

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 23-0445

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
Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: December 18, 2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 Charter Amendment – Baltimore City Police Department

2 FOR the purpose of establishing the objectives, powers, and duties of the Baltimore City Police
3 Department; defining certain terms; creating the role of the Police Commissioner and
4 establishing the Commissioner as the head of the Department; providing for the appointment
5 and confirmation of the Commissioner; establishing the powers and duties of the
6 Commissioner; establishing the powers and duties of police officers; ~~providing for police~~
7 ~~officers' enjoyment of certain immunities and defenses;~~ requiring the reallocation of police
8 district boundaries; and submitting this amendment to the qualified voters of the City for
9 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~~ 147
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:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Baltimore City Charter

Article IV. Mayor

§ 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.

Council Bill 23-0445

1 (E) *POLICE OFFICER.*

2 "POLICE OFFICER" MEANS A PERSON WHO IS:

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

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

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

7 **§ 143. COMMISSIONER.**

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

9 THE POLICE COMMISSIONER SHALL:

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

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

12 (B) *APPOINTMENT; ~~TERM.~~*

13 THE COMMISSIONER SHALL BE APPOINTED, AND MUST BE CONFIRMED, AND SHALL SERVE
14 PURSUANT TO CITY CHARTER ARTICLE IV, § 6 {"APPOINTMENTS OF MUNICIPAL
15 OFFICERS"} § 6(A) {"APPOINTMENTS SUBJECT TO CONFIRMATION"}.

16 (C) *TERM.*

17 THE TERM OF THE COMMISSIONER SHALL BE ESTABLISHED BY THE MAYOR.

18 (D) ~~(C)~~ *SALARY.*

19 THE COMMISSIONER SHALL BE PAID A SALARY AS PROVIDED FOR IN THE ORDINANCE OF
20 ESTIMATES.

21 (E) ~~(D)~~ *STAFF.*

22 THE COMMISSIONER MAY APPOINT SUCH EMPLOYEES AS PROVIDED IN THE ORDINANCE OF
23 ESTIMATES.

24 **§ 144. COMMISSIONER: POWERS.**

25 THE COMMISSIONER SHALL:

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

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

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

Council Bill 23-0445

- 1 (I) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DUTIES TO DEPARTMENT
2 STAFF; AND
- 3 (II) ASSIGN, REASSIGN, ALLOCATE, AND REALLOCATE DEPARTMENT STAFF TO
4 ORGANIZATIONAL SUBDIVISIONS OF THE DEPARTMENT;
- 5 (4) DETERMINE AND ESTABLISH:
- 6 (I) THE CLASSIFICATION OF RANKS, GRADES, AND POSITIONS;
- 7 (II) UNIFORM INSIGNIA;
- 8 (III) THE POWERS, DUTIES, RIGHTS, AND PRIVILEGES FOR DEPARTMENT STAFF; AND
- 9 (IV) THE ORDER OF SUCCESSION FOR POSITIONS OF COMMAND;
- 10 (5) WITH THE CONSENT OF THE DEPARTMENT OF HUMAN RESOURCES, DETERMINE AND
11 ESTABLISH POSITIONS WITHIN THE DEPARTMENT FOR CIVILIAN EMPLOYEES;
- 12 (6) APPOINT, PROMOTE, REDUCE IN RANK, GRADE, OR POSITION, REASSIGN, RECLASSIFY,
13 RETIRE, AND DISCHARGE DEPARTMENT STAFF IN THE MANNER PRESCRIBED BY LAW;
- 14 (7) INSTITUTE A SYSTEM OF:
- 15 (I) PERIODIC PERFORMANCE EVALUATION FOR DEPARTMENT STAFF; AND
- 16 (II) REGULAR PHYSICAL EXAMINATION OF DEPARTMENT STAFF, AS NECESSARY FOR
17 THE EMPLOYEE TO EFFECTIVELY PERFORM ASSIGNED DUTIES;
- 18 (8) MAKE AND EXECUTE CONTRACTS AND OTHER INSTRUMENTS AS MAY BE AUTHORIZED
19 IN THE EXERCISE AND PERFORMANCE OF THE POWERS OF THE COMMISSIONER AND THE
20 DEPARTMENT;
- 21 (9) ESTABLISH, MAINTAIN, AND MODIFY SYSTEMS FOR THE RECEPTION, PROCESSING, AND
22 MAINTENANCE OF:
- 23 (I) REPORTS AND RECORDS OF OCCURRENCES OR ALLEGED OCCURRENCES OF
24 CRIME WITHIN THE CITY; AND
- 25 (II) REPORTS AND RECORDS OF THE ADMINISTRATION, MANAGEMENT, AND
26 OPERATION OF THE DEPARTMENT; AND
- 27 (10) ADOPT RULES AND REGULATIONS TO EFFECTIVELY DISCHARGE THE POWERS AND
28 DUTIES OF THE COMMISSIONER AND DEPARTMENT.

Council Bill 23-0445

1 § 145. DEPARTMENT: POWERS AND DUTIES.

