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SB 1 – Public Safety – Law Enforcement Officers – Prohibition on Face Coverings

Senate Judicial Proceedings Committee

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INFORMATIONAL

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Chairman and members of the Committee, thank you for the opportunity to provide informational testimony on SB 1 - Public Safety - Law Enforcement Officers - Prohibition on Face Coverings. This legislation would establish a statewide prohibition on certain face coverings for all law enforcement officers operating in the state while on duty. This issue is complex and raises various questions regarding transparency, accountability, civil liberties, and officer safety. In this testimony, I aim to outline these complexities for the committee's consideration.

As evidenced by our state law, identification is a cornerstone of accountable policing. When officers hide their faces during routine interactions, the public loses their ability to know who is exercising their authority, report misconduct, or build trust in their law enforcement institutions. However, this is not just about identity, but about anonymity. Concealed identities can undermine public trust, but there are circumstances where police anonymity is necessary to protect officers from targeted threats. This bill must strike a balance between these challenges without eroding transparency or legitimate safety measures.

In a broader context, this topic also intersects with concerns about surveillance by law enforcement agencies. Federal Agencies, such as the U.S. Immigration and Customs Enforcement (ICE), have a known history of monitoring protestors, raising First Amendment implications. Any policy regulating face coverings must not infringe on the rights of private citizens, including protestors who choose to cover their faces to protect them against government surveillance and retaliation. While SB 1 only applies to law enforcement officers, making the distinction is important for how individuals will interpret the law.

The bill also attempts to address officer safety directly by outlining a number of exceptions when law enforcement officers are authorized to wear face coverings. These include medical masks, tactical gear, religious garments, and other equipment permitted by workplace safety laws. These exceptions acknowledge that officer safety is a priority and not just a concern, and that they face hazardous situations every day where protective gear



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is essential. The challenge lies in determining where legitimate safety needs end and where unnecessary concealment begins.

To resolve this, the legislation requires the Maryland Police Training and Standards Commission to develop model policy that affirms its commitment to transparency while also keeping officer safety at the forefront. This approach recognizes that officer safety is real by ensuring that policy is clearly defined, consistently applied, and limited to circumstances where it is genuinely needed.

The question of jurisdiction also creates another layer to this issue. While SB 1 broadly defines “law enforcement agency” to include federal agencies operating in Maryland, the Supremacy Clause of the U.S. Constitution limits the state’s authority over federal personnel. Maryland may set expectations for how federal officers operate in the state, but it cannot impose criminal liability on federal officers whose actions are governed by federal law or operational policy. Although the bill signals Maryland’s commitment to transparency, its enforceability over ICE agents and other federal law enforcement personnel is limited.

Finally, the bill’s definition of “face covering” is clear and explicitly excludes religious garments. However, it is important to note that arguments used to oppose religious face coverings in public spaces have been linked to terrorism, citing that masked individuals can facilitate terrorism or violent crimes by hiding their identity. Individuals point to cases in which mass perpetrators were not identified, and that is now being used to defend ICE and other federal agencies that have used face coverings while on duty. While the bill draws a line between the two, there must be clear communication with the public about the bill’s intent and that the distinction between private religious expression and state authority is maintained.



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