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**Professional Grooming Standards
in 21st Century Policing**

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ABSTRACT

With many generations working alongside one another in the workforce today, it is apparent that grooming policies are becoming a concern for law enforcement agencies. Tattoos, body piercings, and extreme hairstyles or facial hair are now more common in society and culture and with that comes an increase of law enforcement applicants having tattoos, body piercings, and extreme hairstyles. Law enforcement agencies should have clearly defined policies regarding professional appearance and personal grooming while on duty. Clearly defined grooming policies will assist officers in determining what is or is not approved by their departments. It is imperative for law enforcement agencies to take a proactive rather than a reactive approach to this situation. Department policy makers should evaluate grooming policies on a regular basis due to the ever-changing climate of society.

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INTRODUCTION

Generation Z, Millennials, Generation X, and Baby Boomers are the generational names which identify groups of adults by their year of birth. Those born between 2000-present, between 1980-2000, between 1965-1980, and those born between 1946-1964 respectively. The adults in these generations work alongside each other, each bringing with them their own sense of identity. The attitudes, beliefs, and personal backgrounds of Generation Z and Millennials, the newest adults in our society, vary greatly from those of prior generations. These newer generations have brought about a shift in personal expression to where it is now not uncommon to see adults with tattoos, body piercings, or extreme hairstyles. Many of these individuals are seen with tattoos or body piercings often in prominent view. In some cases, tattoos cover the length of arms, legs, or even faces. With the changing perspectives of adults born after 1980, law enforcement agencies are tasked with revising current, or adopting new policies related to personal expression.

Human nature has proven that people do not like change. Acceptance of tattoos and body piercings, once taboo subjects, is necessary to meet the changing demographics of law enforcement officers and the citizens they serve. Law enforcement agencies (LEAs) should have clearly defined grooming policies regarding professional appearance while on duty. Law enforcement agencies need to have an honest reflection of their current "grooming" policies, which in this paper refer to tattoos and/or body piercings. The reflection on grooming policies, or the lack thereof, may indicate a need for revisions to address officers' constitutional rights, a response to the

changing identity of officers, and to ensure policies are inclusive of the perspectives of the citizens they serve.

POSITION

Law enforcement agencies are facing new challenges in regards to officers' personal appearance. Tattoos, extreme hairstyles and body piercings have become a large part of our society in which people want to define their individuality. Law enforcement agencies have to take these things into consideration when writing policies regarding tattoos and body piercings. Clearly defined grooming policies will assist officers, supervisors, and administrators in establishing the culture and direction of their department. Current, and any future policies, need to be evaluated on a regular basis to keep up with changes in cultural norms. Department policy makers should strive to be proactive rather than reactive with regards to implementing or rewriting policies. Many law enforcement agencies are faced with a somewhat unattainable task. They must ensure their officers' appearance is agreeable to the citizens they serve, is conducive in building community trust, and is acceptable to the officers they employ.

Clearly defined grooming policies will make sure that officers know what is and is not acceptable. They will provide supervisors with concrete guidelines to determine if an officer is outside of policy and prevent them from making decisions based on personal judgements or subjectivity. When faced with citizen complaints, clearly defined grooming policies will assist supervisors in responding with solid information. Supervisors will be able to definitively tell a citizen what is and is not within policy. Lastly, clear policies will help convey the culture and mentality of the police department to the citizens they serve.

To gain a deeper understanding of the need for clear grooming policies, one must simply look at research. According to the Pew Research Center (2010), “Nearly one-in-four have a piercing in some place other than an earlobe – about six times the share of older adults who’ve done this” (p. 1). A 2012 Harris Poll surveyed the opinions of adults regarding personal expression asking respondents about the number of tattoos and the number of body piercings they had. The findings of this survey indicate a growing trend in the number of adults with tattoos, “Currently one in five U.S. adults has at least one tattoo (21%) which is up from the 16% and 14% who reported having a tattoo when this question was asked in 2003 and 2008, respectively” (“One in five,” 2012, para. 3). Many progressive law enforcement agencies have already solicited feedback from their community about grooming policies from both officers and citizens. An example is the Kansas Police Department who surveyed the public seeking input on thoughts about tattoos on officers. The alarming response showed of the 20,000 people who responded, “...sixty-nine percent felt there shouldn’t be a policy prohibiting visible tattoos” (Long, 2017, para. 13).

With this data, it is no wonder why employers, including law enforcement agencies, should have clearly defined policies for tattoos and body piercings. Some departments may struggle with the idea of writing clearly defined or restrictive policies, but the fact of the matter is, all successful businesses have such policies in place. These well written policies explain the guidelines the employer feels best represent the business. These policies are not solely related to personal grooming, they include guidelines for hiring practices, workplace hours, etiquette, and clothing/uniforms. These policies establish standards and best practices, most of which are written taking into

account the unique nature of the business. For example, most food establishments have strict policies regarding facial and body hair. A strict policy makes sense as no customer wants their food presented to them with a hair in it. A policy regulating how a teacher must cover up body hair may not be necessary in a classroom; however, when looking at law enforcement officers who work with the public every day, it is critical for agencies to have a clear, well-written policy in place versus not having one in place at all.

