

**CITY OF BALTIMORE  
COUNCIL BILL 06-0190R  
(Resolution)**

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Introduced by: Councilmember Kraft  
Introduced and read first time: June 12, 2006  
Assigned to: Public Safety Subcommittee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Baltimore City State's Attorney

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Investigative Hearing – Fighting “Quality of Life” Crimes**

3 FOR the purpose of requesting the Baltimore City Police Department, the Baltimore City State's  
4 Attorney's Office, and affected citizens to report on arrests made, cases declined for  
5 prosecution and the best practices employed to combat “quality of life” or “nuisance” crimes  
6 in Baltimore City.

7 **Recitals**

8 The Baltimore City Police Department (BPD) has been subject to repeated allegations that  
9 officers are being forced to increase arrests, especially for nuisance crimes to attain certain  
10 performance quotas. The Baltimore City State's Attorney's Office, American Civil Liberties  
11 Union, the NAACP, and members of the Baltimore City Council continue to insist that officers  
12 are being forced to increase arrests and are being penalized if their arrest numbers are not high  
13 enough.

14 According to Federal Uniform Crime Reporting data, the number of Part I arrests made by  
15 Baltimore City police officers for more violent offenses rose from 2000 to 2001, but has been  
16 declining since 2001. Meanwhile, Part II arrests, which include more minor “quality of life”  
17 offenses, rose from 2000 to 2003, declined from 2003 to 2004, but rose again in 2005.

18 Critics of the BPD suggest that the increase in Part II arrests from 2004 to 2005 is due to an  
19 overall increase in the number of arrests required by police officers. They argue that not only do  
20 nuisance arrests not reduce crime, but they also cause injury to both citizens and the community.

21 However, the BPD continues to insist that it has not, and does not, evaluate police officers'  
22 performance by the number of arrests they make. Instead, the BPD's Performance Enhancement  
23 Program is used to evaluate officers' performance and assist officers and supervisors by  
24 addressing deficiencies in performance before they seriously impact an officer or supervisor's  
25 career or public safety. This finding was verified by the report of the Council's Public Safety  
26 Subcommittee, which was developed by a working group consisting of representatives from the  
27 BPD, the Fraternal Order of Police, and the Criminal Justice Coordinating Council. Together,

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

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1 they conducted an extensive investigation and published their findings in its “Report on the  
2 Police Performance Enhancement Program and Recommendations To Improve The Process For  
3 Expungement Of Arrest When No Charges Are Filed.” One of the findings was that there is no  
4 system of arrest “quotas” in place in the Baltimore City Police Department.

5 Contrary to critics, the overall increase in the number of Part II arrests may also be  
6 attributable to an increase in the number of actual drug offenses from 2000 to 2005, as well as an  
7 increased demand for police response to quality of life crimes by the citizens of Baltimore City.

8 Needless to say, the people of Baltimore City want to see incidents of drug dealing, loitering,  
9 robberies, burglaries, aggravated assaults and nuisance crimes reduced and eventually eliminated  
10 from their communities. No one wants quality of life crimes to increase where they live nor do  
11 they wish to be a victim of such crimes.

12 Despite this, however, the rate of cases that the State’s Attorney’s Office has declined to  
13 prosecute has been increasing since 2000, rising from 16 percent in 2000, to 33 percent in 2005,  
14 while the total number of adult arrests made by the BPD has been decreasing over the past two  
15 years. Even though the number of Part II arrests have increased from 2000 to 2005, the rise in  
16 cases not being prosecuted tends to surpass the rise in cases being reviewed by the State’s  
17 Attorney’s Office. That is, while Part II arrests increased by approximately one-third,  
18 declinations rose by 106%.

19 Baltimore City State’s Attorney Patricia Jessamy has indicated that the rise in those cases  
20 where prosecution was declined resulted from the placement of prosecutors at the Central  
21 Booking Intake Facility (CBIF) to review all cases as they arrive. This has led to approximately  
22 1 in 3 on-view, “quality of life” cases not being prosecuted.

23 However, the data available to the Baltimore Police Department is inconclusive to determine  
24 whether the rise in cases not being prosecuted is due to more nuisance crime cases being  
25 declined or other types of cases being declined. The BPD and State’s Attorney’s Office classify  
26 cases differently and disposition data is provided in a piecemeal fashion. When data is provided,  
27 it does not present useful information for analysis, not showing the proportion of each type of  
28 case that was declined prosecution but the proportion of all cases declined by type of charge.

29 To deal effectively with quality of life crimes, Baltimore City’s Police Department, State’s  
30 Attorney’s Office, City Council, and citizens need to work together to share data, criminal  
31 justice policies, and performance measures. All parties are aware that a problem exists with  
32 regard to the varied and sometimes somewhat opposing approaches adopted by the BPD and  
33 State’s Attorney’s Office to combating quality of life crimes.

34 A legislative investigation and public hearing are necessary (1) to fully discuss this situation,  
35 (2) to evaluate current practices of the BPD and State’s Attorney’s Office and to agree on and  
36 adopt an integrated, cooperative approach to decrease nuisance crimes affecting all communities  
37 in Baltimore City, and (3) to develop a single reporting system to as to permit a consistent  
38 method for classification and analysis of data.

39 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this  
40 Body requests that the Baltimore City Police Department, the Baltimore City State’s Attorney’s  
41 Office, and affected citizens report on arrests made, cases declined for prosecution, and best  
42 practices to combat “quality of life” or “nuisance” crimes in Baltimore City.

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1       **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Baltimore City  
2 Police Department, the Baltimore City State’s Attorney’s Office, the American Civil Liberties  
3 Union, the NAACP, the City Solicitor, the Mayor, and the Mayor’s Legislative Liaison to the  
4 Council.