Attachment 2

Eugene Columbus
President

Donald Coffin
Vice-President

May 11, 2012

Interim Finance Committee
Senator Steven A. Horsford, Chairman
Assemblywoman Debbie Smith, Vice Chairwoman
Legislative Building
401 S. Carson Street
Carson City, NV 89701-4747

Honorable members of the Interim Finance Committee,

It has come to the attention of the Nevada Corrections Association that the supervisory staff of the Northern Nevada Correctional Center conducted a staff meeting Chaired by Associate Warden Ronald Schreckengost, where he may have disseminated some disturbing information. I have included a few excerpts of one of the shift Lieutenants interpretation of the meeting:

B-Day Shift:

I attended the supervisors' meeting yesterday; here is a quick run down of what was covered:

7. NNCC custody will not be allowed to hire overtime. We will place the yard on "administrative recall" when staffing does not allow safe operation of the yard. Be prepared to run NNCC at very short staffing levels if OIM, sick leave, etc dictate. This is being ordered by authorities above the level of the Office of the Director (i.e. elected officials) and it is being ordered due to the perceived history of NNCC's blatant abuse of OT in recent years.

8. NNCC is not well respected right now. We are in a lot of trouble as an institution as a whole (with our elected officials) and we will be continued to be scrutinized until — well, just until....

This information was sent out to anywhere from 60-150 officers, and soon went viral throughout the Institution. Needless to say, the line staff at the Institution have been asking about this, and are thoroughly upset about this information on many different levels.

First, this Lieutenant is insinuating that we are being ordered by the IFC not to hire overtime, even when we run the shift at unsafe levels. He also says that this is because of the perceived abuse of overtime in recent years. Our stand on this is that it is not the fault of line staff if there was an abuse of overtime. There are policies in place that have been conceived by Administrators to cut staff to levels which they consider to be minimally safe. If we were to go under this number, common sense dictates that it would be unsafe, and the inability to hire overtime would naturally mean that all of us working on the Institution would be working in unsafe conditions. This is obviously unacceptable to the Association and its members. It is also insinuated that instances of perceived abuse of overtime is the fault of the staff. This is absolutely not the case, yet we are the ones who will be placed in an unsafe condition because of it. It is the Directors responsibility to hire officers and conduct initial training to certify them to work as Peace Officers. By him holding positions vacant, the supervisors have no choice but to hire overtime, or run at unsafe levels. It is hard for us to believe that the IFC would allow this. The squandering of allocated funds for filling the legislatively approved positions is the sole responsibility of the Administration of the Department all the way through from the Director to the Associate Wardens. Perhaps a thorough audit of the Departments fiscal state and all of its expenditures is needed to find out where the discrepancies lay, and who is responsible for them. Someone needs to be held responsible for this gross negligence.

Another disturbing comment by this Lieutenant is that the IFC has ordered us to put the Institution on, "Administrative recall". Although we do have different levels of recall, "Administrative recall" has not been spelled out in any regulation that we are aware of. It is the position of the Association that Administrative recall could mean that inmates are to stay in their cells indefinitely; which would lead to mental anguish that is tantamount to punishing inmates for the lack of proper administration. This, in turn, would make the Institution even more unsafe. Coupled with the lack of proper staffing, this scenario could lead to unknown disasters. We would ask if you could, 1) Tell us if this was indeed ordered by your committee, and 2) Give us a clear definition of, "Administrative recall", if it was indeed ordered by your committee.

The Lieutenant also appears to tell us that we are all in some kind of trouble with our elected officials, and that we are not well respected. The Association is hoping that this could be explained in a more precise manner. It is statements like this that help to destroy the morale of those who are on the front lines of keeping the public safe, at the expense of their own safety. We are already highly scrutinized by our supervision, looking for anything that they do not like, and are quick to punish us for it. If our line staff would be subjected to more scrutiny, especially by our elected officials, this would distract our staff from their core mission which is to keep the public, staff and inmates

safe. Always having to look behind our backs keeps us from looking forward.

We work face to face with hundreds and even thousand of people who have no problem harming others or even taking their lives. We should not and cannot be distracted from doing our jobs. By us having to worry about keeping our jobs, having big brother watching our every move, and knowing we don't have proper back-up; we could be putting ourselves in a position of concentrating on the wrong thing at the wrong time. With all of this information that seems to be put out by the Administration, trying to tell us that the IFC wants to put us in a dangerous working condition, they are subjecting us to a mental struggle between saving our lives or the lives of others; or losing our jobs because of Monday morning quarterbacking, or worse. We feel that not having adequate staff at any given moment is an unacceptable stressor that must not exist.

Thank you for your time and concern regarding these issues.

