I. INTRODUCTION

A. PURPOSE OF THE DOCUMENT

This paper is designed to accompany the Considerations Document on Grooming and Appearance published by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide a greater understanding of the recommendations and guidance provided in the Considerations Document. This material may be of value to law enforcement executives in their efforts to develop their own policies that meet the requirements and circumstances of their communities and their law enforcement agencies.

B. BACKGROUND

Since the first modern public police force was formed in London nearly 200 years ago, law enforcement administrators have sought to create and maintain a uniformity of appearance among personnel. Today’s multicultural society has introduced diverse modes of dress and appearance, which has created difficulties for many agencies that wish to better reflect the diversity of their communities and ever-changing attitudes toward self-expression in clothing, grooming, and appearance, while also maintaining a uniformly professional appearance among their employees.

The importance of uniformity and professional appearance for officers is well established in law enforcement agencies. From the viewpoint of the general public, a well-groomed law enforcement officer in a uniform conveys professionalism and self-confidence and presents a positive first impression. From an officer’s perspective, it is a large part of the command presence.

Most people form an opinion of another individual within a very short period of time. An officer’s having a professional appearance helps to project the image of authority, self-assuredness, self-control, and confidence, which aids officers’ ability to take charge of incidents and emergency situations. This can, in turn, help de-escalate potentially volatile situations and better manage crises. On the agency side, adherence to professional grooming and appearance inspires camaraderie among employees and promotes teamwork, among other positive factors.

Union bargaining is often involved when determining the nature and extent of some agency policies’ governing grooming and appearance. The question is whether there is a duty for management to negotiate some or all of these matters or whether grooming and appearance standards are a management prerogative. There doesn’t appear to be a uniform answer to this question, as courts have varied widely in their decisions on this matter. Even though the courts have given law enforcement management great latitude in establishing and enforcing grooming and appearance standards, agencies should confer with qualified legal counsel to resolve any concerns about a particular policy’s reasonableness and enforceability. Agencies should also include unions input whenever considering updating or changing existing grooming and appearance standards.
C. TRANSGENDER EMPLOYEES

Agencies should strive to treat all employees with respect and provide a workplace free from harassment or discrimination, including any that stem from an individual’s gender identity. Legislation may exist on the federal, state, provincial, and local levels to ensure that transgender individuals are protected from unfair treatment.¹

Gender identity is defined as one’s innermost sense of being as male, female, a blend of both or neither, and may or may not correspond with the assigned sex at birth. An individual’s external manifestations and appearance of gender identity, frequently expressed through one’s name, behavior, pronouns, clothing, hair, voice, or body characteristics are referred to as “gender expression.” While everyone has a gender identity, transgender individuals typically experience their gender identity or gender expression as different from cultural expectations associated with their assigned sex at birth.

Agencies should determine how they will address grooming and appearance standards for transgender employees. For instance, an agency should decide whether transgender employees will be held to the standards associated with their gender expression or gender identity.

D. WEIGHT AND APPEARANCE

An individual’s weight is a defining characteristic of that person’s physical appearance. Due to this, agencies should consider how an officer’s weight reflects on the professional image. However, when developing restrictions in this area, agencies should consult with their legal advisor to ensure that any guidelines are in line with applicable laws and collective bargaining agreements. In many agencies, this issue is addressed by fitness standards that require that an officer be able to meet the physical requirements necessary to effectively perform the job.²

II. PROCEDURES

A. GENERAL POLICY CONSIDERATIONS

When developing their policies related to employee grooming and appearance, law enforcement agencies ought to consider the following several overarching factors. Primarily, an agency should designate an individual, such as the chief executive or their designee, who will have final authority in determining acceptable standards.

In addition, agencies should determine whether there will be differences in standards for sworn versus civilian personnel and whether there will be any exceptions to the policy. These exceptions may include different guidelines for employees who are working undercover assignments, are selected for specialized assignments, or are in non-uniformed positions. A process should be developed to document the approval for any exceptions to this policy.

B. HYGIENE

While often taken for granted, agencies should address basic hygiene in policy to provide a mechanism to alert employees of cleanliness requirements. For instance, a policy may require that employees are well-groomed, clean, and maintain good personal hygiene while on duty. In addition, agencies should develop procedures to be followed in situations where an employee does not meet these standards. As a part of overall hygiene, agencies may also adopt guidelines regarding odors that may be offensive to the public or coworkers. These odors may include those associated with perfumes or colognes or offensive body odor.

