



BALTIMORE CITY COUNCIL COMMITTEE OF THE WHOLE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Committee of the Whole is to meet, discuss and study matters that have particular interest to the city as a whole and its citizens.

**Nick Mosby
Chairman**

PUBLIC HEARING

**WEDNESDAY, NOVEMBER 29, 2023
5:00 P.M.
CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**CC23-0445
Charter Amendment - Baltimore City Police Department**

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All City Council Members
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BILL SYNOPSIS

Committee: Committee of the Whole

Bill CC23-0445

Charter Amendment - Baltimore City Police Department

Sponsor: Councilmember Conway, et al

Introduced: October 30, 2023

Purpose:

FOR the purpose of establishing the objectives, powers, and duties of the Baltimore City Police Department; defining certain terms; creating the role of the Police Commissioner and establishing the Commissioner as the head of the Department; providing for the appointment and confirmation of the Commissioner; establishing the powers and duties of the Commissioner; establishing the powers and duties of police officers; providing for police officers' enjoyment of certain immunities and defenses; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Effective: N/A

Agency Reports

Department of Law	Favorable/Amend
Department of Finance	
Office of Equity and Civil Rights	
Police Department	

Analysis

City Council Bill CC23-0445 would repeal Article IV - Mayor Section 6(b) of the Baltimore City Charter (1996 Edition) and add Article VII - Executive Departments, Sections 142 to 146 of the Baltimore City Charter (1996 Edition).

The resolution of the Mayor and City Council (23-0445) would create the objectives, powers and duties of the Baltimore City Police Department, define certain terms, establish the role of the Police Commissioner, as well as establish the Commissioner as the official head of the Department. The resolution would also provide for the appointment and confirmation of the Commissioner, establish the powers and duties of the Police Commissioner, and establish the powers and duties of police officers, and establish the officers enjoyment of certain immunities and defenses.

Once approved. the amendment will be submitted to the voters of Baltimore City for approval or denial.

Additional Information

Fiscal Note: Not Available

Information Source(s): CC23-0445 Legislation

Analysis by: Larry E. Greene
Analysis Date: November 22, 2023

Direct Inquiries to: 410-396-7215

Public (P)

**CITY OF BALTIMORE
COUNCIL BILL 23-0445
(First Reader)**

Introduced by: Councilmember Conway and President Mosby

At the request of: The Administration (Office of the Mayor)

Introduced and read first time: October 30, 2023

Assigned to: Committee of the Whole

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Office of Equity and Civil Rights, Baltimore Police Department

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Baltimore City Police Department**

3 FOR the purpose of establishing the objectives, powers, and duties of the Baltimore City Police
4 Department; defining certain terms; creating the role of the Police Commissioner and
5 establishing the Commissioner as the head of the Department; providing for the appointment
6 and confirmation of the Commissioner; establishing the powers and duties of the
7 Commissioner; establishing the powers and duties of police officers; providing for police
8 officers’ enjoyment of certain immunities and defenses; and submitting this amendment to
9 the qualified voters of the City for adoption or rejection.

10 BY proposing to amend

11 Article IV - Mayor
12 Section 6(b)
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing to add

16 Article VII - Executive Departments
17 Sections 142 to 146
18 Baltimore City Charter
19 (1996 Edition)
20

21 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
22 City Charter is proposed to be amended to read as follows:

23 **Baltimore City Charter**

24 **Article IV. Mayor**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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§ 6. Appointments of municipal officers.

(b) Terms of officers.

The terms of all municipal officers appointed by the Mayor shall expire at the end of four years or at the end of the Mayor’s term of office, whichever first occurs, with the exception of the terms of the City Administrator, THE POLICE COMMISSIONER, and some members of the Board of School Commissioners, the Civil Service Commission, the Planning Commission, the Board of Municipal and Zoning Appeals, the advisory board established by Article X, Section 2 of this Charter, and those boards and commissions governed by State or federal law. The terms of the City Administrator, THE POLICE COMMISSIONER, and the members of these boards and commissions are prescribed elsewhere in the Charter or by other law.

Article VII. Executive Departments

Baltimore City Police Department

§ 141. Department established.

There is a Baltimore City Police Department, the head of which is the Police Commissioner.

§ 142. DEFINITIONS.

(A) IN GENERAL.

FOR §§ 141 THROUGH 146 OF THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) COMMISSIONER.

“COMMISSIONER” MEANS THE POLICE COMMISSIONER OF BALTIMORE CITY.

(C) DEPARTMENT.

“DEPARTMENT” MEANS THE BALTIMORE CITY POLICE DEPARTMENT.

(D) DEPARTMENT STAFF.

“DEPARTMENT STAFF” MEANS AN INDIVIDUAL EMPLOYED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE ASSIGNED TO WORK FOR THE DEPARTMENT, WHETHER A CIVILIAN OR A POLICE OFFICER.

(E) POLICE OFFICER.

“POLICE OFFICER” MEANS A PERSON WHO IS:

- (1) LEGALLY AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE;

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1 (2) LEGALLY AUTHORIZED TO ENFORCE THE CRIMINAL AND CIVIL LAWS OF THE CITY;
2 AND

3 (3) AN EMPLOYEE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

4 **§ 143. COMMISSIONER.**

5 (A) *HEAD OF DEPARTMENT; QUALIFICATIONS.*

6 THE POLICE COMMISSIONER SHALL:

7 (1) BE AT LEAST 30 YEARS OF AGE; AND

8 (2) HAVE AT LEAST 5 YEARS OF EXPERIENCE IN LAW ENFORCEMENT.

9 (B) *APPOINTMENT; TERM.*

10 THE COMMISSIONER SHALL BE APPOINTED, MUST BE CONFIRMED, AND SHALL SERVE
11 PURSUANT TO CITY CHARTER ARTICLE IV, § 6 {"APPOINTMENTS OF MUNICIPAL
12 OFFICERS"}.

13 (C) *SALARY.*

14 THE COMMISSIONER SHALL BE PAID A SALARY AS PROVIDED FOR IN THE ORDINANCE OF
15 ESTIMATES.

16 (D) *STAFF.*

17 THE COMMISSIONER MAY APPOINT SUCH EMPLOYEES AS PROVIDED IN THE ORDINANCE OF
18 ESTIMATES.

19 **§ 144. COMMISSIONER: POWERS.**

20 THE COMMISSIONER SHALL:

21 (1) DETERMINE AND ESTABLISH THE FORM AND ORGANIZATION OF THE DEPARTMENT;

22 (2) APPOINT INDIVIDUALS ABOVE THE RANK OF LIEUTENANT;

23 (3) AS NECESSARY TO BEST SERVE THE INTERESTS OF THE CITY:

24 (I) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DUTIES TO DEPARTMENT
25 STAFF; AND

26 (II) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DEPARTMENT STAFF TO
27 ORGANIZATIONAL SUBDIVISIONS OF THE DEPARTMENT;

28 (4) DETERMINE AND ESTABLISH:

29 (I) THE CLASSIFICATION OF RANKS, GRADES, AND POSITIONS;

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1 (II) UNIFORM INSIGNIA;

2 (III) THE POWERS, DUTIES, RIGHTS, AND PRIVILEGES FOR DEPARTMENT STAFF; AND

3 (IV) THE ORDER OF SUCCESSION FOR POSITIONS OF COMMAND;

4 (5) WITH THE CONSENT OF THE DEPARTMENT OF HUMAN RESOURCES, DETERMINE AND
5 ESTABLISH POSITIONS WITHIN THE DEPARTMENT FOR CIVILIAN EMPLOYEES;

6 (6) APPOINT, PROMOTE, REDUCE IN RANK, GRADE, OR POSITION, REASSIGN, RECLASSIFY,
7 RETIRE, AND DISCHARGE DEPARTMENT STAFF IN THE MANNER PRESCRIBED BY LAW;

8 (7) INSTITUTE A SYSTEM OF:

