

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: SEE BELOW

DATE: October 17, 2025

SUBJECT: ORDINANCE PROHIBITING LAW ENFORCEMENT OFFICERS FROM CONCEALING THEIR IDENTITIES IN THE CITY OF SAN JOSE

RECOMMENDATION

Approve an ordinance of the City of San José adding a new Chapter 10.54 to Title 10 of the San José Municipal Code requiring all law enforcement officers operating in the City of San José to wear clearly visible identification and prohibiting the use of face coverings that obscure identity during public interaction, with limited exceptions.

BACKGROUND

On October 1, 2025, the City Council directed the City Attorney to return to Council with an ordinance for Council consideration that would:

1. Prohibit Concealment of Identity
 - Prohibit all law enforcement officers, including federal agents operating within the City of San José, from wearing any mask or personal disguise while interacting with the public in the course of their duties within the City.
 - Appropriate, pre-approved exemptions would apply, including the use of gas masks, fire/smoke protection masks, or medical grade masks, when necessary, as well as exemptions for lawful undercover law enforcement operations and operations predefined by the Chief of Police.
2. Require Visible Identification
 - All law enforcement officers, including federal agents operating within the City of San José, must wear visible identification and clear agency affiliation while interacting with the public during their duties within the City.
3. Information Sharing
 - SJPd will report to the City Manager's Office any instance where Police Department Officers respond to an incident involving a federal agency conducting immigration enforcement activity in the City.

- The City Manager's Office will share the reports to the Council Offices and will then partner with the Council offices to share them with a cross-sector community leadership group. Before undertaking operations that are reasonably likely to involve agency personnel wearing facial coverings, require federal law enforcement agencies to provide advance notice to the San Jose Police Department.
4. Use CIPC Ordinance as Guiding Framework
- The City Attorney's Office shall use the ordinance template prepared by the California Immigrant Policy Center (CIPC) regarding law enforcement officer identification and prohibition of face coverings as a guiding framework when developing the proposed draft ordinance for the City of San José.

ANALYSIS

The proposed ordinance reflects the City Council's direction and is largely modeled on the CIPC's ordinance template. However, several modifications have been made to tailor the ordinance to local needs and incorporate recent developments:

1. Inclusion of Information Sharing Provisions

Language has been added to formalize the information-sharing protocols directed by Council, including coordination between SJPd, the City Manager's Office, and community leadership.

2. Incorporation of Recent State Legislation

The ordinance incorporates and references two recently enacted California Senate Bills:

- **SB 627:** Prohibits law enforcement officers, including federal agents operating in California, from wearing face coverings that obscure their identity during the performance of official duties, with limited exceptions.
- **SB 805:** Requires non-uniformed law enforcement officers to visibly display identification—including their agency and either a name or badge number—when performing enforcement duties. SB 805 also amends the Penal Code to clarify that impersonation laws apply to federal officers as well.

3. Expanded Exceptions for Masking Prohibition

Additional exceptions to the face-covering restrictions were added at the request of the Police Department to ensure operational flexibility while maintaining public accountability. The exemptions are for safety helmets when operating vehicles and devices to protect against exposure to toxins, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.

Enforceability Challenges

The proposed ordinance is potentially subject to enforceability challenges. As legislative analysis of SB 627 noted, the regulation of federal agencies and their agents could be subject to legal challenge under the doctrines of intergovernmental immunity and conflict preemption.¹

CONCLUSION

If approved, the proposed ordinance will prohibit, with limited exceptions, all law enforcement officers operating within the City of San José from concealing their identities and it will require them to wear visible identification. Additionally, it will require the Police Department to implement a protocol for law enforcement impersonation prevention, investigation, and reporting.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

COORDINATION

This memorandum has been coordinated with the Police Department.

¹ 9/10/2025 - Senate Public Safety

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB627#

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CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.

/s/
NORA FRIMANN
City Attorney

For questions please contact Terra Chaffee, Senior Deputy City Attorney, at (408) 535-1900.