



**BALTIMORE CITY COUNCIL  
PUBLIC SAFETY AND  
GOVERNMENT OPERATIONS  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.*

**The Honorable Mark Conway  
Chairman**

**PUBLIC HEARING**

**Wednesday, May 11, 2022**

**1:00 PM**

**Council Bill: 22 – 0199  
Firefighter Safety Act**

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## BILL SYNOPSIS

**Committee: Public Safety and Government Operations**

**Bill 22-0199**

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### Firefighter Safety Act

**Sponsor:** Councilwoman Danielle McCray

**Introduced:** February 22, 2022

**Purpose:**

For the purpose of establishing basic operational approaches to risk assessments; outlining emergency response rules of engagement; requiring all fire suppression personnel employed by the Baltimore City Fire Department to be equipped with digital audio and video recording devices by a certain date; requiring the implementation of a safety and risk management system; defining certain terms establishing reporting requirements; and providing for a special effective date.

**Effective:** The 180<sup>th</sup> day after the date it is enacted.

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### Agency Reports

Law Department	
Fire Department	
Department of Finance	
Baltimore City Office of Information Technology	

# Analysis

## Background

In 2018, the National Fire Protection Association published a report that focused on Fires in Vacant Buildings. The data that was examined in that report covered a timespan ranging from 2011 – 2015. During that time fire departments in the United States responded to an estimated 30,200 structure fires per year in vacant properties. Through an analysis of the information submitted, researchers concluded that vacant structures accounted for 30 percent of intentionally set structure fires.

Six percent of reported structure fires that occurred between 2011 – 2015 were in vacant properties, and during that time only 2% of civilian fire deaths and 1% of civilian fire injuries were a result of fires in vacant properties. During the same period, an estimated average of 3,310 firefighters per year were injured in vacant structure fires, accounting for 13% of all firefighter injuries. Between 2007 – 2016, a total of 20 firefighters were fatally injured in 17 fires in vacant buildings.

In 2012, the International Association of Fire Chief's Safety, Health & Survival Section developed a set of Rules of Engagement for Structural Firefighting that, when applied to fireground operations, will improve risk assessment and safety for firefighters. The rules integrate risk-assessment principles from NFPA Standards 1500 and 1561, along with data and lessons learned from the National Fire Fighter Near-Miss Reporting System. The Rules of Engagement were developed by the Safety, Health & Survival Sections project team that consisted of members from the following organizations: Fire Department Safety Officer Association, the National Fallen Firefighter Foundation, the National Volunteer Fire Council, and the National Institute of Occupational Safety and Health (NIOSH). *The published list of rules serves as a national best-practice model for public policy development.*

### 7 – 3. Rules of Engagement.

- (a) Department personnel shall not travel more than 15 miles over the posted speed limit when responding to emergency incidents;
  - **Maryland Transportation Section 21-106(b)(3)**
    - (a) Subject to the conditions stated in this section, the driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:
      - (3) Responding to, but not while returning from, a fire alarm.
    - (b) Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:
      - (3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property.
- (b) Offensive interior attacks shall not be initiated at abandoned, derelict, vacant or unoccupied structures unless:
  - (1) It has been confirmed that there is an occupant inside the location;
  - (2) Fire conditions are incipient and consume less than 25 percent of the structure; and
  - (3) Structural and hazardous conditions permit a safe entry;
  - **NIOSH Fire Fatality Report: F2016 – 18**
    - **Recommendation # 1 – As part of the strategy and incident action plan, the incident commander should ensure a detailed scene size-up and risk assessment occurs during initial fireground operations, including the deployment of**

resources to Side Charlie (rear of the building). Scene size-up and risk assessment should occur throughout the incident.