9 (I) PERIODIC PERFORMANCE EVALUATION FOR DEPARTMENT STAFF; AND

10 (II) REGULAR PHYSICAL EXAMINATION OF DEPARTMENT STAFF, AS NECESSARY FOR
11 THE EMPLOYEE TO EFFECTIVELY PERFORM ASSIGNED DUTIES;

12 (8) MAKE AND EXECUTE CONTRACTS AND OTHER INSTRUMENTS AS MAY BE AUTHORIZED
13 IN THE EXERCISE AND PERFORMANCE OF THE POWERS OF THE COMMISSIONER AND THE
14 DEPARTMENT;

15 (9) ESTABLISH, MAINTAIN, AND MODIFY SYSTEMS FOR THE RECEPTION, PROCESSING, AND
16 MAINTENANCE OF:

17 (I) REPORTS AND RECORDS OF OCCURRENCES OR ALLEGED OCCURRENCES OF
18 CRIME WITHIN THE CITY; AND

19 (II) REPORTS AND RECORDS OF THE ADMINISTRATION, MANAGEMENT, AND
20 OPERATION OF THE DEPARTMENT; AND

21 (10) ADOPT RULES AND REGULATIONS TO EFFECTIVELY DISCHARGE THE POWERS AND
22 DUTIES OF THE COMMISSIONER AND DEPARTMENT.

23 **§ 145. DEPARTMENT: POWERS AND DUTIES.**

24 (A) *PURPOSE.*

25 THE PURPOSE OF THE DEPARTMENT IS TO:

26 (1) SAFEGUARD THE LIVES AND SAFETY OF ALL INDIVIDUALS WITHIN THE CITY;

27 (2) PROTECT PROPERTY WITHIN THE CITY; AND

28 (3) ASSIST IN SECURING TO ALL INDIVIDUALS THE EQUAL PROTECTION OF THE LAW.

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1 (B) *DUTIES.*

2 THE DEPARTMENT SHALL HAVE, WITHIN THE BOUNDARIES OF THE CITY, THE SPECIFIC
3 DUTY AND RESPONSIBILITY TO:

4 (1) PRESERVE THE PUBLIC PEACE;

5 (2) DETECT AND PREVENT THE COMMISSION OF CRIME;

6 (3) ENFORCE THE LAWS OF:

7 (I) THE STATE; AND

8 (II) THE MAYOR AND CITY COUNCIL OF BALTIMORE;

9 (4) APPREHEND AND ARREST INDIVIDUALS WHO VIOLATE OR ARE LAWFULLY ACCUSED
10 OF VIOLATING THE LAW;

11 (5) PRESERVE ORDER AT PUBLIC PLACES;

12 (6) MAINTAIN THE ORDERLY FLOW OF TRAFFIC IN THE PUBLIC RIGHT OF WAY;

13 (7) ASSIST LAW ENFORCEMENT AGENCIES OF:

14 (I) THE STATE; AND

15 (II) ANY OFFICIAL UNIT OF FEDERAL, TRIBAL, STATE, OR LOCAL GOVERNMENT
16 WITHIN THE UNITED STATES; AND

17 (8) DISCHARGE ITS DUTIES AND RESPONSIBILITIES WITH DIGNITY AND IN A MANNER
18 THAT WILL INSPIRE PUBLIC CONFIDENCE AND RESPECT.

19 (C) *DUTIES: OUTSIDE THE CITY.*

20 (1) *IN GENERAL.*

21 THE DEPARTMENT SHALL PERFORM THE DUTIES SET FORTH IN SUBSECTION (B) OF THIS
22 SECTION WITHIN THOSE AREAS OUTSIDE THE CORPORATE LIMITS OF THE CITY WHICH
23 ARE, FROM TIME TO TIME, OWNED, CONTROLLED, OPERATED, OR LEASED BY THE
24 MAYOR AND CITY COUNCIL OF BALTIMORE OR ANY UNIT OF CITY GOVERNMENT.

