

OFFICE OF THE INSPECTOR GENERAL

CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 22-0049-I

Issued: October 18, 2022



OFFICE OF THE INSPECTOR GENERAL
BALTIMORE CITY

100 N. Holliday Street, Room 635
BALTIMORE, MD 21202



October 18, 2022

Dear Citizens of Baltimore,

The Office of the Inspector General (OIG) received multiple complaints regarding a Baltimore City Council (City Council) committee meeting held on April 26, 2022 (April 26). The complaints within the OIG purview focused primarily on two concerns. The first was safety concerns for the public and elected officials due to the large number of people in City Hall. The second was the lack of proper notification of the meeting to the public.

EXECUTIVE SUMMARY

The Neighborhood Assistance Corporation of America (NACA), a non-profit community advocacy and homeownership organization, attended the City Council meeting to advocate a homeownership bill. NACA emailed its members through a ListServ¹ to notify them of an opportunity to fulfill membership participation requirements by attending the City Council committee meeting on April 26. The City Council committee meeting drew over 500 visitors during a short window of time. According to accounts from several attendees and video footage, the City Council vestibule, overflow rooms, lobby, and various hallways were filled with people, exceeding capacity levels for each area set by the Baltimore City Fire Department (BCFD) fire codes.

The capacity level for the City Council chambers and the adjoining vestibule is 80 people per area. Investigation revealed that the BCFD Fire Inspectors did not count the number of people entering City Hall during this time. During the meeting, the Chief Executive Officer (CEO) of NACA led part of the gathered crowd to Mayor Brandon Scott's office. Security video shows the CEO at the Mayor's door loudly knocking and leading the crowd to ask for the Mayor to come out. The actions and volume rose to a level that caused the Baltimore Police Department (BPD) and City Hall staff to have serious concerns.

The BPD, BCFD, and some City Hall staff had not been made aware of the City Council committee meeting until the morning of April 26. High-ranking BPD, BCFD and City Hall officials stated the late notice led to difficulty securing staff to cover the event. The event was initially covered by only three BPD officers and two BCFD inspectors.

On April 25, general public notice was given at the end of the 5:00 p.m. City Council meeting for the committee meeting to be held the next day at 5:00 p.m. The Maryland Open Meetings Act and City Council Rules do not dictate an exact time for notices of meetings to be made, the language refers that notice must be "reasonable."

¹ ListServ is an application that distributes messages to subscribers on an electronic mailing list.

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

BACKGROUND

At a November 2021 City Council meeting, City Council President Nick Mosby (CC President) introduced the Urban Homesteading Bill. The CC President assigns council members and bills to committees. The committees work on the bills and bring them before the City Council to vote on them. Regarding this particular bill, the CC President assigned it to the Council of the Whole (COW), which required all city council members to meet to work on the bills.

On April 26, notices were sent to the media outlets announcing a Press Conference to be held at 4:30 p.m. in the Curran Room on the 4th floor of City Hall. This press conference was hosted by the CC President, City Council Vice President Sharon Middleton, and the CEO of NACA (CEO), to discuss the Urban Homesteading Bill that was scheduled to be presented during that night's COW City Council meeting. CEO had previously written to individuals participating in NACA's program, some from out of state, to attend the City Council meeting to earn "member participation credit" (Exhibit 1).² At the meeting, CEO testified about NACA and the legislation. The OIG did not review any aspects of the legislation or the bill's merits.

The OIG also received complaints alleging the lack of civility at the event. Matters involving legislative procedures and decorum are not in the purview of the OIG but rather the City Council.

METHODOLOGY

The OIG obtained and reviewed video footage from the City Council committee meeting held on April 26 and the security footage of other areas in City Hall during that day. Further, the OIG obtained documentation related to the event notices and fire code regulations.

The OIG conducted interviews with the following individuals who were present that day or during the City Council committee meeting:

- Six BCFD employees
- Four BPD employees
- Three City Hall employees

The OIG asked two Chief Solicitors from the Department of Law as well as the General Counsel of the City Council how the Maryland Open Meetings Act, the Baltimore City Code, and Baltimore City Council Rules apply regarding the time of notice to the public for City Council meetings.