- The strategy and incident action plan (tactics) of an incident are dictated by the size-up, initial risk assessment, and situational report by the first arriving officer. The priority is to get fire department resources to Side Charlie (rear of the building) as quickly as possible. However, unless an obvious life safety issues exists (e.g., visible victims requiring immediate assistance), *interior firefighting operations should not commence until a report from Side Charlie (rear of the building) is received.*
  - **International Association of Fire Chiefs – Safety, Health and Survival Section**
    - **Firefighter Perspective: Objective #2 – Determine the occupant survival profile**
      - To cause the company officer and firefighter to consider fire conditions in relation to possible occupant survival of a rescue event as part of their initial and ongoing individual risk assessment and action plan development.
    - **Incident Commander Perspective: Objective #2 – Determine the occupant survival profile**
      - To cause the incident commander to consider fire conditions in relation to possible occupant survival of a rescue event before committing firefighters to high-risk search and rescue operations as part of the initial and ongoing risk assessment and action plan development.
    - **Firefighter Perspective: Objective #10 – You are required to abandon your position and retreat before deteriorating conditions can harm you**
      - To cause firefighters and company officers to be aware of fire conditions and cause an early exit to a safe area when they are exposed to deteriorating conditions, unacceptable risk, and a life-threatening situation.
  - **National Fire Protection Association 1500 Section A.8.3.3**
    - The acceptable level of risk is directly related to the potential to save lives or property. Where there is no potential to save lives, the risk to fire department members should be evaluated in proportion to the ability to save property of value. When there is no ability to save lives or property of value, there is no justification to expose fire department members to any avoidable risk, and defensive fire suppression operations are the appropriate strategy.
- (c) When a structure is abandoned, derelict, vacant, or believed to be unoccupied and fire conditions consume more than 25 percent of the structure, then department personnel shall perform a defensive exterior attack;
- **International Association of Fire Chiefs – Safety, Health and Survival Section**
    - **Firefighter Perspective: Objective #3 – DO NOT risk your life for lives or property that cannot be saved**
      - To prevent firefighters from engaging in high-risk search, rescue and firefighting operations, which may harm them when fire conditions prevent occupant survival, and significant or total destruction of the building is inevitable.

- **Incident Commander Perspective: Objective #5 – DO NOT risk firefighter lives for lives or property that cannot be saved. Seriously consider a defensive strategy**
  - To prevent firefighters’ commitment to high-risk search, rescue and firefighting operations that may harm them when fire conditions prevent occupant survival, and significant or total destruction of the building is inevitable.
- **Incident Commander Perspective: Objective #6 – Extend LIMITED risk to protect SAVABLE property**
  - To cause the incident commander to limit risk exposure to a reasonable, cautious, and conservative level when trying to save a building that is believed, following a thorough size up, to be savable.

**7 – 4. Audio – Video Recording Devices Required.**

**Sample Device: 3M Scott Sight PRO Full Kit**

Every firefighter employed by the Baltimore City Fire Department and assigned to fire suppression must be personally equipped with a digital audio-and-video portable recording device to be used at the scene of fires only.

These devices would be issued to each firefighter assigned to fire suppression except Battalion Chiefs. See below for the cameras that would be issued to Battalion Chiefs.

The 3M Scott Sight Pro Package is the next evolution of the industry’s first in-mask, hands-free thermal imaging solution. A thermal imaging camera is used in firefighting to allow firefighters to see areas of heat through smoke, darkness, or heat-permeable barriers. This vital tool can help firefighters quickly visualize their plan of attack, locate hot spots, and save lives more efficiently. The PRO Package offers the following features:

- Hot-Spot Tracker – Immediately identifies the hottest part of the scene and provides indicators within an area to improve decision-making capabilities. Ideal for overhaul, search and rescue, and risk assessment.
- Cold-Spot Tracker – Assist in locating and pinpointing thread or valve gas leaks in seconds. Cold-spot tracker can also be used in HAZMAT environments to monitor the nominal temperature of chemicals.
- Tactical Video Recording – Automatically record all the information shown on the In-Mask Display for review post incident.

**3M Scott Sight Pro Package Install Kit Projected Cost**



In a report that was published in 2019 the Baltimore City Fire Department reported the below listed staffing in the fire suppression division:

Fire Suppression Division	Total Employees	3M Scott Sight Pro Package Install Kit	Total Cost
Battalion 1	162	x \$2,580.99 =	\$418,120.38
Battalion 2	152	x \$2,580.99 =	\$392,310.48
Battalion 3	197	x \$2,580.99 =	\$508,455.03
Battalion 4	197	x \$2,580.99 =	\$508,455.03
Battalion 5	180	x \$2,580.99 =	\$464,578.20
Battalion 6	213	x \$2,580.99 =	\$549,750.87
<b>Total</b>	<b>1,101</b>	<b>x \$2,580.99 =</b>	<b>\$2,841,669.99</b>