C. UNIFORMS

Uniforms are integral to an agency’s professional public image. Each agency should determine its own uniform standards, to include appropriate attire based on factors such as assignment, community expectations, and weather conditions. In addition, employees should be required to wear uniforms that are well fitting, clean, and satisfactory in appearance based on established standards. Agencies should also develop procedures regarding replacement of uniforms, to include identifying the individual(s) responsible for purchasing and issuing new or replacement uniforms.


² See the IACP Fitness Program Development Considerations document available at https://www.theiacp.org/resources/fitness-considerations-guide.
D. TATTOOS, BODY ART, AND BODY MODIFICATIONS

Tattooing is a highly popular form of personal expression. However, there may be concerns that visible tattoos on law enforcement officers may detract from professional appearance. Agencies should consider community standards when creating policies related to tattoos, brandings, or intentional scarring, as some law enforcement agencies and their communities may have greater tolerance of and provide greater allowance for tattooing. These agencies may prefer to accept tattoos and other forms of body art in moderation or within specific agencies guidelines related to their size, location, appearance, or other factors.

Agencies should consider whether employees will be required to cover any visible tattoos on certain parts of the body, such as the forearm or leg and/or whether these items will be prohibited on certain parts of the body, such as the face, neck, ears, scalp, or hands. Agencies should also address whether there will be exceptions for permanent makeup, such as tattooed eyeliner or lip liner, as long as it conforms to standards regarding makeup.

If tattoos, brandings, or intentional scarring are allowed, agencies should establish guidelines regarding acceptable content. For instance, agencies may prohibit body art that is gang related; conveys sexual, racial, religious, ethnic, or related intolerances; promotes a partisan political statement or expression; or portrays derogatory or offensive characterizations that are contrary to the values of the agency. The term “obscene” is purposefully not included in these prohibitions, as it has been interpreted in many ways over the years with little or no resolution on a singular definition. It is perhaps best to designate the agency chief executive or their designee as the final arbiter for determining whether specific tattoos are contrary to the values of the agency and the community. Another option is the establishment of an agency grooming and appearance committee made up of line, supervisory, and command personnel. These individuals can help establish policy and enforce policy guidelines.

As with other policies, regulations, and rules, a grooming and appearance policy should be applied equally among persons in the same or similar circumstances to avoid charges of disparate treatment or violations of equal protection rights. Attempts to “grandfather” in those officers with visible tattoos who were hired before the policy was introduced may trigger charges of disparate treatment. Absent concessions made by law enforcement management in labor negotiations or similar agreements, it is best to avoid grandfathering and treat all members of the agency the same.

E. HEAD HAIR

Agency policy regarding head hair should include requirements that hair be neat, clean, and trimmed and be worn in a manner that does not interfere with the proper wearing of the uniform hat. Agencies should also determine what hair colors are permitted, such as only those that are naturally occurring. All guidelines regarding hair should also apply to wigs and hairpieces.

Agencies may wish to develop a single set of guidelines regarding head hair that applies to all employees, regardless of gender. Alternatively, agencies may elect to develop individualized guidelines for males and females. For instance, specific requirements regarding hair lengths for males may include that hair must be trimmed so that it does not touch the uniform collar or the tops of the ears or protrude from the sides of the uniform hat. The acceptability of specific hairstyles should be addressed.

Some agencies may elect to permit females to wear longer hairstyles. However, in these situations, agencies should establish approved lengths and manners of styling, such as a bun. Agencies may also require that female hairstyles not fall below the shirt collar and be worn securely under the uniform hat. Agencies should consider restrictions on braids, ponytails, and similar styles as they may pose a safety hazard to officers. Agencies should also specifically address whether ribbons or other ornaments, except for those required to keep the hair securely in place, such as inconspicuous bobby pins, bands, or barrettes are permitted.

