

**MEMORANDUM**

April 15, 2026

TO: Public Safety Committee

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

PURPOSE: Worksession – to receive a committee recommendation

**Expected Attendees**

Dr. Earl Stoddard, Assistant Chief Administrative Officer  
Luisa Cardoza, Assistant Chief Administrative Officer  
Chief Yamada, Montgomery County Police Department

Bill 5-26, Police – Mask or Facial Coverings – Prohibited, also known as the “Unmask ICE Act,” Lead Sponsor Councilmember Jawando, Co-Sponsors Councilmembers Mink, Stewart, Evans, Sayles, and Glass, was introduced on January 20, 2026. A public hearing was held on March 3, 2026, with 20 speakers in support of the bill.

Bill 5-26 would:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County; and
- (2) generally amend the law regarding policing and public safety in the County.

**PURPOSE**

In a memorandum for Bill 5-26, the sponsor explained:

“This Bill strengthens community safety by ensuring residents can clearly identify law enforcement. A federal immigration enforcement brings unprecedented violence and cruelty to our community and others across the country, these transparency measures are vital to maintaining the public trust necessary for local law enforcement to function. Recent events in Minneapolis and across the country underscore the importance and timeliness of strengthening our community resolve and legal protections.” © 4

## **BILL SPECIFICS**

Under Bill 5-26, the bill seeks to ban federal, state, and local law enforcement officers from wearing masks or face coverings while on duty in the County, with certain exceptions. Exceptions include:

- medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- masks designed to protect against exposure to smoke during a fire;
- masks that are necessary to perform duties during a water rescue operation;
- masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- masks designed to protect against exposure to cold during a declared weather emergency;
- or
- agents on a SWAT team.

## **SUMMARY OF IMPACT STATEMENTS**

**Fiscal Impact.** According to the Office of Management and Budget, Bill 5-26 is not expected to have an impact on County revenues or expenditures.

**Economic Impact.** The Office of Legislative Oversight (OLO) cannot determine whether Bill 5-26 would affect the County's economic conditions, because, if enacted, it is uncertain whether the County could enforce the law due to ongoing legal battles over the constitutionality of state and local mask bans. © 5 Moreover, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.

However, if the Bill is enforceable and limits federal immigration enforcement activities in the County, it would positively impact the County's economic conditions. It would support the local businesses in construction and hospitality. Further, it would reduce the risk of sudden loss of income for certain undocumented residents and protect the wages of certain U.S. residents. © 5

**Climate Assessment.** OLO “anticipates Bill 5-26 will have no impact on the County’s contribution to addressing climate change...” and therefore does not offer any climate-related recommendations or amendments to the bill.

**Racial Equity and Social Justice Impact.** OLO anticipates Bill 5-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Amid the current immigration enforcement environment, Black and Latinx community members would disproportionately benefit from a ban on law enforcement wearing face coverings when on Duty.” While OLO does not offer any specific RESJ-related amendments, they note that to improve the RESJ impact of the Bill, the Council could “[c]onsider additional measures to improve law enforcement transparency and enforcement of Bill 5-26.”

## PUBLIC HEARING

The Council held a public hearing on Bill 5-26 on March 3, 2026, where over twenty speakers testified overwhelmingly in support of the Bill. The Council also received numerous written testimonies in support of Bill 5-26. Written testimony can be found here. Specifically, support was due in part to the fear caused by the presence of masked federal officers and to the fact that the bill would enhance community members' ability to quickly identify whether someone is a Montgomery County police officer or a federal agent. Additionally, testimony contained general themes of helping to keep our most vulnerable community members safe, holding federal agents to account, and standing in solidarity with our immigrant community.

## BACKGROUND

### *Active Litigation – Case History on California Ban on Face Covering Ban*

The California legislature enacted Senate Bill 627 (the “No Secret Police Act”) on September 20, 2025,<sup>1</sup> which would generally prohibit law enforcement officers (federal, out-of-state police officers, and local police) from wearing facial coverings that obscure their identity while performing their duties, with limited exceptions for undercover work, SWAT, safety or environmental protections, or other legal accommodations as provided in the adopted policy. The law establishes criminal penalties and civil liability for violations to promote transparency and accountability.

In November 2025, the federal government challenged California’s authority to enforce a mask ban against federal agents under the No Secret Police Act and the Vigilante Act (a law requiring federal officers to visibly display IDs while on duty). In the *United States v. California*, No. 25-cv-10999 (C.D. Cal. Feb. 9, 2026), the U.S. argued that these laws are: 1) unconstitutionally regulate federal officers; and 2) violate the Supremacy Clause by discriminating against the federal government.

On February 9, 2026, the federal district court issued a split decision – as it relates to the mask ban – a preliminary injunction was issued to prevent California from enforcing its ban on face coverings against federal officers because it interferes with federal operations and may violate intergovernmental immunity principles, and the law did not apply to fairly to all law enforcement officers, rather it excluded California state police. However, under the Vigilante Act, the court allowed the requirement that officers identify themselves to go into effect because it was considered less intrusive and did not significantly interfere with federal duties.

### *Prohibition of face mask policies in other local jurisdictions.*

- **Prince George’s County** – The Prince George’s County Council enacted CB-008-2026 on April 7, 2026,<sup>2</sup> which would prohibit face mask coverings for federal, state, and local law

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<sup>1</sup> [SB 627: Law enforcement: masks. | Digital Democracy](#)

<sup>2</sup> [CB-008-2026 – An Emergency Act Concerning Prohibition on Facial Coverings for Law Enforcement.](#)

enforcement officers while on duty in the County, with certain exceptions. The law also requires officers to visibly wear identification while on duty.

- **Baltimore County** – The Baltimore County Council rejected a bill that would have barred law enforcement officers from wearing masks while on duty and required them to visibly display identification. Councilmembers raised concerns about constitutionality and the County’s police powers to implement a ban against a federal agency.<sup>3</sup>

#### ISSUES FOR THE COMMITTEE’S CONSIDERATION

### 1. Status of Senate Bill 1, Public Safety – Law Enforcement Officers – Prohibition on Face Coverings<sup>4</sup>

On April 13, 2026, the Maryland General Assembly enacted SB 1 (cross-filed as HB 155), which would prohibit all law enforcement officers, including federal agents, from wearing face coverings in most situations. The bill also requires the Maryland Police Training and Standards Commission (MPTSC) to develop a uniform policy for each law enforcement agency that prohibits officers from wearing face coverings and requires the display of identification during the course of duty.<sup>5</sup> Violations of the face-covering prohibition are classified as a civil offense and are punishable by a fine of up to \$1,500. Violations of the identification requirements are also a civil offense, subject to a similar fine. Both constitute police misconduct. This legislation aims to standardize these practices across the state and is set to take effect on October 1, 2026.

