



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

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* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill R (Resolution)

Introduced by: Councilmember Scott

A Resolution Entitled

A Council Resolution concerning
Request for State Action - Create a Board of Police Commissioners and Transfer Full Control Over the Baltimore City Police Department to The City of Baltimore

For the purpose of calling on the Maryland General Assembly to enact, and the Governor to sign, legislation to remove the Baltimore City Police Department's status as an instrumentality of the State of Maryland and place the Department completely under the control of the citizens of Baltimore acting through the Mayor, City Council, and a new Board of Police Commissioners.

Recitals

The Baltimore City Police Department occupies an unusual legal position as a creature of State, rather than City, law, officially an "agency and instrumentality of the State of Maryland", that operates only on territory controlled by Baltimore City and that for most, but not quite all, purposes is treated like any other City Agency.

The handful of ways that this unusual arrangement causes the Police Department to differ from other City departments are unfortunately not all trivial. In fact, they seriously undermine the City's ability to quickly, efficiently, and effectively respond to some of its most pressing problems.

Provisions in the State Public Local Laws exclusively affecting Baltimore City, and in the basic powers granted by the State to Baltimore in the City Charter, have been interpreted as making it impossible for the City to permanently set policies regarding the Police Department through its own legislation. This leaves the City with two unappealing options for dealing with many vital issues - either address them through informal executive action that can be changed, undermined, or simply forgotten with relative ease; or through State legislation that can only be enacted during the limited window when the Generally Assembly is in session and requires the consent and interest of legislators with no ties of any kind to our city.

There may, possibly, have been a time when leaving the Police Department uniquely outside of Baltimore's citizens' ability to govern themselves under laws of their own choosing may have made some sense. However, the long-term problems in the relationship between many of those same citizens and the legally foreign Police Department that contributed to the recent unrest in our city, and continue to undermine the ability of the Department to properly perform its essential functions of protecting and serving all Baltimoreans, make it clear that this lack of direct accountability no longer serves any useful purpose. This attenuated relationship also

unnecessarily complicates the City's ability to meet its obligations under the consent decree with the U.S. Justice Department designed to address some of these long term issues.

Moreover, the return to having a Board of Police Commissioners would vest full control of the Baltimore Police Department in Baltimore's citizens, acting not only through their duly elected Mayor and City Council but through direct citizen oversight as well. Cities across the country have long had direct civilian oversight of their police departments through Police Commission Boards. Los Angeles, Kansas City, San Francisco, and Detroit are just a few major cities where Boards of Police Commissioners exist, all in their own unique form. Baltimore would benefit greatly from analyzing each model, especially Detroit's where the Board of Police Commissioners is partially elected.

In light of Baltimore's recent and historical struggles with its police department, it is clear that the oversight structure is at best troublesome if not broken. Baltimore needs a change to its police oversight structure. Enacting legislation to create a Board of Police Commissioners and turn over full authority over the Baltimore Police Department to the City of Baltimore would be an important step in bridging the gap that separates too many of Baltimore's citizens from the Department charged with protecting them.

Now, therefore, be it resolved by the City Council of Baltimore, That the Council calls on the Maryland General Assembly to enact, and the Governor to sign, legislation to remove the Baltimore City Police Department's status as an instrumentality of the State of Maryland and place the Department completely under the control of the citizens of Baltimore acting through the Mayor, City Council, and a new Board of Police Commissioners.

And be it further resolved, That a copy of this Resolution be sent to the Police Commissioner, the Governor, the Honorable Chairs and Members of the Baltimore City House and Senate Delegations to the Maryland General Assembly, the President of the Maryland Senate, the Maryland House Speaker, the Mayor, and the Mayor's Legislative Liaison to the City Council.