² NACA members are required to participate in at least five activities each year. Examples of activities are attending advocacy campaigns such as meetings or demonstrations, volunteering in a NACA office, or displaying NACA signs on their property.

OIG INVESTIGATION

Security & Safety Issues

On the morning of April 26 at approximately 10:00 a.m., CEO approached the BPD officers stationed at the front entrance of City Hall and inquired if the officers were ready for the crowd that evening. CEO indicated to the officers that around 300-400 people were expected to attend that evening’s City Council committee meeting regarding the Urban Homesteading Bill. A BPD Detective stated she was unaware of the meeting before speaking to CEO and was concerned whether BPD was prepared to handle the large crowd. The BPD Detective contacted her supervisor, a BPD Lieutenant, to inform him of the potential situation. In his interview, the BPD Lieutenant explained that once he received the call from the BPD Detective, he arranged for additional staff to cover the event.

The Mayor’s Office Chief of Staff stated she was made aware of the April 26 City Council committee meeting on the morning of April 25 during a briefing to provide updates on upcoming City Council events. However, the Chief of Staff was not informed of the anticipated number of visitors. The DGS Emergency Operation Coordinator, stated that the Chief of Staff informed him of the City Council committee meeting around 1 p.m. on April 26. At that point, the DGS Emergency Operation Coordinator coordinated with Abacus Corporation (Abacus), a contracted security guard vendor, and the BCFD to ensure enough security officers and Fire Inspectors were present during the meeting. Several unidentified security officers and two Fire Inspectors, BCFD Fire Inspector 1 and BCFD Fire Inspector 2, were secured to cover the meeting.

The City Council committee meeting was scheduled for 5:00 p.m. on April 26. The OIG observed the CCTV footage recorded for the front entrance to City Hall between 4:00 p.m. and 8:00 p.m. (See Figure 1).

Figure 1: Front Security Area



REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

The OIG found that visitors for the meeting began arriving at 4:16 p.m., and the BCFD Fire Inspectors arrived 4:58 p.m. The OIG conducted a headcount of the number of people entering the building during that timeframe and counted approximately 538 people. The BPD Lieutenant stated that when he arrived at 5:15 p.m., a line of people extended from the front door of City Hall to Lexington Street.

Visitors must check in with security at the front entrance to access City Hall. Visitors are required to sign the visitor's book and present their identification to be scanned by the visitor identification system (ID system) that creates a paper ID to wear in City Hall. Visitors must surrender their bags for visual inspection and pass through the metal detectors. The ID system jammed and stopped working very early in the evening, limiting the BPD officers to only visually inspecting a visitor's identification and checking their bags as they walked through the metal detectors. According to a BPD Officer, due to the number of people entering the building and the system jamming, the BPD officers began allowing the visitors to forego signing the visitor's book. A review of the CCTV footage from that evening supported that BPD Officer's statement.

The BPD Officer added that the ID system jams when used repeatedly in a short amount of time and that BPD has been requesting an upgrade for a significant period of time. The DGS Emergency Operation Coordinator denied knowledge of the jamming issue and stated he would have had a technician come in and fix it had he been aware. The DGS Emergency Operation Coordinator said a second ID system at the back entrance that could be moved to the front. However, the BPD Officer stated they need an IT technician to connect any additional machines up for them.

The posted capacity for the City Council chambers is 80 people. BCFD Fire Inspector 1 stated in her interview that when the area got overcrowded, she contacted her supervisor, a BCFD Fire Marshal. The BCFD Fire Marshal directed her to shut down the event and prevent anybody else from entering. BCFD Fire Inspector 1 never relayed that order to the BPD officers. BCFD Fire Marshal corroborated that account in his interview with the OIG.

The BCFD Fire Inspectors opined it was not the BCFD Fire Inspectors' responsibility to conduct the headcount³ and indicated that the BPD officers were responsible for knowing the number of individuals entering at the front entrance. However, statements from high-ranking BCFD officials interviewed by the OIG stressed that it was the Fire Inspectors' responsibility to maintain a headcount to enforce fire codes, not the BPD. The BCFD Fire Marshal provided that Fire Inspectors will often use a counter app on their phone, but can also use a pen and paper to mark down people entering or conduct a visual inspection to estimate the number of visitors. Interviews with the BCFD Fire Inspectors confirmed they did not complete headcounts at this event.

