



Policy 1005

Subject	
NON-UNIFORMED POLICING STANDARDS	
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By Order of the Police Commissioner

POLICY

The purpose of this policy is to provide guidance on policing standards for Undercover policing, Non-Uniformed Proactive Enforcement, and Court Attire. While all police work is hazardous, members must bear in mind the unique risks associated with taking police action while not in uniform.

While members must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Department policy.

CORE PRINCIPLES

1. **Officer Safety.** A member not in uniform and lacking immediate identification presents a risk to his/her individual safety, the safety of other officers, and the safety of the general public, which can infringe upon the member's ability to carry out enforcement duties. Members working in a Non-Uniformed capacity are more likely to find themselves in dangerous confrontations. This policy provides guidance on limiting those risks and promoting officer safety in Non-Uniformed and Undercover enforcement situations.
2. **Non-Uniformed Capacity.** The Police Commissioner and the Deputy Commissioners have the discretion, on a unit-by-unit basis, to authorize members to work in a Non-Uniformed capacity or in Court Attire.
3. **Less-Lethal Option.** The BPD requires that all members that carry a firearm and are routinely involved in stops, searches, or arrests must also carry on their person at least one less-lethal weapon, which they are trained and certified to use, at all times while on duty (See Policy 409, *Firearms Regulations*).
4. **Readily Identifiable.** All members working in a Non-Uniformed Proactive Policing assignment are solely responsible for ensuring that they are readily identifiable prior to taking police action (e.g., wearing a Vest and Tactical Carrier as the outermost garment, affixed with officer's name, departmental badge, and "POLICE" displayed on the front and rear panels).
5. **Annual Training.** All members authorized to work in a Non-Uniformed capacity must attend an annual training session provided by the Education and Training (E&T) Section on the risks and responsibilities of working out of uniform, and the inherent dangers and responsibilities while working in this duty status.

DEFINITIONS

Court Attire — Business attire such as dress slacks, jacket and tie, sweater and slacks, or clothing that would display a professional appearance.

Non-Uniformed — Working in a law enforcement capacity where one's job classification is not secret, but the sworn member wears civilian attire mixed with law enforcement equipment ("plain clothes"). For example: duty belt and ballistic vest with "POLICE" marked on it.

Proactive Enforcement — Patrolling in a high-visibility manner that deters illegal activity, and offers citizens the feeling of safety and protection from illegal acts against them and/or their property.

Undercover — Working in a law enforcement capacity where one's identity as a BPD member is confidential and is not revealed for the purpose of obtaining information that can only be obtained as a civilian.

Vest and Tactical Carrier (Body Armor) — Ballistic vest, also referred to as "bullet-proof vest," is a protective vest worn under the police uniform shirt or in some cases worn as an outer piece of equipment, when authorized. The vest, issued with a tactical cover with POLICE in large white letters on the front and back, has several pockets for enforcement equipment that offers easy and quick access. Members shall wear both front and rear panels of departmentally issued or approved body armor at all times while on-duty (See Policy 1504, *Departmental Uniforms and Equipment*).

GENERAL

Non-Uniformed and Undercover Members

All Non-Uniformed and Undercover Members shall:

1. Wear both front and rear panels of departmentally issued or approved body armor at all times while on duty **unless** certain assignments preclude the member from wearing soft body armor (e.g., Undercover, Vice Squad, limited duty personnel, administrative positions, homicide detectives, etc.). Permission to not wear body armor must be granted by the member's commanding officer.
2. Pre-plan and coordinate all Non-Uniformed and Undercover activities and operations.
3. Be conscious of their appearance, keeping in mind that officers do not always recognize each other.
4. Not engage in crowd control and not take enforcement actions within a crowd, unless there is potential for imminent death or serious injury.
5. Advise the Communications Section dispatcher when enforcement action is required due to the potential for imminent death or serious injury that they are not in uniform, and provide their location and physical description including clothing.
6. Report to the assigned staging area or Incident Commander for a briefing to minimize the chances of misidentification when reporting to any tactical or crisis situation.
7. Immediately comply with orders or instructions given by a uniformed member. Due to the possibility that Non-Uniformed or Undercover members may not be recognized by other uniformed or on-duty members, Non-Uniformed and Undercover members shall obey all orders given by other members including orders to disarm, raise hands in the air, or assume other non-threatening positions.

NOTE: If confronted by another member, immediately identify yourself as a police officer and provide appropriate police identification, including name, assignment, and sequence number. Verbally advise that you are armed and provide the location of your weapon.