The enrolled bill included an express preemption language. Express preemption occurs when the General Assembly, by statutory language, prohibits local legislation in a field.<sup>6</sup>

Specifically, the House Judiciary Committee adopted an amendment to include the following provision:

“A County, a municipality, or a law enforcement agency of the State or political subdivision of the State may not adopt a policy, other than the uniform policy developed by the Commission, regarding the use of face coverings by law enforcement officers.”

### 2. Proposed amendment by Councilmember Jawando to adopt a sunset clause.

Councilmember Jawando may wish to introduce an amendment that, if enacted, Bill 5-26 would sunset upon the release of the uniform policy issued by the MPTSC due to state preemption issues. *See, Jawando Amendment #1 at page © 24.*

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<sup>3</sup> <https://foxbaltimore.com/news/local/sun-baltimore-county-council-rejects-mask-ban-ice-law-enforcement>

<sup>4</sup> SB1: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/SB0001/?ys=2026rs>

<sup>5</sup> The Maryland Attorney General’s opinion on the Senate Bill 1, dated January 21, 2026, indicated that the state mask ban itself is “not clearly unconstitutional,” but that it would be “difficult and likely unconstitutional” to enforce.

<sup>6</sup> *Bd. of Cnty. Commissioners of Washington Cnty. v. Perennial Solar, LLC*, 239 Md. App. 380, 196 A.3d 933 (2018), *aff’d*, 464 Md. 610, 212 A.3d 868 (2019)

Sec 3. Sunset. Section 1 of this Act must sunset and be of no further force and effect upon the adoption of a uniform policy by the Maryland Police Training and Standards Commission prohibiting the use of face coverings by law enforcement officers, as required by Senate Bill 1 (2026) (cross-filed as House Bill 155 (2026)), enacted by the Maryland General Assembly on April 13, 2026.

**Decision Point:** Whether to adopt a sunset clause as described above?

### 3. What are the requirements that a County police officer must wear while in uniform?

The Committee may want the Montgomery County Police Department to discuss the requirements that must be worn for a uniformed police officer and any identification that are required while in the performance of duty. The Department’s policy may be found under FC 1400 – Uniforms and Equipment.<sup>7</sup>

State law requires under a police officer that makes a traffic stop or other type of stop under §2-109 of the Maryland Criminal Procedure Article, a police officer must: (1) display proper identification to the stopped individual; and (2) provide the following information: (i) the officer’s name; (ii) the officer’s identification number issued by the law enforcement agency the officer is representing; (iii) the name of the law enforcement agency the police officer is representing; and (iv) the reason for the traffic stop or other stop.

Councilmember Jawando may propose an amendment to require that a law enforcement officer wears an indemnification on the outermost layer of clothing while in the performance of duty. *See Jawando Amendment #2, at page © 24.*

(a) Definitions.

Identification means a law enforcement officer’s agency or department, last name, and badge number or other identification number.

\* \* \*

(d) Identification for law enforcement officers – requirements.

(1) A law enforcement officer must wear identification on the outermost layer of clothing while in the performance of duty in the County.

(2) On request of another, a law enforcement officer must verbally disclose identification while in the performance of duty in the County.

(3) Subsection (d) does not apply to a law enforcement officer working in plainclothes, non-uniformed, or undercover capacity.

**Decision Point:** Whether to adopt the amendment to require identification for a law enforcement officer?

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<sup>7</sup> <https://www.montgomerycountymd.gov/POL/resource/Directives/400.html>

#### 4. Enforcement procedures for Bill 5-26.

Under current law, the Maryland Police Accountability Act, there is a police accountability and discipline process for a state or local police officer who: (1) depriving persons of rights protected by the constitution or laws of the State or the U.S.; (2) a violation of a criminal statute; and (3) a violation of law enforcement agency standards and policies. A police officer's conduct that falls within any of these categories would qualify for police misconduct.

The statewide accountability and discipline process for police officers includes procedural requirements for handling complaints of police misconduct that could result in disciplinary action (Chapter 59 of Maryland Laws 2021). The process includes requirements for the use of police accountability boards, administrative charging committees, and trial boards, as well as the authorization for a police officer who is the subject of a complaint of police misconduct to have the assistance of a representative.<sup>8</sup>

However, SB 1 implements an enforcement process by allowing a police officer to issue a citation to a law enforcement officer whom the police officer has probable cause to believe is committing or has committed a violation of the bill's prohibition on wearing a face covering.

Under County law, Article V of Chapter 35 provides the authority for the enforcement process for police discipline, as required by state law (police accountability boards, administrative charging committees, etc.). The local law sets procedures for internal police discipline matters.

Councilmember Jawando may wish to propose an amendment to alter the discipline process for a law enforcement officer who violates the face mask ban by invoking the authority under Section 1-18 of the County Code to issue a citation. *See Jawando Amendment #3, at page © 25.*

Chair Katz may propose an amendment to modify the complaint process for violations of the face mask prohibition by allowing a law enforcement officer or a member of the public to report the alleged violation through an online portal established by the County Executive. *See Katz Amendment, at page © 26.*

**Decision Point:** Whether the PS Committee will consider an alternative enforcement procedure for a law enforcement officer's violation of the face mask prohibition?

#### 5. Clarifying amendments suggested by Council staff.

- a. Define "law enforcement officers." Insert on line 7, as follows: Law enforcement officer means a sworn member of a law enforcement agency.

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<sup>8</sup> See Appendix (Police and Discipline Process) of Fiscal and Policy Note (Revised) for Senate Bill 1 – [https://mgaleg.maryland.gov/2026RS/fnotes/bil\\_0001/sb0001.pdf](https://mgaleg.maryland.gov/2026RS/fnotes/bil_0001/sb0001.pdf)

- b. Provide a specific exemption for undercover or covert operations. Insert on line 24, as follows: This Section does not apply to a law enforcement officer actively engaged in an undercover or covert operation.

**Decision Point:** Whether to adopt the clarifying amendments as suggested above?

**NEXT STEP:** PS Committee recommendation on whether to enact Bill 5-26.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 5-26  
Concerning: Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)  
Revised: 1/14/2026 Draft No. 4  
Introduced: January 20, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Jawando  
Co-Sponsors: Councilmembers Mink, Stewart, Evans, Sayles, and Glass

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**AN ACT** to:

- (1) prohibit federal, state, or local law enforcement agencies from wearing masks or facial coverings while on duty in the County; and
- (2) generally amend the law regarding policing and public safety in the County.

