

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 13
Judiciary

(Delegate Conaway)

Baltimore City - High Crime Zones - Required Public Notice

This bill requires the Police Commissioner of Baltimore City, in any area designated by the Police Department as a “High Crime Zone,” a “Stop and Frisk Zone,” or any similar name, to post signs reasonably calculated to notify the public of the designation. The signs must be placed intermittently around the perimeter of the designated area and must notify the public of the existence and effects of the designation.

Fiscal Summary

State Effect: None.

Local Effect: Minimal increase in local expenditures to the extent that Baltimore City is required to post signs. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Although the Baltimore City Police Department is a State agency, the State does not control appointment or removal of the police commissioner and is not responsible for providing funding for the operations of the police department. However, the State retains the ability to amend the law relating to the department in order to implement policy changes.

Under the Public Local Laws for Baltimore City, authority vested with the Baltimore City Police Commissioner includes the following:

- to determine and establish the form of organization of the department;
- to create bureaus, divisions, districts, sections, units, squads, or other subordinate organizational subdivisions or segments within the department, including departmental boards and commissions, and to determine and define the functions, duties, and responsibilities of each;
- to assign, reassign, allocate, and reallocate members of the department to those duties and to those organizational subdivisions of the department as the commissioner may deem necessary to best serve the interests of the public and the department;
- to regulate attendance, conduct, training, discipline, and procedure for all members of the department and to make all other rules, regulations and orders as may be necessary for the good government of the department and of its members; and
- to suspend, amend, rescind, abrogate, or cancel any rule, regulation, order, or other department directive adopted by the commissioner or by any former commissioner and to adopt all other reasonable rules, regulations, and orders as the commissioner may deem necessary to enable the department effectively to discharge the duties imposed upon it.

Background: While the terms “High Crime Zone” and “Stop and Frisk Zone” are not defined in Maryland Statute, the U.S. Supreme Court has held that courts are allowed to consider that an area is a “high crime area” as a factor to evaluate the reasonableness of a Fourth Amendment stop. In a series of Fourth Amendment cases from *Adams v. Williams* (407 U.S. 143 (1972)) to *Illinois v. Wardlow* (528 U.S. 119 (2000)), the Supreme Court has considered the character of the neighborhood to be a factor in finding “reasonable suspicion” to stop a person. Specifically, in *Wardlow*, the court found that “officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation.”

Local Expenditures: The Baltimore City Police Department advises that it does not and will not designate any area within Baltimore City as a “High Crime Zone” or a “Stop and Frisk Zone.” However, if required to post signs, the cost per sign is approximately \$200. Depending on the number of signs required to be posted as a result of the bill, local expenditures for Baltimore City increase minimally.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; U.S. Supreme Court; Department of Legislative Services

Fiscal Note History: First Reader - March 30, 2017
md/lgc

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