DIRECTIVES

Non-Uniformed Proactive Enforcement

1. If authorized to operate in a Non-Uniformed capacity, members engaging in Proactive Enforcement actions, such as arrests, neighborhood patrols, and enforcement initiatives, shall wear:
 - 1.1. Shirts of neutral color with no unprofessional lettering or insignia.
 - 1.2. Cargo-style tactical pants. No BDUs.
 - 1.3. Only BPD ball type caps or knit caps of black or blue color.
 - 1.4. Facial hair/beards must be groomed consistent with the direction of Policy 312, *Professional Appearance Standards*.
 - 1.5. As the outermost garment, ballistic vest, in an authorized tactical vest carrier, with officer's name affixed to the carrier and the word "POLICE" displayed on the front and back panels.
 - 1.6. Departmental badge affixed to the tactical vest carrier.
 - 1.7. Two spare magazines with issued ammunition, police radio, handcuffs, body-worn camera and at least one less-lethal weapon that the member is trained and certified to use (i.e., CEW, expandable baton, OC spray or Espantoon) is to be carried on the issued gun belt or contained in the pockets of the Vest and Tactical Carrier
2. When engaged in Non-Uniformed Proactive Enforcement, members must make their identity as a police officer clear to members of the general public and to other members of law enforcement both verbally and by displaying their badge and departmental identification card to any member of the public upon request.

Undercover Capacity

1. Only members holding the permanent rank of Captain or above may authorize members to work in an Undercover capacity, and shall determine if the Undercover member is required to have their departmental badge, identification, and weapon in their possession while acting in an Undercover capacity.
2. Members in Undercover assignments:
 - 2.1. May conceal their identity to avoid detection or identification as a law enforcement officer.
 - 2.2. Shall identify themselves when taking enforcement action (e.g., making an arrest, pulling a firearm, initiating a foot pursuit, etc.).

- 2.3. Should make their identity known to other law enforcement personnel, if it does not compromise their assignment.
3. Undercover members shall avoid becoming involved in Proactive Enforcement actions. If an exigent situation arises that requires an Undercover member to take Proactive Enforcement actions, they should immediately identify themselves as police officers and follow all requirements of this policy.
4. Members working in an Undercover capacity are exempt from the equipment requirements listed above under **Non-Uniformed Proactive Enforcement** – page 3.

Court Attire

1. Officers or detectives working in Court Attire are required to wear:
 - 1.1. Departmental badge affixed to their outermost garment.
 - 1.2. Departmental identification card attached to their outermost garment.
 - 1.3. Weapons must be concealed.
2. Members in Court Attire must identify themselves to the public when using their police powers, or upon request.
3. Members working in Court Attire are not routinely involved in conducting Proactive Enforcement activities, therefore members are exempted from the requirements listed above in **Non-Uniformed Proactive Enforcement** – page 3.

REQUIRED ACTION

Supervisor

1. Supervisors of Non-Uniformed and Undercover investigative activities shall:
 - 1.1. When practical, notify the patrol shift commanders in the affected districts that Non-Uniformed Proactive Enforcement is planned for their area of assignment. This action shall ensure uniformed and Non-Uniformed personnel are made aware of confrontational possibilities to minimize hazards.
 - 1.2. When practical, notify the Communications Section of the Non-Uniformed operation, the location of the operation, and each unit's assigned radio call number.
 - 1.3. Ensure all Non-Uniformed and Undercover members are aware of and comply with the procedures in this policy.
2. Patrol Shift Commanders shall:

- 2.1. Be aware of all locations in their districts where Non-Uniformed Proactive Enforcement operations are occurring.
- 2.2. Inform uniformed members of Non-Uniformed operations.
- 2.3. Provide assistance to the Non-Uniformed operations, as requested by the supervisor of the Non-Uniformed activity.

Education and Training (E&T)

1. The Director of E&T shall:
 - 1.1. Conduct an annual training session for all members who are authorized to work in an Undercover or Non-Uniformed enforcement capacity.
 - 1.2. Provide certification of the successful completion of the annual Undercover and/or Non-Uniformed Proactive Enforcement training.
 - 1.3. Forward the certification to the members' command for notification and placement in their personnel jacket.
 - 1.4. Upon request, provide a list of all members who have received the Non-Uniformed and/or Undercover training.

Communications

1. The Police Dispatcher shall make audible notification by police radio whenever he or she becomes aware that a Non-Uniformed or Undercover member is at a location where other members are responding for a disturbance or other call for service.
2. Dispatcher shall include all information known about the Non-Uniformed or Undercover members, including clothing descriptions, physical descriptions, and call numbers.
3. Dispatcher shall caution members in the area to exhibit caution due to the presence of Non-Uniformed members.

ASSOCIATED POLICIES

Policy 302, *Rules and Regulations*
Policy 312, *Professional Appearance Standards*
Policy 409, *Firearms Regulations*
Policy 1115, *Use of Force*
Policy 1504, *Departmental Uniforms and Equipment*
Policy 1811, *Court/Administrative Hearing Procedures*

RESCISSION

Remove and destroy/recycle Policy 1005, *Uniformed Policing Standards*, dated 1 July 2016.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.