



JACKSON COUNTY **Office of the County Counselor**

Jackson County Courthouse-2nd Floor
415 East 12th Street
Kansas City, MO 64106

To: Jeanie Lauer,
Jackson County Legislator

From: Bryan Covinsky
County Counselor

Date: January 28, 2026

Subject: Legal guidance on Proposed Ordinance 6050

The Office of the County Counselor has been asked for an opinion regarding the legality of Proposed Ordinance 6050 (PO 6050) which seeks to prohibit all law enforcement officers operating with Jackson County “from concealing their faces or badges during performance of their official duties...”

While not stated in PO 6050, this legislation appears to be in reaction to the operations of federal Immigration and Customs Enforcement (ICE) officers which have been heavily featured on the news. ICE officers operating in Los Angeles, Washington D.C., Chicago and most recently Minneapolis have been seen to cover their faces, badges and refuse to identify themselves upon request. The federal government insists that this is appropriate standard operating procedure, however several affected state and local governments have expressed concern about the safety of residents and officers when ICE refuses to identify themselves.

It has been locally publicized that ICE is to begin alleged immigration enforcement operations in Jackson County in the coming weeks.

It is with this background that PO 6050 was drafted and submitted.

The County Counselor’s Office did not sign PO 6050 as to form, and cannot recommend its passage or enforcement, as the County does not have to authority to require or order federal law enforcement officers to abide by any local ordinances that are not also captured in federal law.

Federal law, due to the supremacy clause of the US Constitution, supersedes any state or local law to the contrary. While it is true that a municipality can make its own laws and can, in certain instances, exceed the strictness of federal or state law, it is not allowed to make or enforce laws that act in opposition to federal law.

For example, a state could not amend its own constitution to repudiate the 1st Amendment to the US constitution and require all news to be reviewed and approved before publishing or dissemination. This principle was recently upheld by the federal courts in a challenge made to Missouri’s Second Amendment Protection Act (SAPA) which sought to abrogate specific federal laws within the state of Missouri. This was soundly rejected as a violation of the supremacy clause.

In this instance, there is no U.S. code provision that prohibits federal law enforcement officers from wearing face masks. Attire is set by agency policy, not statute. With no authority to change the agency policy, states and municipalities cannot change or restrict the requirements of federal law enforcement officers uniform.

In the realm of law enforcement, municipalities are not authorized to dictate or restrict the operations of law enforcement that is not under its direct supervision, and even agencies that do act under the authority of a municipality have protections against undue interference on their activities by a municipality.

PO 6050 states that a failure to follow its dictates “may result in internal disciplinary action, increased exposure to civil liability in related legal claims, and criminal misdemeanor penalties...” The only law enforcement officers that this ordinance would be applicable to would be the Jackson County Sheriff’s Office.