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1 (2) *CONCURRENT JURISDICTION.*

2 IN THOSE AREAS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

3 (I) THE AUTHORITY AND DUTIES OF THE DEPARTMENT SHALL BE CONCURRENT
4 WITH THAT OF ANY POLICE DEPARTMENT OR POLICE AGENCY IN THE
5 JURISDICTION IN WHICH SUCH AREAS ARE LOCATED; AND

6 (II) NOTHING CONTAINED HEREIN SHALL LIMIT OR ADVERSELY AFFECT THE
7 JURISDICTION AND AUTHORITY OF ANY POLICE DEPARTMENT OR POLICE
8 AGENCY IN THE JURISDICTION IN WHICH SUCH AREAS ARE LOCATED.

9 **§ 146. POLICE OFFICERS.**

10 (A) *POWERS AND DUTIES.*

11 ALL POLICE OFFICERS OF THE DEPARTMENT, INCLUDING SUCH OTHER DEPARTMENT STAFF
12 WHO MAY BE DESIGNATED BY THE COMMISSIONER FROM TIME TO TIME TO EXERCISE THE
13 POWERS AND DUTIES OF POLICE OFFICERS, SHALL HAVE THE AUTHORITY CONFERRED
14 UNDER TITLE 2 {"LAW ENFORCEMENT PROCEDURES; ARREST PROCESS"} OF THE
15 CRIMINAL PROCEDURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

16 (B) *IMMUNITIES AND DEFENSES.*

17 A POLICE OFFICERS OF THE DEPARTMENT SHALL HAVE AND ENJOY ALL THE IMMUNITIES
18 AND MATTERS OF DEFENSE NOW AVAILABLE, OR SUCH AS HEREAFTER MAY BE MADE
19 AVAILABLE, TO SHERIFFS, CONSTABLES, POLICE, AND PEACE OFFICERS IN ANY SUIT, CIVIL
20 OR CRIMINAL, BROUGHT AGAINST A POLICE OFFICER IN CONSEQUENCE OF ACTS DONE IN
21 THE COURSE OF THE POLICE OFFICER’S OFFICIAL DUTIES.

22 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
23 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
24 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
25 City Solicitor.

COMMITTEE OF THE WHOLE

**AGENCY
REPORTS**

CC Bill #23-0445

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 28, 2023

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 23-0445 – Charter Amendment – Baltimore City Police
Department

Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bill 23-0445. City Council Bill 23-0445 is for the purpose of establishing the objectives, powers, and duties of the Baltimore City Police Department. The bill creates the role of the Police Commissioner and establishes the Commissioner as the head of the Department who is appointed and confirmed pursuant to Art. IV, Sec. 6. The bill amends Art. IV, Sec. 6 to provide for a term for the Commissioner. The bill also establishes the powers and duties of the Commissioner and police officers. Finally, the bill grants certain immunities and defenses to police officers. As required by the Md. Constitution, Art. XI-A Sec. 5, an ordinance to amend the Charter must be approved by the voters. If Bill 23-0445 is approved by the Mayor and City Council, it will be on the ballot for the 2024 general election.

Upon review of the bill, the Law Department has one concern. Sec. 143 refers to the appointment and confirmation of the Police Commissioner. The term of the Commissioner is referenced in the amendment to Art. IV, Sec. 6 as being prescribed elsewhere in the Charter or by other law. That language is fine but there is no corresponding law in the Charter or the proposed City Code provisions that establishes the Commissioner's term. This bill or 23-0449 should be amended to provide for the term of the Commissioner.

Provided the bill is amended as described in this report, the Law Department can approve Council Bill 23-0445 for form and legal sufficiency. In addition, it is consistent with the requirements for approval of a proposed Charter amendment.

Sincerely yours,

Elena R. DiPietro
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury
Matthew Bradford
Nikki Thompson, President's Office
Nina Themelis, MOGR
Hilary Ruley
Jeff Hochstetler,
Ashlea Brown
Michele Toth
Teresa Cummings
Ahleah Knapp