

**The Bill Blackwood
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**Recognizing the Need to Allow Tattoos within
Law Enforcement Agencies**

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ABSTRACT

As the public perception of law enforcement is questioned, it becomes more difficult to hire and retain quality applicants. Current trends in tattoos or body art are something that law enforcement agencies are going to have to deal with if they have not already. When agencies have policies that prohibit tattoos, agencies lose out on quality applicants and veteran officers. Every agency knows the struggle to hire and maintain current levels of staffing. It makes it even harder when agencies cannot find quality applicants who must meet minimum standards set by the governing agencies. If agencies add restrictive and outdated ideas within policy, agencies are limiting themselves when it comes to hiring and retaining good officers.

The research shows that the ideas about tattoos are changing. The negative association with tattoos, while still there, are not as prevalent as it used to be (Shannon-Missal, 2016). The current generations who are hired and will be hired make up the vast majority of the population who are tattooed (Shannon-Missal, 2016). Keeping those things in mind, agencies should develop policies that will allow applicants and current officers to have tattoos.

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INTRODUCTION

Agencies should think progressively and develop policies that allow applicants to have tattoos and policies that will allow current employees to get one if they choose to do so. Across people and demographics within the United States, there is an increased presence of tattoos and body art. According to a recent Harris Poll that surveyed 2,225 in an online survey, 29%, or about three in ten Americans, have at least one tattoo (Shannon-Missal, 2016). These numbers represent a generation with the most tattoos since the generation of soldiers coming out of World War II. When members of the World War II military joined the workforce after completing their service, particularly members of the Marine Corp and the Navy who were deployed to the Southern Pacific, many of them had tattoos representing the places they had been and experiences they had while deployed in the region (Townsend, 2013). While Millennials and Generation X are getting tattoos for different reasons, the reality is they are doing so, and that matter will have to be addressed within law enforcement agencies. With the prevalence of tattoos in Millennial and Generation X applicants, law enforcement agencies can no longer deny the fact that many in the current applicant pool will have at least one tattoo, if not more. Agencies will need to adopt policies addressing tattoos. The question then becomes ~~should-whether~~ tattoos should be allowed or banned all together. If tattoos are allowed, agencies will have to decide on the limitations on those tattoos when it comes to visibility, content, and location on the body

Agencies that do not accept applicants with tatoos or do not allow current officers to get tatoos are hurting themselves and the communities they serve by potentially passing on qualified officers simply because he or she has body art. Tattoos alone do

not determine if a person is capable of being a good or bad law enforcement officer. Tattoos are a form of self-expression and do not reflect the quality of the person or the work they could perform. In some ways, an officer with tattoos may be able to help an agency in interacting with the citizens they serve and protect as well as with communicating with victims of crimes as a result of shared interests in body art or as a conversation. With these aspects in mind, law enforcement agencies should adopt policies that allow applicants and current officers to have tattoos.

POSITION

Law enforcement agencies across the country are struggling to hire new officers and maintain staffing levels. As the general population grows, the struggle to find qualified candidates and maintain staffing levels is not going to go away for the foreseeable future. A number of factors related to tattoos must be considered by law enforcement agencies: the number of the population with tattoos; the number of former service members entering the workforce; dependence on Millennial and Generation X employees; costs associated with hiring and training officers; officer retention; the potential of being sued; concerns about community relations; and increased communication with the community.

There is an increase in the number of the general population who have tattoos. Most applicants for agencies are now coming from the millennial generation and Generation X. The number of Millennials, between 18 and 35 years of age, in 2016 was exceeding 74.9 million (Fry, 2016). The estimated number of people in Generation X, ages 35 to 50, is just under 65 million (Taylor & Gao, 2014). Of people within those two Generations, 47% of Millennials and 35% of Generation X have at least one tattoo

(Shannon-Missal, 2016). By including Millennial and Generation X applicants, agencies would have an applicant pool of about 140.3 million people. By excluding people with tattoos, agencies are severely limiting their applicant pools.

