
 NEW YORK STATE Corrections and Community Supervision DIRECTIVE	TITLE		NO. 4914
	Incarcerated Individual Grooming Standards		DATE 05/18/2021
SUPERSEDES DIR. #4914 Dtd. 05/08/19	DISTRIBUTION A B	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) 7 NYCRR, Part 254; ACA Expected Practices 5-ACI-3D-18, 5-ACI-5D-15, 2-CO-4D-01, 1-ABC-4D-15; Directives #4035, #4910, #4910A, #4933	APPROVING AUTHORITY 		

- I. **DESCRIPTION:** This directive establishes the basic grooming standards (including criteria for beards, mustaches, and length of hair) for incarcerated individuals.
- II. **PURPOSE:** To ensure that incarcerated individual appearance will be regulated sufficiently to maintain accurate identification of each individual.
- III. **REGULATIONS**
 - A. Grooming Standards at Reception: Initial shaves and haircuts shall be required of all newly committed male incarcerated individuals and returned parole violators, unless exempted as set forth below. Incarcerated individuals shall be required to remove all hair extensions and maintain naturally grown hair only. These are required for reasons of health and sanitation, as well as to permit the taking of the initial identification photograph.
 1. Shaves: Incarcerated individuals or returned parole violators who have beards upon reception shall be permitted the option to use an electric razor, hand razor, hand clippers, or a depilatory to remove their beards.
 2. Exemptions to Shaves: The initial shave regulation applies to all incarcerated individuals and returned parole violators, unless:
 - a. The incarcerated individual possesses a Court Order restraining the Department from such enforcement. Any incarcerated individual or returned parole violator covered by this exemption shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation for their refusal to have an initial shave.
 - b. The incarcerated individual or returned parole violator professes to be of a religion that would not allow him to shave and thus refuses the initial shave based on a religious objection. The incarcerated individual or returned parole violator's objection shall be referred to the Deputy Superintendent for Reception/Classification or equivalent, who shall conduct a review, and may consult with the Division of Ministerial, Family and Volunteer Services or the Office of Counsel, as needed, to determine if a religious exemption to the initial shave is required. The Deputy Superintendent for Reception/Classification will make a recommendation to the Superintendent, who will make the final determination.

If the Superintendent determines that the incarcerated individual or returned parole violator should be exempt from the initial shave, then he shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation. Further, the Office of Counsel shall be contacted to determine if a beard permit should be issued based on his religious objection to shaving.

- c. The returned parole violator had a Court Order upon initial entry or a verifiable beard permit from the Department that was issued during his current term of imprisonment, and there is an acceptable identification photograph of him without a beard in the Department's possession sufficient to provide an accurate identification. The Deputy Superintendent for Reception/Classification shall be responsible for verifying that the parole violator had a Court Order or beard permit during his current term of imprisonment, and that the photograph of him on file is sufficient to provide an accurate identification. Any returned parole violator covered by the exemption shall be classified and transferred in the standard manner and cannot be disciplined or placed in administrative segregation for his refusal to have an initial shave.
3. Refusal to Shave: Incarcerated individuals or parole violators who refuse the initial shave and do not possess a valid Court Order, and do **not** qualify for an exemption to the initial shave, shall be subject to appropriate discipline for failing to follow Departmental policy and procedures.

NOTE: Identification photographs of any incarcerated individual or returned parole violator who has an exemption to shave or has refused to have his initial shave shall be taken in accordance with the procedures developed to allow for digitally enhanced photographs. Whenever the procedure for digitally enhanced photographs is utilized, the Deputy Commissioner for Correctional Facilities shall be notified of the incarcerated individual and the reason for utilizing the digitally enhanced process.

4. Haircuts
 - a. Male incarcerated individual hair length, upon completion of this initial haircut, shall not exceed one inch on any part of the head.
 - b. Any incarcerated individual who self-identifies as transgender or gender nonconforming, or who professes to be intersex or have Gender Dysphoria, may choose to have either a male initial haircut in accordance with the grooming standards, or choose not to have the initial haircut as identified in Section III-A-5.

NOTE: Gender identity means every individual's internal sense of being male, female, or an alternate gender. The term refers to a person's innate, deeply felt, psychological identification. Gender identity is distinct from sexual orientation. It usually manifests very early in life and is understood as a largely inflexible characteristic.
5. Exemption to Haircuts: Any reception incarcerated individual or returned parole violator who professes to be of a religion with an established tenet against cutting their hair, including, but not limited to, Rastafarian, Taoist, Sikh, Native American, Orthodox Jew, or member of any other religious sect of a similar nature, or who expresses that they are transgender, gender nonconforming, or who professes to be intersex, or have Gender Dysphoria and refuses to have an initial haircut, cannot be forced to comply with the initial haircut requirements. In addition, any reception incarcerated individual or parole violator who refuses to comply with the initial haircut regulation on religious grounds or on the basis of gender identity, and who has a Court Order restraining the Department from enforcing the initial haircut regulation, cannot be forced or ordered to comply with the initial haircut regulation.