Sincerely,

Gene Columbus
President, Nevada Corrections Association

Cc: Board of Prison Commissioners

GC/jk

May 11, 2012

During a recent Nevada Corrections Association meeting held on March 10th, 2012 there was a majority consensus that the Institutions are becoming increasing unsafe because the staffing levels are continually on the down slide. For this reason it was recommended that a study be conducted to find the individual position that is ultimately responsible for the safety and security of the staff and inmates.

Purpose

The purpose of this study is to research the NRS', NAC'S and AR'S to combine the authority each is given, and ultimately find the one position who is responsible to ensure the safety and security of staff and inmates through staffing levels.

Findings/Association Interpretation

Through the research of the NRS', NAC'S and AR'S, it has been concluded that NRS 209.101.1 is the authority that created the Department of Corrections. Even though the Board of Prison Commissioners appoints a Director for the Department, NRS 209.101.2 says that the Board of Commissioners is the head of the Department, and it will take two of the three members to be present for a quorum. NRS 209.111.2 says that the Board has full control to regulate the number of officers and employees of the Department. It is here that the Association intends to make it known that the Directors and the Wardens are not carrying out the intentions of the board, by leaving positions vacant for long periods of time. This would be the long term impact where the Board needs to be made aware that we are not physically complying with the Boards staffing requirements. NRS 209.131.7 says that the Director is responsible to take proper measures to protect the health and safety of staff and inmates. This establishes the difference between long term staffing of the Department, and the short term staffing of the Institutions. For instance, the Board will determine the total number of staff required to run the Department as a whole. The Director may determine where to place those positions.

A good example of this would be when the Department decided to decimate Taylor v. Wolf, and eliminate the Forensic positions. The Director decided to move some of the newly transformed positions to the North from the South. His directive was then to let the former Forensics know that if they wanted their job, it was now a Senior Officer position, and that it was now located in the north.

NRS 209.132 explains the power of delegation that the Director possesses. Any act that is delegated by the Director shall be deemed an official act of the Director.

Now comes one of the many dicey areas of ultimate responsibilities, and delegation of duties.

Although NRS 209.111.2 says that the Board of Commissioners has the authority to regulate the NUMBER of officers and employees in the Department, NRS 209.131.7 says that the Director is the one with the ultimate responsibility to keep staff and inmates safe. This would mean that the Director will give his recommendation of staff amount (broken

down by officers, nurses, etc) to the Board for their approval. They in turn should give this information to the Legislature for funding. The Director will be responsible for the dissemination of the employees to each Institution based on what the Board is requesting to be funded by the Legislature. For instance, he will ask for 500 staff to be allocated to WSCC. The break down will go to the Legislature for funding, and the 500 number will be sent from the Board to the Legislature for funding. The Legislature will either agree or disagree with the breakdown of the positions, and create their own allocation and funding list.

As far as any Deputy Director having responsibilities for the safety and security of an Institution, there is no responsibility or liability. NRS 209.151.2 allows the Director to appoint persons as Deputy Directors, but there is no law which holds those appointed to this position accountable in any way. It merely says that they will carry out any duties assigned (delegated) to them by the Director. And as NRS 209.131.7 points out, the Director is responsible for all directives that he makes to any other staff member.

In NRS 209.161 regarding the appointment of Wardens, there is no delegation by the Director or any other law that holds the Warden responsible for the safety and security of the staff on his designated Institution.

A.R. 400 which sites as its controlling authority NRS 209.131 and NRS 209.161, in the responsibilities section, says that it is the responsibility of the Deputy Director for the overall operations of the Institutions. There is nothing in either of these sited statutes which makes anyone other than the Director responsible for the security of any Institution. A. R. 400 also states that the Warden is responsible for maintaining a secure environment, and for the Associate Warden to manage the safety and security. Once again, there is no law that allows the Director to delegate ***responsibility for non-compliance*** of these programs to anyone. A. R. 400 is probably the least enforced A. R. in the entire series.

Summary

Although it is the responsibility of the Board of Prison Commissioners to allot a certain amount of individuals to run the prisons, and to request funding from the Legislature for these positions, and to directly head up the Department of Corrections; the Board has the authority to appoint a Director to Administer the Department under the direction of the Board. This authority gives the Director of the Department of Corrections wide latitude to conduct business for the Department, but also makes him the ultimate responsible person for the safety and security of all individuals under his authority. This is not a duty that he can delegate ***responsibility for non-compliance.*** All he has to do is to make sure that the people whom he may appoint to the positions of Deputy Director and Warden are peace officers.

