

Can Maricopa County Prisoners Be Forced to Wear Pink Underwear?

By: Ashley D. Adams

<http://arizonawhitecollarcrimeattorney.com/>

Maricopa County Sheriff Joe Arpaio is in the national spotlight again. His policy that requires jail inmates to wear pink underwear may be [unconstitutional](#) when applied to prisoners who have not been convicted of a crime, the 9th U.S. Circuit Court of Appeals ruled earlier this month.

“Unexplained and undefended, the dress-out in pink appears to be punishment without legal justification,” 9th U.S. Circuit Court of Appeals Judge John Noonan wrote for the majority.

The court noted in the opinion that that it is fair to infer that the selection of pink as the underwear color was meant to represent the loss of prisoners’ masculinity.

Noonan noted that the U.S. Supreme Court permits jail officials to use unpleasant measures so long as they serve a legitimate purpose, such as the safety of the institution. However, arbitrary or purposeless requirements may be construed as punishments, which could not be imposed on prisoners who had not been found guilty of a crime.

However, since the legality of the policy wasn’t raised in the lawsuit before the court, it did not immediately strike it down. “It appears to us that this question is still open for exploration at trial on remand,” Noonan concluded.

Source: [Reuters](#)

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