

**CITY OF BALTIMORE
COUNCIL BILL 10-0215R
(Resolution)**

Introduced by: Councilmember Conaway, President Young, Councilmembers Stokes, Kraft,
Middleton, Cole, Holton, Branch, Welch, Clarke, Reisinger

Introduced and read first time: June 21, 2010

Assigned to: Public Safety and Health Committee

REFERRED TO THE FOLLOWING AGENCIES: Police Commissioner

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Police Department - Discipline Policy for**
3 **Off Duty Police -Involved Incidents**

4 FOR the purpose of requesting the Police Commissioner to share with the Council the
5 Department’s disciplinary policies regarding off-duty officers involved in incidents of civil
6 or criminal turpitude; to report on the number of incidents in which civilians or officers have
7 been harmed or killed by off duty officers in the past 5 years; and to examine the rationale
8 for retaining or amending current policies regarding the off-duty carrying of weapons and the
9 disciplinary policies for officers who use their weapons inappropriately or who endanger
10 members of the public by their actions.

11 **Recitals**

12 On June 4, 2010, an off duty Baltimore City police officer opened fire and shot a burglary
13 suspect who had broken into his Dundalk home early that morning. The suspect was taken to
14 Bayview Hospital where he was listed in critical condition, and the 18-year veteran of the
15 Baltimore City Police Department was reportedly put on paid administrative leave.

16 On the next day, June 5th, outside a Mount Vernon night club, an off duty 15-year veteran of
17 the Baltimore City Police Department fired 13 bullets from his department - issued Glock
18 handgun at an unarmed ex-marine from a few feet away, striking the victim between 9 and 12
19 times. The victim was taken to Maryland Shock Trauma where he later died.

20 Based on media coverage, in the first instance it would appear the officer’s ability to use a
21 firearm while off duty enabled him to protect his person and his property. Conversely, in the
22 second instance it would appear that the officer’s right to carry a weapon off-duty led to the
23 death of an unarmed civilian who did not have benefit of a means to mount an “equal force”
24 defense.

25 The federal Law Enforcement Officers’ Safety Act, enacted in 2004, exempts qualified
26 active and retired law enforcement officers from local and State prohibitions on the carrying of
27 concealed firearms while off-duty across state lines. Qualified off-duty officers are allowed to
28 carry concealed weapons in public areas but must follow the regulations imposed at federal
29 buildings, schools, and airports. The International Association of Chiefs of Police (IACP),
30 which has more than 20,000 members in 89 countries, calls such “always on duty” policies a

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

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1 costly tradition in terms of the injury and death of off-duty officers, as well as members of the
2 general public.

3 *The Police Chief: The Professional Voice of Law Enforcement* reports that while this
4 legislation allows qualified officers to carry a concealed handgun nationwide it does not create
5 the right to do so. A law enforcement agency may restrict an officer’s right to carry a firearm,
6 including restrictions prohibiting officers from carrying the weapons out of state off- or on-duty.
7 While the officer would not be violating state or federal law, the officer would be subject to
8 discipline from the department for violating a lawful order not to carry a firearm.

9 The IACP’s *Model Policy on Standards of Conduct* offers these guidelines, in part, for off-
10 duty police action: “Officers shall not use their police powers to resolve personal grievances
11 except under circumstances that would justify the use of self defense, actions to prevent injury to
12 another person, or when a serious offense has been committed that would justify an arrest. In all
13 other cases, officers shall summon on-duty police personnel and a supervisor in cases where
14 there is personal involvement that would reasonable require law enforcement intervention.”

15 Given recent incidents involving off-duty officers, it seems to be more than fitting that our
16 Baltimore Police Department revisit the policy that permits off-duty officers to carry weapons;
17 examine disciplinary policies that allow officers who have had past substance abuse- related
18 incidents to continue to carry; and evaluate departmental policies for effectiveness in keeping
19 our law enforcement officers safe while protecting the public from officer abuse of power.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
21 Police Commissioner is requested to share with the Council the Department’s disciplinary
22 policies regarding off-duty officers involved in incidents of civil or criminal turpitude; to report
23 on the number of incidents in which civilians or officers have been harmed or killed by off duty
24 officers in the past 5 years; and to examine the rationale for retaining or amending current
25 policies regarding the off-duty carrying of weapons and the disciplinary policies for officers who
26 use their weapons inappropriately or who endanger members of the public by their actions.

27 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
28 Police Commissioner, President and Members Baltimore Branch of NAACP, President and
29 Members of the Vanguard Society, and the Mayor’s Legislative Liaison to the City Council.