). Obviously societal expectations have changed since this publication. Today, modern policing agencies in America have the inherent duty to respond to society's expectations, while ensuring the department employees are treated fairly. Now, approximately three in ten Americans have at least one tattoo (Shannon-Missal, 2016). This forces police administrators into a decision on whether to allow visible tattoos on uniformed officers. Police administrators must precariously juggle hiring and retaining qualified personnel along with the growing concerns of public perception of the police, when considering tattoos.

Police departments around the country will have to weigh society's expectation of the department and the employees' need for tattoo exhibition, since society's expectations are the standard with which police are held. Following the changing public opinion on tattoos can be a challenge in itself. Administrators will have to recognize that it is the department's image that is being decided upon, not whether administrators personally like or dislike tattoos. Police departments are servants to the public and, therefore, should adhere to the overall society expectation, not any one group. Anything that reduces the professional appearance of a police department should be

heavily reconsidered, especially in today's modern policing climate. Police administrators should develop a policy that prohibits visible tattoos for police employees in a police uniform.

POSITION

Police officers are held to a higher standard in society (Stennett, 2012; Wallman, 2012). To help evaluate this paradigm, police departments can look to the public job market for a "temperature" on societal views of tattoos in the workforce. The public job market shows clear expectations of society's view on professional job positions. A case in point is the Walt Disney Company, which requires its public employees to cover visible tattoos with make-up ("Tattoos in the workplace," 2012). As police departments seek to be seen as professional and relating to all groups, accepting something that the public market does not is a step backwards.

Recently, the US Army did an "about-face" on the display of visible forearm tattoos by no longer allowing them on new recruits. The medical field followed suit. Having tattoos will not prevent someone from getting hired in the medical field, but employees are required to cover them to maintain professionalism and patient trust (Hennessey, 2013; "Tattoos are Dishonorably Discharged", 2013). Morgan (2014) stated, "Major firms will likely not employ someone with visible tattoos," and most government officials will not be allowed to have visible tattoos to maintain an image of professionalism (para 7). One article also stated, "In addition to on-the-job accomplishments, employers also take attitude, behavior and appearance into consideration when deciding who deserves to move up in the ranks," said Rosemary Haefner, Chief Human Resources Officer at CareerBuilder (Lorenz, 2015, para 7). This

was stated after a survey was completed showing 27% of employers would consider tattoos as a hindrance to promotion (Lorenz, n.d., Behavioral Blockades, para. 3).

Police officers are purported to be the example in society and are regarded as role models by some (Harvey, 2009). This expectation of professionalism has been held for police officers for years. The very fabric of the police subculture is based on this belief. Those values have not changed over time, but society's opinions on tattoos have evolved. Police leaders still believe that tattoos are a hindrance to professionalism in the eyes of its citizens (Jones, 2014). Therefore, holding police to a basic industry standard of covering visible tattoos prevents others from seeing law enforcement in a negative way. Medical professionals, Disney employees, and branches of the military should not be held to a higher standard than the police.

Police administrators have to consider a diverse set factors when making policy decisions. The citizens, the department (as an entity), and the officers who work there should be considered part of that decision making process. The policy should be examined to see which group or groups are effected positively or negatively. Police administrators must evaluate the value received and to which one of these groups receives that value. In short, it is the cost and reward of the decision made. When deciding on prohibiting visible tattoos, the department must decide on the image it wishes to display and which group receives the benefit of covering the tattoos. Then it should be determined what costs there are and to which group. Allowing visible tattoos only benefits the officer, not the department, nor the citizens served. If a decision were of no impact to the department, like allowing officers to have non-visible tattoos, then the department should consider that a good policy. In this case, neither citizen, nor the

department, is affected. Non-visible tattoos should be allowed as long as they meet certain criteria. Prohibiting visible tattoos has no downside to the department's mission.

