



BALTIMORE CITY COUNCIL LAND USE & TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the Land Use & Transportation Committee is committed to shaping a reliable, equitable, and sustainable future for Baltimore's land use and transportation systems. Through operational oversight and legislative action, the committee aims to develop and support lasting solutions grounded in principles of good governance.

The Honorable Ryan Dorsey

CHAIR

PUBLIC HEARING

4/30/2026

9:00 AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

26-0157

Private Detention Centers - Citywide Ban

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Staff: Ethan Navarre (Ethan.Navarre@baltimorecity.gov)

**LAND USE & TRANSPORTATION COMMITTEE****The Honorable Ryan Dorsey
CHAIR****Bill Hearing***26-0157**Private Detention Centers – Citywide Ban*

Sponsor: Council President Zek Cohen

Purpose: FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

REPORTING AGENCIES

Agency	Report
Law Department	Approved for form & sufficiency w/ technical amendments
Planning Commission	Favorable
Dept of Transportation	Without Recommendation
Board of Municipal & Zoning Appeals	
Dept of Housing & Community Development	Favorable
Mayor's Office of Immigrant Affairs	Favorable
Mayor's Office of Equity & Civil Rights	

BACKGROUND**SUMMARY OF THE BILL**

This bill, if enacted, would:

1. Create a definition of a private detention center
 - a. Being any facility that is operated by a private nongovernment entity, even if it has a contract with a government entity. That is used in whole or in part to detain an individual:
 - i. Prior to trial or sentencing
 - ii. During the term of an individual's sentence
 - iii. For a federal immigration violation
 - iv. For other judicial or administrative proceedings or processes
2. Would add private detention centers to the list of prohibited uses in the City of Baltimore

- a. Article 32 (Zoning Code) Title 1 Subtitle 209 lists a number of uses for land in the City that are prohibited, including: crude oil terminals, nuclear power plants, & vehicle dismantling facilities.
 - b. 26-0157 would add private detention centers to that list of prohibited uses and renumber as appropriate.
3. Explicitly note that private detention centers are not a government facility
 - a. Article 32 1-307 defines a government facility – bill 26-0157 would exclude private detention centers from that list
 4. Explicitly note that private detention centers are not residential care facilities
 - a. Article 32-1-312 defines a residential care facility – bill 26-0157 would note that private detention centers are not included under that use.

The Council, in its deliberations on a zoning text amendment, does not need to find facts as it does in other land use bills (such as a rezoning), but it does need to consider the following¹:

- (1) the amendment’s consistency with the City’s Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment’s consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

PRIVATE DETENTION CENTERS IN AMERICA

Private detention centers in the US have been operating since the 1980s. At that time, we also began to see an increase in the American prison population.² In 2021, President Joe Biden issued an executive order for the federal criminal system to phase out private prisons. However, this order did not include federal detention centers for those being held for reasons tied to immigration.³

As of May 2025, in response to efforts by the Immigration and Customs Enforcement agency of the Department of Homeland Security (ICE), the population of detention centers had increased by 20% from its January 2025 population to nearly 50,000.⁴ Presently in 2026, there are nearly 70,000 in detention, and ICE has a large budget – approximately \$45 billion- specifically apportioned to expanding detention space. ICE has the largest law enforcement budget in the US, and detainees have been held at over 200 different sites across the nation⁵

Private detention centers have been the center of numerous allegations of abuse, including improper sanitation, violence against those detained, and those who are being detained being coerced to work in the detention center, in what could be regarded as a violation of the 13th Amendment of the US Constitution.⁶

¹ Zoning Code

² EBSCO

³ ACLU

⁴ NPR1

⁵ NPR2

⁶ SJP

AGENCY REPORTS

Referred City Agencies have submitted reports for this bill. The Planning Commission and accompanying Department of Planning staff report noted that this bill complied with the 2024 Comprehensive Master Plan for the City, and in its equity report noted that removing the private operation of a detention facility would allow for the public to exercise oversight and accountability in the operation of such spaces. Planning also noted that removing the inherent profit motive in the operation of a detention facility would encourage other uses for private capital in the City.

The Law Department, in its report, noted concerns that the bill may face challenges at both the Federal and State levels. At the Federal level, concerns for challenge included on a Constitutional basis for a violation of the Supremacy Clause. The specific concern is that the Federal government is exempt from local and state laws, which might constrain it from its duties, including zoning laws (the doctrine of intergovernmental immunity). Currently, there are state-wide bans in other states that have been struck down by the court. However, Law notes that dissenting opinions in those cases and the lack of an opinion from the 4th Circuit Court mean that there is a debatable position on what constitutes a violation of this doctrine. The ban at the local level may not rise to the level of substantial interference.

At the State level, the bill could potentially be challenged based on the understanding of Uniformity/ Equal Protection in the Maryland Constitution. Because this bill bans private detention centers but allows for ones owned and operated by the government, the City would need to show a legitimate governmental land use reason for why the bill bans private ownership of these facilities. The Law Department suggests that one possibility to address this might be to ban all future detention centers in the City, leaving only those which currently operate, such as the state-operated facility on Greenmount Ave.

There is currently no private detention center operating in Baltimore City, so banning these facilities from the City would not displace any existing operations that pay taxes or use City services.

REFERENCES

1. Harvard Law School Systemic Justice Project (SJP) “The Profitability of Inhumanity: How Corporate Power Gives Rise to Forced Labor in Privatized Immigration Detention”
<https://systemicjustice.org/article/the-profitability-of-inhumanity/>
2. EBSCO Research Database – “Private Prison Industry: Overview”
<https://www.ebsco.com/research-starters/law/private-prison-industry-overview>
3. American Civil Liberties Union (ACLU) “President Biden's Order to Ban Private Prisons Faces a Persistent Internal Challenge: The U.S. Marshals Service”
<https://www.aclu.org/news/criminal-law-reform/president-bidens-order-to-ban-private-prisons-faces-a-persistent-internal-challenge-the-u-s-marshals-service>
4. National Public Radio (NPR1) “Private prisons and local jails are ramping up as ICE detention exceeds capacity”
<https://www.npr.org/2025/06/04/nx-s1-5417980/private-prisons-and-local-jails-are-ramping-up-as-ice-detention-exceeds-capacity>
5. National Public Radio (NPR2) “Mapping ICE's expanding footprint, and the communities fighting back”
<https://www.npr.org/2026/03/23/g-s1-114107/ices-growing-detention-footprint-and-the-communities-fighting-back>
6. Baltimore City Code Article 32 Zoning
[https://codes.baltimorecity.gov/us/md/cities/baltimore/code/32/5-508#\(c\)](https://codes.baltimorecity.gov/us/md/cities/baltimore/code/32/5-508#(c))

Analysis by: Tony Leva
Analysis Date: 4/9/2026

Direct Inquiries to: Anthony.Leva@baltimorecity.gov

CITY OF BALTIMORE
COUNCIL BILL 26-0157
(First Reader)

Introduced by: President Cohen and Councilmembers Parker, Ramos, and Gray
Cosponsored by: Councilmembers Conway, Middleton, Bullock, Blanchard, Jones, Glover,
Dorsey, Torrence

Introduced and read first time: March 9, 2026

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Transportation, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Mayor's Office of Immigrant Affairs, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Private Detention Centers – Citywide Ban**

3 FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining
4 certain terms; making conforming changes; and providing for a special effective date.

