

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



202.747.1904 direct
ddouglass@sheppardmullin.com

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Deputy Superintendent Danny Murphy
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans. LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the amended Chapter 13.28 - Personal Appearance Standards. The OCDM has no objection to the policy as amended.

We believe that the amended Chapter 13.28 - Personal Appearance Standards, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.
Very truly

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 13.28

TITLE: PERSONAL APPEARANCE STANDARDS

EFFECTIVE:**REVISED: Replaces Policy (1044)**

PURPOSE

To project and promote a disciplined, identifiable, and impartial police force by maintaining the uniform as a symbol of neutral government authority, free from expressions of personal bent or bias toward the public and other members of the Department, members shall maintain their personal hygiene and appearance to ensure a professional image appropriate for this department and for their assignment.

POLICY STATEMENT

1. All members, civilian and commissioned, shall maintain a neat, clean, and professional appearance at all times while on duty or representing the Department. Unless otherwise provided for by this Chapter or in the Operations Manual, or should deviations from these standards present a concern for officer safety, the standards outlined in this Chapter shall apply to all members of the Department.

DEFINITIONS

Tattoo—The act or practice of marking the skin with indelible or semi-permanent designs, forms, figures, art, etc. by making punctures in the skin and inserting pigment or applying substances to the skin.

Scarification—The act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.

Branding—The act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

Piercings—The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.

HAIR – GENERAL GUIDELINES

2. Members shall maintain their hair in a neat, clean and well-groomed manner to reflect a professional and businesslike appearance.
3. Unacceptable hairstyles include, but are not limited to, design(s) sculpted into the hair,

wearing long hair over a shaved (to scalp) portion of the head or radical hairstyles.

4. Dyeing or highlighting the hair is acceptable provided it is consistent with a natural hair color, without obvious blocks, patterns or spots of color. Color sheens and over dyes are not acceptable.
5. Members shall ensure that their hair does not interfere with the proper wearing of the uniform hat or the prompt and proper placement of protective head and/or face gear.
6. **Commissioned male members** - Hair on the side of the head may extend to cover the top half of the ear, at maximum. When standing with the head straight, the hair on the back of the neck shall be one quarter inch above the shirt collar. Hair in the front shall not fall below the eyebrow.
7. **Commissioned female members** - Hair on the sides and back of the head shall not exceed shoulder length (top of the shoulder). Hair in the front shall not fall below the eyebrows. Hairstyles in which the hair is pinned neatly to the head shall be permitted, but the wearing of ponytails and pigtails is strictly prohibited.
8. **Non-commissioned members** - Hair shall be maintained as to present a neat appearance consistent with the type of duty performed.

HAIR ORNAMENTATION

9. Commissioned members of the department shall not wear hair ornamentation.
10. Inconspicuous hair control devices such as cloth-covered rubber band (not to exceed one-quarter inch in diameter), plain hairpins or clips may be worn to comply with department standards. Hair control devices shall not interfere with the prompt and proper placement of protective head and/or face gear. Hair control devices shall in no way detract from a member's professional appearance.

HAIRPIECES AND WIGS

11. Hairpieces and/or wigs may be worn. Hairpieces, wigs, and the member's overall appearance must conform to the department's general hair standards.

MUSTACHES

12. A short and neatly trimmed mustache may be worn. Mustaches shall not extend downward past the corner of the lower lip and laterally, more than one-half inch beyond the corner of the mouth.

SIDEBURNS

13. Sideburns shall not extend past one-quarter inch below the lowest part of the earlobe and shall be trimmed, even width, not flared, and neat with a clean shaven horizontal line at the base.

FACIAL HAIR

14. For commissioned members, facial hair other than sideburns, mustaches and eyebrows shall not be worn unless authorized, in writing, by the Superintendent of Police or

his/her authorized designee.

FINGERNAILS

15. Fingernails shall be neat and clean and shall not display decals or ornamentation. Fingernails (natural or artificial) shall not extend more than one-fourth inch beyond the tip of the finger. They shall not interfere with the member's duty performance such as safe drawing of weapons, or usage of safety or duty equipment.
16. **Female Members**—Uniformed female members may only wear clear or neutral (beige or cream) nail polish (white nail tips are allowed). When on duty and attired in authorized clothing other than the uniform, female members may only wear fingernail polish that is professional and businesslike in color.
17. **Male Members**—May only wear clear fingernail polish.

JEWELRY AND ACCESSORIES

18. No jewelry or personal ornaments shall be worn by members or attached on any part of the uniform or equipment, except those authorized within this Chapter. Jewelry, if worn around the neck, shall not be visible above the shirt collar. Religious medals, medallions, crosses, or chains may be worn but shall be concealed under the uniform shirt.
19. The use of gold or other metallic caps worn only as dental jewelry is prohibited while a member is on duty. Orthodontia, or dental caps which are applied for proper dental hygiene, are allowed. If requested, a member must provide certification from his/her dentist concerning medical/dental necessity of orthodontic appliances.
20. Ear gauges are prohibited.
21. **Male Members**—The use of jewelry shall be restricted to one watch and two personal rings (one ring per hand) no larger than a graduation ring. The use of earrings, nose rings, nose studs, tongue rings/studs, eyebrow or lip rings, and other personal adornments are prohibited.
22. **Female Members**—The use of jewelry shall be restricted to one watch, two personal rings (only one ring per hand) no larger than a graduation ring, and one pair of small stud type earrings (one earring per ear lobe only) which do not extend below or around the ear lobe. For purposes of this policy, female members may wear an engagement and wedding ring set in the traditional manner, which shall be counted as one ring.

