

CASTELLO

Introduced by: Councilmember Scott, *Young, Henry, Pinnett, Schleiter, Anthony Bullab,*

Prepared by: Department of Legislative Reference

Date: March 12, 2018

Clark, Cohen, Greed, Stokes, Reisinger, Middleton, Dorsey

RESOLUTION

Referred to: _____ Committee

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

CITY COUNCIL 18-0073R

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Request for State Action – Require True Local Oversight of Private College Police Forces in Baltimore

FOR the purpose of calling on the Maryland General Assembly to amend SB-1241, and its companion bill HB1803, before passage to require City Council involvement in the creation of police forces for private colleges in Baltimore; and further requesting the Governor not to sign these bills or similar legislation until the legislation includes checks and balances from all branches of Baltimore's Government.

Maryland
Clark
E.T. Clark
Scott
Pinnett
Henry
Anthony Bullab
Clark
Cohen
Greed
Stokes
Reisinger
Middleton
Dorsey
Young
Castello
Pinnett

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.**

**CITY OF BALTIMORE
COUNCIL BILL 18-0073R
(Resolution)**

Introduced by: Councilmembers Scott, Middleton, President Young, Councilmembers Henry, Schleifer, Pinkett, Dorsey, Cohen, Costello, Stokes, Sneed, Clarke, Bullock, Burnett, Reisinger

Introduced and adopted: March 12, 2018

A COUNCIL RESOLUTION CONCERNING

Request for State Action – Require True Local Oversight of Private College Police Forces in Baltimore

FOR the purpose of calling on the Maryland General Assembly to amend SB1241, and its companion bill HB1803, before passage to require City Council involvement in the creation of police forces for private colleges in Baltimore; and further requesting the Governor not to sign these bills or similar legislation until the legislation includes checks and balances from all branches of Baltimore’s Government.

Recitals

Colleges and Universities having their own police force is common throughout the country, including in Baltimore. However, allowing a private university to create a police force through a memorandum of understanding with only the Mayor and Police Commissioner bypasses the local legislative body creating another police entity that is not locally controlled. Currently, 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 Generally Assembly is in session and requires the consent and interest of legislators with no ties of any kind to our city. Creating new police agencies within Baltimore with these same oversight issues makes little sense.

Furthermore, with the Baltimore Police Department itself being under a federal consent decree, creating a new force through an agreement with the department would create further confusion at a time where oversight of the department itself is under question. In order to

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

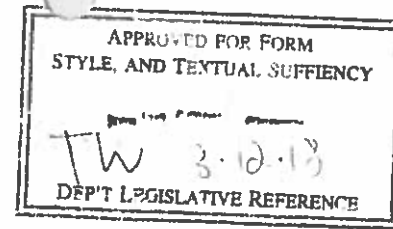
Council Bill 18-0073R

1 prevent any confusion about oversight or accountability, any legislation passed by the General
2 Assembly must require a local ordinance of the City Council to create the entity.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
4 Council calls on the Maryland General Assembly to amend SB-1241, and its companion bill
5 HB1803, before passage to require City Council involvement in the creation of police forces for
6 private colleges in Baltimore; and further requests the Governor not to sign these bills or similar
7 legislation until the legislation includes checks and balances from all branches of Baltimore's
8 Government.

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

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



Introduced by: Councilmember Scott

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Request for State Action – Require True Local Oversight of Private College Police Forces in Baltimore

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Recitals

Colleges and Universities having their own police force is common throughout the country, including in Baltimore. However, allowing a private university to create a police force through a memorandum of understanding with only the Mayor and Police Commissioner bypasses the local legislative body creating another police entity that is not locally controlled. Currently, 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 Generally Assembly is in session and requires the consent and interest of legislators with no ties of any kind to our city. Creating new police agencies within Baltimore with these same oversight issues makes little sense.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Furthermore, with the Baltimore Police Department itself being under a federal consent decree, creating a new force through an agreement with the department would create further confusion at a time where oversight of the department itself is under question. In order to prevent any confusion about oversight or accountability, any legislation passed by the General Assembly must require a local ordinance of the City Council to create the entity.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council calls on the Maryland General Assembly to amend SB-1241, and its companion bill HB1803, before passage to require City Council involvement in the creation of police forces for private colleges in Baltimore; and further requests the Governor not to sign these bills or similar legislation until the legislation includes checks and balances from all branches of Baltimore's Government.

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ACTION BY THE CITY COUNCIL

MAR 12 2018
20

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

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