5 BY repealing and re-ordaining, with amendments,

6 Article 32 - Zoning
7 Sections 1-209, 1-307(a), and 1-312(p)
8 Baltimore City Code
9 (Edition 2000)

10 BY renumbering

11 Article 32 - Zoning
12 Section 1-311(w) and (x)
13 to be
14 Section 1-311(y) and (z)
15 Baltimore City Code
16 (Edition 2000)

17 BY adding

18 Article 32 - Zoning
19 Section 1-311(w)
20 Baltimore City Code
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
23 Section 1-311(w) and (x), respectively, of Article 32 - Zoning of the Baltimore City Code be
24 renumbered to be Section 1-311(y) and (z), respectively.

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

Council Bill 26-0157

Title 1. General Provisions

Subtitle 3. Definitions

§ 1-307. “Government facility” to “Industrial boat repair”.

(a) *Government facility.*

(1) *In general.*

“Government facility” means a structure or land that is operated by a government agency.

(2) *Inclusions.*

“Government facility” includes agency offices, storage yards, public works facilities, recreation: indoor, and utility facilities that are operated by a government agency.

(3) *EXCLUSION.*

“GOVERNMENT FACILITY” DOES NOT INCLUDE A PRIVATE DETENTION CENTER.

§ 1-311. “Parapet” to “Processed metal”.

(w) *PRIVATE DETENTION CENTER.*

“PRIVATE DETENTION CENTER” MEANS ANY BUILDING, FACILITY, OR STRUCTURE THAT:

(1) IS OPERATED BY A PRIVATE, NONGOVERNMENTAL ENTITY PURSUANT TO AN AGREEMENT WITH A FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITY; AND

(2) IS USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN AN INDIVIDUAL:

(I) PRIOR TO TRIAL OR SENTENCING;

(II) DURING THE TERM OF THE INDIVIDUAL’S SENTENCE;

(III) FOR A FEDERAL IMMIGRATION VIOLATION; OR

(IV) FOR ANOTHER JUDICIAL OR ADMINISTRATIVE PROCESS OR PROCEEDING.

§ 1-312. “Property line” to “Roof deck”.

(p) *Residential-care facility.*

(1) *IN GENERAL.*

“Residential-care facility” means a group care or similar facility for the 24-hour medical or non-medical care of individuals in need of personal services, supervision, or assistance essential to sustain activities of daily living, or to protect the individual.

Council Bill 26-0157

1 (2) *EXCLUSION.*

2 “RESIDENTIAL-CARE FACILITY” DOES NOT INCLUDE A PRIVATE DETENTION CENTER.

3 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
4 enacted.

**AMENDMENTS TO COUNCIL BILL 26-0157
(1st Reader Copy)**

By: President Cohen

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, in line 7, strike “1-209, 1-307(a), and 1-312(p)” and substitute “1-209 and 1-307(a)”; and, on page 3, after line 14, insert “(1) IN GENERAL.”; and, on that same page, in lines 16, 18, 19, 20, 21, and 22, respectively, strike “(1)”, “(2)”, “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(I)”, “(II)”, “(A)”, “(B)”, “(C)”, AND “(D)”, respectively; and, on that same page, after line 22, insert:

“(2) EXCLUSIONS.

“PRIVATE DETENTION CENTER” DOES NOT INCLUDE A RESIDENTIAL-CARE FACILITY”;

and, strike beginning with line 23 on page 3 down through and including line 2 on page 4.

Amendment No. 2

On page 1, in lines 14 and 24, in each instance, strike “1-311(y) and (z)”, and substitute “1-311(x) and (y)”.

Amendment No. 3

On page 3, in line 16, after “IS” insert “OWNED OR”; and, on that same page, in line 18, strike “INDIVIDUAL:” and substitute “INDIVIDUAL, AT THE DIRECTION OF A GOVERNMENT AGENCY:”.

BALTIMORE CITY COUNCIL





LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers - Citywide Ban

Agency Reports

FROM	NAME & TITLE	Eric W. Tiso,  Director of Development Oversight and Project Support	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning 8 th Floor, 417 East Fayette Street		
	SUBJECT	City Council Bill #25-0157 / Private Detention Centers - Citywide Ban		

DATE:

April 3, 2026

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of April 2, 2026, the Planning Commission considered City Council Bill #25-0157, for the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #25-0157 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #25-0157 be **approved** by the City Council.

If you have any questions, please contact me at eric.tiso@baltimorecity.gov or by phone at 410-396-8358.

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
Mr. Justin Williams, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Ren Southard
Acting Director

April 2, 2026

REQUEST: City Council Bill #26-0157 - Private Detention Centers - Citywide Ban
For the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Brandon Kanoy

PETITIONER: Council President Cohen and Councilmembers Parker, Ramos, and Gray

OWNER: N/A

SITE/GENERAL AREA:

Site Conditions: Citywide, Not Applicable

General Area: Citywide, Not Applicable

HISTORY

N/A

CONFORMITY TO PLANS

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. This proposed text amendment aligns with the goals of the Comprehensive Master Plan to position Baltimore as a leader in equitable land development to “address systemic and historic inequities across the city.”

ANALYSIS

Background: Private detention facilities are encouraged to cut costs to ensure any private ownership can derive a profit from the operation of the facility. Prohibiting the construction and operation of private facilities removes the profit motive from incarceration. Reducing potential profitability therefore encourages other uses for private capital within the city. Planning finds it prudent to prohibit these uses and allow for more expansive conversations about the best uses of public and private dollars throughout Baltimore City.

Report continues on the following page =>

Equity:

- **Impact:**

The bill prohibits the private operation of detention facilities. This ensures that any operating facilities are required to comply with the maximum ability for public oversight and accountability.

- **Engagement:**

Staff provided notice of Planning Commission discussion of this item citywide via GovDelivery, as well as various regional notices distributed by Community Planners.

- **Internal Operations:**

The proposed legislation does not create significant operational impacts for the Department of Planning.

Recommendation: Approval

Notification: Staff sent notice of this action to subscribers via GovDelivery.



Ren Southard
Acting Director



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Timothy Keane, Acting Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	April 22, 2026
SUBJECT	26-0157 Private Detention Centers – Citywide Ban

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 26-157 Private Detention Centers – Citywide Ban for the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

If enacted, City Council Bill 26-0157 would add “private prisons” to the list of uses prohibited throughout all zoning districts within Baltimore City. If approved, this Bill will take effect on the date of its enactment.