Conversely, only potentially negative assumptions from the public come from displaying tattoos while in uniform. Again, department policy writers should remember that they are serving all of the public and allowing visible tattoos simply is not a good risk to return decision. Nancy Baron-Baer, of the Anti-Defamation League, stated that some symbols or images displayed by a tattoo can have a negative impact on police perception and that officers in the position should "understand the significance of what these symbols can mean" ("Philadelphia", 2016, para. 15). The only group that receives a benefit is the officers, which is outweighed by the negative public perception. It is interesting to note that recent polls show 30% of total respondents and 51% of those respondents who are over 70 years of age stated that they did not feel comfortable with police officers and visible tattoos (Shannon-Missal, 2016). Departments can recognize that individuals wish to display personal images by allowing non-visible or covered tattoos for uniformed officers. But, tattooed officers should look past their own personal agendas and recognize that the police department they work for also wishes to display a positive departmental image, and covering their visible tattoos is a small sacrifice to that goal. It is as simple as meeting another grooming code like facial hair length.

COUNTER POSITION

Some would argue that an officer with a tattoo can do the job as well as one without a tattoo (Stennett, 2012). It has also been argued that an officer with a tattoo can relate to some citizens better because they have a tattoo. Police skills are not lost by getting a tattoo on the body. A tattooed officer can perform well at work and

departments should not have such strict policies on visible tattoos. The officer's skill level and dedication is not in question and they should not be forced to special rules just because they have tattoos.

An officer with tattoos may possess necessary police skills. But, there is much more to being an officer than a skillset. Officer presence is the first level of force used by police. The citizen recognizes the standard uniform, and the authority that is attached to it, before the officer even speaks to them. Departments have maintained officer dress codes for this very reason. How an officer looks is important to how they are perceived (Johnson, 2005). Whether the perception is right or wrong, that perception is important to departments. Officers are held to higher standard by society. Therefore, the image that they display to civilians is vital to department operation. Tattoos visible on officers could take away respect from that officer on a civilian encounter with some citizens. Officers entering the profession are required to meet certain standards. For example, most officers, whether or not they have engaged in improper activity, are not allowed to associate with known felons just because of the appearance it represents to society. Tattoos and felons are no longer associated together, but a fashion trend should also not dictate police policies.

Officers must present a professional image and society as a whole has not yet accepted tattoos as professional, even if a lot of those citizens have a visible tattoo. Wallman (2012) stated, "The public still expects its officers to be groomed to a higher standard" (para. 8). Police departments have noted this in other areas of law enforcement. Departments have responded to social website use, such as Facebook, by restricting an officer's involvement due to public perception. This is an activity that

an officer has the right to partake in privately, but they must respect the departmental image as well. Officers can face discipline, up to termination, for disrespecting the departmental image. Similarly, the police uniform is a symbol of respect and departments should take changing the look of officers seriously (Johnson, 2005).

Another argument that some use to allow visible tattoos for uniformed police officers is that it is discriminatory. Tattoos can simply be viewed as a freedom of speech or religion. Some argue that not allowing them is a violation of rights and infringes on their freedoms. Not allowing visible tattoo an also open the department up to litigation. "Employers are getting involved in expensive legal battles as they attempt to adapt to the ever-changing workforce," said David Barron, an attorney with Epstein Becker Green Wickliff & Hall, P.C. (Farah, 2006, para 4). Departments should be mindful of the litigation landmines. Farah (2006) stated that, "Long-accepted rules are now being challenged and questioned in court." (para. 5).

Conversely, there have been several court rulings related to workplace grooming requirements including police tattoos. In *Riggs v. City of Fort Worth*, the district court ruled that requiring a police officer to cover their tattoos while on duty was not based on race, gender, or national origin and was, therefore, unprotected by law. The case further stated that the tattoo on the officer's leg was unprofessional (Perkins, 2014). This ruling shows that the court has left the professional image definition of police officers up to the individual department administrators. Allowing officers to cover their visible tattoos in uniform allows the department to still hire and employ the individuals. This still maintains the police presence that the department desires; therefore, it is not practicing discriminatory hiring methods against speech or religion (Perkins, 2014;

Morgan, 2014). Police hiring practices should ensure that officers know up front that tattoos must be covered and the officer is agreeing to cover them upon. A study by the Pew Research Foundation noted that 70% of 18 to 29 year olds who have tattoos, choose to cover their tattoos anyway (Stevens, n.d.). Following this guideline, employers can avoid costly lawsuits or Equal Opportunity Employment Commission (EEOC) complaints for treating employees unfairly all while maintaining the department's legal right to set grooming standards (Whickson, 2015; Scheid, 2011).