F. FACIAL HAIR

When establishing policy guidance regarding facial hair, agencies should include approved lengths and styles of mustaches, beards, and sideburns. For instance, a policy may state that a clean-shaven face is preferred but provide allowance for a well-trimmed mustache if it does not extend below the upper lip or beyond the corners of the mouth. Exceptions to the beard requirement should be permitted if accompanied by a medical waiver, such as for persons with the medical condition pseudofolliculitis barbae (PFB), a condition in which shaving can cause hair to grow back into the skin causing inflammation and possible scarring.
One argument against beards is based on safety. In cases where an officer must wear a gas mask, beards can interfere with a tight seal required to make the mask effective. The only way to ensure a tight seal in this or other circumstances according to the agency is to conduct a fit test by a health and safety professional. To remedy this, agencies may require that beard length be no more than one-quarter inch, which should allow for a sufficient gas mask seal. Exceptions to the beard requirement should also be considered to accommodate religious requests.

G. FINGERNAILS AND DENTAL ORNAMENTATION

Agency policy should establish guidelines regarding fingernail length. When making these determinations, agencies should consider that long fingernails may scratch others, break, or interfere with duty assignments such as the application of handcuffs. The permissibility of nail polish, to include acceptable colors, and jewelry or ornamentation on fingernails should also be addressed.

Restrictions should also be considered regarding dental ornamentation, as it noticeably distracts from a professional and uniform appearance. This may include prohibitions on the use of gold, platinum, silver, or other types of veneer caps for ornamentation; designs, jewels, or initials; and/or unnatural shaping of teeth that is not related to a medical condition or required medical procedure.

H. COSMETICS AND EYEWEAR

As with other grooming and appearance regulations, allowances regarding cosmetics can and should be made for specialized assignments, particularly undercover assignments. In all other contexts, employees should follow established standards regarding acceptable colors of eyeshadow and lipstick, and false eyelashes. Some individuals choose permanent makeup, such as tattooed eyeliner or eyebrows. If used, suitability should be judged on a case-by-case basis in terms of whether it detracts noticeably from a professional and uniform appearance.

When considering eyewear, agencies should determine allowable designs. In addition, a prohibition against mirrored sunglasses should be considered and restrictions regarding wearing of sunglasses indoors or while in formation may be implemented. Agencies should address whether transitions lenses will affect these decisions. Agencies should encourage officers to wear eyewear that is specifically designed for duty wear to include impact-resistant lenses.

I. JEWELRY

Agency grooming and appearance policies should address jewelry, to include earrings, wedding and engagement rings, bracelets, and necklaces or neck chains. Some agencies severely restrict or prohibit wearing any of these types of jewelry while in uniform, primarily as a safety precaution to prevent injury to officers in the event of a physical altercation, as well as to limit the potential of injury to suspects who may be scratched or cut by these items. Alternatively, agencies may elect to follow a more liberal approach by limiting the number, nature, and size of these items rather than establishing a complete prohibition.

When addressing necklaces and neck chains, agencies should include acceptable diameters, whether multiple or lengthy attachments are allowed; whether they must be worn under the officer’s uniform; and any restrictions based on safety concerns. Similarly, with earrings, agencies should include guidance regarding acceptable design, such as studs, hoops, or other styles that extend below the earlobe; those that are in parts of the ear other than the earlobe; and whether male employees will be allowed to wear earrings of any style. Agencies should also consider restrictions on other types of piercings if they cannot be fully covered by the uniform.

When considering rings, agencies should outline the acceptable number and any restrictions on their size and location. For instance, rings on the trigger finger(s), must not interfere with safe and proficient operation of weapons. Bracelets, if allowed, should conform with guidelines surrounding acceptable sizes and appearance. Agencies should also decide if charms or other attachments are approved. However, medical bracelets should always be allowed.

Agencies should consider whether religious jewelry that does not conform with standards, or in the nature of pins or other insignia on the uniform, should be permitted.

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J. CONCLUSION

Ultimately, each agency should decide what balance of diversity of appearance, self-expression, and uniformity is appropriate for its jurisdiction. Agencies should hold their employees to a professional standard of appearance, while accounting for regulated religious accommodations and community expectations and considering safety and comfort. Such a standard will allow officers to project an authoritative, self-assured image and will inspire trust in the community and camaraderie among co-workers.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

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APPENDIX
United States Legal Guidelines

The first and only time the U.S. Supreme Court addressed the issue of police grooming standards involved hair length in the case of Kelley v. Johnson.\(^1\) In Kelley, the Court held that regulations of this nature should be judged on whether they can be demonstrated to have a “rational connection” with a legitimate government objective. The Court found that regulation of hairstyle was connected to at least two governmental objectives—enhanced recognition of police officers in public and enhancement of officer esprit de corps, both of which contribute to the effectiveness of a law enforcement agency. Kelley remains the principal guidance in judging the reasonableness of grooming and appearance regulations. With some exceptions, the ruling gives substantial deference to law enforcement administrators to regulate the grooming and appearance of officers under their command.