SUMMARY OF POSITION

DHCD fully supports the intent of City Council Bill 26-157 Private Detention Centers – Citywide Ban. Should this legislation be enacted there is unlikely to be a significant impact to the agency’s enforcement responsibilities. If a private prison were to be built within the City, initial contact would most likely occur at the filing of permits for construction. Those applications would then be denied by Zoning, given the prohibited use. If, for any reason, a private prison was built without any of the required permits to do so, DHCD’s Special Investigation Unit (SIU) zoning inspectors would be called upon to investigate, as they would for any other potential zoning violation.

FISCAL IMPACT

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

AMENDMENTS

DHCD does not seek any amendments to this Bill at this time.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Veronica P. McBeth, Director, Department of Transportation
CC	Mayor's Office of Government Relations
DATE	April 14, 2026
SUBJECT	26-0157 • Private Detention Centers – Citywide Ban

Position: Without recommendation

BACKGROUND

Council Bill 26-0157 defines private detention centers and prevents their construction in the City by including them in the list of prohibited uses. The Department has minimal involvement in the regulation of detention facilities, participating only as it relates to the public right of way.

The Department was referred this legislation in compliance with section 5-503(b)(5) of the Baltimore City Zoning Code (Article 32), which requires the Department to submit a report on legislative authorizations pertaining to variances, conditional uses, map amendments, master plans, areas of special sign control, and planned unit developments.

RECOMMENDATION

This report serves to fulfill Zoning Code requirements and confirms that the Department is not opposed to the advancement of the proposed legislation. As such, the Department provides no recommendation on the Council Bill and defers to the findings of the Planning Commission.

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



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

April 17, 2026

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 26-0157 – Private Detention Centers – Citywide Ban

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0157 for form and legal sufficiency. The bill would create a new use category in the Zoning Code for “private detention center” and would define that use as “any building, facility, or structure that is operated by a private, nongovernmental entity pursuant to an agreement with a federal, state, or local government” and “is used, in whole or in part, to house or detain an individual prior to trial or sentencing; during the term of the individual’s sentence; for a federal immigration violation; or for another judicial or administrative process or proceeding.” The bill would exclude private detention centers from the existing definitions of “residential-care facility” and “government facility”.

As a threshold matter, the Council should note that 2026 House Bill 1017 is currently on the Governor’s desk for signature; if enacted, that bill would impose a statewide ban on the ability of private entities to operate detention centers, and would also prohibit local governments from approving the construction or operation of detention centers used by private entities. 2026 HB 1017 has a unique contingency provision stating that if this state ban is rendered unenforceable by a State or federal court, then a more limited ban would take effect that prohibits local governments from approving the construction or operation of a private detention facility *unless* the facility “is located in a zone that expressly authorizes private detention facilities.”

Either way, if 2026 HB 1017 is enacted, Council Bill 26-0157 would be redundant and, to the extent of any inconsistency with the State ban, preempted.

With that threshold matter addressed and turning to Bill 26-0157 on its own terms, the Law Department can approve it for form and legal sufficiency, but with significant caveats as explained below.

Risk of Federal Constitutional Challenge

The bill's ban could be challenged as violating the Supremacy Clause of the U.S. Constitution if the federal government decided it wanted to contract with a private party for a detention facility in the City. *See* U.S. Const. art. VI, cl. 2. As a general matter, the Supremacy Clause—and the doctrine of intergovernmental immunity arising from it—means the federal government is exempt from state and local laws—including zoning laws—that conflict with federal power bestowed by the Constitution. *See, e.g., Pan Am. Health Org. v. Montgomery Cnty., Md.*, 889 F. Supp. 234, 238–39 (D. Md. 1994), *aff'd*, 59 F.3d 167 (4th Cir. 1995).

Similar statewide bans on private detention centers (although not effected through zoning laws) have been struck down in at least two federal circuits. *See CoreCivic, Inc. v. Governor of New Jersey*, 145 F.4th 315, 319 (3d Cir. 2025) (New Jersey law preventing private parties from making, renewing, or extending contracts with the federal government to detain people for civil immigration violations violated intergovernmental immunity doctrine under the Supremacy Clause); *Geo Grp., Inc. v. Newsom*, 50 F.4th 745, 750-51 (9th Cir. 2022) (California law prohibiting a person from operating a private detention facility under contract with the federal government violated both intergovernmental immunity and preemption aspects of Supremacy Clause).

The courts in both cases found a violation of the Supremacy Clause as it pertains to the federal government's plenary immigration enforcement authority, despite the fact that the laws at issue were crafted to apply neutrally to private parties and did not *directly* attempt to regulate the federal government. *See CoreCivic*, 145 F.4th at 322, 325-26 (although “the text of the law does not apply to the federal government . . . we can easily see the law for what it really is: a regulation laid upon the contract of the government. The law prevents the federal government from choosing how and through whom it will carry out a core federal function.”) (citation modified); *Geo Grp., Inc.* 50 F.4th at 761 (“Even assuming it is a neutral regulation of private conduct, [the law] prohibits ICE from exercising its discretion to arrange for immigration detention in the privately run facilities it has deemed appropriate. Therefore, we reject California's argument that [the law] does not implicate intergovernmental immunity.”) (citation modified).

That said, at this stage, the Law Department can still approve this bill for form and legal sufficiency for a few reasons. First, the 4th Circuit (in which Baltimore is located) has not weighed in on this exact topic yet, and the dissenting opinions in both cases above indicate there is room for debate about what constitutes direct interference with federal operation for purposes of the Supremacy Clause. *See CoreCivic, Inc.*, 145 F.4th at 329-32 (“New Jersey's law no doubt affects the Federal Government's civil immigration-detention operations. But neither intergovernmental immunity nor preemption invalidates [the law] in my view. Intergovernmental immunity covers only those state laws that either *directly regulate or discriminate against the United States*. [The law] does neither. It applies only to state, local, and private entities. . . . State laws that apply only to private contractors but still affect the Federal Government, even substantially, are indirect regulations.”) (Ambro, J., dissenting) (emphasis added); *Geo Group, Inc.*, 50 F.4th at 763 (“The majority errs by extending intergovernmental immunity to nondiscriminatory, indirect regulation of the government.”) (Murguia, J., dissenting).

Moreover, both cases above implicated an existing private immigration detention center in contract with the federal government. That fact, and the breadth of a statewide bans, meant that those laws substantially interfered with the federal government’s existing immigration enforcement activities in the area. The proposed City ban, by contrast, does not implicate any existing or proposed detention centers in the City, and any existing centers would be permitted as nonconforming uses.

If the City’s ban was challenged, it is possible a court would say the City ban alone does not amount to the kind of substantial interference with federal immigration priorities at issue in the New Jersey and California cases because the ban is not statewide and there may be other detention options for the federal government nearby. *But see CoreCivic, Inc.*, 145 F.4th at 328 (noting that “even a patchwork” of such laws could frustrate the government's ends) (citation modified).