The courts agree with this stance. In *Kelley v. Johnson* (1976), courts cited employers have the right to regulate the length, style, and neatness of an employees' hair in the workplace through grooming policies. The key part to this case was the employer had clearly defined policies with specific guidelines employees were to follow. The policies were no surprise to these individuals. The same is true for any law enforcement agency who is developing or who is in the process of revising personal grooming policies. It is important to include detailed, specific, and in non-arbitrary form, guidelines so that all employees clearly understand policy.

Guidelines for current and or former employees who may attempt to argue the policies must also be considered. Consider a scenario of "Officer A" who was hired with a department with a "no tattoo" policy. The officer was fired for getting a tattoo following the death of a loved one. Six months after being fired, the department changes it's grooming policy to allow tattoos. Considering the tattoo is no longer in violation of policy, careful thought must be taken to consider the ramifications for the officer and to determine if the officer would be eligible for rehire under the new policy. When writing new policies, the agency should be sure to carefully weigh all the potential outcomes.

Clearly-defined policies deter discrimination lawsuits and eliminate subjectivity in decisions related to appearance. Policies need be cautiously written so not to interfere with the constitutional rights of officers. They also must be written avoiding personal judgements either in favor of or against tattoos or body piercings. Agencies who have clearly defined grooming policies help alleviate the potential for discrimination lawsuits.

Agencies should keep in mind the numerous reasons people decide to get a tattoo or pierce their bodies. Some get tattoos to identify their status or rank in their culture, others do so for religious beliefs or practices, rites of passage, or in remembrance of a deceased loved one (Lineberry, 2007). While some of these reasons may allow an officer to have tattoos or piercings, employers still have the right to decide the nature of the tattoo, its size, and whether or not it can be displayed while on duty.

The same applies for body piercings. Agencies can regulate the location, based on whether or not it puts an officer at risk. Understanding that policies cannot cover everything and will not do away with the potential of an officer filing a lawsuit, the possibility of the lawsuit being won by the officer is less with well-written policies which do not leave room for interpretation by officers or civil lawyers. Well-written and clearly-defined grooming policies provide officers, supervisors, administrators as well as citizens with what is and is not approved by their department. An example of such policy is the U.S. Air Force tattoo policy which took effect February 1, 2017 (Pawlyk, 2017). The new policy clearly defined acceptable and restricted areas of the body for tattoos as well as defines the size of allowable tattoos. An illustration marked areas of the body where tattoos were permitted to be visible along with notations for unauthorized content (Pawlyk, 2017).

Clearly-defined grooming policies communicate the guidelines to both current officers and potential applicants. Having a clear policy in place can broaden the applicant pool. Agencies need to make sure applicants are aware of grooming policies up front. Lucas (2017) mentions “If you ever want to get a job, you can’t have tattoos or facial piercings, right? Not so fast. Conventional wisdom is starting to shift” (para. 1). It is not uncommon to see individuals with tattoos or body piercings in the law enforcement setting or in other business sectors. Keeping that in mind, as the number of people with tattoos and body-piercings changes, so must the policies that set guidelines for them. It is important that as part of a department’s hiring process, grooming policies are given to applicants up front. Applicants will appreciate the transparency and they could then decide if they meet the guidelines. A lot of time and money is invested on new recruits during a training program so it would benefit both the department and the applicant to be forthcoming with a policy.

Worst case scenario, the agency hires an individual only to later learn they do not meet the guidelines. Now the agency is forced to revise policies to accommodate the new hire or lose the time and money invested. That is surely a position no agency wants to put themselves in.

COUNTER ARGUMENTS

There are many who argue that employers, both within and outside of law enforcement, are not allowed to dictate what their employees can and cannot wear or how they should look. With pure intentions, agencies could write a clearly defined, well-written policy, communicate the policy with both current law enforcement officers and applicants, and still find people who feel grooming policies are an invasion of law

enforcement officers' rights. It is common practice for businesses and law enforcement agencies to adopt clear policies outlining their expectations for employees' appearance (standardized clothing, uniforms, color of shirts). The argument arises when people feel their rights are being infringed upon when told they may not be hired, could be reprimanded, or potentially terminated, based on their personal decisions to have tattoos or body piercings which are outside of a grooming policy.

Perkins (2014) cited numerous court cases where individuals challenged their workplace for imposing what they felt to be violations of their Fourteenth Amendment. In *Jespersen v. Harrah's Operation's Code* the plaintiff argued that her employer did not have the right to dictate the "well groomed" policy for bartenders (as cited in Perkins, 2014). In the case of *Seabrook v. City of New York*, a corrections officer argued that her employer infringed upon her rights by mandating she wear trousers (as cited in Perkins, 2014). In *Riggs v. City of Fort Worth*, the officer argued that the city violated his rights by requiring him to cover the large tattoos on his legs (as cited in Perkins, 2014). In each of the above mentioned cases, the courts clearly and repeatedly took the stance that employers may in fact dictate grooming policies as long as they are fair, consistently applied, and do not violate Title VII of the Civil Rights Act of 1964 (as cited in Perkins, 2014).