Since Kelley, grooming and appearance standards have been subject to legal challenges over a number of issues and on several different legal principles. Legal challenges to personal appearance regulations have involved tattoos, brandings or intentional scarring, piercings, facial hair, jewelry, cosmetics, and other forms of individual expression. Lawsuits have been brought based on the right of expression under the First Amendment; §1983 lawsuits alleging violations of equal protection and differential treatment; Title VII violations of religious freedom and sex discrimination; and actions related to medical conditions. As such, it is important for agency chief executives to understand both their powers and limitations in promulgating and enforcing grooming and appearance regulations.

**Religious Accommodations.** Title VII of the Civil Rights Act of 1964 as amended, prohibits employers from discriminating against individuals because of their religion and other factors in the hiring, firing, and terms and conditions of employment. Title VII also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless doing so would create an undue hardship upon the employer. If an employer claims that accommodation is not reasonably possible because it would result in an undue hardship, the employer must be prepared to prove the nature of that hardship. Simple refusal to entertain reasonable accommodations to agency policy, custom, or practice is not sufficient.

Title VII has been the basis for litigation within law enforcement with regard to hair, clothing, work schedules, religious holidays, and related matters linked to religious beliefs. While public employers generally, and law enforcement agencies in particular, are given greater latitude than private employers, they are still required to demonstrate attempts to reasonably accommodate the religious beliefs of their employees in the workplace. Religious beliefs have been broadly interpreted by the courts to include non-traditional forms of worship to which an individual subscribes such as the “Church of Body Modification.”\(^2\) Religious beliefs need not be based on an organized or recognized religion. As such, religious beliefs can have implications for a number of matters involving terms and conditions of employment, not just limited to hairstyle. It may impact wearing of clothing or headwear, carrying or wearing of symbols, or the religious impermissibility of conformance with other agency requirements. Agencies should be aware of the potential impact of Title VII religious requirements when examining their policies, rules, and regulations on grooming and appearance, as well as other agency policies, such as uniform requirements and personnel work scheduling.\(^3\)

Reasonable accommodation may be necessary or may be deemed unnecessary in a variety of areas that are not addressed in a policy on grooming and appearance. For example, scheduling issues may arise because of the need for an individual to conform to their religious beliefs.

This was at issue in Beadle v. Hillsborough County Sheriff’s Department.\(^4\) Deputy Beadle, while working in the sheriff’s detention center, asserted that he needed to be off duty from sundown Friday to sundown Saturday on a permanent basis to observe the tenets of the Sabbath as a Seventh Day Adventist. His request was denied, but he was given the allowance to arrange for voluntary shift swaps with other deputies. He was given a scheduling roster and allowed to post his need on the

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\(^2\) Cloutier v. Costco Wholesale Corp. 390 F.3d 126 (1st Cir. 2004).


bulletin board and advertise it at roll calls. He was also allowed to use sick leave, annual leave and compensatory time to be off duty during that time. Beadle could not make such arrangements and, after leaving his post at the detention center in the middle of his shift to observe the Sabbath, he was fired. He filed a lawsuit under Title VII to the Seventh Circuit Court of Appeals, which had to determine if the department had satisfied its obligation to reasonably accommodate Deputy Beadle’s request. The court stated that determination of what a “reasonable accommodation” is under Title VII must be judged on a case-by-case basis. The Seventh Circuit Court found that the department had done all that was reasonably necessary to satisfy his request under Title VII.

It should be cautioned here, however, that other courts may find differently under the same or similar circumstances. What is determined to be an undue hardship for one agency may not be so considered as such for another. For example, a small department may not be in a position to make the types of accommodations a large agency that has more options at its disposal can.

**Tattoos.** Tattoos and other forms of body art and modification are a form of personal self-expression that are not generally the type of speech protected by the First Amendment according to some court rulings. Courts have also ruled that regulations requiring officers to cover up tattoos and similar body modifications visible to the public are a reasonable course of action.