Fire Suppression Division	Total Suppression Apparatus Per Battalion	Total Seats filled on each Apparatus Per Shift	Total Number of Shifts	3M Scott Sight Pro Package Install Kit	Total Cost
Battalion 1	8	33	4	x \$2,580.99 =	\$340,690.68
Battalion 2	7	30	4	x \$2,580.99 =	\$309,718.80
Battalion 3	10	43	4	x \$2,580.99 =	\$443,930.28
Battalion 4	10	43	4	x \$2,580.99 =	\$443,930.28
Battalion 5	9	39	4	x \$2,580.99 =	\$402,634.44
Battalion 6	8	37	4	x \$2,580.99 =	\$381,986.52
<b>Total</b>	<b>52</b>	<b>225</b>	<b>4</b>	<b>x \$2,580.99 =</b>	<b>\$2,322,891.00</b>

### 3M Scott Sight Pro Full Kit Projected Cost



Fire Suppression Division	Total Employees	3M Scott Sight Pro Full Kit	Total Cost
Battalion 1	162	x \$3,023.99 =	\$489,886.38
Battalion 2	152	x \$3,023.99 =	\$459,646.48
Battalion 3	197	x 3,023.99 =	\$595,726.03
Battalion 4	197	x 3,023.99 =	\$595,726.03
Battalion 5	180	x \$3,023.99 =	\$544,318.20
Battalion 6	213	x \$3,023.99 =	\$644,109.87
<b>Total</b>	<b>1,101</b>	<b>x \$3,023.99 =</b>	<b>\$3,329,412.99</b>

**Sample Device: Fire Cam Onyx 4K Camera with BJ800 Flashlight Kit**

These device would be issued to each fire suppression Battalion Chief and the members assigned to the Baltimore City Fire Academy, and Office of Safety and Risk Management.

The Fire Cam Onyx 4K Camera was designed by firefighters to thrive in the unpredictable environment of a working fire. This device provides a high quality 1080 high-quality 4K Sensor for perfect video footage. Features an optional date and time stamp capability on each video. It has a water-resistant cap for audio usage so that you can hear radio transmissions during fireground operations. The 4K Fire Cam is specifically designed to capture conditions on the fireground, help to aid in the investigations of incidents, and the video can be reviewed for training after a fire.

**Fire Cam Onyx 4K Camera Kit**



	Total Employees	Total Number of devices issued	Fire Cam Onyx 4K Camera Kit	Total Cost
Battalion Chiefs	31	31 x 2 per person = 62	X \$405.00 =	\$25,110
Fire Academy Staff	10	10 x 2 per person = 20	X \$405.00 =	\$8,100
Safety Officers	7	7 x 2 per person = 14	X \$405.00 =	\$5,670
<b>Total</b>	<b>41</b>	<b>82</b>	<b>x \$405.00 =</b>	<b>\$38,880</b>

**7 – 5. Safety and Risk Management System.**

3) Require that an annual department-wide risk management plan be develop to...

- Lieutenant James Bethea Line of Duty Report Recommendations:
  - Recommendation #12: Fire Departments should consider conducting evaluations of their emergency incident activities to determine the role complacency contributes to unsafe actions and develop strategies to combat such complacency.
    - The National Fallen Firefighters Foundation, in coordination with the U.S. Fire Administration, has developed an online Vulnerability Assessment Tool that will provide fire departments with a systematic process to evaluate risk and ultimately reduce the threat of firefighter injuries and deaths.
    - Vulnerability is a term used in the insurance and technology industries and refers to an aspect of an organization’s culture or operations that is likely to result in a negative outcome.



## 7 – 6. Disciplinary Actions.

### a) Unsafe Action.

#### 1) Lieutenant James Bethea Line of Duty Report Recommendations:

- **Recommendation #3:** Fire Departments should train firefighters on the principles of situational awareness.
  - *Essentials of Firefighting and Fire Department Operations* defines situational awareness as an awareness of the immediate surroundings. On the fireground, every firefighter should be trained to be constantly alert for changing and unsafe conditions.
- **Recommendation #4:** Fire Departments should train and empower all firefighters to report unsafe conditions to Incident Command.
  - One of the key tenants of the National Fallen Firefighter Foundation is their 16 Life Safety Initiatives;
  - Life Safety Initiative number 4 is *“Empowerment – All firefighters must be empowered to stop unsafe practices.”*
    - While this may appear to be a challenging or even controversial statement, it simply means that every organization should provide an environment that allows its members to speak up regarding personal and organization safety; without negative consequences for doing so, and without decentralizing the authority of the formal leader.