With the current status of the war on terrorism, there are many military service members who are leaving the military and will be looking to enter or re-enter the civilian workforce. Like many of the service members after World War II, many of these men and women are leaving the military with tattoos (Townsend, 2013). This new generation of men and women could integrate well into law enforcement agencies because they are familiar with a military structure, and law enforcement agencies have a similar structure to the military. Agencies are looking for applicants who are disciplined and can be trained. Former service members who left under honorable conditions have proven they are disciplined and can be trained. Another benefit to hiring former service members is that agencies would have officers within their departments who are highly trained from their military experiences and they will also be trained in law enforcement. These former service members could apply the military training they received to their patrol responsibilities, thus, hopefully, making them better and safer officers than one without military experience.

Agencies across the country struggle to recruit and maintain staffing levels. As a result, agencies want to keep the officers they have. Many current officers are members of Generation X and the Millennial Generation. While an average of 47% of Millennials and 36% of Generation X have tattoos, agencies must think about the other 53% of Millennials and 64% of Generation X who do not have at least one tattoo (Shannon-Missal, 2016). With the popularity of tattoos on the rise and with no indication

it is going to decline, agencies must take into account the possibility that those who do not have tattoos are thinking about getting one and may, in fact, get at least one.

As agencies struggle to maintain staffing levels, they also have to consider the financial aspects of hiring and training officers. Agencies spend a tremendous amount of time and money on an officer from the start of the hiring process until their career ends. Many people think the money spent on an officer begins once they are hired and are sent to an academy or for those who make a lateral move directly into field training. However, the time and money spent on an applicant begins when they drop off their application. This does not include the time and money spent prior to application process. There are several steps in reviewing applications as required and enforced by the Texas Commission on Law Enforcement, TCOLE (Texas Commissions of Law Enforcement [TCOLE], n.d.). Each of these steps is a cost to the department in either personnel or money. Each application is reviewed by someone to make sure applicant meets the minimum standards for a position. Once the application is approved, he or she goes through a series of tests to make sure they are physically, psychologically, and intellectually capable of doing the job (Texas Administrative Code, 2016). While these tests are taking place, a background investigation is going on to make sure they are of good moral character and have not failed to disclose anything that would disqualify them or indicate they may be of questionable character. This background check costs the department additional funds because it is paying that person's salary to conduct the investigation. Once an applicant passes the background investigation and the other required tests, they go before an interview board. Again, this costs the department money. The department spends money either by paying the board

members' salaries, paying the board members' overtime, or reimbursing the board members for their time because they are from an outside department.

When an officer is selected, an agency can spend in excess of \$7,000 to send an applicant to an academy (Moreno Valley College, 2013). That number does not include salary or room and board if a cadet is required to be sent to a non-local academy. Once they complete the academy, they enter their field training, which could last anywhere from a few weeks to a year. While that officer is in training, an agency will have a field training officer assigned to them. The department is not only paying the new officer's salary but also the salary of the field training officer and, in some cases, extra pay to serve as a training officer.

Retention is a big problem for agencies. Command staff in agencies know it is far more cost-effective to keep a veteran officer who has passed all the initial steps, training, and probation than it is to hire an applicant with no experience (Church, 2007). With the knowledge that retention is a problem, agencies should adopt progressive ideas and policies to keep those trained veteran officers on the job.

