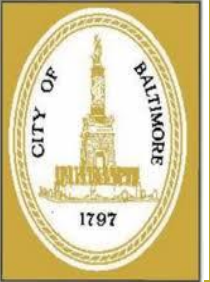


FROM	NAME & TITLE	Matthew W. Garbark, Acting Director	CITY of BALTIMORE <i>MEMO</i>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 20-0569		

October 16, 2020

TO:

Public Safety Committee

INTRODUCTION

I am herein reporting on City Council Bill 20-0569 introduced by Council Members Sneed, Bullock, Dorsey, Henry, Burnett, Cohen, and Clarke.

PURPOSE

The purpose of the Bill is to establish a Street Harassment Advisory Commission and provide for its composition, terms of office, officers, meetings, quorum, and rules of procedure; establish the general purposes and specific duties of the Commission; define certain terms; and require certain agencies to adopt model policy and training materials developed by the Commission.

BRIEF HISTORY

City Council Bill 20-0569 would establish a Baltimore City Street Harassment Advisory Commission that would expand awareness and prevention of street harassment, identify the groups of persons most at risk for receiving this harassment, and create model policies and training materials to assist City agencies in implementing them, and thus, help reduce this form of harassment. Street harassment is defined as disrespectful, offensive, or threatening statements or gestures, or other conduct directed toward an individual in a high-risk location. The harassment of these individuals is based on a person's actual or perceived identity in a certain race, color, religious beliefs, national origin, sexual orientation or gender identity, disability or housing status. High risk locations are broadly defined as interiors of public transit or similar commercial vehicles or vehicles for hire, and their stops or loading areas; all publicly-owned or publicly-occupied property or public rights-of-way; student instructional buildings such as schools, daycare centers, libraries and pre-school through college institutions; and private venues such as bars, restaurants, retail stores and malls, healthcare facilities, laundromats, sports arenas, and music venues and theaters. The City agencies listed in the legislation that would be expected to implement policies and adopt training materials are the Departments of Housing and Community Development, Public Works, Recreation and Parks, Transportation, Health, and the Parking Authority.

The composition of the Commission would include sixteen (16) voting members appointed by the Mayor and confirmed by the City Council, including: nine (9) community representatives of organizations actively engaged in related advocacy or services; and seven (7) members representing the Community Relations Commission, the Victim's and Witness Services Unit of the Baltimore City State's Attorney's Office, a member of the Baltimore LGBTQ Commission, one employee each from the Department of Transportation, Police Department, Board of Liquor License Commissioners for Baltimore City, and the Maryland Transportation Authority; and three (3) non-voting members consisting of the Mayor, the President of the City Council, and the City Comptroller, or their designees. The representative of the Baltimore City Community Relations Commission would be the chair of this new Commission, and the vice-chair would be selected through a majority vote of that body.

OPERATIONAL AND FISCAL IMPACTS

The Department of Public Works is one of six (6) City agencies listed in the legislation required to implement the Commission's model policies and training materials. While the Department appreciates the intent of the Bill to promote civility, there are areas, as set forth below, which warrant further consideration. Without these clarifications, it is difficult to assess at this time the potential fiscal impact this legislation would have on the PublicWorks budget.

- It does not appear that the Office of Equity and Civil Rights was invited to comment on this Bill; yet, the first voting member and chair of the Commission is a member of the Baltimore Community Relations Commission (CRC). The mission of this Commission appears to overlap with the stated mission of the CRC which is "to eliminate discrimination in all areas of community life." Thus, it will be important for the Committee to consult with the Office of Equity and Civil Rights to determine whether this function can be subsumed within the existing framework of the CRC.
- The areas of concentration of the Street Harassment Commission include seven (7) of the legally protected bases enforced by the CRC, with the addition of housing status as another basis for coverage. One important area, that of income, is not included as a basis despite its inclusion as a differentiator in the recently enacted Equity Ordinance 18-160. The Department recommends that the Committee consider aligning the scope of the proposed Commission with all of the bases for which Baltimore provides coverage, as supported by city, state and federal law. [See 57-1(E)(2)]
- The Commission's membership includes nine (9) community representatives within various areas of specialization. A key area of focus not included, but which may be critical to the success of their work, is an expert in community mediations and conflict management. Further, including a member from the Baltimore City Youth Commission on the Commission is worth consideration, given the already established vulnerability of this group as well as the potential they have to serve as influencers in this area. [See § 57-2(B)(viii)]

- One of the identified high risk areas for harassment is City-owned or City-occupied buildings. This Department recommends that the Department of General Services be added to the list of City agencies in the Definitions section of the bill. [See §57-1(B) and (D)(8)]
- The legislation and the Commission identifies the high risk areas subject to their province. An unintentional effect may be to brand or stigmatize communities without the ability to fully address the complex and systemic root causes of their display of harassment. One of the most obvious spaces where this harassment actually occurs is virtually, through social media, where it is further carried out to the streets. How this Commission will intersect with this medium will prove extremely challenging.
- Will the public awareness campaigns developed by the Commission be conducted by them, or by the individual City agencies? [See §57-4(B)(1)]
- Are the model training materials and employee training for those who work directly with the public, expected to be part of the City agencies' budgets? [See §57-4(A)(3) and (B)(3) and (4)]
- Is the required training of City agencies' public-facing employees expected to be conducted annually, or more frequently? Is the intent of the training to sensitize these employees to recognize these types of harassment and to report these incidences?
- The legislation, as written, states that the Commission would discuss the need for a reporting mechanism, but is silent in regards to enforcement. It also implies that City agencies would be responsible for gathering reported incidences of harassment from victims or witnesses. However, it would be reasonable to assume that victims or witnesses who report harassment incidents would expect a response or some specific corrective action from the agency with whom they filed the report. Such an arrangement may create confusion between the Commission's and City agencies' roles and the role of law enforcement, particularly as it pertains to community-based policing and community policing engagement strategies. For example, would the City agencies prepare reports for complaints that only involve their employees and those occurring within the high risk areas under their control, or would they be responsible to collect any reported incident? Would City agencies be required to develop positions and train this personnel on how to accept and report these offenses? [See §57-4(B)(6)]
- The Department believes that an error was made in the legislation by referencing the Maryland Transportation Authority in several sections of the bill. Based on the high risk areas listed, the correct agency would be the Maryland Transit Administration.

City Council Bill 20-0569 identifies "categories of individuals most at risk." It would follow that the anticipated strategy would not only be to educate and create awareness but also to afford protection for those at risk. [See § 57-4(A)(2)] These expectations would be incredibly challenging to meet for any city, but particularly with one that is home to so many underserved and marginalized groups and communities. This Department recommends that the legislation, and the Commission, clearly define its mission and its strategies and timelines to keep the confidence of the very people they are seeking to protect.

The Honorable President and Members
of the Baltimore City Council
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AGENCY/DEPARTMENT POSITION

The Department of Public Works asks that the Public Safety Committee consider the comments and recommended technical amendments proposed by this Department, when contemplating passage of City Council Bill 20-0569. The Department of Public Works also supports the proposed amendments offered by the Department of Law.



Matthew W. Garbark
Acting Director

MWG:MMC

Attachment