## **Policy Questions that Impact Implementation and Ongoing Cost**

1. Which type of camera will the Baltimore City Fire Dept. select?
2. Does the Baltimore City Fire Dept. need to provide each firefighter with their own camera, or should an adequate number be assigned to each company per shift?
3. What type of data retention infrastructure will the City procure (cloud-based, internal)?
4. What footage retention policy will the agency adopt?
5. Will the Baltimore City Fire Dept. need to hire new analyst for this program or reassign existing personnel?
6. Will the City need to procure additional technology for monitoring the cameras?
7. If a firefighter damages a camera, will he/she be required to pay for it?
8. What is the long-term replacement plan for the cameras?

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## **Additional Information**

### **Information Source(s):**

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Analysis by: Samuel Johnson  
Analysis Date: May 11, 2022

Direct Inquiries to: (410) 396-1091

**CITY OF BALTIMORE  
COUNCIL BILL 22-0199  
(First Reader)**

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Introduced by: Councilmembers McCray, Ramos, Middleton, Bullock

Introduced and read first time: February 22, 2022

Assigned to: Public Safety and Government Operations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Baltimore City Fire Department, Baltimore City Information and Technology

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Firefighter Safety Act**

3 FOR the purpose of establishing basic operational approaches to risk assessments; outlining  
4 emergency response rules of engagement; requiring all fire suppression personnel employed  
5 by the Baltimore City Fire Department to be equipped with digital audio and video recording  
6 devices by a certain date; requiring the implementation of a safety and risk management  
7 system; defining certain terms establishing reporting requirements; and providing for a  
8 special effective date.

9 BY adding

10 Article 9 - Fire Suppression and Prevention  
11 Sections 7-1 through 7-7, to be under the new subtitle designation,  
12 “Subtitle 7. Firefighter Safety Act”  
13 Baltimore City Code  
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
16 Laws of Baltimore City read as follows:

17 **Baltimore City Code**

18 **Article 9. Fire Suppression and Prevention**

19 **SUBTITLE 7. FIREFIGHTER SAFETY ACT**

20 **§ 7-1. DEFINITIONS.**

21 (A) *IN GENERAL.*

22 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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

**Council Bill 22-0199**

1 (B) *ABANDONED OR DERELICT BUILDING.*

2 (1) *IN GENERAL.*

3 “ABANDONED” OR “DERELICT” BUILDING MEANS A STRUCTURE THAT IS NOT BEING  
4 USED FOR ANY PURPOSE, AND IS NOT BEING MAINTAINED OR PRESERVED FOR SOME  
5 FUTURE USE OR OCCUPANCY.

6 (2) *VALUE.*

7 A BUILDING IN ABANDONED OR DERELICT CONDITION TYPICALLY HAS NO VALUE OR  
8 NEGLIGIBLE VALUE.

9 (C) *DEPARTMENT.*

10 “DEPARTMENT” MEANS THE BALTIMORE CITY FIRE DEPARTMENT.

11 (D) *DEFENSIVE EXTERIOR ATTACK.*

12 “DEFENSIVE EXTERIOR ATTACK” MEANS A FIREFIGHTING STRATEGY WHERE PERSONNEL  
13 CONTAIN A FIRE FROM OUTSIDE THE STRUCTURE THAT IS AFLAME AND PRIORITIZE:

- 14 (1) THE SAFETY OF DEPARTMENT PERSONNEL AND CIVILIANS;  
15 (2) THE RESCUE OF INDIVIDUALS IN CLOSE PROXIMITY TO THE FIRE; AND  
16 (3) MITIGATING THE SPREAD OF THE FIRE TO NEARBY AREAS.

17 (E) *OFFENSIVE INTERIOR ATTACK.*

18 “OFFENSIVE INTERIOR ATTACK” MEANS A FIREFIGHTING STRATEGY WHERE PERSONNEL  
19 ARE INSIDE A STRUCTURE THAT IS AFLAME AND PRIORITIZE:

- 20 (1) THE SAFETY OF DEPARTMENT PERSONNEL AND CIVILIANS;  
21 (2) THE RESCUE OF INDIVIDUALS INSIDE THE STRUCTURE; AND  
22 (3) MITIGATING THE SPREAD OF THE FIRE THROUGHOUT THE REMAINDER OF THE  
23 STRUCTURE.

