



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-151100 Inmate Grooming and Hygiene	Issued: 9/12/94 Effective: 9/12/94	Reviewed: 1/31/20 Revised: 6/9/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Policy *CD-010100* and *CD-018000*

REFERENCE:

- A. Turner v Safley, 482 U.S. 78 (1987).
- B. Hall v Bellmon, 935 F.2d 1106 (10th Cir.1991).
- C. Mosier v Maynard, 937 F.2d 1521 (10th Cir. 1991).
- D. McKinney v Maynard, 952 F.2d 350 (10th Cir. 1991).
- E. Longstreth v Maynard, 961 F.2d 895 (10th Cir. 1992).
- F. Weiner v McCotter, 49 F.3d 1476 (10th Cir. 1995).
- G. City of Boerne v P.F. Flores, Archbishop of San Antonio, 117 S. Ct. 2157 (1997).
- H. ACA Standard 2-CO-4D-01, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- I. ACA Expected Practices 5-3D-4283, 5-3D-4285, 5-5D-4340, 5-5D-4341, 45-5D-4342, and 5-5D-4343 *Performance Based Expected Practices for Adult Correctional Institutions*, 5th Edition.

PURPOSE: [2-CO-4D-01]

To ensure that personal grooming and hygiene standards are met by inmates for reasons of security, safety, health and uniformity. The Corrections Department finds that for health and security reasons, all inmates shall be required to maintain clean personal hygiene, including regular showers, and hair care.

The Corrections Department finds that for reasons of security, safety, health and uniformity, inmates in Special Management shall be required to maintain grooming standards as set out in procedures *CD-151101*. More specifically, short hair makes it more difficult for inmates to conceal weapons, drugs and other contraband. Long hair requires correctional officers to touch inmates' hair in order to conduct proper searches. Short hair makes it more difficult for inmates to alter their appearance in the event of an escape or in an effort to conceal identity within the institution. Short hair is more difficult for other inmates to grab during a fight.

Short hair is safer than long hair because it is less likely to become caught in machinery or a door or to catch fire. Short hair is more hygienic than long hair because it is easier to keep clean and free from lice.

Finally, the Corrections Department finds that there is a greater need for uniformity in Special Management to promote order, discipline and respect while discouraging signs of gang affiliation and thereby discouraging gang activity.

APPLICABILITY:

Grooming and hygiene standards shall be met by all inmates incarcerated by the New Mexico Corrections Department, as applicable, unless an exception to the grooming standards is allowed in accordance with *CD-151101*. Adequate hygiene facilities, barbering services and supplies shall be supplied to all inmates incarcerated by the New Mexico Corrections Department.

FORMS:

None

ATTACHMENTS:

None

DEFINITIONS:

None

POLICY:

Inmates shall be required to maintain clean personal hygiene and the cleanliness of clothing, linens, towels, and living areas.

- A. All inmates incarcerated in the New Mexico Corrections Department shall have access to adequate hygiene facilities and supplies (clothing, bed linens, towels, and laundry services) to ensure that they have the opportunity to maintain clean personal hygiene and living areas. [4-4285] [5-5D-4341] [5-5D-4342]
- B. Freedom in personal grooming shall be permitted except when a valid interest is justified otherwise. [5-3D-4283]
- C. Hair care services that comply with applicable health requirements are available to inmates. [4-4343]



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AUTHORITY:

Policy *CD-151100*

PROCEDURE: [2-CO-4D-01]

Freedom in personal grooming shall be permitted except when a valid interest justified otherwise.
[5-3D-4283]

- A. Each inmate shall have access to a toilet that can be flushed by the resident inmate and a lavatory with hot and cold running water.
- B. Indigent inmates, RDC inmates, and inmates in Special Management Units will be provided with adequate amounts of necessary hygiene items. Additional hygiene items shall normally be available to inmates through the commissary. [5-5D-4342]
- C. Two clean towels that are exchanged at least twice a week. [5-5D-4340]
- D. When dayrooms are used as temporary housing, one cell shall be reserved for purposes of sanitation for the use of each eight-dayroom inmate.
- E. Each institution shall create an appropriate policy and procedures regarding the issuance and maintenance of inmate clothing, bed linens, towels and hygiene items. Each policy must be consistent with CD-150200, Inmate Property. [5-3D-4285]
- F. Each institution shall provide inmate workers with sufficient uniforms to change daily or as their job requires.
- G. Every prisoner will be allowed to shower daily except inmates in Special Management. Inmates in Special Management will be allowed access to showers and shaving a minimum of three days a week and reasonable access to barbering. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. [5-5D-4341] [§115.42]
- H. **Male Inmates' Hair Standards for Inmates in Special Management:**
 - 1. All male inmates' hair will be cut neatly and will not exceed three inches in length. Hair must be cut and trimmed so as not to touch the shirt collar when wearing a properly fitted inmate uniform. Hair shall not touch or cover any portion of the ears.

