

Introduced by: Councilmember Scott ~~Young, Henry~~ ^{Costello Burnett Pincus Dorsey}
Prepared by: Department of Legislative Reference ^{Bullard, Cohen, Stokes, Stead, S. Carter} Date: January 31, 2018 ^{m. J. Deltor}

Referred to: RESOLUTION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0067R

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Request for State Action – Create a Board of Police Commissioners and Transfer Full Control Over the Baltimore City Police Department to The City of Baltimore

FOR the purpose of calling on the Maryland General Assembly to enact, and the Governor to sign, legislation to remove the Baltimore City Police Department's status as an instrumentality of the State of Maryland and place the Department completely under the control of the citizens of Baltimore acting through the Mayor, City Council, and a new Board of Police Commissioners.

[Handwritten signatures and initials]
Bill A
C-T. A
L. L.
Robert Stokes
[Large scribbled signature]

No. |

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

Council Bill 18-0067R

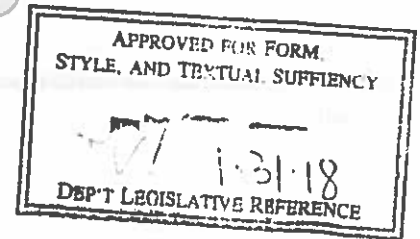
1 Moreover, the return to having a Board of Police Commissioners would vest full control of
2 the Baltimore Police Department in Baltimore's citizens, acting not only through their duly
3 elected Mayor and City Council but through direct citizen oversight as well. Cities across the
4 country have long had direct civilian oversight of their police departments through Police
5 Commission Boards. Los Angeles, Kansas City, San Francisco, and Detroit are just a few major
6 cities where Boards of Police Commissioners exist, all in their own unique form. Baltimore
7 would benefit greatly from analyzing each model, especially Detroit's where the Board of Police
8 Commissioners is partially elected.

9 In light of Baltimore's recent and historical struggles with its police department, it is clear
10 that the oversight structure is at best troublesome if not broken. Baltimore needs a change to its
11 police oversight structure. Enacting legislation to create a Board of Police Commissioners and
12 turn over full authority over the Baltimore Police Department to the City of Baltimore would be
13 an important step in bridging the gap that separates too many of Baltimore's citizens from the
14 Department charged with protecting them.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
16 Council calls on the Maryland General Assembly to enact, and the Governor to sign, legislation
17 to remove the Baltimore City Police Department's status as an instrumentality of the State of
18 Maryland and place the Department completely under the control of the citizens of Baltimore
19 acting through the Mayor, City Council, and a new Board of Police Commissioners.

20 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Police
21 Commissioner, the Governor, the Honorable Chairs and Members of the Baltimore City House
22 and Senate Delegations to the Maryland General Assembly, the President of the Maryland
23 Senate, the Maryland House Speaker, the Mayor, and the Mayor's Legislative Liaison to the City
24 Council.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL ____ R
(Resolution)



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Recitals

The Baltimore City Police Department occupies an unusual legal position as a creature of State, rather than City, law, officially an "agency and instrumentality of the State of Maryland", that operates only on territory controlled by Baltimore City and that for most, but not quite all, purposes is treated like any other City Agency.

The handful of ways that this unusual arrangement causes the Police Department to differ from other City departments are unfortunately not all trivial. In fact, they seriously undermine the City's ability to quickly, efficiently, and effectively respond to some of its most pressing problems.

Provisions in the State Public Local Laws exclusively affecting Baltimore City, and in the basic powers granted by the State to Baltimore in the City Charter, have been interpreted as making it impossible for the City to permanently set policies regarding the Police Department through its own legislation. This leaves the City with two unappealing options for dealing with many vital issues - either address them through informal executive action that can be changed, undermined, or simply forgotten with relative ease; or through State legislation that can only be enacted during the limited window when the General Assembly is in session and requires the consent and interest of legislators with no ties of any kind to our city.

There may, possibly, have been a time when leaving the Police Department uniquely outside of Baltimore's citizens' ability to govern themselves under laws of their own choosing may have made some sense. However, the long-term problems in the relationship between many of those same citizens and the legally foreign Police Department that contributed to the recent unrest in our city, and continue to undermine the ability of the Department to properly perform its essential

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functions of protecting and serving all Baltimoreans, make it clear that this lack of direct accountability no longer serves any useful purpose. This attenuated relationship also unnecessarily complicates the City's ability to meet its obligations under the consent decree with the U.S. Justice Department designed to address some of these long term issues.

Moreover, the return to having a Board of Police Commissioners would vest full control of the Baltimore Police Department in Baltimore's citizens, acting not only through their duly elected Mayor and City Council but through direct citizen oversight as well. Cities across the country have long had direct civilian oversight of their police departments through Police Commission Boards. Los Angeles, Kansas City, San Francisco, and Detroit are just a few major cities where Boards of Police Commissioners exist, all in their own unique form. Baltimore would benefit greatly from analyzing each model, especially Detroit's where the Board of Police Commissioners is partially elected.

In light of Baltimore's recent and historical struggles with its police department, it is clear that the oversight structure is at best troublesome if not broken. Baltimore needs a change to its police oversight structure. Enacting legislation to create a Board of Police Commissioners and turn over full authority over the Baltimore Police Department to the City of Baltimore would be an important step in bridging the gap that separates too many of Baltimore's citizens from the Department charged with protecting them.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council calls on the Maryland General Assembly to enact, and the Governor to sign, legislation to remove the Baltimore City Police Department's status as an instrumentality of the State of Maryland and place the Department completely under the control of the citizens of Baltimore acting through the Mayor, City Council, and a new Board of Police Commissioners.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Police Commissioner, the Governor, the Honorable Chairs and Members of the Baltimore City House and Senate Delegations to the Maryland General Assembly, the President of the Maryland Senate, the Maryland House Speaker, the Mayor, and the Mayor's Legislative Liaison to the City Council.

ACTION BY THE CITY COUNCIL

FEB 05 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk