



# TRAINING BULLETIN

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Los Angeles Police Department

Michel R. Moore, Chief of Police

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## REMOVAL AND SEARCH OF RELIGIOUS HEAD COVERINGS

The Los Angeles Police Department serves a city diverse in race, culture, religion, gender, and ethnicity. Our Core Values acknowledge the various communities we serve and implores Department Personnel to “fulfill their responsibilities with knowledge, authority and appropriate discretion” to ensure all community members are treated fairly with dignity and respect during all law enforcement encounters.

There is a wide spectrum of how people choose to practice their religion. Not all members of the same faith practice their religion in the same manner. While some religious adherents may choose to maintain all observances, articles of faith or practices, others may choose to adjust, maintain some, or none at all.

This Training Bulletin is intended to provide officers familiarity and guidance for searches of individuals wearing religious head coverings or other items of religious apparel – including those that are not at first recognizable. The guidance provided in this bulletin is expected to be exercised when appropriate and when it does not conflict with the safety of Department personnel or the community.

## RELIGIOUS HEAD COVERINGS

A religious head covering is defined as ***a garment worn on or around the head that represents a specific religion, faith, cultural practice or system.*** If a head covering must be removed, Department personnel should inquire about the significance of the head covering prior to seeking to remove or have it removed to determine if a religious or cultural accommodation is needed or appropriate. The following examples provide guidance for common religious head covers, clothing or faith items that may be seen throughout the City of Los Angeles.

### Muslim Religious Head Coverings

Islam prescribes certain parameters for interactions between genders for modesty purposes. This can include the type of dress as well as the level of interaction with the opposite gender.

Modesty in dress for Muslim women includes covering much of the body when in public or in the presence of non-related men. Muslim women's religious head coverings are generally referred to as a hijab, meaning "a barrier." Some Muslim women may also wear a face veil known as a niqab.

Modesty also applies to interactions with the opposite gender. For that reason, a pat-down or any other interaction requiring physical contact should only be carried out by an officer of the same gender, preferably in private. When conducting a search that is recorded, officers should, when practicable, restrict those viewing the search to members of the same sex as the searched individual. Because the removal of a hijab or niqab in public, or in the presence of males is a violation of a Muslim woman's privacy, dignity and religious observance, they should be removed only when necessary and by a same-gender officer. Similarly, if the need for removal of clothing or head covering exists, it should be done in a private room where the opposite gender is not present. Should this occur, it is preferable that two officers of the same gender are present.

For observant Muslim men, modest dress may not be as visible as that of observant Muslim women. Nonetheless, Muslim men may want to keep their bodies covered from the navel to the knees. Muslim men may also practice wearing some form of head covering, especially while visiting a mosque or while performing daily prayers. The most common type of male head covering is a cap called a kufi. Moreover, because modesty in interaction is a tenant for Muslim men as well as women, when a pat-down or any other interaction requiring physical contact with a Muslim man should only be carried out by a male officer, preferably in private.



**Hijab**



**Niqab**



**Burqa**



**Kufi**

### **Jewish Religious Head Coverings**

Various types of articles of clothing and head coverings can be worn that can associate a person as part of the Jewish faith. People of the Orthodox Jewish faith may wear head coverings or distinctive garments as a practice of ritual, tradition or modesty. Orthodox (and some non-Orthodox) men cover their heads with different types of head coverings, such as a kippa, a black hat or a shtreimel, which is a type of fur hat. Men are not required to have their entire hair covered as this covering is symbolically significant. Orthodox men often wear black suits. Many Orthodox men also wear tzitzit, a four-pointed garment with fringes on the corners, underneath their shirt which can sometimes be notable when the fringes hang out from the shirt.

Jewish law indicates that the removal of a head covering for men for a short period of time **is permitted**, if necessary for safety or security concerns. However, the practice of many Jewish men is not to walk or travel with their head uncovered. If a search or investigation is necessary for a Jewish male, it should be done while the person is stationary.