Uniformity / Equal Protection Consideration

As with any zoning regulation, the bill’s proposed ban on private detention centers must be tied to legitimate land use considerations. *See* Md. Code, Land Use, § 10-202 (in relevant part, permitting the City to regulate “the location and use of buildings, signs, structures, and land”). The ban here applies only to privately operated detention centers, not centers operated by governmental entities. By distinguishing between governmental detention centers and private detention centers, the bill could be challenged on constitutional uniformity and equal protection grounds. *See, e.g., Prince George’s Cnty. Council v. Concerned Citizens of Prince George’s Cnty.*, 485 Md. 150, 179-81 (2023) (“Maryland’s uniformity statute . . . reassure[s] property owners that they will not be subject to arbitrary or invidious discrimination or government favoritism or coercion. Modern courts, including this one, understand uniformity as a state law counterpart to the constitutional equal protection prohibition against purely arbitrary zoning classifications and restrictions, and generally apply similar principles of review.”).

If challenged, the City would need to articulate a legitimate governmental *land use* interest for using the Zoning Code to regulate private detention centers differently than governmental detention centers. To prevent this kind of challenge, the bill could be amended to ban *all* detention centers except those currently in existence. A similar ban was recently enacted by Baltimore County. *See* County Council of Baltimore County, Bill No. 14-26.

Minor Technical Amendment

On page 1 in lines 14 and 24, strike “Section 1-311(y) and (z)” in each instance and replace it with “Section 1-311(x) and (y)”.

Conclusion

The Law Department can approve the bill for form and legal sufficiency, but is duty bound to highlight the above caveats to inform the Council’s consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Hochstetler', with a long horizontal flourish extending to the right.

Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themlis, Mayor's Office of Government Relations
Ty'lor Schnella, Mayor's Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desireé Luckey, Assistant Solicitor



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Catalina Rodriguez Lima, Director, Mayor's Office of Immigrant Affairs (MIMA)
CC	Mayor's Office of Government Relations
DATE	April 24, 2026
SUBJECT	Council Bill 26-0157 Private Detention Centers – Citywide Ban

Position: Favorable

BILL SYNOPSIS

Council Bill 26-0157 amends Article 32 (Zoning) of the Baltimore City Code to explicitly prohibit private detention centers in all zoning districts across the city. The proposed bill seeks to add “private detention centers” to the list of uses prohibited citywide. In addition, the bill establishes a clear definition of “private detention center,” including facilities operated by private entities under government contracts for incarceration or detention purposes. Finally, the bill clarifies that private detention centers are not considered government facilities or residential-care facilities under zoning definitions.

SUMMARY OF POSITION

The Mayor's Office of Immigrant Affairs (MIMA) supports Council Bill 26-0157, which establishes a clear, citywide prohibition on private detention centers through Baltimore's zoning code. Privately operated detention facilities, particularly those tied to federal immigration enforcement, have been associated nationally with reduced transparency and accountability. Prohibiting these facilities helps strengthen trust between residents and local government, an essential component of effective public safety.

Baltimore has long prioritized equity, inclusion, and the protection of vulnerable communities, including immigrants. This bill reinforces those commitments by ensuring that land use policy does not enable practices that may undermine civil rights or due process. Moreover, the intent of this bill is consistent with that of House Bill 1017, passed during the Maryland General Assembly's 2026 legislative session. Cementing this restriction at the local level echoes the state legislature's stance toward private detention facilities, while affording safeguards independent of any potential shifts at the state level.

Council Bill 26-0157 aligns with MIMA's mission to advance the well-being of immigrant families in Baltimore City and represents a proactive step toward safeguarding community trust

and dignity.

FISCAL IMPACT

The bill is not expected to have a direct fiscal impact on MIMA.

AMENDMENTS



**BALTIMORE CITY
BOARD OF MUNICIPAL
AND ZONING APPEALS**

Brandon M. Scott
Mayor

Justin A. Williams
Interim Executive Director

Members
Leland Shelton
Chair

Victor Clark
Liz Cornish
David Marcozzi
Rian Hargrave

417 E. Fayette St., Ste. 922
Baltimore, MD 21202
(410) 396-4301
zoning.baltimorecity.gov

MEMORANDUM

To: The Honorable Members of the Land Use & Transportation Committee
From: Justin A. Williams, Interim Executive Director
CC: Geoffrey Veale, Zoning Administrator
Date: April 23, 2026
Re: **CCB #26-0157 — Private Detention Centers – Citywide Ban**

This report is submitted by the staff of the Board to assist the Council in its consideration of CCB 26-0157.

I. Summary

Staff supports the intent of CCB 26-0157 — to prevent the establishment within Baltimore City of for-profit correctional and immigration detention facilities operated under contract with federal, state, or local government. Staff respectfully observes, however, that the bill’s definition of “private detention center,” as drafted, is broad enough to encompass a range of lawful, beneficial, or merely incidental uses that the Council likely does not intend to prohibit. Staff further observes that the bill’s federal immigration detention provision substantially duplicates existing state law, principally the Dignity Not Detention Act of 2021, as reinforced by Chapter 1 of 2026, such that the local bill’s most significant incremental effect is on non-immigration categories of detention. The following observations are offered for the Council’s consideration, together with two complementary amendment pathways.

II. Discussion

A. The Definition’s “In Whole or in Part” Language.

The bill would define a “private detention center” as any building “used, in whole or in part, to house or detain” an individual “prior to trial or sentencing,” “during the term of the individual’s sentence,” “for a federal immigration violation,” or “for another judicial or administrative process or proceeding,” where the building is operated by a private nongovernmental entity pursuant to an agreement with a federal, state, or local governmental entity.

Because the operative use is satisfied when the space is used “in part” to “house or detain” any individual, and because the enumerated categories in subsection (2) Because the operative use is satisfied when the space is used “in part” to “house or detain” any individual, and because the enumerated categories in subsection (2) are framed at a high level of generality, the definition may be read to reach facilities that the public would not ordinarily understand to be private prisons.

B. Coverage of Private Immigration Detention Under Existing State Law.

The prohibition on private immigration detention substantially duplicates existing state law. In 2021, the General Assembly enacted the Dignity Not Detention Act over the Governor's veto.¹ The Act prohibits the State, local governments, and specified State and local agents from entering into or renewing any "immigration detention agreement" authorizing the detention of individuals in a facility "owned, managed, or operated, in whole or in part, by a private entity"; from paying, reimbursing, subsidizing, or otherwise defraying costs related to a private immigration detention facility; and from receiving any payment related to such detention. Existing agreements were required to be terminated no later than October 1, 2022.

Of particular relevance to the City's zoning authority, the Act further prohibits the State, local governments, and specified agents from approving a zoning variance or issuing a permit for the construction of a building (or the reuse of an existing building) by any private entity for use as an immigration detention facility, unless the entity first provides at least 180 days' advance public notice of the proposed action and solicits and hears public comments in at least two separate open meetings. The Act defines "immigration detention facility" as "any building, facility, or structure used, in whole or in part, to house or detain individuals for federal civil immigration violations," which is materially identical in structure to subsection (2)(III) of the proposed local definition.