Therefore, It is the association's conclusion that if the Board approved a certain amount of positions for the daily operations of the Department, and the Legislature approved funding for those positions, then everyday, on every shift, there should be a person in that position. Every time that a position is left vacant, or a position is pulled or shut down, this, it would seem, goes against the wishes of the ultimate authority of the Department: The Board of Prison Commissioners. When this happens, this is money that was

allocated by the Legislature for funding of staff somewhere in the Department. If a position is shut down or pulled, this is money that is NOT being spent on personnel. This seems to fly in the face of the Board, who allocated this position, and the Legislature, who funded this position. It is the association's belief, based on information presented, that all legislatively funded custody positions must be filled at all times for the safety of staff, inmates and the public.

Gene Columbus Nevada Corrections Association

Sources sited

NRS 209.101 Department created; Board of State Prison Commissioners.

1. The Department of Corrections is hereby created.
2. The head of the Department is the Board of State Prison Commissioners.
3. The Governor is the President of the Board. The Secretary of State is the Secretary of the Board.
4. Any two members of the Board constitute a quorum for the transaction of business.
5. The Secretary shall keep full and correct records of all the transactions and proceedings of the Board.

(Added to NRS by 1977, 845; A 2001 Special Session, 192)

NRS 209.111 Powers and duties of Board. The Board has full control of all grounds, buildings, labor, and property of the Department, and shall:

1. Purchase, or cause to be purchased, all commissary supplies, materials and tools necessary for any lawful purpose carried on at any institution or facility of the Department.
2. Regulate the number of officers and employees of the Department.
3. Prescribe regulations for carrying on the business of the Board and the Department.

(Added to NRS by 1977, 845; A 1979, 888; 1983, 719)

NRS 209.131 Director of Department: Duties. The Director shall:

1. Administer the Department under the direction of the Board.
2. Supervise the administration of all institutions and facilities of the Department.
3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.
4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.
5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department,

➥ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.
7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.
8. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.
9. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

(Added to NRS by 1977, 846; A 1983, 719; 2001, 574)

NRS 209.132 Director of Department: Authority to delegate powers, duties or functions.

1. The Director may delegate to a deputy director, manager, warden or employee of the Department the exercise or discharge in the name of the Director of any power, duty or function vested in or imposed upon the Director.

2. The official act of any such person acting in the name of the Director and by his or her authority shall be deemed an official act of the Director.

(Added to NRS by 1997, 3177; A 2007, 65)

NRS 209.151 Deputy directors: Appointment; duties; other employment prohibited.

1. The Director shall appoint a Deputy Director for Industrial Programs who:

(a) Is responsible to the Director for the administration of all industrial, vocational and agricultural programs for the employment of offenders, except conservation camps and centers for the purpose of making restitution; and

(b) Shall enforce all policies and regulations of the Department relating to industrial, vocational and agricultural programs.

2. In addition to the Deputy Director appointed pursuant to subsection 1, the Director shall appoint such other deputy directors as are necessary.

3. During any absence of the Director, the Director shall designate a deputy director or a warden to act as Director of the Department without increase in salary.

4. The deputy directors shall carry out such administrative duties as may be assigned to them by the Director and shall not engage in any other gainful employment or occupation.

(Added to NRS by 1977, 846; A 1983, 720; 1987, 1019; 1989, 1884; 1991, 216; 2007, 65)

NRS 209.161 Wardens of institutions: Appointment; duties.

1. The Director shall appoint a warden for each institution of the Department.

2. Each warden is in the classified service of the State except for purposes of appointment and retention.

3. Each warden is responsible to the Director for the administration of his or her institution, including the execution of all policies and the enforcement of all regulations of the Department pertaining to the custody, care and training of offenders under his or her jurisdiction.

(Added to NRS by 1977, 846; A 1983, 720; 2001, 1831)

A.R. 400

RESPONSIBILITY

The Deputy Directors are responsible for the Department's overall security programs and operations.

The Warden is responsible for maintaining a secure institutional environment that ensures the safety of the public, provides a safe working climate for employees, and offers humane and safe living conditions for inmates confined therein.

The Associate Warden/Designee is responsible for the management of the institution/facility security program and operations.

All employees of the Department have the responsibility to have knowledge of and comply with this regulation.

May 17, 2012

Hon. Brian Sandoval
Hon. Ross Miller
Hon. Catherine Cortez Masto
Board of State Prison Commissioners
P.O. Box 7011
Carson City, Nevada 89702

Re: Board Meeting of May 17, 2012
Temporary Administrative Regulation No. 350

Dear Governor Sandoval, Secretary Miller and General Masto:

The Nevada Corrections Association ("NCA") wishes to express its continuing concerns about Temporary Administrative Regulation No. 350 ("AR 350" or "the Regulation"), insofar as it requires employees of the Department of Corrections to conceal all tattoos regardless of their nature or content. NCA's objections to the substance of the Regulation and the process by which it has been adopted are fully set forth in the accompanying letter from NCA's counsel, dated November 30, 2011. (The Regulation had been scheduled for consideration by the Board on December 5, 2011, but it was "pulled" by the Director at that time.)