By adding

Montgomery County Code  
Chapter 35, Police  
Section 35-13E

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



27        (e) Severability. If any provision of this Section, or any application thereof  
28        to any person or circumstance, is found to be unconstitutional or  
29        otherwise invalid by a decision of a court of competent jurisdiction, such  
30        decision will not affect the validity of the remaining provisions of this  
31        Section, which can be implemented without the invalid provisions and,  
32        to this end, the provisions of this Section are declared to be severable.

33        **Sec 2. Short Title.** This Section is known as “The Unmask ICE Act.”



## Montgomery County Council

### MEMORANDUM

January 13, 2026

TO: Montgomery County Councilmembers  
FROM: Will Jawando, Councilmember  
SUBJECT: Unmask ICE bill

On January 20, 2026, I will introduce a bill to prohibit masking by law enforcement operating in Montgomery County, with exceptions for public health and key operational needs. I anticipate tremendous community support, and welcome co-sponsors, with hopes that the Council will unanimously pass this bill.

This bill strengthens community safety by ensuring residents can clearly identify law enforcement. As federal immigration enforcement brings unprecedented violence and cruelty to our community and others across the country, these transparency measures are vital to maintaining the public trust necessary for local law enforcement to function. Recent events in Minneapolis and across the country underscore the importance and timeliness of strengthening our community resolve and legal protections.

I have greatly appreciated dialogue with residents, the Montgomery County Police Department (MCPD), the Montgomery County FOP Lodge 35, and the Executive Branch about the impact of federal immigration law enforcement activities for the last several months. Chief Yamada gave salient recent comments in the context of the introduction of the Trust Act about the importance of community trust in local law enforcement in order to prevent crime and other dangerous situations.

I hope that we can unanimously support this bill, as we have done with the Trust Act, which I am grateful to our Council President Fani-González for introducing. I view this as a companion bill to the Trust Act and to the County Values Act. Please let Ludeen and Marisa know by 5pm on January 14th if you would like to be listed a co-sponsor when the bill is introduced.

# Economic Impact Statement

Montgomery County, Maryland

## Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

### Summary

The Office of Legislative Oversight (OLO) cannot determine whether Bill 5-26 would impact economic conditions in the County, as measured by the Council’s priority economic indicators. The Bill proposes to prohibit federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. If enacted, it is uncertain whether the County could enforce the law due to ongoing legal battles over the constitutionality of state and local mask bans.<sup>1</sup> Moreover, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.<sup>2</sup>

However, if the Bill is enforceable and limits federal immigration enforcement activities in the County, it would positively impact economic conditions in the County, as detailed in the [Economic Impact Statement](#) for a recently introduced legislation (Bill 3-26) that would limit ICE activity locally. In this analysis, OLO concluded that any policies that restrict these activities would:

- Reduce the risk of sudden loss of income and averting high out-of-pocket costs for certain undocumented residents, thereby supporting household incomes and preventing families from falling into deeper financial distress;
- Support local businesses—particularly in the construction and accommodation and food services/arts/entertainment industries—by preventing the loss of experienced workers, thereby helping employers avoid the high costs of recruitment and training while maintaining consistent productivity and service quality; and
- Potentially protect the wages of certain U.S.-born workers by mitigating the negative economic spillovers typically associated with large-scale deportations.

### Background and Purpose of Bill 5-26

Jurisdictions and states around the country—such as the City of Denver, the State of California, and the State of Virginia—have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.<sup>3</sup> The Maryland General Assembly also recently introduced legislation that would ban law enforcement officials from wearing masks on duty.<sup>4</sup>

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<sup>1</sup> Bridget Lavender, “[Explainer: Can States Prohibit Federal Law Enforcement from Masking on the Job?](#)” State Democracy Research Initiative, University of Wisconsin Law School, January 29, 2025.

<sup>2</sup> Sarah Fortinsky, “[DHS says ICE won’t comply with California ban on agents wearing masks](#),” The Hill, September 22, 2025.

<sup>3</sup> WUSA9, “[Maryland lawmakers propose ban on police masks amid immigration crackdown](#)”, January 15, 2026.; [California Legislative Information, SB-627 Law enforcement: masks, Effective September 20, 2025.](#); PBS, “[Q&A: Denver Councilmember on the Effort to Unmask ICE Agents](#)”, January 26, 2026.; WRIC, “[State lawmaker introduces bill to unmask ICE in Virginia](#)”, November 25, 2025.

<sup>4</sup> [Maryland General Assembly, SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings, Introduced January 14, 2026.](#)

According to its lead sponsor, the purpose of Bill 5-26 is to “strengthen community safety by ensuring residents can clearly identify law enforcement.”<sup>5</sup> Bill 5-26 would ban federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. Exceptions to this ban include:

- Medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- Masks designed to protect against exposure to smoke during a fire;
- Masks that are necessary to perform duties during a water rescue operation;
- Masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- Masks designed to protect against exposure to cold during a declared weather emergency; or
- Agents on a SWAT team.<sup>6</sup>

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.<sup>7</sup>

## Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bill 5-26 on residents and private organizations, using the Council’s priority economic indicators as the measure. In doing so, it examines whether the Bill would have a net positive or negative impact on overall economic conditions in the County.<sup>8</sup>

As explained above, if the Council enacts the ban on federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County, it is uncertain whether the County could enforce the law. There are ongoing legal battles over the constitutionality of state and local mask bans,<sup>9</sup> and, even if the Courts decide in their favor, the Trump administration may simply not comply with mask bans, as administration officials have already signaled.<sup>10</sup> As a result, OLO cannot determine whether the Bill would impact local economic conditions.

## Variables

Not applicable

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<sup>5</sup> [Introduction Staff Report for Bill 5-26, Police - Mask or Facial Coverings - Prohibited \(The Unmask ICE Act\), Montgomery County Council, Introduced January 20, 2026.](#)

<sup>6</sup> [Ibid.](#)

<sup>7</sup> [Ibid.](#)

<sup>8</sup> Montgomery County Code, “[Sec. 2-81B, Economic Impact Statements.](#)”

<sup>9</sup> Bridget Lavender, “[Explainer: Can States Prohibit Federal Law Enforcement from Masking on the Job?](#)” State Democracy Research Initiative, University of Wisconsin Law School, January 29, 2025.

<sup>10</sup> Sarah Fortinsky, “[DHS says ICE won’t comply with California ban on agents wearing masks,](#)” The Hill, September 22, 2025.

## Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

### Residents

Not applicable

### Businesses, Non-Profits, Other Private Organizations

Not applicable

### Net Impact

Not applicable

## Discussion Items

Not applicable

## Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

## Contributions

Stephen Roblin, PhD (OLO) prepared this report.



