



Bernard C. “Jack” Young
Mayor

Baltimore City Executive Order
2019-01
Advancing Public Safety and Access to City Services

WHEREAS, the Mayor of Baltimore believes in the dignity of all of Baltimore’s residents and recognizes the importance of their contributions to social, religious, cultural, and economic life.

WHEREAS, Baltimore City has long been home to immigrants and refugees from around the world, who come here seeking peace, stability, and a better life for their families. During the 1920s, more than 1 in 4 City residents was a first or second generation immigrant; and, in the last 20 years, Baltimore City’s diverse immigrant community has included immigrants from throughout the world, with generous and increasing representation from countries in Africa, Asia and Latin America.

WHEREAS, today, our immigrant populations continue to grow at steady rates in Baltimore City and throughout the state of Maryland, making matters pertaining to foreign born populations of continuing importance to this City. It is incumbent upon the City to ensure that the newest members of our community feel welcome to participate fully in all that Baltimore has to offer.

WHEREAS, the City of Baltimore recognizes that the City’s welfare depends upon everyone enjoying public safety, public health, and vital services; the City’s collective well-being is best achieved through the promotion of inclusiveness and trust between the government and all City residents and visitors.

WHEREAS, the Police Department of Baltimore City (“BPD”) is dedicated to upholding the Constitution and enforcing laws in a fair, impartial and ethical manner. BPD is committed to

creating and maintaining a culture of service, one that builds trust and legitimacy in all communities, values the sanctity of human life, and provides for the safety and well-being of all.

WHEREAS, the City and the BPD rely on the cooperation of all the residents of Baltimore to engage with community policing efforts, which are a key aspect of fostering public safety. BPD cannot develop effective partnerships with community members if a portion of the community fears that BPD will enforce civil immigration laws.

WHEREAS, the City of Baltimore wishes to encourage all residents of Baltimore and visitors to Baltimore to report to and collaborate in the prosecution of crimes with City law enforcement officials and to use City services, without fear that local authorities will inquire about immigration status or seek to enforce immigration law.

WHEREAS, the United States Constitution vests the federal government with the sole authority to prescribe laws governing which foreign nationals are granted entrance into the country and determining who among them may stay.

WHEREAS, absent a criminal warrant or judicial order, the law prohibits City personnel from arresting, detaining or investigating an individual on the basis of an administrative warrant, an immigration detainer, or any other directive by the United States Department of Homeland Security for a civil immigration violation, or a belief that the person is not present legally in the United States or has committed a civil immigration violation.

Now, THEREFORE, I, **Bernard C. “Jack” Young**, Mayor of the City of Baltimore, by virtue of the authority vested in me by the Baltimore City Charter, do hereby promulgate the following Executive Order for the City of Baltimore:

1. No City Department, agency, officer or employee shall act with bias against any individual based on actual or perceived age, disability status (including physical disabilities), economic status, familial status, gender expression, gender identity, HIV status, homelessness, citizenship or immigration status, language ability, mental illness, national origin, political ideology, race, ethnicity, color, religion, sex assigned at birth, sexual orientation, social status, or veteran status.
2. The City supports the revised BPD policy that will soon be implemented of prohibiting discriminatory policing. Discriminatory policing is defined as practices and policies that

result in the differential treatment of and/or have an unwarranted discriminatory impact on any individual or group on the basis of the following actual or perceived personal characteristics in either deciding to take or refrain from taking law enforcement action: age, disability status (including physical disabilities), economic status, familial status, gender expression, gender identity, HIV status, homelessness, citizenship or immigration status, language ability, mental illness, national origin, political ideology, race, ethnicity, color, religion, sex assigned at birth, sexual orientation, social status, or veteran status. At times, some of these characteristics may be considered because they are relevant to determining how to assist a person, as when a person has limited English proficiency and requires an interpreter, a disability needs to be accommodated, or the person would qualify for veteran or homeless benefits.

3. No City Department, agency, officer or employee shall coerce, intimidate, or threaten any individual based on their actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of a member of that individual's family.
4. No City funds, resources, or personnel shall be used to investigate, question, apprehend, detain or arrest an individual solely for actual or suspected civil violation of federal immigration law, unless required by federal or state law or court order.
5. No City Department, agency, officer or employee shall condition the provision of City services or benefits on the actual or suspected citizenship or immigration status of the individual seeking those services or benefits unless such conditions are required by federal or state law or court order.
6. No City Department, agency, officer or employee shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by federal or state law or by court order or a judicial warrant, or if such inquiry is related to a criminal investigation. Notwithstanding this provision, the Baltimore City Department of Law may inquire about and investigate immigration status when relevant to potential or actual litigation or an administrative proceeding in which the City or BPD is or may be a party.
7. The City encourages the BPD to continue its practice of providing services without inquiring about an individual's citizenship or immigration status. The City supports the BPD's plan to formalize this practice in policy and training, as permitted by the federal consent decree.

8. Except as required by federal or state law, court order or judicial warrant, no City Department, agency, officer or employee shall coordinate with an immigration enforcement official in furtherance of a civil immigration enforcement operation, including by:
 - a. permitting immigration enforcement officials access to non-public spaces within a government facility or any area where City business is conducted;
 - b. permitting immigration enforcement officials access to a person being detained by, or in the custody of, any City Department, agency, officer or employee;
 - c. permitting immigration enforcement officials use of agency facilities, information, or equipment for investigative interviews or other investigative purposes; or
 - d. communicating any information about an individual who is the target of a civil immigration enforcement operation with immigration enforcement officials, except where the individual has consented to the disclosure.

9. No City Department, agency, officer or employee shall:
 - a. enter into an inter-governmental services agreement, or other contract or agreement, with the federal government for the purpose of housing individuals subject to detention on civil immigration charges, or for any other purpose related to civil immigration enforcement; or
 - b. enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws.

Be it further resolved that:

10. Nothing in this Executive Order shall be construed to prohibit any City officer or employee from participating in task force activities with federal criminal law enforcement authorities.


11. Nothing in this Executive Order shall be construed to prohibit any BPD officer from investigating, detaining or arresting actual or suspected violators of criminal law, or assisting any law enforcement agency with investigations or arrests relating to criminal activity and suspected criminal activity or otherwise acting pursuant to a legitimate law enforcement purpose that is unrelated to the enforcement of civil immigration law.

12. Nothing in this Executive Order shall be construed to prohibit any City officer or employee from cooperating with federal immigration authorities in the investigation and apprehension of undocumented immigrants engaged in or suspected of criminal activity.

13. If any provision, clause, section, part, or application of this Executive Order to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the intent of the Mayor is that this Executive Order would have been adopted had such invalid provision, clause, section, part or application not been included herein.

AND that this Order supersedes any existing Executive Order on the same topic and shall take effect on the date of its execution, and shall remain in effect until otherwise ordered.

IN WITNESS WHEREOF, I HAVE HEREUNTO PLACED
MY HAND AND THE GREAT SEAL OF THE CITY OF
BALTIMORE THIS 7th DAY OF August, 2019.



BERNARD C. "JACK" YOUNG
MAYOR

Approved as to Form and Legal
Sufficiency by the Law Department
of Baltimore City:



ANDRE M. DAVIS
City Solicitor