In her paper, *If You Are Attractive and You Know It, Please Apply: Appearance-Based Discrimination and Employers' Discretion*, Heather Barnes wrote, "...employers have discretion to make appearance based hiring decisions when appearance is essential to the business" (Barnes, 2008, para. 4). She went on to say, "It is apparent, therefore, that employers have the ability to enforce appearance standards that relate to

characteristics that are not considered immutable, because employee appearance affects both the image and success of public and private employers.” (Barnes, 2008, para. 13-14). As mentioned in court cases summarized above and the citation from Barnes, it is well documented that law enforcement agencies are well within their rights to form and uphold grooming policies for officers while on duty.

Additionally, opponents to grooming policies, feel such policies will limit the ability to maintain or hire new officers. This outlook all depends on how the policy is written, the level of freedom allowed, and how well the policy is shared. It is true, such a policy would in no doubt restrict or limit the applicant pool when considering the growing number of adults who have expressed no opposition to law enforcement officers having tattoos. The Great Falls, Montana Police Department (GFPD) has written a clearly defined policy which reads in part, “Officers hired are prohibited from having tattoos visible on arms below the elbow. Or anywhere on their legs while on duty.” (City of Great Falls Montana, n.d., para. 3).

The United States Marine Corps (USMC) saw a need to revise its’ tattoo policy so not to impact the number of recruits showing it is possible for agencies to have policies in place written with the expressed opinions of officers in mind. In 2016, the USMC adopted a new tattoo policy which took into account the desires of enlisted Marines. “The Commandant and I have been talking with Marines throughout the Corps during our visits and we’ve taken their questions and comments to heart because it continues to be important to Marines,” said Sgt. Major Ronald L. Green, Sergeant Major of the Marine Corps. Staten went on to say, “The Commandant said it best in the Marine Corps Bulletin in that we have attempted to balance the individual desires of

Marines with the need to maintain the disciplined appearance expected of our profession” (Staten, 2016, para. 1). The new policy further outlined official ways to measure the tattoos to ensure Marines followed these guidelines including the use of specific measurement tools as well as Marines using their own hands to measure whether or not a tattoo was outside of the written guideline.

In spite of seeing it is possible to have a grooming policy that will not impact the hiring of new officers, and having research to show the court system has sided with employers in their ability to define grooming policies, others feel grooming policies in favor of tattoos would negatively impact public perception of the officers sworn to protect them. In his article, *Inked On-Duty and Police Tattoo Policy: Social Acceptance or Censorship* (2018), Stephen Owsinski wrote of public perception of officers with tattoos. He compared how some people could perceive an officer with tattoos to that of “a gangster with a badge” (Owsinski, 2018, para. 25). Many people, those particularly over the age of 65, believe tattoos are still considered taboo and it would most likely be those in this age group who would perceive tattoos negatively. However, contradictory to what Owsinski wrote, Colleen Long (2017) wrote the opinion of Muslim NYPD Officer Masood Syed. In a still pending legal court case, Officer Syed was suspended for the length of his beard which was out of regulation. He claimed his beard was part of his religious culture. His stance when interviewed following his suspension speaks volumes to the perceptions of today’s citizens, “It’s 2017...The police department is supposed to reflect the community that it’s policing” (Long, 2017, para. 7). Likewise, the Kansas State Police Department polled its citizens who agreed with Officer Syed. The results of the poll reflected most of the respondents “were not bothered” with officers

having visible tattoos and 70% did not feel tattoos would take away from an officer's professional appearance (Pallangyo, 2016).

RECOMMENDATION

Law enforcement agencies should have clearly defined policies regarding professional appearance and personal grooming while on duty. Law enforcement agencies are faced with something never faced before which is four very different generations of individuals in the workforce at the same time. Law enforcement agencies have to take into account what their employees want and consider the beliefs and the perceptions of their community. All of which have varying ideas, cultures, and goals. Agencies need to determine what they are and are not going to allow in their grooming policies. The determination to allow tattoos, body piercing, facial hair or extreme hairstyles is an individual department decision, but the need to determine or have these policies is imperative.

Clearly defined grooming policies will assist officers in determining what is or is not approved by their departments. A clearly defined policy is easy to follow and gives clear direction for the department's officers, supervisors and the community in which they serve. Some agencies have policies with diagrams or illustrations that are easy for employees to follow making it easier for the employee to adhere to them.

It is imperative for law enforcement agencies to take a proactive rather than a reactive approach to this situation. How this is done may vary from department to department, but each department needs to have clearly stated grooming policies. Policy should be written to accommodate modern perceptions of professional grooming

standards inclusive of different generations. These policies will make sure that everyone in the department is abiding by the same guidelines.

Department policy makers should evaluate grooming policies on a regular basis due to the ever-changing climate of society. Policy makers need to be proactive rather than reactive in regards to creating new policies or revising current or outdated policies. Policy makers should use surveys or community forums to gather input from multiple stakeholders such as city council, citizens from the community, policies from local police departments, and from law enforcement officers when developing policies.

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