# Fiscal Impact Statement

Office of Management and Budget

## Bill 5-26

### Police - Mask or Facial Coverings - Prohibited (The Unmask ICE Act)

#### Bill Summary

Bill 5-26 prohibits federal, state, and local law enforcement agencies from wearing facial coverings while on duty in the County with exceptions for masks that protect against exposure to airborne diseases, biological or chemical agents, smoke, or cold during a weather emergency. The bill also makes an exception for SWAT, and for masks that are necessary to perform lifesaving duties.

#### Fiscal Impact Summary

Bill 5-26 is not estimated to impact revenues or expenditures. The Montgomery County Police Department (MCPD) does not require new positions to implement the bill.

#### Fiscal Impact Analysis

The mask and facial covering restrictions outlined in Bill 5-26 are not expected to have an expenditure or revenue impact on MCPD.

#### Staff Impact

The bill is not expected to impact staff time or duties.

#### Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

#### Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

#### Other Information

*Later actions that may impact revenue or expenditures if future spending is projected*

The bill does not authorize future spending.

#### Contributors

Taman Morris, Montgomery County Police Department  
Amy Costanza, Montgomery County Police Department  
Dale Philips, Montgomery County Police Department  
Hamza Ahmed, Office of Management and Budget



# Climate Assessment

Office of Legislative Oversight

## **BILL 5-26: POLICE – MASK OR FACIAL COVERINGS – PROHIBITED (THE UNMASK ICE ACT)**

### **SUMMARY**

The Office of Legislative Oversight (OLO) anticipates Bill 5-26 will have no impact on the County's contribution to addressing climate change as the Bill proposes a ban on law enforcement officials wearing masks while on duty.

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### **BACKGROUND AND PURPOSE OF BILL 5-26**

Aggressive federal immigration enforcement in the County and throughout the United States has created a heightened sense of fear and further eroded public trust in law enforcement. Immigration and Custom Enforcement (ICE) officers are now routinely masking and wearing plainclothes without visible law enforcement identification while on duty. According to a letter from twenty-one State Attorney Generals to members of Congress, this practice poses "significant public safety risks".<sup>1</sup>

Other jurisdictions and states around the country – such as the City of Denver, the State of California, and the State of Virginia - have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.<sup>2</sup> The Maryland General Assembly recently introduced legislation that would ban law enforcement officials from wearing masks on duty.<sup>3</sup>

According to its lead sponsor, the purpose of Bill 5-26 is to "strengthen community safety by ensuring residents can clearly identify law enforcement."<sup>4</sup> Bill 5-26 would ban federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. Exceptions to this ban include:

- Medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- Masks designed to protect against exposure to smoke during a fire;
- Masks that are necessary to perform duties during a water rescue operation;
- Masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- Masks designed to protect against exposure to cold during a declared weather emergency; or
- Agents on a SWAT team.<sup>5</sup>

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.<sup>6</sup>

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## ANTICIPATED IMPACTS

There is some emerging research which shows local policies that promote safety and protection for immigrants can help local immigrant communities feel safer and allow for trust to be built between local governments and immigrant communities.<sup>7</sup> This can aid in increasing access to local resources, especially for immigrants with insecure citizenship status that face structural barriers in accessing government services.<sup>8</sup> However, research is unclear on the overall impact on how these policies affect immigrants' access to resources – such as food, affordable housing, stable employment, and healthcare, which would increase capacity to respond to natural disasters and storms.<sup>9</sup>

Community resilience includes housing, healthcare, infrastructure, and the well-being of community members – the more resources a community has, the better a community can respond to natural disasters and storms.<sup>10</sup> However, as the Bill proposes a ban on law enforcement officials wearing a mask or other facial covering while on duty and would not provide further protections to immigrant communities against federal immigration enforcement, OLO anticipates Bill 5-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.<sup>11</sup> OLO does not offer recommendations or amendments as Bill 5-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

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## CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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# PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

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## CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

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<sup>1</sup> [Letter from State Attorney Generals to Members of Congress, RE- Ice Masking Legislation, Sent July 15, 2025.](#); [Office of the New York State Attorney General, "Press Release: Attorney General James Leads Coalition Urging Congress to Protect Americans from Masked ICE Agents", July 15, 2025.](#)

<sup>2</sup> [WUSA9, "Maryland lawmakers propose ban on police masks amid immigration crackdown", January 15, 2026.](#); [California Legislative Information, SB-627 Law enforcement: masks, Effective September 20, 2025.](#); [PBS, "Q&A: Denver Councilmember on the Effort to Unmask ICE Agents", January 26, 2026.](#); [WRIC, "State lawmaker introduces bill to unmask ICE in Virginia", November 25, 2025.](#)

<sup>3</sup> [Maryland General Assembly, SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings, Introduced January 14, 2026.](#)

<sup>4</sup> [Introduction Staff Report for Bill 5-26, Police - Mask or Facial Coverings - Prohibited \(The Unmask ICE Act\), Montgomery County Council, Introduced January 20, 2026.](#)

<sup>5</sup> [Ibid.](#)

<sup>6</sup> [Ibid.](#)

<sup>7</sup> [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Bruce, B. and Crettex, L., "The Invisible Boundaries of Sanctuary Cities: Local Policies Towards Undocumented Migrants in Los Angeles During COVID-19", Urban Migrant Inclusion and Refugee Protection - Volume 2, August 2, 2025.](#); [Houston, A. R., et. al., "Challenging federal exclusion: Immigrant safety, health, and healthcare access in sanctuary cities", Health & Place Journal, May 2022.](#)

<sup>8</sup> [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Bruce, B. and Crettex, L., "The Invisible Boundaries of Sanctuary Cities: Local Policies Towards Undocumented Migrants in Los Angeles During COVID-19", Urban Migrant Inclusion and Refugee Protection - Volume 2, August 2, 2025.](#)

<sup>9</sup> [Kaiser Family Foundation, "Understanding the U.S. Immigrant Experience: The 2023 KFF/LA Times Survey of Immigrants, September 17, 2023.](#); [Houston, A. R., Salhi, C., and Lincoln, A. K., "Messaging inclusion with consequence: U.S. sanctuary cities and immigrant wellbeing", Journal of Migration and Health, July 23, 2023.](#); [Fabi, R. and Cervantes, L., "Undocumented Immigrants and COVID-19: A Call for Federally Funded Health Care", Jama Health Forum, September 3, 2021.](#)

<sup>10</sup> [National Institute of Standards and Technology, "Community Resilience", Accessed 1/30/2026.](#); [FEMA, "National Resilience Guide: A Collaborative Approach to Building Resilience", August 2024.](#)

<sup>11</sup> Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## BILL 5-26: POLICE - MASK OR FACIAL COVERINGS - PROHIBITED (THE UNMASK ICE ACT)

### SUMMARY

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The Office of Legislative Oversight (OLO) anticipates Bill 5-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Amid the current immigration enforcement environment, Black and Latinx community members would disproportionately benefit from a ban on law enforcement wearing face coverings while on duty.