As NCA previously suggested, we believe that the pertinent language of the Regulation should be amended to read as follows:

> Tattoos or branding *that are obscene or sexually suggestive, that promote racial discrimination, depict violence or are indicative of any gang affiliation* will not be exposed or visible while on-duty. Such markings must be covered by clothing. All [~~other~~] *such* markings that cannot be covered by clothing will be covered using make-up, neutral toned bandages or patches. Hand and finger tattoos shall be covered with approved gloves. Employees are prohibited from getting tattoos or any other type of visible markings on their head, neck, hands, or face after [~~employed~~] *their date of hire.* (Changes from the language of AR 350 are denoted by strike-throughs and italics.)

We believe that the foregoing language fully addresses the concerns that have ostensibly resulted in the Regulation.

NCA's second objection relates to the process by which the Regulation has been adopted and, more generally, the process of adopting and enforcing "temporary" regulations. As you know, AR 100 requires that "temporary" regulations of the Director be submitted to and approved by the Board at its "next" meeting. Regardless of whether AR 100 is consistent with NRS 209.131(6) – and we believe that it is not – the Department and the Director have apparently been unable to comply with even the minimal requirements of AR 100, as evidenced by the fact that nearly 100 regulations are on the Board's agenda for approval at today's meeting.

If this "flash flood" of regulations indicates that the Department and the Director intend henceforth to comply with AR 100, NCA applauds that effort, but we urge the Board to insist upon strict and continuing compliance from this day forward.

Thank you for your time and your consideration of these issues.

Sincerely,

Gene Columbus
President, Nevada Corrections Association

GC/ss

MICHAEL W. DYER
SANDRA G. LAWRENCE*
JAMES W. PENROSE*
FRANCIS C. FLAHERTY
THOMAS J. DONALDSON
JESSICA C. PRUNTY

* ALSO ADMITTED IN CALIFORNIA

DYER ♦ LAWRENCE
PENROSE ♦ FLAHERTY
DONALDSON & PRUNTY
Attorneys & Counselors At Law

PAUL D. COTSONIS
TODD E. REESE*
SUE S. MATUSKA*
J. DANIEL YU
CASEY A. GILLHAM

OF COUNSEL
HON. MICHAEL E. FONDI*

November 30, 2011

By Messenger

Hon. Brian Sandoval
Hon. Ross Miller
Hon. Catherine Cortez Masto
Board of State Prison Commissioners
P.O. Box 7011
Carson City, Nevada 89702

Re: **Board Meeting of December 5, 2011**
Temporary Administrative Regulation No. 350

Dear Governor Sandoval, Secretary Miller and General Masto:

I write on behalf of our client, the Nevada Corrections Association ("NCA"), in connection with Temporary Administrative Regulation No. 350 ("AR 350" or "the Regulation" herein). As its name suggests, AR 350 has been adopted by Nevada Department of Corrections Director Greg Cox as a "temporary" regulation. It purportedly became effective (for custody staff) as of August 1 of this year – *i.e.*, more than 4 months ago. AR 350 is one of approximately two dozen regulations of the Director that are scheduled for discussion and possible approval by the Board at its meeting on December 5, 2011.

AR 350 is overbroad. NCA has two concerns about AR 350. The first involves the specific provision of the Regulation relating to the display of tattoos by Correctional Officers and other employees of NDOC. The former version of the Regulation – which apparently has been in effect for at least the past 8 years – provided: "Tattoos that are racially or sexually explicit shall be kept covered at all times." (See copy attached as Exhibit 1.) AR 350 amends this provision to prohibit the display of *any* tattoo, regardless of its nature and regardless of any message it conveys. In pertinent part, the Regulation provides:

> *Tattoos or branding will not be exposed or visible while on-duty. Such markings must be covered by clothing. All other markings that cannot be covered by clothing will be covered using make-up, neutral toned bandages or patches*. Hand and finger tattoos shall be covered with approved gloves. Employees are prohibited from getting tattoos or any other type of visible markings on their head, neck, hands, or face after employed [sic]. (Emphasis added.)

(See Exhibit 2.)

Thus, under AR 350, a Correctional Officer or other employee is effectively prohibited from displaying a tattoo of the word "Mom," or a depiction of the American flag or – in at least one case familiar to me – a tattoo honoring a son killed in the service of his country.

To our understanding, the asserted justification for AR 350 runs something like this: (1) many inmates are tattooed; (2) tattoos are commonly used by inmates to signify affiliation with a criminal gang; and (3) a Correctional Officer's display of a tattoo – *any* tattoo – somehow creates a security risk by signifying the officer's affiliation with a gang or the officer's empathy with the lifestyle or the associations of inmates. Additionally, or alternatively, the Director has stated that this revision of the tattoo policy is necessary "to portray the Department of Corrections in the most favorable image of law enforcement."