2. All male inmates' haircuts shall be reasonably uniform in that there shall be no designs cut into the hair, no partially shaved heads, no styles such as those that might be associated with a "gang" or security threat group or other such hairstyle.
3. Sideburns will not extend below the ear lobe.
4. Moustaches will be neatly trimmed, not to exceed $\frac{3}{4}$ " in length, not extend below the corners of the mouth or cover the lip.
5. Beards and goatees are not permitted and no other facial hair is permitted.
6. Inmates shall keep their hair clean and shall wash their hair at least once each week.

I. Exceptions for Medical Reasons:

Inmates who have recent documented medical orders that indicate that the inmate should not shave for medical reasons may request an exception to the prohibition against wearing a beard. An inmate who wishes to receive an exception must submit a written request to the warden with a copy of the medical order. The warden shall approve or deny the request. When allowed for medical reasons, beards will be neatly trimmed and shall not exceed $\frac{3}{4}$ " in length.

J. Exceptions for Sincerely Held Religious Beliefs:

1. Inmates having a sincerely held religious belief which prohibits the inmate from cutting his hair may request an exception to the grooming standards as set out below.

A religious belief that is not sincerely held will not justify an exception. A belief that is secular (i.e. not religious in nature) will not justify an exception, regardless of how sincere. Some asserted religious claims might be so bizarre and so non-religious in motivation as not to justify an exception.

2. An inmate who wishes to receive an exception to the grooming standards must submit a written request to the Review Committee, which shall be composed of the institutional chaplain, the chief of security and the warden, who shall serve as chairperson. The inmate's written request shall include an essay stating in detail the reasons why the exception should be granted, specifying the religion of which he/she is a believer and detailing why he/she cannot comply with the grooming standards and be an adherent of his/her faith. If possible, the inmate should include any references to written religious doctrine that exist. If possible, the inmate should submit written statement or affidavits from leaders of his/her religious faith regarding the matter. The Religious Faith Group declared by the inmate in the CMIS system, must be the same as that for which an exception is being requested.
3. The Review Committee shall consider the matter and determine whether the inmate has a sincerely held religious belief that justifies the requested exception. In making such a determination, the Review Committee should consider the following factors:

- a. Is the belief religious in nature or secular in nature? If secular in nature, no exception is justified.
- b. In determining whether the belief is grounded in a bona fide religion, the beliefs do not necessarily need to be those of a “mainstream” religion. Some of the factors which are relevant, though not necessarily dispositive include:
 - 1) The existence of a substantial body of literature supporting the religion.
 - 2) The existence of a formally organized worship of shared belief by a recognizable and cohesive group.
 - 3) The association of persons who share common ethical and moral views, not simply a personal moral code or personal vow (e.g. Nazarite vow).
 - 4) The sincerity and conviction with which the relevant beliefs are held.
 - 5) The belief in God or a supreme being or a belief which is sincere and meaningful and which occupies a place in the life of the believer parallel to that filled by the orthodox belief in God or a supreme being.
 - 6) The historical record of the asserted religion.
 - 7) Whether the primary purpose of the asserted religion is to mock or parody another religion or has a belief system so bizarre such that reasonable persons would seriously doubt the sincerity of the belief as religious in nature.
- c. In determining whether the religious belief is sincerely held, some of the factors which are relevant, though not necessarily dispositive are:
 - 1) If the religion is associated with a particular ethnic or other group, (e.g. Native American, Jewish) is the inmate a descendant or member of the ethnic or other group? However, failure to demonstrate membership in a formal group (e.g. failure of a Native American to demonstrate a BIA number) shall not necessarily result in denial of a request for an exception.
 - 2) Is the inmate a member of any religious organization of followers of the specific religion?
 - 3) How long has the inmate followed or practiced the religious beliefs of the specific religion?
 - 4) Does the inmate follow any of the other practices of the specific religion?

- 5) Are there other factors that indicate that the inmate does not sincerely hold the claimed religious belief?
 - d. Whether the religious belief is a fundamental or central tenet of the religion.
4. The Review Committee shall also consider whether there are any compelling operational reasons to deny the request, or revoke an earlier request which had been granted, including, but not limited to whether the inmate has a history of any of the following:
 - a. escape or attempted escape;
 - b. attempts to alter appearance to conceal identity or other improper use;
 - c. hiding contraband in hair;
 - d. poor hygiene;
 - e. Failure to follow valid orders and conditions regarding the granting of any request.
5. The Review Committee may grant the request, grant the request upon reasonable conditions, or deny the request.
6. The Review Committee shall inform the inmate in writing of its decision, including a brief explanation of the decision.

K. Compliance with Grooming Standards:

Upon assignment to Special Management, the inmate shall be notified of the applicable grooming standards and, if necessary to comply with the standards, will be scheduled for barbering. If the inmate fails to comply with the applicable grooming standard, he/she shall be given a direct order to submit to barbering or otherwise comply with the standard. If the inmate fails to comply with the order, the inmate shall be charged with the offense of Refusal to Obey a Lawful Order. In addition, the inmate shall be subject to any other sanction or loss of privileges allowable.

1. Inmates, for whom an exception for Sincerely Held Religious Beliefs is granted, are required to keep the hair clean, trimmed and neat. Failure to comply with this part will result in revocation of the exception.