### PURPOSE OF RESJ IMPACT STATEMENTS

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RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.<sup>1</sup> This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.<sup>2</sup>

### PURPOSE OF BILL 5-26

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Aggressive federal immigration enforcement in the County and throughout the United States has created a heightened sense of fear and further eroded public trust in law enforcement. Immigration and Custom Enforcement (ICE) officers are now routinely masking and wearing plainclothes without visible law enforcement identification while on duty. According to a letter from twenty-one State Attorney Generals to members of Congress, this practice poses “significant public safety risks.”<sup>3</sup>

Other jurisdictions and states around the country – such as the City of Denver, State of California, and State of Virginia – have introduced or passed legislation banning local, state, and federal law enforcement officials from wearing a mask while on duty.<sup>4,5,6</sup> The Maryland General Assembly also recently introduced legislation that would ban law enforcement officials from wearing masks on duty.<sup>7</sup>

According to its lead sponsor, the purpose of Bill 5-26 is to “strengthen community safety by ensuring residents can clearly identify law enforcement.”<sup>8</sup> Bill 5-26 would ban federal, state, and local law enforcement officers from wearing masks or other face coverings while on duty in the County. Exceptions to this ban include:<sup>9</sup>

- Medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- Masks designed to protect against exposure to smoke during a fire;
- Masks necessary to perform duties during a water rescue operation;
- Masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- Masks designed to protect against exposure to cold during a declared weather emergency; or
- Agents on a SWAT team.

# RESJ Impact Statement

## Bill 5-26

The County Council introduced Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act), on January 20, 2026.

This RESJIS builds on the ones for:

- Expedited Bill 26-24, Police - U visa Law Enforcement Certification Policy, published in December 2024;<sup>10</sup>
- Expedited Bill 30-25, Noise Control – Leaf Removal Equipment – Enforcement Procedures, published in October 2025;<sup>11</sup>
- Expedited Bill 35-25, County Administration - Immigrant Protection, published in January 2026;<sup>12</sup> and
- Bill 3-26, Administration – Immigration Enforcement Guidance – Required, published in March 2026.<sup>13</sup>

Please refer to the RESJISs for Bills 26-24 and 3-26 for background on undocumented community members, U.S. immigration and racial equity.

### ANTICIPATED RESJ IMPACTS

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To consider the anticipated impact of Bill 5-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

All community members, regardless of race or ethnicity, could benefit from a ban on law enforcement wearing face coverings while on duty. This could help improve transparency during law enforcement interactions and prevent further confusion and fear among community members. Amid the current immigration enforcement environment, where masked ICE agents are targeting Black and Latinx communities with indiscriminate and violent immigration enforcement,<sup>14,15</sup> Black and Latinx community members would disproportionately benefit from this ban.

Therefore, OLO anticipates Bill 5-26 would have a positive impact on RESJ in the County.

### RECOMMENDED AMENDMENTS

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The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.<sup>16</sup> OLO anticipates Bill 5-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, should the Council seek to improve the RESJ impact of this bill, OLO offers one policy option for Council consideration:

- **Consider additional measures to improve law enforcement transparency and enforcement of Bill 5-26.** For example, in Denver, Colorado, a proposed ban on face coverings for law enforcement would also require law enforcement to wear identification during interactions. The proposed law would also enable the Denver Police Department to cite or arrest law enforcement officers who do not comply.<sup>17</sup> Measures such as these could better ensure community members are able to properly identify law enforcement and that law enforcement officers comply with the law.

# RESJ Impact Statement

## Bill 5-26

### CAVEATS

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Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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<sup>1</sup> Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World](#) and [Racial Equity Tools](#).

<sup>2</sup> Ibid.

<sup>3</sup> [Letter from State Attorney Generals to Members of Congress RE- Ice Masking Legislation](#), Office of the New York State Attorney General, July 15, 2025.

<sup>4</sup> [SB-627 Law enforcement: masks](#), California Legislative Information, Effective September 20, 2025

<sup>5</sup> ["Q&A: Denver Councilmember on the Effort to Unmask ICE Agents"](#), PBS, January 26, 2026.

<sup>6</sup> ["State lawmaker introduces bill to unmask ICE in Virginia,"](#) WRIC, November 25, 2025

<sup>7</sup> [SB001 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings](#), Maryland General Assembly, Introduced January 14, 2026.

<sup>8</sup> [Introduction Staff Report for Bill 5-26](#), Montgomery County Council, introduced January 20, 2026.

<sup>9</sup> Ibid.

<sup>10</sup> [RESJIS for Expedited Bill 26-24](#), Office of Legislative Oversight, December 17, 2024.

<sup>11</sup> [RESJIS for Expedited Bill 30-25](#), Office of Legislative Oversight, October 21, 2025.

<sup>12</sup> [RESJIS for Expedited Bill 35-25](#), Office of Legislative Oversight, January 12, 2026.

<sup>13</sup> [RESJIS for Bill 3-26](#), Office of Legislative Oversight, March 2, 2026.

<sup>14</sup> M. Hellmann, ["It's like they're hunting': US citizens and legal residents report increase in racial profiling by ICE,"](#) The Guardian, January 22, 2026.

<sup>15</sup> N. Foy, ["We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged and Detained for Days,"](#) ProPublica, October 16, 2025.

<sup>16</sup> [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.](#)

<sup>17</sup> K. Harris, ["Denver advances ban on masks for immigration agents and police with strong support,"](#) Denverite, February 23, 2026.