**Hair Styles.** In respect to hair regulations, a number of cases have found for plaintiffs who have alleged religious discrimination under Title VII. For example, a Washington, D.C., Metropolitan Police Department officer won a lawsuit based on disciplinary action taken against him for wearing dreadlocks as espoused by his Nazarite sect that does not believe in haircuts.

The fact that men and women are treated somewhat differently in hairstyle regulations has been litigated under claims of sex discrimination. This issue was addressed by one court—and can provide generalized guidance—in which the plaintiff did not adopt a hairstyle for medical, religious, or ethnic reasons. In that case, the judge stated that “the great weight of authority in federal courts holds that grooming and dress codes that distinguish between men and women are permissible and do not violate Title VII.” As stated by the court, “While it is true that only men can grow beards, it does not follow that a rule prohibiting beards amounts to sex discrimination.”

Hair styles and length are not matters that can normally be successfully litigated under the banner of the First Amendment right of freedom of expression.

**Beards.** Restrictions on beards have been successfully challenged under Title VII on the basis of religious beliefs, and agencies should be proactive in identifying reasonable accommodations for those officers who seek waivers based on the doctrine of their faith. While beards may not be eliminated entirely by an agency if a member claims a religious accommodation, the length of beards can be regulated within reason. In one case, a detective with the Las Vegas Metropolitan Police Department was awarded a $350,000 settlement from the city for a lawsuit claiming that the department ordered him to remove his beard in contradiction to his faith as an orthodox Jew. His request to wear a yarmulke to cover his head was satisfied by the department’s accommodation to allow him to wear a department baseball cap, presumably issued by the department.

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9 Id.
In another case, two Newark police officers appealed disciplinary action for refusing to shave their beards as prescribed by their Muslim faith. The department had a policy that made allowances for not shaving due to PFB, but not for religious reasons. The court found that this was a violation of the First Amendment’s Free Exercise Clause.\(^{11}\)

**Earrings.** The fact that females are, and males are not, permitted to wear earrings does not create a case for sex discrimination, as Title VII allows minor differences for men and women.\(^ {12}\)

**Uniforms.** There are limitations to which an officer can claim religious freedom in order to deviate from agency uniform requirements. The results of some litigation on this matter has essentially resolved this matter. For example, in 2009, the Third Circuit Court of Appeals ruled on litigation brought by a Philadelphia police officer who was not permitted to wear a khimar with her uniform—a scarf that covers the hair, forehead, neck, shoulders and chest as required of women in the Muslim religion.\(^ {13}\) The court ruled that the department had a legitimate interest in maintaining religious neutrality in officer appearance. It stated that prohibiting all religious symbols and attire helps prevent any divisiveness when officers encounter a diverse population.

As the Fifth Circuit Court has stated, “A police officer’s uniform is not a forum for fostering public discourse or expressing one’s personal beliefs.”\(^ {14}\) However, while law enforcement agencies might not approve requests of this nature, some have voluntarily permitted officers to wear religious clothing in order to better reflect the communities they serve and their diverse religions.

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\(^{11}\) Fraternal Order of Police v. City of Newark, 170 F.3d 359 (1999).

\(^{12}\) Kleinsorge v. Eyeland Corp. #99-5025, 2000 U.S. Dist. Lexis 812 FEP Cases (BNA) 1601 (E.D. Pa. 2000), citing Knott v. Mo. Pac. Rwy., 527 F.2d 1249 (8th Cir. 1975), cited in “Grooming and Appearance Rules for Public Safety Workers, Part Two: Tattoos, Piercings, Jewelry, Dental Ornamentation, Cosmetics and Religious Headwear,” AELE Monthly Law Journal no. 2 (February 2007): 201–208. See also Rathert v. Village of Peotone, 903 F.2d 510 (7th Cir. 1990), cert. den., 111 S. Ct. 297 (1990), wherein the Seventh Circuit Court upheld a departmental policy prohibiting male officers from wearing ear studs on and off duty. The department’s manual noted that officers were subject to call up 24 hours a day requiring that they be both recognizable as police officers, among other factors. The court found this to be a sufficient rational basis for the prohibition.

\(^{13}\) Webb v. City of Philadelphia, #07-3081, 2009 U.S. App. Lexis 7169, 105 FEP Cases (BNA) 1665 (3rd Cir.).