State policy in this area was further reinforced during the 2026 legislative session. Chapter 1 of 2026 (an emergency measure approved by the Governor on February 17, 2026, and codified at Md. Code Ann., Crim. Proc. § 5-104.1) prohibits the State, any unit of local government, any county sheriff, and any State or local agent from entering into any "immigration enforcement agreement" with the federal government.² The definition expressly reaches agreements made under 8 U.S.C. § 1103, § 1357 (which includes the so-called 287(g) deputization program), and any other federal law authorizing state or local enforcement of civil immigration law. Existing agreements were required to be terminated immediately on the Act's effective date. Although Chapter 1 addresses enforcement authority rather than detention facilities directly, it forecloses a category (state and local cooperation under § 1357(g)) that the Dignity Not Detention Act had expressly left untouched, and, taken together with Chapter 19, reflects a comprehensive state policy foreclosing both private immigration detention and state or local cooperation with federal civil immigration enforcement.

The practical effect is that Baltimore City is already prohibited by state law from entering into any immigration detention agreement with a private operator, and any zoning action enabling such a facility is subject to state-mandated public notice and hearing requirements. The incremental effect of CCB 26-0157 therefore lies principally in: (i) reinforcing state policy on immigration detention as a matter of local zoning prohibition, and (ii) extending a similar prohibition to *non-immigration* categories of

detention that neither the Dignity Not Detention Act nor Chapter 1 of 2026 reaches. This observation is relevant to the amendment analysis that follows: the categories *most likely to sweep in unintended uses* are also the categories where local action adds the most beyond existing state law. Narrowing those categories would not leave a regulatory gap for immigration detention or enforcement, both of which are already comprehensively addressed by state law.

C. Short-Term Holding Incidental to Another Use.

Staff is aware of several facilities within the City that contain secure holding rooms or cells that are used, at most occasionally and briefly, to secure an individual prior to transfer to law enforcement. M&T Bank Stadium, for example, has been publicly described as containing multiple holding cells used to temporarily secure field intruders and other individuals detained by private security personnel before they are turned over to the Baltimore Police Department for criminal processing.³ Analogous short-duration holding spaces exist at other event venues and transportation facilities.

Few would characterize these spaces as “detention centers” in any ordinary sense. Nevertheless, the combination of (i) private operation, (ii) a contractual or cooperative relationship with a governmental entity, and (iii) the temporary housing of individuals “prior to trial” may bring them within the literal terms of the proposed definition.

D. Residential Reentry Centers, Treatment Facilities, and Similar Uses.

Of greater practical significance, the proposed definition may reach facilities whose mission is the opposite of traditional private incarceration — facilities whose purpose is to divert individuals away from custodial settings. Three related observations warrant attention.

- (i) ***Federal Residential Reentry Centers.*** The only federal Residential Reentry Center (“RRC”) in Maryland, operated by Volunteers of America Chesapeake, Inc. at 5000 E. Monument Street, has served this function since 1976 and serves approximately 600 adults annually.⁴ The facility operates under contract with the Federal Bureau of Prisons and the U.S. Pretrial Services Office, and it houses individuals both as an alternative to pretrial detention and during the final portion of a federal sentence.⁵ Every element of the proposed definition is satisfied: the operator is a private, nongovernmental entity; it operates pursuant to an agreement with a federal governmental entity; and the facility houses individuals both “prior to trial or sentencing” and “during the term of the individual’s sentence.”
- (ii) ***Court-Ordered Residential Treatment.*** Maryland law routinely provides for residential substance-use and mental-health treatment as an alternative to, or condition of, incarceration. See, e.g., Md. Code Ann., Health-Gen. § 8-507; Md. Code Ann., Crim. Proc. § 6-220. Where a private provider delivers such treatment pursuant to a contract or memorandum of understanding with the Department of

Public Safety and Correctional Services, the Division of Parole and Probation, the Drug Treatment Court, or another governmental entity, and the client is placed at the facility pursuant to a judicial or administrative order, the literal terms of the proposed definition, particularly subsection (2)(IV)'s reference to "another judicial or administrative process or proceeding," may be satisfied. Comparable questions arise with respect to juvenile residential facilities operating under contract with the Maryland Department of Juvenile Services and private psychiatric facilities receiving individuals on involuntary commitment orders.

(iii) ***The Bill's Residential-Care Facility Provision Does Not Resolve This Concern.***

The bill appears to reflect some consideration of the overlap identified above. Section 2 would add a new § 1-312(p)(2) providing that "'Residential-care facility' does not include a private detention center." Given that a "residential-care facility" is defined as a "group care or similar facility for the 24-hour medical or non-medical care of individuals in need of personal services, supervision, or assistance essential to sustain activities of daily living, or to protect the individual," the drafting appears to have anticipated that certain care facilities could meet both definitions.

As drafted, however, the provision does not clearly function as a carve-out shielding residential treatment facilities from the new prohibition. It appears to operate in the opposite direction: it is a definitional tiebreaker under which, where a facility would otherwise satisfy both definitions, the "private detention center" designation controls, the "residential-care facility" classification is displaced, and the facility becomes a prohibited use. The provision thus narrows, rather than preserves, the scope of permitted residential-care facilities, and it does not address the concern that a privately operated residential substance-use or mental-health treatment program may fall within the "private detention center" definition as drafted.

Sweeping these facilities into a prohibited-use classification would, over time, render existing facilities nonconforming, foreclose expansion or replacement, and work against public-safety, public-health, and reentry goals the City has long supported.

E. Potential Amendment Pathways.

The Board staff suggests, without recommending any particular course, that the Council may wish to consider one or both of the following in order to align the bill's operative text with its evident purpose.

- (i) ***A Duration or Principal-Use Threshold.*** The definition could be narrowed by limiting its reach to facilities whose "primary use" or "principal purpose" is the detention of individuals, or by introducing a minimum duration (for example, detention "for a continuous period of more than 24 hours") beyond which short-term or incidental holding would not bring a facility within the definition. A threshold of this kind would address incidental holding cells at stadiums, arenas, and other

event venues, but it would not, standing alone, remove residential reentry centers or long-term court-ordered treatment from the scope of the prohibition.

- (ii) *Targeted Exclusions, or an Uncodified Statement of Legislative Intent.* The definition *could* be paired with an express exclusion for (i) residential reentry centers and similar community-corrections facilities operating under contract with the Federal Bureau of Prisons, the Maryland Department of Public Safety and Correctional Services, or the Division of Parole and Probation; (ii) residential substance-use disorder or mental-health treatment facilities licensed by the Maryland Department of Health; (iii) juvenile residential facilities operating under contract with the Maryland Department of Juvenile Services; and (iv) holding areas that are clearly incidental to a principal use otherwise permitted by this Code. In the alternative, or in addition, an uncodified section setting forth the Council’s statement of intent—clarifying that the ordinance is not intended to prohibit facilities of the kinds identified above—would provide an interpretive anchor for reviewing agencies and courts without altering the codified definition.