NOTE: Any incarcerated individual or returned parole violator covered by the above exemption shall be classified and transferred in the standard manner, and cannot be disciplined or placed in administrative segregation for their refusal, on religious or gender identity grounds, to have an initial haircut.

Identification photographs of any incarcerated individual or returned parole violator who has not had their hair cut shall be taken in accordance with the following:

- a. For the frontal view, the hair shall be pulled back away from the face and ears.
 - b. For the side view (profile), the hair shall be pulled back and to the side.
6. Refusal for Initial Haircut: Incarcerated individuals or parole violators who refuse to comply with the initial haircut regulation, who do not possess a valid Court Order and who do **not** qualify for an exemption to the initial haircut, shall be subject to appropriate discipline for failing to follow Departmental policy and procedures. This applies even though the identification photographs were obtained with the hair pulled back.
 7. An incarcerated individual shall not be placed in administrative segregation or disciplinary confinement pending the review of his objection to the initial shave or haircut by the Deputy Superintendent for Reception/Classification or equivalent, such as Deputy Superintendent.
- B. Artificial Nails: Artificial nails will be removed if possible or cut to a length not to extend beyond the tip of the fingers or toes.
- C. Removeable Body or Dental Jewelry at Reception: Any incarcerated individual at a reception facility who has what appears to be removable body or dental jewelry (e.g., a metal grill or cap over the teeth, or a ring, stud, barbell, or plug piercing the tongue, eyebrow, lip, or belly, etc.) will be given a direct order to remove the item.
1. If the incarcerated individual indicates that they cannot remove the item because it is or has become permanently affixed to their body, or because it serves a necessary medical purpose, they will be given a direct order to undergo an assessment by a doctor or dentist, as appropriate, to determine if the item serves a necessary medical purpose.
 - a. If the item serves a necessary medical purpose, the item will not be disturbed, and a notation will be added to the incarcerated individual's medical record.
 - b. If the item is determined not to serve a medical purpose and can be removed without the application of force (e.g., it can be readily slid off or screwed off, etc.), the doctor or dentist, with the incarcerated individual's consent, shall remove the item.
 - c. If the incarcerated individual does not consent, the incarcerated individual may be given another direct order to remove the item by a security supervisor.

NOTE: Prior to removal of the item, the incarcerated individual will be so advised and sign a release noting that the Department will not be responsible for any damage done to the item in the removing, cleaning, or storage process (see Attachment A, Form #4914A, "Removable Body or Dental Jewelry Waiver").

2. All such items removed from the incarcerated individual will be cleaned using Corcraft Germicidal RTU and placed in a small plastic evidence bag, labeled with the incarcerated individual's name and DIN.

3. The incarcerated individual will have the option to send the item(s) out of the facility at their expense, or the item(s) will be placed in the incarcerated individual's personal property.
4. If the incarcerated individual refuses the assessment, or refuses to remove an item that a doctor or dentist determined, after the assessment, serves no medical purpose and can be removed without the application of force (e.g., it can be readily slid off or screwed off, etc.), they shall be confined and issued a misbehavior report for failure to obey a direct order and may receive future additional disciplinary action for continued refusals.
5. If the assessment indicates that the item is affixed to the incarcerated individual's body and the incarcerated individual refuses to allow it to be removed, no force will be used to facilitate a medical or dental procedure to remove the affixed item. Instead, the incarcerated individual will be confined, an administrative segregation recommendation issued, and a hearing conducted pursuant to 7 NYCRR, Part 254. Incarcerated individuals in administrative segregation shall have such status reviewed in accordance with Directive #4933, "Special Housing Units." However, an incarcerated individual can be released from administrative segregation status at any time, once the incarcerated individual consents in writing and the jewelry is removed by a doctor or dentist, as appropriate.

NOTE: Removable body or dental jewelry found on an incarcerated individual's body after reception will be disposed of as contaminated jewelry in accordance with Department Directive #4910A, "Contraband/Evidence - Handling, Storage, and Disposition."

- D. General Grooming Standards: After the initial haircut and shave, general grooming standards, as set forth below, are applicable to all incarcerated individuals except those male incarcerated individuals participating in the Department's Shock Incarceration Program, unless they possess a religious exemption.