24 (F) *RULES OF ENGAGEMENT.*

25 “RULES OF ENGAGEMENT” MEANS THE POLICIES AND PROCEDURES SET BY THE CHIEF OF  
26 THE DEPARTMENT THAT PROVIDE PARAMETERS FOR DECISION-MAKING AND ACTION THAT  
27 PROTECT FIRE DEPARTMENT PERSONNEL AND MINIMIZE THE OCCURRENCE OF:

- 28 (1) INJURIES;  
29 (2) DEATHS; AND

**Council Bill 22-0199**

1 (3) DUTY-RELATED ILLNESSES.

2 (G) *SAFETY AND RISK MANAGEMENT SYSTEM.*

3 “SAFETY AND RISK MANAGEMENT SYSTEM” MEANS A SET OF INTERNAL POLICIES AND  
4 PROGRAMS THAT SET AND ENFORCE SAFETY AND HEALTH STANDARDS FOR DEPARTMENT  
5 PERSONNEL.

6 (H) *VACANT BUILDING.*

7 (1) *IN GENERAL.*

8 “VACANT BUILDING” MEANS A BUILDING THAT IS NOT CURRENTLY IN USE, BUT WHICH  
9 COULD BE USED IN THE FUTURE.

10 (2) *VALUE.*

11 A VACANT BUILDING HAS INHERENT PROPERTY VALUE, EVEN THOUGH IT MAY NOT  
12 CONTAIN VALUABLE CONTENTS OR HUMAN OCCUPANTS.

13 (I) *UNOCCUPIED BUILDING.*

14 (1) *IN GENERAL.*

15 “UNOCCUPIED BUILDING” MEANS A STRUCTURE THAT IS NOT OCCUPIED BY ANY  
16 INDIVIDUAL AT THE TIME AN INCIDENT REQUIRING ACTION BY THE DEPARTMENT  
17 OCCURS.

18 (2) *VALUE.*

19 AN UNOCCUPIED BUILDING HAS INHERENT PROPERTY VALUE, AS WELL AS VALUABLE  
20 CONTENTS.

21 **§ 7-2. BASIC OPERATIONAL APPROACH.**

22 THE DEPARTMENT SHALL USE THE FOLLOWING POLICIES TO GUIDE OPERATIONS:

23 (1) THE DEPARTMENT RECOGNIZES AND ACCEPTS THAT A BASIC LEVEL OF MEASURED AND  
24 CONTROLLED RISK IS PRESENT IN EFFORTS TO SAVE LIVES AND PROPERTY;

25 (2) IF DEPARTMENT PERSONNEL REASONABLY BELIEVE AN INDIVIDUAL’S LIFE IS IN  
26 DANGER, A HIGHER LEVEL OF RISK IS ACCEPTABLE AND OPERATIONS SHALL BE  
27 DIRECTED TOWARDS RESCUING THE INDIVIDUAL IN DANGER;

28 (3) IF THERE IS NO POSSIBILITY FOR THE DEPARTMENT TO SAVE AN INDIVIDUAL WHOSE  
29 LIFE IS IN DANGER, THE DEPARTMENT MAY NOT PUT PERSONNEL AT RISK; AND

30 (4) AN EVALUATION OF SAFETY CONDITIONS SHALL BE AN ONGOING PART OF ALL  
31 TACTICAL AND STRATEGIC DECISION MAKING AT AN INCIDENT OR INCIDENT  
32 SIMULATED FOR TRAINING PURPOSES.

**Council Bill 22-0199**

**§ 7-3. RULES OF ENGAGEMENT.**

THE CHIEF OF THE FIRE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES THAT INCLUDE THE FOLLOWING REQUIREMENTS:

(1) DEPARTMENT PERSONNEL MAY NOT TRAVEL MORE THAN 15 MILES PER HOUR OVER THE POSTED SPEED LIMIT WHEN RESPONDING TO AN EMERGENCY;

(2) OFFENSIVE INTERIOR ATTACKS MAY NOT BE INITIATED AT ABANDONED, DERELICT, VACANT, OR UNOCCUPIED STRUCTURES UNLESS:

(I) THE DEPARTMENT HAS CONFIRMED THERE IS AN OCCUPANT INSIDE THE LOCATION;