## ADVISORY COMMISSION ON POLICING

March 9, 2026

The Honorable Natali Fani-González  
President, Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

**Subject:** Advisory Commission on Policing (ACP) Analysis and Recommendations on Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act)

Dear Council President Fani-González and Members of the County Council:

Pursuant to its charter, the Advisory Commission on Policing (ACP) would like to convey our analysis and advice regarding Bill 5-26, Police – Mask or Facial Coverings – Prohibited (The Unmask ICE Act).<sup>1</sup>

The ACP welcomes the bill's intent to enhance transparency and accountability in public safety, as well as ensuring that residents can clearly identify law enforcement officers. Despite the bill's potential benefits, some Commissioners expressed concerns regarding its timing and effectiveness, as there is a similar initiative already underway in the state legislature and the provisions related to federal agents may not be enforceable. Nonetheless, the consensus is that the use face coverings intended to hide a law enforcement officer's identity or to intimidate the public is a sharp break with the American historical tradition in policing and have no place in law enforcement.<sup>2</sup>

In this context we make the following recommendations to enhance the positive outcomes expected from the bill, we recommend:

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<sup>1</sup> For text of the bill see:

[https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

<sup>2</sup> On February 3, 2026, the Maryland Senate passed SB-1 prohibiting law enforcement officers from wearing a certain face covering while in the performance of duty in the State. The bill is now with the Maryland General Assembly. See: <https://www.billtrack50.com/billdetail/1926209>

- *That Bill 5-26 be modified to explicitly define the items being proscribed.*
- *That the bill explicitly articulate its purpose to ban the use of facial coverings used to intimidate or hide an officer's identity in order to ensure transparency and accountability in law enforcement. We also suggest modifying Section 2 "Short Title" to ensure an emphasis on transparency and accountability in law enforcement.*
- *That the following exceptions be added to Section 1(e):*
  - *Law enforcement officers working in authorized undercover operations.*
  - *Garments worn for religious purposes.*
  - *Face shields designed to protect the wearer's face.*
  - *Helmets worn by officers utilizing a motorcycle or other vehicle that requires a helmet for safe operations.*
  - *Any other item worn in accordance with applicable laws on occupational health and safety or reasonable workplace.*
- *That the bill convey the expectation that law enforcement agencies consider the use of masks for prohibited purposes as a serious violation and treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.*

Apart from Bill 5-26, we encourage MCPD to include in its regulations the explicit requirement that all uniformed officers, including Special Weapons and Tactics (SWAT) members, wear an MCPD badge, name tag, and identification (ID) number on their uniform.

We also encourage the Council to urge our Representatives and Senators in the U.S. Congress to advance legislation prohibiting federal law enforcement officers from wearing "police" insignias or labels and requiring them to use agency identifiers (such as FBI, ICE or the more generic "Law Enforcement").

### **Bill Overview**

Bill 5-26 seeks to ban federal, state, and local law enforcement officers from wearing masks or face coverings while on duty in the County, with certain exceptions, such as:

- Medical-grade masks that are surgical or N95 respirators designed to prevent the transmission of airborne diseases;
- Masks designed to protect against exposure to smoke during a fire;
- Masks that are necessary to perform duties during a water rescue operation;
- Masks related to protection against exposure to biological or chemical agents during an incident where such agents may be present;
- Masks designed to protect against exposure to cold during a declared weather emergency; or

Advisory Commission on Policing

- Agents on a SWAT team.<sup>3</sup>

## Bill Analysis

Though the sponsors of Bill 5-26 cite the tactics used by federal agencies to enforce immigration laws, our analysis and recommendations are focused on policing and the County's public safety goals.

The use by federal agents of face masks or coverings to intimidate or hide an enforcement officer's identity undermines the progress Montgomery County has achieved in building trust between law enforcement and the public. It harkens back to the extra-judicial vigilantism of centuries past and is inimical to the historical tradition of policing in America. Moreover, the use of masks engenders in the wearer a sense of anonymity and impunity that is antithetical to longstanding policing practices, including Policing by Consent and Community Policing.<sup>4</sup>

The use of masks by law enforcement personnel has been justified by generalized concerns for officer's safety, including doxing, but we find this argument to be unpersuasive.<sup>5</sup> Though some specialized units in countries wracked by organized crime or

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<sup>3</sup> For text of the bill see:

[https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

<sup>4</sup> See Peelian principles: "To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence," in <https://ministryofjustice.co.uk/what-is-policing-by-consent/>. Community policing and police officer anonymity are fundamentally opposing concepts in modern law enforcement. While community policing relies on transparency, mutual trust, and personal connection, anonymity often serves as a barrier to these goals by reducing accountability and fostering public distrust. See <https://www.theiacp.org/topics/community-police-engagement#:~:text=Trust%20and%20transparency%20between%20law,solid%20foundation%20for%20tha%20trust>.

<sup>5</sup> Doxing (or doxxing) is the malicious act of researching and publicly releasing an individual's personally identifiable information (PII)—such as home address, phone number, or private emails—online without consent. It is used to intimidate, harass, shame, or threaten victims. Doxing victims in the U.S. are frequently journalists, public officials, activists, and individuals involved in, or targeted by, intense political/ideological debates. Women, particularly women of color and those in the LGBTQI+ community, are disproportionately targeted for harassment. Victims also include minors, cryptocurrency users, and individuals involved in public controversies. <https://www.naag.org/attorney-general-journal/the-escalating-threats-of-doxing-and-swatting-an-analysis-of-recent-developments-and-legal-responses/#:~:text=More%20recently%2C%20doxxing%20has%20become,coordinated%20form%20of%20digital%20persecution>.

## Advisory Commission on Policing

terrorism wear face masks during high-risk operations, police officers in Colombia did not lords who placed bounties on police officers' heads.<sup>6</sup>

The wearing of masks or facial coverings for the purpose hiding the officer's identity or to intimidate the public poses a significant potential harm to the County's public safety goals, but some Commissioners noted that Bill 5-26 contains no enforcement provisions. We believe that the intentional use of masks for these prohibited purposes should be considered more serious than a mere uniform violation and that any legislation on the subject should convey the expectation that law enforcement agencies operating in the county should treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.

In effect, Bill 5-26 seeks to dictate what local police, as well as state and federal agents, may or may not wear in the performance of their duties. This may conflict with federal authority, raising issues under the U.S. Constitution's supremacy clause, and may not be enforceable, as the Maryland Attorney General's office has opined regarding the similar bill under consideration by the Maryland State legislature.<sup>7</sup> Indeed, by including Section 1 (e) "Severability," the drafters of Bill 5-26 signal an expectation that the bill may be challenged in court and that some of its provisions could be "found unconstitutional or otherwise invalid by a decision of a court of competent jurisdiction."<sup>8</sup>

Additionally, some Commissioners expressed doubts about the wisdom of advancing Bill 5-26 while the Maryland state legislature is considering similar legislation, which would supersede the County's bill. If passed into law, the state bill might require that the county modify its legislation to resolve any conflicts between the county and state versions. In any case, we believe others are better positioned to judge the timing of Bill 5-26 or whether including state and federal law enforcement officers is a legally sound approach, has merits as an aspirational statement reflecting the county's values, or is useful in testing relevant issues in the courts.

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<sup>6</sup> Pablo Escobar offered bounties of about \$1,000 for killing police officers in the 1990s as a retaliatory measure against police operations.

<sup>7</sup> Letter from Bilbrough, Nataly R., Assistant Attorney General of Maryland, to Williams, Nicole A., Delegate, Maryland General Assembly (January 21, 2026).

