

CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW  
GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

February 8, 2012

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 12-0011 – Crime and Arrest Statistics Online

Dear President and City Council Members:


The Law Department has reviewed City Council Bill 12-0011 for form and legal sufficiency. The bill would require the Baltimore City Police Department (“BCPD”) to post certain crime information on its website.

The BCPD has been established by the General Assembly of Maryland to be an agency and instrumentality of the state. See Public Local Law (“PLL”) §16-2. The Public Local Laws governing the BCPD provide, in Section 16-4, that the affairs and operations of the department shall be supervised and directed by the Police Commissioner. Section 16-7(13) specifically gives the Police Commissioner the power to “establish and modify systems for the reception, processing and maintenance of reports and records of occurrences, or alleged occurrences, of crime in the City of Baltimore.”

Article II, Section 27 of the City Charter states that although the City is vested with police power to the same extent as the State, no ordinance of the City or act of a municipal officer shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner. Clearly, City Council Bill 12-0011 conflicts with the powers of the Police Commissioner provided in Sections 16-4 and 16-7(13) of the Public Local Law to direct the affairs and operations of the department and to establish systems for the maintenance of reports of crimes. Therefore 12-0011 is outside the scope of the City Council’s authority. However, the Police Commissioner is free to re-evaluate the crime information available on-line.

Based on the foregoing, the Law Department does not approve City Council Bill 12-0011 for form and legal sufficiency.

Very truly yours,

  
Hilary Ruley  
Assistant Solicitor



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cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor