

HOUSE BILL 58

E4, L2

7lr0913

(PRE-FILED)

By: **Delegate Conaway**

Requested: October 19, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Police Tactics and High Crime Zone Notification**

3 FOR the purpose of requiring the Police Commissioner of Baltimore City to notify the
4 Mayor, the City Council, and the Baltimore City Delegation to the General Assembly
5 within a certain time after the development and implementation of certain new
6 tactics, technologies, and devices; requiring the Police Commissioner of Baltimore
7 City to notify the Mayor, the City Council, and the Baltimore City Delegation to the
8 General Assembly within a certain time after the establishment, relocation, or
9 modification of certain enforcement areas; and generally relating to reporting of law
10 enforcement procedures by the Police Commissioner of Baltimore City.

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of Baltimore City
13 Section 16–7
14 Article 4 – Public Local Laws of Maryland
15 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
16 (As enacted by Chapter 70 of the Acts of the General Assembly of 2012)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article 4 – Baltimore City**

20 16–7.

21 (A) In directing and supervising the operations and affairs of the Department, the
22 Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions
23 of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore
24 City (1964 Revision) as amended from time to time, be vested with all the powers, rights

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 and privileges attending the responsibility of management, and may exercise the same,
2 where appropriate, by rule, regulation, order or other departmental directive which shall
3 be binding on all members of the Department when duly promulgated. In the event of a
4 conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article
5 VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and
6 Sections 4–14 of Article VII shall control.

7 **(B)** The authority herein vested in the Police Commissioner shall specifically
8 include, but not be limited to, the following:

9 (1) To determine and establish the form of organization of the Department.

10 (2) To create bureaus, divisions, districts, sections, units, squads or other
11 subordinate organizational subdivisions or segments within the Department, including
12 departmental boards and commissions, and to determine and define the functions, duties
13 and responsibilities of each.

14 (3) To appoint without examination and to serve at his pleasure during
15 satisfactory performance, Deputy Commissioners and other ranks and positions above the
16 rank of Lieutenant which the Commissioner has determined require the experience of a
17 Lieutenant as a prerequisite in order to insure the effective and efficient staffing and
18 operation of the major functional subdivisions of the Department.

19 (4) To assign, reassign, allocate and reallocate members of the Department
20 to those duties, and to those organizational subdivisions of the Department as the
21 Commissioner in his judgment may deem necessary to best serve the interests of the public
22 and the Department.

23 (5) To determine and establish classifications of ranks, grades and
24 positions for Police Officer within the Department as he may deem appropriate; to prescribe
25 the uniform insignia for all ranks; to define and designate the authority, responsibility,
26 duties, assignments, rights and privileges for each rank, grade or position, to establish the
27 order of succession to positions of command within the Department, including the order of
28 succession to the position of Acting Police Commissioner, as provided for in Section 16–6 of
29 this subtitle.

30 (6) To determine and establish, with consent of the Civil Service
31 Commission of Baltimore, those civil service ranks within the Department for civilian
32 employees as he may deem necessary and appropriate.

33 (7) To appoint, promote, reduce in rank, grade or position, reassign,
34 reclassify, retire and discharge all members of the Department in the manner prescribed
35 by law.

36 (8) To regulate attendance, conduct, training, discipline and procedure for
37 all members of the Department and to make all other rules, regulations and orders as may
38 be necessary for the good government of the Department and of its members.

(9) To institute a system of periodic performance evaluation for all members of the Department through the rank of Captain.

(10) To provide procedures for regular periodical physical examination of all members of the Department.

(11) To make and execute contracts and other instruments as may be authorized in the exercise and performance of the powers vested in him and the Department.

(12) To acquire, hold, control and maintain all property, equipment, facilities and premises necessary to the operation of the Department, and to dispose of those in the manner as may be authorized by law.

(13) To establish and modify systems for the reception, processing and maintenance of reports and records of occurrences, or alleged occurrences, of crime in the City of Baltimore, and of the administration, management and operations of the Department; and to establish procedures, not inconsistent with law, for the safekeeping, photocopying, micro-photocopying and destruction of departmental records.

(14) To suspend, amend, rescind, abrogate or cancel any rule, regulation, order or other department directive adopted by him or by any former Police Commissioner and to adopt all other reasonable rules, regulations and orders as he may deem necessary to enable the Department effectively to discharge the duties imposed upon it by this subtitle.

(15) To create within the Police Department an auxiliary police force. This force shall be staffed as far as possible with the volunteers from the citizens of Baltimore City. The Auxiliary Police Force so created shall be used only to render assistance to the Police Department in service functions including, but not limited to, traffic, communications and clerical duties. The purpose of the Auxiliary Police Force is to relieve the regular police personnel for law enforcement duties.

(C) (1) IN THIS SUBSECTION, “EMERGING OR INNOVATIVE TACTICS, TECHNOLOGIES OR DEVICES” INCLUDE:

(I) AERIAL SURVEILLANCE OF ANY PORTION OF BALTIMORE CITY.

(II) PROCUREMENT, DEPLOYMENT OR USE OF A CELL-SITE SIMULATOR DEVICE.

(2) WITHIN 30 DAYS AFTER THE IMPLEMENTATION OF EMERGING OR INNOVATIVE TACTICS, TECHNOLOGIES OR DEVICES, THE POLICE COMMISSIONER SHALL REPORT ON THE EXISTENCE AND USE OF THE TACTICS, TECHNOLOGIES OR

1 DEVICES TO THE MAYOR, THE CITY COUNCIL, AND, IN ACCORDANCE WITH § 2-1246
2 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
3 THE BALTIMORE CITY DELEGATION TO THE GENERAL ASSEMBLY.

4 (D) WITHIN 30 DAYS AFTER THE ESTABLISHMENT, RELOCATION OR
5 MODIFICATION OF A “HIGH CRIME ZONE”, “STOP AND FRISK ZONE”, “POLICE ZONE
6 PERIMETER”, OR ANY SIMILARLY DESIGNATED AREA UNDER ANY OTHER NAME, THE
7 POLICE COMMISSIONER SHALL REPORT TO THE MAYOR, THE CITY COUNCIL, AND,
8 IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE OF THE
9 ANNOTATED CODE OF MARYLAND, THE BALTIMORE CITY DELEGATION TO THE
10 GENERAL ASSEMBLY:

11 (1) THE GEOGRAPHIC AREA ENCOMPASSED BY THE DESIGNATION.

12 (2) THE ANTICIPATED DURATION OF THE DESIGNATION.

13 (3) WHAT EFFECTS THE DESIGNATION WILL HAVE ON ANY LAW
14 ENFORCEMENT OPERATIONS WITHIN THE DESIGNATED AREA.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.