<sup>8</sup> Section 1 (e):

[https://www2.montgomerycountymd.gov/mcgportalapps/Press\\_Detail.aspx?Item\\_ID=48132&Dept=1#:~:text=Balcombe%20\(District%202\).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26](https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=48132&Dept=1#:~:text=Balcombe%20(District%202).-,The%20Unmask%20ICE%20Act,-%2C%20Bill%205%2D26)

#### Advisory Commission on Policing

## Police Operational Considerations

The Commission on Accreditation for Law Enforcement Agencies (CALEA) standards regarding police identification are part of a broader framework to hold personnel accountable and ensure professional conduct. Key standards (specifically under 1.1.7) mandate that agencies establish policies for employee identification, including badges, ID cards, and uniform, which help foster public trust.<sup>9</sup>

We have no indication that MCPD officers wear masks to hide their identities or intimidate the public. On the contrary, current MCPD practice is for officers to wear identifying badges, names and identification number on their uniform.<sup>10</sup> The Maryland Police Accountability Act (MPAA) of 2021 requires that “while executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.” It also requires that, absent exigent circumstances, a police officer shall at the commencement of a traffic stop or other stop display proper identification to the stopped individual, and provide the officers name, badge/identification number.<sup>11</sup>

We have been unable to find written MCPD policies proscribing the wearing of facial coverings intended to hide an officer’s identity, nor did we find a written policy mandating the wearing of visible identifying information on the uniform. FC-0300 (Department Rules) requires members of the department to display their credentials and furnish their full name and identification number to “all persons who request the same when the employee is acting in an official capacity,” but MCPD regulation FC-0400 (Uniforms and Equipment) contains no specific policies regulating the use of face masks to hide an officer’s identity.<sup>12</sup> However, MCPD tells us that the Policy and Planning Division is currently updating the uniform function code to align with current practice and MPAA “requirements and to clearly reflect [the] long-standing practice of incorporating all three identifiers on [...] full police uniforms.”<sup>13</sup> Also, Maryland House Bill 1415, introduced February 13, 2026, would if enacted, require the Maryland Police Training and Standards Commission to create a model policy for law enforcement agencies that mandates officers to wear visible identification while on duty. This identification must include the officer's agency, last

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<sup>9</sup> <https://www.calea.org/node/11406>

<sup>10</sup> <https://www.facebook.com/reel/1580394689969260>. See also Michael Pratt, Chief of Staff to MCPD Chief Yamada, e-mail message to ACP Staff, March 5, 2026.

<sup>11</sup> Maryland Police Accountability Act of 2021, House Bill 670 (HB 670), enacted as Chapter 59 of the 2021 Laws of Maryland.

<sup>12</sup> <https://www.montgomerycountymd.gov/pol/resource/directives/400.html> and <https://www.montgomerycountymd.gov/POL/resource/Directives/300.html#:~:text=FC%200300-Department%20Rules,-%2C%20HQ%20Memo>.

<sup>13</sup> Michael Pratt, Chief of Staff to MCPD Chief Yamada, e-mail message to ACP Staff, March 5, 2026.

name, and a badge or identification number, and it must be displayed on the outermost layer of clothing.<sup>14</sup>

As noted above, Section 1(b) of Bill 5-26 includes exceptions to the face mask ban, but no exception for religious coverings, face protectors attached to helmets, or for undercover operations.<sup>15</sup> Law enforcement agencies, including police departments in New York and Nashville, are increasingly updating policies to allow religious head coverings (such as hijabs, turbans, and yarmulkes) to be worn with uniforms.<sup>16</sup> Similarly, police officers are often equipped with special helmets with face shields for crowd control, specialized or high-risk operations, and for motorcycle patrols.

Section 1(c) of Bill 5-26 provides an exception for Special Weapons and Tactical Team (SWAT) officers, which would allow them to utilize gear necessary to protect their faces from physical harm in the performance of their duties. Though not required by department regulations, MCPD tells us that SWAT operators wear an MCPD badge and a nametag with their ID number on their uniforms. To allay possible concerns that protective gear could obscure a SWAT officer's identity, however, MCPD regulations should require SWAT team members to wear the three identifiers (badge or badge equivalent, name tag and ID number) on their uniform. While it is possible that a law enforcement officer who is not assigned to a SWAT unit could encounter a situation that requires the need for protective gear that hides facial features, we see no reason for exceptions to the requirement that uniformed officers, including SWAT team members, wear clear identifiers (badge or equivalent, name tag and ID number).

However, police officers working in authorized undercover operations must hide their identity. Bill 5-26 should include exceptions that enable undercover officers to maintain operational integrity and officer safety.

### **Public Safety Considerations**

We don't question the authority of federal agents to enforce immigration laws but supporting the immigrant members of our community and rejecting aggressive and indiscriminate tactics is consistent with both the values of our community as well as the

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<sup>14</sup> <https://legiscan.com/MD/drafts/HB1415/2026>.

<sup>15</sup> See, for example, Section 3-535(A)(2)(III) of Maryland Bill SB-1, Public Safety - Law Enforcement Officers - Prohibition on Face Coverings.

<sup>16</sup> [https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20\\*,include:%20\\*%20Sikhs%20\\*%20Jews%20\\*%20Muslims](https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20*,include:%20*%20Sikhs%20*%20Jews%20*%20Muslims). See also, <https://www.npr.org/2021/04/25/990610427/police-officers-in-nashville-may-wear-religious-head-coverings>

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County’s public safety goals. As we have stated in previous letters to the Council, encouraging immigrants in our community to report crimes and cooperate with the police and law enforcement is crucial for solving cases, community policing, and our public safety goals.

We have seen reports that federal immigration officials are making apprehensions on the street while wearing civilian clothes and face masks. This highly unusual tactic is a break with the law enforcement traditions in this country and reminds us of tactics used by extra-judicial squads in authoritarian regimes. Moreover, the tactic undermines public safety, as it engenders an aura of fear and undermines public safety. It is being mimicked by criminals to gain an advantage over victims and confuse witnesses.<sup>17</sup>

We are also concerned by the use of “police” labels worn by Department of Homeland Security and other federal agents. While the United States has federal law enforcement agencies, such as the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE), etc., there is no federal police agency. Federal law enforcement officers do not perform many of the public safety functions we identify with police departments. But the aggressive tactics used by federal immigration law enforcement officers, combined with the confusion created by the “police” labels they sometimes wear, tarnish the reputation of local police departments and undermine the trust MCPD officers are working hard to build among residents in the county. As county and state efforts to dictate the uniform policies of federal agents may be unenforceable, we believe it is important that the Montgomery Council urge our Representatives and Senators in the U.S. Congress to advance legislation prohibiting federal law enforcement officers from wearing “police” insignias or labels and requiring them to use instead agency identifiers (such as FBI or ICE) or generic “Law Enforcement” labels.