2 (A) *PURPOSE.*

3 THE PURPOSE OF THE DEPARTMENT IS TO:

- 4 (1) SAFEGUARD THE LIVES AND SAFETY OF ALL INDIVIDUALS WITHIN THE CITY;
5 (2) PROTECT PROPERTY WITHIN THE CITY; AND
6 (3) ASSIST IN SECURING TO ALL INDIVIDUALS THE EQUAL PROTECTION OF THE LAW.

7 (B) *POWERS.*

8 THE DEPARTMENT SHALL HAVE, WITHIN THE BOUNDARIES OF THE CITY, THE POWER TO:

9 (1) MAINTAIN THE ORDERLY FLOW OF TRAFFIC IN THE PUBLIC RIGHT OF WAY; AND

10 (2) ASSIST LAW ENFORCEMENT AGENCIES OF:

11 (I) THE STATE; AND

12 (II) ANY OFFICIAL UNIT OF FEDERAL, TRIBAL, STATE, OR LOCAL GOVERNMENT
13 WITHIN THE UNITED STATES.

14 (C) [(B)] *DUTIES.*

15 THE DEPARTMENT SHALL HAVE, WITHIN THE BOUNDARIES OF THE CITY, THE SPECIFIC
16 DUTY AND RESPONSIBILITY TO:

17 (1) PRESERVE THE PUBLIC PEACE;

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

19 (3) ENFORCE THE LAWS OF:

20 (I) THE STATE; AND

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

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

24 (5) PRESERVE ORDER AT PUBLIC PLACES; AND

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

26 ~~(7) ASSIST LAW ENFORCEMENT AGENCIES OF:~~

27 ~~(I) THE STATE; AND~~

Council Bill 23-0445

~~(H) ANY OFFICIAL UNIT OF FEDERAL, TRIBAL, STATE, OR LOCAL GOVERNMENT WITHIN THE UNITED STATES; AND~~

(6) ~~[(8)]~~ DISCHARGE ITS DUTIES AND RESPONSIBILITIES WITH DIGNITY AND IN A MANNER THAT WILL INSPIRE PUBLIC CONFIDENCE AND RESPECT.

(D) ~~[(C)]~~ DUTIES: OUTSIDE THE CITY.

(1) IN GENERAL.

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

(2) CONCURRENT JURISDICTION.

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

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

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

§ 146. POLICE OFFICERS; POWERS AND DUTIES.

~~(A) POWERS AND DUTIES:~~

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

~~(B) IMMUNITIES AND DEFENSES:~~

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

Council Bill 23-0445

1 **§ 147. REDISTRICTING.**

2 (A) COMMISSIONER TO PREPARE PLAN FOR REALLOCATION OF BOUNDARIES.

3 TO ENSURE THAT THE RESOURCES OF THE DEPARTMENT ARE EFFICIENTLY ALLOCATED,
4 FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES THE COMMISSIONER SHALL
5 PREPARE AND SUBMIT A POLICE DISTRICT REDISTRICTING PLAN TO THE MAYOR WITHIN 1
6 YEAR FROM THE PUBLICATION OF DECENNIAL CENSUS DATA FOR THE REALLOCATION OF
7 POLICE DISTRICT BOUNDARIES.

8 (B) ACTION BY THE MAYOR.

9 WITHIN 90 DAYS OF RECEIPT OF A POLICE DISTRICT REDISTRICTING PLAN FROM THE
10 COMMISSIONER UNDER SUBSECTION (A) OF THIS SECTION AND AFTER PUBLIC HEARINGS
11 THE MAYOR SHALL SUBMIT A POLICE DISTRICT REDISTRICTING PLAN FOR THE
12 REALLOCATION OF POLICE DISTRICT BOUNDARIES TO THE CITY COUNCIL FOR ADOPTION AS
13 A RESOLUTION OF THE MAYOR AND CITY COUNCIL.

14 (C) ACTION BY THE CITY COUNCIL.

15 THE POLICE DISTRICT REDISTRICTING PLAN, AS IT MAY BE AMENDED BY THE CITY
16 COUNCIL, MUST BE APPROVED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL
17 WITHIN 180 DAYS FROM THE DATE THE PLAN IS INTRODUCED ON THE COUNCIL FLOOR.

18 (D) EFFECTIVE DATE.

19 THE PLAN SHALL BE EFFECTIVE 90 DAYS FROM THE DATE OF ENACTMENT.

20 (E) FAILURE TO APPROVE PLAN.

21 IF THE PLAN IS NOT APPROVED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION,
22 THEN THE PLAN, AS PRESENTED BY THE MAYOR TO THE CITY COUNCIL, WILL GO INTO
23 EFFECT ON THE DAY AFTER THE EXPIRATION OF THE TIME PERIOD SET FORTH IN
24 SUBSECTION (D) OF THIS SECTION.

25 (F) COMMISSIONER TO IMPLEMENT PLAN MADE EFFECTIVE.

26 THE COMMISSIONER SHALL IMPLEMENT PLAN MADE EFFECTIVE UNDER THIS SECTION.

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

Council Bill 23-0445

Certified as duly passed this 19 day of December, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 19 day of December, 2023



Chief Clerk

Approved this 24 day of January, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 18th Day of December, 2023.

Elena R DiPietro
Chief Solicitor