Some Jewish women cover all or most of their hair (with a hat, scarf, shawl, called a *Tichel*, or wig, called a Sheitel) as an expression of modesty, especially after marriage. For women, the uncovering of hair may be a serious violation of Jewish religious code. If removal of the covering is necessary for security reasons, it should be done in a private setting with female Department personnel.



**Shtreimel**



**Tichel**



**Yarmulke  
Kippah  
Kippot**



**Fedora**



**Biber Hat**



**Tzitzit**

## **Sikhism Religious Head Coverings and Articles of Faith**

A common Sikh turban is approximately 15 feet of light cotton fabric that is properly folded each time it is worn and generally requires time and a mirror to tie or retie. Turbans come in many different colors and designs. The color is usually a matter of personal taste or fashion and is not a ranking system. There are also several different ways Sikhs tie their turbans.

In Sikhism articles of faith that pertain to clothing and may be applicable in search situations include a Kangha (a wooden comb), Kacchera (special undergarment), Kesh (a Sikh's uncut hair) typically covered by a turban, and a Kirpan (a small ceremonial knife usually worn on a shoulder strap).

The turban for a Sikh represents his or her total humility before God and his or her commitment to live a spiritual life. As a Sikh, it is expected they always wear a turban,

which is mandated when in public. Both men and women are equally welcome to wear turbans, though in practice more men do so than women. Alternatively, some Sikh women cover their heads with a long scarf called a chunni; in these instances, chunnis should be treated in the same manner as turbans by law enforcement.

A Sikh will never casually remove his or her headcover. Asking a Sikh to remove his or her turban should only be done when there is no other option and should be done in a private and clean area, if possible. Having a Sikh remove his or her turban can be extremely humiliating to a Sikh due to the significance and meaning of the turban.

**Note:** When searching a turban, officers should be aware that they might feel: (1) the top knot of hair (like a small bun); (2) a small comb (*Kangha*); (3) a hair net/string that holds up the beard and is tied atop the head; (4) a Silai—a pen-shaped object like a small knitting needle used to tuck hair into the turban (occasionally occurs); (5) layers of cloth; (6) a *patka*, generally worn under the turban; and (7) a couple of small pins to hold the turban cloth closed. All these items that may be felt in the turban are small and generally flat or near flat grooming items.



**Turban**



**Turban**



**Patka**



**Chunni**



**Kirpan**

## FIELD SEARCHES

In all instances where contacts are made with the public, it is imperative that Department personnel approach by using:

- **Respect**
- **Neutrality**
- **Voice**
- **Trustworthiness**

Voluntary compliance should be attempted, and de-escalation concepts applied if needed.

When a lawful detention is made, and a search is warranted based on articulable facts with reasonable cause to believe that the person to be searched may be dangerous or carrying a weapon, a search may be conducted. Unless there are facts establishing that an articulable reason exists to remove the religious head covering during a search, generally it should not be removed, unlike other outer garments (i.e., belts, shoelaces, drawstrings, etc.).

When the removal of a religious head cover is being considered, a compelling government interest (safety, security, identification) must outweigh the subject's religious rights (wearing of religious headwear) before the government action taken (removal, physical search, etc.). Searches should be conducted in the least restrictive means possible to carry out the government interest.

When Department personnel conduct an investigation that requires the search of an individual wearing a religious head covering, the following steps should be considered:

- Explain the need to remove religious articles, due to the significant religious meaning and sensitivity to the removal of religious head coverings. Whenever possible, allow the person to remove their article of faith on their own.
- If a person will be transported from their residence, explain the process that will occur and ask if there is an alternative religious head covering they would like to use.
- Ask if there are any items you should be aware of. If a search is conducted of a Sikh person, ask if they are in possession of a Kirpan.
- Inquire whether there are specific accommodations that should be made, prior to searching:
  - Out of public view or a preferred gender.
  - In a private and clean room.
- If practicable, advise the subject that the search may be conducted in a private area. If this occurs during a detention, consider circumstances prior to moving to ensure a defacto arrest situation is not created.
- Should a religious head covering be removed, attempts should be made to place the head covering in a clean environment and not on the floor or ground, when possible.
- Any removal of a detainee's religious head covering, full-face religious head covering, or religious body covering shall last only as long as is reasonably necessary.
- When allowed to place their head covering on their head, allow adequate time for person to properly replace their religious head covering.
- If reasonable and safe, allow the subject to wear their religious head covering after it has been searched for weapons and contraband.
- If other Department personnel assume responsibility over the detained individual, communicate with them regarding a search or lack of search and make them aware of religious considerations. This conversation should be conducted in a manner that is discrete and appropriate.
- If the arresting officer removes a religious head covering due to safety/security concerns, an entry in the disposition of the call should be made indicating the reason why the head covering was removed.

## **BODY WORN VIDEO CONSIDERATIONS**

- Department personnel must advise a supervisor the reason why the incident was not captured on Body Worn Video (BWV).
- When conducting a search of a person where there is a religious expectation of privacy from another gender that is recorded or can be viewed remotely, consideration of the religious mandate should be continued, when feasible.
- In some instances, some individuals may be hesitant to remove clothing or religious head covers on camera because the removal may be viewed on video by a person of the opposite gender. Should there be a method that could be utilized where only audio is recorded, this may be considered and accompanied by a narration of circumstances to describe the incident.

**Note:** The following exception is also applicable to Religious Accommodation-Department Manual Section 3/579.15, Objectives of Body Worn Video, identifies the following exception to activation of the BWV: "In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault)."

## **JAIL OPERATION PROCEDURES**

If an inmate expresses a religious belief requiring his/ her head be covered, reasonable efforts to allow the inmate to keep their head covered will be considered, except where there are safety or security concerns. If the removal of an inmate's religious head cover is necessary, it shall be conducted with the necessary number of officers of the same gender, if possible, and in an area out of the view of others (Jail Operations Manual 2/223).

All head coverings shall be searched and remain subject to search while the individual is in custody. Any item that may pose a threat to the safety or security shall not be allowed. If the retention of a religious head covering is approved, it shall be returned and allow the inmate to redress the head covering before leaving the area. The item will be described and documented on the Inmate Classification Questionnaire (ICQ) and in the property section of the Decentralized Arrest Booking Information System (DABIS) form with the notation "Retained." If the religious head covering is not approved, the inmate shall be offered an opaque head covering as an alternative and be allowed to don the item before leaving the area.

The prohibited item shall be placed into their property. A description of the item and the reason why it is prohibited shall be documented on the ICQ. Additionally, any jail-issued head covering shall be documented on the ICQ and noted on the property section of the DABIS form as "Issued: jail head cover" (Los Angeles Police Department Jail Operations Manual, Volume 2, Section 223).

## **BOOKING PHOTOGRAPHS OF INMATES WITH RELIGIOUS HEAD COVERINGS**

Booking photographs may be taken with the head covering in place only when the inmate's discernible facial characteristics are fully visible, (i.e., eyes, nose and mouth). When the removal of the inmate's religious head covering is required for booking photographs, it shall be conducted with the necessary number of officers, of the same gender, if possible, and in an area out of the view of others. An inmate wearing a head covering shall be placed in Administrative Segregation. The Department Chaplain Coordinator should be contacted for questions regarding religious practices and/or articles (Los Angeles Police Department Jail Operations Manual, Volume 2, Section 223.3).

## **CONCLUSION**

The Department strives to provide service to our communities that is considerate, respectful, and recognizes diversity. While the Department understands that law enforcement encounters vary in circumstance and environment, it is imperative that our Department take into consideration the beliefs, cultural norms, and practices of others. Showing respect and consideration towards the religious beliefs and practices of others enhances community partnerships and public trust.