The "security risk" rationale is nonsensical on its face, since it is apparent that many tattoos, including the three examples mentioned above, cannot possibly be interpreted to connote membership in a gang or identification with a criminal lifestyle. Additionally, because tattoos have been held to be a form of "pure speech," AR 350 appears to violate the First and Fourteenth Amendments by prohibiting more speech than is necessary to accomplish the asserted security objectives of the Director and NDOC. See *Anderson v. City of Hermosa Beach*, 621 F.3d 1051, 1064 (9th Cir. 2010) (tattoos held to be protected "speech" akin to painting or writing; city's ban on tattoo parlors could not be upheld as a reasonable time, place or manner restriction because, *inter alia*, it was not "narrowly tailored to serve a significant governmental interest").

The "professional image" rationale is undercut by the practices of correctional agencies in other states that have adopted tattoo policies. Ironically, in the process of adopting AR 350, the Director apparently considered policies from Arizona, Washington and Colorado that are all *substantially less restrictive* than AR 350. Thus, the Arizona Department of Corrections prohibits the display of tattoos "that are obscene or that advocate sexual, racial [or] religious discrimination, or [are] sexually explicit, such as nude pictures, symbols, language, etc." (See Exhibit 3.) Similarly, the Washington Department of Corrections bars the display of tattoos "that depict violence, gang affiliation, or could be construed as sexual in nature." (See Exhibit 4.) Finally, while the Colorado Department of Corrections requires that tattoos be covered "if possible" for uniformed officers whose job duties "include public interaction," Colorado's policy otherwise precludes the display of tattoos suggesting or expressing "any idea that is contrary to the mission of the Department, to include tattoos that are vulgar or suggestive in nature." (See Exhibit 5.)

In short, AR 350's prohibition against the display of *any* tattoo is overbroad, unnecessarily abridges the rights of Correctional Officers and other employees, and defies common sense. These employees are not inmates or school children; they are free adult citizens of the United States and should be treated accordingly.

The Director's practice of adopting "temporary" regulations without the approval of the Board. AR 350 is also objectionable because the Director has purported to adopt and enforce

it without the approval of the Board. In this respect, astonishingly, AR 350 is apparently only one example of a pervasive practice. For example, a quick review of the "300 series" of the Director's regulations, relating to personnel, indicates that 25 of them (as of today) have been adopted as "temporary" regulations. But all of these regulations are currently "effective," all of them are currently being enforced against employees, *and some of them have been in effect for a year or more without ever having been presented to or approved by the Board.* A list of the regulations is attached. (See Exhibit 6.)[1]

The Director's authority to adopt regulations is not conferred by natural law or divine right, but by statute. NRS 209.131(6) provides that the Director "shall . . . [e]stablish regulations *with the approval of the Board* and enforce all laws governing the administration of the Department and the custody, care and training of offenders." (Emphasis added.) The plain meaning of this statute is that the Board's approval of a regulation is a *prerequisite* to the effectiveness of the regulation, not something sought, as an afterthought, by the Director months or years after the regulation has been adopted and implemented. Any other reading of the statute would render the requirement of "approval" utterly meaningless. Moreover, such a reading would be inconsistent with the Board's constitutional role, which is to "have such supervision of all matters connected with the State Prison as may be provided by law." Nev. Const., Art. 5 § 21. *The Director's apparent assertion of unilateral regulatory authority, independently of the Board's approval or even its knowledge, is flagrantly unlawful and should be halted forthwith by the Board.*

It is no answer to suggest – as the Director may suggest – that the process of obtaining the Board's approval of proposed regulations is cumbersome or time-consuming. A review of the information available on the Secretary's website indicates that the Board has met at least four times in each of the past 2 years, and met six times in 2008. The very fact that the Director has seen fit to adopt and implement dozens of "temporary" regulations during this period without any apparent effort to obtain the approval of the Board is not evidence that the Board has been "unavailable," but simply that the Director apparently regards the Board as superfluous. In any case, if the existing constitutional and statutory scheme governing the Director's regulatory authority is unworkable, as the Director apparently believes, *the answer is to change the law, not disregard it.*

Conclusion. NCA's objection to AR 350, then, is that the Director has purported to "adopt" the Regulation and make it "effective" without so much as a by-your-leave from the Board. Unless and until the Board's approval of the Regulation is given, AR 350 has no legal effect.