### **ACP Recommendations**

Bill 5-26 does not provide a specific definition of what constitutes a proscribed mask or facial covering, only exceptions. To avoid confusion,

- *We recommend that Bill 5-26 be modified to explicitly define the items being proscribed.*<sup>18</sup>

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<sup>17</sup> In a May 2025 law enforcement bulletin, the Federal Bureau of Investigation alerted law enforcement agencies that criminals posing as US immigration officers have carried out robberies, kidnappings, and sexual assaults in several states. See: <https://propertyofthepeople.org/document-detail/?doc-id=26364028>

<sup>18</sup> See, for example, Section 3-535(A)(2)(l) of Maryland Bill SB-1, Public Safety - Law Enforcement Officers - Prohibition on Face Coverings at

The public safety considerations supporting Bill 5-26 are fundamental and immutable, but provisions in the bill related to federal agents may not be enforceable or stand under judicial review. Therefore, to avoid future confusion should provisions of the bill be successfully challenged in the courts,

- *We recommend that text of the bill explicitly underscore that its purpose is to ban the use of face coverings used to intimidate or hide a law enforcement officer's identity and ensure the transparency and accountability of law enforcement operations in the county, and*
- *We suggest modifying Section 2 "Short Title" to shift the emphasis from a single federal law enforcement agency to transparency and accountability in law enforcement.*

The safety of law enforcement officers in undercover operations requires them to hide the fact that they belong to a law enforcement agency, as well as their identity. Also, there are pieces of equipment needed to protect an officer's face that are not included among the exceptions in Section 1(e).

- *We recommend that the following exceptions be added to Section 1(e):*
  - *For law enforcement officers working in authorized undercover operations.*
  - *Garments worn for religious purposes.*
  - *Face shields designed to protect the wearer's face.*
  - *Helmets worn by officers utilizing a motorcycle or other vehicle that requires a helmet for safe operations.*
  - *Any other item worn in accordance with applicable laws on occupational health and safety or reasonable workplace.*

The intentional use of masks for prohibited purposes undermines the County's public safety goals and should be considered more serious than a mere uniform violation.

- *The bill should convey the clear expectation that law enforcement agencies consider the use of masks for prohibited purposes as a serious violation and treat it accordingly, including with formal disciplinary action or dismissal, as appropriate.*

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<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0001#:~:text=Title%20Public%20Safety%20%2D%20Law%20Enforcement,Toggle%20History%20Dropdown>  
[https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20\\*,include:%20\\*%20Sikhs%20\\*%20Jews%20\\*%20Muslims](https://www.governing.com/archive/tns-nypd-turbans-beards.html#:~:text=The%20new%20policy%20allows%20officers%20to:%20*,include:%20*%20Sikhs%20*%20Jews%20*%20Muslims)

Advisory Commission on Policing

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We hope you find this letter useful. Please feel free to contact us if you have any questions regarding this matter.

Sincerely,

Rev. Brian Bellamy,  
Chair  
Advisory Commission on Policing

CC: County Council  
Marc Yamada, MCPD Chief  
Dawn Luedtke, Chair, Criminal Justice Coordinating Commission

Advisory Commission on Policing

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**AMENDMENTS  
BY  
COUNCILMEMBER JAWANDO**

Bill 5-26, Police – Mask or Facial Coverings – Prohibited  
(The Unmask ICE Act)

**Amendment #1**

*Beginning on page 3 of the original bill, insert on line 34, as follows:*

1 **Sec 3. Sunset.** Section 1 of this Act must sunset and be of no further force and effect  
2 upon the adoption of a uniform policy by the Maryland Police Training and Standards  
3 Commission prohibiting the use of face coverings by law enforcement officers, as  
4 required by Senate Bill 1 (2026) (cross-filed as House Bill 155 (2026)), enacted by the  
5 Maryland General Assembly on April 13, 2026.

**Amendment #2**

*Beginning on page 2 of the original ball, insert on line 24, as follows:*

6 (a) *Definitions.*  
7 *Identification* means a law enforcement officer’s agency or department,  
8 last name, and badge number or other identification number.  
9 (d) *Identification for law enforcement officers – requirements.*  
10 (1) A law enforcement officer must wear identification on the  
11 outermost layer of clothing while in the performance of duty in the  
12 County.  
13 (2) On request of another, a law enforcement officer must verbally  
14 disclose identification while in the performance of duty in the  
15 County.

16                   (3) Subsection (d) does not apply to a law enforcement officer  
17                   working in plainclothes, non-uniformed, or undercover capacity.

**Amendment #3**

*Beginning on page 3 of the original bill, insert on line 25, as follows:*

18   (e) Enforcement.

19           (1) Procedures.

20                   (A) As authorized under Section 1-18, an enforcement officer may  
21                   issue a civil citation to a law enforcement officer whom the  
22                   enforcement officer believes is committing or has committed a  
23                   violation of County law.

24                   (B) The County may enforce this Section under Section 1-18 of the  
25                   County Code.

26           (2) Fines and penalties. A law enforcement officer who violates the  
27           provision of this Section or fails to comply with any of the requirements  
28           thereof, disobeys, or disregards the Department's rules or policies, may  
29           be subject to a Class A violation as set forth under Section 1-19 of the  
30           County Code.

31           (3) A violation of this Section may constitute police misconduct.

**AMENDMENT  
BY  
COUNCILMEMBER KATZ**

Bill 5-26, Police – Mask or Facial Coverings – Prohibited  
(The Unmask ICE Act)

*Beginning on page 3 of the original bill, insert on line 33, as follows:*

1        (g) Reporting a violation or misconduct by a law enforcement officer. A  
2        County police officer or a member of the public who witnesses a law  
3        enforcement officer wearing a mask or face covering in violation of  
4        subsection (b) may file a complaint through an online platform designated  
5        by the Executive.

6        (h) A violation reported under subsection (g) should include as much  
7        information as possible, including:

8            (1) the law enforcement officer’s agency or department, last name,  
9            badge number, or other identification number;

10          (2) the date, time, location of the alleged violation; and

11          (3) a description of what was observed.

12        (i) The information submitted through the online portal may be used by the  
13        Office of County Attorney to assist in enforcing County law and to make  
14        any appropriate referrals to third parties, including the Administrative  
15        Charging Committee.

\* \* \*

17        **Sec 3. Implementation - required.** On or before the effective date of this Act, the  
18        County Executive must develop and make available an online platform to implement  
19        a public reporting system to receive information regarding alleged violations under  
20        Section 1 of this Act.