## **REFERENCES**

- Los Angeles Police Department Training Bulletin, Contacts with the Public – Part I, Legal Considerations, March 2021
- Los Angeles Police Department Jail Operations Manual (2019) Revised, Volume 2, Section 223
- Department Manual Section 3/579.15, Objectives of Body Worn Video
- <https://www.sikhcoalition.org/wp-content/uploads/2018/08/Sikhism-educator-guide.pdf>
- <https://ing.org/top-100-frequently-asked-questions-about-muslims-and-their-faith/>
- <https://www.cair.com/wp-content/uploads/2020/02/Law-Enforcement-Official%E2%80%99s-Guide-to-The-Muslim-Community.pdf>

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Attachment: Field Scenarios

**Scenario No. 1**

Officers respond to a radio call for a 415 group at a residence. As officers approach the location they could hear yelling from inside the residence. Once inside the residence officers observe a group of men and women wearing religious head coverings standing around a broken television on the living room floor. Officers notice that some of the individuals at scene have disheveled clothing and appear to be agitated with each other. Based on the totality of the circumstances, the officers believe that a possible fight or domestic violence incident may have occurred. Prior to conducting interviews, officers ask the individuals at scene for consent to conduct a pat down search, which was given. Prior to conducting the searches, officers ask if there are any considerations they should be made aware of prior to searching.

A female in the group advises the officers that she wants a female officer to search her in a private area away from the men. Officers request a female officer who responds. Prior to searching the female at scene, the officer requests her to walk into the hallway, away from the men, and she agrees. This location was out of view from the men, yet close enough to her partner to render aid, if needed.

Officer's investigation revealed no crime occurred. Two family members got into a verbal dispute after they dropped the television while moving it to a different room, a third family member interceded to keep the peace. Officers explained the reasons for their actions and the parties were understanding. Officers provided a business card and cleared the scene.

**Scenario No. 2**

Officers respond to a radio call of a male with mental illness screaming at the corner of an intersection. The subject description is a male/other, wearing a blue jacket, blue jeans wearing a religious head covering. Upon arrival to the location, officers locate the subject. Officers determine that the subject should be placed on a 5150 Welfare and Institutions Code (WIC) hold.

The officers conduct a search of the subject and ask him if they can remove his religious head covering. The subject states to the officers that he must wear it, due to his religious beliefs. The officers advise subject that a pat down search is necessary, prior to being transported to the hospital and the hair pins that are holding his religious headwear in place would have to be removed. The subject was hesitant but complied with the search. Once the search was completed the officers allowed the subject to continue wearing his religious head covering with no pins out of respect for his religious beliefs and because the head cover did not pose a threat to the Subject.



### **Scenario No. 3**

A patrol unit is dispatched to an apartment complex for a domestic violence radio call, yelling is heard in the background. Another unit and a supervisor hear the call and respond as well. Units arrive at scene and meet with a female who is crying in the living room and observe a living room table turned upside down and broken. Officers ask if there is anyone else inside the residence.

The female states, "I don't know if my boyfriend is still here, but the last place I saw him was on the back porch." Due to the comments of the radio call indicating possible domestic violence, unaware if there is a potential suspect in the residence, along with the inherent dangers associated with domestic violence radio calls, officers conduct a protective sweep and do not locate anyone else inside the residence.

Officers begin interviewing the possible female victim. The male officer asks if he can check her neck and arms to determine if any visible injuries are present. The female respectfully declines to remove her baseball cap and hooded sweater in front of the male officers due to her religious beliefs and asks if this could be done in private by a female officer out of respect for the tenets of her faith. To accommodate her religious beliefs, the male officers step outside onto the front porch and two female officers and a female supervisor remain inside to conduct the search. Once the search is completed, the supervisor advised the officers outside. The primary remains at scene and the additional unit and supervisor leave the scene and show themselves clear for calls. The investigation determined there was a verbal dispute only and no crime occurred.