The two approaches are complementary. A duration or principal-use threshold narrows by the *character* of the use; targeted exclusions narrow by category of facility. Either, or both in combination, would help ensure that the ordinance is construed and applied consistent with the sponsors’ stated aims.

III. Conclusion

Staff supports the intent of CCB 26-0157. Because existing state law, the Dignity Not Detention Act of 2021 and the 2026 prohibition on immigration enforcement agreements, already comprehensively addresses federal immigration detention and enforcement, the local bill’s most durable contribution will be its extension of similar protections to the non-immigration categories of detention that state law does not reach, which are also the categories where the definitional concerns identified above are most acute.

Staff offers these observations to assist the Council in ensuring that the operative language of the ordinance, if adopted, tracks that intent without sweeping in lawful uses the Council likely does not intend to prohibit. Staff stands ready to provide additional analysis on request.

For any questions regarding this report or to discuss these concerns further, please contact **Justin Williams** at justin.williams@baltimorecity.gov or (410) 396-4301.

ENDNOTES

1. Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act), ch. 19, 2021 Md. Laws 1st Spec. Sess. (enacted Dec. 2021 by override of the Governor’s veto); see Md. Dep’t of Legis. Servs., Fiscal and Policy Note for H.B. 1006, at 3–5 (2025 Sess.), https://mgaleg.maryland.gov/2025RS/fnotes/bil_0006/hb1006.pdf (summarizing the operative provisions of Chapter 19).
2. 2 Public Safety – Immigration Enforcement Agreements – Prohibition, ch. 1, 2026 Md. Laws (emergency measure approved by the Governor Feb. 17, 2026) (codified at Md. Code Ann., Crim. Proc. § 5-104.1).
3. See Andy Kostka, Lionel Messi Is Set to Play in Baltimore. Beware of Field Invaders., Balt. Banner (Mar. 6, 2026), <https://www.thebanner.com/sports/lionel-messi-superfans-mt-bank-stadium-DGS2PFR2CFDKBLSHVHVOJO44FU>
4. Volunteers of Am. Chesapeake & Carolinas, Residential Re-Entry Center, <https://www.voachesapeake.org/residential-re-entry-maryland/> (last visited Apr. 23, 2026).
5. See 18 U.S.C. § 3624(c) (directing the Bureau of Prisons to place inmates, to the extent practicable, in pre-release conditions including residential reentry centers); Admin. Office of the U.S. Courts, Residential Reentry Centers Reference Guide (Mar. 2020), <https://www.uscourts.gov/file/28164/download>



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Amber Greene, Chief Equity Officer Director, Office of Equity & Civil Rights
CC	Mayor's Office of Government Relations
ANALYST	Zachary Wellman, Equity Policy Analyst
DATE	April 30, 2026
SUBJECT	OECR Report on Baltimore City Council Bill 26-0157 Private Detention Centers – Citywide Ban

POSITION: Favorable

BILL SYNOPSIS

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 26-0157 – *Private Detention Centers – Citywide Ban*.

This is an ordinance that accomplishes the following:

- Define private detention centers in the context of land use.
- Prohibit private detention centers as a land use in all zoning districts citywide.
- Provide for an immediate effective date of the ordinance.

The bill accomplishes this by amending Article 32- Zoning, Sections 1-209, 1-307(a), 1-311, and 1-312(p) of the Baltimore City Code.

SUMMARY OF POSITION

The Office of Equity & Civil Rights (OECR), as the agency that houses the Police Accountability Board (PAB) and facilitates adherence to the City's Equity Assessment program, is committed to upholding the principles of equity and a transparent, accountable justice system. In alignment with these values, the OECR supports the intent of City Council Bill 26-0157 to prohibit, in all zoning districts of the City, the establishment or operation of private detention centers. Private detention facilities represent a capitalization on this nation's woeful justice system by permitting the profit motive to expropriate societal incapacitation and rehabilitation needs, to the detriment of true justice for all parties.

Private detention facilities, as business entities that generate revenue from the incidence of criminal activity, civil immigration violation, or conviction resulting in incarceration, have no

core incentive to reduce recidivism or re-detainment through rehabilitation or social services. They also overburden detained individuals and their families with financial responsibility for medical care, commissary, and phone calls to maintain family connections; inelastic services provided by detention facilities that have spawned rent-seeking industries in themselves. This approach to corrections is antithetical to contemporary understanding of best practices to reduce recidivism. According to a 2016 bulletin from the Department of Justice's Federal Bureau of Prisons (BOP), evidence-based corrections strategies for reducing recidivism are rooted in addressing foundational needs, includingⁱ:

- Providing Education
- Prioritizing Mental Health Treatment
- Job Skill Development
- Job placement
- Ensuring Substance Abuse Treatment
- Maintaining Family Ties
- Assisting Individuals in Attaining Necessary Documentation
- Phasing Out the BOP's Use of Private Detention Facilities

It is for this reason that, in a 2016 memo to the BOP, Deputy Attorney General Sally Yates instructed that the Department of Justice would be ultimately ending its use of private prisons by declining to renew contracts with said facilitiesⁱⁱ. Additionally, in compliance with the January 2021 Executive Order *Reforming Our Incarceration Systems to Eliminate the Use of Privately Operated Criminal Detention Facilities* by President Joe Biden, the BOP ended all contracts with privately managed prisons by December 1, 2022. With that executive order, the Attorney General was henceforth prohibited from renewing any federal private prison contracts until the Trump Administration resumed the practice by rescinding the executive order on January 20, 2025^{iii iv}.

The Office of Equity & Civil Rights concurs with this discontinuation of privatizing detention as a pathway to improve equitable outcomes for incarcerated individuals, victims and their families, innocent pre-trial detainees, and individuals detained on civil immigration law violations.

EQUITY ASSESSMENT

The Office of Equity & Civil Rights has conducted an equity assessment on the citywide impact of Council Bill 26-0157 – *Private Detention Centers – Citywide Ban*. The results of this assessment conclude that private detention centers endanger the civil rights of Baltimore residents and constitute a peril to making the City equitable in the following ways, should they be established in the absence of this bill:

Mass Incarceration

Fundamentally, privately owned/operated detention is a practice that has been adopted to address a significant concern for the state: too many people are incarcerated to be accommodated within the finite space of local, state, and federally owned correctional

facilities. The underlying cause of this concern stems from mass incarceration due to the overcriminalization of marginalized (particularly Black) people, the War on Drugs, and a resistance in policy to commit to diversionary tactics that would prevent people from becoming justice-involved in the first place. Maryland's Department of Public Safety and Correctional Services is not an exception to this. Notably, as of fiscal year 2023, the percentage of Maryland's incarcerated population who were black was 72.4%, the highest of any state and over double that of the national average. This is despite Black Marylanders representing less than one-third of the state's total population. Additionally, nearly 8 in 10 people who have served 10 years or more and were sentenced between the ages of 18 and 24 are Black. As a result, Black Marylanders have been disproportionately burdened with excessive sentencing and punitive incarceration^v. Private detention facilities are a response to a systemic policy failure that has resulted in 580 per 100,000 (or nearly 2,000,000 total) United States residents being incarcerated in some form, the highest of any comparable nation; in fact, the total abolition of all private detention and release of the detainees therein would immediately shrink the United States carceral population by 8.6%^{vi}.

Consequently, Mayor Brandon Scott, in recognition of the systemic failure of the justice system, has committed to mitigating the role Baltimore plays in mass incarceration, particularly of Baltimore's young Black residents. Mayor Scott established the Mayor's Office of Neighborhood Safety and Engagement (MONSE) in 2020 to implement the City's Comprehensive Violence Prevention Plan to address the root causes of violence by improving public safety citywide. The plan uses a public health approach, which means it focuses on healing people, reducing harm, and supporting safer communities. MONSE has also identified diversion from the justice system and/or pre-justice-system intervention as among the most effective ways to improve public safety outcomes. This led to the launch of the SideStep Pre-Arrest Youth Diversion pilot program and Group Violence Reduction Strategy in 2022. To this extent, the prohibition of private detention facilities within Baltimore City is not only consistent with Mayor Brandon Scott's priority to end the cycle of mass incarceration, but also his approach to improving public safety and equity for residents most vulnerable to becoming justice-involved.

Immigrant Communities

As of March 2026, of the approximate 1.9 million people detained in the United States for non-immigration-related reasons, approximately 127,000 were held in private detention facilities across the country. This is in stark contrast to the approximately 43,000 of the 71,000 people held nationally by Immigration and Customs Enforcement and the Office of Refugee Resettlement for civil immigration enforcement being held in privately owned/operated facilities^{vi}. This is indicative that the equity, civil rights, and ethical concerns of private detention have a disparate impact on immigrants, their

families, and those racially profiled as immigrants. Because of the overreliance of private detention centers to house those detained based on civil immigration law and the fact that Maryland's DPPCS does not contract with private entities for detainment, any establishment of private detention facilities in Baltimore would likely be on behalf of the federal government for civil immigration detainment. Therefore, an effective method to protect Baltimore's immigrant communities and curb their confinement is to prevent the establishment or operation of private detention facilities in the City altogether.

Local Development

The City of Baltimore does not oversee any correctional system nor does it control any of the detention or correctional facilities within the city, including Baltimore City Correctional Center, Baltimore Central Booking and Intake Center, Chesapeake Detention Facility, Maryland Reception, Diagnostic and Classification Center, Metropolitan Transition Center, or the Youth Detention Center. These facilities are units of the State of Maryland's Department of Public Safety and Correctional Services. If a private detention center were to be established within city limits, it would be operated by either the State of Maryland or, in the context of civil immigration enforcement, the federal government. Therefore, any contract, development, or revenue generated therein would not directly benefit the City and would be on behalf of the state or federal government. If not prohibited, there is an opportunity cost associated with the capital used to establish private detention centers in the city that could alternatively be used to invest in the city otherwise. This could include avenues that bolster the Baltimore economy, increase the housing supply, or more equitably develop disinvested Baltimore communities in ways that directly benefit residents, as opposed to investing in their incarceration.

Private detention facilities have also raised several concerns related to oversight, accountability, and public health equity. Opponents have argued that offloading a core governmental function, such as confinement, to private entities results in the public being unable to adequately supervise the correctional system for violations of civil rights, ethical operation, and abuse. As for-profit business entities, these institutions have a fiduciary responsibility to maximize revenue while minimizing expenses. To achieve this, many necessary functions of detention facilities are financialized, such as the provision of healthcare, and must be financially offloaded to detainees. The intrinsic profit motive of these businesses to maximize detainment also means their financial interests are inherently opposed to improving public health outcomes that mitigate detainment by addressing the social strain-based sources of incarceration. A health equity approach to crime would seek governmental investment into education, food access, shelter, public safety, and community development, as opposed to expanded carceral capacity.

As a development of the aforementioned considerations, the Office of Equity & Civil Rights

concludes that City Council Bill 26-0157 should consequently have a clear positive impact on citywide equity.

FISCAL IMPACT

City Council Bill 26-0157 is not expected to have any direct operational, investigatory, or enforcement outcomes that involve the OECR or any of the boards and commissions staffed by the agency. As such, the OECR does not identify any foreseeable fiscal impacts to the office associated with the legislation.

CONCLUSION

Council Bill 26-0157 intends to ban all private detention centers within Baltimore City outright. The OECR discerns no inequity in the intent, purpose, or impact of this initiative. On the contrary, the office finds the preemptive safeguard against for-profit incarceration and mass civil detention of immigrant residents in the city to be justifiable in the pursuit of defending vulnerable residents' civil rights. As such, the Office of Equity and Civil Rights respectfully requests a **favorable** committee report on City Council Bill 26-0157.

Respectfully Submitted,



Amber Greene

Director, Office of Equity & Civil Rights

ⁱ U.S. Department of Justice. (2025, June 5). *Prison reform: Reducing recidivism by strengthening the Federal Bureau of Prisons*. Department of Justice Archive. <https://www.justice.gov/archives/prison-reform>

ⁱⁱ Sullivan, E. (2023, December 5). *Obama administration to phase out some private prison use*. AP News. <https://apnews.com/united-states-government-567c4b8693044e2c98e3d6fb81682c1f>

ⁱⁱⁱ Federal Bureau of Prisons. (2022, December 1). *Bop ends use of privately owned prisons*. Federal Bureau of Prisons. https://www.bop.gov/news/20221201_ends_use_of_privately_owned_prisons.jsp

^{iv} Southern Poverty Law Center. (2025, April 28). *Trump order ended prohibition on Private Federal Prisons*. Southern Poverty Law Center. <https://www.splcenter.org/resources/guides/trump-executive-order-private-federal-prisons/>

- ^v Woelful, L. (2024b, April 17). *As pandemic eases, share of black inmates in Maryland prisons Peaks - Maryland matters*. Maryland Matters. <https://marylandmatters.org/2024/04/17/as-pandemic-eases-share-of-black-inmates-in-maryland-prisons-peaks/>
- ^{vi} Sawyer, W., Nam-Sonenstein, B., & Wagner, P. (2026, March 11). *Mass incarceration: The whole pie 2026*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/pie2026.html>

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers - Citywide Ban

Additional Materials

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 26-0157**

The Land Use & Transportation Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 26-0157 on Thursday, April 30, 2026, at 9:00 AM in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public may be able to observe the hearing virtually, depending on the availability of the technology, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Private Detention Centers - Citywide Ban

FOR the purpose of establishing a private detention center as a prohibited use Citywide; defining certain terms; making conforming changes; and providing for a special effective date.

