

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

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

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.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

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.”³

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.^{4,5,6} The Maryland General Assembly also recently introduced legislation that would ban law enforcement officials from wearing masks on duty.⁷

According to its lead sponsor, the purpose of Bill 5-26 is to “strengthen community safety by ensuring residents can clearly identify law enforcement.”⁸ 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:⁹

- 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.

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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;¹⁰
- Expedited Bill 30-25, Noise Control – Leaf Removal Equipment – Enforcement Procedures, published in October 2025;¹¹
- Expedited Bill 35-25, County Administration - Immigrant Protection, published in January 2026;¹² and
- Bill 3-26, Administration – Immigration Enforcement Guidance – Required, published in March 2026.¹³

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

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,^{14,15} 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

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.¹⁶ 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.¹⁷ 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.

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CAVEATS

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.

¹ 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](#).

² Ibid.

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

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

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

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

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

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

⁹ Ibid.

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

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

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

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

¹⁴ 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.

¹⁵ 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.

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

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