

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2025

COUNCIL BILL NO. _____
COMMITTEE OF _____

REFERENCE:

A BILL

For an ordinance amending Chapter 28 of the Revised Municipal Code concerning the use of facial coverings by law enforcement officers.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That a new section 28-254 shall be added to chapter 28, article VIII, of the Code to read as follows:

Sec. 28-254. Limitations on Facial Covering of Law Enforcement Personnel

(a) *Purpose.* The purpose of this section is to address the use of facial covering by law enforcement personnel during the interrogation, detention, arrest of an individual within the City and County of Denver. The city recognizes the public safety fears that can result from the lack of identity and nonverbal communication between officers and members of the public. The absence of transparency by law enforcement personnel erodes trust with the general public and obstructs legitimate law enforcement operations.

(b) *Definitions.*

(1) "Facial covering" refers to any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including, but not limited to, a balaclava, tactical mask, gator, ski mask, and any similar type of facial covering or face-shielding item. The following will not be considered face coverings for the purposes of this section:

- a. A clear or translucent mask that does not conceal the identity of the law enforcement officers.
- b. A medical mask used to protect against the transmission of and disease or infection.
- c. A mask, face covering, or helmet that is otherwise required to comply with other local, state, or federal public safety standards.
- d. Eyewear necessary to protect against the use of potential retinal weapons, including, but not limited to tear gas and lasers.

(2) "Law enforcement personnel" means any person employed by any local, state, or federal agency that assists in the investigation of criminal or civil matters.

(c) Beginning on January 1st, 2027, no law enforcement personnel operating within the City and County of Denver shall wear a facial covering when performing duties that include the interrogation, detainment, arrest, or other activity that restrains the physical movement of an individual. Nothing in this section shall be construed to limit or obstruct any law enforcement agency in the enforcement of its duties.

(d) *Exemptions.* The following situations are exempted from subsection (c) of this section:

(1) Active undercover operations or assignments authorized by supervising personnel or court order.

(2) Tactical operations where protective gear is required for physical safety.

(3) Applicable law governing occupational health and safety.

(4) Applicable law governing reasonable accommodations.

(5) Personnel assigned to a Special Weapons and Tactics (SWAT) team unit while actively performing SWAT duties.

(e) *Facial coverings on city property.* Beginning on January 1st, 2027, no law enforcement personnel that is inside any city facility may wear a facial covering as defined in subsection (b) to conceal their identity.

COMMITTEE APPROVAL DATE: _____, 2025.

MAYOR-COUNCIL DATE: _____, 2025.

PASSED BY THE COUNCIL _____ 2025

_____ - PRESIDENT

APPROVED: _____ - MAYOR _____ 2025

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2025; _____ 2025

PREPARED BY: _____; DATE: _____

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance _____ is/_____is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Katie J. McLoughlin, Interim City Attorney

BY: _____, _____ City Attorney

DATE: _____

DRAFT