



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

March 5, 2024

TO: The Senate Judicial Proceedings Committee

FROM: Baltimore City Administration

RE: Senate Bill 894 - Baltimore City – Control Over Powers of Police Commissioner

POSITION: SUPPORT

Chair Smith and Vice Chair Waldstriecker, and Members of the please, be advised that the Baltimore City Administration (BCA) supports Senate Bill (SB) 894.

SB 894 repeals a prohibition on certain Baltimore City ordinances or acts of certain municipal officials from conflicting, impeding, obstructing, hindering, or interfering with the powers of the Baltimore City Police Commissioner; and generally relating to the Baltimore City Police Commissioner. It specifically deletes the last provision of Article II, Section 27 of the Charter of Baltimore City. There is a long history of the jurisdiction and control of the Baltimore Police Department (“BPD” or “The Department”). The BPD initially was established as an instrumentality of the City of Baltimore. However, by the 1850s, the “Know-Nothing Party” took political control of Baltimore City, opposing the pro-slavery Democratic party, and stacking the Department with loyal followers. Following bloody elections in 1856 which saw police officers involved in the violence, the State of Maryland then seized control of the Baltimore Police Department in 1860 in an effort to stem further violence and corruption.

For more than 160 years, the State has maintained control over BPD. There were several efforts over the ensuing decades to restore control of its police department back to the City of Baltimore, much like every other jurisdiction in the State. While those efforts were unsuccessful, in 1976, the General Assembly returned the Mayor’s power to appoint the Police Commissioner while simultaneously keeping the Department as an instrumentality of the State. While the Office of the Mayor exercised a large amount of discretion and control over the BPD after this change, efforts to legislate, and at times even conduct proper oversight, by the City Council were stymied by the BPD’s status as an instrumentality of the State. Subsequently, in the 2021 General Assembly Session, Mayor Brandon Scott pushed legislation that was sponsored by Senator Cory McCray and Delegate Melissa Wells that returned control of the BPD back locally to the City of Baltimore. The legislation made local control contingent upon passage of amendment to the City Charter that was ratified by the voters as well as established the Local Control Advisory Board (LCAB).

The LCAB ultimately recommended language for the Charter Amendment that became “Question H” on the November 8, 2022 ballot. The ballot measure passed overwhelmingly with 82.76% of the voters voting in favor of the amendment. While the BPD is now officially an instrumentality of the City, addressing the language of

Article II, Section 27 of the City Charter represents the final step and culmination of the work that has been going on for more than a century.

During late Spring through Summer of 2023, the LCAB met to determine how best to codify the Baltimore Police Department within the Baltimore City Code as well as the Baltimore City Charter. The LCAB discussed what was deemed to be proper and improper Charter material based on the advice of the Baltimore City Department of Law. In the Fall of 2023, two pieces of legislation were introduced to the City Council by Councilman Mark Conway on behalf of the Administration as a result of the efforts of the LCAB – Council Bill 23-0445, a charter amendment enshrining the Baltimore Police Department into the City’s Charter, and Council Bill 23-0449 which codifies the roles, requirements, and structure of the Baltimore Police Department. On January 24, 2024, Mayor Scott signed both the ordinance and resolution alongside members of the LCAB, City Council, community members and advocates. The Charter resolution will go to the voters of Baltimore City for approval this November.

Given the above actions that have taken place since March 2023, the Baltimore City Administration requests a **favorable** report on Senate Bill 894.