



CITY COUNCIL BILL: 23-0445

BILL REPORT

CHARTER AMENDMENT – BALTIMORE CITY POLICE DEPARTMENT

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
THRU: Nina Themelis, Director, Mayor's Office of Government Relations
ANALYST: Ty'lor Schnella, Leg. Liaison & Policy Analyst, Office of Equity and Civil Rights
DATE: 11/29/2023
POSITION: **Favorable**

INTRODUCTION

The Office of Equity and Civil Rights (OECR) has reviewed and is herein reporting on City Council Bill 23-0445 – Charter Amendment – 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.

BACKGROUND

By 1860, the Know-Nothing Party had taken complete political control of Baltimore City and was abusing its power. The Maryland General Assembly reached the conclusion that the Mayor and City Council had proven themselves incapable of maintaining order in Baltimore and accordingly enacted Public Local Laws making the Baltimore Police Department a State Agency.

These Public Local Laws required that the Baltimore Police Department be managed by a board of four Police Commissioners appointed by the General Assembly. The authority to appoint and remove the Commissioners was turned over to the Governor in 1900. In 1966, when the City moved to having a single Police Commissioner, the power to appoint and remove the Commissioner remained with the Governor. In 1976, the General Assembly transferred the appointment and removal powers to the Mayor. However, the Maryland General Assembly left intact the State Agency status of the Police Department. This means the General Assembly rather than the City Council was the legislative body responsible for any legislative enactments governing the Baltimore Police Department.

Despite serving as a state agency for 158 years, the Baltimore Police Department relied on funding primarily provided by the City of Baltimore. The Mayor holds the authority to appoint and remove the Police Commissioner and exercises control over the Department's financial resources via the budget. Additionally, the City Council plays a role in both the appointment and budgetary processes.



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ANALYSIS

The City Charter provides for the basic function of the City of Baltimore and its agencies. It is appropriate and necessary that the Baltimore Police Department and the basic structure of the Department is enshrined within the City Charter. This will ensure that no drastic changes can be made to the Departments basic operations without the consent of Baltimore City voters.

CONCLUSION

The Office of Equity and Civil Rights supports a **favorable** committee report on City Council Bill 23-0445.