



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).¹

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.²

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

¹ 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)

² 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

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- Agents on a SWAT team.³

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.⁴

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.⁵ Though some specialized units in countries wracked by organized crime or

³ 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)

⁴ 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.>

⁵ 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.>

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

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.⁷ 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."⁸

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.

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

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

⁸ 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)

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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.⁹

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.¹⁰ 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.¹¹

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.¹² 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.”¹³ 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

⁹ <https://www.calea.org/node/11406>

¹⁰ <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.

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

¹² <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>.

¹³ 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.¹⁴

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.¹⁵ 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.¹⁶ 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

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

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

¹⁶ 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>

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.¹⁷

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.*¹⁸

¹⁷ 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>

¹⁸ 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.*

<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

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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

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