

A suburban drug surcharge

City Council will get proposal to fine out-of-town buyers

By John Fritze, Baltimore Sun, June 7, 2008

Suburban and out-of-state residents who come to Baltimore to buy drugs could be slapped with a \$1,000 fine - in addition to whatever criminal penalty they might face - under legislation expected to be introduced in the City Council next week.

Arguing that the city's pervasive drug trade and crime should be dealt with regionally, City Councilman William H. Cole IV, the measure's chief sponsor, said the bill is intended to spread the financial burden of policing to out-of-town drug users.

Roughly 15 percent of the 20,000 drug arrests made in Baltimore last year in which police know the address of the suspect involved residents from one of the five suburban counties, according to city police.

"In my mind, it's paying for the cost of their arrest," said Cole, who argued that city residents arrested for buying drugs would be exempt because, in theory, they pay property taxes.

"These civil citations serve as a way to extract our pound of flesh."

The legislation, which will be introduced Monday in the City Council, would require police officers who arrest a person buying drugs to also issue a ticket if the person's city residency cannot be confirmed.

The ticket would carry a \$1,000 fine.

Cole said he came up with the idea for the bill after watching out-of-state vehicles rolling through neighborhoods and pulling up to drug corners. He said he believes the number of out-of-town residents buying drugs is much higher than the number who get caught.

"It's something to explore," said Mayor Sheila Dixon, adding that she had not seen the specifics of the legislation and was not sure of its legality.

"We get a number of people from surrounding counties who buy drugs here. I think sometimes people think that those who buy are just here in the city."

The proposal drew immediate skepticism from a number of law enforcement officials and others who questioned its constitutionality and argued that imposing a new fine solely on out-of-town residents would be an ineffective way to fight drugs.

Antonio Gioia, chief attorney for the Baltimore state's attorney's narcotics division, said state law already allows prosecutors to push for a \$25,000 fine. He noted the measure could prompt surrounding counties to impose their own tougher penalties on Baltimore City residents.

"I share the concern of the councilperson that we in Baltimore City act as a commercial magnet for substance abusers," said Gioia. "The way to do deal with that is the laws that are currently on the books."

David Rocah, a staff attorney with the American Civil Liberties Union of Maryland, said the proposal raises constitutional questions on several fronts.

"It seems pretty clearly unconstitutional to me," said Rocah. "You can't treat the citizens of Baltimore differently ... than the citizens of other jurisdictions. If you've committed a crime, you've committed a crime."

Baltimore police made nearly 20,000 drug arrests in 2007 in which police knew the address of the suspect. Of those arrested, more than 17,000 had a city address and the rest lived in Howard, Harford, Carroll, Baltimore or Anne Arundel counties.

There was no known address for an additional 6,800 arrestees, and police say some of them might have come from out of state.

In the mid-1990s, then-Mayor Kurt L. Schmoke announced a crackdown on suburban drug buyers to make life "uncomfortable" for them, but reports from the time suggest that most of the people who were arrested ultimately walked.

Cole maintains that the bill could withstand a court challenge on its constitutionality.

"I'm trying to get at the people who are coming in and getting a free pass," he said. "This is a regional problem, not just a Baltimore City problem."