



Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: Councilmember Conaway

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Informational Hearing - Is there Uniform Application of the Padlock Law?

FOR the purpose of requesting the Police Commissioner to report on the application of the padlock law, the number of instances in which the law has been used to address public nuisances, the neighborhoods in which businesses or residences have been closed as a result of the Commissioner enforcing the padlock law, and the number of complaints of public 222nuisances that met the criteria for application of the padlock law in comparison to the number of times the law has been applied in each Council District.

Recitals

The Baltimore City Code's padlock law gives the Police Commissioner the power to order the discontinuance of a public nuisance in the premises or to order the closing of a premises to the extent necessary to abate the nuisance where any premises that, on 2 or more separate occasions within a 24 month period, was used for prostitution, lewdness, or assignation; illegal adult entertainment; drug use, manufacture, or distribution or storage; gambling; possession or storage of stolen property or illegal firearms; furtherance of a crime of violence; or for gang-related activities.

In April 1991, media reports heralded the first successful application of the 1986 padlock law as a house on East 30th Street, linked to drug trafficking, was closed by the Police Commissioner. The owner for 15 years of the property, located in a drug-free zone, pled guilty to cocaine possession charges, and 2 other relatives were arrested and convicted on drug charges stemming from charges brought 2 years prior. Police reported that persons at the location had been arrested consistently since 1985. At the same time 2 other locations were padlocked by police, one because the owner had a history of convictions for renting rooms for prostitution, and another which had a proven history of use for drug trafficking.

More recent application of the padlock law, September 2008, the closing of a West Baltimore packaged goods store and bar, gave rise to controversy. On one side were the police and neighboring residents and business owners who had made repeated complaints about drug dealing on the premises that had been the scene of a fatal shooting immediately prior to the "padlocking" of the premises. On the other side were the owners who held that the padlocking of their establishment was unconstitutional and that, as law-abiding small business owners, the family was being unfairly held responsible for the ills of a drug-plagued neighborhood.

While some circumstances give rise to speculation about the fairness of the application of this law, other circumstances leave concerned parties questioning why the law is not applied to proven neighborhood nuisances such as a North Baltimore bottle club, whose unruly patrons caused disturbances into the wee hours of the night, where shootings and stabbings were linked to club patrons, and, as evidenced by federal indictment, where a violent prison gang is headquartered.

The City's padlock law will remain an effective and vital tool in the City's arsenal of legal measures to address criminal and antisocial behavior only to the degree that it is fairly, impartially, and judiciously applied - without regard to business ownership or neighborhood location.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Police Commissioner is requested to report on the application of the padlock law, the number of instances in which the law has been used to address public nuisances, the neighborhoods in which businesses or residences have been closed as a result of the Commissioner enforcing the padlock law, and the number of complaints of public nuisances that met the criteria for application of the padlock law in comparison to the number of times the law has been applied in each Council District.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Police Commissioner, and the Mayor's Legislative Liaison to the City Council.

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