

**CITY OF BALTIMORE
COUNCIL BILL 17-0012R
(Resolution)**

Introduced by: Councilmembers Scott, Henry, Clarke, Bullock, Middleton, Cohen, Burnett,
Schleifer, President Young, Councilmembers Costello, Dorsey, Pinkett, Stokes, Sneed,
Reisinger
Introduced and adopted: February 27, 2017

A COUNCIL RESOLUTION CONCERNING

**Request for State Action – Support HB 1504 to Restore Full City Control Over the
Baltimore City Police Department**

FOR the purpose of calling on the Maryland General Assembly to enact, and the Governor to sign, HB 1504 or similar legislation to remove the Baltimore City Police Department’s status as an instrumentality of the State of Maryland and place the Department completely under the unrestricted control of the Mayor and City Council of Baltimore.

Recitals

The Baltimore City Police Department occupies an unusual legal position as a creature of State, rather than City, law, officially an “agency and instrumentality of the State of Maryland”, that operates only on territory controlled by Baltimore City and that for most, but not quite all, purposes is treated like any other City Agency.

The handful of ways that this unusual arrangement causes the Police Department to differ from other City departments are unfortunately not all trivial. In fact, they seriously undermine the City’s ability to quickly, efficiently, and effectively respond to some of its most pressing problems.

Provisions in the State Public Local Laws exclusively affecting Baltimore City, and in the basic powers granted by the State to Baltimore in the City Charter, have been interpreted as making it impossible for the City to permanently set policies regarding the Police Department through its own legislation. This leaves the City with two unappealing options for dealing with many vital issues – either address them through informal executive action that can be changed, undermined, or simply forgotten with relative ease; or through State legislation that can only be enacted during the limited window when the Generally Assembly is in session and requires the consent and interest of legislators with no ties of any kind to our city.

There may, possibly, have been a time when leaving the Police Department uniquely outside of Baltimore’s citizens’ ability to govern themselves under laws of their own choosing may have made some sense. However, the long-term problems in the relationship between many of those same citizens and the legally foreign Police Department that contributed to the recent unrest in our city, and continue to undermine the ability of the Department to properly perform its essential functions of protecting and serving all Baltimoreans, make it clear that this lack of direct accountability no longer serves any useful purpose. This attenuated relationship also unnecessarily complicates the City’s ability to meet its obligations under the proposed consent decree with the U.S. Justice Department designed to address some of these long term issues.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 H.B. 1504 would remove the Police Department's status as a State instrumentality, and
2 restore it to the full control of Baltimore's citizens, acting through their duly elected Mayor and
3 City Council. Its enactment would be an important step in bridging the gap that separates too
4 many of Baltimore's citizens from the Department charged with protecting them.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
6 Council calls on the Maryland General Assembly to enact, and the Governor to sign, HB 1504, or
7 similar legislation, to remove the Baltimore City Police Department's status as an instrumentality
8 of the State of Maryland and place the Department completely under the unrestricted control of
9 the Mayor and City Council of Baltimore.

10 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Police
11 Commissioner, the Honorable Chairs and Members of the Baltimore City House and Senate
12 Delegations to the Maryland General Assembly, the President of the Maryland Senate, the
13 Maryland House Speaker, the Governor, the Mayor, and the Mayor's Legislative Liaison to the
14 City Council.