1. **Beards and Mustaches**: An incarcerated individual may grow a beard and/or mustache, but beard/mustache hair may not exceed one inch in length, unless:

NOTE: Patterns, designs, or braids are not allowed.

- a. The incarcerated individual has a Court Order restraining the Department from enforcement.
- b. The incarcerated individual has requested and received an exemption based upon his documented membership in a religion, which has an established tenet against the trimming of beards including, but not limited to, incarcerated individuals who are Rastafarian, Orthodox Jew, Muslim, or Sikh. All incarcerated individual requests for such exemption shall be referred to, and reviewed by, the Office of Counsel after consultation with the facility Chaplain. After such review, the Office of Counsel will make a recommendation to the Deputy Commissioner for Correctional Facilities. If the request is approved by the Deputy Commissioner for Correctional Facilities, a permit will be issued to the incarcerated individual.

Further, pending the Office of Counsel's determination of requests for exemption from the one inch rule, incarcerated individuals shall not be required to cut or trim their beards, disciplined for refusing the order to shave, or subject to repeat orders to shave.

An incarcerated individual who refuses to comply with this rule will be given 14 days from the date of the written order to shave, in which to request an exemption. If the incarcerated individual fails to submit a request for an exemption within 14 days, he may be disciplined for refusal to obey such order.

Copies of the written order, an incarcerated individual's request for exemption, and the exemption will be filed in the incarcerated individual's legal file.

2. Hair: Only basic haircuts will be allowed. Only one straight part will be allowed, with no other lines, designs, or symbols cut into the hair. In accordance with established barbering guidelines of the Department's Occupational Training Program, basic haircuts are defined as:

- Short, medium, and long
- Short, medium, and long pompadour
- Crew
- Butch
- Quo-vadis (bald)
- Afro-natural
- Flat top
- Elevation

Hair may be permitted to grow over the ears to any length desired by the incarcerated individual. The hair must be neatly groomed and kept clean at all times.

The only braids allowed are the corn row style. Corn row braids may only be woven close to the scalp in straight rows from the forehead to the back of the neck, and braids may not extend beyond the hairline. No designs or symbols may be woven into the hair.

The dreadlock hairstyle is allowed. When worn, dreadlocks must extend naturally from the scalp and may not be woven, twisted, or braided together forming pockets that cannot be effectively searched. Incarcerated individuals wearing below shoulder length dreadlocks must tie them back in a ponytail with a barrette, rubber band, or other fastening device approved by the Superintendent.

NOTE: Incarcerated individuals may wear their dreadlocks in an approved religious head covering.

- a. Incarcerated individuals may wear only one approved hairstyle; no combination of approved hairstyles is allowed.
- b. Long hair is defined as below shoulder length.
- c. Incarcerated individuals wearing long hair, assigned to work near food, shall be required to wear a hair net. Any other incarcerated individual assigned to work near food shall be required to wear either a white paper mess hall hat or a hair net. In areas where machinery or power tools are in operation, long hair shall be fastened, or a hairnet or covering shall be worn.
- d. Whenever they leave their housing unit, any incarcerated individual wearing long hair will be required to have the hair tied back in a ponytail at all times with a barrette, rubber band, or other fastening device approved by the Superintendent.

Exemption: Native Americans involved in scheduled and approved Native American cultural ceremonies do not have to comply with this restriction.

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- e. An incarcerated individual may be subjected to a hair search when there is reason to believe that contraband may be discovered by such a search. An incarcerated individual may be subjected to such search at any time that a pat frisk, strip search, or strip frisk is being conducted. Consistent with Directive #4910, "Control of & Search for Contraband," during a pat frisk, an incarcerated individual will be required to run their fingers through their hair. During a strip search, an incarcerated individual may be subjected to an inspection of their hair. During a strip frisk, an incarcerated individual will run their hands through the hair.
- E. Photographs: If, in the opinion of a Correction Officer or supervisor, an incarcerated individual drastically changes their appearance by changing the length, style, and/or color of their hair, or growing or shaving a beard and/or mustache, they will be re-photographed for identification purposes. All such photographs will be at the expense of the incarcerated individual, in accordance with Directive #4035, "Incarcerated Individual Identification Cards."

Form #4914A (05/21)

PHOTOCOPY LOCALLY AS NEEDED

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Removable Body or Dental Jewelry Waiver

Date: _____

I, _____, hereby relinquish any and all
(Incarcerated Individual Name and DIN)

claims to any and all damages that may occur during the removal, cleaning, or storage
of my body or dental jewelry.

Signature: _____
(Incarcerated Individual Signature)

Witness: _____
(Attending Staff)

cc: Incarcerated Individual
Original IRC