

CITY OF BALTIMORE
COUNCIL BILL 15-0253R
(Resolution)

Introduced by: Councilmember Henry, President Young, Councilmembers Middleton, Costello,
Holton, Branch, Kraft, Stokes, Clarke, Welch, Mosby, Curran, Reisinger

Introduced and read first time: August 17, 2015

Assigned to: Public Safety Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Action – Strengthening the Civilian Review Board**

3 FOR the purpose of calling on the Baltimore City Delegation to the Maryland General Assembly
4 to introduce, and secure enactment of, legislation authorizing the Mayor and City Council to
5 strengthen the Baltimore City Police Department’s Civilian Review Board.

6 **Recitals**

7 In their publication “Building Momentum From The Ground Up: A Toolkit For Promoting
8 Justice In Policing” published in May of this year, the Center for Popular Democracy states that
9 “more than 100 jurisdictions across the country have some type of civilian oversight board, but
10 few communities feel they have true control over their police departments. In recognition of the
11 reality that community oversight is fundamental to the legitimacy of local law enforcement;
12 many communities have renewed their call for meaningful community oversight”.

13 Recent events have highlighted the importance of restoring the trust of all communities in
14 Baltimore’s Police Department. The reviews of the Department by the U.S. Department of
15 Justice are expected to bring forward many tangible steps that can be taken to improve relations
16 between the public and the police that should be acted upon. However, it is important to take
17 whatever confidence building steps can be independently identified in the meantime as well.

18 One such step would be to strengthen the Baltimore City Police Department’s Civilian
19 Review Board, by giving the board the following powers and responsibilities:

- 20 1) the Board shall have full investigative powers – including the power to subpoena or
21 compel testimony and documents;
- 22 2) the Board shall be responsible for auditing the entire chain of custody for contraband
23 weapons and drugs – from seizure, through testing and storage, to destruction,
24 including periodic personal witnessing of each step of the process;
- 25 3) the Board shall be fully funded and staffed with investigative and administrative staff
26 sufficient to accomplish its objectives in a timely manner;

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

Council Bill 15-0253R

- 1 4) the composition of the Board shall reflect the communities most impacted by police
2 surveillance and allegations of abuse and brutality;
- 3 5) the Board shall make its disciplinary recommendations public, acknowledging that the
4 additional public scrutiny resulting from public knowledge of any discrepancies
5 between the Board's recommendations and the Department's actions is a beneficial
6 outcome; and
- 7 6) the Board shall accept anonymous complaints as well as complaints by third parties,
8 including organizations, on behalf of individuals.

9 Of these specific powers and responsibilities, perhaps the most important is the power to
10 subpoena or compel testimony and documents. Many insist that the Board's ability to subpoena
11 officers and hold them accountable for complaints, as well as to ensure compliance by the Police
12 Department in making any and all documentation relevant to citizen complaints available to the
13 Board, is crucial to the long-term effectiveness of the Board. This effectiveness, in turn, is
14 crucial to restoring the needed trust between the Police Department and the community it serves
15 and protects.

16 The issue which has been discussed and debated for the longest time however, is the civilian
17 monitoring of police disposition of seized property and contraband. While there's no evidence
18 showing that the Police Department routinely mishandles this property, skepticism amongst
19 segments of the public about police claims regarding the destruction of drugs, weapons, and
20 other contraband has sometimes been a source of friction. Involving non-departmental witnesses
21 – the members of the Civilian Review Board – in the Police Department's property disposition
22 process would be a simple and effective way to eliminate this friction, while improving police
23 openness and transparency.

24 While the Police Department may be able to implement this reform on its own, State
25 legislation clearly authorizing the Mayor and City Council to make these reforms by local
26 ordinance is likely to be the smoothest avenue to permanently require and formalize this easy to
27 implement confidence building measure.

28 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
29 Council calls on the Baltimore City Delegation to the Maryland General Assembly to introduce,
30 and secure enactment of, legislation authorizing the Mayor and City Council to strengthen the
31 Baltimore City Police Department's Civilian Review Board, by giving the Board the powers and
32 responsibilities enumerated in the recitals above by ordinance.

33 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Interim Police
34 Commissioner, the Honorable Chairs and Members of the Baltimore City House and Senate
35 Delegations to the Maryland General Assembly, the President of the Maryland Senate, the
36 Maryland House Speaker, the Governor, the Mayor, and the Mayor's Legislative Liaison to the
37 City Council.