Applicant: Zeke Cohen - Council President. Council Members Odette Ramos, Paris Gray, & Mark Parker

For more information, contact committee staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Ryan Dorsey
Chair

ap15 4147755

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

26-0157

Private Detention Centers – Citywide Ban

Public Testimony



Testimony for the Land Use & Transportation Committee

Council Bill 26-0157– Private Detention Centers – Citywide Ban

FAVORABLE

April 30, 2026

The ACLU of Maryland supports Council Bill 26-0157, which adds private detention centers to the list of prohibited uses in section 1-209 of the Zoning Article in the Baltimore City Code. The principles this bill advances are essential to public accountability and to the city's fundamental obligation to ensure that people deprived of their liberty and communities are not subject to unsafe environments.

TIERRA BRADFORD
SENIOR POLICY COUNSEL

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PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

Across systems of detention, criminal, civil, and administrative, we have seen a dangerous trend toward expanding carceral capacity through expediency rather than care. The federal government is purporting to use warehouses, and other structures never intended to confine human beings for detention with little to no public input from state and local governments or the communities.¹ Council Bill 26-0157 draws a necessary and principled line by expressly stating that the use of private detention facilities that have little to no regard for the wellbeing of the people detained in them or the communities in which they reside have no place in Baltimore city.

Detention is one of the most severe exercises of government power, in which it assumes complete responsibility for that person's safety, medical care, and basic human needs. Facilities not designed for detention will inevitably fail to meet those obligations. Current improvised detention spaces, like the now infamous Alligator Alcatraz, or Ft. Bliss, a tent-like camp on a military base, are associated with overcrowding, medical neglect, and multiple deaths.² These failures are not isolated accidents—they are the predictable result of placing human beings in hastily built cages with no regard for their humanity.

Across the detention landscape, privatization has created powerful financial incentives to cut corners, reduce staffing, and minimize

¹ Jonathan O'Connell & Douglas MacMillan, ICE Buys Warehouses for Mass Detention Network, Rattling Locals, Wash. Post (Jan. 30, 2026), available at <https://www.washingtonpost.com/investigations/2026/01/30/ice-warehouse-detention-dhs-immigration/>

² ICE Letter re: Fort Bliss, American Civil Liberties Union (Dec. 8, 2025), available at <https://www.aclu.org/documents/ice-letter-re-fort-bliss>

medical and mental health care.³ Private detention operators often function with little transparency, shielded from public records laws and routine oversight, even while exercising coercive power over people's lives. This lack of accountability undermines public trust and erodes constitutional and human rights protections. Additionally, any concern about federal preemption should not deter this body from acting. Cities have long exercised their right to regulate health, safety, land use, and the operation of detention facilities within their jurisdiction.

Council Bill 26-0157 challenges us to confront a deeper question that cuts across all systems of detention: how comfortable are we in allowing human confinement to expand in the shadows, driven by cruelty, convenience, and profit rather than necessity and care? People in detention—whether accused, convicted, or held under civil authority—remain human beings. They do not lose their right to safety, dignity, or basic decency at the moment a door locks behind them. For these reasons, we respectfully urge the Committee to issue a favorable report on Council Bill 26-0157.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

³ Immigrants Sue Trump Administration Over Inhumane Conditions at California's Largest Immigration Detention Center, American Civil Liberties Union (Nov. 13, 2025), available at <https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-californias-largest-immigration-detention-center>

Leva, Anthony F (City Council)

From: Joann Robinson <jooiman64@gmail.com>
Sent: Tuesday, April 28, 2026 1:19 PM
To: Testimony
Cc: Anthony.vega@baltimorecity.gov; Ramos, Odette (City Council)
Subject: CB 26-0157

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Members of the City Council,

I urge you to pass CB 26-0157, prohibiting private detention centers from being established in Baltimore City. I am horrified by reports from elected officials, immigrant advocates and others who have first-hand experiences with the conditions in these centers. They have no place in a humane society and violate every tenet of democracy. The private operators flaunt accountability and are drawing substantial profits from the life-threatening mistreatment of those who are under their control and who have been deprived of their constitutional rights. Such horrific places should not exist anywhere, and we certainly don't want them in our city.

Jo Ann O. Robinson
3012 Abell Avenue
410 370 7447.

Private detention facilities have no place in Baltimore, and I applaud the City Council for pushing to ban them from our city. I am in full support of the bill's contents. However, I believe the wording of the corresponding Maryland State Senate Bill (SB0984) is stronger and clearer than the wording of Baltimore City's version. I support the reconciliation of CB26-1057 to match that of SB0984 where the two versions diverge.

I also and specifically want to name that no exceptions should be carved out for preexisting detention spaces operated by private entities. In particular, this bill, if passed, should prompt the removal of the immovable restraining bar in the Roll Call Room at the Remington Campus Safety Office of Johns Hopkins University, which the Johns Hopkins Police Department (JHPD) intends for use "*as a fixed object to secure a person in custody by attaching a single handcuff to the bar*" while those individuals "*remain in ankle restraints.*" (See page 18 of the JHPD's Operational Procedure #412 on Custody, Transport & Processing). It is absurd and offensive for a university to maintain a space where individuals detained by a private police force can be chained to the wall. It is equally offensive that the JHPD, on the same page where they describe this bar, claims that the JHPD "*does not operate a holding facility, possess holding cells, or have rooms equipped for the detention of people in custody.*" Exactly what kind of "equipment," then, is a restraining bar explicitly intended for securing handcuffed people?

JHU claims that its restraining bar will be used for people "*only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker,*" but under current policy, I am aware of nothing that actually stops them from using the restraining bar to hold someone for an indefinite period should they feel the need or desire to do so. If this bill is not construed to apply to the Roll Call Room simply because the JHPD does not refer to that room as a "holding facility," then the Roll Call Room will effectively function as an exemption to the law, which is contrary to its spirit and purpose.

Passing CB26-1057 with strengthened, clarified language, and ensuring it is free of loopholes, is an important step toward a more just Baltimore.

Testimony FOR CB 26-0157
Land Use and Transportation Committee

April 29, 2026

Dear Councilman Dorsey,

I am writing to support CB 26-0157 to ban private detention centers in Baltimore.

This bill is important to prevent ICE from establishing (or contracting for) private detention centers that could be used to harm our immigrant neighbors. It's also necessary to stop the detention facility operated by the Johns Hopkins University Police Department (JHUPD).

[JHUPD Policy #412](#), states that they will handcuff people they arrest to a metal bar and place them in ankle restraints (p. 18):

The Roll Call Room at the Remington Campus Safety Office is equipped with an immovable restraining bar to secure a person in custody who is only being cited and released or referred and released to an allied criminal justice agency, guardian, or community caretaker. The restraining bar may be used by an officer as a fixed object to secure a person in custody by attaching a single handcuff to the bar. While attached to the restraining bar, people in custody will remain in ankle restraints and under the constant supervision of the arresting officer.

A private university should not be able to detain citizens in any private facility. That is the responsibility of publicly accountable law enforcement agencies. This bill would stop JHUPD from doing that.

I recommend that you also consider aligning the language of CB 26-0157 with the General Assembly's [HB1017](#) to stop private detention centers throughout Maryland.

Sincerely,

Emil Volcheck
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