



# 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, Surveillance, 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

**Officer Safety.** A member not in uniform and lacking immediate identification presents a risk to their 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.

**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.

**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*).

**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).

### 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 the public the feeling of safety and protection from illegal acts against them and/or their property.

**Surveillance** — The secretive observation of a person, place, vehicle, or object for the purpose of gathering information or evidence of illegal activity. Surveillance, as used in this policy, refers to *physical* Surveillance and not electronic, telephonic, or other means of Surveillance that require a warrant. Surveillance operations must be thoroughly planned and discussed by the initiating permanent-rank supervisor, the member(s) conducting the Surveillance, and the Lieutenant (or higher rank) within the supervisor's chain of command. Surveillance may be Exposed or Unexposed:

- **Exposed Surveillance** — A Surveillance operation where the member is 'out in the open.' The member is attempting to blend in with the surroundings to observe criminal activity, or watch general area activity.
- **Unexposed Surveillance** — A Surveillance operation where the member is observing activity from a hidden area. Hidden areas include: vehicles, buildings, infrastructure, and built spaces (natural and man-made) that occupy a given area.

**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**

1. All Non-Uniformed and Undercover members shall 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, DDU, Sex Offense, Child Abuse and Family Crimes, and other non-enforcement specialized units.). Permission to not wear body armor must be granted by the member's commanding officer.
2. All such members shall pre-plan and coordinate all Non-Uniformed and Undercover activities and operations. All units performing planned Non-Uniformed, Surveillance, and/or Undercover activities are responsible for notifying the Shift Commander of the district of occurrence prior to roll-call of the scheduled shift, or as soon as practicable, of the activity or operation.
3. All such members shall be conscious of their appearance, keeping in mind that BPD members do not always recognize each other.
4. All such members shall not engage in crowd control and shall not take enforcement actions within a crowd, unless there is potential for imminent death or serious injury.

5. All such members shall 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. All such members shall 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. All such members shall 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.
8. If confronted by another BPD member, all such members shall immediately identify themselves as a law enforcement officer and provide appropriate police identification, including name, assignment, and sequence number. Such members shall verbally advise that they are armed and provide the location of their weapon.

## **DIRECTIVES**

### **Non-Uniformed Proactive Enforcement**

9. 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:
  - 9.1. Shirts of neutral color with no unprofessional lettering or insignia.
  - 9.2. Cargo-style tactical pants. No BDUs.
  - 9.3. Only BPD ball type caps or knit caps of black or blue color.
  - 9.4. Facial hair/beards must be groomed consistent with the direction of Policy 312, *Professional Appearance Standards*.
  - 9.5. As the outermost garment, ballistic vest, in an authorized Tactical Vest Carrier, with member's name affixed to the carrier and the word "POLICE" displayed on the front and back panels.
  - 9.6. Departmental badge affixed to the Tactical Vest Carrier.
  - 9.7. 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.
10. When engaged in Non-Uniformed Proactive Enforcement, members shall make their identity as a law enforcement 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**

11. Only members holding the permanent rank of Captain or above shall 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.
12. Members in Undercover assignments:
  - 12.1. May conceal their identity to avoid detection or identification as a law enforcement officer.
  - 12.2. Shall identify themselves when taking enforcement action (e.g., making an arrest, pulling a firearm, initiating a foot pursuit, etc.).
  - 12.3. Shall make their identity known to other law enforcement personnel, if it does not compromise their assignment.
13. 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 shall immediately identify themselves as law enforcement officers and follow all requirements of this policy.
14. Members working in an Undercover capacity are exempt from the equipment requirements listed above under **Non-Uniformed Proactive Enforcement** – page 3.

### **Surveillance Operations**

15. Approved Surveillance operations shall be closely monitored by a permanent-rank supervisor.
16. An approved Surveillance operation shall immediately end when the danger to civilian and/or member life outweighs the perceived benefits of the Surveillance operation.

### **Exposed Surveillance**

17. When a member is conducting Exposed Surveillance, the member shall, at all times, have readily accessible:
  - 17.1. Issued Firearm
  - 17.2. Badge/Identification Card
  - 17.3. Vest/Carrier
  - 17.4. Radio
  - 17.5. Body-worn Camera

**EXCEPTION:** The above equipment requirements do not apply to members working in an Undercover capacity.

#### Unexposed Surveillance

18. When a member is conducting Unexposed Surveillance, the member shall, at all times, have on their person:
  - 18.1. Issued Firearm
  - 18.2. Badge/Identification Card
  - 18.3. Vest/Carrier
  - 18.4. Radio
  - 18.5. Body-worn Camera
19. Members conducting Surveillance operations shall immediately identify themselves as law enforcement officers if the circumstances require them to cease Surveillance and engage in an arrest/enforcement capacity to protect civilian and/or member life.

#### **Court Attire**

20. Members working in Court Attire shall wear:
  - 20.1. Departmental badge affixed to their outermost garment.
  - 20.2. Departmental identification card attached to their outermost garment.
  - 20.3. Weapons must be concealed.
21. Members in Court Attire shall identify themselves to the public when using their police powers, or upon request.
22. 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**.

#### **REQUIRED ACTION**

##### **Supervisory Positions**

23. Supervisors of Non-Uniformed, Surveillance, and Undercover investigative activities shall:
  - 23.1. When practical, notify the patrol shift commanders in the affected districts that Surveillance Operations or 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.

- 23.2. When practical, notify the Communications Section of the Non-Uniformed operation, the location of the operation, and each unit's assigned radio call number.
- 23.3. Ensure all Non-Uniformed and Undercover members are aware of and comply with the procedures in this policy.
- 24. Patrol Shift Commanders shall:
  - 24.1. Be aware of all locations in their districts where Surveillance Operations or Non-Uniformed Proactive Enforcement operations are occurring.
  - 24.2. Inform uniformed members of Non-Uniformed operations.
  - 24.3. Provide assistance to the Non-Uniformed operations, as requested by the supervisor of the Non-Uniformed activity.

**Communications**

- 25. The Police Dispatcher shall make audible notification by police radio whenever they become aware that a Non-Uniformed, Undercover, or members conducting Surveillance are at a location where other members are responding for a disturbance or other call for service.
- 26. Dispatcher shall include all information known about the Non-Uniformed, Undercover, or members conducting Surveillance, including clothing descriptions, physical descriptions, and call numbers.
- 27. Dispatcher shall caution members in the area to exhibit caution due to the presence of Non-Uniformed members.

**REFERENCED POLICIES**

Policy 312, *Professional Appearance Standards*  
Policy 409, *Firearms Regulations*  
Policy 1504, *Departmental Uniforms and Equipment*

**RESCISSION**

Rescind Policy 1005, *Uniformed Policing Standards*, dated 24 November 2019.

**COMMUNICATION OF POLICY**

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