But whatever has happened or failed to happen procedurally, the fact remains that AR 350 in its present form is overbroad and unnecessarily restrictive. The Board should require the Director to revise the Regulation so that it corresponds more closely with the legitimate security objectives

---

[1] Remarkably, while some of these regulations have been "agendized" for approval by the Board at its meeting on December 5, several others – including at least one regulation that has been in effect for more than a year – have not. These include Temporary AR 301, 304, 314, 320 and 330, among others.

of the Director and NDOC. NCA suggests that AR 350 be changed to provide, in pertinent part:

> Tattoos or branding *that are obscene or sexually suggestive, that promote racial discrimination, depict violence or are indicative of any gang affiliation* will not be exposed or visible while on-duty. Such markings must be covered by clothing. All ~~[other]~~ *such* markings that cannot be covered by clothing will be covered using make-up, neutral toned bandages or patches. Hand and finger tattoos shall be covered with approved gloves. Employees are prohibited from getting tattoos or any other type of visible markings on their head, neck, hands, or face after *their date of hire*. (Changes from the language of AR 350 are denoted by strike-throughs and italics.)

Thank you very much for your time and your consideration of this matter.

Very truly yours,

James W. Penrose

JWP:ss
Attachments
cc: Gene Columbus, President, NCA
Thomas J. Donaldson, Esq.
Janet E. Traut, Esq.

EXHIBIT 1
(FORMER TATTOO REGULATION)

6. Sideburns shall be of an even width and will not be flared.

7. The bottom of the sideburn shall be trimmed with a clean shaved horizontal line.

8. The wearing of jewelry in a prison setting is neither appropriate nor safe:

Wristwatches may be worn. Watches worn on chains or pinned to the uniform are not permitted.

Medical alert identification bracelets are permitted. No other jewelry other than the watch may be worn on the wrists.

Rings shall be limited to one ring per hand.

Neck chains and necklaces, if worn, will not be visible.

Stud/post earrings which do not extend below the earlobe may be worn. Nose rings or any other body piercing that are visible are not permitted.

F. Staff should refrain from wearing precious or semi-precious stones. The Department accepts no responsibility for loss of, or damage to, such personal items.

9. Mustaches shall not extend over the top, or in any way obscure the upper lip.

10. Mustaches shall not extend more than ½ of an inch beyond or below the corners of the mouth.

11. Mustaches shall be kept short and neatly trimmed to prevent an "overly" bushy appearance.

12. Beards and/or goatees are allowed. They will be kept neatly trimmed to no longer than 2 inches in length. However, should safety equipment be part of the position, employee must be able to properly utilize.

13. Staff shall notify supervisor of intent to grow or remove facial hair and must obtain a new ID card within one week.

14. Tattoos that are racially or sexually explicit shall be kept covered at all times.

15. T-shirts visible under the uniform (i.e., T-shirt) shall be white, black, or forest green in color (depending on the type of uniform worn) and have a round neck (with the exception of CERT, who will wear black). Their condition shall:

Be clean, unsoiled and free of holes.

Not be frayed, worn, stained or overly faded.

EXHIBIT 2
(REVISED TATTOO REGULATION)

I. Hair shall not be styled in any fashion, which hinders wearing the uniform hat in its original and historical prescribed manner.

J. Ponytails are not authorized.

2. **Facial Hair**:

A. Sideburns shall not extend below the middle of the exterior opening of the ear.

B. Sideburns shall be of an even width and will not be flared.

C. Sideburn shall be trimmed with a clean shaved horizontal line.

D. Mustaches shall not extend over the top lip, nor in any way obscure the upper lip.

E. Mustaches shall not extend beyond or below the corners of the mouth.

F. Mustaches shall be kept short and neatly trimmed to prevent an "overly" bushy appearance.

G. Beards and/or goatees are allowed. They will be kept neatly trimmed to no longer than 1 inch in length. However, should safety equipment be part of the position, employee must be able to properly utilize said equipment. Officers not wearing a beard or goatee must be clean shaven when reporting for duty.

H. Staff shall notify supervisor of intent to substantially change their facial appearance, to include the growing or removal of facial hair. New I.D. cards are mandatory, within one week, after substantial changes have been made. Employees are responsible for the purchase of new I.D. cards.

3. **Make-up:** Cosmetics shall be soft, subdued and restrained, matching the natural color of skin and lightly applied.

4. **Tattoos**:

Tattoos or branding will not be exposed or visible while on-duty. Such markings must be covered by clothing. All other markings that cannot be covered by clothing will be covered using make-up, neutral toned bandages or patches. Hand and finger tattoos shall be covered with approved gloves. Employees are prohibited from getting tattoos or any other type of visible markings on their head, neck, hands, or face after employed.

5. **Fingernails**:

A. Fingernails shall be kept clean and neatly trimmed.

C1

EXHIBIT 3
(ARIZONA TATTOO POLICY)

1.9 Employees who engage in physical fitness activities during their meal break may wear athletic shoes when leaving the office and returning after an exercise period.

