



BALTIMORE POLICE DEPARTMENT



STEPHANIE RAWLINGS-BLAKE
Mayor

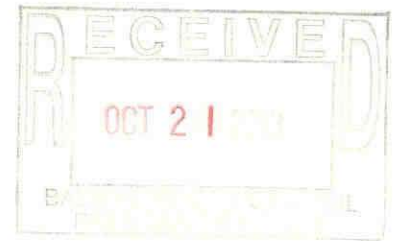
October 21, 2013

ANTHONY W. BATTS
Police Commissioner

TO: The Honorable President and Members
of the Baltimore City Council
Room 400 City Hall
Attn. Karen Randle

FROM: James H. Green, Director Government Affairs
Baltimore Police Department

RE: City Council Bill No. 11-0005-Loitering-Requests to Move On



The Baltimore Police Department (BPD) has reviewed City Council Bill No. 11-0005-Loitering Requests to Move On which seeks to specify the distance that a person found loitering must move when legally requested to do so and is pleased to work with the Council on amending and clarifying the statute's provisions.

The Department of Law's letter of October 18, 2013 discusses generally that in order to survive a constitutional challenge; this type of law must provide sufficient guidelines to law enforcement and adequate notice of the prohibited behavior to a potential violator. It is recommend that in addition to the proposed distance requirement to a dispersal order, that a time component also be added to the current law. Several of these issues have also been raised with the sponsor who is amendable to necessary amendments.

In July 2010, the BPD issued Police Commissioner's Memorandum 13-10 which provided updated training documents for officers surrounding the core legal elements of several quality of life offenses to include loitering. This guideline and resulting training discussed several of the necessary elements that are required to constitutionally enforce loitering laws and specific elements needed for a successful prosecution.

Currently, there are several factors that guide the Department's enforcement of the "loitering" ordinance. Generally, most of the enforcement of this law centers on persons obstructing or hindering the passage of pedestrian or vehicular traffic or on the distance requirements for loitering in proximately to liquor establishments and drug abuse centers. In order for an officer to direct an individual who is impeding or obstructing the free passage of pedestrian or vehicular traffic to move from the area, a

Comments

potential violator must first be warned of the specific violation and that in the absence of their moving from the location, a resulting imminent breach of the peace will occur.

A review of this proposed legislation and the current law lends itself to a engaging in a more comprehensive review of similar statutes and the Maryland Code (CL § 10-201-disordely conduct) in order to make any necessary modifications. It is proposed that a workgroup consisting of Committee members, the Department of Law, the State's Attorney's Office, the BPD, and advocacy, review these statutes and the questions that arise from the committee hearing to develop amendments to Baltimore's ordinance.

Thank you for the opportunity to discuss this legislation with the Committee.