Finally, some might argue that most visible tattoos are small and insignificant. Therefore, they believe it should not be an issue to display them since they are not going to be seen by the majority of the public. This view argues that a small star tattoo on the wrist or the name of a child on the inner forearm is of little significance to the citizens. One argument is that covering those tattoos can make them even more noticeable. Some believe that using a sleeve to cover a forearm tattoo brings more attention to the officer than simply allowing the tattoo to be displayed. Employees feel that the impact on society is small and allowing tattoos in moderation should strike a good balance between professionalism and employees freedom of expression. However, then departments would be forced to define what percent of a person's body can show tattoos and what exactly an offensive tattoo is. This will be both difficult to define and difficult to enforce. Having a supervisor apply a percentage rule or define what is offensive would be open for subjective interpretation. A practice of this sort can lead to legal ramifications if an employee feels that they were treated differently than another employee. Additionally, 69% of persons with tattoos have two or more tattoos (Shannon-Missal, 2016). With the desire to add more tattoos and extend those tattoos

to the visible areas outside of a police uniform, it would be best for departments to prohibit all visible tattoos, thus avoiding any misunderstanding.

RECOMMENDATION

As society changes its views and tattoos become commonplace, police administrators should see the value of changing with the times while holding its ground on what is truly timeless, professionalism. Professionalism is paramount in any police agency. The courts have ruled that police departments can require certain grooming standards for its employees (Scheid, 2011). Departments are not addressing employees with visible tattoos personally, nor their abilities. The image the department wishes to promote is the issue at hand. In a recent poll, it was noted that some citizens will be very comfortable with visible tattoos on police officers, but 34% of people polled who did not have tattoos felt people with them were less respectable (Shannon-Missal, 2016). Departments should develop a policy that prohibits visible tattoos for police employees in a uniform to uphold a professional image to all citizens served. The public's view of what is professional has not changed at the rate of acceptance of tattoos in mainstream America. Police departments must evaluate the potential benefit to the officer and weigh it against the potential harm to the department's image. A recent Fox News poll found that most respondents did not like tattoos, by a 58% to 32% margin (Blanton, 2014). That display may not be what society accepts as professional, nor is it necessary for police work.

Departments should draft a policy that directs employees to what is not allowed, all while treating each employee the same. No policy should be written to effect employees differently based on race, ethnicity, or gender and in order to avoid a legal

claim, it is a best practice to deploy a standard policy that treats each employee the same (Brody, 2010; Perkins, 2014).

Policy should allow officers to be hired with tattoos but limit their display to off duty only. This is accomplished by covering the tattoo with long sleeve uniforms, make-up, bandages, or a location “sleeve” that covers only the area tattooed. Any policy constructed should strictly prohibit tattoos on the face, neck, and hands. Tattoos that depict or could be construed to represent racial or ethnical biases should also be prohibited. This allows for a quick removal of an officer who steps across that line. These types of tattoos are fairly easy to identify, and the officer’s background investigation will usually deal with these types of bias issues upon initial application. The policy should not allow partial visible tattooing or a percentage amount of the body to be seen with visible tattoos. Trying to define a size, type, level of offensiveness, or location of tattoo is difficult to explain and harder to enforce. Subjective statements such as these should be avoided in policy, since they are open to interpretation. The policy should also encompass all uniformed police officers (Scheid, 2011). For obvious reasons, policy must be written to treat supervisors and officers the same.

Once the policy is in place, the enforcement should be equally clear. The effectiveness of the policy will only be as good as the enforcement. Supervisors should understand and educate their employees on the ramifications of violating the clear cut policy. Discipline should be delivered in a manner consistent with other departmental policy violations. In other words, the tattoo policy should not fall into an “if I see you” policy violation. It is incumbent that all the employees and supervisors deploy the policy equally and directly (Lynn, n.d.).

Change in society is always happening. Police departments have the unique challenge of working with diverse groups of citizens and officers. As the public opinion has changed on tattoos, the definition of professionalism has not. Prohibiting visible tattoos in uniform will create a positive experience for the citizens and the employees.

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