1.10 Earrings

1.10.1 Female uniformed personnel shall be authorized to wear earrings.

1.10.1.1 Earrings shall be limited to stud earrings or small clip-on earrings.

1.10.1.2 Only one earring may be worn on each earlobe.

1.10.2 Female non-uniformed staff shall be authorized to wear earrings to include hoop style, not to exceed 2 millimeters or 3/4 of an inch. Earrings shall be limited to no more than two per ear.

1.10.3 Male personnel are prohibited from wearing earrings while on duty.

1.11 All personnel are strictly prohibited from wearing any object inserted into an exposed body part that has been pierced. Examples include the tongue, nose, lips, eyebrow(s), and etc. Objects include, but are not limited to jewelry, rings, posts, straw or toothpick material. Earrings may be worn as specifically authorized.

1.11.1 While on duty or on location at a Department facility, contractors or volunteers with inmate contact are prohibited from wearing any object inserted into an exposed body part.

1.12 Tattoos - Personnel are prohibited from exposing tattoos anywhere on the body that are obscene or that advocate sexual, racial, religious discrimination, or sexually explicit, such as nude pictures, symbols, language, etc. while on duty.

1.13 Badge/Employee Identification Card - Employees may shroud their badge or employee identification card as a demonstration of respect for deceased Department employees or law enforcement officers killed in the line of duty as outlined in Department Order #521, Employee Assistance and Support Program.

503.03 **UNIFORM SPECIFICATIONS - UNIFORMED CORRECTIONAL SERIES** - Uniformed personnel shall follow all style and specific requirements for uniforms as outlined in Attachment C. Grooming standards shall be in compliance with section 503.01 of this Department Order and as otherwise authorized in this section.

1.1 General Uniform Appearance

1.1.1 Only regulation uniform items shall be worn.

1.1.2 Uniforms shall be clean, in good condition, and devoid of stains or patched areas.

1.1.3 Uniforms shall fit properly, without undue bagginess or tightness in the trousers or shirt.

1.1.4 All buttons shall be secured, with no unsightly bulging of buttonholes.

1.1.5 Shoes, boots and accouterments shall be kept shined.

1.1.6 Pant length shall be approximately one inch above the floor when standing in shoes and from one to two inches above the floor when standing in boots.

D5

EXHIBIT 4
(WASHINGTON TATTOO POLICY)

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS	APPLICABILITY PRISON		
	REVISION DATE 12/26/08	PAGE NUMBER 2 of 8	NUMBER DOC 870.400
POLICY	TITLE EMPLOYEE PERSONAL APPEARANCE/UNIFORM STANDARDS		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; Collective Bargaining Agreements; Employee Handbook

POLICY:

I. The Department will ensure the attire and personal appearance of all employees is professional and appropriate for their classification and job duties.

II. All Department employees are expected to be well groomed and dressed in a professional manner appropriate to their work assignment and safety standards.

III. No Department employee, contract employee, volunteer, or visitor may wear clothing similar to state issued offender clothing, unless specifically authorized by the facility Correctional Captain or higher authority.

IV. Employees will keep in mind that individual actions reflect on the entire Department as they represent the Department in the public view.

DIRECTIVE:

I. General Requirements

A. Both uniformed and non-uniformed Department employees will adhere to the following requirements:

1. Staff are expected to maintain good personal hygiene, and will not report for duty in an unclean condition.

2. Staff appearance will reflect a professional image appropriate for their position.

3. Hair, beards, sideburns, and mustaches will be neat and clean. Facial hair will not interfere with wearing a protective mask to comply with OSHA/WISHA standards.

4. Light, mild use of cologne or perfume is authorized.

5. Tattoos that depict violence, gang affiliation, or could be construed as sexual in nature must be covered while representing the Department.

B. Non-uniformed employees will adhere to the following requirements:

D24

EXHIBIT 5
(COLORADO TATTOO POLICY)

7. Visible tattoos shall not depict any symbol which suggests or expresses any idea that is contrary to the mission of the Department, to include tattoos that are vulgar or suggestive in nature. If possible, when in uniform and assigned job duties that include public interaction, visible tattoos shall be covered.

8. Appropriate undergarments will be worn.

B. NON-UNIFORM DRESS CODE

1. DOC employees, contract workers, and volunteers who are authorized by the administrative head to wear civilian attire in place of a uniform will be expected to display a professional business appearance in both dress and grooming standards, at all times.

a. Clothing: Non-uniform DOC employees, contract workers, and volunteers shall wear business professional clothing that is clean, properly fitting, and in good repair. Clothing containing logos that are small and in good taste or with DOC/facility/center/office logos are permitted.

1) Males:

a) Dress slacks or khaki-style pants.

b) Dress shirts (long or short sleeved) and a tie. If a tie creates a substantiated safety hazard, then a tie may not be required. Volunteers are not required to wear a tie.

c) Sweaters may be worn; however, a tie is still required.