Agencies within the United States, especially during this period of time, must be concerned about being sued. Most of the time, agencies are worried about being sued because of the possibility an officer used excessive force, made an unlawful arrest, or was neglectful in some official capacity. However, agencies must also be alert to the possibility of a civil rights violation by banning officers with tattoos. Tattoos are rarely considered to be something that can be changed and/or modified over time. Therefore, people with tattoos are generally not protected from discrimination under the law ("Tattoos and piercings: Issues," 2011). However, agencies must look past the

potential of modification and determine if the tattoo is protected under the Civil Right Act of 1964 (Title VII). Under Title VII, policies that ban and limit tattoos will be upheld in court unless it is a constitutional right ("Tattoos and piercings: Issues," 2011). The question then becomes what is protected under Title VII. According to Title VII, a person shall be "free from any discrimination based on race, color, religion, sex, or national origin" (Civil Rights Act of 1964). Some people could have chosen a tattoo because tattoos are part of their culture or religion as reflected by dark scrawls on a Cambodian monk's chest to represent his religion and beliefs (Tucker, 2010). Just as with the marks on the monk's chest, a tattoo on an applicant or a current officer could reflect that person's culture or religion. By prohibiting an applicant to have a tattoo, agencies could be discriminating based on the person's culture or religion.

Agencies are frequently concerned about their relationships with the community they serve. Having an applicant with tattoos can be a positive way for the officer to interact with the community they serve. That community could be an average neighborhood in cities across the country or it could be the prison where a community of inmates is housed. With three in ten people having tattoos (Shannon-Missal, 2016), an assumption could be made that people would be more comfortable with a person who they knew had tattoos. That assumption is supported by a Harris poll that surveyed 2,225 in an online survey, and it showed that 70% of people surveyed stated they were comfortable with a police officer having a visible tattoo (Shannon-Missal, 2016). This poll not only looked at police officers, but also looked at a wide-range of positions. The results showed that for every profession those surveyed were asked about, more than 50% were comfortable with a person who had visible tattoos serving in that profession.

With an increased comfort level with people who have visible tattoos, there could be more open lines of communication that would not normally be there (Lin, 2002).

Officers know how hard it is to get someone to open up when they are called to a scene. When an officer who has tattoos arrives on scene, a member of the public may think that officer is more like them and will be more comfortable around that officer.

Another positive component arises when an officer is on foot patrol in their area and a citizen comes up and begins talking to that officer. During the conversation, the citizen may notice the tattoo or tattoos the officer has and ask questions about them. This conversation can lead to more open communication with the community. It can be during one of these conversations that the officer gets information about what is going on in the area. If it is negative information, the officer can then use their connection to the community to gather more information to pass along to the other officers on patrol. From that information, everyone can come together to develop a plan to address any issues that came from the conversation. On the flip side of that, the officer can go back to the other officers and report what is good in the area and any compliments the community members may have. These experiences may lead to more open communication between law enforcement and community members.

COUNTER POSITION

Law enforcement agencies across the country are faced with difficulties related to officers having tattoos. Some of the concerns related to officers having tattoos are the difficulty of regulating tattoos, the necessity of officers maintaining a professional appearance, attempting to make exceptions to policies and regulations leading to hardship for a department, and negative stigma of tattoos with the general population.

One argument that could be made against allowing tattoos is that it would be too difficult to regulate the placement and content of the tattoos. The term “professional association” is defined as “a body of persons engaged in the same profession, formed usually to control entry into the profession, maintain standards, and represent the profession in discussions with other bodies” (Collins English Dictionary, n.d.). Law enforcement is a professional organization or association with a set of standards that must be followed.

The simple and short response to this argument is that agencies should develop good policies that will allow them to offer a balance between allowing tattoos on officers and still maintaining the professional appearance that is necessary. An example of one agency attempting to balance allowing tattoos with maintaining a professional appearance is The University of Texas System Police. This agency addresses this issue in their personal grooming and uniform regulation policy. That policy regulates the viability of tattoos in relation to the professionalism of the uniform, location of visible tattoos, and specifically states what type of tattoos are allowed and which ones are not (University of Texas, 2016).

Applicants and current officers know and understand that regulations must be in place regarding uniform and personal appearance. The courts have held that creating exceptions could create a hardship on companies. The case of *Cloutier v. Costco* is an example of such a case. While this case addresses piercings rather than tattoos, the same principal can be applied to tattoos. Under the ruling for this case, the court ruled in favor of Costco and stated that allowing Cloutier to have her piercing would create an unnecessary hardship on Costco (*Cloutier v. Costco*, 2004). In this case, the court

stated an exception to the company's policy would have a negative effect on its public image ("Tattoos and piercings: Issues," 2011).