TATTOOS / BODY ART / BODY PAINTING

23. The following tattoos, body art, or body painting are **PROHIBITED**:
 - (a) Those representing bias against any actual or perceived race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group . This includes swastikas and images associated with oppressive organizations such as the Ku Klux Klan, SS, etc.
 - (b) Those representing a criminal organization or gang alliance or allegiance. (See **Chapter 43.6 – Gang Violence Reduction Strategy**).
 - (c) Those that are offensive and/or inappropriate and are visible to the community. This includes:

- i. Depictions of nudity or violence;
 - ii. Vulgar, lewd or sexually explicit images;
 - iii. Visual or written profanity or expletives;
 - iv. Political activity prohibited by Civil Service Rules;
 - v. Symbols that are likely to incite a strong reaction in the workplace or public (i.e. pentagrams, etc.); or
- (d) Those visible on the face, head, hand, mouth, and neck.
24. Visible tattoos, body art or body painting that are not explicitly prohibited but could reasonably or sensibly be construed as demeaning, political activity prohibited by Civil Service Rules, sexually explicit, or offensive in nature shall be covered at all times while on duty or representing the department. For commissioned members this can be done by wearing a department approved uniform or approved uniform part, the wearing of which is consistent with the overall uniform guidelines.
25. The covering of the tattoos, body art, or body painting through the use of band aids or other such devices shall not be allowed as a means of conforming to this regulation.
26. Should there be doubt as to whether a member's tattoo, body art or body painting is in violation of this Chapter, it shall be the responsibility of a supervisor in the member's chain of command to request an opinion, in writing, and a remedy from the Superintendent of Police. This does not preclude the use of the disciplinary process for clear violations of the Chapter.
27. The Superintendent of Police shall be the final authority in determining if a tattoo, body art or body painting is demeaning, political activity prohibited by Civil Service Rules, sexually explicit, or offensive in nature.
28. Officers working in an **undercover assignment only** are exempt from the requirements under this section while performing their official duties in that capacity. Non-uniformed or plainclothes assignments are not the same as undercover.

MEMBERS WORKING OFF-HOURS ENGAGED IN DEPARTMENTAL BUSINESS

29. Members (uniform or plainclothes) working other than his/her normal tour of duty schedule (e.g., court appearance, attendance at an administrative hearing, business meetings or secondary employment assignments) are bound by personal appearance requirements outlined under this Chapter.

BODY PIERCING OR ALTERATION

30. Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire and is a deviation from normal anatomical features and not medically required is **PROHIBITED**.
31. Such body alteration includes, but is not limited to, the following:
- (a) Tongue splitting or piercing;
 - (b) Nose rings/studs;
 - (c) Eyebrow or lip rings;
 - (d) Abnormal shaping of the ears, eyes, nose or teeth; or
 - (e) Branding or scarification.

MAKE-UP

32. **Female Members**—May wear make-up while on duty and shall be worn in moderation

and shall be consistent with a professional and businesslike appearance.

33. **Male Members**—May wear make-up to conceal skin imperfections. Make-up shall be worn in moderation and shall be consistent with a professional and businesslike appearance.

UNDERSHIRTS/CAMISOLES

34. Undergarments worn by uniformed members shall not be visible under the uniform shirt. Carriers or garments which are specifically designed to be worn with body armor are exempt from this regulation but shall be of a neutral color that does not detract from the overall appearance of the uniform.

SUPERVISORY REQUIREMENTS

35. Supervisors are to ensure that this Chapter is complied with by all members. To ensure compliance, supervisors shall conduct daily inspections of their subordinates during roll call and/or in their routine contact with subordinates.
36. Deviations from this Chapter shall be documented and disciplinary action should be taken for violations.
37. **Supervisors shall not allow officers who are in violation of this Chapter to commence a tour of duty until the violations are corrected.**

EXCEPTIONS

38. Exceptions to these standards include members whose appearance is deemed as appropriate by the Superintendent of Police in writing.
39. Specific requests for exceptions relating to a religious accommodation that impacts the personal appearance of members shall be made in writing and directed to the Superintendent of Police.
40. Members may be granted a one-time exemption, by the Superintendent of Police, for violations of this Chapter that cannot be concealed that occurred PRIOR to the effective date.
41. Members requesting an exemption must submit his/her request:
- (a) In writing.
 - (b) Through his/her chain of command.
 - (c) With color photographs documenting the tattoos, scarifications or brands for which he/she is seeking an exemption.
 - (d) With a detailed, specific mention of the location on the member's body where the tattoos, scarifications or brands for which he/she is seeking an exemption is located.
 - (e) Within one week of the effective date of this Chapter.
42. The member requesting exemption shall receive notification granting or denying the exemption within 30 days of receipt of the request by the Superintendent of Police.
43. All exemption requests, the accompanying documentation and the final determination of the requests shall be forwarded to the Personnel Division for inclusion in the member's personnel jacket (both electronic and hard copy).

44. The Superintendent of Police is the final authority for deciding on the appropriateness of any tattoo, brand, scarification, piercing or jewelry covered by this Chapter. The Superintendent of Police also has the sole authority and discretion to grant or deny exceptions to this Chapter as outlined herein.
45. Individuals with tattoos receiving an exception shall cover all visible tattoos that otherwise would violate this policy in a department approved uniform or approved uniform part, the wearing of which is consistent with the overall uniform guidelines, absent a written authorization from the Superintendent of Police.