Upon seeing the large crowd, the BPD Lieutenant approached BCFD Fire Inspector 2 and inquired about the headcount. According to the BPD Lieutenant, the BCFD Fire Inspector 2 responded he was ordered not to count heads and to allow everyone to enter. The BPD Lieutenant stated the BCFD Fire Inspector 1 reiterated to him that BCFD personnel were told not to count heads and to allow everyone to enter. In their interviews with the OIG, the BCFD Fire Inspectors denied anyone gave them that order.

³ Referring to the number of people present.

On April 26 at approximately 5:30 p.m., the BPD Lieutenant received reports of a large crowd outside the Mayor’s Office on the second floor of City Hall. According to video footage, a crowd had gathered in the Mayor’s lobby (See Figure 2). CEO was at the Mayor’s door loudly knocking and leading the crowd to request the Mayor come out of his Office (See Figure 3).

Figure 2: Crowd outside of Mayor Brandon Scott’s Office



Figure 3:
CEO outside of Mayor Brandon Scott’s Office



This action lasted approximately five minutes before the crowd dispersed and returned to the Council meeting. By the time the BPD Lieutenant arrived in the area, most of the crowd was gone, and he encountered a Mailroom Supply Manager, who was looking over the area for damages. In his interview with the OIG, the Mailroom Supply Manager expressed he was concerned about City Hall’s security and the crowd’s access to sensitive areas. After he checked the lobby, he secured fire doors and other entry points on unoccupied floors to prevent the public from freely roaming the building.

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

Multiple accounts from BPD and City Hall staff detailed how the City Council Chambers, lobby, and overflow rooms were filled with people, exceeding those area's capacity limits set by BCFD's fire codes. The BPD Lieutenant's stated concern was that there was high potential for the event to turn hazardous due to the crowd's size and lack of controls. The BPD Lieutenant explained if the crowd had turned violent, it could have overpowered BPD or the Abacus security officers. Further, the BPD Lieutenant believed if there had been a fire or other need for an evacuation of City Hall, the crowd's volume could potentially endanger individuals. Other BPD officers and City Hall staff echoed these same sentiments to the OIG.

The following morning, April 27, 2022, the Chief of Staff held a virtual meeting to address how to handle large crowds for future events held at City Hall. It was also suggested during this meeting that events expecting to draw a large crowd would be better served at the War Memorial building.

Notice of Meeting

The OIG learned that the City Council Director of Legislative Affairs texted City Council members on Thursday, April 21, regarding their availability for a possible meeting on Tuesday, April 26. The Director of Legislative Affairs also notified the City Council Director of Council Services on April 21, so that he could alert Charm TV⁴ to cover the meeting.

Documents obtained by the OIG revealed that NACA contacted its members on Friday, April 22, regarding a City Council meeting to be held on April 26, to discuss the Urban Homesteading Bill and asked their members to attend to receive their required participation credit (Exhibit 1). The City Council committee meeting was announced to the general public at the end of the City Council meeting held at 5:00 p.m. on Monday, April 25. The meeting was posted on Legistar⁵ at 5:02 p.m. on April 25 (Exhibit 2).

The OIG received complaints that the notice to the public violated the Maryland Open Meetings Act and other provisions by a lack of timely notice. The OIG reviewed the Maryland Open Meetings Act, the Baltimore City Code, and the City Council Rules (Council Rules). The Maryland Open Meetings Act requires "reasonable advance notice" to be given, but no specific timeframe is provided (Exhibit 3). The Baltimore City Code § 6-4 indicates a "7-day notice" should be provided and to "furnish written notice to the Department of Legislative Reference" but that language is for Commissions and Boards (Exhibit 4). The Council Rules § 6-7(b) state that "reasonable advance public notice" must be provided but also does not provide a timeframe (Exhibit 5). Finally, § 10-4(a)(1) of the Council Rules state that "unless specifically waived by the President, a hearing may not be held unless it has been announced at a Council meeting."

