


FROM	NAME & TITLE	Robert Cename, Budget Director <i>BaltAC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 22-0248 – Charter Amendment-Baltimore City Police Department-Local Control-Establishment		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

July 5, 2022

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 22-0248, Charter Amendment-Baltimore City Police Department-Local Control-Establishment, the purpose of which is to establish the Baltimore City Police Department as a Baltimore City agency and submitting this amendment to the City voters.

Background

The Baltimore Police Department (BPD) was established in 1853, but due to political riots and disputes, the State took over authority in 1860. Baltimore City is the only jurisdiction in Maryland that does not have direct authority over the police department, the authority is split between the Mayor, the Police Commissioner, and the Maryland General Assembly. In 2021, the Maryland General Assembly passed Senate Bill 786, Maryland Police Accountability Act of 2021-Baltimore City-Control of the Police Department of Baltimore City, which established a process for transferring control of BPD from the State of Maryland to the City of Baltimore.

Fiscal Impact

The Department of Finance does not anticipate a major fiscal impact for the City from this legislation. In discussions of local control, the issue of BPD losing sovereign immunity defense, where the government cannot be sued without its consent, and the fiscal cost to the City has often been raised. Currently, BPD and the City are indirectly liable to pay damages awarded through civil litigation against BPD employees. Based on analysis from the Department of Law, while BPD may lose the sovereign immunity defense to claims in State court, other immunities and defenses will apply when BPD becomes a City agency. In addition, in federal courts, BPD's sovereign immunity defense has not been recognized. As such, it is unlikely the loss of BPD's sovereign immunity defense will materially increase the cost to the City when paying damages from alleged police misconduct.

Conclusion

This legislation will enable City voters to adopt or reject an amendment to the City Charter to establish Baltimore City Police Department as a Baltimore City agency. Based on analysis from the Department of Law, this action is expected to have minimal fiscal impact for the City.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 22-0248.

cc: Henry Raymond
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