(II) FIRE CONDITIONS ARE INCIPIENT AND CONSUME LESS THAN 25% OF THE STRUCTURE; AND

(III) STRUCTURAL AND HAZARDOUS CONDITIONS PERMIT A SAFE ENTRY;

(3) WHEN A STRUCTURE IS ABANDONED, DERELICT, VACANT, OR BELIEVED TO BE UNOCCUPIED AND FIRE CONDITIONS CONSUME MORE THAN 25% OF THE STRUCTURE, DEPARTMENT PERSONNEL SHALL PERFORM A DEFENSIVE EXTERIOR ATTACK;

(4) DEPARTMENT PERSONNEL MAY NOT ENTER A COLLAPSED STRUCTURE, UNLESS:

(I) AN INDIVIDUAL'S LIFE IS IMMEDIATELY IN DANGER; AND

(II) THE PERSONNEL ENTERING THE STRUCTURE HAVE THE APPROPRIATE TRAINING AND EQUIPMENT;

(5) DEPARTMENT PERSONNEL MAY NOT ENTER A HAZARDOUS ENVIRONMENT, UNLESS:

(I) AN INDIVIDUAL'S LIFE IS IMMEDIATELY IN DANGER;

(II) THE HAZARDOUS MATERIAL OR SUBSTANCE HAS BEEN IDENTIFIED; AND

(III) THE PERSONNEL ENTERING THE STRUCTURE HAVE THE APPROPRIATE TRAINING AND EQUIPMENT.

**§ 7-4. AUDIO AND VIDEO RECORDING DEVICE.**

(A) *IN GENERAL.*

EACH FIREFIGHTER EMPLOYED BY THE DEPARTMENT AND ASSIGNED TO FIRE SUPPRESSION MUST BE EQUIPPED WITH A DIGITAL AUDIO AND VIDEO PORTABLE RECORDING DEVICE.

(B) *LIMITATIONS.*

THE DEVICE REQUIRED BY THIS SECTION SHALL BE USED ONLY AT THE SCENE OF A FIRE.

**Council Bill 22-0199**

**§ 7-5. SAFETY AND RISK MANAGEMENT SYSTEM.**

THE CHIEF OF THE FIRE DEPARTMENT SHALL:

(1) IDENTIFY A SAFETY AND RISK MANAGEMENT OFFICER WHO SHALL:

(I) REPORT DIRECTLY TO THE CHIEF; AND

(II) BE RESPONSIBLE FOR MANAGING THE DEPARTMENT'S SAFETY AND RISK MANAGEMENT SYSTEM;

(2) EMPOWER THE SAFETY AND RISK MANAGEMENT OFFICER TO ENFORCE COMPLIANCE WITH THE SAFETY AND RISK MANAGEMENT SYSTEM;

(3) REQUIRE THAT AN ANNUAL DEPARTMENT-WIDE RISK MANAGEMENT PLAN BE DEVELOPED TO:

(I) DEFINE AND CATEGORIZE THE DIFFERENT TASKS ASSIGNED TO THE DEPARTMENT;

(II) DETERMINE THE LEVEL OF RISK ASSOCIATED WITH EACH TASK; AND

(III) DEVELOP POLICIES AND PROCEDURES TO MINIMIZE RISK THROUGH INTERNAL CONTROL SYSTEMS;

(4) ENSURE THAT THE DEVELOPMENT OF AN UNSAFE BUILDING MARKING PROGRAM IS IMPLEMENTED AS PART OF THIS SYSTEM TO ADDRESS FIREFIGHTING IN ABANDONED, DERELICT, VACANT, AND UNOCCUPIED STRUCTURES; AND

(5) REQUIRE THAT THERE IS A NON-LAPSING AUDIT, INSPECTION, AND REVIEW PROCESS OF THE DEPARTMENT'S:

(I) ADMINISTRATION OF POLICIES;

(II) OPERATIONAL PROCEDURES; AND

(III) COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS.

**§ 7-6. DISCIPLINARY ACTIONS.**

(A) *UNSAFE ACTION.*

DISCIPLINARY ACTION MAY NOT BE TAKEN AGAINST ANY MEMBER OF THE DEPARTMENT WHO QUESTIONS AN ACTION AT AN EMERGENCY, IF THE MEMBER REASONABLY BELIEVES THE ACTION COULD PUT DEPARTMENT PERSONNEL OR MEMBERS OF THE PUBLIC AT RISK OF INJURY.

**Council Bill 22-0199**

1 (B) *VIOLATION OF SAFETY DIRECTIVES.*

2 DISCIPLINARY ACTION SHALL BE TAKEN AGAINST ANY MEMBER OF THE DEPARTMENT WHO  
3 IS FOUND TO HAVE:

4 (1) INTENTIONALLY VIOLATED SAFETY DIRECTIVES AT AN INCIDENT; OR

5 (2) INTENTIONALLY GIVEN A DIRECTIVE THAT VIOLATES A SAFETY-RELATED POLICY  
6 OR PROCEDURE, EVEN IF IT DOES NOT RESULT IN THE INJURY OF DEPARTMENT  
7 PERSONNEL.

8 **§ 7-7. REPORTING REQUIREMENTS.**

9 (A) *IN GENERAL.*

10 ON OR BEFORE MARCH 1<sup>ST</sup> OF EACH YEAR, THE DEPARTMENT SHALL REPORT THE  
11 FOLLOWING INFORMATION TO THE MAYOR AND CITY COUNCIL:

12 (1) THE DEPARTMENT'S AGENCY-WIDE RISK MANAGEMENT PLAN;

13 (2) A COMPREHENSIVE LIST OF ACTION ITEMS, INCLUDING POLICIES AND PROCEDURES  
14 THAT HAVE BEEN ADOPTED TO MINIMIZE THE OCCURRENCE OF UNSAFE PRACTICES;

15 (3) THE NUMBER OF INCIDENTS THAT RESULTED IN DISCIPLINARY ACTION AS A RESULT  
16 OF UNSAFE PRACTICES;

17 (4) THE TOTAL NUMBER OF FIREFIGHTERS THAT WERE INJURED:

18 (I) ON THE SCENE OF A FIRE OR OTHER INCIDENT AT AN OCCUPIED STRUCTURE;  
19 AND

20 (II) ON THE SCENE OF A FIRE OR OTHER INCIDENT AT AN ABANDONED OR  
21 VACANT STRUCTURE; AND

22 (5) THE ANNUAL AMOUNT OF WORKER'S COMPENSATION THAT WAS PAID TO  
23 DEPARTMENT PERSONNEL FOR INJURIES AT THE SCENE OF A FIRE OR OTHER  
24 INCIDENT, DISAGGREGATED BETWEEN:

25 (I) INJURIES THAT OCCURRED AT OCCUPIED STRUCTURES; AND

26 (II) INJURIES THAT OCCURRED AT ABANDONED OR VACANT STRUCTURES.

27 (B) *REPORT TO BE MADE PUBLIC.*

28 THE REPORT REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL BE MADE AVAILABLE  
29 TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

**Council Bill 22-0199**

1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That, notwithstanding any other provision of  
2 this Ordinance:

3       (a) for the 1<sup>st</sup> year following the effective date of the Ordinance, § 7-4 {"Audio and video  
4 recording device"} of this Ordinance only applies to:

5               (1) battalion chiefs assigned to fire suppression;

6               (2) personnel assigned to the Office of Safety and Risk Management;

7               (3) Fire Academy training personnel; and

8               (4) the firefighters assigned to the fire suppression companies in the Third Battalion;  
9               and

10       (b) beginning on the 1<sup>st</sup> anniversary of the effective date of this Ordinance, the devices  
11 required by § 7-4 {"Audio and video recording device"} of this Ordinance must be  
12 provided to all firefighters assigned to the Baltimore City Fire Department's suppression  
13 division.

14       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180<sup>th</sup>  
15 day after the date it is enacted.



**PUBLIC SAFETY AND  
GOVERNMENT OPERATIONS  
COMMITTEE**

**AGENCY REPORTS**

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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
JAMES L. SHEA, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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May 5, 2022

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

RE: City Council Bill 22-0199– Fire Fighter Safety Act

Dear President and Members

You have requested that the Law Department review City Council Bill 22-0199 for form and legal sufficiency. The bill establishes the basic operational approaches to risk assessments and outlines emergency response rules of engagement. The bill requires all fire suppression personnel employed by the Baltimore City Fire Department to be equipped with digital audio and video recording devices by a certain date. The bill also mandates the implementation of a safety and risk management system.