For clarification on how the different laws and rules interrelate and apply to the City Council, the OIG discussed with Assistant Solicitors within the Baltimore City Department of Law and the General Counsel of the City Council. The Assistant Solicitors stated the Maryland Open Meeting Act applies to the City Council. The only law with a defined number of days (seven) was the Baltimore City Code which is specific for Boards and Commissions established by the Baltimore City Charter or the Baltimore City Code. The legal term "reasonable" does apply to all meetings within the City but is not defined.

⁴ Charm TV is a local television program that broadcasts news regarding Baltimore.

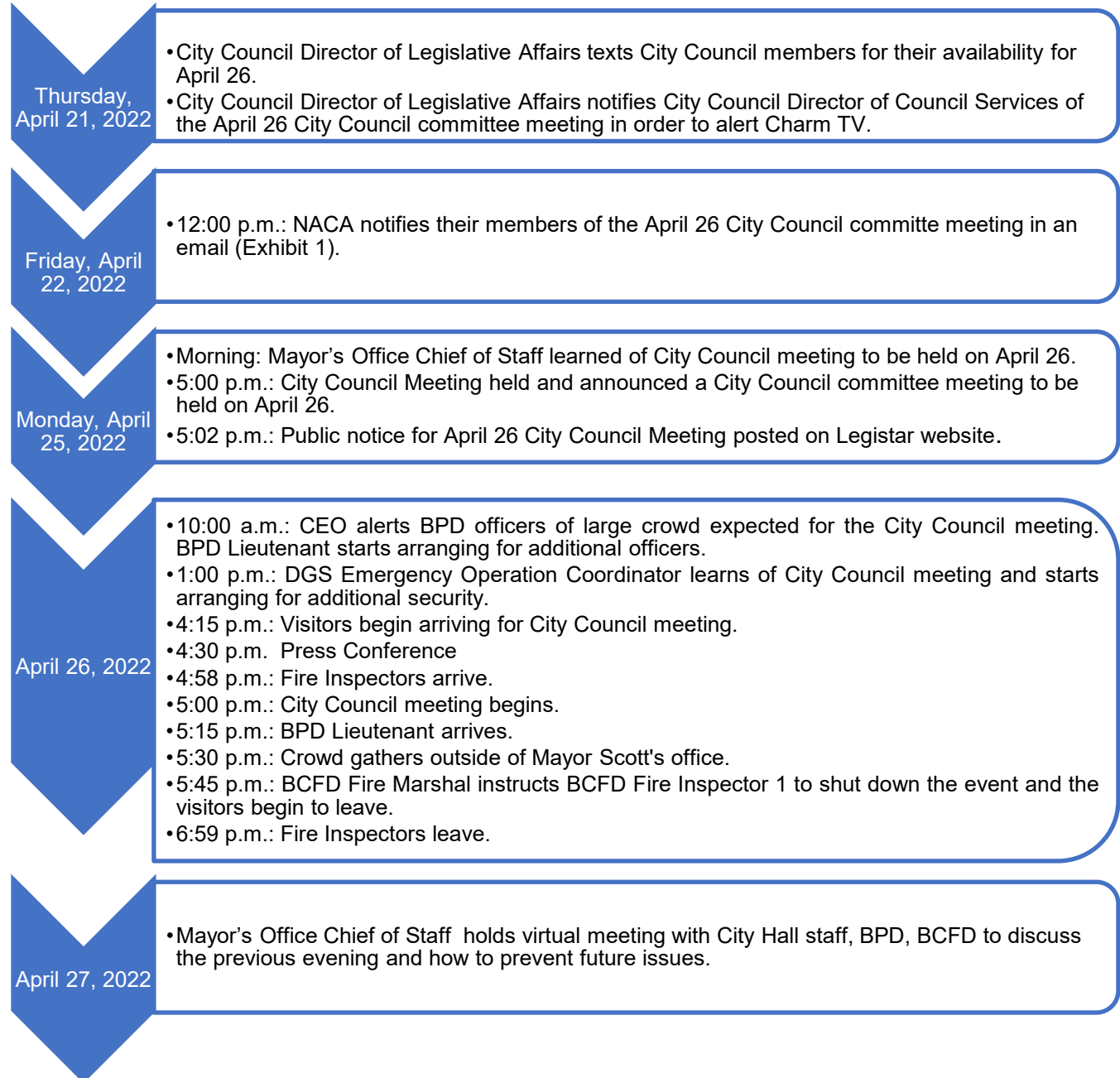
⁵ The Legistar website can be found at <https://baltimore.legistar.com/Calendar.aspx/>

