

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Chief of Police

SUBJECT: SEE BELOW

DATE: May 3, 2026

APPROVED

Memo# 2026-018

SUBJECT:

DUTY MANUAL REVISION:

S 1101 WEARING OF THE UNIFORM – GENERAL PROVISIONS

S 1101.5 WEARING FACIAL COVERINGS

S 1118 WEARING OF BADGES WHEN IN PLAINCLOTHES

BACKGROUND

Effective January 1, 2026, California Government Code [7288](#) and California Penal Code section [13654](#) generally require non-uniformed law enforcement officers operating in California to clearly display identification and requires agencies to maintain and publicly post a written policy on the visibility of sworn officers. California Penal Code section [830.10](#) separately establishes identification requirements for uniformed officers in California.

Effective January 1, 2026, California Government Code [7289](#) and California Penal Code [185.5](#), generally restrict law enforcement officers from wearing facial coverings and requires law enforcement agencies in California to maintain and publicly post a written policy governing their use. Penal Code section 185.5 further identifies circumstances under which a person is not entitled to assert any privilege or immunity for civil liability for tortious conduct committed while wearing a facial covering.

Similarly, effective December 19, 2025, San José Muni Code section [10.54.030](#) generally prohibits a law enforcement officer from wearing any face covering or personal disguise while interacting with the public in the performance of their official duties and San José Muni Code section [10.54.050](#) requires officer identification.

Department members are encouraged to review and familiarize themselves with the above-referenced codes.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

S 1101 WEARING OF ~~MAINTAINING~~ THE A SERVICEABLE UNIFORM – GENERAL PROVISIONS

Revised ~~11-20-17~~ 05-03-2026

All Department members ~~are required to~~ *shall* maintain *uniforms, clothing, and equipment prescribed for their rank* in a clean and serviceable condition, such articles of uniform, other clothing, and/or equipment as is prescribed and authorized for their rank.

The Chief of Police or their designee may ~~exempt~~ *grant exemptions* a Department member from the uniform regulations for religious accommodation if *when* such exemptions ~~may~~ *can* be reasonably accommodated within the course and scope of the member's job duties. The Chief of Police or their designee shall take into account any potential health, safety and/or operational concerns that the exemption may present to the member, the Department, and/or the public. The Chief Of police or their designee shall make the final determination regarding all requests for. *In evaluating requests, consideration shall be given to health, safety, and operational concerns affecting the member, the Department, and the public.* Exemptions *shall be considered* from the uniform regulations on a case-by-case basis.

S 1101.5 WEARING FACIAL COVERINGS

Added 05-03-26

To promote transparency, accountability, and public trust, sworn Department members shall not wear facial coverings that conceal or obscure their facial identity while performing official duties, except under limited, clearly defined circumstances authorized by this policy and applicable law.

Facial coverings shall not be worn based solely on generalized safety concerns and shall not be used to avoid identification or accountability, prevent recognition absent lawful authorization, or intimidate or cause unnecessary fear.

A facial covering is defined as any opaque mask, garment, helmet, headgear, or item that conceals or obscures an individual's facial identity, including but not limited to balaclavas, tactical masks, gaiters, ski masks, or similar items.

The following items are not considered facial coverings when used appropriately and in compliance with Department policy:

- *Translucent face shields or clear masks that do not conceal identity*
- *Medical-grade mask (e.g., surgical masks or N95 respirators) approved by the United States Food and Drug Administration (FDA) or the National Institute for Occupational Safety and Health (NIOSH) for disease prevention*
- *Any other mask, helmet, or device, including but not limited to, air-purifying respirators, full or half mask, or self-contained breathing apparatus necessary to*

protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environment condition

- Motorcycle helmets when operating vehicles requiring such helmets
- Eyewear necessary for protection against retinal weapons, including but not limited to laser hazards
- Underwater breathing apparatus

Sworn members may wear facial coverings only when no reasonable alternative exists and under the following limited circumstances:

- When actively engaged in [REDACTED] assignments that involve the intentional concealment of an officer's identity and that are expressly authorized by supervisory personnel or by court order. Routine plainclothes duties, surveillance, or field assignments do not constitute undercover activity for purposes of this section.
- When actively participating in tactical operations where protective gear is required for physical safety, including but not limited to:
 - Specialized tactical equipment
 - Chemical agent exposure
 - Ballistic or impact protection
- Compliance with occupational health and safety laws
- Protection of identity during prosecution
- Reasonable accommodation as required by law

S 1118 WEARING OF BADGES WHEN IN PLAINCLOTHES DISPLAYING IDENTIFICATION WHILE NOT IN UNIFORM

Revised 09-17-20 05-03-26

~~Plainclothes officers who are engaged in enforcement activity or who are at the scene of a search and/or arrest will identify themselves by wearing their badge on their outermost garment in a visible location.~~

~~The display of a badge is necessary for the maintenance of accountability to the community we serve. Personnel will not cover the badge on their outermost garment.~~

~~NOTE: The purpose of this section is to maintain the Department's accountability to the community and is not intended to create a punitive circumstance when personnel inadvertently and momentarily cover the badge in the performance of their duty (i.e., temporarily covering a badge with a carrying strap or sling).~~

To ensure transparency, accountability, and public trust, while ensuring officer safety, non-uniformed sworn Department members shall clearly display identification while performing enforcement duties. Enforcement duties are defined as active and planned operations involving arrest or detention of an individual or deployment for crowd control purposes. Situations in which sworn personnel do not visibly display identification shall be restricted to specific, clearly defined, and limited circumstances.

ALL DEPARTMENT PERSONNEL

SUBJECT: DUTY MANUAL REVISION: S 1101, S 1101.5, S 1118

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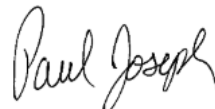
The identification shall include the San José Police Department name, and either the officer's name, badge number, or both name and badge number and not be intentionally obscured or removed during enforcement duties except as permitted.

Department members exempt from visible identification requirements:

- Officers engaged in active undercover or investigative operations
- Officers wearing personal protective equipment that prevents the display of identification
- Exigent circumstances involving:
 - Imminent danger to persons or property
 - Escape of a suspect
 - Destruction of evidence, including when responding to such circumstances while off duty
- When assigned to or assisting tactical units while actively performing tactical duties
- Officers engaged in protective operations involving elected officials, judicial officers, or other designated dignitaries when the display of identification would compromise safety, anonymity, or tactical effectiveness
- Situations where specific, articulable, and particularized threat to officer safety exist

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Paul Joseph
Chief of Police

PJ:NB:BM