



Legislation Details

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TO THE PRESIDENT AND MEMBERS OF THE COUNCIL OF THE CITY OF PHILADELPHIA:

I am hereby returning unsigned Bill Number 230510, introduced by Councilmember Anthony Phillips and passed by City Council on November 30, 2023. Bill No. 230510 Amends Chapter 10-600 of The Philadelphia Code, entitled "Public Spaces - Prohibited Conduct," by prohibiting certain facial coverings from being worn in certain spaces.

This bill is intended to limit crime and help PPD identify suspects. I am grateful to the City Council as a steadfast and committed partner in our efforts to address crime and reduce violence across the city. Nevertheless, this legislation raises several concerns that far outweigh its true potential as a solution.

- As a practical matter, this is a difficult law to enforce as individuals can move rapidly into and out of applicable spaces. Further, there are several exemptions related to intent that would be difficult to assess without first apprehending a would-be violator.
- As the exceptions written into this very bill reflect, wearing a ski mask by itself does not represent intent to engage in a crime or conceal oneself from law enforcement. That is a potential and recorded use of ski masks, but the same is true of many types of headwear and accessories. Targeting ski masks would only encourage the intended targets of this legislation to choose another facial covering not covered in this bill.
- Given the bill's reliance on intent, there is a high risk of selective enforcement against young people of color. The City's Youth Commission and Office of Black Male Engagement have raised this and other concerns to our attention and we highly value their input on this matter as representatives of the same populations that this bill intends to protect.

Finally, the legislation notes that ski masks were worn by perpetrators of multiple recent fatal shootings. We know that the common denominator in every shooting, however, is a firearm. Our residents' safety and wellbeing would be best served by focusing our efforts on the proven prevention programs championed by Council and this administration - and taking every measure to directly address the crisis of guns flooding our streets. Until we do that, we will always be fighting an uphill battle.

For these reasons, I am returning Bill Number 230510 unsigned.

Respectfully,
JAMES F. KENNEY
Mayor

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