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

TIMELINE



REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

INVESTIGATIVE FINDINGS

The OIG found that BCFD and BPD had limited hours to find staff to cover the City Council committee Meeting held on April 26. The BCFD Fire Marshal confirmed that counting the number of people entering the building and maintaining the set capacity levels was the responsibility of the BCFD. However, the Fire Inspectors did not keep counts of the people entering that evening. In addition, the Fire Inspectors have the ability to shut an event down once the size of the event become out of hand. The Fire Marshal instructed the Fire Inspectors to shut down the event once he learned about the overcrowding issue. However the Fire Inspectors did not relay that information to the BPD officers so that they could assist with clearing City Hall. The lack of understanding of the Fire Inspectors on duty regarding their roles in keeping track of a head count and enforcing the areas' capacity levels contributed to City Hall's overcrowding during the meeting.

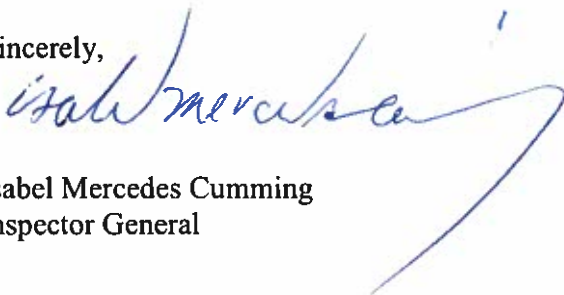
The security measures at the entrance to City Hall failed when the ID system quickly became jammed, consequently large numbers of people entered City Hall without any means to easily identify them. In discussion with BPD officers, it was learned that the ID system often fails when overused but this issue was not communicated to the DGS. The OIG recommends stronger communication and documentation between BPD and DGS concerning the ID system and any deficiencies.

After the machines jammed, the BPD officers continued to put people through the metal detectors and search the bags of the people entering the building. The lack of controls both in tracking identification and restricting the movement of roughly 500 people that entered City Hall that evening, allowed security issues to arise as the crowd wandered around the building unrestricted. If there had been an emergency within City Hall such as a fire or the crowd turning unruly, the volume of the crowd would have created additional difficulties in mitigating the situation.

Currently, there are no Standard Operating Procedures (SOPs) for handling large crowds. Due to the potential security or safety issues, the OIG recommends the development of an SOP for larger City Hall meetings and a defined timeframe for notice to BCFD, BPD, and City Hall staff to allow for adequate event planning and safety for the citizens that attend.

Lastly, the legal interpretation of "reasonable notice" for both the Maryland Open Meetings Act and the language in the Baltimore City Code lacks a definitive time. The NACA participants received four days' notice while City residents received less than 24 hours' notice of the City Council committee meeting. As the time period of notice to the public in this case was less than 24 hours, the OIG recommends presenting clarifying language with a clear time frame to City Council Rules by the City Council for transparency and accountability to the public.

Sincerely,



Isabel Mercedes Cumming
Inspector General

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

Cc:

Honorable Brandon M. Scott, Mayor of Baltimore City

Honorable Nick Mosby, President City Council

Honorable Bill Henry, Baltimore City Comptroller

Honorable Members of the Baltimore City Council

Honorable Jim Shea, City Solicitor

EXHIBITS

- 1) NACA Email Notification
- 2) Legistar Notice
- 3) Maryland Open Meetings Act – Notice 3-302, Agenda 3-302-1
- 4) Baltimore City Code, Subtitle 6
- 5) Baltimore City Council Rules, Chapter 10, Hearing on Bills

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official