2) Females:

a) Dresses and skirts must be no shorter than one inch above the kneecap, when standing. Slits shall not be more than three inches above the kneecap when standing.

b) Dress slacks or khaki-style pants.

c) Dress gauchos or capris. (See Attachment "D" for examples.)

d) Sleeveless dresses/blouses, provided that the arm opening is not loose fitting and that the blouse/dress material extends the entire width of the shoulder (tank tops are unacceptable).

3) Non-uniformed DOC employees, contract workers, and volunteers are not permitted to wear:

a) Casual attire such as skorts, pedal pushers (trousers that end at the knee), and shorts.

b) Clothing designed or intended to be tightly worn, to accent the body, e.g., tight fitting shirt or blouse, spandex tights, tight body framing leggings, and tank tops.

c) Clothing that exposes cleavage, back, stomach, midriff, and thighs.

d) Clothing containing controversial messages, photographs, or pictures.

4) Leisure clothing, to include: sweatshirts, T-shirts, sweatpants, jogging suits, denim jeans, and tennis shoes may only be worn for special activities, with authorization (see IV.F.3., below).

b. Hair/Facial Hair:

1) Hair should be clean, combed, and styled in a professional manner.

EXHIBIT 6

(LIST OF "300 SERIES" REGULATIONS)

300 Series - Personnel

AR Number	Title	Effective Date	Last Review Date
300	Recruitment and Hiring - - - (Temporary)	*09/07/2011*	
301	Shift Bidding - - - (Temporary)	*12/08/2010*	
302	Meet and Confer Procedures	*08/13/2010*	
304	Equal Employment Opportunity (EEO) Discrimination Charges - - - (Temporary)	*09/07/2011*	
305	Sexual Harassment Prevention	*08/13/2010*	
306	Employee Formal Grievance Procedure	*08/13/2010*	
307	Furlough Policy - - - (Temporary)	*02/24/2011*	
308	Department Staff and Applicant Records - - - (Temporary)	*12/08/2010*	
310	Work Performance Standards	*08/13/2010*	
311	Performance Evaluations for Classified Employees	*08/13/2010*	
313	Dismissal of Probationary and Trial Period Employees	*08/13/2010*	
314	Employee Physical Examinations & Health Requirements - - - (Temporary)	*04/24/2011*	
316	Employee Transfers - - - (Temporary)	*10/26/2011*	
317	Employee Awards and Commendations - - - (Temporary)	*10/26/2011*	
318	Employee Performance Cards	*08/13/2010*	
319	Workplace Safety	*08/13/2010*	
320	Salary Administration - - - (Temporary)	*11/18/2010*	
321	Workplace Violence - - - (Temporary)	*08/08/2011*	
322	Types of Leave and Leave Procedure - - - (Temporary)	*09/27/2011*	
326	Posting of Shifts/Overtime	*08/13/2010*	
329	Employee Work-Related Illness or Injury	*08/13/2010*	
330	Employee Resignation and Reinstatement Procedure - - - (Temporary)	*10/26/2011*	
332	Employee Reporting Responsibilities - - - (Temporary)	*10/27/2010*	

337	Staff Requirements for Home Address and Personal Telephone Number - - - (Temporary)	05/25/2011	
338	Former Employees - Access to Department Property	08/13/2010	
339	Code of Ethics, Employee Conduct, Prohibitions and Penalties - - - (Temporary)	11/24/2011	
340	Employee Complaint Reporting and Investigation	08/13/2010	
341	Employee Misconduct and Performance Adjudication	08/13/2010	
342	Employee Representation Witness Compensation	08/14/2009	09/27/2010
343	Imposing Corrective/Disciplinary Action	02/12/2010	02/28/2011
345	Unauthorized Relationships - - - (Temporary)	02/24/2011	
346	Nepotism	05/20/2010	
347	Political Activities By Employees - - - (Temporary)	08/08/2011	
348	Alcohol and Drug Testing Requirements - Commercial Driver's License	08/13/2010	
349	Employee/Applicant Alcohol and Drug Testing - - - (Temporary)	12/08/2010	
350	Department Grooming and Dress Standards - - - (Temporary)	5/2/2011 - 8/1/2011	
352	Staff Identification Cards - - - (Temporary)	04/28/2011	
355	Employee Secondary Employment - - - (Temporary)	10/22/2011	
357	Service of Actions Against Department Accepting Service - - - (Temporary)	10/26/2011	
358	Basic Peace Officer Certification	08/13/2010	
359	Employee Development Program Coordination and Supervision - - - (Temporary)	09/14/2011	
360	Correctional Employee/Officer Basic Training Program - - - (Temporary)	08/08/2011	
362	Weapons Training and Qualification - - - (Temporary)	04/28/2011	
363	Honor Guard	08/13/2010	