Art. II, Sec.7 of the City Home Rule powers as codified in the Charter grant the Mayor and City Council the power to by ordinance provide for protection against fires, and to establish and to regulate all matters relating to a Fire Department. This seemingly gives the Mayor and City Council broad legislative authority to provide for the specific requirements for the operation of the Fire Department.

This authority has been significantly diminished by Art. VII, Sec. 47-54 of the Charter, which creates the Fire Department and the Fire Board. Sec. 48 grants the Fire Chief the authority to supervise and direct the Department. The Fire Board advises the Chief, review the disciplinary policies and practices of the Department and make recommendations. Sec. 51. The vesting of supervisory and directorial authority in the Fire Chief is a relatively recent change. This change was adopted in the 1996 Charter Revision process. The Charter Revision Commission explained the change in its Final Report as necessary because much “of the administration of the Fire Department requires technical knowledge of firefighting equipment, deployment of fire fighters, the components of an emergency medical program, the components of a fire prevention program and other matters involving similar expertise.... There is a deep public interest in firefighting and fire prevention, but we believe that the public is best protected by requiring the Chief to be directly accountable for the work of the Fire Department.

The Charter provision control over any other law or ordinance. This is acknowledged in the Charter, Art. III, Sec. 11 regarding legislative powers. “The Mayor and City Council of Baltimore shall have power to pass all ordinances, not inconsistent with the Charter, necessary to give effect and operation

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to all powers vested in the City.” In effect, because a charter “cannot become operational until it receives the imprimatur of the people through ratification at a popular election” its power “springs directly from Article XI-A [the Maryland Constitution] and thus lies beyond the competence of the General Assembly or any other branch of state government to alter or erase. Consequently, in adopting a home rule charter the people have the right to make provision therein for any form of government they deem suitable for their needs, so long as they do not in the process run afoul of the letter and spirit of the Federal and State Constitutions.” *Ritchmount Partnership v. Board of Sup'rs of Elections for Anne Arundel County*, 283 Md. 48 (1978).

City Council Bill 22-0199, is in conflict with the authority of the Fire Chief granted in the Charter. It directs the Department to adopt certain firefighting techniques and standards for operating. This authority is, by Charter, vested in the Fire Chief. It also directs the imposition of certain disciplinary actions which is also outside the scope of the City Council’s authority. Disciplinary policy discipline is subject to the union contracts negotiations. Although the City Council has the power to, by ordinance establish process, they cannot legislatively alter the negotiated agreements. .


Accordingly, the Law Department cannot approve the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in cursive script that reads 'Elena DiPietro'.

Elena R. DiPietro  
Chief Solicitor

Cc: James L. Shea, City Solicitor  
Ebony Thompson, Deputy Solicitor  
Stephen Salsbury, Chief of Staff  
Natasha Mehu, Director MOGR  
Matthew Stegman, President’s Office  
Nikki Thompson, President’s Office  
Nina Themelis, MOGR  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Dereka Bolden, Assistant Solicitor  
Michele Toth, Assistant Solicitor  
Avery Aisenstark

F R O M	NAME & TITLE	Todd Carter <i>Todd A. Carter</i> Chief Information Officer	CITY OF	
	AGENCY NAME & ADDRESS	Baltimore City Office of Information and Technology (BCIT) 401 E Fayette Street, 3 <sup>rd</sup> floor	BALTIMORE	
	SUBJECT	City Council Ordinance 22-0199 – Firefighter Safety Act	M E M O	

TO: The Honorable President and  
Members of the City Council  
Room 400 City Hall  
c/o Natawna Austin, Executive Secretary

DATE: March 15, 2022

The Baltimore City Office of Information and Technology (BCIT) has reviewed City Council Ordinance 22-0199. This ordinance is for the purpose of establishing basic operational approaches to risk assessments; outlining emergency response rules of engagement; requiring all fire suppression personnel employed by the Baltimore City Fire Department to be equipped with digital audio and video recording devices by a certain date; requiring the implementation of a safety and risk management system; defining certain terms establishing reporting requirements; and providing for a special effective date.

BCIT has no concerns with this ordinance.

If you have any questions, please contact Leyla Layman, Chief of Staff at (443) 202-4511.

cc:

Ms. Nina Themelis, *Mayor's Office of Government Relations*  
Ms. Natasha Mehu, *Mayor's Office of Government Relations*