



BILL SYNOPSIS

Committee: Labor

Bill 20-0562

Baltimore City Police Officials – Residency Requirements

Sponsor: *Councilmember Sneed **

Introduced: *July 13, 2020*

Purpose:

For the purpose of establishing residency requirements for certain Baltimore Police Department command staff; providing exceptions to these residency requirements; defining certain terms; providing for the prospective application of this Ordinance; generally relating to residency requirements, as limited by State law, for certain Baltimore Police Department employees; and providing for a special effective date.

Effective: January 1, 2022

Agency Reports

Department of Law	Favorable
Police Department	
Department of Human Resources	Favorable
Mayor's Office	

Analysis

Background

During the 2020 legislative session of the Maryland General Assembly, Senator Cory McCray introduced companion legislation (House Bill 1555 and Senate Bill 72) Baltimore City – Members of the Command Staff of the Police Department – Residency Requirements. These companion bills were introduced to provide enabling local legislation for Baltimore City to have residency requirements for members of the police department command staff. As many are aware, the Baltimore Police Department is a state agency, and while the state does not control the appointment or removal of the police commissioner and is not responsible for providing funding for the operations of the police department, they do retain the ability to amend the law relating to the department in order to implement policy changes.

In the original legislation, this bill would have required all command staff members from the rank of Captain and above to be Baltimore City residents beginning on or after January 1, 2022. Information provided by Senator McCray during his testimony before the State Judicial Proceedings committee recognized that there are approximately 67 command staff positions that would be affected by this legislation, representing about 3% of the department's workforce. The bill was amended to just include members of the command staff holding the position of Colonel and Deputy Commissioner which significantly reduces the number of positions affected to 6. The State legislation provides a definition for "civilian employees" but does not specify if this law applies to the 5 Chief positions which are the civilian equivalent to that of a police Colonel. During the hearing this information should be obtained from the Police and Law departments.

Police Commissioner Testimony Excerpt

In Commissioner Michael Harrison's testimony before the state Senate Judicial Proceedings committee he stated, "This bill will prevent me from identifying those future leaders who are most qualified to serve in command positions... if this bill passes the most important qualifier that I will be permitted to consider is where they live, that is not a qualifier in any discipline in assessing leadership ability and it's certainly not ever a leadership trait."

Currently, the Baltimore Police Department has no formal testing or assessment program in place that gauges an individual's leadership capacity for command positions. The department is currently preparing to implement Policy 1738, Command Promotions and Promotion Committee. The intention of this policy is to provide guidance on how members are appointed to the rank of Captain and Major within the Police Department. For the ranks above Major, the Police Commissioner may promote individuals at his/her discretion. The evaluation process and promotion committee information for this new policy is listed below:

Evaluation Process – The process by which the Promotion Committee scores candidates during review. This process evaluates four categories dictating a candidate's qualifications, each of which is assigned a point value on a scoring matrix. The categories are as follows:

1. Application materials

2. Interview
3. Prior work performance
4. Overall impressions

1. **Promotion Committee** – The Promotion Committee will be composed of:
 - Deputy Commissioners
 - Police Commissioner’s Chief of Staff (Chairperson)
 - Chief of Patrol (Colonel) and Chief of Detectives (Colonel), and/or Lieutenant Colonels serving as their direct subordinates, as approved by the Police Commissioner
 - Equity Officer (non-voting member)
 - Additional members as appropriate, at the discretion of the Police Commissioner
2. The Police Commissioner has complete discretion over the composition of the Promotion Committee, with the exception of the Equity Officer, who must take part in all promotion proceedings for Command Ranks.

While this process provides a starting point for formalizing the appointment process of command staff members, it does nothing to ensure that members matriculating through the command staff will be able to meet the residency requirements of this legislation. If residency preference is not going to be included in this policy or considered during the selection process for at-will command staff promotions, then there needs to be a mechanism put in place at the Sergeant and Lieutenant promotional processes to incentivize members to remain city residents, or to move back into the city to increase the potential applicant pool.

How to make Residency Requirements Work – Use of Promotional Preference Points

Because of the mass testing promotional system that the police department uses for civil service rank positions, it is incumbent upon the city to work to modify the current process to include promotional preference points on the Sergeant and Lieutenant’s exams. This will help to establish a bench of local talent, and to incentivize those individuals who are interested in promoting to move into the city. In the chart listed below is data provided to the Senate Judicial Proceedings committee on the number of members holding command staff positions, and those who are eligible to be promoted to those positions who are residents and non-residents of Baltimore City.

	Non-Residents	City Residents
Lieutenants	108	19
Captains	16	1
Majors	22	7
Lt. Colonel	3	1
Colonel	2	0

In order to be promoted to a uniformed sworn rank, one must take and successfully pass the Sergeants and Lieutenant's promotional examination. Individuals in these classifications are ranked in order of their scores, and the Police Commissioner must go down the list in numerical order. Listed below is an example of the scoring rubric for how a promotional list is generated, and a recommendation rubric chart for incentivizing residency requirements.

Example: Current Process for Sergeant and Lieutenant Promotional Exam

Sergeants and Lieutenants Exam	Score Calculation
Written Test (100 Questions)	30% Overall Score
Oral Board Assessment	60% Overall Score
Seniority	10% Overall Score
Total:	100%

Recommendation to Incentivize Residency Requirements on Promotional Exams

Sergeants and Lieutenants Exam	Score Calculation
Written Test (100 Questions)	35% Overall Score
Oral Board Assessment	35% Overall Score
Seniority	10% Overall Score
Higher Education	10% Overall Score
Local Residency Requirement	10% Overall Score
Total:	100%

Additional Information

Fiscal Note: Not Available

Information Source(s):

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