For many members of the public, tattoos have a negative stigma associated with them. The common belief was that that people with tattoos were criminals, delinquents, and those who did not fit within the social norms (Atkinson, 2003). Other categories of people who had tattoos were "perverts, psychopaths, prostitutes, and psychotics" (Seither & Hatch, 2005, p. 113). That perception, while slowly changing, may still exist. A recent poll gave people a range of professions from athlete to president and asked them how comfortable they would be with a person with visible tattoos in each of the positions. Over 50% of the people said they would be comfortable (Shannon-Missal, 2016). That number jumps to over 70% when asked if people with visible tattoos interacted with their children (Shannon-Missal, 2016). Armed with that information, it is apparent the negative stigma association with tattoos is changing. Tattoos today are not perceived as dark images of violence or things that cause a person to have nightmares. As people look around, they will see tattoos of arrows, cartoon characters, animals, and landscape scenes. Most of these tattoos have vibrant color to them and are works of art on someone's body.

RECOMMENDATION

Agencies should think progressively and develop policies that will allow applicants to have tattoos and will also allow current employees to get one if they choose to do so. The goal of this change in policy would be to look past a tattoo someone may have and hire the best candidate that has applied for the position (Townsend, 2013). By thinking progressively, an agency will be in a better position to

retain currently employees, thus reducing recruitment costs, and they will be able to better recruit when needed.

With the Millennials and Generation X population making up many of the current officers on patrol and the recruiting base, research has shown if they do not have a tattoo, they have most likely thought about getting one (Shannon-Missal, 2016) .

Retention is a big problem within any department and the cost associated with hiring and training officers continues to climb every day. It makes good financial sense for agencies to do everything they can, as long as it is reasonable, to keep their current officers.

While tattoos themselves are not a basis for discrimination, by not allowing tattoos, agencies run the risk of being sued because of the meaning behind a person's tattoo. The tattoo that one person has on their body could have religious or cultural symbolism that the courts could view as protected. With the other risks for agencies being sued, it does not make sense for a department to not allow something that can be regulated through reasonable policy.

Tattoos can be a way for the community to interact with officers and be comfortable around them (Shannon-Missal, 2016). Tattoos can be a starting point for any conversation between officers and members of the public. That conversation could lead to a compliment about the officers who patrol that area and what good things are happening in the area or it could lead to information about problems or potential problems. No matter what the conversation is about, information is being given to an officer in a positive setting.

Many people might have a negative stigma about tattoos (Atkinson, 2003). Tattoos were once associated with people who many members of the public would find less desirable, and they were typically associated with criminals (Seither & Hatch, 2005). However, according to recent research, this is not the case as it was in the past. Now people with a wide range of backgrounds and socioeconomic classes are getting tattoos and for different reasons (Shannon-Missal, 2016).

Another argument that may be made is tattoos would be too difficult to regulate. However, there are many ways tattoos can be regulated and the simplest way to do that is through the development of policies. When an agency allows tattoos, there are some things that must be done in order to make sure the standard of professionalism and integrity are maintained. Writing a good tattoo or body modification policy is the first step. That policy should first address if tattoos can be seen when an officer is in uniform. If it can be seen in uniform, then there should be identification about what parts of the body it can be seen on. If agencies do not want tattoos seen by the community, they should consider if covering those tattoos will cause more attention than the tattoos themselves. Content is another area that would be need to be regulated. Tattoos that are offensive, racist, or pornographic have no place in law enforcement and should be banned (Standards, 2015).

Once policies have been written, an agency would need to train their background investigator on what to look for if someone has a tattoo. Tattoos can have gang affiliation or be racially motivated. It will be up to the background investigator to determine if the tattoo someone has is allowed by policy and will not bring discredit to the agency.

If agencies continue to think non-progressively and do not allow officers with tattoos to work within their respective agency, they are only hurting the agencies and the communities they serve. While not all of an agency's problems will be solved by allowing employees with tattoos, in 2016 and beyond, the positives outweigh the negatives. It is the goal of every organization to do what is best for the communities they serve. In the course of doing this, agencies will potentially hire good quality applicants who can serve the community. Agencies will not lose good applicants due to outdated thinking and policies. To avoid losing good applicants and having unnecessary limitations on new hire applicants, agencies should develop policies that allow officers and employees to have tattoos.

REFERENCES

- Atkinson, M. (2003). Tattooed: The sociogenesis of a body art. In M. Atkinson, *Tattooed: The Sociogenesis of a Body Art* (pp. 3). Toronto: University of Toronto
- Church, J. (2007, September 20). *Law enforcement personnel retention*. Retrieved from: <http://www.officer.com/article/10249468/law-enforcement-personnel-retention>
- Cloutier v. Costco Wholesale Corp., 390 F. 3d 126 (1st Cir. 2004)
- Civil Rights Act of 1964, Title VII U.S.C. §701. Retrived from: <https://www.eeoc.gov/laws/statutes/titlevii.cfm>
- Collins English Dictionary (n.d.). *Professional association*. Retrieved from: <https://www.collinsdictionary.com/dictionary/english/professional-association>
- Fry, R. (2016). Millenials overtake baby boomers as America's largest generation. Retrieved from: <http://www.pewresearch.org/fact-tank/2016/04/25/millennials-overtake-baby-boomers/>
- Lin, Y. (2002). Age, Sex, Education, Religion, and Perception of Tattoos. In Y. Lin, *Psychological Reports* (pp. 654 - 658). Thousand Oaks: Sage.
- Moreno Valley College (2013). *Basic peace officer training academy cost breakdown*. Retrieved from: <http://www.mvc.edu/files/law/basic-academy-cost-breakdown.pdf>
- Seither, J. S., & Hatch, S. (2005). Effects of Tattoos on Perceptions of Credibility and Attractiveness. In J. S. Seither, & S. Hatch, *Effects of Tattoos on Perceptions of Credibitlty and Attractiveness* (pp. 1113). Twin Oaks: Sage.

Shannon-Missal, L. (2016, February 10). *Tattoo takeover: Three in ten Americans have tattoos, and most don't stop at just one*. Retrieved from www.theharrispoll.com/health-and-life/tattoo_takeover.html

Tattoos and piercings: Issues of body modification and the workplace (2011). Retrieved from: <https://www.thefreelibrary.com/tattoos+and+piercing%3a+issues+of+body+modification+and+the+workplace.-a0258439087>

Taylor, P., & Gao, G. (2014, June 5). *Generation X: America's neglected 'middle child'*. Retrieved from <http://www.pewresearch.org/fact-tank/2014/06/05/Generation-x-americas-neglected-middle-child/>

Texas Administrative Code. §217.1. 2016. Retrieved from: [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=7&ch=217&rl=1](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=7&ch=217&rl=1)

Texas Commission on Law Enforcement (n.d.). *Path to licensure*. Retrived from: <https://www.tcole.texas.gov/content/path-licensure>

Townsend, W. C. (2013, February). *Recognizing Tattoos as a Cultural Demographic Within Law Enforcement*. Huntsville, TX: Bill Blackwood Law Enforcment Managment Institute of Texas.

Tucker, A. (2010, October). *Looking at the World's Tattoos*. Retrieved from <http://www.smithsonianmag.com/arts-culture/looking-at-the-worlds-tattoos-60545660/?no-ist>

University of Texas. (2016). *Personal grooming and uniform regulation*. Retrieved from <http://www.utsystem.edu/pol/policies/213PersonalGroomingandUniformRegulation.pdf>