

Unwanted Visitors

Our view: Fining suburbanites who buy drugs in city won't work

Editorial, Baltimore Sun, June 10, 2008

It's no secret that residents of Baltimore's neighboring counties are lured to the city by more than employment opportunities, ethnic restaurants and the occasional ballgame. City police say about 15 percent of the 20,000 drug arrests last year involved suspects from the five suburban counties; City Councilman William H. Cole IV believes the actual number who visit the city for this nefarious purpose is even higher.

He introduced an ordinance yesterday to slap the out-of-town miscreants with a civil penalty of \$1,000, which would be in addition to normal criminal penalties of jail time and a fine of up to \$25,000. It's an intriguing idea. The city, after all, receives little compensation for the services it provides - not just police protection but things such as roads, utilities and emergency medical service - to millions of commuters and visitors annually. Why not demand that those who come to break the law shoulder some of the costs of arrest and prosecution?

But Mr. Cole's proposal, though well-intentioned, is not the way to address this regional imbalance. For one thing, it almost certainly violates the equal protection clause of the U.S. Constitution's 14th Amendment. It may run afoul of the Constitution's ban on double jeopardy as well, by essentially making the same act both a criminal and a civil offense.

Constitutional questions aside, the proposal is also dubious public policy, given that many drug arrests in Baltimore don't result in prosecutions or convictions. Even with a significant drop in the number of arrests last year, there were almost 1,600 drug arrests in the first eight months of 2007 that could not be prosecuted for lack of evidence. But under Mr. Cole's ordinance, someone exonerated on drug charges could still be on the hook for the \$1,000 because the penalty would be civil rather than criminal. That doesn't strike us as fair.

Mr. Cole is correct that suburbanites who come to Baltimore to buy drugs are making a bad situation worse. And he deserves credit for creative thinking, which the city surely needs more of. This proposal should not become law, but we hope it jump-starts a conversation about the need for regional approaches to Central Maryland's most pressing problems - the illegal drug crisis being near the top of that list.